



Is Your Arizona ID Going to "Fly?"

By Charles R. Smith

A change in your ability to access courts and other federally controlled facilities is coming! Congress passed the REAL ID Act in 2005 pursuant to which all states are mandated to issue Driver's Licenses or other identification cards in a manner compliant with the security measures specified in the REAL ID Act. Those security measures were recommended by the 9/11 Commission. Although the REAL ID Act was passed over a decade ago, the State of Arizona resisted compliance until 2016, at which time it began the process of compliance with the law.

The United States Department of Homeland Security ("DHS") is the policing agency of the REAL ID Act, and is authorized to grant time extensions to meet the REAL ID requirements to states that provide sufficient justification for noncompliance. Arizona has been granted a series of deadline extensions for compliance with the law, creating confusion as to whether our existing Driver's Licenses will be accepted if we attempt to board an airplane or enter a federally controlled facility. Under the most recent extension granted, current existing Arizona Driver's Licenses will be accepted for air travel until October 1, 2020, at which point every air traveler will need a REAL ID-compliant form of identification. However, the implications of the REAL ID Act go beyond air travel and are sure to affect the practice of law in Pima County.

Arizona currently offers an optional REAL ID-compliant ID called the Voluntary Travel ID, but it impacts more than just your ability to board a commercial aircraft. In addition to air travel, the REAL ID Act impacts access to restricted areas in federal facilities, nuclear power plants, and military facilities. In order to ensure entrance, DHS recommends contacting facilities directly to verify what identification will be accepted, as requirements vary from agency to agency. For instance, the Tucson location of the U.S. Bankruptcy Court currently requires the presentation of a government issued ID such as a traditional state-issued Driver's License, whereas the Tucson location of the U.S. District Court requires a REAL ID-compliant ID for entrance. According to the DHS website, the REAL ID Act does not apply to: (1) entering federal facilities that don't require presentation of identification; (2) voting or registering to vote; (3) applying for or receiving federal benefits; (4) being licensed by a state to drive; (5) accessing health or life preserving services, law enforcement, or constitutionally protected activities (including a defendant's access to court proceedings); and (6) participating in law enforcement proceedings or investigations.

How does one know if my license is compliant? A simple way to tell if your Arizona ID is compliant is to look for a gold star in the upper right corner. If your license is not currently compliant, it is important to remember that renewing your Arizona Driver's License and updating your photo between now and October 1, 2020 does not automatically mean you will be given the REAL ID-compliant ID. Instead, you will need to apply for the Voluntary Travel ID rather than a traditional, non-compliant license. Available as either a Driver's License or ID card, the REAL ID card is valid for a maximum of 8 years (or 5 years if over the age of 65) although expiration varies for non-U.S. citizens as it is based off of immigration documents. The Voluntary Travel ID requires presentation of one document to establish birth or legal presence, one document to verify the Social Security Number, and two documents to establish Arizona residency. Acceptable documentation to establish birth may include a valid U.S. Passport, an original or certified copy of a birth certificate, or an unexpired Permanent Resident Card. Acceptable documentation to verify your Social Security number may include your physical Social Security Administration account number card, W-2

form, SSA - 1099, or pay stubs with your name and Social Security number listed. Establishing residency may be done using two documents, including a utility bill, mortgage document, home or apartment rental agreement, credit card or bank statement, etc. However, it is important to keep in mind that the applicant's name must be listed on each statement being used to establish residency. For example, a husband and wife could not utilize the same utility bill to establish residency if only the husband's name is on the account. Further information on the requirements and fees can be found on the Arizona Department of Transportation ("ADOT") website. In addition to obtaining a Voluntary Travel ID (or equivalent compliant ID from another state), the Transportation Security Administration ("TSA") states the following may also be used when REAL ID identification is required: U.S. Passport or U.S. Passport Card; DHS Trusted Traveler Card (Global Entry, NEXUS, SENTRI, FAST); U.S. Department of Defense ID (Including IDs issued to dependents); Permanent Resident Card; and a number of other less common identification cards.

According to the DHS website, children under 18 are not required to submit identification when traveling with an adult companion within the United States, provided the companion has acceptable and compliant identification.

Whichever form of identification you choose to carry, it is imperative to possess a REAL ID-compliant form of identification prior to the October 1, 2020 deadline if you want to ensure that you are not prevented from entering restricted areas in federal facilities or boarding commercial airplanes. While it may seem like a long way away, you do not want to wait until the last minute to try and schedule an appointment with your local MVD, as all Arizona residents interested in converting their current ID or license into a Voluntary Travel Driver's License or ID are required to be seen in person. Fortunately, you can apply online for your Voluntary Travel ID using the ADOT website, and even set up an appointment online using the MVD Office's Appointment System through ServiceArizona.com. Don't think you have time to go to the MVD? Print off all of your necessary verification documents ahead of time and set up an appointment with one of the authorized Third Party Driver's License locations listed on ADOT's website.

Until the REAL ID Act is completely implemented, do not hesitate to contact federal agencies to verify their entrance requirements, as DHS recommends. For more information on the REAL ID Act, look at the ADOT website, DHS website, or send an email to DHS at REALID@hq.dhs.gov.

