
Transportation Committee

HB 1577

Brief Description: Verifying that an applicant for a driver's license or identicard is lawfully within the United States.

Sponsors: Representatives Armstrong, Angel, Kretz, Warnick, Ross, Shea, Taylor, Klippert, Buys, Johnson, Haler, Dahlquist, Rivers, Harris, Hargrove, Walsh, Short, Anderson, Rolfes, Parker, Kristiansen, Schmick, Nealey, Dammeier, Ahern, Stanford, Finn, Moeller, Alexander, Hope, Hinkle, Green, Rodne, Overstreet, Van De Wege, Tharinger, Haigh, Hurst, Takko, Blake, McCune, Kelley, Orcutt, Pearson, Smith and Miloscia.

Brief Summary of Bill

- Prohibits the Department of Licensing (DOL) from issuing a driver's license or an identicard that is valid for identification purposes unless the applicant can document that he or she is a United States citizen or is lawfully present in the United States.
- Provides that driver's licenses and identicards expire on the fifth anniversary of the applicant's birthdate after issuance or on the date the applicant's authorization to be in the United States expires, whichever occurs first.
- Requires the DOL to indicate in its records the citizenship status of each applicant who receives a driver's license or identicard.
- Prohibits the DOL from asking a driver's license or identicard applicant if she or he would like to register to vote or transfer voter registration unless the applicant provides proof of United States citizenship.

Hearing Date: 2/17/11

Staff: Wendy Malkin (786-7114).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Department of Licensing (DOL) may not issue an identicard or driver's license that is valid for identification purposes unless the applicant is a Washington resident and meets certain documentation requirements for identification.

An applicant for a driver's license or identicard may meet the documentation requirement for identification by providing one of the following "stand-alone" documents:

- Washington driver's license, ID card, or instruction permit;
- Out-of-state driver's license, ID card, or instruction permit, if the person has a social security number;
- United States armed services ID card with photo and signature;
- United States passport;
- Immigration ID with signature;
- Certificate of U.S. Citizenship or U.S. Naturalization;
- Out-of-state enhanced driver license or enhanced ID card; or
- Department of Social and Health Services Children's Administration ID letter (for those in foster care).

If an applicant is unable to provide one of the "stand-alone" documents, the applicant may meet the documentation requirements by providing a certain combination of documents from the DOL's list of "A documents" or "B documents." An applicant under the age of 18 may provide an affidavit signed by his or her parent to document identity if the parent is able to provide certain documentation requirements.

If an applicant for a driver's license is unable to provide adequate documentation, the DOL must label the applicant's license "not valid for identification purposes." An applicant for an identicard may not be issued an identicard if he or she cannot meet the identification requirements.

An applicant who does not have a social security number must provide a document to prove Washington residency. The DOL will verify the document before a driver's license or identicard is issued. One of the following documents is sufficient to show Washington residency:

- Home utility bill;
- Certain college or university documents;
- Washington Department of Corrections electronic ID Letter;
- Washington vehicle registration and auto insurance policy or vehicle insurance card;
- Selective Service card with a current residential address;
- Vehicle title;
- Bank-issued documents; or
- A rental or lease agreement.

A driver's license or identicard expires on the fifth anniversary of the holder's birthdate following the issuance of the card. A person may renew his or her driver's license up to a year before the expiration date by renewing in person at a DOL licensing office. A person eligible to renew a driver's license online or by mail may renew up to six weeks in advance.

In 1993 the National Voter Registration ("Motor Voter") Act required states to offer voter registration at drivers licensing and other government offices. Washington passed a motor voter law in 1990. Under Washington's law, before issuing an original license or identicard or

renewing a license or identicard, the DOL is required to ask an applicant if he or she wants to register to vote or transfer voter registration. If the applicant answers in the affirmative, the DOL must ask whether the applicant is a United States citizen and whether the applicant will be 18 years of age on or before the election. If the applicant answers in the affirmative to both questions, the DOL must transmit the voter registration or voter transfer to the Secretary of State. The transmission to the Secretary of State must include the applicant's driver's license number, gender, date of birth, and address.

Summary of Bill:

The DOL may not issue a driver's license or an identicard that is valid for identification purposes unless the applicant can document that she or he is a United States citizen or is lawfully present in the United States. If an applicant for a driver's license is unable to meet the documentation requirement for citizenship or lawful presence, the DOL may issue a driver's license that is labeled "not valid for identification purposes."

The DOL must adopt rules within 90 days of the effective date of the bill to establish procedures for verifying that an applicant for a driver's license or identicard is a United States citizen or is lawfully present in the United States. The rule must indicate which documents are adequate to provide proof of citizenship or legal presence. The DOL may not accept a driver's license or identification card from another state as documentation unless the other state requires applicants to provide proof of legal presence.

The DOL must indicate in its records the citizenship status of each applicant who receives a driver's license or identicard.

Driver's licenses and identicards expire on the fifth anniversary of the applicant's birthdate after issuance or on the date the applicant's authorization to be in the United States expires, whichever occurs first. If there is no definite end date to the applicant's authorized stay, the license or identicard expires one year after the date of issuance. The DOL may adjust the renewal period of a driver's license or identicard that is issued to expire on the date an applicant's authorization expires or is issued to expire in one year if the applicant provides documentation that his or her authorization has been extended.

The DOL may ask an applicant for a driver's license or identicard if she or he would like to register to vote or transfer voter registration only if the applicant provides proof of United States citizenship. When the DOL transfers voter information to the Secretary of State, it must include the citizenship status of each individual. The Secretary of State may register only applicants whose United States citizenship is established.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.