REPORT TO THE GENERAL ASSEMBLY

ON THE STATUS OF MOBILE DRIVER’S LICENSES

Report to the Governor and General Assembly

Submitted by the Office of the Secretary of State

December 29, 2022

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Introduction

On May 27, 2022, Governor Pritzker signed Public Act 102-1002 requiring the Illinois Secretary of State’s Office to provide a report detailing developments pertaining to digital driver’s licenses. The legislation required that the report include, but not be limited to: (1) advancements in technology standards necessary for the implementation of a digital driver’s license; (2) production information on other states offering a digital driver’s license to qualified drivers in their states; and (3) advancements in the interoperability of digital driver’s licenses. (A copy of this Act is attached to this report as Exhibit A.)

Digital driver’s licenses are more commonly known as mobile driver’s licenses (mobile DL) in the driver’s license industry. A mobile driver’s license is not simply a photograph of a physical driver’s license on a mobile device. Rather, a mobile driver’s license is an interoperable application for a mobile device that contains the information that might be verified on the face of a physical driver’s license. To access the data, the party verifying a person’s identity (“the relying party”) will use an electronic reader that reliably and securely sends and receives electronic data to the mobile driver’s license.

There are two basic approaches to the implementation of a mobile DL. First, recognizing that the technology to create mobile driver’s licenses exists today, several states have moved forward with implementation of a mobile DL program, including Utah, Georgia and Florida. Specific information regarding the programs in those three states is set forth below. While these mobile DLs have proven to be beneficial for many transactions within the issuing state, these mobile DLs are not recognized in other states. The second approach envisions mobile DLs that are developed in accordance with a uniform set of standards and may be accepted in all other states utilizing these same standards.

The American Association of Motor Vehicle Administrators (AAMVA) develops model programs and acts as a resource to state DMVs. The association is made up of all fifty states as well as jurisdictions within Mexico and Canada. AAMVA hosts conferences throughout the year where member states can share information, problem solve, and collaborate on new or challenging issues facing motor vehicle administrators. In addition, AAMVA staffs working groups made up of administrators from various states to provide guidance to the AAMVA community. AAMVA has taken an active role in developing a mobile driver’s license that is fully operational and can be used in any state and with any relying partner (i.e., banks, law enforcement, and any other entity that relies upon the verification of a driver’s license or identification card).

**Production Information on States Offering a Mobile Driver’s License to Qualified Drivers in Their States**

Utah

In 2019, the State of Utah passed legislation authorizing the production of mobile driver’s licenses. A Request for Information was issued in 2019 and a Request for Procurement in 2020. In June 2021, Utah launched a series of pilot programs that first began with only 100 users in partnership with Waltham, Massachusetts-based GET Group, NA. The goal was to produce a mobile driver’s license that would eventually be accepted at banks, grocery stores and roadside law enforcement stops in the State of Utah. Utah’s mobile driver’s license was created solely for Utah and complies with the October 2021 ISO mobile driver’s license standard. During the second phase of the pilot program, relying parties were brought into the conversation to examine how mobile driver’s licenses might be verified. In phase 3, 1,000 users joined the pilot program, and the users began to use mobile driver’s licenses at participating retailers, banks, and grocery stores. During phase 4, the program was opened up to 10,000 users and full participation with relying parties was authorized. At the conclusion of the pilot program, Utah learned that the app itself, which carried the State of Utah’s branding, was not being effectively verified—too many relying parties were simply glancing at the face of the app without verifying personally identifiable information. When Utah redesigned the mobile driver’s license to look more like an app and less like a traditional driver’s license, more relying parties started scanning the associated QR code that would allow verification of identity and prevent fraudulent use of mobile driver’s licenses.

Utah’s two overriding goals in the production of its mobile driver’s license were securing and keeping safe the personally identifying information of a user and gaining full acceptance by relying parties. To achieve those goals, Utah recommends engaging early in the process with relying parties that will need to accept a mobile driver’s license and to engage fully with educating the relying parties and letting the relying parties educate the state.

Early communication and education, per Utah, will create value for all parties and trust between a state and a relying party. Utah hopes that greater trust will lead to greater acceptance of the mobile driver’s license statewide.

Utah is now preparing to advance from its pilot program to full production which will require additional work with relying parties. Utah reports that it has come to understand that every relying party has different needs (i.e., law enforcement needs more information than a retail establishment selling alcohol).

Georgia

Georgia’s authorizing legislation for mobile driver’s licenses was passed in 2020. The law in Georgia now authorizes Georgia to issue a mobile driver’s license or identification card in addition to the physical cards it already issues. A customer can choose whether or not to add on the mobile driver’s license. The legislation further requires that Georgia continue to require physical cards for all Georgia applicants, and it prohibits the search of a driver’s mobile device when the user provides mobile identification.

Georgia has recommended to the AAMVA states that any procurement include mandates that a vendor comply with ISO standards and AAMVA guidelines, that cybersecurity compliance be at the forefront of any procurement, and that the vendor be required to produce a mobile driver’s license that is operable with existing/known relying parties. Like Utah, Georgia also recommends early and frequent engagement with stakeholders (i.e., retailers, banks, law enforcement).

Florida

Florida also recommends engaging stakeholders and further recommends a mobile driver’s license that is operable both online and offline. In a state like Illinois where connectivity to Wi-Fi may vary, the ability to operate the mobile driver’s license offline is paramount. Florida has contracted with a credential service provider that works in Florida the way AAMVA’s digital trust service will work nationwide. AAMVA’s digital trust service is a centralized system that validates data provided from a mobile driver’s license to the relying party or mobile driver’s license reader. In the State of Florida, a similar credential service provider provides verification information from the issuing state to a relying party. While the credential service provider cannot provide this information outside of the State of Florida, this appears to be a stop-gap measure while AAMVA finishes production of its digital trust service. As part of its contract, all vendors working on the project on behalf of Florida are required to ensure compliance with AAMVA guidelines and ISO standards.

Florida provided advice to the AAMVA community, which includes allowing adequate time for procurement and review of information before launching a pilot program. Further, Florida advises creating from Department of Motor Vehicles staff a dedicated project team that will be responsible for developing the procurement and monitoring the progress of vendors throughout development, communicating with constituents, and assessing legislative needs throughout the process.

TSA Checkpoints

The Department of Homeland Security will be publishing a notice of proposed rulemaking to set minimum technical and security requirements for mobile driver’s licenses. When complete, these federal regulations will allow the federal government and its agencies to accept a Real ID compliant mobile driver’s license. As a first step in that direction, the following airports are piloting mobile identification technology at TSA checkpoints and authorize the use of a mobile driver’s license:

(1) Baltimore/Washington International Airport;

(2) Dallas Fort Worth International Airport;

(3) Gulfport Biloxi International Airport;

(4) Harry Reid International Airport;

(5) Hartsfield-Jackson Atlanta International Airport;

(6) Jackson-Medgar Wiley Evers International Airport;

(7) Miami International Airport;

(8) Norman Y. Mienta San Jose International Airport;

(9) Phoenix Sky Harbor International Airport; and

(10) Ronald Reagan Washington National Airport.

**Advancements in Technology Standards Necessary for the Implementation of a Mobile Driver’s License**

The American Association of Motor Vehicle Administrators (AAMVA), working with the International Organization for Standardization (“ISO”) has developed the standard and data elements necessary for mobile driver’s licenses, which has been designated as ISO/IEC 18013-5).

Adopted in October 2021, ISO 18013-5 was developed to specify both technical and interoperability standards for mobile driver’s licenses, including, for example, how devices communicate online and offline; the connection to the issuing state; and the user’s approval to retrieve or store certain information. The new standards codify the ways in which a mobile driver’s license can be verified by a relying party and provides guidance on biometric authentications. In order to participate in AAMVA’s Digital Trust Network adherence to both AAMVA’s guidelines and ISO 18013-5 will be required.

AAMVA’s Digital Trust Service will be supported by its member states and will operate as an intermediary between the state issuing the mobile driver’s license and the party relying upon that mobile driver’s license for identity verification. Using public keys from the issuing state, the digital trust service will authenticate that the mobile driver’s license provided by the user is the mobile driver’s license issued by the state. The independent verification provided by the digital trust service will prevent fraudulent mobile driver’s licenses and allow relying parties to rely upon mobile driver’s licenses for verification in any number of critical tasks.

With the adoption of this standard, it is expected that mobile driver’s licenses will be more secure than before and that users will experience more benefits, including increased privacy features, when mobile driver’s licenses are available. Mobile driver’s licenses created with this standard are expected to be difficult to forge and conform to best privacy practices currently available.

Of the new standards, immediate past chair of AAMVA, Chrissy Nizer, from the State of Maryland, said, “This standard will provide the necessary components to support mDL security and interoperability across the globe while ensuring the privacy and safety of the mDL holder.” TSA Administrator, David Pekoske, also said, “TSA considers ISO standards for personal identification documents to be a cornerstone for greater security and privacy. The new standard for digital driver’s licenses represents a significant step forward and will eventually help ensure a more touchless and efficient airport screening experience for all travelers.”

**Advancements in the Interoperability of Mobile Driver’s Licenses**

During 2022, Secretary of State staff attended three AAMVA meetings where mobile driver’s licenses were an important topic. The Secretary of State is an active participant in AAMVA and is able to participate in substantive discussions about mobile driver’s licenses and study AAMVA’s work in this area.

Since 2012, AAMVA’s Joint Mobile Driver’s License Working Group has been actively pursuing a path toward multi-state mobile driver’s licenses and mobile identification cards. This working group is charged with producing reports that states may find helpful in the pursuit of a mobile driver’s license. While most states that have implemented some version of a mobile driver’s license have utilized a limited pilot program wherein the mobile driver’s license is accepted only in the issuing state, AAMVA’s goal is a mobile driver’s license that is accepted across state lines. To achieve that goal, AAMVA continues to lead mobile driver’s license initiatives in North America and works with both states, federal departments, and vendors to craft a secure and effective solution. As an AAMVA member, the Secretary of State is privy to that work and continues to follow AAMVA’s developments in this area.

While no state currently envisions a scenario where a mobile driver’s license would replace a physical driver’s license, states do envision a mobile driver’s license being accepted as widely as a physical driver’s license. Ultimately, AAMVA anticipates that mobile driver’s license will someday be accepted as widely throughout the country as physical cards are and used for air travel, interactions with law enforcement, and banking.

Issuing states may someday be able to take action on a mobile driver’s license in real time; for example, ensuring that a mobile driver’s license shows that a driver’s license has been revoked or suspended when the action is taken by that state’s DMV. A mobile driver’s license may also eventually serve to better protect personally identifying information in that data elements not required for an independent transaction are restricted; for example, to verify age with a driver’s license, neither the address nor the exact date of birth would be shown. A mobile driver’s license that is lost, stolen, or otherwise damaged would be better protected from malfeasance than a physical driver’s license, and procuring a duplicate mobile driver’s license may not necessarily result in a visit to a physical DMV facility.

AAMVA has published a set of guidelines setting forth decisions that each state must make before implementing a mobile driver’s license, including whether the data retrieval will be available only when the mobile device is online or if the data may be retrieved when the mobile driver’s license is not connected to the internet. A state must also determine the type of transaction that will be allowed to occur on the mobile driver’s license. For example, whether and to what extent a mobile driver’s license reader has to be within a certain proximity to be operable, or if mobile driver’s licenses can be read in purely online verifications. Finally, states must determine whether identity verifications will be performed in real time or after presentation.

AAMVA further stresses that the privacy of the mobile driver’s license holder and the protection of the personally identifying information must be considered of paramount importance to issuing states and users, alike. Conversations on this point must include data that is accessible during a transaction or deleted by any user, and an assurance from the mDL vendor and mobile provider used to create the mobile driver’s license that participants and card holders’ physical location will not be tracked in any way while using the mobile driver’s license application.

During the first quarter of 2022, AAMVA hosted a Mobile Driver’s License pop-up workshop in San Diego, California. The Secretary of State sent a participant to the workshop. AAMVA’s work in the area of mobile driver’s licenses was explored, as was the work of states that have deployed some form of mobile driver’s license. In the work that has been and is being performed in this area, key stakeholders have not yet been fully included, including retailer associations, law enforcement, and the banking industry. Whether and to what extent law enforcement agencies will be willing to invest in and carry mobile driver’s license readers is a question that must be answered on a case-by-case basis and may determine how fully any one state can implement mobile driver’s license. Law enforcement has expressed an unwillingness to physically hold a user’s mobile device to access the mobile driver’s license. Remote access, by contrast, would allow the law enforcement officer to verify a person’s identity and obtain relevant driver’s license information from a distance, eliminating any risk of damage to a mobile device while in the physical possession of an officer. Remote access by law enforcement is currently unavailable, insofar as phone providers like Apple will not allow remote access on its platform. This would require law enforcement to be in close proximity to the driver, and with the driver’s permission, the ability to access the data elements on the mobile driver’s license, likely requiring a separate tool to read the device.

Apple and Android cover 98% of the smartphone market. States have experienced difficulty working with Apple, particularly, to access its technology. Currently, only TSA has the ability to read iOS data wirelessly and has been deemed a “trusted terminal.” To benefit from Apple’s technology, states would be required to adopt Apple’s version of the mobile driver’s license; however, Apple’s current standards are less complete than the international standards that have been published. Currently, no smartphone platform can answer the concerns arising from law enforcement. Notably, law enforcement has expressed concerns about accessing data held within a user’s mobile device and purchasing a mobile driver’s license reader to access the information held in the mobile driver’s license. Because law enforcement has not been involved, to date, in high level conversations, it is anticipated that law enforcement will continue to require physical driver’s licenses at all interactions. Legislation that would allow a mobile driver’s license in lieu of a physical card would unintentionally allow all drivers the ability to turn off their phones and refuse to present a driver’s license at the time of a law enforcement interaction. Further, mobile driver’s licenses are not yet able to be used across state lines. While Arizona and Maryland, for example, are deploying mobile driver’s licenses, the mobile driver’s licenses are not yet recognized in any other state.

At the October 19, 2022 AAMVA meeting of the Driver Standing Committee, the AAMVA working group indicated that model legislation regarding mDLs will be forthcoming, possibly in the Spring of 2023. One requirement of the model legislation will be that a person continue to hold and present a physical DL to law enforcement upon demand. States that have developed a mobile driver’s license have also required that all people using the mobile driver’s license continue to carry a physical driver’s license at all times.

Successful mobile driver’s license implementation necessarily includes discussions with local retailers, banks and credit unions. AAMVA reports that where this has been done, businesses and other state agencies have benefitted. Larger national banks, chain stores, and national franchises, though, have not yet shown an interest in changing processes and procedures to adapt to a mobile driver’s license instead of a physical driver’s license. Businesses and retailers have no profit motive or business need to accept mobile driver’s licenses, and to that end, interest has suffered across the nation. Further complicating the relationship is the additional cost some retailers may incur if required to purchase new equipment and update software to read and verify a mobile driver’s license.

In order to facilitate interoperability, AAMVA is creating a digital trust service that will use identity information from the issuing state and verify that information for entities that need to verify an identity through a mobile driver’s license. The overriding goal of the AAMVA digital trust service is to provide a high level of integrity in providing information to effectuate a match and still providing secure and private transactions. The digital trust service may someday allow a mobile driver’s license issued in Illinois to be verified by law enforcement, retailers, or banks in other states. When the digital trust service is operational, it will confirm to a verifier the legitimacy of a mobile driver’s license and prevent use of fraudulent mobile driver’s licenses. In order to work effectively, each participating state’s mobile driver’s license must have the same “language.” While physical driver’s licenses vary in appearance between states, mobile driver’s licenses must all share key components from state-to-state for a mobile driver’s license to participate in the digital trust service.

Currently, the steering-committee working on the digital trust service is working toward providing recommendations to the AAMVA board for adoption by the larger AAMVA community. The steering committee has already determined minimum requirements for participation in the digital trust service, which include the following:

(1) A mobile driver’s license app must provide the mobile driver’s license holder full control over which data elements the holder will share with a mobile driver’s license verifier and a mobile driver’s license holder must retain the ability to delete the app from the digital device.

(2) Authentication factors used to establish identity must be independent of one another.

(3) The mobile driver’s license app must be capable of maintaining an audit log.

(4) Communication between an Issuing Authority and a mobile device with the mobile DL must be encrypted.

(5) The Issuing Authority must require an applicant to appear at a facility in-person before the identity record can be established.

Without the digital trust service, it is unlikely that any state’s mobile driver’s license would ever be accepted globally, or even in interstate commerce. For example, if every state had its own version of ApplePay it would result in confusion for customers across the country. The digital trust service will eliminate a verifying party’s need to purchase expensive software to verify fifty state mobile driver’s license and instead rely solely on the digital trust service.

The digital trust service is still in development and AAMVA intends the digital trust service to available in the First Quarter of 2023 as a pilot program. As of the date of this report, AAMVA appears on date to meet that goal.

**Additional Considerations**

Mobile driver’s licenses in Illinois will require legislative authority from the General Assembly. Any legislation in this area should authorize the Office of the Secretary of State the ongoing flexibility to adhere to ever-changing technology standards and market demands. The legislation should further clarify that physical driver’s licenses will still be required to be disbursed and kept on a driver for the foreseeable future.

Development of a mobile driver’s license will require an extensive procurement process. While several vendors report that they are capable of producing mobile driver’s licenses, complex decisions must be made by the Office of the Secretary of State in advance of initiating a procurement. For example, determining appropriate customer authentication methods, setting ongoing security and interconnectivity standards, and building partnerships with reliant partners like law enforcement and banking must be discussed in advance of issuing a Request for Proposals. A specific and detailed procurement would need to be consistent with the guidelines of AAMVA to enable Illinois to participate in AAMVA’s upcoming digital trust service.

The Office of the Secretary of State will need to devote internal resources that meet the scale of the project. Departments involved in the process will need to devote employees to manage the workload and stay current on contract terms, AAMVA’s guidelines, and emerging technology.

**Conclusion**

There have recently been tremendous advances in the technology supporting mobile driver’s licenses. In the coming months, the Secretary of State’s Office expects to see the AAMVA digital trust service come to fruition and the resulting AAMVA pilot program should provide insight as to the interoperability and long-term sustainability of the mobile driver’s license concept. Requests for Information may also assist the Secretary of State’s Office in ensuring that the vendor community is aligning its products with the goals of interoperability and community outreach. It is the opinion of the Office of the Secretary of State that the results of the AAMVA pilot project and the ongoing experiences of the states that have developed independent mobile driver’s licenses be closely monitored in order to ascertain the most efficacious path forward for a mobile driver’s license program in Illinois.