
SUBSTITUTE HOUSE BILL 2730

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by Representatives Robertson, Hatfield, Mitchell, Fisher, Hankins, Romero, Cairnes, O'Brien, Zellinsky, Scott, Johnson, Wood, Sterk, Ogden, Radcliff, Hickel, Skinner, Ballasiotes, Delvin, Cooke, Anderson, Sullivan, Thompson, Gardner and Kenney)

Read first time 01/29/98. Referred to Committee on .

1 AN ACT Relating to security of drivers' licenses; amending RCW
2 46.20.091, 46.20.117, 46.20.161, and 46.20.181; reenacting and amending
3 RCW 46.63.020; adding a new section to chapter 46.04 RCW; adding new
4 sections to chapter 46.20 RCW; adding a new section to chapter 42.17
5 RCW; creating a new section; prescribing penalties; and providing an
6 effective date.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The legislature finds that while the
9 driver's license was designed to be a declaration of the privilege to
10 operate a motor vehicle, drivers' licenses and identicards issued by
11 the department of licensing have become the most widely accepted forms
12 of personal identification used by Washington residents. There is an
13 increasing use of false drivers' licenses and identicards to purchase
14 liquor, to cash bad checks, and to obtain food stamps and other
15 benefits, often at the expense of law-abiding residents. In
16 recognition of these losses that are borne by taxpayers, businesses,
17 and government, Congress has recently directed the states to produce
18 counterfeit-resistant drivers' licenses. It is the purpose of this act
19 to require effective means of rendering drivers' licenses and

1 identicards as immune as possible from alteration and counterfeiting in
2 order to promote the public health and safety of the people of this
3 state.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
5 to read as follows:

6 "Biometrics" means physical attributes that are unique to
7 individual persons. Biometrics includes but is not limited to finger
8 images, iris/retinal scans, vein patterns, facial images, and
9 hand/finger geometry.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
11 to read as follows:

12 By July 1, 1999, the department shall enter into a contract for the
13 procurement of a new state driver's license and identicard. The
14 contract shall incorporate, but not be limited to, the following
15 features subject to the listed restrictions:

16 (1) A digital imaging system. A digital imaging system permits a
17 person's photograph and signature to be stored and displayed by
18 computer, which allows for improved file management, flexibility,
19 responsiveness, and fraud protection. Facial recognition technology
20 that would allow a one-to-many search may not be applied by the
21 department or any subsequent user of the digital photograph. A one-to-
22 many search compares the photograph to all of the other photographs to
23 determine if there is a match. However, the department may compare the
24 photograph against the individual applying for a license, license
25 renewal, or identicard.

26 (2) Machine-readable technologies, including a one-dimensional bar
27 code, two-dimensional bar code, or a magnetic stripe. Through
28 encryption, both the magnetic stripe and two-dimensional bar code offer
29 additional levels of security against alteration and counterfeiting.

30 (a) Information included on a driver's license in machine-readable
31 form may be accessed by the director, the chief of the Washington state
32 patrol, commissioned law enforcement officers, district courts,
33 municipal courts, superior courts, and city and county prosecuting
34 attorneys.

35 (b) Except as authorized by this section, a person accessing
36 information encrypted in machine-readable form on a driver's license is
37 guilty of a gross misdemeanor.

1 (3) A central issuance system. A central issuance system requires
2 the issuance of permanent licenses and identicards from one central,
3 secure location. Upon verification of eligibility, the license or
4 identicard will be mailed to the resident.

5 (4) A second picture of the card holder printed on the license or
6 identicard in ultraviolet ink. Digital printing enables the
7 applicant's ultraviolet picture to be added to the license or
8 identicard at the time of issuance for presentation of information that
9 is uniquely tied to the card holder.

10 **Sec. 4.** RCW 46.20.091 and 1996 c 287 s 5 are each amended to read
11 as follows:

12 (1) Every application for an instruction permit or for an original
13 driver's license shall be made upon a form prescribed and furnished by
14 the department which shall be sworn to and signed by the applicant
15 before a person authorized to administer oaths. An applicant making a
16 false statement under this subsection is guilty of false swearing, a
17 gross misdemeanor, under RCW 9A.72.040. Every application for an
18 instruction permit containing a photograph shall be accompanied by a
19 fee of five dollars. The department shall forthwith transmit the fees
20 collected for instruction permits and temporary drivers' permits to the
21 state treasurer.

22 (2) Every such application shall state the full name, date of
23 birth, sex, and Washington residence address of the applicant, and
24 briefly describe the applicant, and shall state whether the applicant
25 has theretofore been licensed as a driver or chauffeur, and, if so,
26 when and by what state or country, and whether any such license has
27 ever been suspended or revoked, or whether an application has ever been
28 refused, and, if so, the date of and reason for such suspension,
29 revocation, or refusal, and shall state such additional information as
30 the department shall require, including a statement that identifying
31 documentation presented by the applicant is valid. Except for
32 submitting a digital photograph as authorized by section 3 of this act,
33 the department shall not require an applicant to submit biometrics as
34 part of an application under this section.

35 (3) Whenever application is received from a person previously
36 licensed in another jurisdiction, the department shall request a copy
37 of such driver's record from such other jurisdiction. When received,

1 the driving record shall become a part of the driver's record in this
2 state.

3 (4) Whenever the department receives request for a driving record
4 from another licensing jurisdiction, the record shall be forwarded
5 without charge if the other licensing jurisdiction extends the same
6 privilege to the state of Washington. Otherwise there shall be a
7 reasonable charge for transmittal of the record, the amount to be fixed
8 by the director of the department.

9 **Sec. 5.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read
10 as follows:

11 (1) The department shall issue "identicards," containing a picture,
12 to nondrivers for a fee of (~~four~~) six dollars. However, the fee
13 shall be the actual cost of production to recipients of continuing
14 public assistance grants under Title 74 RCW who are referred in writing
15 to the department by the secretary of social and health services. The
16 fee shall be deposited in the highway safety fund. To be eligible,
17 each applicant shall produce evidence as required in RCW 46.20.035 that
18 positively proves identity. The "identicard" shall be distinctly
19 designed so that it will not be confused with the official driver's
20 license. The identicard shall expire on the fifth anniversary of the
21 applicant's birthdate after issuance.

22 (2) The department may cancel an "identicard" upon a showing by its
23 records or other evidence that the holder of such "identicard" has
24 committed a violation relating to "identicards" defined in RCW
25 46.20.336.

26 **Sec. 6.** RCW 46.20.161 and 1990 c 250 s 40 are each amended to read
27 as follows:

28 (1) The department, upon receipt of a fee of (~~fourteen~~) twenty
29 dollars, which includes the fee for the required photograph, shall
30 issue to every applicant qualifying therefor a driver's license, which
31 license shall bear thereon a distinguishing number assigned to the
32 licensee, the full name, date of birth, Washington residence address,
33 and a brief description of the licensee, and either a facsimile of the
34 signature of the licensee or a space upon which the licensee shall
35 write his usual signature with pen and ink immediately upon receipt of
36 the license. No license is valid until it has been so signed by the
37 licensee.

1 (2) As authorized by section 3 of this act, the department may also
2 include the information specified by subsection (1) of this section on
3 a driver's license in machine-readable form. Any information included
4 on a driver's license in a form that can only be read by machine must
5 be encrypted.

6 **Sec. 7.** RCW 46.20.181 and 1990 c 250 s 41 are each amended to read
7 as follows:

8 Every driver's license expires on the fourth anniversary of the
9 licensee's birthdate following the issuance of the license. Every such
10 license is renewable on or before its expiration upon application
11 prescribed by the department and the payment of a fee of (~~fourteen~~)
12 twenty dollars. This fee includes the fee for the required photograph.

13 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.20 RCW
14 to read as follows:

15 Beginning October 1, 2000, the federal Illegal Immigration Control
16 Act, P.L. 104-208, requires states to either place drivers' social
17 security numbers on the face of their licenses, or to complete a social
18 security verification process. The legislature finds that requiring
19 the placement of social security numbers on drivers' licenses means
20 that whenever someone shows his or her driver's license, the person
21 will also be exposing his or her social security number. With the
22 social security number accessible to so many people, it will be
23 relatively easy for someone to fraudulently use another's social
24 security number to assume that person's identity and gain access to
25 bank accounts, credit services, billing information, driving history,
26 and other sources of personal information. The new federal law will
27 compound and exacerbate the disturbing trend of social security number-
28 related fraud. In order to prevent fraud and curtail invasions of
29 privacy, the governor, through the department of licensing, shall seek
30 a waiver to the federal mandate. If a waiver is not granted, the
31 department shall rely only upon the verification process prescribed in
32 the federal law. In no event may the social security number be placed
33 on the driver's license or identicard.

34 **Sec. 9.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are
35 each reenacted and amended to read as follows:

1 Failure to perform any act required or the performance of any act
2 prohibited by this title or an equivalent administrative regulation or
3 local law, ordinance, regulation, or resolution relating to traffic
4 including parking, standing, stopping, and pedestrian offenses, is
5 designated as a traffic infraction and may not be classified as a
6 criminal offense, except for an offense contained in the following
7 provisions of this title or a violation of an equivalent administrative
8 regulation or local law, ordinance, regulation, or resolution:

9 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
10 vehicle while under the influence of intoxicating liquor or a
11 controlled substance;

12 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

13 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
14 while under the influence of intoxicating liquor or narcotics or
15 habit-forming drugs or in a manner endangering the person of another;

16 (4) RCW 46.10.130 relating to the operation of snowmobiles;

17 (5) Chapter 46.12 RCW relating to certificates of ownership and
18 registration and markings indicating that a vehicle has been destroyed
19 or declared a total loss;

20 (6) RCW 46.16.010 relating to initial registration of motor
21 vehicles;

22 (7) RCW 46.16.011 relating to permitting unauthorized persons to
23 drive;

24 (8) RCW 46.16.160 relating to vehicle trip permits;

25 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
26 acquisition of a special placard or license plate for disabled persons'
27 parking;

28 (10) RCW 46.20.005 relating to driving without a valid driver's
29 license;

30 (11) RCW 46.20.091 relating to false statements regarding a
31 driver's license or instruction permit;

32 (12) RCW 46.20.--- (section 3 of this act) relating to unauthorized
33 access to encrypted driver's license information;

34 (13) RCW 46.20.336 relating to the unlawful possession and use of
35 a driver's license;

36 ~~((13))~~ (14) RCW 46.20.342 relating to driving with a suspended or
37 revoked license or status;

38 ~~((14))~~ (15) RCW 46.20.410 relating to the violation of
39 restrictions of an occupational driver's license;

1 (~~(15)~~) (16) RCW 46.20.420 relating to the operation of a motor
2 vehicle with a suspended or revoked license;
3 (~~(16)~~) (17) RCW 46.20.740 relating to operation of a motor
4 vehicle without an ignition interlock device in violation of a license
5 notation that the device is required;
6 (~~(17)~~) (18) RCW 46.20.750 relating to assisting another person to
7 start a vehicle equipped with an ignition interlock device;
8 (~~(18)~~) (19) RCW 46.25.170 relating to commercial driver's
9 licenses;
10 (~~(19)~~) (20) Chapter 46.29 RCW relating to financial
11 responsibility;
12 (~~(20)~~) (21) RCW 46.30.040 relating to providing false evidence of
13 financial responsibility;
14 (~~(21)~~) (22) RCW 46.37.435 relating to wrongful installation of
15 sunscreening material;
16 (~~(22)~~) (23) RCW 46.44.180 relating to operation of mobile home
17 pilot vehicles;
18 (~~(23)~~) (24) RCW 46.48.175 relating to the transportation of
19 dangerous articles;
20 (~~(24)~~) (25) RCW 46.52.010 relating to duty on striking an
21 unattended car or other property;
22 (~~(25)~~) (26) RCW 46.52.020 relating to duty in case of injury to
23 or death of a person or damage to an attended vehicle;
24 (~~(26)~~) (27) RCW 46.52.090 relating to reports by repairmen,
25 storagemen, and appraisers;
26 (~~(27)~~) (28) RCW 46.52.100 relating to driving under the influence
27 of liquor or drugs;
28 (~~(28)~~) (29) RCW 46.52.130 relating to confidentiality of the
29 driving record to be furnished to an insurance company, an employer,
30 and an alcohol/drug assessment or treatment agency;
31 (~~(29)~~) (30) RCW 46.55.020 relating to engaging in the activities
32 of a registered tow truck operator without a registration certificate;
33 (~~(30)~~) (31) RCW 46.55.035 relating to prohibited practices by tow
34 truck operators;
35 (~~(31)~~) (32) RCW 46.61.015 relating to obedience to police
36 officers, flagmen, or fire fighters;
37 (~~(32)~~) (33) RCW 46.61.020 relating to refusal to give information
38 to or cooperate with an officer;

1 ~~((33))~~ (34) RCW 46.61.022 relating to failure to stop and give
2 identification to an officer;
3 ~~((34))~~ (35) RCW 46.61.024 relating to attempting to elude
4 pursuing police vehicles;
5 ~~((35))~~ (36) RCW 46.61.500 relating to reckless driving;
6 ~~((36))~~ (37) RCW 46.61.502 and 46.61.504 relating to persons under
7 the influence of intoxicating liquor or drugs;
8 ~~((37))~~ (38) RCW 46.61.503 relating to a person under age twenty-
9 one driving a motor vehicle after consuming alcohol;
10 ~~((38))~~ (39) RCW 46.61.520 relating to vehicular homicide by motor
11 vehicle;
12 ~~((39))~~ (40) RCW 46.61.522 relating to vehicular assault;
13 ~~((40))~~ (41) RCW 46.61.5249 relating to first degree negligent
14 driving;
15 ~~((41))~~ (42) RCW 46.61.527(4) relating to reckless endangerment of
16 roadway workers;
17 ~~((42))~~ (43) RCW 46.61.530 relating to racing of vehicles on
18 highways;
19 ~~((43))~~ (44) RCW 46.61.685 relating to leaving children in an
20 unattended vehicle with the motor running;
21 ~~((44))~~ (45) RCW 46.64.010 relating to unlawful cancellation of or
22 attempt to cancel a traffic citation;
23 ~~((45))~~ (46) RCW 46.64.048 relating to attempting, aiding,
24 abetting, coercing, and committing crimes;
25 ~~((46))~~ (47) Chapter 46.65 RCW relating to habitual traffic
26 offenders;
27 ~~((47))~~ (48) RCW 46.68.010 relating to false statements made to
28 obtain a refund;
29 ~~((48))~~ (49) Chapter 46.70 RCW relating to unfair motor vehicle
30 business practices, except where that chapter provides for the
31 assessment of monetary penalties of a civil nature;
32 ~~((49))~~ (50) Chapter 46.72 RCW relating to the transportation of
33 passengers in for hire vehicles;
34 ~~((50))~~ (51) RCW 46.72A.060 relating to limousine carrier
35 insurance;
36 ~~((51))~~ (52) RCW 46.72A.070 relating to operation of a limousine
37 without a vehicle certificate;
38 ~~((52))~~ (53) RCW 46.72A.080 relating to false advertising by a
39 limousine carrier;

1 (~~(53)~~) (54) Chapter 46.80 RCW relating to motor vehicle wreckers;
2 (~~(54)~~) (55) Chapter 46.82 RCW relating to driver's training
3 schools;
4 (~~(55)~~) (56) RCW 46.87.260 relating to alteration or forgery of a
5 cab card, letter of authority, or other temporary authority issued
6 under chapter 46.87 RCW;
7 (~~(56)~~) (57) RCW 46.87.290 relating to operation of an
8 unregistered or unlicensed vehicle under chapter 46.87 RCW.

9 NEW SECTION. **Sec. 10.** A new section is added to chapter 42.17 RCW
10 to read as follows:

11 Except as specifically authorized in Title 46 RCW, information
12 collected or maintained in connection with the application, granting,
13 maintenance, or deprivation of a driver's license is exempt from
14 disclosure under this chapter and shall not be disclosed.

15 NEW SECTION. **Sec. 11.** Sections 5 through 7 of this act take
16 effect July 1, 1999.

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