

2 **ESHB 2730** - S COMM AMD  
3 By Committee on Transportation

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** The legislature finds that while the  
8 driver's license was designed to be a declaration of the privilege to  
9 operate a motor vehicle, drivers' licenses and identicards issued by  
10 the department of licensing have become the most widely accepted forms  
11 of personal identification used by Washington residents. There is an  
12 increasing use of false drivers' licenses and identicards to purchase  
13 liquor, to cash bad checks, and to obtain food stamps and other  
14 benefits, often at the expense of law-abiding residents. It is the  
15 purpose of this act to require effective means of rendering drivers'  
16 licenses and identicards as immune as possible from alteration and  
17 counterfeiting in order to promote the public health and safety of the  
18 people of this state.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW  
20 to read as follows:

21 "Biometrics" means physical attributes that are unique to  
22 individual persons. Biometrics includes but is not limited to finger  
23 images, iris/retinal scans, vein patterns, facial images, and  
24 hand/finger geometry.

25 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW  
26 to read as follows:

27 By July 1, 1999, the department shall enter into a contract for the  
28 procurement of a new state driver's license and identicard. The  
29 contract shall incorporate, but not be limited to, the following  
30 features subject to the listed restrictions:

31 (1) A digital imaging system. A digital imaging system permits a  
32 person's photograph and signature to be stored and displayed by  
33 computer, which allows for improved file management, flexibility,  
34 responsiveness, and fraud protection.

1 (2) Machine-readable technologies, including a one-dimensional bar  
2 code, two-dimensional bar code, or a magnetic stripe. Through  
3 encryption, both the magnetic stripe and two-dimensional bar code offer  
4 additional levels of security against alteration and counterfeiting.

5 (a) Information included on a driver's license in machine-readable  
6 form may be accessed by the director, the chief of the Washington state  
7 patrol, commissioned law enforcement officers, district courts,  
8 municipal courts, superior courts, and city and county prosecuting  
9 attorneys.

10 (b) Except as authorized by this section, a person accessing  
11 information encrypted in machine-readable form on a driver's license is  
12 guilty of a gross misdemeanor.

13 (3) A central issuance system. A central issuance system requires  
14 the issuance of permanent licenses and identicards from one central,  
15 secure location. Upon verification of eligibility, the license or  
16 identicard will be mailed to the resident.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW  
18 to read as follows:

19 The digital imaging system authorized in section 3 of this act  
20 shall not incorporate facial recognition technology that would allow a  
21 one-to-many search, nor may a subsequent user of the file or a portion  
22 of the file apply such facial recognition technology. A one-to-many  
23 search compares the photograph to all the other photographs to  
24 determine if there is a match. However, the department may compare the  
25 photograph against the individual applying for a license, license  
26 renewal, or identicard.

27 **Sec. 5.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read  
28 as follows:

29 The department shall maintain a negative file. It shall contain  
30 negatives of all pictures taken by the department of licensing as  
31 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file  
32 shall not be available for public inspection and copying under chapter  
33 42.17 RCW. The department may make specified pictures within the file  
34 available to official (~~governmental~~) law enforcement agencies  
35 designated as such in statute or executive order to assist in the  
36 investigation by the agencies of suspected criminal activity. The

1 department may also provide a print to the driver's next of kin in the  
2 event the driver is deceased.

3 The department shall maintain a computerized audit trail of all  
4 releases of digital photographs. A list of all individuals who, or  
5 organizations that, have accessed an individual's digital photograph  
6 must be available for inspection by the individual whose photograph was  
7 released, by the individual's authorized personal representative, and  
8 by the state auditor.

9 **Sec. 6.** RCW 46.20.091 and 1996 c 287 s 5 are each amended to read  
10 as follows:

11 (1) Every application for an instruction permit or for an original  
12 driver's license shall be made upon a form prescribed and furnished by  
13 the department which shall be sworn to and signed by the applicant  
14 before a person authorized to administer oaths. An applicant making a  
15 false statement under this subsection is guilty of false swearing, a  
16 gross misdemeanor, under RCW 9A.72.040. Every application for an  
17 instruction permit containing a photograph shall be accompanied by a  
18 fee of five dollars. The department shall forthwith transmit the fees  
19 collected for instruction permits and temporary drivers' permits to the  
20 state treasurer.

21 (2) Every such application shall state the full name, date of  
22 birth, sex, and Washington residence address of the applicant, and  
23 briefly describe the applicant, and shall state whether the applicant  
24 has theretofore been licensed as a driver or chauffeur, and, if so,  
25 when and by what state or country, and whether any such license has  
26 ever been suspended or revoked, or whether an application has ever been  
27 refused, and, if so, the date of and reason for such suspension,  
28 revocation, or refusal, and shall state such additional information as  
29 the department shall require, including a statement that identifying  
30 documentation presented by the applicant is valid. Except for  
31 submitting a digital photograph as authorized by section 3 of this act,  
32 the department shall neither request nor require an applicant to submit  
33 biometrics as part of an application under this section.

34 (3) Whenever application is received from a person previously  
35 licensed in another jurisdiction, the department shall request a copy  
36 of such driver's record from such other jurisdiction. When received,  
37 the driving record shall become a part of the driver's record in this  
38 state.

1 (4) Whenever the department receives request for a driving record  
2 from another licensing jurisdiction, the record shall be forwarded  
3 without charge if the other licensing jurisdiction extends the same  
4 privilege to the state of Washington. Otherwise there shall be a  
5 reasonable charge for transmittal of the record, the amount to be fixed  
6 by the director of the department.

7 **Sec. 7.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read  
8 as follows:

9 (1) The department shall issue "identicards," containing a picture,  
10 to nondrivers for a fee of (~~four~~) six dollars. However, the fee  
11 shall be the actual cost of production to recipients of continuing  
12 public assistance grants under Title 74 RCW who are referred in writing  
13 to the department by the secretary of social and health services. The  
14 fee shall be deposited in the highway safety fund. To be eligible,  
15 each applicant shall produce evidence as required in RCW 46.20.035 that  
16 positively proves identity. The "identicard" shall be distinctly  
17 designed so that it will not be confused with the official driver's  
18 license. The identicard shall expire on the fifth anniversary of the  
19 applicant's birthdate after issuance.

20 (2) The department may cancel an "identicard" upon a showing by its  
21 records or other evidence that the holder of such "identicard" has  
22 committed a violation relating to "identicards" defined in RCW  
23 46.20.336.

24 **Sec. 8.** RCW 46.20.161 and 1990 c 250 s 40 are each amended to read  
25 as follows:

26 (1) The department, upon receipt of a fee of (~~fourteen~~) twenty  
27 dollars, which includes the fee for the required photograph, shall  
28 issue to every applicant qualifying therefor a driver's license, which  
29 license shall bear thereon a distinguishing number assigned to the  
30 licensee, the full name, date of birth, Washington residence address,  
31 and a brief description of the licensee, and either a facsimile of the  
32 signature of the licensee or a space upon which the licensee shall  
33 write his usual signature with pen and ink immediately upon receipt of  
34 the license. No license is valid until it has been so signed by the  
35 licensee.

36 (2) As authorized by section 3 of this act, the department may also  
37 include the information specified by subsection (1) of this section,

1 but no other information, on a driver's license in machine-readable  
2 form. Any information included on a driver's license in a form that  
3 can only be read by machine must be encrypted.

4 **Sec. 9.** RCW 46.20.181 and 1990 c 250 s 41 are each amended to read  
5 as follows:

6 Every driver's license expires on the fourth anniversary of the  
7 licensee's birthdate following the issuance of the license. Every such  
8 license is renewable on or before its expiration upon application  
9 prescribed by the department and the payment of a fee of (~~fourteen~~)  
10 twenty dollars. This fee includes the fee for the required photograph.

11 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.20 RCW  
12 to read as follows:

13 In no event may the social security number be placed on the  
14 driver's license or identicard.

15 **Sec. 11.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are  
16 each reenacted and amended to read as follows:

17 Failure to perform any act required or the performance of any act  
18 prohibited by this title or an equivalent administrative regulation or  
19 local law, ordinance, regulation, or resolution relating to traffic  
20 including parking, standing, stopping, and pedestrian offenses, is  
21 designated as a traffic infraction and may not be classified as a  
22 criminal offense, except for an offense contained in the following  
23 provisions of this title or a violation of an equivalent administrative  
24 regulation or local law, ordinance, regulation, or resolution:

25 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
26 vehicle while under the influence of intoxicating liquor or a  
27 controlled substance;

28 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

29 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
30 while under the influence of intoxicating liquor or narcotics or  
31 habit-forming drugs or in a manner endangering the person of another;

32 (4) RCW 46.10.130 relating to the operation of snowmobiles;

33 (5) Chapter 46.12 RCW relating to certificates of ownership and  
34 registration and markings indicating that a vehicle has been destroyed  
35 or declared a total loss;

1 (6) RCW 46.16.010 relating to initial registration of motor  
2 vehicles;

3 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
4 drive;

5 (8) RCW 46.16.160 relating to vehicle trip permits;

6 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
7 acquisition of a special placard or license plate for disabled persons'  
8 parking;

9 (10) RCW 46.20.005 relating to driving without a valid driver's  
10 license;

11 (11) RCW 46.20.091 relating to false statements regarding a  
12 driver's license or instruction permit;

13 (12) RCW 46.20.--- (section 3 of this act) relating to unauthorized  
14 access to encrypted driver's license information;

15 (13) RCW 46.20.336 relating to the unlawful possession and use of  
16 a driver's license;

17 ~~((13))~~ (14) RCW 46.20.342 relating to driving with a suspended or  
18 revoked license or status;

19 ~~((14))~~ (15) RCW 46.20.410 relating to the violation of  
20 restrictions of an occupational driver's license;

21 ~~((15))~~ (16) RCW 46.20.420 relating to the operation of a motor  
22 vehicle with a suspended or revoked license;

23 ~~((16))~~ (17) RCW 46.20.740 relating to operation of a motor  
24 vehicle without an ignition interlock device in violation of a license  
25 notation that the device is required;

26 ~~((17))~~ (18) RCW 46.20.750 relating to assisting another person to  
27 start a vehicle equipped with an ignition interlock device;

28 ~~((18))~~ (19) RCW 46.25.170 relating to commercial driver's  
29 licenses;

30 ~~((19))~~ (20) Chapter 46.29 RCW relating to financial  
31 responsibility;

32 ~~((20))~~ (21) RCW 46.30.040 relating to providing false evidence of  
33 financial responsibility;

34 ~~((21))~~ (22) RCW 46.37.435 relating to wrongful installation of  
35 sunscreening material;

36 ~~((22))~~ (23) RCW 46.44.180 relating to operation of mobile home  
37 pilot vehicles;

38 ~~((23))~~ (24) RCW 46.48.175 relating to the transportation of  
39 dangerous articles;

1        ~~((24))~~ (25) RCW 46.52.010 relating to duty on striking an  
2 unattended car or other property;  
3        ~~((25))~~ (26) RCW 46.52.020 relating to duty in case of injury to  
4 or death of a person or damage to an attended vehicle;  
5        ~~((26))~~ (27) RCW 46.52.090 relating to reports by repairmen,  
6 storagemen, and appraisers;  
7        ~~((27))~~ (28) RCW 46.52.100 relating to driving under the influence  
8 of liquor or drugs;  
9        ~~((28))~~ (29) RCW 46.52.130 relating to confidentiality of the  
10 driving record to be furnished to an insurance company, an employer,  
11 and an alcohol/drug assessment or treatment agency;  
12        ~~((29))~~ (30) RCW 46.55.020 relating to engaging in the activities  
13 of a registered tow truck operator without a registration certificate;  
14        ~~((30))~~ (31) RCW 46.55.035 relating to prohibited practices by tow  
15 truck operators;  
16        ~~((31))~~ (32) RCW 46.61.015 relating to obedience to police  
17 officers, flagmen, or fire fighters;  
18        ~~((32))~~ (33) RCW 46.61.020 relating to refusal to give information  
19 to or cooperate with an officer;  
20        ~~((33))~~ (34) RCW 46.61.022 relating to failure to stop and give  
21 identification to an officer;  
22        ~~((34))~~ (35) RCW 46.61.024 relating to attempting to elude  
23 pursuing police vehicles;  
24        ~~((35))~~ (36) RCW 46.61.500 relating to reckless driving;  
25        ~~((36))~~ (37) RCW 46.61.502 and 46.61.504 relating to persons under  
26 the influence of intoxicating liquor or drugs;  
27        ~~((37))~~ (38) RCW 46.61.503 relating to a person under age twenty-  
28 one driving a motor vehicle after consuming alcohol;  
29        ~~((38))~~ (39) RCW 46.61.520 relating to vehicular homicide by motor  
30 vehicle;  
31        ~~((39))~~ (40) RCW 46.61.522 relating to vehicular assault;  
32        ~~((40))~~ (41) RCW 46.61.5249 relating to first degree negligent  
33 driving;  
34        ~~((41))~~ (42) RCW 46.61.527(4) relating to reckless endangerment of  
35 roadway workers;  
36        ~~((42))~~ (43) RCW 46.61.530 relating to racing of vehicles on  
37 highways;  
38        ~~((43))~~ (44) RCW 46.61.685 relating to leaving children in an  
39 unattended vehicle with the motor running;

1       (~~(44)~~) (45) RCW 46.64.010 relating to unlawful cancellation of or  
2 attempt to cancel a traffic citation;  
3       (~~(45)~~) (46) RCW 46.64.048 relating to attempting, aiding,  
4 abetting, coercing, and committing crimes;  
5       (~~(46)~~) (47) Chapter 46.65 RCW relating to habitual traffic  
6 offenders;  
7       (~~(47)~~) (48) RCW 46.68.010 relating to false statements made to  
8 obtain a refund;  
9       (~~(48)~~) (49) Chapter 46.70 RCW relating to unfair motor vehicle  
10 business practices, except where that chapter provides for the  
11 assessment of monetary penalties of a civil nature;  
12       (~~(49)~~) (50) Chapter 46.72 RCW relating to the transportation of  
13 passengers in for hire vehicles;  
14       (~~(50)~~) (51) RCW 46.72A.060 relating to limousine carrier  
15 insurance;  
16       (~~(51)~~) (52) RCW 46.72A.070 relating to operation of a limousine  
17 without a vehicle certificate;  
18       (~~(52)~~) (53) RCW 46.72A.080 relating to false advertising by a  
19 limousine carrier;  
20       (~~(53)~~) (54) Chapter 46.80 RCW relating to motor vehicle wreckers;  
21       (~~(54)~~) (55) Chapter 46.82 RCW relating to driver's training  
22 schools;  
23       (~~(55)~~) (56) RCW 46.87.260 relating to alteration or forgery of a  
24 cab card, letter of authority, or other temporary authority issued  
25 under chapter 46.87 RCW;  
26       (~~(56)~~) (57) RCW 46.87.290 relating to operation of an  
27 unregistered or unlicensed vehicle under chapter 46.87 RCW.

28       NEW SECTION.   **Sec. 12.**   Sections 7 through 9 of this act take  
29 effect July 1, 1999."

30   **ESHB 2730** - S COMM AMD  
31       By Committee on Transportation

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33       In line 1 of the title, after "licenses;" strike the remainder of  
34 the title and insert "amending RCW 46.20.118, 46.20.091, 46.20.117,  
35 46.20.161, and 46.20.181; reenacting and amending RCW 46.63.020; adding  
36 a new section to chapter 46.04 RCW; adding new sections to chapter



1 46.20 RCW; creating a new section; prescribing penalties; and providing  
2 an effective date."

--- END ---