

December 2025

## Executive Summary

This brief provides information on federal REAL ID Act legislation and associated activity in Minnesota.<sup>1</sup>

The federal REAL ID Act was enacted by Congress in 2005. It governs various aspects of state-issued driver's licenses and identification cards, including setting standards and requirements related to identity verification, security, credential production, and access to data. It applies across the states as well as in U.S. territories.

The U.S. Department of Homeland Security (DHS)—the primary federal implementing agency—used phased in enforcement of REAL ID Act requirements over several years. Since May 7, 2025, the provisions of the REAL ID Act have been fully instituted.

Federal agencies are now prohibited from accepting noncompliant state-issued<sup>2</sup> licenses and identification cards for several activities under federal jurisdiction in which a person has to demonstrate identity. Namely, the law requires that when a state-issued credential is presented it must be REAL-ID compliant in order to:

- pass through security checkpoints to board federally regulated commercial aircraft; and
- access federally secured facilities such as military bases and nuclear power plants.

A variety of documents are accepted by federal agencies for access purposes. The list of accepted documents varies based on the policies of each federal agency, and typically includes federally issued identification such as a U.S. passport.<sup>3</sup> The agency might also have procedures for alternative identity verification if a person does not present a REAL ID-compliant credential.<sup>4</sup>

<sup>1</sup> This brief is current with information obtained as of December 4, 2025.

<sup>2</sup> In this brief, "state-issued" includes credentials issued by U.S. territories.

<sup>3</sup> For instance, see the list of accepted documents for boarding commercial flights at <https://www.tsa.gov/travel/security-screening/identification>.

<sup>4</sup> For instance, the Transportation Security Administration recently announced impending implementation of a fee-based alternative identity verification system (which is set to start February 1, 2026). 90 Fed. Reg. 52427 (Nov. 20, 2025).

## Implementation in Minnesota

Like several jurisdictions throughout the United States, Minnesota initially refrained from complying with REAL ID Act requirements. Lawmakers imposed a REAL ID Act implementation ban in 2009.<sup>5</sup> The legislature partially lifted the prohibition in 2016 for planning purposes and subsequently authorized compliance in 2017.<sup>6</sup>

Minnesota began issuing REAL ID-compliant versions of driver's licenses and identification cards in October 2018. Today, all U.S. states and territories are in compliance with the federal requirements.

## Credential Offerings

Qualifying applicants can choose from three types of Minnesota driver's licenses and identification cards<sup>7</sup>:

- traditional (or “standard”), which is noncompliant for access purposes under the REAL ID Act
- REAL ID-compliant
- enhanced, which is a hybrid of a state-issued license and a substitute for a passport when entering the United States in limited situations (discussed further on page 6)

## Contents

Overview of the REAL ID Act .....	3
Historical Background .....	3
Implementation in Minnesota .....	4
Driver's License and Identification Card Options .....	6

<sup>5</sup> Minn. Laws 2009, [ch. 92](#), § 1.

<sup>6</sup> Minn. Laws 2017, [ch. 76](#).

<sup>7</sup> See <https://dps.mn.gov/divisions/dvs/license-and-id/dl-and-id-card-information/dl-and-id-card-features-and-options>.

## Overview of the REAL ID Act

The REAL ID Act of 2005 established federal standards for state-issued driver's licenses and identification cards.

The federal REAL ID Act of 2005 sets a number of federal standards governing driver's licenses and identification cards issued by the states.<sup>8</sup> A DHS summary of the act is that it "established minimum security standards for state-issued driver's licenses and identification cards and prohibits certain federal agencies from accepting for official purposes licenses and identification cards from states that do not meet these standards."<sup>9</sup> Regulatory areas within the REAL ID Act and corresponding federal regulations include:

- applicant documentation and verification of identity;
- proof of lawful presence in the United States;
- digital image storage;
- information, design, and security features on the physical credential;
- security of card production and storage facilities; and
- use of national electronic data verification systems and sharing of electronic data across the states and territories.<sup>10</sup>

The law addresses access for "official purposes," which essentially applies to federal buildings and facilities under federal jurisdiction where identification must be presented for entrance or access. The law does not mandate identification checks at all federal locations. For instance, proof of identity is not required to access unrestricted facilities (like Smithsonian Institution museums) as well as various law enforcement, health, safety, and legal activities (like voting, accessing hospitals and clinics, and receiving federal benefits). The law does not set out new cases where compliant credentials must be provided, nor does it prevent acceptance of other forms of federal identification such as passports and military ID cards.

## Historical Background

Implementation and enforcement of REAL ID Act requirements met with initial opposition across some jurisdictions but proceeded over the ensuing years.

Prior to the REAL ID Act, the regulatory framework for driver licensing had primarily been under the purview of states with state-federal processes and federal laws in a few areas—such as licensing to operate interstate commercial vehicles. The impetus of the act can be viewed in the context of federal security and safety responses following the terrorism events of September

<sup>8</sup> REAL ID Act of 2005, Pub. L. No. 109-13 (2005), <https://www.gpo.gov/fdsys/pkg/PLAW-109publ13/pdf/PLAW-109publ13.pdf>.

<sup>9</sup> U.S. Department of Homeland Security, "REAL ID Frequently Asked Questions," accessed Dec. 4, 2025, <https://www.dhs.gov/real-id-frequently-asked-questions>.

<sup>10</sup> See [6 C.F.R. §§ 37.13, 37.29](https://www.gpo.gov/fdsys/pkg/PLAW-109publ13/pdf/PLAW-109publ13.pdf).

11, 2001. For instance, setting federal standards for driver's license issuance was one of the recommendations of the 9/11 Commission.<sup>11</sup>

After passage of the federal legislation and subsequent development of federal regulations (particularly around 2007 to 2009), a number of states, state associations, governors, and advocacy groups expressed concerns with the REAL ID Act (although it was supported among other states and interest groups). Some states, including Minnesota, enacted legislation stating opposition to or barring compliance with the federal mandates.

The timeline under the federal legislation originally called for full implementation by 2008, which did not occur. DHS went through rulemaking and in 2008 adopted final federal regulations governing driver's license standards and processes.<sup>12</sup> In the following years DHS issued a series of extensions to the state compliance deadline as well as deferments of agency enforcement. (The federal law includes a provision whereby DHS can provide extensions that allow continued federal acceptance of noncompliant licenses and cards while a jurisdiction implements the steps to become fully compliant.)

Starting around 2011, DHS largely moved to an approach with case-by-case instead of universal extensions, and it limited grace periods for noncompliant jurisdictions. In 2013 DHS identified a schedule of enforcement phases to put the REAL ID Act fully into effect. Enforcement phases one to three addressed access to various federally restricted and semi-restricted areas. Phase four commenced restricting boarding commercially regulated aircraft and was ultimately instituted in May 2025.

In the years following establishment of the enforcement phases, licensing jurisdictions increasingly shifted to REAL ID Act compliance. Like all other states and U.S. territories, Minnesota is now in full compliance with REAL ID Act requirements and can issue compliant licenses and identification cards.

## Implementation in Minnesota

**Minnesota initially banned compliance implementation, but is now compliant with REAL ID Act requirements.**

As previously noted, the 2009 Legislature addressed the impending REAL ID Act directives by enacting a prohibition on state planning and compliance with requirements under the law. The original legislation was brief, stating:

---

<sup>11</sup> National Commission on Terrorist Attacks Upon the United States, "9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks Upon the United States," 2004, p. 390, <https://govinfo.library.unt.edu/911/report/911Report.pdf>.

<sup>12</sup> 73 Fed. Reg. 5272 (29 Jan. 2008), codified at 6 C.F.R. Part 37.

The commissioner of public safety is prohibited from taking any action to implement or to plan for the implementation by this state of those sections of Public Law 109-13 known as the Real ID Act.<sup>13</sup>

The 2009 ban remained in effect for several years. In 2015, DHS denied an enforcement extension requested by Minnesota.<sup>14</sup> This was followed by state legislative activity in 2016 and 2017. The 2016 law allowed planning but not actual implementation or REAL ID-related administrative rulemaking.<sup>15</sup> The legislation also mandated a legislative report on implementation steps and costs, which the Department of Public Safety produced in April of 2016.<sup>16</sup> The 2016 Legislature contemplated authorizing further implementation steps, but did not enact anything further that session.

Subsequently, the 2017 Legislature enacted a law that provided for full compliance implementation.<sup>17</sup> Below are highlights of some elements of the act.

- **Implementation authority.** The 2009 prohibition was reversed, repealing that law and directing the Department of Public Safety to offer driver's licenses and identification cards that are in compliance with federal REAL ID requirements.
- **Multiple options.** Both REAL ID-compliant and noncompliant offerings are made available. An applicant has the option of seeking either version (or an enhanced driver's license or identification card, which is discussed further below).<sup>18</sup>
- **Ban on implementing future federal changes.** The department is prohibited from taking steps to comply with any future federal changes to the REAL ID law (including federal regulations, processes, data practices, and card standards), and must notify the legislature regarding any impending changes at the federal level.<sup>19</sup> In effect, state compliance is pegged to the version of federal provisions in effect as of May 19, 2017. Further, a contingent repealer directs the Department of Public Safety to stop issuing REAL ID-compliant credentials following federal additions or modification in the "official purposes" where REAL ID-compliant documents are necessary.<sup>20</sup>

---

<sup>13</sup> Minn. Laws 2009, [ch. 92](#), § 1.

<sup>14</sup> In November 2015, Gov. Dayton requested an extension for Minnesota. This was denied by DHS, which stated in its response that "Minnesota has not provided adequate justification for continued noncompliance with the REAL ID standards." DHS later granted an extension following passage of 2017 legislation. The letter is available at [https://mn.gov/governor/images/2015\\_12\\_22\\_DHS\\_MN\\_REAL\\_ID\\_Response\\_and\\_Enclosure.pdf](https://mn.gov/governor/images/2015_12_22_DHS_MN_REAL_ID_Response_and_Enclosure.pdf).

<sup>15</sup> Minn. Laws 2016, [ch. 83](#).

<sup>16</sup> The report is available at <https://www.leg.state.mn.us/docs/2016/mandated/160416.pdf>.

<sup>17</sup> Minn. Laws 2017, [ch. 76](#).

<sup>18</sup> Minn. Stat. § [171.019](#), subd. 2.

<sup>19</sup> Minn. Stat. § [171.019](#), subds. 3 & 4.

<sup>20</sup> Laws 2017, [ch. 76](#), § 27.

- **Eligibility.** Changes to state statutes set out requirements to obtain a REAL ID-compliant license or identification card that include documentation of identity, date of birth, principal residence in Minnesota, a Social Security number or equivalent information, and lawful presence in the United States. (This follows from requirements under the federal law in order for a state-issued document to be considered REAL ID-compliant.) Statutory lists identify the accepted forms of evidence.<sup>21</sup>
- **Compliance implementation.** The act covered a variety of other implementation details and policies, including provisions on mandatory staff background checks; card design inscriptions and features; expiration dates; information technology auditing and security; birth certificate recordkeeping; data dissemination limitations; and extended expiration dates for early license and identification card renewals. The fees for REAL ID-compliant licenses were set at the same level as corresponding noncompliant ones (fee amounts vary across license classes and types). The act also made a onetime \$3.27 million appropriation for implementation costs.

## Driver's License and Identification Card Options

Minnesota offers multiple types of driver's licenses and identification cards, some of which are accepted for federal access depending on the circumstances.

### Enhanced Licenses and Identification Cards

Minnesota is among a handful of states that also offer enhanced driver's licenses and enhanced identification cards as an alternative to the traditional and REAL ID-compliant credentials. The enhanced credentials are part of a federal initiative on border security and verifying traveler identity and citizenship at U.S. border crossings. It results from federal legislation.<sup>22</sup> In essence, the enhanced credential versions (1) function the same way as other driver's licenses and Minnesota identification cards, and (2) are also accepted documentation to enter the United States at some land and sea ports of entry (analogous to a passport, but in limited situations).

Compared to traditional licenses and identification cards, the enhanced versions contain additional security and technology features, such as a radio frequency identification (RFID) chip, and involve more stringent documentation to obtain. The cost in Minnesota for an enhanced driver's license is \$15 higher than a corresponding driver's license or permit.<sup>23</sup> The enhanced credentials are only available to U.S. citizens and there is not an exceptions process for unusual documentation situations.

---

<sup>21</sup> Minn. Stat. § [171.0605](#).

<sup>22</sup> The program is known as the Western Hemisphere Travel Initiative (WHTI). It was arguably created in response to requirements in the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) to present a passport or other acceptable identity document when entering the United States.

<sup>23</sup> Minn. Stat. § [171.06, subd. 2](#).

While it functions similarly to a passport, there are limitations in using enhanced licenses and identification cards at border crossings. In particular, the enhanced credentials:

- are valid only for crossings at sea and land ports, and not for entry to the United States via international air travel; and
- can only be used for entry from Canada, Mexico, the Caribbean, and Bermuda.

Minnesota's enhanced licenses and identification cards are also accepted by DHS as a form of identification for other access purposes under the REAL ID Act. That is, Minnesota enhanced driver's licenses and identification cards can be used to board commercial aircraft and enter federally secured facilities.

## Comparison

The following table compares some aspects of driver's license options in Minnesota. (Equivalent identification cards are treated the same way except that driving privileges are not conferred.)

**Minnesota Driver's License Comparison Summary**

	Traditional	REAL ID-Compliant	Enhanced
<b>Uses</b>			
Driving privileges	Yes	Yes	Yes
General identification	Yes	Yes	Yes
Board aircraft	No	Yes	Yes
Access federally secured facilities	No	Yes	Yes
At certain border crossings	No	No	Yes <sup>[a]</sup>
<b>Eligibility Requirements</b>			
Lawful U.S. presence	No	Yes	Yes
U.S. citizenship	No	No	Yes
<b>Notes</b>			
[a] The credential is only allowed in limited circumstances.			



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn.gov/hrd](http://www.house.mn.gov/hrd) | 651-296-6753 | Third Floor, Centennial Office Building | St. Paul, MN 55155