Model Legislation

Resolution Opposing Federal Non-Commercial Driver's License Standards

Summary

This resolution outlines the State of __________ opposition to federally mandated non-commercial drivers' license standards. Such standards, which are currently proposed in Congressional legislation in reaction to the revelation that some of the 9/11 terrorists fraudulently obtained state driver’s licenses, is an unfunded mandate on our state and a violation of the Tenth Amendment to the US Constitution. Moreover, as currently proposed, these standards would establish the infrastructure and legal framework for a national identification system, which we oppose as well.

Model Resolution

WHEREAS the first driver’s license was issued in Rhode Island in 1908 and in 2001 alone states issued more than 71,000,000 licenses and identification cards; and

WHEREAS today every state, the District of Columbia and the 5 US territories independently implement their own definitions, methods and customs for issuing state driver’s licenses and identification; and

WHEREAS this independence and flexibility is vitally important in order for each state to meet the needs of those who live within its borders based upon economic, social and other considerations; and

WHEREAS every state may alter, without a federal mandate, its own identity and driver's license standards to promote more secure state-issued identification, including that issued for citizens and non-citizens alike; and

WHEREAS the Tenth Amendment to the US Constitution guarantees that the states, not the federal government, have the right to issue driver's licenses since no such right is conferred to Congress in the Constitution, nor is it prohibited by it to the states; and

WHEREAS the standards currently proposed by federal lawmakers establishes the DRIVerS system, which makes it possible for federal and state governments to establish a national identification system under the guise of making driver’s licenses more secure; and

WHEREAS the purpose of issuing driver’s licenses is to certify that the applicant is safe to drive in a particular state and understands that state’s rules of the road; and

WHEREAS state department of motor vehicle employees do not have the training nor the mandate necessary to operate a national identification system; and

WHEREAS, using the driver’s license as a national identity document or certificate will undermine the primary purpose of issuing driver’s licenses; and

WHEREAS a national identification card will undermine the civil liberties of every citizen of the United States of America;

NOW THEREFORE BE IT RESOLVED, that the State/Commonwealth of (insert state) opposes federal standards for state-issued identification and non-commercial driver’s license; and

BE IT FURTHER RESOLVED, that the State/Commonwealth of (insert state) opposes a national identification system, whether a federal or state mandate, and believes that such a mandate will dilute the original purpose of the driver’s license.

Adopted by ALEC’s Trade & Transportation Task Force at the Annual Meeting August 8, 2002. Approved by full ALEC Board of Directors September, 2002.