

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

AG copy

Department of Public Safety
Driver and Vehicle Service Division

Adopted Rules Governing Drivers License and Motor Vehicle Records, Name of Applicant

Rules as Adopted

11 MCAR S 1.6101 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.6101-1.6106 is to provide general standards for the administration of the laws requiring that full names appear on driver licenses and motor vehicle records and to provide standards for subsequent name changes on these documents.

B. Scope. The scope of 11 MCAR SS 1.6101-1.6106 is intended to be confined within the framework and to be consistent with the provisions of Minn. Stat. chs. 168, 168A and 171.

11 MCAR S 1.6102 Definitions.

A. Purposes. For the purposes of 11 MCAR SS 1.6101-1.6106, the following terms have the meaning given them.

B. Driver's license and motor vehicle registration records. Driver's license and motor vehicle registration records include:

1. all applications for drivers' licenses, instruction permits and Minnesota identification cards;

2. all applications for motor vehicle certificates of title; and

3. all applications for motor vehicle registration plates.

C. Full name. Full name means the first name, middle name and surname.

D. First name. First name means the name given at birth that appears first in a person's full name.

E. Middle name. Middle name means the name given at birth between a person's first name and surname.

F. Surname. Surname means the last name borne in common by members of a family.

11 MCAR S 1.6103 Name, name combination, length.

A. Full name required. The full name is required on driver licenses and motor vehicle records. It is comprised of the first name, one or more middle names and one or more surnames.

B. Length of full name. The full name may not exceed 28 characters and spaces. If the full name exceeds 28 characters and spaces, it will be abbreviated by the Department of Public Safety in a manner that will permit proper record storage and printing on the record.

C. Name combinations. If a person has more than one middle name or more than one surname, they may be used in combination separated by a hyphen. If only one name in a combination is to be used on the document, the name used must be the first name of the combination name.

11 MCAR S 1.6104 Documentation of proof of name and identity.

A. Generally. At the time of application for a driver's license or motor vehicle registration record, the applicant shall present a Minnesota driver's license or Minnesota identification card if either one of these has been issued to the applicant. If the applicant possesses a driver's license, chauffeur's license or instruction permit from another jurisdiction it must be surrendered.

B. Other documentation. If the applicant cannot supply the documentation specified in A., one of the following will be accepted as proof of name and identity:

1. an original or certified copy of the birth certificate of the applicant;

2. an identification card issued to the applicant by the United States Armed Services;

3. an alien identification card form 194 or a passport issued to the applicant if it meets the full name requirement specified in 11 MCAR S 1.6103;

4. a certificate of motor vehicle title or registration issued to the applicant by another jurisdiction if it meets the full name requirement specified in 11 MCAR S 1.6103;

5. a certified school record of the applicant;

6. a baptismal record of the applicant; or

7. confirmation of the name and identity of an applicant under 19 years of age by a parent, spouse or guardian who must accompany the applicant and furnish proof of his or her name and identity as provided in 1.-6. or in A.

11 MCAR S 1.6105 Documentation for change of name on driver's license or motor vehicle registration and title application records.

A. Generally. When a change of name is required by law or requested by an applicant, the documentation in B. and C. is required.

B. Specific Documentation. If the applicant is required by law or desires to change his or her surname, add an additional middle name or surname or change any name, the applicant shall supply the most appropriate document from the following:

1. applicant's certificate of marriage or a certified copy;

2. applicant's marriage license or certified copy;

3. a certified copy of a court order;

4. a certified copy of a divorce decree or dissolution of marriage granted the applicant that specifies the name changes requested; or

5. a certified copy of naturalization papers issued to the applicant.

C. Surname in place of middle name. After December 31, 1982, an applicant may use the applicant's surname prior to marriage on the driver's license in place of the middle name. The following is acceptable as proof of that name:

1. an original or certified copy of the applicant's birth certificate;

2. the baptismal record of the applicant; or

3. a driver's license or instruction permit of the applicant showing the surname of the applicant prior to marriage.

11 MCAR S 1.6106 Variances.

A. Commissioner may grant. The commissioner of Public Safety may grant variances from 11 MCAR ~~SS 1.6101-1.6105~~ S

1.6104.

B. Application for variance. If a person ~~questions or disagrees with the provisions of 11 MCAR SS 1.6101-1.6105 as applied to him or her~~ is unable to comply with the provisions and requirements of 11 MCAR S 1.6104, he or she may make written application to the Commissioner of Public Safety or his designee for a variance ~~from one or more of the provisions of 11 MCAR SS 1.6101-1.6105~~.

C. Documentation ~~and review~~. A person applying for a variance must submit written documentation of the reasons why a variance should be granted, including the reasons the required documents are not available. The applicant must provide additional information regarding his or her name and identity, such as names of relatives, date and place of birth, place of residence, social security number, military service information and any arrest information, to aid the commissioner in verifying the applicant's identity.

D. Review. The Commissioner of Public Safety or his designee shall review the request for the variance. ~~and~~ In making a decision to grant or deny the variance, the commissioner or his designee shall consider the following:

1. the availability of the required documents;
2. the degree of hardship placed on the applicant;
3. the effect of granting the variance on the public;
4. the effect of granting the variance on the integrity of the record system; and
5. the trustworthiness of the information supplied by the applicant regarding his or her name and identity.

E. Conditions for granting. The commissioner shall grant the variance if all of the following conditions are present:

1. the documents required by 11 MCAR S 1.6104 are either not reasonably available or do not exist;
2. compliance with 11 MCAR S 1.6104 would cause an undue hardship for the applicant;
3. granting the variance will have no adverse effect on the public;

see Fof #

4. granting the variance will not jeopardize the integrity of the record system; and

5. the applicant has established his name and identity by trustworthy evidence and documentation.

F. Decision. The Commissioner of Public Safety or his designee shall grant or deny the request for the variance within 30 days of receipt of the request. The person shall be notified of the decision by mail within the 30-day period.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JAN 3 1983
Joan Anderson Growe
Secretary of State
3:12 PM

APPROVED AS TO LEGALITY
December 27, 1982
WARREN SPANNAUS, ATTORNEY GENERAL
BY Jerry D. Peters
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : KENNETH A. DIRKZWAGER
Commissioner of Public Safety

DATE: 12/30/82

Attn: JOHN P. SOPSIC, Commissioner of Public Safety

FROM :

LARRY D. STARNS
Special Assistant
Attorney General

PHONE: 297-3493

SUBJECT:

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records, Name of Applicant.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Please note that they have not been filed with the State Register. This must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of stamps of the Attorney General and Secretary of State;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages to the rules in the approved set.

If you have any questions in this regard, please contact me.

Encs.
LDS/ls
cc: Ms. Kathy Burek
Mr. Duane Harves

Our File No. 850

W/d 9-16-82
new submission

RULE REVIEW CHECKLIST

DATE RULE RECEIVED 9-2-82 12/15/82 Adopted w/a hearing ____
DATE FOR REVIEW 9-10-82 12/27/82 Adopted w/o hearing ✓
DATE DUE 9-16-82 12/29/82 Temporary rule ____

Approved ____ Disapproved ____ Returned to Agency ____

Resubmitted ~~12/15/82~~ Due ~~12/27/82~~
Approved ____ Disapproved ____ Returned to Agency 12/6/82

Date filed w/Secretary of State ____ Revisor approved 9/1/82
disapproved ____

✓ ✓ Rule as Adopted

✓ ✓ Rule as Proposed See SR.

✓ Order Adopting 8.27.82 Date

N/A Notice of Intent to Solicit Outside Opinion

✓ ✓ Order for rulemaking
N/A date of Hearing

N/A Certificate of Board's Authorizing Resolution

✓ ✓ Notice of rulemaking
✓ Sufficiency

✓ ✓ Affidavit of Mailing Notice or rulemaking
7.9.82 At least 30 days prior to ~~hearing~~/adoption

✓ ✓ Mailing list Certificate

✓ ✓ Publication in State Register
7.12.82 At least 30/~~20~~ days prior to ~~hearing~~/adoption

N/A Hearing Examiner's Report

Chief Hearing Examiner's Report(s)
____ Approving H.E.'s Report
____ Approving agency action

✓ ✓ Agency's Findings of Fact

N/A LCRAR Report or agency Affidavit

✓ Certificate of Board's Resolution Adopting Rules

N/A Order Approving Incorporation by Reference

✓ ✓ Statement of Need and Reasonableness

N/A Petition for Adoption of a Rule

✓ ✓ Record (includes transcript or tape, exhibits, comments received by agency, requests for a hearing, and other relevant materials)

✓ ✓ Certificate of Compliance w/Rulemaking Procedures

N/A Affidavit of Mailing Notice of Submission to Attorney General

✓ Notice of Submission to the Attorney General

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT PUBLIC SAFETY

Office Memorandum

TO : Judith V. Wehrivein
Local Assistant
Office of Attorney General

DATE: December 13, 1982

FROM : Diane Hamilton
Administrative Assistant

PHONE: 296-6642

SUBJECT: Rules Pertaining to the Names of Applicants for Motor Vehicle and Driver License Reocrds

At the end of September you returned the above named adopted rules to me to have the last rule on variances rewritten. Enclosed is the redrafted rule and a new order and findings of fact. I believe you still have the rest of the materials that I sent with the original submission for approval of these rules.

Let me know if there is anything else that is required for this rule making.

DH:la

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records; Name of Applicant.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on July 12, 1982, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 15.0412, subd. 4, on July 9, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11 MCAR 1.6101 - 1.6106 are adopted this 10th day of December, 1982, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6. and Minn. Stat. section 15.0411, subd. 3.

STATE OF MINNESOTA

K. A. Dirkzwager

KENNETH A. DIRKZWAGER
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records; Name of Applicant.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on July 12, 1982, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4 on July 9, 1982.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than seven requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Section 299A.01, 15.0411 subd. 3 and generally Chapters 168, 168A and 171.

2. The Statement of Need and Reasonableness for these rules sets forth the need for and reasonableness of the rules to be adopted, and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

3. During the 30 day public comment period, one public comment and no requests for public hearing were received.

4. The Washington County Clerk of Court submitted the only public response to this rulemaking. In his letter, Mr. Funari questioned the proposed use of birth, baptismal and marriage records as proof of name and identity. The reason for use of these records is well documented in the Statement of Need and Reasonableness and the incorporated license security report. It is essentially done for purposes of record clarity and consistency among states as that report recommends. Mr. Funari further recommends that a cancelled check be a preferred method of proof of name and identity. A check, in fact, requires some proof of identity, usually a driver's license, before it is accepted as a valid instrument to transfer funds. A check contains no identifying features such as date of birth or physical characteristics. A person could easily use someone else's cancelled check to fraudulently obtain a driver license or motor vehicle record if that were permissable.

CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substative and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

5. There were no requests for notification of submission of the rules to the Attorney General.

6. The rules as proposed at 7 S.R.52, July 12, 1982 (PP. 52-54) are adopted, with one exception. Section 11 MCAR 1.6106 Variances, is modified to clarify the procedures involved, information requirements, review and conditions for granting a variance. This section has been expanded in order to fulfill requirements of Minn. Stat. 15.0412, subd. 1a. As required by that law, the modified rule sets forth procedures and standards by which the variance shall be granted or denied. It makes specific requirements of the applicant seeking the variance and sets forth specific benchmarks the commissioner shall consider in reaching his decision.

STATE OF MINNESOTA

12-10-82
DATE

K. A. Dirkzwager
KENNETH A. DIRKZWAGER
COMMISSIONER OF PUBLIC SAFETY

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : DIANE HAMILTON
211 Transportation Building

DATE: 9/27/82

FROM : JUDITH V. WEHRWEIN JVW
Legal Assistant

PHONE: 297-3471

SUBJECT: Rules Pertaining to the Names of Applicants in the Motor Vehicle and Drivers License Sections of the Department of Public Safety

Enclosed please find copies of withdrawn rules pursuant to memo from James B. Early to Ted A. Martinez, dated September 23.

Also enclosed is a letter from the Washington County Clerk of Court dated July 19, 1982.

JVW:drw

SF-00006-02

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : TED MARTINEZ
Special Assistant
Attorney General

DATE: 9/23/82

FROM : JAMES B. EARLY
Special Assistant
Attorney General

PHONE: 6-3257

JBE

SUBJECT: Rules Pertaining to the Names of Applicants in the Motor Vehicle and Drivers License Sections of the Department of Public Safety

On behalf of the Department of Public Safety, I would like to withdraw the above rules from your review process at this time for the consideration of possible modifications. Please send the rules directly to Diane Hamilton at the Commissioner's Office of the Department of Public Safety. The address is 211 Transportation Building. Thank you.

JBE:sas

cc: Diane Hamilton

RECEIVED
SEP 24 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

RECEIVED
SEP 24 1982
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

AG copy

Department of Public Safety
Driver and Vehicle Service Division

Adopted Rules Governing Drivers License and Motor Vehicle Records, Name of Applicant

Rules as Adopted

11 MCAR S 1.6101 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.6101-1.6106 is to provide general standards for the administration of the laws requiring that full names appear on driver licenses and motor vehicle records and to provide standards for subsequent name changes on these documents.

B. Scope. The scope of 11 MCAR SS 1.6101-1.6106 is intended to be confined within the framework and to be consistent with the provisions of Minn. Stat. chs. 168, 168A and 171.

11 MCAR S 1.6102 Definitions.

A. Purposes. For the purposes of 11 MCAR SS 1.6101-1.6106, the following terms have the meaning given them.

B. Driver's license and motor vehicle registration records. Driver's license and motor vehicle registration records include:

1. all applications for drivers' licenses, instruction permits and Minnesota identification cards;

2. all applications for motor vehicle certificates of title; and

3. all applications for motor vehicle registration plates.

C. Full name. Full name means the first name, middle name and surname.

D. First name. First name means the name given at birth that appears first in a person's full name.

E. Middle name. Middle name means the name given at birth between a person's first name and surname.

F. Surname. Surname means the last name borne in common by members of a family.

11 MCAR S 1.6103 Name, name combination, length.

A. Full name required. The full name is required on driver licenses and motor vehicle records. It is comprised of the first name, one or more middle names and one or more surnames.

B. Length of full name. The full name may not exceed 28 characters and spaces. If the full name exceeds 28 characters and spaces, it will be abbreviated by the Department of Public Safety in a manner that will permit proper record storage and printing on the record.

C. Name combinations. If a person has more than one middle name or more than one surname, they may be used in combination separated by a hyphen. If only one name in a combination is to be used on the document, the name used must be the first name of the combination name.

11 MCAR S 1.6104 Documentation of proof of name and identity.

A. Generally. At the time of application for a driver's license or motor vehicle registration record, the applicant shall present a Minnesota driver's license or Minnesota identification card if either one of these has been issued to the applicant. If the applicant possesses a driver's license, chauffeur's license or instruction permit from another jurisdiction it must be surrendered.

B. Other documentation. If the applicant cannot supply the documentation specified in A., one of the following will be accepted as proof of name and identity:

1. an original or certified copy of the birth certificate of the applicant;

2. an identification card issued to the applicant by the United States Armed Services;

3. an alien identification card form 194 or a passport issued to the applicant if it meets the full name requirement specified in 11 MCAR S 1.6103;

4. a certificate of motor vehicle title or registration issued to the applicant by another jurisdiction if it meets the full name requirement specified in 11 MCAR S 1.6103;

5. a certified school record of the applicant;

6. a baptismal record of the applicant; or

what kind of school?
- high school?
- higher ed.?

7. confirmation of the name and identity of an applicant under 19 years of age by a parent, spouse or guardian who must accompany the applicant and furnish proof of his or her name and identity as provided in 1.-6. or in A.

11 MCAR S 1.6105 Documentation for change of name on driver's license or motor vehicle registration and title application records.

A. Generally. When a change of name is required by law or requested by an applicant, the documentation in B. and C. is required.

B. Specific Documentation. If the applicant is required by law or desires to change his or her surname, add an additional middle name or surname or change any name, the applicant shall supply the most appropriate document from the following:

1. applicant's certificate of marriage or a certified copy;

2. applicant's marriage license or certified copy;

3. a certified copy of a court order;

4. a certified copy of a divorce decree or dissolution of marriage granted the applicant that specifies the name changes requested; or

5. a certified copy of naturalization papers issued to the applicant.

C. Surname in place of middle name. After December 31, 1982, an applicant may use the applicant's surname prior to marriage on the driver's license in place of the middle name. The following is acceptable as proof of that name:

1. an original or certified copy of the applicant's birth certificate;

2. the baptismal record of the applicant; or

3. a driver's license or instruction permit of the applicant showing the surname of the applicant prior to marriage.

11 MCAR S 1.6106 Variances.

A. Commissioner may grant. The commissioner of Public Safety may grant variances from 11 MCAR SS 1.6101-1.6105.

B. Application for variance. If a person questions or disagrees with the provisions of 11 MCAR SS 1.6101-1.6105 as applied to him or her, he or she may make written application to the commissioner of Public Safety or his designee for a variance from one or more of the provisions of 11 MCAR SS 1.6101-1.6105.

C. Documentation and review. A person applying for a variance must submit written documentation of the reasons why a variance should be granted. The commissioner of Public Safety or his designee shall review the request for the variance and grant or deny the request within 30 days of receipt of the request. The person shall be notified of the decision by mail within the 30 day period.

this a "1" S.R.

no standards for granting of variance — contrary to 15.0412 subd. 1a.

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records; Name of Applicant.

ORDER ADOPTING RULES

Notice of the Commissioner's intent to adopt the above-entitled rules without a public hearing was published in the State Register on July 12, 1982, and was sent by the United States mail to all persons on the list maintained by the agency pursuant to Minn. Stat. section 15.0412, subd.4, on July 9, 1982. After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, receiving fewer than seven written requests for a public hearing within the 30-day comment period, reviewing and considering the comments, and determining the need for and reasonableness of the above captioned rules.

NOW, THEREFORE, IT IS ORDERED that these rules, identified as 11 MCAR 1.6101 - 1.6106 are adopted this 27th day of August, 1982, pursuant to authority vested in me by Minn. Stat. Section 299A.01, subd. 6. and Minn. Stat. section 15.0411, subd. 3.

STATE OF MINNESOTA

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0018

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records, Name of Applicant

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 23rd day of June, 1982, that a Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the State Department of Public Safety for that purpose and be published in the State Register.

STATE OF MINNESOTA

Wesley D. Pavlak FOR

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0006

Department of Public Safety
Driver & Vehicle Service Division

In The Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records, Name of Applicant.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A HEARING

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. Section 15.0412, Subdivision 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. 15.0412, subdivision 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The Department's authority to adopt the proposed rules is contained in Minn. Stat. Sections 299A.01, 15.0411 subd. 3 and generally Chapters 168, 168A, and 171. A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. Section 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes Section 15.0412, subdivision 7.

A copy of the proposed rules is attached to this notice.

STATE OF MINNESOTA

6/30/83
DATE

Dudley D. Paulsen FOR
JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHF0008

Rules as Proposed (all new material)

11 MCAR S 1.6101 Purpose and scope.

A. Purpose. The purpose of 11 MCAR SS 1.6101-1.6106 is to provide general standards for the administration of the laws requiring that full names appear on driver licenses and motor vehicle records and to provide standards for subsequent name changes on these documents.

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11 MCAR S 1.6102 Definitions.

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F. Surname. Surname means the last name borne in common by members of a family.

11 MCAR S 1.6103 Name, name combination, length.

A. Full name required. The full name is required on driver licenses and motor vehicle records. It is comprised of the first name, one or more middle names and one or more surnames.

B. Length of full name. The full name may not exceed 28 characters and spaces. If the full name exceeds 28 characters and spaces, it will be abbreviated by the Department of Public

APPROVED IN THE REVISOR OF STATUTES OFFICE BY:

Safety in a manner that will permit proper record storage and printing on the record.

C. Name combinations. If a person has more than one middle name or more than one surname, they may be used in combination separated by a hyphen. If only one name in a combination is to be used on the document, the name used must be the first name of the combination name.

11 MCAR S 1.6104 Documentation of proof of name and identity.

A. Generally. At the time of application for a driver's license or motor vehicle registration record, the applicant shall present a Minnesota driver's license or Minnesota identification card if either one of these has been issued to the applicant. If the applicant possesses a driver's license, chauffeur's license or instruction permit from another jurisdiction it must be surrendered.

B. Other documentation. If the applicant cannot supply the documentation specified in A., one of the following will be accepted as proof of name and identity:

1. an original or certified copy of the birth certificate of the applicant;

2. an identification card issued to the applicant by the United States Armed Services;

3. an alien identification card form 194 or a passport issued to the applicant if it meets the full name requirement specified in 11 MCAR S 1.6103;

4. a certificate of motor vehicle title or registration issued to the applicant by another jurisdiction if it meets the full name requirement specified in 11 MCAR S 1.6103;

5. a certified school record of the applicant;

6. a baptismal record of the applicant; or

7. confirmation of the name and identity of an applicant under 19 years of age by a parent, spouse or guardian who must accompany the applicant and furnish proof of his or her name and identity as provided in 1.-6. or in A.

11 MCAR S 1.6105 Documentation for change of name on driver's

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

license or motor vehicle registration and title application records.

A. Generally. When a change of name is required by law or requested by an applicant, the documentation in B. and C. is required.

B. Specific Documentation. If the applicant is required by law or desires to change his or her surname, add an additional middle name or surname or change any name, the applicant shall supply the most appropriate document from the following:

1. applicant's certificate of marriage or a certified copy;

2. applicant's marriage license or certified copy;

3. a certified copy of a court order;

4. a certified copy of a divorce decree or dissolution of marriage granted the applicant that specifies the name changes requested; or

5. a certified copy of naturalization papers issued to the applicant.

C. Surname in place of middle name. After December 31, 1982, an applicant may use the applicant's surname prior to marriage on the driver's license in place of the middle name. The following is acceptable as proof of that name:

1. an original or certified copy of the applicant's birth certificate;

2. the baptismal record of the applicant; or

3. a driver's license or instruction permit of the applicant showing the surname of the applicant prior to marriage.

11 MCAR S 1.6106 Variances.

A. Commissioner may grant. The commissioner of Public Safety may grant variances from 11 MCAR SS 1.6101-1.6105.

B. Application for variance. If a person questions or disagrees with the provisions of 11 MCAR SS 1.6101-1.6105 as applied to him or her, he or she may make written application to the commissioner of Public Safety or his designee for a variance from one or more of the provisions of 11 MCAR SS 1.6101-1.6105.

C. Documentation and review. A person applying for a

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variance must submit written documentation of the reasons why a variance should be granted. The commissioner of Public Safety or his designee shall review the request for the variance and grant or deny the request within 30 days of receipt of the request. The person shall be notified of the decision by mail within the 30 day period.

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

6/14/82
Rule #213

OFFICE OF THE REVISOR OF STATUTES
PROPOSED RULES

Agency Department of Public Safety

Division Driver and Vehicle Services

Agency Contact Diane Hamilton Phone Number 296-7096

Title: Proposed Rules Governing Driver's License and Motor Vehicle Records; Name of Applicant

Type of Rules: Permanent X Temporary ____

Incorporations by References: None

Rule Number Material Incorporated
Author
Title
Place
Publisher
Date
Cost
Places Available

See Additional references on back Yes ____ No X

Duplication of Statutory Language None

Rule Number Statutory Section Duplicated

The attached rules are approved as to form.

Steven C. Cross
Revisor of Statutes

Name: Ward P. Gronfield
Ward P. Gronfield

Title: Deputy Revisor

Phone: 296-0945

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records, Name of Applicant.

AFFIDAVIT OF MAILING NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

Diane Hamilton, being first duly sworn, deposes and says:

That on the 9th day of July, 1982, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the Notice of Intent to Adopt Rules Without Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing, a copy thereof, properly enveloped, with postage prepaid, on all persons and associations who have requested that their names be placed on file with the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, mailing list A. ~~In addition, discretionary notice was served on all persons and associations contained on mailing list B.~~

Diane K. Hamilton

Subscribed and sworn to before me

this 17th day of August.

1982

J L Jacobson

J. L. JACOBSON
Notary Public, Anoka Co., Minn.
My Commission Expires
April 12, 1983

ACDKHF0011

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records, Name of Applicant.

CERTIFICATE OF MAILING LIST

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minn. Stat. 15.0412, subd. 4, that their names be placed on file with and maintained by the State Department of Public Safety for the purpose of receiving notice of the proposed adoption of rules by this department, is accurate and complete as of 9:00 A.M., this 7th day of July, 1982.

Diane K. Hamilton

H - - - D.C./M.V. Name Reg. 1/8/82

AID Homes, Inc./Horizon Apts.
1094 Waterloo Ave.
West St. Paul, MN 55118

Board of Directors
Alpha Homes, Inc.
P.O. Box 475
Spicer, MN 56288

Amer. Bapt. Homes/Up. Midwest
7928 Eden Road
Eden Prairie, MN 55344

Gertrude M. James
Anoka Cnty Comm. Heath &
Social Services Dept.
Courthouse, 4th Floor
Anoka, MN 55303

Arnie Lee Memorial Home
Route 2
Evansville, MN 56326

Board of Directors
Assisi Residences
218 S. Linton
Blue Earth, MN 56013

Assoc. Bldrs/Contractors, Inc.
6300 Walker St., Suite 109
Mpls, MN 55416

Rick Carter
Assoc./Health Care Facilities
2850 Metro Drive, Suite 429
Mpls, MN 55420

Assoc./Residences for Retarded
459 Rice St. Suite 301
St. Paul, MN 55013

Board of Directors
Bakke Group Home
405 Lake St.
Osakis, MN 56360

Brighter Day Residences, Inc.
620 N. Wood St.
Mora, MN 55051

Board of Directors
Cath. Charities/Dioc. St. Cloud
1726 Seventh Av. S
St. Cloud, MN 56301

Board of Directors
Christian Concern, Inc.
402 N. Third St.
St. Peter, MN 56082

Board of Directors
Community Involvement
1926 Nicollet Ave. S.
Mpls, MN 55403

Community Living
Box 128
Victoria, MN 55386

Crippled Children's School
Box 23
Worthington, MN 56187

Dakota's Children, Inc.
400 W. Marie
West St. Paul, MN 55118

Board of Directors
Dell's Place, Inc.
235 S. Second Ave.
Delano, MN 55328

Dorothe Lane Children's Home
205 Sixth St.
Sauk Centre, MN 56378

Board of Directors
Duluth Regional Care
603 Alworth Bldg.
Duluth, MN 55802

Dungarvin, Inc.
865 Front St.
St. Paul, MN 55117

Kent E. Eklund
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Richard C. Buske
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Charles Schaffer
MN Dept. Economic Development
480 Cedar St.
St. Paul, MN 55101

Ed. Phillips & Sons, Co.
2345 Kennedy St. NE
Mpls, MN 55413

Fredrik M. Christiansen
Department of Education
Room 911, Capitol Sq. Bldg.
St. Paul, MN 55101

Episcopal Group Homes
522 Shadyway Road
Wayzata, MN 55391

Bonnie M. Spencer
Dir. State Regulatory Div.
Federal-State Reports, Inc.
5203 Leesburg Pike, Suite 1201
Falls Church, VA 22041

Fillmore Cnty Hndcpped Svcs.
135 Center St. SE
Harmony, MN 55939

Forestview Community Homes
P.O. Box 1249
Minnetonka, MN 55343

Board of Directors
Greenbrier Home, Inc.
941 Birmingham St.
St. Paul, MN 55106

Great River Homes, Inc.
717 Rustic Lane
Wabasha, MN 55981

Group Homes of Winona, Inc.
377 Main St.
Winona, MN 55987

Forestview-Hemmingway
8045 Hemmingway Ave. S.
Cottage Grove, MN 55016

Friendship Haven, Inc.
P.O. Box 576
Sherburne, MN 56171

Good Neighbor Home
1091 Fairmount Ave.
St. Paul, MN 55105

Board of Directors
Hammer Residences, Inc.
1909 E. Wayzata Blvd.
Wayzata, MN 55391

Board of Directors
Harry Meyering Center
109 Homestead Drive, Box 302
Mankato, MN 56001

Sam Ruhle
Office of Admin. Hearings
310 So. 4th Ave.
Mpls, MN 55415

Board of Directors
Hearthside Home
Pike Bay Drive, Lake Vermillion
Tower, MN 55790

Heartland Homes/Ret. Citizens
P.O. Box 214
Park Rapids, MN 56470

Henry Hagen Residence
19845 Lillehei Drv.
Hastings, MN 55033

Board of Directors
Hiawatha Children's Home
1820 Valkyrie Drive NW
Rochester, MN 55901

Board of Directors
Hiawatha Manor, Inc.
107 Fifth Ave. NE
Pipestone, MN 56164

Board of Directors
Home for Creative Living
108 Ninth St.
Windom, MN 56101

Hope Residence, Inc.
Box 63
Waterville, MN 56096

Homeward Bound, Inc.
4741 Zealand Ave.
New Hope, MN 55428

Innovative Homes, Inc.
P.O. Box 11
Kasson, MN 55944

President
Interstate Power Co.
1000 Main St.
Dubuque, IA 52001

Conrad M. Fredin
Johnson, Fredin, Killen,
Thibodeau & Seiler
811 1st Nat'l Bank Bldg.
Duluth, MN 55802

Koep Group Home
Route 3
Fergus Falls, MN 56537

Lakeview Home
Lincoln & W. Second Sts.
Sauk Centre, MN 56378

Kathleen Burek
Executive Director
Leg. Comm./Review Admin. Rules
Rm 430, State Office Bldg.
St. Paul, MN 55155

M.B.W. Company
801 Center St.
New Ulm, MN 56073

Mental Health Assoc. of MN
5501 Green Valley Drive #103
Mpls, MN 55437

Gen. Counsel/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

Jean Dawson
Editor
MN Government Report
B-12, Press Room
State Capitol Bldg.

John T. Farmer
Executive Director
MN Manufactured Housing Assoc.
222 E. Little Canada Rd.
Little Canada, MN 55117

John G. Horner
MN Multi-Housing Assoc.
3100 W. Lake St.
Mpls, MN 55416

Moore's Haven, Inc.
3490 N. Victoria
St. Paul, MN 55113

Gordon Forbes
MN Railroads Assoc.
480 Cedar St., 303 Hanover Bldg.
St. Paul, MN 55101

Mt. Olivet Rolling Acres
7200 Rolling Acres Rd.
Excelsior, MN 55331

Abe Rosenthal
Executive Vice President
MN Motor Transport Assoc.
1821 University Ave. (N310)
St. Paul, MN 55104

James Murphy
Vice President
Nat'l Assoc. Indep. Insurers
2600 River Road
Des Plaines, IL 60018

Nekton, Inc.
633 N. Snelling Ave.
St. Paul, MN 55104

Board of Directors
New Dawn, Inc.
Route 1, Box K1
Fulda, MN 56131

Board of Directors
NorHavan Homes, Inc.
1394 Jackson St.
St. Paul, MN 55117

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Mgr./Regulatory Compl. & Svc
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414 Nicollet Mall
Mpls, MN 55401

Board of Directors
Orvilla, Inc.
3430 Westcott Hills Dr.
Eagan, MN 55123

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St. Paul, MN 55101

Pine Ridge Homes, Inc.
915 18th St.
Cloquet, MN 55720

Peter S. Popovich
Peterson, Popovich, Knutson
& Flynn
314 Minnesota Bldg.
St. Paul, MN 55101

Ramsey Cnty. Commissioners
Courthouse
St. Paul, MN 55101

Board of Directors
Residence, Inc.
2499 N. Rice St. Suite 139
Roseville, MN 55133

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Riverview Manor, Inc.
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Wanamingo, MN 55983

South Center Manor, Inc.
Park Island
Center City, MN 55012

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1386 Jackson St.
St. Paul, MN 55117

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Mpls, MN 55416

Board of Directors
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1312 Seventh St. NW
Rochester, MN 5901

Outreach Group Homes, Inc.
3601 Park Center Blvd. #304
Mpls, MN 55416

Phillips Leg. Serv. Inc.
459 Rice St.
St. Paul, MN 55103

Pine River Group Home
Box 96
Pine River, MN 56474

Presbyterian Family Foundation
901 Service Drive
Willmar, MN 56201

Board of Directors
Range Center, Inc.
1001 Eighth Ave. NW
Chisholm, MN 55719

Residential Alternatives, Inc.
5449 Lyndale Ave. N
Mpls, MN 55430

Claudia Smith
Corporate Law Dept.
St. Paul Companies, Inc.
385 Washington St.
St. Paul, MN 55101

Dev. Disabilities Pl. Office
State Planning Agency
200 Capitol Sq. Bldg.
St. Paul, MN 55101

Bob Franklin
City Editor
Minneapolis Tribune
425 Portland Ave.
Mpls. MN 55488

Board of Directors
Northest Residence, Inc.
104 Bald Eagle Ave.
White Bear Lake, MN 55110

Bernice Fields
Research Analyst
Ombudsman for Corrections
333 Sibley, Rm 101 Nalpak Bldg.
St. Paul, MN 55101

Our House of MN, Inc.
1864 Portland Ave.
St. Paul, MN 55104

Board of Directors
Phoenix Residence, Inc.
135 Colorado St. E.
St. Paul, MN 55107

Thomas M. Polt
Polt Law Offices
McCarthy Bldg.
Eyota, MN 55934

Charles A. Kroeger
Executive Director
QSS, Inc.
P.O. Box 838
Faribault, MN 55021

Resa, Inc.
38 Seventh Ave. N.
Hopkins, MN 55343

Residential Svcs. of NE MN
2048 E. Eighth St.
Duluth, MN 55812

Board of Directors
Salmi Board & Lodging Home
Route 1, Box 235
Aurora, MN 55705

Summit House
1004 Summit Ave.
Mpls, MN 55403

Robert L. Haven
Twin Town Treatment Center
1706 University Ave.
St. Paul, MN 55104

Robert A. Silvagni
University of Minnesota
319 15th Av SE, 200 Shops Bldg.
Mpls, MN 55455

Board of Directors
Valley Group Home
1332 Second Ave. No.
Moorhead, MN 56560

Board of Directors
Warner Care Homes
450 E. Third St.
Cokato, MN 55321

Robert Carstenbrock
Police Chief
Winona City Hall
4th & Lafayette St.
Winona, MN 55987

Willmar Nursing Home, Inc.
1004 Ella Ave.
Willmar, MN 56201

Windom CRF, Inc.
Box 244
Windom, MN 56101

Woodvale Homes, Inc.
Box 1047
Austin, MN 55912

Woodvale Management Svcs.
Box 1047
Austin, MN 55912

Jerry Kennan
Region Nine Dev. Commission
410 S. 5th St., PO Box 3367
Mankato, MN 56001

George C. Mastor
General Manager/Legal Div.
MN Gas Company
300 Peavey Bldg.
Mpls, MN 55402

H. LeRoy DeBoom
3945 Zarthan Ave.
St. Louis Park, MN 55416

Marlis Johnson
Box 3367, Region 9
Mankato, MN 56001

Rodney Watkins
105 University Road
Cloquet, MN 55720

Kathy R. Van Kleeck
Motorcycle Industry Council
1001 Connecticut Ave. NW
Washington, DC. 20036

POST Board
500 Metro Square Bldg.
St. Paul, MN 55101

Frundt, Frundt & Johnson
117 West 5th St.
Blue Earth, MN 56013

Joseph G. Beaton, Jr.
Attorney at Law
1503 Washington Ave. So.
Mpls, MN 55454

Department of Public Safety
Driver & Vehicle Service Division

Proposed Rules Governing Drivers License and Motor Vehicle Records, Name of Applicant

Notice of Intent to Adopt Rules without a Hearing

Notice is hereby given that the State Department of Public Safety is proposing to adopt the above entitled rules without a public hearing. The Commissioner of Public Safety has determined that the proposed adoption of these rules will be noncontroversial in nature and has elected to follow procedures set forth in Minn. Stat. § 15.0412, subd. 4h.

Persons interested in these rules shall have 30 days to submit comments on the proposed rules. The proposed rules may be modified prior to final adoption if modifications are supported by the data and views submitted to the Department of Public Safety and do not result in a substantial change in the proposed language.

Unless seven or more persons submit written requests for a public hearing on the proposed rules within the 30-day comment period, a public hearing will not be held. The written request must be specific on which rule(s) a hearing is desired. Identification of the particular objection, the suggested modifications, and the reasons or data relied upon to support the suggested modifications are desired. In the event a public hearing is required, the department will proceed according to the provisions of Minn. Stat. § 15.0412, subd. 4-4f.

Persons who wish to submit comments or a written request for a public hearing, or persons who wish to receive a copy of this notice and/or a copy of the proposed rules, should address their correspondence to the address below and include the name of the rulemaking:

Diane Hamilton
Department of Public Safety
211 Transportation Building
St. Paul, MN 55155

The department's authority to adopt the proposed rules is contained in Minn. Stat. §§ 299A.01, 15.0411 subd. 3 and generally Chapters 168, 168A, and 171. A statement of need and reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from the Department of Public Safety upon request.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the statement of need and reasonableness, all written comments received, and the final rules as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written request to the above address.

Please be advised that Minn. Stat. Chapter 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. Minn. Stat. § 10A.01, subdivision 11 defines a lobbyist as any individual: (a) engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or (b) who spends more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials. The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

The department estimates that there will be no cost to local public bodies in the state to implement the rules for the two years immediately following their adoption, within the meaning of Minnesota Statutes § 15.0412, subdivision 7.

A copy of the proposed rules is attached to this notice.

John P. Sopsic, Commissioner

Rules as Proposed (all new material)

11 MCAR § 1.6101 Purpose and scope.

A. Purpose. The purpose of 11 MCAR §§ 1.6101-1.6106 is to provide general standards for the administration of the laws

requiring that full names appear on driver licenses and motor vehicle records and to provide standards for subsequent name changes on these documents.

B. Scope. The scope of 11 MCAR §§ 1.6101-1.6106 is intended to be confined within the framework and to be consistent with the provisions of Minn. Stat. chs. 168, 168A and 171.

11 MCAR § 1.6102 Definitions.

A. Purposes. For the purposes of 11 MCAR §§ 1.6101-1.6106, the following terms have the meaning given them.

B. Driver's license and motor vehicle registration records. Driver's license and motor vehicle registration records include:

1. all applications for drivers' licenses, instruction permits and Minnesota identification cards;

2. all applications for motor vehicle certificates of title; and

3. all applications for motor vehicle registration plates.

C. Full name. Full name means the first name, middle name and surname.

D. First name. First name means the name given at birth that appears first in a person's full name.

E. Middle name. Middle name means the name given at birth between a person's first name and surname.

F. Surname. Surname means the last name borne in common by members of a family.

11 MCAR § 1.6103 Name, name combination, length.

A. Full name required. The full name is required on driver licenses and motor vehicle records. It is comprised of the first name, one or more middle names and one or more surnames.

B. Length of full name. The full name may not exceed 28 characters and spaces. If the full name exceeds 28 characters and spaces, it will be abbreviated by the Department of Public Safety in a manner that will permit proper record storage and printing on the record.

C. Name combinations. If a person has more than one middle name or more than one surname, they may be used in combination separated by a hyphen. If only one name in a combination is to be used on the document, the name used must be the first name of the combination name.

11 MCAR § 1.6104 Documentation of proof of name and identity.

A. Generally. At the time of application for a driver's license or motor vehicle registration record, the applicant shall present a Minnesota driver's license or Minnesota identification card if either one of these has been issued to the applicant. If the applicant possesses a driver's license, chauffeur's license or instruction permit from another jurisdiction it must be surrendered.

B. Other documentation. If the applicant cannot supply the documentation specified in A., one of the following will be accepted as proof of name and identity:

1. an original or certified copy of the birth certificate of the applicant;

2. an identification card issued to the applicant by the United States Armed Services;

3. an alien identification card form 194 or a passport issued to the applicant if it meets the full name requirement specified in 11 MCAR § 1.6103;

4. a certificate of motor vehicle title or registration issued to the applicant by another jurisdiction if it meets the full name requirement specified in 11 MCAR § 1.6103;

5. a certified school record of the applicant;

6. a baptismal record of the applicant; or

7. confirmation of the name and identity of an applicant under 19 years of age by a parent, spouse or guardian who must accompany the applicant and furnish proof of his or her name and identity as provided in 1.-6. or in A.

11 MCAR § 1.6105 Documentation for change of name on driver's license or motor vehicle registration and title application records.

A. Generally. When a change of name is required by law or requested by an applicant, the documentation in B. and C. is required.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

B. Specific Documentation. If the applicant is required by law or desires to change his or her surname, add an additional middle name or surname or change any name, the applicant shall supply the most appropriate document from the following:

1. applicant's certificate of marriage or a certified copy;

2. applicant's marriage license or certified copy;

3. a certified copy of a court order;

4. a certified copy of a divorce decree or dissolution of marriage granted the applicant that specifies the name changes requested; or

5. a certified copy of naturalization papers issued to the applicant.

C. Surname in place of middle name. After December 31, 1982, an applicant may use the applicant's surname prior to marriage on the driver's license in place of the middle name. The following is acceptable as proof of that name:

1. an original or certified copy of the applicant's birth certificate;

2. the baptismal record of the applicant; or

3. a driver's license or instruction permit of the applicant showing the surname of the applicant prior to marriage.

11 MCAR § 1.6106 Variances.

A. Commissioner may grant.The commissioner of Public Safety may grant variances from 11 MCAR §§ 1.6101-1.6105.

B. Application for variance. If a person questions or disagrees with the provisions of 11 MCAR §§ 1.6101-1.6105 as applied to him or her, he or she may make written application to the commissioner of Public Safety or his designee for a variance from one or more of the provisions of 11 MCAR §§ 1.1101-1.6105.

C. Documentation and review. A person applying for a variance must submit written documentation of the reasons why a variance should be granted. The commissioner of Public Safety or his designee shall review the request for the variance and grant or deny the request within 30 days of receipt of the request. The person shall be notified of the decision by mail within the 30 day period.

ADOPTED RULES

The adoption of a rule becomes effective after the requirements of Minn. Stat. § 15.0412, subd. 4, have been met and five working days after the rule is published in the *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strike outs and new language will be underlined, and the rule's previous *State Register* publication will be cited.

A temporary rule becomes effective upon the approval of the Attorney General as specified in Minn. Stat. § 15.0412, subd. 5. Notice of his decision will be published as soon as practicable, and the adopted temporary rule will be published in the manner provided for adopted rules under subd. 4.

Department of Natural Resources Commissioner's Order No. 2117

Regulations for the Payment of Pelting Fees, Superseding Commissioner's Order No. 2085

Pursuant to authority vested in me by law, I, Joseph N. Alexander, Commissioner of Natural Resources, hereby prescribe the following regulations for the payment of pelting fees.

Section 1. In any case where a person who is not an employee of the Department of Natural Resources performs any necessary service in recovering, treating, preserving or transporting the pelt of any protected fur-bearing wild animal which was accidentally killed or was lawfully killed on account of causing or threatening injury or damage, such person shall be entitled to a pelting fee in the amount of 25 percent of the proceeds of the sale of the pelt, provided:

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records; Name of Applicant.

FINDINGS OF FACT AND CONCLUSIONS

Notice of the Commissioner's intent to adopt the above captioned rules without a public hearing was published in the State Register on July 12, 1982, and was sent by the United States Mail to all persons on the list maintained by the Department of Public Safety pursuant to Minnesota Statutes section 15.0412, subdivision 4 on July 9, 1982.

After affording interested and affected persons an opportunity to submit comments for 30 days after Notice, having received fewer than seven requests for a public hearing within the 30 day comment period, and having reviewed and considered the comments, I find the following:

FINDINGS OF FACT

1. The authority of the Department of Public Safety to promulgate these rules is contained in Minn. Stat. Sections 299A.01, 15.0411 subd. 3 and generally Chapters 168, 168A and 171.

2. The Statement of Need and Reasonableness for these rules sets forth the need for and reasonableness of the rules to be adopted, and is incorporated into these findings and becomes a part hereof as though fully set forth herein.

3. During the 30 day public comment period, one public commend and no requests for public hearing were received.

4. The Washington County Clerk of Court submitted the only public response to this rulemaking. In his letter, Mr. Funari questioned the proposed use of birth, baptismal and marriage records as proof of name and identity. The reason for use of these records is well documented in the Statement of Need and Reasonableness and the incorporated license security report. It is essentially done for purposes of record clarity and consistency among states as that report recommends. Mr. Funari further recommends that a cancelled check be a preferred method of proof of name and identity. A check, in fact, requires some proof of identity, usually a driver's license, before it is accepted as a valid instrument to transfer funds. A check contains no identifying features such as date of birth or physical characteristics. A person could easily use someone else's cancelled check to fraudulently obtain a driver license or motor vehicle record if that were permissable.

CONCLUSIONS

1. The Commissioner of Public Safety gave due, timely and adequate legal notice of his intent to adopt rules without a public hearing.

2. The Commissioner of Public Safety has statutory authority to promulgate the proposed rules.

3. The Commissioner of Public Safety has fulfilled all relevant, substantive and procedural requirements of law and rule.

4. The Commissioner of Public Safety has demonstrated the need for and reasonableness of the proposed rules by an affirmative presentation of facts.

5. There were no requests for notification of submission of the rules to the Attorney General.

6. The rules as proposed at 7 S.R.52, July 12, 1982 (pp. 52-54) are adopted.

STATE OF MINNESOTA

August 27, 1982
DATE

JOHN P. SOPSICH
COMMISSIONER OF PUBLIC SAFETY

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records; Name of Applicant.

STATEMENT OF NEED AND REASONABLENESS

"Criminal losses in the United States based on the use of false identification are staggering. Much of this loss could be prevented through improved identity verification by the governmental agencies that provide identification to the imposter." Driver License Applicant Identification and Licensing System Security, U.S. Department of Transportation, DOT-HS-803-800. According to this report, motor vehicle and driver license records are the closest thing we have to a national identification resource. Therefore it is necessary to develop measures to make those records as secure and accurate as possible. Excerpts from the above referenced document that pertain to name requirements are attached to this Statement of Need and Reasonableness and are incorporated as a part hereof.

The driver license and motor vehicle records are identification records used by administrators, law enforcement and business. They identify a person as someone who has satisfied statutory requirements related to driving and they provide a description of the individual.

These records, especially the driver license, also permit a person to easily obtain other identification and privileges such as credit cards, welfare, and checking accounts all of which have the potential for fraudulent misuse.

All of the records on any one person should be in the same name. If an individual were able to secure records in several different name combinations, problems could arise that adversely affect not only record integrity but also police agencies and the general motoring public. The inability to match accident and traffic violation records with the right person creates an obstruction of justice. Use of false records could result in death or injury. For example, if a person's driver license or motor vehicle registration is suspended or revoked and he were able to obtain another one under a different name and a serious violation or accident were to occur while driving under that assumed name, death or injury to innocent persons involved could result. Records of accidents and traffic law violations would be scattered under various names and this would circumvent the statutory enforcement system.

Rapid identification of persons has become increasingly important in today's environment and this does not allow time for numerous manual searches to ferret out diverse elements to complete a record. It is imperative that consistent criteria be used to locate and verify information. In order to provide maximum integrity to the personal identification

segment of our driver and vehicle licensing and identification process, there must be minimum acceptable standards to establish identity. These rules were drafted following the recommendations of the driver license security report cited above. These rules provide reasonable minimum means of establishing identity of an applicant for a driver license or motor vehicle registration as recommended by the security report and mandated by law (Laws 1977, Chapter 455, Sec. 51 mandates that the driver license and motor vehicle records be integrated, for law enforcement purposes, to aid in rapid identification of drivers and vehicles questioned by police officers.)

In the following paragraphs each substantive rule is explained and justified as to its applicability and reasonableness.

11 MCAR 1.6101 establishes the purpose and scope of the rules which is to establish standard criteria for allowing the initial establishment and changing of names on driving and motor vehicle records. No specific operational statute mandates the promulgation of these rules; however, these rules impact the rights of and procedures available to the public and are therefore allowed according to Minn. Stat. 15.0411, subd. 3.

11 MCAR 1.6102 provides standard definitions for certain terms used in the rules. The definition of the records is broad and includes all records, cards and certificates that the department issues to individuals which could be used publicly and privately for identification purposes. The name definitions are extracted from common usage and are given here to alleviate any misrepresentation or misunderstanding.

11 MCAR 1.6103 specifies the requirement for full name, number of characters that can be used on the record and allowable combinations. Minn. Stat. 171.06 Sub. 3 requires the full name on drivers license records. Minn Stat. 168A.04 and 168A.05 further direct that the first, middle and last name on motor vehicle title records. Minnesota and other state's licensing agencies have traditionally defined full name records at birth or later changed through court order. Some states have this in their statutes, for example New Jersey revised statutes, title 39, paragraph 39:3-10 eff. 9-1-77. Most birth records contain the first, middle and last name of the child. For purposes of maximum security of license systems records, it's necessary that the entire full name be required. Due to the physical space available on the computer record, it is necessary to limit the number of characters and spaces to 28. Also for maximum security and consistency of the licensing system records, any necessary abbreviation of the full name will be done by the Department of Public Safety at its discretion. Combination names are allowed if space is available. For record clarity and consistency, the first name of any combination name will be used if space does not allow use of entire combination or if applicant chooses to use only one of the names of the combination name.

11 MCAR 1.6104 provides the standard minimum requirements for proof of identity when applying for a drivers license or motor vehicle registration. As stated in the previously cited driver license security report, verification of an applicants true identity is essential to driver and vehicle licensing records and the integrity of the licensing system. Due to the large dollar volume of criminal fraud connected with fraudulent use of a drivers license or motor vehicle record or title, the Department of Public

Safety is obligated to make every effort to guarantee that the issuance of the license, title or records is made only to those people to whom they rightfully belong. Establishment of only certain documents as proof of identification will provide maximum integrity to the personal identification of our licensing and identification process. This rule adopts what the driver license security report suggests as minimum documentation for this process.

11 MCAR 1.6105 provides the standard minimum requirements for proof of identity when applying for a change of name on the drivers license or motor vehicle registration record. The documents listed are secure documents. They are official records of name changes and are less likely than others to have been issued under fraudulent circumstances or with fraudulent intent. These documents contain information relating to the applicant's desire or necessity to change a name on the driver or vehicle records. After December 31, 1982 a new law allows an applicant to use the surname prior to marriage. Paragraph C of this rule lists the most reliable sources of that previous name as acceptable proof.

11 MCAR 1.6106 gives the variance procedure for persons who disagree with the requirements or may not be able to comply with the rules. The department recognizes that there may be extenuating circumstances that prevent an applicant from providing the required documentations. The procedure for variance allows the applicant to explain the circumstances and seek a personalized decision based on the unusual case presented.

JOHN P. SOPSIC
COMMISSIONER OF PUBLIC SAFETY

ACDKHNA017

Guidelines for
Motor Vehicle Administrators

DRIVER LICENSE APPLICANT IDENTIFICATION AND LICENSING SYSTEM SECURITY

U.S. Department of Transportation
National Highway Traffic Safety Administration
in cooperation with
American Association of Motor Vehicle Administrators

For sale by the Superintendent of Documents, U.S. Government Printing Office
Washington, D.C. 20402

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Foreword

The objective of this publication is to provide the States with guidelines for the precise identification of driver license applicants, taking into consideration the many factors in establishing identification that are beyond the control of driver examiners. The guidelines were developed by the American Association of Motor Vehicle Administrators (AAMVA) Standing Committee on Driver License and Control, whose members gave generously of their time and expertise.

The membership of the Standing Committee is as follows:

Elmer A. Brown, Chairman, California
William M. Saley, Vice Chairman, New Jersey
Warren J. Blessing, Connecticut
Joe Chiles, Colorado
S. Tony Cox, Utah
John F. Downey, Delaware
Wayne Green, Nebraska
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Blaine Stephen, Oklahoma
George O. Stevens, AAMVA Board Advisor, Michigan
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The Committee was supported by Arthur A. Tritsch, Raymond E. Ward, and Sue E. Patterson of the AAMVA Executive Staff. James Latchaw and Jerry Tannahill of the National Highway Traffic Safety Administration (NHTSA) provided valuable contributions.

Driver License Applicant Identification and Licensing System Security

Executive Summary

Criminal losses in the United States, based on the use of false identification, are staggering—approximately 16 to 20 billion dollars per year. Much of this loss could be prevented through improved identity verification, either by the businesses that are being robbed, by the governmental agencies that provide identification to the imposters, or by a combination of both.

Unfortunately, driver licenses play a major part in helping these gangsters, robbers, confidence men, drug smugglers, bad check artists, and others establish their false identities, thereby setting them up in business.

The identity of individuals in the United States is established primarily through two documents—the birth record and the driver license. The birth certificate is the most basic of these. Vital statistics officials are quick to explain that the birth certificate is not issued for the purpose of establishing identification. They claim that the certificate is only an official record of a person's birth at the time, place, and circumstances described in the certificate. However, it is utilized universally to support the claim of the bearer that he or she is the person whose birth is described thereon.

Conversely, the driver license is designed as an identity document. It not only identifies the bearer as someone who has satisfied a State legislative requirement and demonstrated an ability to safely operate one or more types of motor vehicles, but it also provides a description and usually a photograph of the bearer. The fallacy of the system is that the licensee's identification is commonly based on the presentation of a birth certificate, which may or may not be fraudulent. Thus, the driver license is only as good as the items of identification that were presented when the license was issued.

Some administrators will argue that the driver license is not an identity document, but merely an indication of a person's ability to drive. The fact is that the driver must be tied to his record. If a driver is able to secure licenses in several different names, or in several jurisdictions under his correct name, he can then distribute the record of his accidents and traffic law violations among several files and circumvent the State driver improvement programs. These drivers subsequently contribute to the total dollar loss as a result of accidents that

may not have occurred if driving records had not been fragmented among several record files or systems.

Birth certificates and driver licenses are known as "breeder" documents. Through the utilization of these two items, an individual can easily obtain age-of-majority cards, credit cards, bank cards, checks, welfare, or a passport. Many criminals accrue all sorts of benefits fraudulently, through easily made identity changes.

To address this issue, in 1977 the American Association of Motor Vehicle Administrators entered into a contract with the National Highway Traffic Safety Administration to develop "Positive Guidelines for Identification of Driver License Applicants." It soon became evident that "positive identification" is so rare as to be almost nonexistent, and the term was changed to "precise identification."

Inasmuch as the state driver license is the nearest thing to a national identity card that we possess, it was agreed that measures should be developed to make the system as secure as possible by upgrading identification criteria for original, duplicate, renewal, and exchange licenses. At the same time it was felt that the physical security aspects of the licensing system should be strengthened to keep equipment and material from falling into criminal hands for fraudulent use. The Committee explored and made recommendations in both areas.

In addition, a model plan (The Plan) was developed by one of the participating states to eliminate fraudulent applications from driver license and identity card issuance procedures, while considering convenience to the public and the need to move people rapidly through field offices. The Plan can be implemented in several stages. It is designed to address privacy rights and civil rights while offering an important service to the public (Appendix A).

Appendix B is a report of a study of duplicate license applications by the Virginia Division of Motor Vehicles. The study reflects the need for increased state attention to applicants for duplicate licenses and the documents of identification presented to them.

Precise Identification of Driver License Applicants

Rapid identification of persons and businesses has become increasingly important in today's environment of information systems with their online, real-time requests for information and data exchange. The question "Who are you?" no longer can be answered easily. Identification requirements do not allow time for several manual searches in an attempt to match records on various changeable elements of data. Rather, the problem is to find a consistent set of matching criteria that can be automated and used to locate records without ambiguity or doubt about the correctness of the match. The problem is compounded by the growing trend toward placing diverse records in consolidated files—a technique made possible by high-speed mass-storage devices.

Consider the efforts of a driver examiner or motor vehicle clerk to check whether a driver license is suspended, or if the applicant is the person he claims to be. Or consider the needs of a police officer attempting to determine whether a suspicious person is "wanted." These are record checks of an immediate nature, often involving a third party who has little information about the person in question.

Much has been done toward attempting to solve the identification problem. The need for verification and standardization of items of identification has been addressed by numerous federal, state and private agencies and groups, including the Federal Advisory Committee on False Identification (FACFI). This publication is an attempt to consolidate those findings and apply them to the field of driver licensing.

The problem, as expressed in one study, is as follows:

> "An individual is a person with a specific identity, born at a certain time and place, having a specific sex, and bearing a specific name given him by specific parents. An individual also has specific physical characteristics, lives at a particular place at a particular time, and interrelates with other persons and businesses socially, financially, and economically. Finally, an individual has specific combinations with other features. Our problem is ascertaining that the person is who he says he is." (Identification Techniques, IBM Corporation).

State and provincial driver licensing administrators recognize that driver licenses have become a primary source of identification that has gone far beyond the original purpose of identifying those persons who have demonstrated an ability to drive a vehicle. With the advent

of the photo license and the descriptive data that already was on th document, the driver license became a "de facto" identification doc ment, with an accepted confidence level far beyond that justified by present security measures. The driver license and the birth record have become "breeder" documents that are used to establish an identity base and frequently are used to secure other identification documents for the purpose of obtaining welfare, establishing credit, or for other purposes. The AMVA has established guidelines to improve the validity of the driver license as an identifier, while recog nizing that the identification value of a driver license, for any purpose, is no better than the documents used initially to identify the licensee.

It is anticipated that data of this nature would be included in the record for in-house inquiry only and available for future verification purposes upon renewal or duplicate applications.*

2. Additional Handwriting Exemplars

The hard-copy application form (DL 1 and DL 3) is to be modified to provide space for the applicant's signature and written address, city, and state on the reverse side to provide for better handwriting exemplars and verification of data given. The inked thumbprint will be included on all applications for manual verification.

3. Signature Irregularity

Our inquiries disclose that often the applicant will sign or begin to sign a different name than he has given; this should be grounds for scrutiny. (Our present procedure provides that we may tape over the error and allow a new signature.)

4. Interim Permit

The temporary interim permit for originals will be modified to reflect only the name, address, city, and state and the application date and office—eliminating the descriptive data presently included. The permit wording will indicate that the permit is for vehicle operation purposes only and that a permanent license will be mailed after verification.

Verified renewals and duplicates should include the present data (Alternative: add wording to the receipt copy applicable to originals and do not issue interims.)

5. Guidelines

Consideration should be given to absolute restrictions on acceptability of Post Office boxes or General Delivery addresses, such as a requirement to show (if not record) proof of true residence or business address (utility bills, tax bills, etc.).

V ACCEPTABLE DOCUMENTATION

To provide maximum integrity to the personal identification segment of our licensing and identification activity, there must be minimum acceptable standards to establish identity, below which nothing is acceptable and to which only objective judgment may be applied. To do otherwise is to permit personal and subjective attitudes, with an accompanying deterioration of standards, to overcome what might be described as "evolutionary apathy."

*Editor's Note: The AAMVA Driver License and Control Committee recommends that the Social Security number be used by all jurisdictions as an interstate identifier.

1. Minimum Documentation

The minimum acceptable documentation within practical standards for today's world should be

a. Birth certificate, duly and originally certified with a recognized seal of a legitimate government agency; a Department of Public Health or County Recorder should be exclusively acceptable.
   1. The certification should be examined and read.
   2. The applicant should be able to answer basic questions as to birthplace, parent's birthdates, etc.
b. Two or more of the following documents:
   1. Certified baptismal certificate
   2. Driver's license of a foreign state or country, except that if a foreign license is in a foreign language, a notarized translation to English language shall accompany such license
   3. Active Duty Military Identification Card (green)
   4. Valid passport or immigration and naturalization documents
   5. School certification (Form DL 48)
   6. Approval of Issuance (Form DL 580)

2. Referral to D.I.A.

If, in the judgment of the employee, additional documentation should be required, the applicant may be referred to a Driver Improvement Analyst. He shall review the case and require such additional proof as is appropriate or shall reject the application for identification purposes.

3. Document Marking

Any documentary proof of identity submitted to the department shall be stamped "Presented to California Department of Motor Vehicles for Identification on _____ at _____," to discourage its reuse by other persons for unlawful purposes.

VI MECHANICAL/PHYSICAL FACTORS

1. Photograph

The verification process will utilize the height of the applicant as a constant descriptive factor as well as eye color, sex, and race. To aid the employee in determining height, it is recommended that the backboard of the photography area incorporate a height grid. By the addition of some design, such as state seals, the counterfeiter's role will also be complicated.

2. Nonidentification Driver's License

If a decision is made to issue a nonidentification driver's license, no change need be made to current processing and issuance methods if a plastic mask is inserted into the camera prior to photographing

Appendix D 2

RECOMMENDED FEDERAL GUIDELINES FOR IMPROVED DRIVER'S LICENSE SECURITY

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Bedford, Massachusetts

May 1976

This project was supported by Contract Number J-LEAA-014-76 awarded by the Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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SECTION I

INTRODUCTION

In 1974 the U. S. Attorney General established the Federal Advisory Committee on False Identification (FACFI) to study the cost to society of false ID crimes and to formulate potential solutions for reducing the number of these crimes. FACFI has evaluated over 50 preliminary solutions and has approved those found to be effective suggestions and rejected those that were either ineffective or impractical.

In studying the problem of providing U. S. residents with a secure identification document, the Committee reached these conclusions:

- A federally-controlled national identification system is undesirable.
- Existing state-controlled and state-administered document systems should be improved to produce reliable identification documents.
- The participation by any state in upgrading document systems should be voluntary.
- Applications for documents by any citizen should be voluntary.
- The driver's license is one of the two (the other being the birth certificate) most common de facto identification documents and should be recognized as such. An improved ID system should be a modification of the present driver licensing system.
- The Federal government should provide guidelines to the states defining characteristics of the system that will improve its secure identification function. These guidelines must be compatible with the present issuance procedures of the State Departments of Motor Vehicles (DMV).

SECTION II

RECOMMENDATIONS

Summarized below are the major recommendations proposed in this report for improving the security of existing state driver licensing systems. Sections III through VI examine present systems and procedures and identify modifications that improve the systems without compromising privacy rights, imposing excessive costs, or significantly inconveniencing the general public.

TO REDUCE FRAUDULENT APPLICATIONS FOR DRIVER'S LICENSE OR STATE ID

- Since no single document is foolproof, all applicants for a new driver's license or state ID should be required to provide several documents as proof of identity. Requiring a multiplicity of documents adds materially to an imposter's cost and trouble. A list of relatively secure IDs should be established by state consensus or a Federal agency to guide local registrars. A tentative list is suggested in Section III of this report, but a training program is also needed to sensitize registrars to false ID techniques.

- Temporary licenses should not be issued except in emergencies because these licenses are very subject to false ID abuse; some of the recommended changes in procedures should obviate the need for their issuance.

- All license renewal applications should be made in person, which will help eliminate perpetuation of a false ID.

- The identification procedure for renewal, out-of-state, and lost licenses should require a handwriting check against a signed identification document as well as a computer verification of the applicant's identity. The computer record should contain personalized information not listed on the license and therefore not available to anyone presenting a stolen or forged document.

SECTION III

STATE DRIVER LICENSING SYSTEMS

IDENTIFICATION PROCEDURE IN APPLYING FOR A DRIVER'S LICENSE

Identification is the process of linking a person with a set of documents that "prove" the bearer has the necessary characteristics and qualifications to be entitled to the privileges and benefits for which he or she is applying. Applicants must be correctly identified at the application stage to be in one of the five categories listed below.

New Applicants

Included in this category are those applicants who have never before had a driver's license. Although a large percentage of these applicants are between the ages of 16 and 18 and are not likely to be false ID criminals, some older individuals also apply for a license for the first time. A new applicant is required to prove his ability to drive by taking a driving test, a written test, and an eyesight test. In addition, he must verify his name and age by presenting an identification document. The birth certificate is the most common document accepted as proof of name and age; forty-seven states require verification with a birth certificate. The successful applicant is issued either a final license or a temporary license, depending on the type of issuance system used by the state.

The birth certificate is not, however, a secure document because:

- There are no personalizing characteristics on a birth certificate that relate to an individual as a mature individual; infant footprints and fingerprints contained on some hospital certificates are useful for only a short time for identification purposes.
- In most cases, certified copies of the original certificate are made on ordinary paper, which is easily counterfeited.
- Because birth certificates are stored in the state, city or county of birth, often remote from the applicant, most applications are made by mail; therefore, the issuer never has an opportunity to validate the legitimacy of the applicant.

- The certificates have been, and in many cases still are, considered public documents, available for public scrutiny; therefore, an imposter has little difficulty finding enough information for filing a fraudulent application.

- There is almost no correlation between birth and death certificates; a criminal can find enough information from tombstone data or obituary columns to apply for and receive the birth certificate of a dead person.

- There is a wide diversity of birth certificate formats due to the multiplicity of non-centrally controlled issuance stations, making it virtually impossible for an inspector to spot an invalid format.

In summary, it is quite easy for an imposter to present a fraudulent birth certificate to a motor vehicle inspector and obtain a valid driver license. FACFI is aware of these loopholes and has approved recommendations to minimize these loopholes; however, it will be some time before these recommendations become a reality, and even then, a serious imposter will be able to "beat the system".

Applicants with Temporary Licenses

In some states (Massachusetts for example) a temporary license is issued prior to processing and possibly computer verification for a permanent license. For all practical purposes, the temporary license serves as identification until the applicant receives his permanent (2-4 year) license. If he receives his permanent license by mail, he is requested to destroy the temporary license.

A temporary license is printed on ordinary paper without any security features. Since the temporary license is often not collected after the permanent license is issued, it is often discarded in a haphazard manner. An imposter could easily fill out a fictitious temporary license or obtain a carelessly discarded temporary license. These temporary licenses are often accepted as proof of identity by merchants and, in addition, can be used within a reasonable time after their expiration to cause the issuance of a permanent license without further computer checks.

Applicants for Interstate License Transfer

In this mobile society, people are continually moving from one state to another. A new resident is usually required to apply within 90 days for a license in his new state. When he applies, his old license is accepted (in 47 states) as proof of identity and usually as proof of driving ability. The transfer applicant commonly takes a written and eye test and is granted a license as rapidly as the issuance procedure allows. In 45 states,[1] the old license is confiscated, to be either returned to the state of issuance for an update of their records or destroyed.

Sixteen states (Alabama, Arkansas, Connecticut, Illinois, Iowa, Maine, Maryland, Nebrasks, New Jersey, New York, Pennsylvania, Tennessee, Vermont, West Virginia and Wisconsin) use a piece of data processing card, without photo, for their permanent license. In many states, only minimal anti-counterfeit techniques are employed to make the license secure. By forging or stealing one of these licenses--made easier by the lack of anti-counterfeit feature--a criminal can obtain a valid photo license in another state. In 43 states a transfer license is issued before any computer check is made with the home state; an impersonator has, therefore, an easy route for obtaining a valid photo license in someone else's name.

If a state does not observe the Uniform Vehicle Code, or the Highway Safety Program #5, or the Driver License Compact--all of which recommend confiscating an out-of-state applicant's old license and returning it to the state of issue--an impersonator gains both the old fraudulent license as well as a new officially-issued license. However, some states destroy confiscated licenses, which then eliminates any further possibility for an investigation.

If a stolen license is used by an imposter to obtain a transfer license and then returned to the home state, the home state computer record of the person being impersonated is updated to reflect the ostensible move out of state. This means the legitimate licensee may not receive the normal renewal notice. More seriously, however, he can receive traffic violations made by the imposter. New York State receives about 100 complaints a week from people who are falsely accused of breaking the law.

If a returned license is detected by the home state as a forgery or the name used is fictitious, the license is returned to the new state. At this point, however, there is little possibility of tracking down the impersonator.

Applicants for License Renewal

When a valid license expires, a driver is informed by mail or is expected to be aware of the fact that it is about to expire (often four years from the date of issue, on his birthday). In a state using a photo license, the driver reapplies in person and receives his new license by just presenting his old license as identification. He is given an eye test, and if he is elderly or has an obvious physical handicap, is given special attention.

In a state without a photo license, an applicant receives a computer card in the mail informing him that his license will expire on a certain date. The driver makes the necessary correction to his computerized record and returns the form (with fee) to the motor vehicle bureau. In a few weeks, the license card is remailed to him officially stamped. He rarely makes a personal appearance at the DMV.

Once an impersonator successfully penetrates a system which relies on mail renewal, he will probably continue to receive valid licenses in his falsified name. Also, if a criminal steals a renewal notice from the mail, the form can be altered and the new license mailed to the criminal's post office address.

Applicants for a Duplicate License

About 10% of the licenses issued each year are duplicates,[2] replacing lost or stolen licenses. In cases where a wallet has also been lost or stolen, the victim may also have lost all his identification papers (credit cards, Social Security card, library card, etc.). An applicant can, in this case, be identified by filling out an application blank and having the data checked against the DMV computer record, which is convenient and effective if the registry has on-line terminals. The applicant then receives his license (or temporary license in some cases immediately.

Without immediately available computer verification, the registrar can make the applicant wait for computer verification or issue a temporary license on trust; this procedure is followed in some cases simply because of a person's immediate need of a car for making a living. The alternative is to delay issuing the license, which may cause a serious hardship to the applicant.

There may be no method of eliminating all fraudulent license issuances, certainly no cost effective technique acceptable to the public. Therefore, all recommendations must be evaluated on the basis of the following criteria:

- How effective is the recommendation in minimizing the likelihood of fraudulent issuances?
- What effect does the recommendation have to the public in terms of cost, convenience and privacy?

RECOMMENDATIONS FOR REDUCING ISSUANCE OF FRAUDULENT LICENSES

Documentation

It is the intent of this report to make recommendations to convert the driver's license, whose sole purpose ostensibly is to verify the driving privilege, into a more secure identification document. This modification is motivated by the absence of any other secure ID and the fact that the birth certificate is an inadequate identification document. Since no single document can assure valid identification for application, the following is recommended:

> ALL APPLICANTS FOR A NEW DRIVER'S LICENSE OR STATE ID SHOULD BE REQUIRED TO PROVIDE SEVERAL DOCUMENTS AS PROOF OF IDENTITY. A LIST OF RELATIVELY SECURE IDs SHOULD BE ESTABLISHED BY STATE CONSENSUS OR A FEDERAL AGENCY TO GUIDE LOCAL REGISTRARS.

This requirement is still open to some abuse because through alteration an impersonator can still beat the system. However, requiring consistency among several documents makes the imposter's problem more difficult. The State of Massachusetts has already anticipated such a procedure and requires at least three identification documents[3] in applying for a lost or duplicate license.

The following documents are listed as an interim guide for motor vehicle registrars to aid in applicant identification. The list is not exhaustive and the ratings are heuristic.

Relatively Secure Documents

color photo driver's license
passport
military discharge papers
home mortgage or lease papers
transcript of school records
non-resident alien registration document
birth certificate
military ID
state-issued photo ID
police pistol permit (photograph and fingerprint)
Federal agency employee ID

Moderately Secure Documents

divorce papers or court order
expired picture license
car registration
student ID
employee ID (with photograph and signature)

Insecure documents

non-photo driver's license
cancelled check with signature
checkbook with name and address
bankbook
insurance papers
marriage certificate
bills with name and address
Christmas club account
welfare card
charge card personalized with signature
baptismal certificate
gun owner permit (no identifying information)
Social Security card

There may be situations where no documentation is available, such as: a person who has lost his wallet and needs to drive to make a living, or a poor person who works at odd jobs and has never established credit, entered the Social Security system, filed an income tax return or opened a bank account. In such unusual cases, a verbal or written endorsement (identification) by a known public figure (e.g., school teacher, doctor, clergyman, selectman, etc.) may be acceptable. Also, the identification

SECTION VI

INFORMATION EXCHANGE

DRIVER'S LICENSE CONTROL AND NATIONAL DRIVER REGISTER

Driver's License Control

Both interstate cooperation and Federal guidelines have established legal controls in the issuance process to verify that the license is actually issued in the true name of the applicant. The National Highway Traffic Safety Administration (NHTSA) Highway Safety Program Standard No. 5, Driver Licensing,[6] requests the states to seek positive proof of full name, date and place of birth prior to issuance of the initial driver's license. Currently 47 states[6] claim to comply with this provision, but inadequate computer storage capacity sometimes restricts the retention of place of birth.

Another interstate control of licensed drivers available to the states is in the form of the Driver License Compact (DLC) authorized by Congress in 1958. Twenty-nine states presently are members of the Compact,[6] which requires member states to forward records of out-of-state traffic violation convictions to the driver records agency in the home state of the driver. Upon issuance of a driver's license in any state, the Compact requires that all previous current valid licenses be surrendered to the new state of issuance and returned by the driver licensing officials to the previous state of issuance. Section 6-101(c) of the Uniform Vehicle Code (UVC) also provides that out-of-state drivers surrender their old licenses. Eight additional states claim compliance with this section of the UVC. It is likely, however, that some states do not comply totally with the DLC and UVC provisions.

Many states have formed local regional agreements with respect to driver violations. In some cases, if a driver receives a speeding ticket while driving out-of-state, this violation is forwarded to his home state and entered in his computer record. Other agreements restrict these actions to more serious violations such as drunken or reckless driving. All of these control features are desirable and should be retained.

In Section III, we pointed out that applications for interstate transfer of driving privilege are particularly vulnerable to false ID fraud. A person presenting a stolen or counterfeit out-of-state license as identification can obtain a new and valid license through such a transfer application. To detect such a fraudulent transaction, it is necessary to check the license files of the state which purportedly issued the old license. At present, such fraud is detected some time after the fact (if at all), when the transferred license is returned by mail to the state of origin. To check all transfer applications for validity by interstate mailing before issuing new licenses would require a substantial increase in effort by the licensing agencies, would increase significantly their cost of operation, and would introduce new and undesirable delays in the licensing process. In order to increase the security of the license transfer process without introducing these problems, we propose a system through which computerized inquiries could be made by a license examiner in one state to the driver's license files in any other state. This would permit validation of transfer applications in a matter of seconds. A great deal of the hardware required to implement this proposal is already in operation. The license files are computerized in all states; as discussed in the last section, most states either have or are planning to obtain the on-line terminals which are also required for "instant" verification of license transfer applications. The remaining major element that would be required is a nationwide data communication system linking state DMV offices. The cost of such a system would be decreased greatly if it were made an "add-on" to an existing data system. The following subsections describe three operational nationwide data systems that could conceivably be adapted to this purpose: the National Driver Register, the National Crime Information Center, and the National Law Enforcement Telecommunications System.

National Driver Register (NDR)

The United States Congress established the National Driver Register (NDR) to assist each state in locating the records of drivers who had violated certain laws and had their licenses taken away, regardless of where in the U.S. the violations occurred. The NDR provides a central driver records data base containing the names of drivers whose licenses have been denied, suspended, or revoked for any reason (except denial or withdrawal for less than six months due to a series of non-moving violations).

ATTACHMENT 1

THE DRIVER'S LICENSES OF THE STATES AS PERSONAL IDENTIFICATION DOCUMENTS: SUGGESTED DOCUMENT SECURITY ELEMENTS

PREPARED FOR:

Mr. William Duggan, Chairman
Task Force IV
Federal Identification Documents of the
Federal Advisory Committee on False Identification (FACFI)

PREPARED BY:

Department of the Treasury
The Bureau of Engraving and Printing
Washington, D.C. 20228

June 21, 1976

D-157

INTRODUCTION

The de facto usage of a driver's license as a means of personal identification in day-to-day marketplace transactions by the general public is well known and, in a practical sense, transcends in frequency its usage as an identifier to the issuing and police authorities of the states.

Recognizing the general use of the driver's licenses of the states as primary identifiers, the Federal Advisory Committee on False Identification (FACFI) has recommended that Federal support be given the various states to lessen fraudulent usage of bona fide documents, deter counterfeiting, prevent alteration of the genuine issues, and diminish second party usage.

In recommending support for the establishment of standards to deter the fraudulent usage of driver's licenses, FACFI has recognized that not only are the intrinsic features of the license document of paramount importance, but that the systems interface relating to issuance, reissuance, and identity data authentication play a very important role. Concomitant to these factors, and conceivably in certain instances of greater importance to the individual states, are the procedures developed and in current use which best meet their requirements, not the least of which are those which relate to public acceptance and total systems cost.

In order to assist Mr. William Duggan, Chairman of FACFI Task Force IV, Federal Identification Documents, this Bureau has been requested to suggest general requirements for state driver's licenses which will address standardization of document security features to aid in greater deterrency of fraudulent usage. In this regard we recognize that such recommendations could entail a very high order of document-automated systems interfaces which may be approached in future, but which may be rejected by various states for a variety of reasons, including excessive cost, as well as procedural and public acceptance constraints. Therefore, in further recognition of the myriad of document production methods which could be proposed by various producing commercial organizations, an attempt shall be made to list those requirements of document security which may afford various orders of security dependent upon the desires of individual states, but which can also be interpreted as a genesis for the time effective development of minimal standards of acceptance to aid in thwarting a very real loss of million of dollars due to false identification.

Background

The TRIP Project was created in response to a rider attached to the Department of Public Safety's appropriation during the 1977 Legislative Session. The Rider language is as follows:

> "The primary computer development effort of the department shall be to functionally integrate the motor vehicle, driver license and traffic records information systems of the department. Projects currently planned and underway that would redesign these record systems shall be terminated. To the extent they are consistent with a functionally integrated information system, the objectives of any terminated project shall be incorporated in the objectives of the records integration project."

In the Matter of the Proposed Adoption of Rules of the State Department of Public Safety Governing Drivers License and Motor Vehicle Records; Name of Applicant.

STATEMENT OF COMPLIANCE WITH RULEMAKING PROCEDURES

I, Special Assistant Attorney General James B. Early, do hereby declare that I have examined the rules and all related documents and that, based on my examination and my personal familiarity with the applicable procedures, the Administrative Procedure Act, the rules of the Office of Administrative Hearings, and the rules of the Attorney General have been followed. Any exceptions are noted below.

August 31, 1982
DATED

James B. Early
SPECIAL ASSISTANT ATTORNEY GENERAL