



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

31 JUL 2014

Honorable Ralph DLG, Torres
President of the Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. President and Mr. Speaker:

Today I signed Senate Bill 18-42 into law. I would like to express my appreciation to the Legislature for passing legislation that brings the Commonwealth closer to compliance with the Real ID Act.

However, the Legislature must pass additional legislation to bring the Commonwealth into full compliance with the Real ID Act. First, the Legislature must repeal 9 CMC § 2206, because § 2206 conflicts with Senate Bill 18-42.

Second, the Real ID Act has special rules for temporary drivers' licenses. The Legislature must pass additional legislation that will allow the Bureau of Motor Vehicles to issue temporary drivers' licenses under certain circumstances.

Finally, the Real ID Act requires the Commonwealth to share information with other states and the federal government. SB 18-42 grants broad authority to the Department of Public Safety to promulgate regulations that will bring the Commonwealth into full compliance with the Real ID Act. However, it would be preferable for the Legislature to clearly authorize the Department of Public Safety to share and store information as required by the Real ID Act.

Honorable Ralph DLG. Torres
President of the Senate

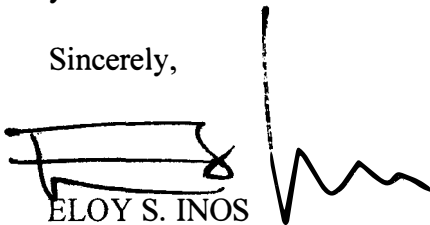
Joseph P. Deleon Guerrero
Speaker, House of Representatives
July 31, 2014
Page 2

If the Commonwealth does not comply with the Real ID Act, then Commonwealth citizens will eventually suffer the following consequences: (1) federal agencies will no longer accept Commonwealth drivers' licenses as identification; (2) Commonwealth citizens will not be able to use drivers' licenses to access federal facilities; and (3) Commonwealth citizens will not be able to use drivers' licenses to board commercial aircraft.

The Bureau of Motor Vehicles in conjunction with the Office of the Attorney General is ready to help draft a bill that will bring the Commonwealth into full compliance with the Real ID Act. I look forward to working with the Legislature on this important issue.

This bill becomes **Public Law No. 18-59**. Copies bearing my signature are forwarded for your reference.

Sincerely,



ELOY S. INOS

cc: Lt. Governor
Press Secretary, Office of the Governor
Special Assistant for Programs & Legislative Review



THE SENATE
Eighteenth Northern Marianas Commonwealth Legislature
P. O. Box 500129
Saipan, MP 96950

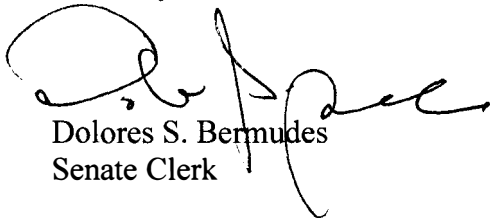
June 23, 2014

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith Senate Bill No. 18-42, entitled, "To amend 9 CMC § 2208 to require the Department of Public Safety, Bureau of Motor Vehicles, to include certain identification information and documentation including proof of citizenship or legal status as required by the federal Real ID Act of 2005 on CNMI operator's (driver's) licenses, and for other purposes," which was passed by the Senate and the House of Representatives of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely,



Dolores S. Bermudes
Senate Clerk

Attachment



THE SENATE
EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SENATE BILL NO. 18-42

AN ACT

To amend 9 CMC § 2208 to require the Department of Public Safety, Bureau of Motor Vehicles, to include certain identification information and documentation including proof of citizenship or legal status as required by the federal Real ID Act of 2005 on CNMI operator's (driver's) licenses; and for other purposes.

SENATE ACTION

Offered by Senator(s): Ralph DLG. Torres

Date: December 03, 2013

Referred to: Committee on Judiciary, Government and Law

Standing Committee Report No.: 18-52 Adopted 03/21/14

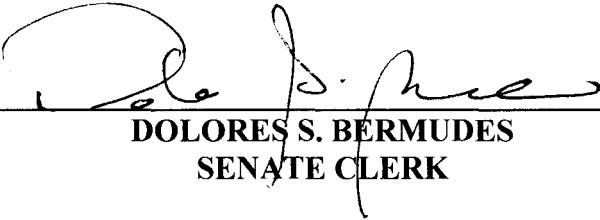
Final Reading: March 21, 2014

HOUSE ACTION

Referred to: None

Standing Committee Report No.: None

First and Final Reading: June 18, 2014


DOLORES S. BERMUDES
SENATE CLERK

EIGHTEENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

SECOND REGULAR SESSION, 2013

S. B. NO. 18-42

AN ACT

To amend 9 CMC § 2208 to require the Department of Public Safety, Bureau of Motor Vehicles, to include certain identification information and documentation including proof of citizenship or legal status as required by the federal Real ID Act of 2005 on CNMI operator's (driver's) licenses; and for other purposes.

**BE IT ENACTED BY THE EIGHTEENTH NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Commonwealth Legislature finds that U.S.
2 Customs, Border, and Patrol (U.S. Immigration) will not solely accept a CNMI driver's
3 license as a valid form of identification when traveling to Guam or in other United States
4 jurisdictions because the CNMI driver's license is not in compliance with the Real ID Act of
5 2005 and, among other things, does not include any information regarding a person's
6 citizenship or legal status.

7 The Legislature finds that the REAL ID is a coordinated effort by the states and the
8 Federal government to improve the reliability and accuracy of state-issued identification
9 documents, which should reduce fraud and deter acts of terrorism. The REAL ID Act of
10 2005 enacts a recommendation of the 9/11 Commission report urging the Federal
11 government to "set standards for the issuance of sources of identification, such as driver's
12 licenses." It establishes minimum requirements for the production and issuance of state-
13 issued driver's licenses and identification cards and authorizes grants to assist states in
14 implementing the requirements.

SENATE BILL NO. 18-42

1 The Real ID Act also prohibits Federal agencies from accepting for official uses
2 driver's licenses and identity cards from states unless the Department of Homeland Security
3 determines that the state meets the requirements. Official uses are defined as accessing
4 Federal facilities, entering nuclear power plants, and boarding federally-regulated
5 commercial aircraft.

6 The Legislature finds that for safety and other reasons, it is in the best interests of the
7 CNMI and the people to change the CNMI driver's license to comply with the requirements
8 of the Real ID Act of 2005. Accordingly, the purpose of this legislation is to mandate that
9 the CNMI driver's license comply with the requirements of the Real ID Act of 2005.

10 **Section 2. Amendment.** 9 CMC § 2208 is repealed and reenacted to read as
11 follows:

12 "§ 2208. Licenses Issued to Operators.

13 (a) Upon payment of the required fee and compliance with all mandated
14 requirements, the bureau shall issue to every applicant who qualifies an operator's
15 license indicating the type or general class of vehicles the licensee may operate. The
16 license shall, at a minimum, have the following pieces of data: full legal name,
17 signature, date of birth, gender, unique, identifying number, principal residence
18 address, citizenship or legal status, and a front-facing photograph of the applicant.
19 ~~bear on it a distinguishing number assigned to the licensee, the full name, date of~~
20 ~~birth, residence address and a brief description, including a photograph, if possible,~~
21 ~~of the licensee, and either a facsimile of the signature of the licensee or a space upon~~
22 ~~which the licensee shall write his usual signature with pen and ink immediately upon~~
23 ~~receipt of the license.~~ No license shall be valid until it has been signed by the
24 licensee."

25 (b) Before an operator's license can be issued, the applicant must provide the
26 following documentation: a photo ID, or a non-photo ID that includes full legal name

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1 and birthdate, documentation of birth date, documentation of legal status and Social
2 Security number, and documentation showing name and principal residence address.

3 (c) The bureau shall note or cause to be noted on each operator's license or
4 learner's permit the class of the license or permit and shall ensure that an applicant
5 complies with all the requirements of the U.S. Public Law 109-13, the Real ID Act
6 of 2005 before issuing a driver's license."

7 **Section 3. Compliance with the federal Real ID Act.** The Department of Public
8 Safety, Bureau of Motor Vehicles, shall promulgate rules and regulations necessary to
9 comply with U.S. Public Law 109-13, the Real ID Act of 2005.

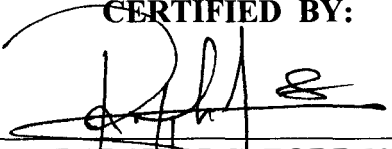
10 **Section 4. Severability.** If any provision of this Act or the application of any such
11 provision to any person or circumstance should be held invalid by a court of competent
12 jurisdiction, the remainder of this Act or the application of its provisions to persons or
13 circumstances other than those to which it is held invalid shall not be affected thereby.

14 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be
15 construed as affecting any existing right acquired under contract or acquired under statutes
16 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
17 contained in this Act shall not affect any proceeding instituted under or pursuant to prior
18 law. The enactment of the Act shall not have the effect of terminating, or in any way
19 modifying, any liability, civil or criminal, which shall already be in existence on the date
20 this Act becomes effective.

SENATE BILL NO. 18-42

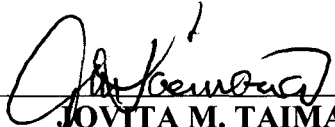
1 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
2 Governor or becoming law without such approval.

CERTIFIED BY:




RALPH DLG. TORRES
PRESIDENT OF THE SENATE

ATTESTED BY:



JOVITA M. TAIMANAO
SENATE LEGISLATIVE SECRETARY

APPROVED this 31st day of July, 2014



ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands