SB 70-FN - AS INTRODUCED

2025 SESSION

25-1028
11/05

SENATE BILL ***70-FN***

AN ACT creating a mobile driver's license and non-driver identification card.

SPONSORS: Sen. Lang, Dist 2; Sen. Innis, Dist 7; Sen. Murphy, Dist 16; Sen. Watters, Dist 4; Sen. Pearl, Dist 17; Sen. Sullivan, Dist 18; Sen. Gannon, Dist 23; Sen. Fenton, Dist 10; Rep. Moffett, Merr. 4

COMMITTEE: Transportation

ANALYSIS

This bill directs the division of motor vehicles to create mobile drivers' licenses and non-driver identification cards, as well as an electronic management system to manage all aspects of their utilization.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

25-1028
11/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT creating a mobile driver's license and non-driver identification card.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Chapter; Mobile Drivers' Licenses and Non-Driver Identification Cards. Amend RSA by inserting after chapter 263 the following new chapter:

CHAPTER 263-A

MOBILE DRIVERS' LICENSES AND NON-DRIVER IDENTIFICATION CARDS

263-A:1 Definitions.

As used in this chapter:

I. "Credential" means a driver's license or non-driver identification card.

II. "Credential holder" means the individual that has been issued a physical or electronic credential.

III. "Data element" means a distinct component of a customer's information that is found on the division's customer record.

IV. "Division" means the department of safety, division of motor vehicles.

V. "Electronic credential" means an electronic extension of the division's issued physical credential that conveys identity and driving privilege information and is in compliance with standards of the division.

VI. "Electronic credential system" means a digital process that includes creating electronic credentials and a method for provisioning electronic credentials, requesting and transmitting electronic credential data elements, and performing tasks to maintain the system.

VII. "Physical credential" means a document or other tangible object issued by the division that conveys identity and driving privilege information.

VIII. "Provision" means the initial loading of an electronic credential onto a device.

IX. "Relying party" means the entity to which the credential holder is presenting the electronic credential.

X. "Verification process" means a method of authenticating the electronic credential through the use of secure encrypted communication.

263-A:2 Issuance and Life Cycle Management.

I. The division of motor vehicles shall issue an electronic credential only to individuals who are otherwise eligible to hold a valid physical credential. The data elements that are used to build an electronic credential must match the individual's current motor vehicle or non-driver identification record.

II. The division may contract with one or more entities to develop an electronic credential system. The electronic credential system shall be designed to comply with the most recent applicable state and federal standards.

III. The validity period of electronic credentials shall be set by the division.

IV. The division may assess a fee for the provisioning of an electronic credential.

263-A:3 Acceptance of Electronic Credentials.

I. The electronic credential holder shall be required to have their physical credential on their person while operating a motor vehicle.

II. 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.

III. Upon request by law enforcement, an electronic credential holder must provide their physical credential.

IV. 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.

263-A:4 Verification Process.

I. Relying parties shall authenticate electronic credentials in accordance with applicable division standards prior to acceptance of the electronic credential.

II. Electronic credential data is subject to data security and privacy protection according to RSA 507-H, as well as any other applicable state and federal law.

III. Relying parties shall only request electronic credential data elements that are necessary to complete the transaction for which that data is being requested.

263-A:5 Privacy and Tracking.

I. Relying parties shall only retain electronic credential data elements for which the relying party explicitly obtained consent from the electronic credential holder. Relying parties shall inform the electronic credential holder of the use and retention period of the electronic data elements and comply with RSA 507-H.

II. The electronic credential system shall be designed to maximize the privacy of the credential holder and comply with RSA 507-H, as well as any other applicable state and federal laws, and shall not track or compile information without the credential holder's actual consent. The division shall only compile and/or disclose information regarding use of the credential as required by RSA 507-H and other applicable state or federal laws.

263-A:6 Rulemaking. The commissioner of the department of safety shall adopt administrative rules under 541-A that are necessary for the management and operation of an electronic credential system.

2 Effective Date. This act shall take effect January 1, 2026.

LBA
25-1028
1/8/25

SB 70-FN- FISCAL NOTE
AS INTRODUCED

AN ACT creating a mobile driver's license and non-driver identification card.

FISCAL IMPACT: This bill does not provide funding.

Estimated State Impact				
	FY 2025	**FY 2026**	**FY 2027**	**FY 2028**
Revenue	$0	$0	$0	$0
Revenue Fund(s)	None			
Expenditures*	$0	$2,080,000	$815,000	$865,000
Funding Source(s)	Restricted - Highway Fund Cost of Collections - Per the state constitution, costs associated with the collection/administration of highway fund revenue by the Department of Safety is deducted prior to funds being credited as unrestricted highway fund revenue			
Appropriations*	$0	$0	$0	$0
Funding Source(s)	None			

***Expenditure = Cost of bill** ***Appropriation = Authorized funding to cover cost of bill**

METHODOLOGY:

This bill, effective January 1, 2026, directs the Division of Motor Vehicles (DMV) to create mobile drivers' licenses (MDL) and non-driver identification cards (MID), as well as an electronic management system to manage all aspects of their utilization. The Department of Safety states this system would allow individuals to carry their driver's license and identification credentials digitally on mobile devices, like smart phones, and is expected to comply with established security and interoperability standards. The Department states implementation will involve third-party contractors for integration, testing, and technical support and costs include the development of a state-labeled MDL/MID system, TSA waiver, integration with existing DMV records, and support for issuance into third-party wallets (e.g., Apple Wallet). Maintenance costs reflect ongoing support, updates, and integration management. Below is a summary of this bill's potential costs:

	FY 2026	**FY 2027**	**FY 2028**
Initial Implementation and Testing	$1,200,000	$0	
Platform Support and Maintenance	$0	$550,000	$575,000
State-Labeled Multi-Credential Identity Wallet Development/Maintenance	$450,000	$80,000	$85,000
NH DMV System Integration	$80,000	$15,000	$15,000

Third-Party Wallet Issuance/Support	$250,000	$150,000	$170,000
TSA Waiver Application/Management	$100,000	$20,000	$20,000
Total	**$2,080,000**	**$815,000**	**$865,000**

AGENCIES CONTACTED:

Department of Safety