

FINAL BILL REPORT

SHB 2729

C 200 L 08

Synopsis as Enacted

Brief Description: Addressing the reading and handling of certain identification documents.

Sponsors: By House Committee on Technology, Energy & Communications (originally sponsored by Representatives Eddy, Pedersen, Appleton, Lantz, Williams, Uptegrove, Santos, Simpson, Hasegawa, Ericks, Ormsby and Springer).

House Committee on Technology, Energy & Communications
Senate Committee on Transportation

Background:

Western Hemisphere Travel Initiative. In April 2005 the departments of State and Homeland Security announced the Western Hemisphere Travel Initiative (Initiative), which requires individuals entering or re-entering the United States to present a passport or other federally approved identification or proof-of-citizenship document.

The identification requirements of the Initiative for persons entering or re-entering the United States by land or sea became effective on January 31, 2008.

Washington's Enhanced Driver's License. In 2007 legislation was enacted that authorized the Department of Licensing (DOL) to issue a voluntary enhanced driver's license or identicard (EDL/ID) to all applicants who, in addition to meeting all other driver's license or identicard requirements, provide the DOL with proof of U.S. citizenship, identity, and state residency.

The EDL/ID uses Radio Frequency Identification (RFID) technology, a wireless technology that stores and retrieves data remotely. A RFID chip is embedded in each EDL/ID and contains a unique reference number. At the border crossing station, a RFID reader uses electromagnetic waves to energize the tag and collect this reference number. The reader converts the radio waves reflected back from the RFID tag into digital information and transmits it to the Customs and Border Protection network, which is an encrypted, secure network. The reference number is compared to the Customs and Border Protection's records to verify that an individual's identity matches the information printed on the front of his or her EDL/ID card.

The Department of Homeland Security has designated the EDL/ID as acceptable documents for the purpose of entering or re-entering the United States.

Public Records. Each state and local agency is required under the Public Records Act to make all public records available for public inspection and copying unless the record is exempted from disclosure.

Collection of Personal Information from an Identification Document. There are no state laws that prohibit or restrict a non-governmental entity from using or distributing personal information gained through an EDL/ID or other identification card or document.

Summary:

Enhanced Driver's License. A person is guilty of a class C felony if the person uses radio waves to intentionally possess, read, or capture remotely, information on another person's enhanced driver's license without that person's express knowledge and consent.

Exceptions are included for capturing the information on another person's enhanced driver's license: (1) to facilitate border crossing; (2) to conduct security-related research; and (3) for inadvertent scanning (provided that the information is promptly disclosed, and neither disclosed to any other party, nor used for any purpose).

The unlawful capture or possession of information on a person's enhanced driver's license is deemed a violation of the Consumer Protection Act.

Public Records Disclosure Exemptions. A public records exemption from disclosure is created for documents and related materials, including scanned images, used to establish identity, age, a residential address, a Social Security number, or other personal information required in connection with an application for a driver's license or identicard.

A public records exemption from disclosure is also created for personally identifying information collected through a driver's license or identicard containing radio frequency identification or similar technology used to facilitate border crossing.

Votes on Final Passage:

House	95	0	
Senate	47	0	(Senate amended)
House	94	0	(House concurred)

Effective: June 12, 2008