2015 HOUSE TRANSPORTATION

HCR 3036

2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

HCR 3036
2/19/2015
#24153

☐ Subcommittee
Conference Committee

Committee Clerk Signature Jeanette Cook

Explanation or reason for introduction of bill/resolution:

A concurrent resolution directing the Legislative Management to study issues related to authorizing and issuing digital driver's licenses.

Minutes: Attachments # 1 -3

Chairman Dan Ruby opened the hearing on HB 3036.

Representative Ben Hanson introduced HB 3036 and spoke in support of the House Concurrent Resolution. He provided written testimony. See attachments #1-2.

Representative Lois Delmore: What would happen if my hard copy were at home, my phone was stolen, and I needed to fly out that day or the next?

Representative Ben Hanson: Then you would be in trouble. It wouldn't be any different than it would be now if you had lost your driver's license or if it were at home.

Representative Lois Delmore: My point is that I really don't need to carry something in my wallet as well as my cell phone. Right now the same thing could happen to my driver's license, like getting stolen. It seems to me as I read the handout, that it says you will need both of them anyway.

Representative Ben Hanson: I think it would be up the individual if they felt comfortable not carrying a driver's license.

Chairman Dan Ruby: What information would you expect to learn from a study? Do we need legislation to authorize the Department of Transportation to do this? If so, what do we need to look at?

Representative Ben Hanson: Thus far, the states that have been looking at this have had to pass it into law. The situation that I was trying to avoid with this is if we want to move toward the digital driver's license, the legislation would be in 2017. Instead of trying to get

all of the information in the next session, we would already have the i's dotted and t's crossed, so it could be passed easier.

Representative Lois Delmore: I like this idea. Many of us use our Apps. on our phones. Do you know if we will have reciprocity with other states, or if there is research whether the airlines would be comfortable with me bringing a phone Ap. instead of a hard driver's license?

Representative Ben Hanson: I don't know, and we would have to find out how reciprocity works. We would especially want to work with MN Department of Transportation, since we have two large border communities.

Vice Chairman Lisa Meier: Have you checked to see if other countries are doing this currently?

Representative Ben Hanson: I have not.

Glenn Jackson, Director of the Driver's License Division for North Dakota Department of Transportation, spoke to support HCR 3036. He provided written testimony. See attachment #3. Glenn Jackson also provided the same handout as Representative Ben Hanson. See attachment #2.

Rep. Mark Owens: Is Iowa studying it, or moving toward it?

Glenn Jackson: Iowa is studying and trying to move. Delaware is moving. They are doing it in two slightly different ways. Delaware is working toward an Ap. Iowa is working toward a more integrated solution. So, we have two ideas that are competing to try to come up with a digital license. They both hope to have something out later this year for testing.

Chairman Dan Ruby: As far as your systems would you need to do a lot to make this possible? Or, are you just going to wait and see how the integrated system compares to the Ap. and then determine what you would like to do?

Glenn Jackson: That is correct. We would like to see which works best and is the most accepted in the industry and other jurisdictions. We would also like to see which is the most cost effective and yet secure system out there.

Representative Lois Delmore: Do you have any idea if the airlines and other states would accept these licenses?

Glenn Jackson: There is a lot of conversation right now, trying to understand how this will work. It especially involves law enforcement. There are a lot of questions being asked, but there are no answers yet.

Representative Gary Paur: Are you suggesting that we wait until next session with this study, or should we go ahead with the study now?

Glenn Jackson: I don't know what benefit would be gained through this study because we are studying it to try to come up with the best ideas to do this. At the same time, if the legislature wants to do a study we are willing to work with you on that.

Chairman Dan Ruby: There is potentially some advantage to doing the study.

There was no further testimony in support of HCR 3036.
There was no testimony in opposition to HCR 3036.

The hearing on HCR was closed.

Representative Gary Paur moved a DO PASS on HCR 3036 and to be placed on the Consent Calendar.
Representative Lois Delmore seconded the motion.

A roll call vote was taken: Aye 13 Nay 0 Absent 1
The motion carried.

Representative Lois Delmore will carry HCR 3036.

Date: 2/19/2015
Roll Call Vote #: "Enter Vote #" 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HCR3036

House Transportation Committee

☐ Subcommittee

Amendment LC# or Description:

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☒ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Representative Gary Paur Seconded By Representative Lois Delmore

Representatives	Yes	No	Representatives	Yes	No
Chairman Ruby	X		Rep. Delmore	X	
Vice Chairman Meier	X		Rep. Hanson	X	
Rep. Rick Becker	X		Rep. Nelson	X	
Rep. Frantzvog	A				
Rep. Hawken	X				
Rep. Olson	X				
Rep. Owens	X				
Rep. Paur	X				
Rep. Schatz	X				
Rep. Sukut	X				
Rep. Weisz	X				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Representative Lois Delmore

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3036: Transportation Committee (Rep. Ruby, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3036 was placed on the Tenth order on the calendar.

2015 SENATE TRANSPORTATION

HCR 3036

2015 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

HCR 3036
3/6/2015
Recording job number 24424

☐ Subcommittee ☐ Conference Committee

Committee Clerk Signature Dous E Perez

Explanation or reason for introduction of bill/resolution:
A concurrent resolution directing the Legislative Management to study issues related to authorizing and issuing digital driver's licenses.

Minutes: Attachments: 2

Chairman Oehlke opened the hearing on HCR 3030, all committee members, except **Senator Campbell,** were present.

Representative Ben Hanson, District 16, co- sponsored this bill. This is the technology of the future. Right now Delaware has a resolution pending to study the implementation of digital driver's licenses. Iowa released a plan to offer digital driver's licenses; the free mobile app will be accepted during police traffic stops and at security checkpoints in Iowa's airports. The app will be free and the study will determine how much it will cost to implement the technology.

Vice Chairman Casper would it be possible to misuse the app? (Like taking another person's app and using it as theirs)

Rep Hanson: that should be part of the study.

Glenn Jackson, Director, Drivers' License Division, North Dakota Department of Transportation (DOT); DOT favors this study and will provide assistance when requested. We will follow closely what Delaware and Iowa are doing to see how they develop the program (attached testimony #1). Provided committee members with copy of a Wilmington Delaware News Journal discussing this topic (attachment #2)

Vice Chairman Casper: could this lead to tracking and accessing your information?

Glenn Jackson: right now we know the information will be there, how it will be used in the future we will see.

Senator Rust mentioned that there are smart phone apps that can be used to encrypt your information thus preventing hacking.

No additional testimony in favor, against or neutral. Hearing closed.

Vice Chairman Casper moved do pass

Senator Rust seconded

Roll call vote was taken: Yes 5 No 0 Absent 1

Carrier: Senator Axness

Date: 3/6/2015
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
HCR NO. 3036

Senate **TRANSPORTATION** Committee

☐ Subcommittee

Amendment LC# or Description:

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Vice Chairman Casper Seconded By Senator Rust

Senators	Yes	No	Senators	Yes	No
Chairman Oehlke	X		Senator Axness	X	
Vice Chairman Casper	X		Senator Sinner	X	
Senator Campbell	ABS				
Senator Rust	X				

Total (Yes) 5 No **0**

Absent **1**

Floor Assignment **Senator Axness**

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HCR 3036: Transportation Committee (Sen. Oehlke, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3036 was placed on the Fourteenth order on the calendar.

2015 TESTIMONY

HCR 3036

NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL
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BISMARCK, ND 58505-0360

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bwhanson@nd.gov

HCR 3036
2-19-15
#1

COMMITTEES:
Industry, Business and Labor
Transportation

HCR 3036 Testimony; Rep. Ben Hanson

House Committee on GVA:

February 18th, 2015 testimony in regards to HCR 3036; A concurrent resolution directing the Legislative Management to study issues related to authorizing and issuing digital driver's licenses.

Mr. Chair, fellow committee members, for the record my name is Ben Hanson and I am a presentative from District 16 in Fargo and West Fargo. I stand before you today to testify in favor HCR 3036.

As we continue to move into the era of smart phones and apps becoming more and more integrated into our lives, a number of states (Arizona, Delaware, Iowa and New Jersey) are looking into creating an app that would serve as legal identification and qualify them as licensed drivers. My intention with this study would be for an interim committee to work with ND DOT to discover the safety, scope and cost of such a project and to determine if such a system would truly be desirable for the state of North Dakota.

It remains to be seen if legislation is needed to enact this feature for North Dakota drivers or those simply seeking ID's but if it was it would be more convenient, I feel, to have a recommendation ready to go for the 2017 session.

HCR 3036
2-19-15
#2

Delaware aims to be 1st with digital driver's licenses

Melissa Nann Burke, The (Wilmington, Del.) News Journal 12:26 a.m. EST January 28, 2015

The Iowa Department of Transportation plans to test its digital driver's license in 2015.(Photo: DES MOINES REGISTER)

WILMINGTON, Del. — Delaware is aiming to be the first state to offer virtual driver's licenses accessed through a secure smartphone app.

"We'd like to go first," said Jennifer Cohan, director of the Delaware Division of Motor Vehicles and the governor's nominee for secretary of transportation.

"If it works for Delaware, then it will be a new option for Delaware citizens to show proof of driver's license and identification."

The Legislature last week adopted a resolution directing Cohan's agency to study and consider digital licenses for motorists.

Iowa, which shares a driver's license vendor with Delaware and 40 other states, is crafting a pilot program, followed by the app's rollout in 2016. The vendor, MorphoTrust USA, began working on a concept two years ago for a mobile app to carry a digital version of driver's licenses.

"It's an idea whose time has come," said Jenny Openshaw, the company's vice president for state and local sales.

"Smartphones are becoming more and more a digital wallet. Eventually, the last piece of plastic I need to carry around with me is a driver's license."

The Delaware DMV would not eliminate hard plastic licenses. Customers would have the option of having a digital version, in addition to the "hard copy" of their license, officials said.

Last year, the state began allowing motorists to show electronic proof of insurance during traffic stops. Many consumers already use smartphone-based payment systems to avoid carrying cash or credit cards.

"It's not going to get us any more bang for our buck, but it will be a convenience for our customer," Cohan said. "If our meetings go well over the next couple of weeks, it may be something we can pilot sooner, rather than later."

The app would display information typically found on a state driver's license including birthdate, name, address, signature and a photo.

It would require facial, fingerprint or voice recognition, in addition to a personal-identification code to ensure only the ID holder may gain access.

Legal and cybersecurity experts have raised concerns about privacy and data security, such as what information the apps will collect or be exchanged during transmission. The technology is also limited by the availability of cellphone service.

Dyana Williams of Smyrna updates her driver's license at the Division of Motor Vehicles in Dover in 2009. (Photo: THE NEWS JOURNAL)

"Would you really want to put an app on your phone that the government wrote?" said Chase Cotton, professor of practice in the University of Delaware's Electrical and Computer Engineering Department.

"They're probably not going to do anything bad, but most people have a lot of private information on their phones."

That said, digital ID is likely inevitable, if for no other reason than people like the simplicity and convenience, Cotton added.

It's unclear how the technology would be accommodated at security checkpoints such as those at courthouses, where visitors cannot enter with mobile phones but might need to present ID inside.

Lewes Police Chief Jeffrey Horvath raised questions about traffic stops where the driver presents a digital license on a smartphone. What if the driver's phone has lost power? How does an officer seize the digital license after a drunken driving arrest, without taking the phone?

"If they legalize it in Iowa and Delaware and I travel to California, will the officer accept my digital license there? Would he have the equipment to scan, read it and verify it?" said Horvath, a board member of the Delaware Police Chiefs' Council.

"How do you deal with thefts? iPhones are among the most commonly stolen things."

Horvath also wondered how citizens would feel about officers taking the smartphone back to their patrol car to verify it in the state database.

Iowa envisions a corresponding mobile app for law enforcement officials' phones to would read digital driver's licenses, so the phone "never leaves your hand," said Andrea Henry, director of strategic communications for the Iowa Department of Transportation.

Iowa is working with MorphoTrust on a feature that locks the motorist's smartphone once the digital license is up on the screen, so that an officer wouldn't be able to access other content on the device, she said.

In a prototype app built by MorphoTrust, the portrait of the ID holder rotates back and forth, not unlike photos in the fictional "Harry Potter" series, said Openshaw of MorphoTrust.

"We call it the 'Harry Potter' feature," she said. "It's a technology that's very hard to duplicate, but will let the examiner know that it's authentic."

Digital credentials have the potential to be more secure than a piece of plastic in your pocket, Openshaw said, in part because it serves as a live link to one's digital identity, which is "re-verified" each time it's presented.

Cohan's agency is set to meet with MorphoTrust reps next week to discuss logistics, including questions about ensuring the secure transmission of personal data and other issues, she said.

The development process would include reaching out to stakeholders such as federal and state law enforcement and an educational component for business entities statewide, Cohan noted.

"So far, what we've seen and been working with our vendor on is very promising," Cohan said.

HCR 3036
2-19-15
#3

HOUSE TRANSPORTATION COMMITTEE
February 19, 2015; 9:00 AM, Ft. Totten Room

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division
HCR3036

Good Morning Mr. Chairman, members of the committee, I am Glenn Jackson, Director of the Driver's License Division at the North Dakota Department of Transportation (DOT). Thank you for giving me the opportunity to address you today.

HCR3036 provides for a legislative management study of the feasibility of the issuance of a digital driver's license. The department welcomes the study and is very willing to provide any assistance requested.

Currently two states are moving in this direction, Iowa and Delaware. Neither state is currently producing these licenses, but both are actively working with the licensing industry through the process to deliver licenses digitally. Our position in the department is to wait and see how their programs develop, to learn and gain knowledge from lessons learned by these states, and to gain ideas on best practices from their effort. Once a successful digital driver's license is available other jurisdictions, including North Dakota, will seek to embrace this concept.

In addition to the above two states, California has introduced legislation to authorize a digital driver's license, but no work is underway.

One of the biggest issues to overcome is the significant privacy and information security concerns we all share. These are the issues Iowa and Delaware are currently working through, and their research and investment will provide key lessons we will be watching to learn from before we decide to move forward in this direction.

I have provided an article from the Wilmington Delaware News Journal that discusses this topic and provides information on both the concerns and expectations of this service.

Thank you Mr. Chairman, I would be happy to answer any questions.

#1

SENATE TRANSPORTATION COMMITTEE
March 6, 2015; 9:30 AM, Lewis & Clark Room

North Dakota Department of Transportation
Glenn Jackson, Director, Driver's License Division
HCR3036

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#2-1 HCR 3036 3-6-15

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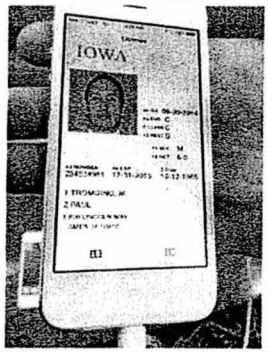

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HCR 3036
3-6-15
2-2

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