

SENATE BILL REPORT

SB 6678

As of November 4, 2016

Title: An act relating to aligning the issuance of certain documents issued by the department of licensing with federal requirements.

Brief Description: Aligning the issuance of certain documents issued by the department of licensing with federal requirements.

Sponsors: Senator King.

Brief History:

Committee Activity: Transportation:

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: The federal government has adopted several requirements regarding state issuance of licenses to operate a motor vehicle.

REAL ID Act. Congress passed the REAL ID Act in 2005, which established national standards for state-issued drivers' licenses and personal identification cards. One of the requirements of the REAL ID Act is a state must verify the lawful presence within the United States of an applicant for a driver's license or identification card. Presently, Washington does not verify lawful presence in the United States of applicants for standard driver's licenses and identicards.

There are currently two state statutes that restrict the Department of Licensing (DOL) from implementing the REAL ID Act until the following conditions are met: that certain data security measures and safeguards are in place; that the costs and recordkeeping burdens are not unreasonable on driver's license or identicard applicants; and that Washington has received federal funding to cover the cost of implementation.

State issued driver's licenses or identification cards that do not comply with the requirements of the REAL ID Act may not be accepted by a federal agency for certain official purposes. The purposes covered by the Act are: accessing federal facilities, including military bases; entering nuclear power plants; and, beginning January 22, 2018, boarding federally regulated commercial aircraft.

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.

Washington is currently one of eight states that are officially out of compliance with the REAL ID Act and is subject to enforcement at certain federal facilities. Nineteen other states are currently operating under an extension and twenty-three states are fully compliant with the REAL ID Act.

Generally, the standard driver's license costs \$54 and is issued for a period of six years.

Federal Motor Carrier Safety Administration Rules. The operation of commercial motor vehicles is regulated under both state and federal law. In order to operate a commercial motor vehicle in Washington, a person generally must hold a commercial driver's license (CDL), issued by the DOL, with the applicable endorsements for the vehicle that is being driven. DOL issues commercial learner's permits (CLP) that authorize a person who passes the CDL knowledge test to operate a commercial motor vehicle under the supervision of a qualified CDL holder.

In addition to certain personally identifying information and driving history, an applicant for a CDL or CLP must provide to DOL a social security number and proof of US citizenship or lawful presence in the United States. The Federal Motor Carrier Safety Administration's (FMCSA) rules governing the issuance of CDLs and CLPs allow for states to issue non-domiciled CDLs or CLPs to certain persons that are domiciled in a foreign country or in another state. Domicile generally means a place of permanent residence. However, under state law, DOL is not authorized to issue non-domiciled CDLs or CLPs to persons who are domiciled in a foreign jurisdiction or another state.

Summary of Bill: Driver's Licenses and Identical Cards. Creates a new driver's license and identicard to meet the REAL ID ACT requirements.

The new federal purpose driver's license and identicard require an applicant to:

- Provide a document that establishes identity;
- Provide a social security number or demonstrate nonwork-authorized status;
- Provide two documents establishing a primary Washington residence address;
- Provide satisfactory proof of lawful presence in the United States;
- Provide a document establishing date of birth;
- Submit to having a digital photograph taken;
- Pay a fee equal to the standard driver's license or identicard fee; and
- Sign a declaration that the information provided is true, subject to penalty of perjury.

The new federal purpose driver's license and identicard must be marked to distinguish the documents from other standard licenses and identicards DOL issues. The standard issue driver's license, identicards, and permits must be marked with the phrase "Not For Federal Purposes" on the front of the card.

Certain DOL employees that take federal purpose driver's license and identicard information and issue related documents must pass background checks. The statutes prohibiting the implementation of the REAL ID Act until certain conditions are met are repealed.

Commercial Driver's License. DOL is authorized to issue a CDL or CLP to the following nonresidents:

- A person who is domiciled in a foreign country, who provides an unexpired employment authorization document issued by the United States Citizenship and Immigration Services, or an unexpired foreign passport with an approved I-94 form documenting the applicant's most recent admittance into the United States; and
- A person who is domiciled in a state that is prohibited from issuing CDLs and CLPs by the FMCSA.

A nonresident applicant must surrender any CDL or CLP issued by another state.

A non-domiciled CDL or CLP must be marked "non-domiciled" on the face of the document and is valid only when accompanied by a valid driver's license issued by Washington or the person's jurisdiction of domicile.

Persons who have been issued a non-domiciled CDL or CLP are subject to all applicable requirements for disqualifications from operating a commercial motor vehicle and must notify DOL of any disqualifications or license suspensions or revocations regardless of whether in the United States or the person's jurisdiction of domicile.

Additionally, for CDLs and CLPs issued to an individual who has temporary lawful status in the United States:

- The document is valid only when accompanied by valid evidence that the individual is authorized to stay in the United States;
- The document must expire no later than the first anniversary of the individual's birthdate that occurs after the expiration of the individual's authorized stay in the United States, or if there is no expiration of the individuals' authorization to stay in the United States, one year from the first anniversary of the individual's first birthdate that occurs after issuance; and
- The document may be renewed if the individual presents valid evidence that temporary lawful status in the United States is still in effect or has been extended.

Beginning July 1, 2019, the expiration date of a CDL or CLP issued to an individual who has temporary lawful status in the United States will be tied to the individual's authorized stay in the United States, and if there is not an expiration date for the authorized stay, then the document will expire one year from the date of issuance.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.