

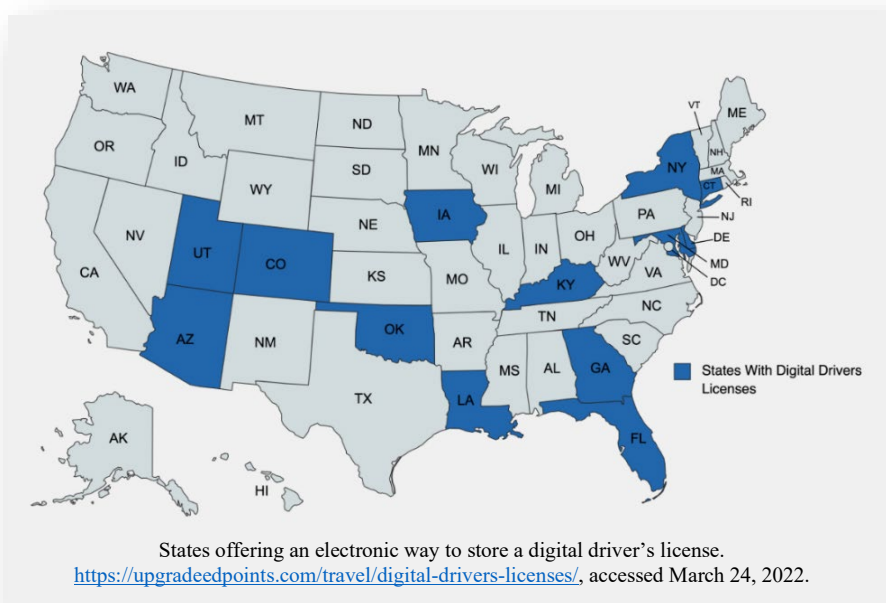


Digital Driver's License

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The world of technology continues to shift and advance the way we live our everyday lives, including in the area of traffic safety. The latest emerging tech advancement is the digital driver's license (DDL) and it's coming to an app near you! Never heard of it before? Well, here's the scoop.

A digital driver's license (DDL) is a secure version of a physical driver's license (including a commercial driver's license) or state identification card that can be stored on a smart phone.¹ Both iPhone and Android users can already store things like credit cards, plane tickets, hotel keys, and event tickets in digital wallets. In the same way, a DDL grants a user easy access to his/her license or ID on a device. A DDL is not just a digital copy or screenshot of a driver's license; the technology works with a state's government to set up and verify an identity digitally through an app on a user's smartphone.²



On March 23, 2022, Apple announced the launch of the first in the nation DDL and state identification that can be stored and used through its Wallet app.³ Starting in Arizona at Phoenix's Sky Harbor Airport, the Wallet app will allow passengers the ability to show their driver's license or state identification card digitally to TSA agents for screening purposes prior to flight.⁴ Arizona is not alone in looking ahead to the digital future of identification and travel.

The National Highway Transportation Safety Administration (NHTSA) "project[ed] that an estimated 31,720 people

¹ <https://upgradedpoints.com/travel/digital-drivers-licenses/>, accessed March 24, 2022.

² *Id.*

³ <https://www.apple.com/newsroom/2022/03/apple-launches-the-first-drivers-license-and-state-id-in-wallet-with-arizona/>, accessed March 24, 2022.

⁴ *Id.*

died in motor vehicle traffic crashes from January through September 2021, an increase of approximately 12% from the 28,325 fatalities projected for the first nine months of 2020.”⁵ States manage unsafe drivers by tracking bad driving history and, when appropriate, suspending or revoking a person’s driver’s license.⁶ Thus, driver identification accuracy is important for states to manage unsafe drivers.

The Mechanics

A DDL app provides the interface for a smartphone user to work with a state department of motor vehicles to verify the identity of the user wishing to obtain a digital license; it similarly provides the way for a law enforcement officer to verify the identity of the DDL holder. For example, if a DDL holder is subjected to a traffic stop and is requested to provide identification to a law enforcement officer, the physical phone is not turned over to the officer. Instead, the DDL holder will use his/her DDL app to generate a QR code. The officer uses an app-based product to scan the QR code, allowing the officer to receive data connected to the DDL. Once the transfer of data is complete, the officer can read the license information on his/her app.⁷ This ease of use is entirely dependent upon a law enforcement agency’s ability to have the equipment and technology to read a DDL, a challenge many agencies may face due to limited resources.

The Pros and Cons

Potential Pros

- A contactless way to verify identity while taking significant steps to increase officer safety and protect the holder’s personal information.⁸
- A new level of assurance of authentic documentation while increasing convenience for the holder.⁹
- Embedded state certificate ensuring authenticity as well as passing more information than a paper license.¹⁰
- Encrypted user identity data provides privacy protection; a biometric authentication to access the phone (i.e., Face ID or Touch ID on an Apple iPhone) provides protection against tampering and theft.¹¹
- Allowing a user to place restrictions on the information contained in the QR code (e.g., providing limited information to verify age to purchase liquor), thereby providing further protection of the user’s personal information and ensuring privacy.¹²
- Once the digital ID is created, a cellular network, Wi-Fi, or internet availability may not be necessary.¹³

⁵ <https://www.nhtsa.gov/press-releases/traffic-fatalities-estimates-jan-sept-2021>, accessed March 30, 2022.

⁶ See e.g. <http://www.ncsl.org/research/transportation/penalties-for-revoked-driver-s-license-habitual-traffic-offenders.aspx>, accessed March 30, 2022.

⁷ https://na.idemia.com/wp-content/uploads/2021/09/MID_LE_VerifyAppOnePager_20210818.pdf, accessed March 24, 2022

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ <https://upgradedpoints.com/travel/digital-drivers-licenses/>, accessed March 24, 2022.

¹² *Id.*

¹³ <https://mycolorado.state.co.us/colorado-digital-id>, accessed March 24, 2022.

Potential Cons

- Concerns that first responders may not be able to access the digital identification of an individual if the smartphone user is injured or incapacitated in a crash and is not also carrying a physical license.¹⁴
- Concerns over potential confusion around usage and enforcement for driving between a state or local jurisdiction that allows for a DDL versus a state or local jurisdiction that has not adopted the technology.
- Concerns that a hacker could exploit the adoption of a digital driver's license.¹⁵
- Concern that a law enforcement officer could use a digital driver's license as a pretext to search a user's phone.¹⁶
- Concern that users and their data could be consolidated and/or tracked without their knowledge.¹⁷
- Concern over decreased control over the data that ID holders release.¹⁸

It is important to note that a digital driver's license is a supplement, not a replacement for a physical license. Not all driver license holders' own smartphones, so physical licenses are still necessary. Also, DDLs may not be accepted everywhere. Since not all states or local jurisdictions currently accept digital driver's licenses, an individual should always have his/her physical license when traveling between states and maintain a passport when traveling internationally.¹⁹

As the credit card company says, "What's in your wallet?"—the answer could soon be your digital driver's license.

¹⁴ <https://mycolorado.state.co.us/colorado-digital-id>, accessed March 24, 2022.

¹⁵ <https://upgradedpoints.com/travel/digital-drivers-licenses/>, accessed March 24, 2022; see also <https://www.aclu.org/report/identity-crisis-what-digital-drivers-licenses-could-mean-privacy-equity-and-freedom>, accessed March 24, 2022.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ <https://upgradedpoints.com/travel/digital-drivers-licenses/>, accessed March 24, 2022.