Mobile Driver License (mDL) Model Legislation

Introduction

The Mobile Driver's License (mDL) Model Legislation has been developed to facilitate the uniformity of proposed legislative changes related to implementation of mDL in various jurisdictions. The model legislation is meant to demonstrate how the requirements in the ISO standards and AAMVA Mobile Driver's License Implementation Guidelines could be represented in jurisdiction-specific legislation. Thus, the language contained in the model legislation is designed to offer examples and is not expected to be proposed to legislatures without consideration for controlling legal provisions in your jurisdiction.

Electronic Credential Act

§ 1: Definitions

"Credential" is a driver's license, learner's permit, or identification card.

"Credential Holder" is the individual that has been issued a physical or Electronic Credential.

"Data Element" means a distinct component of a customer's information that is found on a Department's customer record.

"Department" is the jurisdictional authority responsible for issuing and maintaining an Electronic Credential.

"Electronic Credential" is an electronic extension of the Departmental issued Physical Credential that conveys identity and driving privilege information and is in compliance with AAMVA's Mobile Driver License Implementation Guidelines and the ISO/IEC 18013-5 standard.

"Electronic Credential System" means a digital process that includes a method for provisioning Electronic Credentials, requesting and transmitting Electronic Credential Data Elements, and performing tasks to maintain the system.

ISO – the International Organization for Standardization, which creates uniform processes and procedures.

"Physical Credential" is a Departmental issued document that conveys identity and driving privilege information and is in compliance with AAMVA's Card Design Standard.

"Provision" is the initial loading of an Electronic Credential onto a device.

"Relying Party" is the entity to which the Credential Holder is presenting the Electronic Credential.

"Verification Process" means a method of authenticating the Electronic Credential through the use of secure encrypted communication.

§ 2: Issuance and Lifecycle Management

A. The Department may issue an Electronic Credential only to individuals who are otherwise eligible to hold a physical Credential.
    a. The Data Elements that are used to build an Electronic Credential must match the individual's current, Department record.[1]
B. The Department may contract with one or more entities to develop an Electronic Credential System.
C. The Electronic Credential System shall be designed to comply with the most recent applicable AAMVA standards.
D. Validity Period: The validity period of Electronic Credentials shall be set by the Department.
E. The Department has the authority to promulgate rules and regulations as necessary for the management and operation of an Electronic Credential System.

§ 3: Fees

A. The Department may assess a fee for the provisioning of an Electronic Credential.

§ 4: Verification Process

A. Relying Parties shall authenticate Electronic Credentials in accordance with applicable AAMVA standards prior to acceptance of the Electronic Credential.
B. Electronic Credential data is subject to all Jurisdictional data security and privacy protection laws and regulations.
C. Relying Parties shall only request Electronic Credential Data Elements that are necessary to complete the transaction for which that data is being requested.

[1] Some jurisdictions may have laws that may conflict with the intent to have real-time updates.

§ 4: Privacy and Tracking

A. Relying Parties shall only retain Electronic Credential Data Elements for which the Relying Party explicitly obtained consent from the Electronic Credential holder. Relying Parties must inform the Electronic Credential holder of the use and retention period of the Electronic Data Elements.

B. The Electronic Credential System should be designed to maximize the privacy of the Credential Holder in accordance with state and federal law and shall not track or compile information without the Credential Holder's consent. The Department shall only compile and/or disclose information regarding use of the Credential as required by state or federal law.

§ 6: Acceptance of Electronic Credentials

A. The Electronic Credential Holder shall be required to have their Physical Credential on their person while operating a motor vehicle.
B. Electronic Credential Systems shall be designed so that there is no requirement for the Electronic Credential Holder to display or relinquish possession of their mobile device to Relying Parties for the acceptance of an Electronic Credential.
C. Upon request by law enforcement, an Electronic Credential Holder must provide their Physical Credential.
D. Any law or regulation that requires an individual to surrender their Physical Credential to law enforcement does not apply to the device on which an Electronic Credential has been provisioned.