

SENATE BILL REPORT

ESHB 2150

As Reported By Senate Committee On:
Transportation, February 26, 1996

Title: An act relating to identification requirements for drivers' licenses and identicards.

Brief Description: Authorizing investigation of documents submitted with a driver's license application.

Sponsors: House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Skinner, R. Fisher, Sterk, Romero, Conway, Smith, Lambert, D. Schmidt, Mitchell, Robertson, Backlund, Ballasiotes, Kremen, Pennington, Hymes, Crouse, Delvin, Buck, Chappell, Ogden, Brown, Scott, Blanton, Lisk, Mulliken, Sheldon, Grant, Chandler, Radcliff, Honeyford, Koster, Huff, L. Thomas, Quall, Johnson, Hickel, Thompson, Cooke, Patterson, Costa and McMahan).

Brief History:

Committee Activity: Transportation: 2/15/96, 2/26/96 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Owen, Chair; Heavey, Vice Chair; Goings, Morton, Oke, Prentice, Prince, Rasmussen, Thibaudeau and Wood.

Staff: Jeff Doyle (786-7322)

Background: In order to obtain a Washington driver's license or identification (ID) card, an applicant must be able to prove his or her identity to the Department of Licensing (DOL). Banks, businesses and law enforcement agencies rely upon the license or ID card in transacting business with the cardholder.

In 1993 the Legislature established procedures for screening and determining the authenticity of documents submitted by driver's license applicants. DOL field offices now rely upon a list of acceptable documents called "primary identification documents" in determining the identity of an applicant. When primary documents are not available, the department will consider secondary identification documents to establish identity.

The Department of Licensing convened a Document Advisory Committee to enhance procedures for determining the authenticity and reliability of identification documents. The advisory committee has recommended increased scrutiny for secondary identification documents.

Summary of Amended Bill: Applications for driver's licenses and ID cards must contain a statement of implied consent, notifying the applicant that information contained in his or

her application (and any supporting documents) can be made available to law enforcement agencies and governments.

Photocopies of identifying documents are accepted only if certified by the issuing authority. Faxed documents are accepted only if transmitted to DOL directly from the issuing authority.

DOL may retain original documents for a period of time necessary to investigate their validity, unless these documents are issued by INS or of foreign origin. DOL may not keep originals of these types of documents, but may make photocopies in order to investigate the validity of the document. DOL may issue a temporary license during the investigatory period.

Any applicant making a false statement is guilty of false swearing, a gross misdemeanor.

The Legislative Transportation Committee is authorized to conduct a feasibility study for phase three of the driver's license security effort.

Amended Bill Compared to Substitute Bill: The requirement that DOL issue drivers' licenses only to U.S. citizens is removed. DOL may not keep original documents in order to investigate authenticity if the documents were issued by INS or are of foreign origin.

The \$75,000 appropriation for phase 3 of the study is removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Provisions requiring DOL to issue drivers' licenses only to U.S. citizens or persons lawfully entitled to be in the U.S. should be removed, since only the federal government has the authority and expertise to regulate citizenship.

Licensing examiners should not be able to keep original documents issued by INS or documents of foreign origin, because in many cases, these documents are all that keep the applicant lawfully in the U.S.

Testimony Against: None.

Testified: PRO: Rep. Schmidt, prime sponsor; Tim Schellberg, Sheriffs and Chiefs; Rick Jensen, WA State Patrol Troopers Assn.; Larry Lee, WA Bankers, Assn.; John Brummett, SeaFirst; Jeff Cox, WA Retail Assn.; Kevin Ruoff, Fred Meyers; Candace Carlson, King County Metro; Marsh Pugh, WSP; Joe Daniels, International Federation of Professional & Tech. Engineers; Richard Smith, USIMS; Carter Mitchell, Liquor Control Board; Igor Danilous, Bob Stewart, IFPTE; CON: Vicki Stifter, NW Immigrant Rights Projects; Maite Marino, Centro Latino SER; Shannon Moon, New Beginnings for Battered Women; Gretchen Kuhner, Blanca Rodriguez, Seattle University; Lisa Seifert, Immigration attorney; David Della, Kathleen Russel, Ned Delasey, CAPP; Jerry Sheehan, ACLU.