

FINAL BILL REPORT

ESB 5008

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Synopsis as Enacted

Brief Description: Facilitating compliance with the federal REAL ID act by modifying driver's license and identocard design and fees.

Sponsors: Senators King, Hunt, Sheldon, Hobbs, Mullet and Warnick; by request of Department of Licensing.

Senate Committee on Transportation
House Committee on Transportation

Background: REAL ID Act. Congress passed the REAL ID Act in 2005, which established national standards for state-issued driver's 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 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 identocard 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.

Washington is currently one of eight states that are operating on a limited extension from REAL ID enforcement through June 6, 2016. Thirteen other states are currently operating under an extension through October 10, 2017 and twenty-five 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.

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.

Enhanced Driver's License (EDL). In April 2005, the Departments of State and Homeland Security announced the Western Hemisphere Travel Initiative (WHTI), which required individuals entering or re-entering the United States to present a passport or other acceptable secure identification. The Legislature in 2007 authorized DOL to enter into a memorandum of understanding with a federal agency to facilitate border crossing between Washington and British Columbia, and to issue a voluntary EDL or enhanced identicard (EID). Under WHTI, EDL and EID are acceptable alternatives to a passport for re-entry into the U.S. at land and sea border crossings.

The EDL or EID may be issued to a Washington resident that is also a United States citizen if—in addition to meeting all standard driver's license application requirements—they have submitted proof of their identity, citizenship, and state residency, and successfully complete an in-person interview with a DOL licensing services employee. The cost of an EDL and EID is currently \$108 and the documents are valid for a period of six years. EDL and EID contain a Radio Frequency Identification tag (RFID) like the one used in U.S. passports. The RFID tag contains a unique reference number that is used by U.S. border crossing stations.

The Transportation Security Administration lists EDL and EID as acceptable forms of identification for the purpose of boarding domestic commercial aircrafts.

Summary: Beginning July 1, 2018, DOL must mark the standard driver's licenses and identicards as required by federal law. DOL must adopt rules regarding the implementation of marking the standard driver's license and identicard.

A driver's license that is marked pursuant to the REAL ID Act requirements may not be used as evidence of an individual's citizenship or immigration status for any purpose.

The marking on a driver's license or identicard may not be used as a basis for a criminal investigation, arrest, or detention, if a person with a license that did not have a marking would not be investigated, arrested, or detained under similar circumstances.

The total fee for an EDL and identicard is reduced to a total cost of \$78.

The statute prohibiting DOL's implementation of the REAL ID Act until Washington has received federal funding to cover the cost of implementation is repealed.

Votes on Final Passage:

Senate	45	4	
House	69	28	(House amended)
Senate			(Senate refused to concur)
House	55	41	(House receded/amended)
Senate	36	13	(Senate concurred)

Effective: July 23, 2017