
SENATE BILL 6268

State of Washington

53rd Legislature

1994 Regular Session

By Senator A. Smith

Read first time 01/18/94. Referred to Committee on Law & Justice.

1 AN ACT Relating to use of thumbprint scans to prevent fraud;
2 amending RCW 46.20.091, 46.20.117, 46.20.118, 46.20.120, and 74.04.060;
3 adding new sections to chapter 74.04 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The use of false identification enables
6 thieves to commit millions of dollars of fraud each year. The victims
7 of these fraudulent schemes include citizens, private business, and
8 state agencies. In Washington, it is estimated that welfare fraud
9 alone costs the state over twenty-three million dollars each biennium
10 in overpaid public assistance benefits.

11 Recent advances in technology allow identification based on an
12 electronic scan of a person's thumbprint. This type of identification
13 is not subject to the fraudulent schemes found in the use of
14 photographic identification. The legislature finds that there are two
15 areas in which it is crucial for state agencies to verify
16 identification of people: (1) The issuance of driver's licenses or
17 identicards; and (2) the provision of public assistance benefits. The
18 legislature further finds that an electronic thumbprint identification
19 system will greatly reduce the amount of fraud perpetrated on these

1 state agencies, thereby saving tax dollars. By reducing the ability to
2 obtain fraudulent identifications, fraud perpetrated on private
3 businesses relying on these forms of identification will also be
4 reduced.

5 It is the intent of the legislature that an electronic thumbprint
6 system be implemented for use at the time of application for or renewal
7 of a driver's license or identicard, and for use at the time of
8 application for or review of public assistance benefits.

9 **Sec. 2.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read
10 as follows:

11 (1) Every application for an instruction permit or for an original
12 driver's license shall be made upon a form prescribed and furnished by
13 the department which shall be sworn to and signed by the applicant
14 before a person authorized to administer oaths. Every application for
15 an instruction permit containing a photograph shall be accompanied by
16 a fee of five dollars. The department shall forthwith transmit the
17 fees collected for instruction permits and temporary drivers' permits
18 to the state treasurer.

19 (2) Every such application shall state the full name, date of
20 birth, sex, and Washington residence address of the applicant, and
21 briefly describe the applicant, and shall state whether the applicant
22 has theretofore been licensed as a driver or chauffeur, and, if so,
23 when and by what state or country, and whether any such license has
24 ever been suspended or revoked, or whether an application has ever been
25 refused, and, if so, the date of and reason for such suspension,
26 revocation, or refusal, and shall state such additional information as
27 the department shall require.

28 (3) Whenever application is received from a person previously
29 licensed in another jurisdiction, the department shall request a copy
30 of such driver's record from such other jurisdiction. When received,
31 the driving record shall become a part of the driver's record in this
32 state.

33 (4) Whenever the department receives request for a driving record
34 from another licensing jurisdiction, the record shall be forwarded
35 without charge if the other licensing jurisdiction extends the same
36 privilege to the state of Washington. Otherwise there shall be a
37 reasonable charge for transmittal of the record, the amount to be fixed
38 by the director of the department.

1 (5) Every application for an original or duplicate driver's license
2 shall include a requirement to submit to an electronic thumbprint scan.

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

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

18 (2) The department may cancel an "identicard" upon a showing by its
19 records or other evidence that the holder of such "identicard" has
20 committed a violation relating to "identicards" defined in RCW
21 46.20.336.

22 **Sec. 4.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read
23 as follows:

24 The department shall maintain a negative and thumbprint file. It
25 shall contain negatives of all pictures and thumbprints taken by the
26 department of licensing as authorized by RCW 46.20.070 through
27 46.20.119. Negatives and thumbprints in the file shall not be
28 available for public inspection and copying under chapter 42.17 RCW.
29 The department may make (~~the file~~) available all files created under
30 this section and provide legible copies to official governmental
31 enforcement agencies to assist in the investigation by the agencies of
32 suspected criminal activity. The department may also provide a print
33 to the driver's next of kin in the event the driver is deceased.

34 **Sec. 5.** RCW 46.20.120 and 1990 c 9 s 1 are each amended to read as
35 follows:

1 No new driver's license may be issued and no previously issued
2 license may be renewed until the applicant therefor has successfully
3 passed a driver licensing examination and submitted to an electronic
4 thumbprint scan. However, the department may waive all or any part of
5 the examination of any person applying for the renewal of a driver's
6 license except when the department determines that an applicant for a
7 driver's license is not qualified to hold a driver's license under this
8 title. The department may also waive the actual demonstration of the
9 ability to operate a motor vehicle by a person who surrenders a valid
10 driver's license issued by the person's previous home state and who is
11 otherwise qualified to be licensed. For a new license examination a
12 fee of seven dollars shall be paid by each applicant, in addition to
13 the fee charged for issuance of the license. A new license is one
14 issued to a driver who has not been previously licensed in this state
15 or to a driver whose last previous Washington license has been expired
16 for more than four years.

17 Any person renewing his or her driver's license more than sixty
18 days after the license has expired shall pay a penalty fee of ten
19 dollars in addition to the renewal fee under RCW 46.20.181. The
20 penalty fee shall be deposited in the highway safety fund.

21 Any person who is outside the state at the time his or her driver's
22 license expires or who is unable to renew the license due to any
23 incapacity may renew the license within sixty days after returning to
24 this state or within sixty days after the termination of any such
25 incapacity without the payment of the penalty fee.

26 The department shall provide for giving examinations at places and
27 times reasonably available to the people of this state.

28 **Sec. 6.** RCW 74.04.060 and 1987 c 435 s 29 are each amended to read
29 as follows:

30 For the protection of applicants and recipients, the department and
31 the county offices and their respective officers and employees are
32 prohibited, except as hereinafter provided, from disclosing the
33 contents of any records, files, papers and communications, except for
34 purposes directly connected with the administration of the programs of
35 this title. In any judicial proceeding, except such proceeding as is
36 directly concerned with the administration of these programs, such
37 records, files, papers and communications, and their contents, shall be
38 deemed privileged communications and except for the right of any

1 individual to inquire of the office whether a named individual is a
2 recipient of welfare assistance and such person shall be entitled to an
3 affirmative or negative answer. However, upon written request of a
4 parent who has been awarded visitation rights in an action for divorce
5 or separation or any parent with legal custody of the child, the
6 department shall disclose to him or her the last known address and
7 location of his or her natural or adopted children. The secretary
8 shall adopt rules which establish procedures for disclosing the address
9 of the children and providing, when appropriate, for prior notice to
10 the custodian of the children. The notice shall state that a request
11 for disclosure has been received and will be complied with by the
12 department unless the department receives a copy of a court order which
13 enjoins the disclosure of the information or restricts or limits the
14 requesting party's right to contact or visit the other party or the
15 child. Information supplied to a parent by the department shall be
16 used only for purposes directly related to the enforcement of the
17 visitation and custody provisions of the court order of separation or
18 decree of divorce. No parent shall disclose such information to any
19 other person except for the purpose of enforcing visitation provisions
20 of the said order or decree.

21 The county offices shall maintain monthly at their offices a report
22 showing the names and addresses of all recipients in the county
23 receiving public assistance under this title, together with the amount
24 paid to each during the preceding month.

25 The provisions of this section shall not apply to duly designated
26 representatives of approved private welfare agencies, public officials,
27 members of legislative interim committees and advisory committees when
28 performing duties directly connected with the administration of this
29 title, such as regulation and investigation directly connected
30 therewith and to the exchange of thumbprint information between the
31 department of social and health services and the department of
32 licensing: PROVIDED, HOWEVER, That any information so obtained by such
33 persons or groups shall be treated with such degree of confidentiality
34 as is required by the federal social security law.

35 It shall be unlawful, except as provided in this section, for any
36 person, body, association, firm, corporation or other agency to
37 solicit, publish, disclose, receive, make use of, or to authorize,
38 knowingly permit, participate in or acquiesce in the use of any lists

1 or names for commercial or political purposes of any nature. The
2 violation of this section shall be a gross misdemeanor.

3 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.04 RCW
4 to read as follows:

5 The department of social and health services shall require all
6 applicants for public assistance to submit to an electronic thumbprint
7 scan to verify the applicant's identity. Except in the case of
8 emergency assistance provided pursuant to RCW 74.04.660, assistance
9 shall not be granted unless the person's identification has been
10 verified through the electronic thumbprint scan. The department shall
11 also reverify an applicant's identity through use of the electronic
12 thumbprint scan at reasonable intervals during the time the person
13 receives public assistance, which intervals shall be designated by rule
14 by the department.

15 NEW SECTION. **Sec. 8.** A new section is added to chapter 74.04 RCW
16 to read as follows:

17 (1) The department of licensing and the department of social and
18 health services, in consultation with the department of information
19 services, shall acquire and implement an electronic thumbprint
20 identification system. The department of licensing and the department
21 of social and health services shall adopt rules as necessary under
22 chapter 34.05 RCW for implementation of the system. The system shall
23 be designed to allow each department's system to interact with the
24 other department's system. The purpose of this system shall be to
25 verify the identity of those individuals indicated in subsection (2) of
26 this section and prevent the use of multiple identities.

27 (2)(a) In the case of the department of licensing, the system shall
28 be used to verify the identity of persons obtaining an original,
29 duplicate, or renewed driver's license or identicard.

30 (b) In the case of the department of social and health services,
31 the system shall be used to verify the identity of persons applying for
32 public assistance, and periodic reverification of the identity of those
33 persons receiving public assistance currently or in the future.

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