
HOUSE BILL 2875

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By Representatives Neher, Ludwig, McLean, Bray, Hochstatter, Riley, Ballard, Grant, Schmidt, Brumsickle, Bowman, Chandler, Prince, Paris, Broback and Silver

Read first time 01/31/92. Referred to Committee on State Government.

1 AN ACT Relating to fraudulent document use; amending RCW 29.07.080,
2 29.07.092, 46.20.116, 46.20.091, 46.20.117, and 46.20.118; adding new
3 sections to chapter 43.24 RCW; creating a new section; prescribing
4 penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that
7 identification document fraud is pervasive in Washington state and
8 undermines immigration and anticrime policies of this state.
9 Identification document fraud often involves checks, credit cards,
10 licensing, voter registration cards, insurance, welfare, immigration,
11 money laundering, and the importation of illegal drugs. Such abuse has
12 significant legal, economic, and political consequences, and undermines
13 the public confidence in governmental and commercial institutions.

1 The state driver's license and identification card are the most
2 commonly used documents for identification in private and public
3 transactions. The legislature finds that the driver's license is not
4 used simply to certify driver qualification, nor is the identification
5 card a document that should be without adequate proof of identity.
6 Therefore, the state adopts a policy that the driver's license and
7 identification card issued by the department of licensing are the basic
8 identification documents of this state and that the state has a
9 compelling interest in ensuring the accuracy and integrity of this
10 identification system. It is the purpose and intent of this act to
11 further secure the accuracy and integrity of this system by requiring
12 the application for a license or identification card to include a
13 legible thumbprint or fingerprint of the applicant, in addition to
14 other steps to curtail identification document fraud.

15 **Sec. 2.** RCW 29.07.080 and 1990 c 143 s 8 are each amended to read
16 as follows:

17 For voter registrations executed under this section, the registrar
18 shall state to the applicant that any false information or fraudulently
19 produced documents given by the applicant may subject the applicant to
20 criminal felony prosecution. The registrar shall require the applicant
21 to sign the following oath:

22 "I declare that the facts relating to my qualifications as a voter
23 recorded on this voter registration form are true and that the
24 documents submitted in support of my qualifications are true and have
25 not been fraudulently procured. I am a citizen of the United States,
26 I am not presently denied my civil rights as a result of being
27 convicted of an infamous crime, I will have lived in this state,
28 county, and precinct for thirty days immediately preceding the next
29 election at which I offer to vote, and I will be at least eighteen

1 years of age at the time of voting. I understand that it is a class C
2 felony to give false information or produce fraudulent documentation."

3 The registration officer shall attest and date this oath in the
4 following form:

5 "Subscribed and sworn to before me this day of,
6 19.., Registration Officer."

7 **Sec. 3.** RCW 29.07.092 and 1975 1st ex.s. c 184 s 1 are each
8 amended to read as follows:

9 The county auditor shall acknowledge each new voter registration or
10 transfer by providing or sending the voter a card identifying his or
11 her current precinct, plainly stating "not valid for identification
12 purposes" and containing such other information as may be prescribed by
13 the secretary of state.

14 **Sec. 4.** RCW 46.20.116 and 1969 ex.s. c 155 s 3 are each amended to
15 read as follows:

16 (1) No identicard or Washington state driver's license shall be
17 issued unless the applicant has satisfied the department regarding his
18 or her identity. In no event shall an applicant be deemed to have
19 satisfied the identity requirements of this section unless he or she
20 displays or provides the department with at least two of the following:

21 (a) An expired or expiring driver's license that contains the
22 signature and/or a photograph of the applicant;

23 (b) A valid Washington state identicard;

24 (c) A nationally or regionally known credit card containing the
25 signature or photograph of the applicant;

1 (d) An identification card issued by the United States, any state,
2 or any agency or either, of a kind commonly used to identify the
3 members of employees of such government agencies, including military
4 identification cards, and that contain the signature and/or the
5 photograph of the applicant;

6 (e) Any certificate or other document issued by any government
7 agency commonly used for the purpose of establishing identities. If
8 the certificate or other document is issued by the government of a
9 foreign country, the certificate or document must be supplemented with
10 an identification card issued by the United States immigration and
11 naturalization service or by proof of United States citizenship; or the
12 department shall make available to the immigration and nationalization
13 service or other law enforcement agency the applicant's application,
14 including the fingerprint for validation and investigation purposes;

15 (f) An affidavit, or in the case the applicant is in the minor, an
16 affidavit of his or her parent or guardian;

17 (g) Such other documentary evidence as in the opinion of the
18 department clearly establishes the identity of the applicant.

19 (2) The department shall plainly label each license "not valid for
20 identification purposes" where the applicant is unable to prove his or
21 her identity commensurate ((to the regulations)) with this section and
22 rules adopted by the director.

23 NEW SECTION. Sec. 5. The department of licensing, the
24 Washington state association of county auditors, and the department of
25 social and health services, shall each develop procedures to inform
26 screening personnel in the identification of fraudulent documents.

27 NEW SECTION. Sec. 6. The department shall forward the
28 following information to the appropriate law enforcement agency or

1 agencies within a reasonable time of receipt of suspected fraudulent
2 documentation relating to the application for driver's licenses or
3 identicards:

4 (1) The given name and address of the person submitting suspected
5 fraudulent documentation;

6 (2) The confiscated document or copy of the suspected fraudulent
7 documentation as safety warrants; and

8 (3) The reasons why the documentation was suspected to be
9 fraudulent.

10 NEW SECTION. **Sec. 7.** The persons informed under section 5 of
11 this act shall not be liable for actions taken in pursuance of the
12 requirements of this act.

13 NEW SECTION. **Sec. 8.** For purposes of section 6 of this act,
14 "suspected fraudulent document" means a document that the reviewing
15 agent has probable cause to believe has been fraudulently produced or
16 altered.

17 **Sec. 9.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read
18 as follows:

19 (1) Every application for an instruction permit or for an original
20 driver's license shall be made upon a form prescribed and furnished by
21 the department which shall be sworn to and signed by the applicant
22 before a person authorized to administer oaths. Every application for
23 an instruction permit containing a photograph shall be accompanied by
24 a fee of five dollars. The department shall forthwith transmit the
25 fees collected for instruction permits and temporary drivers' permits
26 to the state treasurer.

1 (2) Every such application shall state the full name, date of
2 birth, sex, and Washington residence address of the applicant, and
3 briefly describe the applicant, and shall state whether the applicant
4 has theretofore been licensed as a driver or chauffeur, and, if so,
5 when and by what state or country, and whether any such license has
6 ever been suspended or revoked, or whether an application has ever been
7 refused, and, if so, the date of and reason for such suspension,
8 revocation, or refusal, and shall state such additional information as
9 the department shall require.

10 (3) Every application for an original, renewed, or duplicate
11 driver's license shall include a legible thumbprint or fingerprint.

12 (4) Whenever application is received from a person previously
13 licensed in another jurisdiction, the department shall request a copy
14 of such driver's record from such other jurisdiction. When received,
15 the driving record shall become a part of the driver's record in this
16 state.

17 ((+4)) (5) Whenever the department receives request for a driving
18 record from another licensing jurisdiction, the record shall be
19 forwarded without charge if the other licensing jurisdiction extends
20 the same privilege to the state of Washington. Otherwise there shall
21 be a reasonable charge for transmittal of the record, the amount to be
22 fixed by the director of the department.

23 **Sec. 10.** RCW 46.20.117 and 1986 c 15 s 1 are each amended to read
24 as follows:

25 (1) The department shall issue "identincards," containing a picture,
26 to ((individuals)) nondrivers for a fee of four dollars. However, the
27 fee shall be the actual cost of production to recipients of continuing
28 public assistance grants under Title 74 RCW who are referred in writing
29 to the department by the secretary of social and health services. The

1 fee shall be deposited in the highway safety fund. To be eligible,
2 each applicant shall produce evidence as required by the rules adopted
3 by the director that positively proves identity. Such evidence shall
4 include a legible thumbprint or fingerprint for each applicant for an
5 original, renewed, or duplicate identicard. The "identicard" shall be
6 distinctly designed so that it will not be confused with the official
7 driver's license. The identicard shall expire on the fifth anniversary
8 of the applicant's birthdate after issuance.

9 (2) The department may cancel an "identicard" upon a showing by its
10 records or other evidence that the holder of such "identicard" has
11 committed a violation relating to "identicards" defined in RCW
12 46.20.336.

13 **Sec. 11.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to
14 read as follows:

15 The department shall maintain a negative file. It shall contain
16 negatives of all pictures and thumbprints or fingerprints taken by the
17 department of licensing as authorized by RCW 46.20.070 through
18 46.20.119. Negatives and thumbprints or fingerprints in the file shall
19 not be available for public inspection and copying under chapter 42.17
20 RCW. The department may make the file available to official
21 governmental enforcement agencies to assist in the investigation by the
22 agencies of suspected criminal activity. The department may also
23 provide a print to the driver's next of kin in the event the driver is
24 deceased.

25 NEW SECTION. **Sec. 12.** Sections 5 through 8 of this act are
26 each added to chapter 43.24 RCW.

27 NEW SECTION. **Sec. 13.** This act shall take effect July 1, 1993.