

Motor Vehicle Division Policy Memo # 21-01 - revised ***Amendments to the Federal REAL ID Act***

DATE: February 2, 2021

FROM: Darcy Doty, Director, DIS

TO: All Driver & Identification Services staff, Iowa County Treasurers and County Treasurer staff that issue driver's licenses and nonoperator's identification cards

SUBJECT

This informational memo explains recent amendments to the federal REAL ID Act and the impacts of those amendments to the issuance of REAL ID driver's licenses and identification cards.

SUMMARY

On December 27, 2020, the President signed H.R. 133 into law, which among other things, amended the federal REAL ID Act. The bill made several modifications to the Act which impact REAL ID driver's licenses and identification cards, including addressing acceptable proof of a social security number (SSN), use of a photo on file, electronic submission of identity and lawful status documents, and the validity of mobile credentials.

Specifically, section 1001 of the bill affects REAL ID credentials, and those changes are further explained as follows:

Proof of Social Security Number. Previously, a customer seeking a REAL ID credential was required to provide proof of their social security number unless they were a temporary foreign national with non-work authorized status. Acceptable proof documents include the social security card, a W-2 or a 1099 containing the customer's social security number.

With the new amendments to the REAL ID Act under this bill, a customer is no longer required to submit their social security card, a W-2, or a 1099 containing their social security number. Rather we will now be able to accept any document containing the customer's full social security number, and we will also allow a customer that does not have a document containing their full social security number to complete a new SSN affidavit (DOT form 431602), which will be considered acceptable proof of SSN.

While the law changes eased restrictions on providing proof of SSN, the changes did not remove the requirement that we verify the customer's social security number through the social security online verification (SSOLV) system. Accordingly, you must continue to verify the social security number on the document the customer provides through SSOLV as part of a driver's license or identification card issuance transaction as you normally would.

Use of Photo on File. The new amendments to the REAL ID Act allow a state to use a driver's license or identification card on file to issue a REAL ID credential. Iowa law already allows us to use a photo we have on file for a customer if the customer is renewing their driver's license or identification card online or via kiosk. We believe this new law change may allow us to use a photo on file for a first issuance of a

REAL ID, but we won't know for certain what authority we have to do this until the federal Department of Homeland Security (DHS) amends the federal REAL ID regulations. **Until the federal REAL ID regulations are amended, we are not making any changes to our processes based on this change.**

Electronic Submission of Identity and Lawful Status Documents. The new amendments provide authority for states to accept proof of identity and lawful status documents electronically, which is a change from the current practice of requiring an in-person visit to submit such documents. However, the amendments specifically require the federal DHS to write rules governing the requirements for electronic submission of these documents. **Until the federal REAL ID regulations are amended, we are not making any changes to our processes based on this change.**

Mobile Credentials. The new amendments change the definition of a driver's license and identification card to include a mobile (electronic) driver's license or identification card. Making this change will increase acceptance and recognition of mobile REAL ID credentials, including at the federal level such as with TSA. However, the federal REAL ID regulations still need to be revised to incorporate this new definition. **Until the federal REAL ID regulations are amended, we are not making any changes to our processes based on this change.**

CURRENT

Federal regulations require a REAL ID applicant to provide a specific, original document in order to demonstrate proof of SSN (SSN card, W-2, or 1099). We then scan in the document and save it in the customer's file, and run the SSN through SSOLV, issuing a REAL ID only if we receive a match (a match using an AKA name is acceptable).

NEW

As of February 1, 2021, we can accept **any** document listing the customer's full social security number to satisfy the proof of SSN requirement, or if the customer has no such document, the customer can complete an SSN affidavit form (DOT form #431602). Any document listing the customer's full social security number, including the affidavit, will be acceptable for REAL ID issuance purposes.

Staff will scan the document on the flatbed scanner from ARTs using SSN Verification on the Document Tab, this will automatically save the document into ERMS under SSNVR. Staff will still run the SSN through SSOLV, issuing a REAL ID *only* if we receive a match (a match using an AKA name is acceptable). If SSOLV does not return a favorable match, the customer may return with a different document or complete a new DOT Form 431602. Both documents **MUST** be scanned into ERMS to verify the numbers provided by the customer. The customer may only complete the SSN affidavit form twice, and if the second attempt does **NOT** return a favorable response, the customer is required to provide proof of their social security number through their SSN card, W2, or 1099 form.

No changes regarding use of photo on file, electronic submission of identity and lawful status documents, or mobile credentials are being made at this time.

EFFECTIVE DATE

The provision to allow a customer to provide any document containing their full SSN or complete the SSN affidavit is effective February 1, 2021. All other changes will become effective once the federal REAL ID regulations have been amended by the federal DHS and we will provide updated guidance once those federal regulations have been revised.

LINK TO FEDERAL LEGISLATION

Because the entire bill is more than 5,000 pages long, a copy of the relevant portions of the bill amending the REAL ID Act is attached to the end of this memo.

HELPFUL QUESTIONS AND ANSWERS

The following questions and answers will provide additional clarification for staff and customers. To jump to a particular question, click on the question below:

1. [What steps do I need to take to issue a REAL ID with the new proof of SSN rules?](#)
2. [What are some examples of acceptable documents containing a customer's social security number?](#)
3. [Can we accept photocopies of social security proof documents?](#)
4. [Does the SSN document need to list the customer's name?](#)
5. [Why did we develop a new SSN affidavit?](#)
6. [How do we access the new SSN affidavit?](#)
7. [What happens if the customer provides a proof document other than an SSN affidavit and it results in a non-match with SSOLV?](#)
8. [What happens if the customer provides an SSN affidavit and it results in a non-match with SSOLV?](#)
9. [Are we required to keep the record of the incorrect/non-match SSN in ARTS?](#)
10. [If a customer uses an SSN affidavit for their proof of SSN, what do we do with the affidavit once issuance is complete?](#)
11. [How do we prevent "station hopping" where a customer goes to multiple service centers and fills out more than two SSN affidavits?](#)
12. [Can a minor sign the SSN affidavit for themselves? What if the minor is an infant?](#)
13. [If we already have the customer's SSN on file \(for instance, from a CDL issuance\), can we read it to the customer so they can complete the SSN affidavit for a REAL ID issuance?](#)
14. [Do the new SSN proof requirements apply to CDL applicants?](#)
15. [Why is the change to proof of SSN effective immediately, but all of the other changes have to wait until federal regulations are changed?](#)
16. [When will Iowa administrative rule 761-601.5\(2\) be updated?](#)
17. [Will we be updating our website and public information with the new SSN documentation requirements?](#)
18. [In what cases can we issue a REAL ID without proof of SSN?](#)

WHAT STEPS DO I NEED TO TAKE TO ISSUE A REAL ID WITH THE NEW PROOF OF SSN RULES?

As of February 1, 2021, the customer may now provide us with any type of document containing their full SSN and we can scan that document into their file and use the SSN provided on the document to run the check with SSOLV. If the customer does not have a document containing their full SSN, they may complete the new SSN affidavit which is attached at the end of this memo, which can be scanned into their file and used to run the check with SSOLV. The process of scanning in the SSN document will remain the same as it currently is when a customer presents a W-2 or 1099; the only change is that we will now accept *any* document containing the customer's full SSN, or a completed SSN affidavit if the customer does not have such a document.

WHAT ARE SOME EXAMPLES OF ACCEPTABLE DOCUMENTS CONTAINING A CUSTOMER'S SOCIAL SECURITY NUMBER?

The list of documents can include, but is not limited to, the SSN card, W-2, 1099, any other SSA or IRS form or written notification from those entities, pay stub, bank statement, military paperwork such as DD-214, Medicaid/Medicare card, SSN affidavit, or tax document. There could be other documents that list the person's social security number that are not mentioned in this list but should be accepted.

CAN WE ACCEPT PHOTOCOPIES OF SOCIAL SECURITY PROOF DOCUMENTS?

Yes, we can accept photocopies of any of these documents, and we do not need the original hardcopy (as long as the document they provide is a physical copy that can be scanned into ERMS like normal).

DOES THE SSN DOCUMENT NEED TO LIST THE CUSTOMER'S NAME?

No, it is not required for the document to contain the person's name (either previous or current legal name) because we will be verifying that the number matches the person's current name in SSOLV, and the customer will still be presenting a proof of identity document and any applicable legal name change documents.

If you have concerns about a particular document, please consult with your supervisor or county liaison. It is important that we are not unnecessarily turning customers away due to lack of a specific type of SSN documentation, **rather, we should accept whatever proof of SSN they provide unless you believe it is fraudulent or it does not produce a match in SSOLV.**

WHY DID WE DEVELOP A NEW SSN AFFIDAVIT?

Because the federal law has greatly eased the REAL ID requirements around proof of SSN, we should not be turning customers away if they do not have specific documentation, or any documentation containing their SSN at all. To address this potential issue, we have developed a new SSN affidavit that a customer may complete instead of providing us with a specific document containing their SSN. In other words, even if a customer does not have *any* document listing their full social security number, we can still issue a REAL ID provided they complete the SSN affidavit and the SSN provided produces a match in SSOLV.

HOW DO WE ACCESS THE NEW SSN AFFIDAVIT?

The SSN affidavit is form number 431602, and can be found on the Iowa DOT's Seamless forms website: <https://iowadot.seamlessgov.com/>. We have also attached a copy to the end of this memo.

WHAT HAPPENS IF THE CUSTOMER PROVIDES A PROOF DOCUMENT OTHER THAN AN SSN AFFIDAVIT AND IT RESULTS IN A NON-MATCH WITH SSOLV?

If the customer provides you with a document containing their SSN, other than an SSN affidavit, and when running the customer's SSN through SSOLV and it results in a non-match, verify with the customer that they are sure that is the correct SSN. Also, staff should double-check their entries into ARTS and SSOLV to ensure no numbers were transposed. If the customer is certain that the document provided contains the correct SSN, you may need to run the SSN back through SSOLV with an AKA name. Ideally, the proof of identification and/or name change documents submitted by the customer should provide you with sufficient information to run the SSOLV check again with an AKA name.

If after running the SSOLV check again, there is still a non-match, advise the customer that we are unable to issue a REAL ID until the SSN is verified by SSOLV. At this point, the customer can either provide a physical original or photocopy of their SSN card, W-2, or 1099 or if the customer did provide you with one of those documents, the customer may need to be referred back to the Social Security Administration (SSA) to determine why there is a non-match occurring.

WHAT HAPPENS IF THE CUSTOMER PROVIDES AN SSN AFFIDAVIT AND IT RESULTS IN A NON-MATCH WITH SSOLV?

If the customer provides you with an SSN affidavit, and when running the customer's SSN through SSOLV it results in a non-match, verify with the customer that they are sure they provided the correct SSN.

If the customer reports they made a mistake in recording the SSN, the customer may submit a second SSN affidavit with the corrected SSN listed. We will only allow the customer to provide an SSN affidavit twice in total. If two non-matches with SSOLV occur, you must require the customer to provide a physical copy of their SSN card, W-2, or 1099 so that we may run SSOLV directly from an official document.

If the customer is certain the SSN provided in the affidavit is correct, staff should double-check their entries into ARTS and SSOLV to ensure no numbers were transposed. You may also need to run the SSN back through SSOLV with an AKA name. Ideally, the proof of identification and/or name change documents submitted by the customer should provide you with sufficient information to run the SSOLV check again with an AKA name.

If after running the SSOLV check again, there is still a non-match, advise the customer that we are unable to issue a REAL ID until the SSN is verified by SSOLV. At this point, the customer can either provide a physical copy of their SSN card, W-2, or 1099 or the customer may need to be referred back to the Social Security Administration (SSA) to determine why there is a non-match occurring.

ARE WE REQUIRED TO KEEP THE RECORD OF THE NON-MATCH SSN IN ARTS?

If the non-match is a result of our staff transposing a number or accidentally mis-typing the number shown on the customer's documentation, we should delete the SSN line from the customer's record like we normally do.

However, if the non-match occurred with an SSN that the customer provided to us (via an SSN document or the affidavit), we should end-date the SSN in ARTS but retain it on the driving record. It will not impact the customer, but it is important to keep record of all SSNs the customer gave us for auditing purposes.

In any scenario, we should always scan in and retain in ERMS every SSN document the customer provided us, even if it ends up being a non-match.

IF A CUSTOMER USES AN SSN AFFIDAVIT FOR THEIR PROOF OF SSN, WHAT DO WE DO WITH THE AFFIDAVIT ONCE ISSUANCE IS COMPLETE?

Once you have scanned the SSN affidavit and have completed the necessary SSOLV checks, you should return the affidavit to the customer just like you do for all other original REAL ID documents. This will allow the customer to dispose of their private information as they see fit. We should not retain or dispose of this document on the customer's behalf, including any fully or partially completed SSN affidavits, as this poses a risk to the customer's personal information.

HOW DO WE PREVENT "STATION HOPPING" WHERE A CUSTOMER GOES TO MULTIPLE SERVICE CENTERS AND FILLS OUT MORE THAN TWO SSN AFFIDAVITS?

Any time a customer fills out an SSN affidavit, you should be scanning the affidavit into ERMS and completing the SSOLV check. If a customer completes the affidavit twice at one service center (the maximum amount of times we will allow them to complete the affidavit) and neither resulted in an SSOLV match, the incorrect/non-matching SSNs will still be in ARTS under the "Identification" tab. If you see that a customer already has two non-matching SSNs and/or see that they've already submitted two affidavits in ERMS, you will know that they can no longer complete an affidavit and must bring in their SSN card, W2, or 1099 or work with the Social Security Administration to address any discrepancy.

CAN A MINOR SIGN THE SSN AFFIDAVIT FOR THEMSELVES? WHAT IF THE MINOR IS AN INFANT?

If the minor knows their SSN, they can fill out and sign the affidavit. Otherwise, it is acceptable for a parent, legal guardian, or custodian to fill out and sign the affidavit on behalf of their child. Keep in mind that the affidavit is only needed if the person did not bring any document listing their full social security number.

IF WE ALREADY HAVE THE CUSTOMER'S SSN ON FILE (FOR INSTANCE, FROM A PRIOR CDL ISSUANCE), CAN WE READ IT TO THE CUSTOMER SO THEY CAN COMPLETE THE SSN AFFIDAVIT FOR A REAL ID ISSUANCE?

No, for security and compliance reasons, we cannot provide the customer (verbally or written down) with the SSN we have on file for them in ARTS. However, if we happen to have a scan of a customer's SSN document in their ERMS file, you can run the SSOLV with the document on file. If the document on file produces an SSOLV match, then the customer has satisfied proof of SSN; if it produces a non-match, another document will be needed to run a second SSOLV check.

DO THE NEW SSN PROOF REQUIREMENTS APPLY TO CDL APPLICANTS?

Yes, the changes to the requirements for SSN proof apply to CDL and CLP applicants. Specifically, federal regulations require that CDL/CLP applicants provide us with their social security number, and we are required to verify the number provided through SSOLV, if we have not previously recorded and verified their SSN. This is true even if the person is not applying for a REAL ID. However, federal regulations don't specify certain document types for SSN proof, and therefore, we can use this new process for SSN document collection and verification for CDL/CLP holders.

WHY IS THE CHANGE TO PROOF OF SSN EFFECTIVE IMMEDIATELY, BUT ALL OF THE OTHER CHANGES HAVE TO WAIT UNTIL FEDERAL REGULATIONS ARE CHANGED?

The bill specifically provides that notwithstanding any other law to the contrary (including any federal or state law), the change to the proof of SSN requirements may be implemented by states immediately. The other changes in the bill are not affected by the immediate implementation authority, and thus will be further addressed in changes to the federal REAL ID regulations.

We are implementing the change for proof of SSN as soon as possible to provide greater service for our customers and to allow us additional options to move forward with issuing REAL IDs.

WHEN WILL IOWA ADMINISTRATIVE RULE 761-601.5(2) BE UPDATED?

This administrative rule addressing proof of SSN will be changed the next time we are amending rule chapter 601, which we anticipate will be at some point in the spring of 2021. However, as mentioned above, we do not have to wait until our administrative rule is changed to update our processes because the federal law allows states to implement this change immediately.

WILL WE BE UPDATING OUR WEBSITE AND PUBLIC INFORMATION WITH THE NEW SSN DOCUMENTATION REQUIREMENTS?

Yes, we have updated our REAL ID website information (including the REAL ID document checklist tool) and all other public documents to reflect the new documentation requirements for social security number proof. All public information will now reflect that the customer can present any document with their full social security number to be issued a REAL ID.

We are also updating the relevant ARTS help manuals with the new process for collecting and verifying proof of SSN.

IN WHAT CASES CAN WE ISSUE A REAL ID WITHOUT PROOF OF SSN?

Nothing has changed regarding when an applicant for a REAL ID must have a verifiable SSN. The only instance an applicant does *not* need to provide a verifiable SSN to be issued a REAL ID is if their proof of identity document is an unexpired foreign passport with U.S. visa and I-94, in which case they can demonstrate non-work authorized status and be issued a REAL ID without SSN. For all other temporary foreign nationals and all other customers, an SSN is required.

Social Security Number Affidavit for Driver's License or Identification Card Services

Federal and state law requires that an applicant for a REAL ID credential or a commercial driver's license provide their social security number to the state driver's license agency, who must verify the social security number through the online verification tool, Social Security Online Verification (SSOLV).

This form can be used by an applicant who does not present documentation listing their full social security number at the time of application for a credential. In the event the Iowa Department of Transportation is not able to use the information provided below to verify the social security number through SSOLV, Department policy allows the applicant to complete and submit a maximum of one new affidavit. If the Department is still unable to verify the social security number, the applicant will be asked to return and submit a separate document to verify the social security number (social security number card, W-2, or 1099 form) and no credential will be issued until verification is complete.

Legal name: _____

Social security number: _____ - _____ - _____

PLEASE DO NOT SIGN BELOW UNTIL YOU ARE BEING WITNESSED BY DRIVER'S LICENSE STAFF.

I certify under penalty of perjury and pursuant to the laws of the state of Iowa that the information provided is true and correct.

Applicant signature

Date