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## Transportation Committee

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### HB 2433

**Brief Description:** Authorizing the implementation of a facial recognition matching system for drivers' licenses, permits, and identicards.

**Sponsors:** Representatives Clibborn, Armstrong, Liias, Rodne, Maxwell, Moeller, Hurst and Ormsby; by request of Department of Licensing.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Allows the Department of Licensing to implement a facial recognition matching system for driver's licenses, permits, and identicards.</li></ul>
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**Hearing Date:** 1/25/12

**Staff:** Alison Hellberg (786-7152).

**Background:**

Current law requires the Department of Licensing (Department) to implement a highly accurate biometric matching system that is compliant with standards established by the American Association of Motor Vehicle Administrators within two years after Washington implements provisions of the federal Real ID Act.

The biometric matching system may only be used to verify the identity of an applicant for renewal or issuance of a duplicate license or identicard. When the system is established, the Department must allow every person applying for an original, renewal, or duplicate driver's license or identicard the option of submitting a biometric identifier. A fee of up to \$2 may be charged to add a biometric identifier to a driver's license or identicard. The project requires a full review by the Information Services Board.

An applicant must be informed of:

- all ways in which the biometric identifier may be used;
- all parties to whom the identifier may be disclosed and the conditions of disclosure;

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- the expected error rates for the biometric matching system which shall be regularly updated as the technology changes or empirical data is collected; and
- the potential consequences of those errors.

The Department must adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted. All biometric information must be stored with appropriate safeguards. The Department may not disclose biometric information to the public or any governmental entity except when authorized by court order.

Current law also requires the Department to develop procedures to handle instances in which the biometric matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license or identicard. These procedures must allow an applicant to prove identity without using a biometric identifier. A person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the program at any time. When the person discontinues participation, any previously collected biometric information must be destroyed.

The Department received federal funds for a driver's license and identicard biometric matching system pilot program. The pilot program was implemented in 2009. The Enhanced Driver License program also uses facial recognition technology to verify identity.

Facial recognition systems use a mathematical template based on the photograph of the applicant and compare the template against templates of photos currently in the system. The system then identifies potential template matches for review by a Department staff person.

### **Summary of Bill:**

A "facial recognition matching system" is defined as a system that compares the biometric template derived from an image of an applicant or holder of a driver's license, permit, or identicard with the biometric templates derived from the images in the Department's negative file. The term "biometric matching system" is replaced with the term "facial recognition matching system" throughout the statute.

The Department may implement a facial recognition matching system for all driver's licenses, permits, and identicards. Any facial recognition matching system selected by the Department must only be used to verify the identity of an applicant for, or holder of, a driver's license, permit, or identicard.

The Department may not release results from the facial recognition system to the public or any governmental entity without a court order unless the Department has reason to believe that a person has committed certain prohibited acts. These prohibited acts are to:

- display or possess a fictitious or fraudulently altered driver's license or identicard;
- lend a driver's license or identicard to any other person or knowingly permit its use by another;
- display or represent as one's own any driver's license or identicard not issued to him or her;
- willfully refuse to surrender to the Department upon its lawful demand any driver's license or identicard which has been suspended, revoked or canceled;

- use a false or fictitious name in an application for a driver's license or identicard or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in an application;
- permit any unlawful use of a driver's license or identicard issued to him or her;
- sell or deliver a stolen driver's license or identicard; or
- manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identicard, or to manufacture, sell, or deliver a blank driver's license or identicard except under the direction of the Department.

The requirement that the Department implement a biometric matching system within two years of implementing the provisions of Real ID Act is removed. Language allowing a person to discontinue participation in the program is removed. The disclosures that the Department must provide to applicants are no longer required. The requirement that the project be reviewed by the Information Services Board is removed. The authority for the Department to charge an applicant a \$2 fee for submitting a biometric identifier is repealed.

**Appropriation:** None.

**Fiscal Note:** Available.

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