

HOUSE BILL REPORT

ESHB 2150

As Amended by the Senate

Title: An act relating to identification requirements for drivers' licenses and identicards.

Brief Description: Authorizing investigation of documents submitted with a driver's license application.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Skinner, R. Fisher, Sterk, Romero, Conway, Smith, Lambert, D. Schmidt, Mitchell, Robertson, Backlund, Ballasiotes, Kremen, Pennington, Hymes, Crouse, Delvin, Buck, Chappell, Ogden, Brown, Scott, Blanton, Lisk, Mulliken, Sheldon, Grant, Chandler, Radcliff, Honeyford, Koster, Huff, L. Thomas, Quall, Johnson, Hickel, Thompson, Cooke, Patterson, Costa and McMahan).

Brief History:

Committee Activity:

Transportation: 1/11/96, 1/18/96 [DPS].

Floor Activity:

Passed House: 1/31/96, 85-10.

Senate Amended.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 21 members: Representatives K. Schmidt, Chairman; Benton, Vice Chairman; Mitchell, Vice Chairman; R. Fisher, Ranking Minority Member; Hatfield, Assistant Ranking Minority Member; Backlund; Blanton; Buck; Cairnes; Chandler; Chopp; Elliot; Hankins; Johnson; McMahan; Quall; Robertson; D. Schmidt; Scott; Sterk and Tokuda.

Minority Report: Do not pass. Signed by 2 members: Representatives Brown and Patterson.

Staff: Jeff Doyle (786-7322).

Background: In order to obtain a Washington driver's license or identification (ID) card, an applicant must be able to prove his or her identity to the Department of

Licensing (DOL). Banks, businesses and law enforcement agencies rely upon the license or ID card in transacting business with the cardholder.

In 1993 the Legislature established procedures for screening and determining the authenticity of documents submitted by driver's license applicants. DOL field offices now rely upon a list of acceptable documents, called "primary identification documents," in determining the identity of an applicant. When primary documents are not available, the department will consider secondary identification documents to establish identity.

The Department of Licensing convened a Document Advisory Committee to enhance procedures for determining the authenticity and reliability of identification documents. The advisory committee has recommended increased scrutiny for secondary identification documents.

Summary of Bill: Applications for driver's licenses and ID cards must contain a statement of implied consent, notifying the applicant that information contained in his or her application (and any supporting documents) can be made available to law enforcement agencies and governments.

Photocopies of identifying documents will be accepted only if certified by the issuing authority. Faxed documents will be accepted only if transmitted to DOL directly from the issuing authority.

DOL may retain documents for a period of time necessary to investigate their validity. DOL may issue a temporary license during the investigatory period.

Any applicant making a false statement is guilty of false swearing, a gross misdemeanor.

DOL may issue identicards and driver's licenses only to United States citizens and persons lawfully entitled to be in the United States.

The Legislative Transportation Committee is authorized to conduct a feasibility study for phase three of the driver's license security effort.

Original green cards may not be retained by DOL.

EFFECT OF SENATE AMENDMENT(S): DOL may not retain original documents of foreign origin or issued by INS, but may make photocopies to investigate authenticity. The requirement that DOL issue drivers' licenses only to U.S. citizens or persons lawfully entitled to be in the U.S. is removed.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This better enables DOL to detect forged documents, preventing the issuance of driver's licenses to people operating under an alias.

Testimony Against: Serious questions remain about whether the state can, in effect, act as Immigration and Naturalization Services (INS) agents by denying people licenses based on their citizenship, and whether DOL can lawfully retain documents such as green cards.

Testified: Joe Daniels, International Federation of Professional Technical Engineers (pro); Igor Danislov, International Federation of Professional Technical Engineers (pro); Darlene Siegle, International Federation of Professional Technical Engineers (pro); Jerry Sheehan, American Civil Liberties Union (con); David Della, Washington State Commission on Asian-Pacific American Affairs (concerns); Kathleen Russell, Washington Association of Churches (con); Tim Schellberg, Washington Association of Sheriffs and Police Chiefs (pro); and Jan Coolidge, Department of Licensing (neutral).