

HOUSE BILL REPORT

SSB 5591

As Reported by House Committee On: Transportation

Title: An act relating to confidential license plates, drivers' licenses, identicards, and vessel registrations.

Brief Description: Concerning confidential license plates, drivers' licenses, identicards, and vessel registrations.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Eide, King and Shin; by request of Department of Licensing).

Brief History:

Committee Activity:

Transportation: 3/20/13, 4/2/13 [DPA].

Brief Summary of Substitute Bill (As Amended by Committee)

- Authorizes the Department of Licensing to issue confidential driver's licenses and identicards.
- Provides certain measures to protect the confidential nature of these licenses and identicards.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 30 members: Representatives Clibborn, Chair; Fey, Vice Chair; Lias, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Bergquist, Farrell, Fitzgibbon, Habib, Hayes, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Moeller, Morris, O'Ban, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton, Upthegrove and Zeiger.

Staff: Andrew Russell (786-7143).

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) is responsible for, among other things, issuing driver's licenses, identicards, and vehicle and vessel registrations. Generally, an applicant must provide his or her name and address when applying for a driver's license or identicard and when registering a vehicle or vessel. Falsifying information on such an application is a gross misdemeanor. Similarly, when registering a vehicle or vessel with the DOL, the applicant must provide his or her name and address. After completing an application to register a vehicle or vessel, the DOL will issue a license plate to that applicant.

The DOL may issue confidential or undercover license plates to law enforcement agencies, statewide elected officials, certain public employees when it is recommended by the Washington State Patrol (WSP), and the State Treasurer in order to transport state funds or negotiable securities. The use of confidential license plates by a state law enforcement agency is limited to confidential, investigative, or undercover work; confidential public health work; and public assistance fraud or support investigations. Undercover license plate records show fictitious names and addresses on all the DOL records that are subject to public disclosure. Confidential license plate records, however, show the government agency name and address on all the DOL records that are subject to disclosure.

Summary of Amended Bill:

First, the amended bill clarifies that language in the underlying statute refers to "child support investigations" in listing the reasons for which a confidential license plate may be issued. Additionally, the DOL is authorized to issue confidential driver's licenses and identicards to law enforcement officers in order for the officer to carry out undercover or covert law enforcement activities. These licenses may be used only during the duration of an undercover operation and must be returned to the DOL under certain circumstances.

The amended bill requires that the DOL investigate the conviction record of any employee who has access to information related to the issuance of a confidential license plate, identification, or vehicle or vessel registration when that information may reveal the identity of an individual or the nature of that individual's work. Records related to confidential license plates, driver's licenses, identicards, and vehicle and vessel registrations are exempt from public disclosure; however, the total number of such issuances may still be released. Upon request from the Legislature, the DOL must provide a report summarizing certain data regarding the DOL's issuance of undercover or covert license plates, driver's licenses, identicards, and registrations.

Finally, the bill includes an emergency clause, allowing it to take effect immediately upon signing by the Governor.

Amended Bill Compared to Substitute Bill:

The bill was amended to provide clarification in the underlying law regarding child support investigations. The original bill did not require that confidential licenses be used only during an undercover operation, and it did not require that such licenses be returned to the DOL. Additionally, the original bill did not require that the DOL provide a report to the Legislature

regarding the issuances of these confidential items. Finally, the original bill did not include an emergency clause.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony:

(In support) Twenty-two states have a similar program regarding undercover license plates. In Washington, the DOL has issued 1,500 undercover driver's licenses and 4,500 confidential license plates. For a license plate, a law enforcement agency must apply to the DOL, and the plate must be renewed annually. Driver's licenses must follow the same process. This legislation is supported by law enforcement agencies across the state, and it provides a balance for many interests.

Washington newspapers have worked with law enforcement on striking a balance with openness, and the newspapers support this bill.

(Opposed) None.

Persons Testifying: Tony Sermonti, Department of Licensing; and Rowland Thompson, Allied Daily Newspapers.

Persons Signed In To Testify But Not Testifying: None.