
SENATE BILL 5342

State of Washington

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By Senators Randall, Wilson, C., Das, Hunt, Pedersen, Lias, Frockt, Keiser, Kuderer, Nguyen, and Saldaña

Read first time 01/17/19. Referred to Committee on State Government, Tribal Relations & Elections.

1 AN ACT Relating to providing a nonbinary gender category in
2 applications for certain programs; amending RCW 29A.08.210,
3 46.04.010, 46.20.091, 46.20.157, 46.20.156, 46.25.070, and 46.25.080;
4 reenacting and amending RCW 29A.08.320; and adding a new section to
5 chapter 29A.04 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 29A.04
8 RCW to read as follows:

9 For the purposes of this title, the terms his, her, he, and she
10 must be interpreted as applying equally to persons identifying as
11 nonbinary. Where necessary to implement the provisions of this title,
12 binary gender terms such as his or her used in any statute, rule, or
13 other law shall be construed to be gender neutral, and applicable
14 equally to persons identifying as nonbinary.

15 **Sec. 2.** RCW 29A.08.210 and 2018 c 109 s 8 are each amended to
16 read as follows:

17 An applicant for voter registration shall complete an application
18 providing the following information concerning his or her
19 qualifications as a voter in this state:

- 1 (1) The former address of the applicant if previously registered
2 to vote;
- 3 (2) The applicant's full name;
- 4 (3) The applicant's date of birth;
- 5 (4) The address of the applicant's residence for voting purposes;
- 6 (5) The mailing address of the applicant if that address is not
7 the same as the address in subsection (4) of this section;
- 8 (6) The (~~sex~~) gender category (female, male, or nonbinary) of
9 the applicant;
- 10 (7) The applicant's Washington state driver's license number,
11 Washington state identification card number, or the last four digits
12 of the applicant's social security number if (~~he or she~~) the
13 applicant does not have a Washington state driver's license or
14 Washington state identification card;
- 15 (8) A check box allowing the applicant to indicate that he or she
16 is a member of the armed forces, national guard, or reserves, or that
17 (~~he or she~~) the applicant is an overseas voter;
- 18 (9) A check box allowing the applicant to acknowledge that he or
19 she is at least eighteen years old or is at least sixteen years old
20 and will vote only after (~~he or she~~) the applicant reaches the age
21 of eighteen;
- 22 (10) Clear and conspicuous language, designed to draw the
23 applicant's attention, stating that the applicant must be a United
24 States citizen in order to register to vote;
- 25 (11) A check box and declaration confirming that the applicant is
26 a citizen of the United States;
- 27 (12) The following warning:
28 "If you knowingly provide false information on this voter
29 registration form or knowingly make a false declaration about your
30 qualifications for voter registration you will have committed a class
31 C felony that is punishable by imprisonment for up to five years, a
32 fine of up to ten thousand dollars, or both."
- 33 (13) The oath required by RCW 29A.08.230 and a space for the
34 applicant's signature; and
- 35 (14) Any other information that the secretary of state determines
36 is necessary to establish the identity of the applicant and prevent
37 duplicate or fraudulent voter registrations.
- 38 This information shall be recorded on a single registration form
39 to be prescribed by the secretary of state.

1 **Sec. 3.** RCW 29A.08.320 and 2004 c 267 s 119 and 2004 c 266 s 7
2 are each reenacted and amended to read as follows:

3 (1) A person may register to vote or transfer a voter
4 registration when (~~he or she~~) the person applies for service or
5 assistance and with each renewal, recertification, or change of
6 address at agencies designated under RCW 29A.08.310.

7 (2) A prospective applicant shall initially be offered a form
8 approved by the secretary of state designed to determine whether the
9 person wishes to register to vote. The form must comply with all
10 applicable state and federal statutes regarding content. If the form
11 prompts the applicant to select a gender category, the form must
12 allow the applicant to select a gender category of female, male, or
13 nonbinary.

14 The form shall also contain a box that may be checked by the
15 applicant to indicate that (~~he or she~~) the applicant declines to
16 register.

17 If the person indicates an interest in registering or has made no
18 indication as to a desire to register or not register to vote, the
19 person shall be given a mail-in voter registration application or a
20 prescribed agency application as provided by RCW 29A.08.330.

21 **Sec. 4.** RCW 46.04.010 and 1961 c 12 s 46.04.010 are each amended
22 to read as follows:

23 Terms used in this title shall have the meaning given to them in
24 this chapter except where otherwise defined, and unless where used
25 the context thereof shall clearly indicate to the contrary.

26 Words and phrases used herein in the past, present or future
27 tense shall include the past, present and future tenses; words and
28 phrases used herein in the masculine, feminine or neuter gender shall
29 include the masculine, feminine and neuter genders; and words and
30 phrases used herein in the singular or plural shall include the
31 singular and plural; unless the context thereof shall indicate to the
32 contrary.

33 For the purposes of this title, the terms his, her, he, and she
34 shall be interpreted as applying equally to persons identifying as
35 nonbinary. Where necessary to implement the provisions of this title,
36 binary gender terms such as his or her used in any statute, rule, or
37 other law shall be construed to be gender neutral, and applicable
38 equally to persons identifying as nonbinary.

1 **Sec. 5.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to
2 read as follows:

3 (1) **Application.** In order to apply for a driver's license or
4 instruction permit the applicant must provide (~~his or her~~) the
5 applicant's:

6 (a) Name of record, as established by documentation required
7 under RCW 46.20.035;

8 (b) Date of birth, as established by satisfactory evidence of
9 age;

10 (c) (~~Sex~~) Gender category (female, male, or nonbinary);

11 (d) Washington residence address;

12 (e) Description;

13 (f) Driving licensing history, including:

14 (i) Whether the applicant has ever been licensed as a driver or
15 chauffeur and, if so, (A) when and by what state or country; (B)
16 whether the license has ever been suspended or revoked; and (C) the
17 date of and reason for the suspension or revocation; or

18 (ii) Whether the applicant's application to another state or
19 country for a driver's license has ever been refused and, if so, the
20 date of and reason for the refusal; and

21 (g) Any additional information required by the department.

22 (2) **Sworn statement.** An application for an instruction permit or
23 for an original driver's license must be made upon a form provided by
24 the department. The form must include a section for the applicant to
25 indicate whether he or she has received driver training and, if so,
26 where. The identifying documentation verifying the name of record
27 must be accompanied by the applicant's written statement that it is
28 valid. The information provided on the form must be sworn to and
29 signed by the applicant before a person authorized to administer
30 oaths. An applicant who makes a false statement on an application for
31 a driver's license or instruction permit is guilty of false swearing,
32 a gross misdemeanor, under RCW 9A.72.040.

33 (3) **Driving records from other jurisdictions.** If a person
34 previously licensed in another jurisdiction applies for a Washington
35 driver's license, the department shall request a copy of the
36 applicant's driver's record from the other jurisdiction. The driving
37 record from the other jurisdiction becomes a part of the driver's
38 record in this state.

39 (4) **Driving records to other jurisdictions.** If another
40 jurisdiction requests a copy of a person's Washington driver's

1 record, the department shall provide a copy of the record. The
2 department shall forward the record without charge if the other
3 jurisdiction extends the same privilege to the state of Washington.
4 Otherwise the department shall charge a reasonable fee for
5 transmittal of the record.

6 **Sec. 6.** RCW 46.20.157 and 2011 1st sp.s. c 43 s 811 are each
7 amended to read as follows:

8 (1) Except as provided in subsection (2) of this section, the
9 department shall annually provide to the consolidated technology
10 services agency an electronic data file. The data file must:

11 (a) Contain information on all licensed drivers and identicard
12 holders who are eighteen years of age or older and whose records have
13 not expired for more than two years;

14 (b) Be provided at no charge; and

15 (c) Contain the following information on each such person: Full
16 name, date of birth, residence address including county, (~~sex~~)
17 gender category (female, male, or nonbinary), and most recent date of
18 application, renewal, replacement, or change of driver's license or
19 identicard.

20 (2) Before complying with subsection (1) of this section, the
21 department shall remove from the file the names of any certified
22 participants in the Washington state address confidentiality program
23 under chapter 40.24 RCW that have been identified to the department
24 by the secretary of state.

25 **Sec. 7.** RCW 46.20.156 and 2018 c 110 s 105 are each amended to
26 read as follows:

27 For persons eighteen years of age or older who meet requirements
28 for voter registration, who have been issued or are renewing an
29 enhanced driver's license or identicard under RCW 46.20.202 or
30 applying for a change of address for an existing enhanced driver's
31 license or identicard pursuant to RCW 46.20.205, and have not
32 declined to register to vote, the department shall produce and
33 transmit to the secretary of state the following information from the
34 records of each individual: The name, address, date of birth, gender
35 category (male, female, or nonbinary) of the applicant, the driver's
36 license number, signature image, and the date on which the
37 application was submitted. The department and the secretary of state

1 shall process information as an automated application on a daily
2 basis.

3 **Sec. 8.** RCW 46.25.070 and 2017 c 194 s 2 are each amended to
4 read as follows:

5 (1) The application for a commercial driver's license or
6 commercial learner's permit must include the following:

7 (a) The full name and current mailing and residential address of
8 the person;

9 (b) A physical description of the person, including ~~((sex))~~
10 gender category (female, male, or nonbinary), height, weight, and eye
11 color;

12 (c) Date of birth;

13 (d) Except in the case of an applicant for a nondomiciled CLP or
14 CDL who is domiciled in a foreign country and who has not been issued
15 a social security number, the applicant's social security number;

16 (e) The person's signature;

17 (f) Certifications including those required by 49 C.F.R. Sec.
18 383.71;

19 (g) The names of all states where the applicant has previously
20 been licensed to drive any type of motor vehicle during the previous
21 ten years;

22 (h) Any other information required by the department; and

23 (i) A consent to release driving record information to parties
24 identified in chapter 46.52 RCW and this chapter.

25 (2) An applicant for a commercial driver's license or commercial
26 learner's permit, and every licensee seeking to renew his or her
27 license, must meet the requirements of 49 C.F.R. Sec. 383.71 as it
28 existed on July 8, 2014, or such subsequent date as may be provided
29 by the department by rule, consistent with the purposes of this
30 section.

31 (3) An applicant for a hazardous materials endorsement must
32 submit an application and comply with federal transportation security
33 administration requirements as specified in 49 C.F.R. Part 1572.

34 (4) When a licensee changes ~~((his or her))~~ the licensee's name,
35 mailing address, or residence address, the person shall notify the
36 department as provided in RCW 46.20.205.

37 (5) No person who has been a resident of this state for thirty
38 days may drive a commercial motor vehicle under the authority of a
39 commercial driver's license issued by another jurisdiction.

1 **Sec. 9.** RCW 46.25.080 and 2013 c 224 s 9 are each amended to
2 read as follows:

3 (1) The commercial driver's license must be marked "commercial
4 driver's license" or "CDL," and must be, to the maximum extent
5 practicable, tamperproof. It must include, but not be limited to, the
6 following information:

7 (a) The name and residence address of the person;

8 (b) The person's color photograph;

9 (c) A physical description of the person including (~~sex~~) gender
10 category (female, male, or nonbinary), height, weight, and eye color;

11 (d) Date of birth;

12 (e) The person's social security number or any number or
13 identifier deemed appropriate by the department;

14 (f) The person's signature;

15 (g) The class or type of commercial motor vehicle or vehicles
16 that the person is authorized to drive, together with any
17 endorsements or restrictions;

18 (h) The name of the state; and

19 (i) The dates between which the license is valid.

20 (2) Commercial driver's licenses may be issued with the
21 classifications, endorsements, and restrictions set forth in this
22 subsection. The holder of a valid commercial driver's license may
23 drive all vehicles in the class for which that license is issued and
24 all lesser classes of vehicles except motorcycles and vehicles that
25 require an endorsement, unless the proper endorsement appears on the
26 license.

27 (a) Licenses may be classified as follows:

28 (i) Class A is a combination vehicle.

29 (ii) Class B is a heavy straight vehicle.

30 (iii) Class C is a small vehicle that is:

31 (A) Designed to transport sixteen or more passengers, including
32 the driver; or

33 (B) Used in the transportation of hazardous materials.

34 (b) The following endorsements may be placed on a license:

35 (i) "H" authorizes the driver to drive a vehicle transporting
36 hazardous materials.

37 (ii) "T" authorizes driving double and triple trailers.

38 (iii) "P" authorizes driving vehicles carrying passengers, other
39 than school buses.

40 (iv) "N" authorizes driving tank vehicles.

1 (v) "X" represents a combination of hazardous materials and tank
2 vehicle endorsements.

3 (vi) "S" authorizes driving school buses.

4 (c) The following restrictions may be placed on a license:

5 (i) "E" restricts the driver from operating a commercial motor
6 vehicle equipped with a manual transmission.

7 (ii) "K" restricts the driver from interstate operation of a
8 commercial motor vehicle.

9 (iii) "L" restricts the driver from operating a commercial motor
10 vehicle equipped with air brakes.

11 (iv) "M" restricts the driver from operating class A passenger
12 vehicles.

13 (v) "N" restricts the driver from operating class A and B
14 passenger vehicles.

15 (vi) "O" restricts the driver from operating tractor-trailer
16 commercial motor vehicles.

17 (vii) "V" means that the driver has been issued a medical
18 variance.

19 (viii) "Z" restricts the driver from operating a commercial motor
20 vehicle equipped with full air brakes.

21 (d) The license may be issued with additional endorsements and
22 restrictions as established by rule of the director.

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