

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5008

Chapter 310, Laws of 2017

65th Legislature
2017 Regular Session

REAL ID ACT COMPLIANCE--LICENSE AND IDENTICARD DESIGN--FEES

EFFECTIVE DATE: 7/23/2017

Passed by the Senate April 20, 2017
Yeas 36 Nays 13

CYRUS HABIB

President of the Senate

Passed by the House April 20, 2017
Yeas 55 Nays 41

FRANK CHOPP

Speaker of the House of Representatives

Approved May 16, 2017 10:55 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5008** as passed by Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 16, 2017

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5008

AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

State of Washington **65th Legislature** **2017 Regular Session**

By Senators King, Hunt, Sheldon, Hobbs, Mullet, and Warnick; by request of Department of Licensing

Prefiled 12/13/16. Read first time 01/09/17. Referred to Committee on Transportation.

1 AN ACT Relating to facilitating compliance with the federal REAL
2 ID act by modifying driver's license and identicard design and fees;
3 amending RCW 46.20.202; adding new sections to chapter 46.20 RCW; and
4 repealing RCW 43.41.390.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20
7 RCW to read as follows:

8 (1) Beginning July 1, 2018, except for enhanced drivers' licenses
9 and identicards issued under RCW 46.20.202, the department must mark
10 a driver's license or identicard issued under this chapter in
11 accordance with the requirements of 6 C.F.R. Sec. 37.71 as it existed
12 on the effective date of this section, or such subsequent date as may
13 be provided by the department by rule, consistent with the purposes
14 of this section.

15 (2) The department must adopt rules necessary to implement this
16 section.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20
18 RCW to read as follows:

19 (1) A driver's license or identicard issued with the design
20 features required in section 1 of this act may not be used as

1 evidence of or as a basis to infer an individual's citizenship or
2 immigration status for any purpose.

3 (2) The presence of the design features required in section 1 of
4 this act on a person's driver's license or identicard may not be used
5 as a basis for the criminal investigation, arrest, or detention of
6 that person in circumstances where a person with a driver's license
7 or identicard without these design features would not be criminally
8 investigated, arrested, or detained.

9 **Sec. 3.** RCW 46.20.202 and 2016 c 32 s 2 are each amended to read
10 as follows:

11 (1) The department may enter into a memorandum of understanding
12 with any federal agency for the purposes of facilitating the crossing
13 of the border between the state of Washington and the Canadian
14 province of British Columbia.

15 (2) The department may enter into an agreement with the Canadian
16 province of British Columbia for the purposes of implementing a
17 border-crossing initiative.

18 (3)(a) The department may issue an enhanced driver's license or
19 identicard for the purposes of crossing the border between the state
20 of Washington and the Canadian province of British Columbia to an
21 applicant who provides the department with proof of: United States
22 citizenship, identity, and state residency. The department shall
23 continue to offer a standard driver's license and identicard. If the
24 department chooses to issue an enhanced driver's license, the
25 department must allow each applicant to choose between a standard
26 driver's license or identicard, or an enhanced driver's license or
27 identicard.

28 (b) The department shall implement a one-to-many biometric
29 matching system for the enhanced driver's license or identicard. An
30 applicant for an enhanced driver's license or identicard shall submit
31 a biometric identifier as designated by the department. The biometric
32 identifier must be used solely for the purpose of verifying the
33 identity of the holders and for any purpose set out in RCW 46.20.037.
34 Applicants are required to sign a declaration acknowledging their
35 understanding of the one-to-many biometric match.

36 (c) The enhanced driver's license or identicard must include
37 reasonable security measures to protect the privacy of Washington
38 state residents, including reasonable safeguards to protect against
39 unauthorized disclosure of data about Washington state residents. If

1 the enhanced driver's license or identicard includes a radio
2 frequency identification chip, or similar technology, the department
3 shall ensure that the technology is encrypted or otherwise secure
4 from unauthorized data access.

5 (d) The requirements of this subsection are in addition to the
6 requirements otherwise imposed on applicants for a driver's license
7 or identicard. The department shall adopt such rules as necessary to
8 meet the requirements of this subsection. From time to time the
9 department shall review technological innovations related to the
10 security of identity cards and amend the rules related to enhanced
11 driver's licenses and identicards as the director deems consistent
12 with this section and appropriate to protect the privacy of
13 Washington state residents.

14 (e) Notwithstanding RCW 46.20.118, the department may make images
15 associated with enhanced drivers' licenses or identicards from the
16 negative file available to United States customs and border agents
17 for the purposes of verifying identity.

18 ~~(4)((a) Between July 15, 2015, and June 30, 2016, the fee for an~~
19 ~~enhanced driver's license or enhanced identicard is eighteen dollars,~~
20 ~~which is in addition to the fees for any regular driver's license or~~
21 ~~identicard. If the enhanced driver's license or enhanced identicard~~
22 ~~is issued, renewed, or extended for a period other than six years,~~
23 ~~the fee for each class is three dollars for each year that the~~
24 ~~enhanced driver's license or enhanced identicard is issued, renewed,~~
25 ~~or extended.~~

26 ~~(b))~~ Beginning ~~((July 1, 2016))~~ on the effective date of this
27 section, the fee for an enhanced driver's license or enhanced
28 identicard is ~~((fifty-four))~~ twenty-four dollars, which is in
29 addition to the fees for any regular driver's license or identicard.
30 If the enhanced driver's license or enhanced identicard is issued,
31 renewed, or extended for a period other than six years, the fee for
32 each class is ~~((nine))~~ four dollars for each year that the enhanced
33 driver's license or enhanced identicard is issued, renewed, or
34 extended.

35 (5) The enhanced driver's license and enhanced identicard fee
36 under this section must be deposited into the highway safety fund
37 unless prior to July 1, 2023, the actions described in (a) or (b) of
38 this subsection occur, in which case the portion of the revenue that
39 is the result of the fee increased in section 209, chapter 44, Laws

1 of 2015 3rd sp. sess. must be distributed to the connecting
2 Washington account created under RCW 46.68.395.

3 (a) Any state agency files a notice of rule making under chapter
4 34.05 RCW for a rule regarding a fuel standard based upon or defined
5 by the carbon intensity of fuel, including a low carbon fuel standard
6 or clean fuel standard.

7 (b) Any state agency otherwise enacts, adopts, orders, or in any
8 way implements a fuel standard based upon or defined by the carbon
9 intensity of fuel, including a low carbon fuel standard or clean fuel
10 standard.

11 (c) Nothing in this subsection acknowledges, establishes, or
12 creates legal authority for the department of ecology or any other
13 state agency to enact, adopt, order, or in any way implement a fuel
14 standard based upon or defined by the carbon intensity of fuel,
15 including a low carbon fuel standard or clean fuel standard.

16 NEW SECTION. **Sec. 4.** RCW 43.41.390 (Implementation of federal
17 REAL ID Act of 2005) and 2007 c 85 s 1 are each repealed.

Passed by the Senate April 20, 2017.

Passed by the House April 20, 2017.

Approved by the Governor May 16, 2017.

Filed in Office of Secretary of State May 16, 2017.

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