
ENGROSSED SUBSTITUTE HOUSE BILL 2150

State of Washington

54th Legislature

1996 Regular Session

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)

Read first time 01/18/96.

1 AN ACT Relating to identification requirements for drivers'
2 licenses and identicards; amending RCW 46.20.031, 46.20.035, 46.20.055,
3 46.20.091, 46.20.117, 46.20.118, 46.20.207, and 46.20.291; reenacting
4 and amending RCW 46.63.020; adding a new section to chapter 46.20 RCW;
5 creating new sections; prescribing penalties; and making an
6 appropriation.

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

8 NEW SECTION. **Sec. 1.** This act, authorizing investigation of
9 documents submitted with a driver's license application, is the second
10 stage of a three-part effort to increase the reliability and security
11 of the Washington driver's license document.

12 The first stage, accomplished with the enactment of chapter 452,
13 Laws of 1993, established procedures for identification documentation
14 screening and acceptance in the department of licensing field offices.
15 That act established a list of acceptable documents to be used as
16 primary identification documents, and provided for departmental review
17 of secondary identification documents commonly used to establish
18 identity.

1 This act enhances the procedures established in chapter 452, Laws
2 of 1993, by directing the department of licensing to retain secondary
3 identification documentation where necessary to verify the validity of
4 the documents. It further requires a license applicant to sign a
5 statement that identifying documentation is valid. Making a false
6 statement regarding the validity of any identifying information
7 constitutes false swearing, a gross misdemeanor.

8 The third stage in the effort to improve the reliability and
9 security of the driver's license is the eventual adoption of a new
10 document with minimal potential for forgery. Such a document would
11 potentially include available antifraud safeguards, such as biometric
12 identifiers, and other technological advances as described in section
13 12 of this act. Development of a proposal for the new driver's license
14 document will follow the release of a recommendation on technology
15 currently being formulated by the department of licensing's driver's
16 document advisory committee. The committee's recommendation is
17 currently scheduled for release on November 15, 1996.

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

20 Every application for an identicard or a Washington state driver's
21 license must contain a statement of implied consent, notifying the
22 applicant that information contained in the application and any
23 documents submitted in support of the application may be made available
24 to law enforcement agencies, or federal, state, and local governmental
25 agencies for official purposes.

26 **Sec. 3.** RCW 46.20.031 and 1995 c 219 s 1 are each amended to read
27 as follows:

28 The department shall not issue a driver's license hereunder:

29 (1) To persons not lawfully entitled to be in the United States;

30 (2) To any person who is under the age of sixteen years;

31 ~~((+2))~~ (3) To any person whose license has been suspended during
32 such suspension, nor to any person whose license has been revoked,
33 except as provided in RCW 46.20.311;

34 ~~((+3))~~ (4) To any person who has been evaluated by a program
35 approved by the department of social and health services as being an
36 alcoholic, drug addict, alcohol abuser, and/or drug abuser: PROVIDED,
37 That a license may be issued if the department determines that such

1 person has been granted a deferred prosecution, pursuant to chapter
2 10.05 RCW, or is satisfactorily participating in or has successfully
3 completed an alcohol or drug abuse treatment program approved by the
4 department of social and health services and has established control of
5 his or her alcohol and/or drug abuse problem;

6 ~~((+4))~~ (5) To any person who has previously been adjudged to be
7 mentally ill or insane, or to be incompetent due to any mental
8 disability or disease, and who has not at the time of application been
9 restored to competency by the methods provided by law: PROVIDED,
10 HOWEVER, That no person so adjudged shall be denied a license for such
11 cause if the superior court should find him able to operate a motor
12 vehicle with safety upon the highways during such incompetency;

13 ~~((+5))~~ (6) To any person who is required by this chapter to take
14 an examination, unless such person shall have successfully passed such
15 examination;

16 ~~((+6))~~ (7) To any person who is required under the laws of this
17 state to deposit proof of financial responsibility and who has not
18 deposited such proof;

19 ~~((+7))~~ (8) To any person when the department has good and
20 substantial evidence to reasonably conclude that such person by reason
21 of physical or mental disability would not be able to operate a motor
22 vehicle with safety upon the highways; subject to review by a court of
23 competent jurisdiction;

24 ~~((+8))~~ (9) To a person when the department has been notified by a
25 court that the person has violated his or her written promise to
26 appear, respond, or comply regarding a notice of infraction issued for
27 a violation of RCW 46.55.105, unless the department has received notice
28 from the court showing that the person has been found not to have
29 committed the violation of RCW 46.55.105, or that the person has paid
30 all monetary penalties owing, including completion of community
31 service, and that the court is satisfied that the person has made
32 restitution as provided by RCW 46.55.105(2).

33 **Sec. 4.** RCW 46.20.035 and 1993 c 452 s 1 are each amended to read
34 as follows:

35 (1) The department may not issue an identicard or a Washington
36 state driver's license, except as provided in RCW 46.20.116, unless the
37 applicant has satisfied the department regarding his or her identity.
38 Except as provided in subsection (2) of this section, an applicant has

1 not satisfied the identity requirements of this section unless he or
2 she displays or provides the department with at least one of the
3 following pieces of valid identifying documentation:

4 (a) A valid or recently expired driver's license or instruction
5 permit that contains the signature, date of birth, and a photograph of
6 the applicant;

7 (b) A Washington state identicard or an identification card issued
8 by another state that contains the signature and a photograph of the
9 applicant;

10 (c) An identification card issued by the United States, a state, or
11 an agency of either the United States or a state, of a kind commonly
12 used to identify the members of employees of the government agency,
13 that contains the signature and a photograph of the applicant;

14 (d) A United States military identification card that contains the
15 signature and a photograph of the applicant;

16 (e) A United States passport that contains the signature and a
17 photograph of the applicant;

18 (f) An immigration and naturalization service form that contains
19 the signature and photograph of the applicant; or

20 (g) If the applicant is a minor, an affidavit of the applicant's
21 parent or guardian where the parent or guardian displays or provides at
22 least one piece of identifying documentation as specified in this
23 subsection along with additional documentation establishing the
24 relationship between the parent or guardian and the applicant.

25 (2) A person unable to provide identifying satisfactory
26 documentation as specified in subsection (1) of this section may
27 request that the department review other available documentation in
28 order to ascertain identity. The department may retain documentation
29 submitted for review under this subsection for a period of time not to
30 exceed sixty days, in order to investigate its validity except for
31 green cards issued by the immigration and naturalization service, which
32 may not be retained. The department may make a photocopy of a green
33 card to determine its validity. The department may waive the
34 requirement for specific identifying documentation under subsection (1)
35 of this section if it finds that other documentation clearly
36 establishes the identity of the applicant. The department may issue a
37 temporary driver's permit as provided in RCW 46.20.055(4), pending the
38 investigation of documentation submitted by an applicant for review.

1 (3) The department may not accept photocopied documents unless they
2 are certified by the issuing authority. The department may not accept
3 original documents transmitted by facsimile unless the documents are
4 transmitted directly to the department from the issuing authority.

5 **Sec. 5.** RCW 46.20.055 and 1990 c 250 s 34 are each amended to read
6 as follows:

7 (1) Any person who is at least fifteen and a half years of age may
8 apply to the department for an instruction permit for the operation of
9 any motor vehicle except a motorcycle. Any person sixteen years of age
10 or older, holding a valid driver's license, may apply for an
11 instruction permit for the operation of a motorcycle. The department
12 may in its discretion, after the applicant has successfully passed all
13 parts of the examination other than the driving test, issue to the
14 applicant a driver's or motorcyclist's instruction permit.

15 (a) A driver's instruction permit entitles the permittee while
16 having the permit in immediate possession to drive a motor vehicle upon
17 the public highways for a period of one year when accompanied by a
18 licensed driver who has had at least five years of driving experience
19 and is occupying a seat beside the driver. Except as provided in
20 subsection (c) of this subsection, only one additional permit, valid
21 for one year, may be issued.

22 (b) A motorcyclist's instruction permit entitles the permittee
23 while having the permit in immediate possession to drive a motorcycle
24 upon the public highways for a period of ninety days as provided in RCW
25 46.20.510(~~((+3))~~) (2). Except as provided in subsection (c) of this
26 subsection, only one additional permit, valid for ninety days, may be
27 issued.

28 (c) The department after investigation may issue a third driver's
29 or motorcyclist's instruction permit when it finds that the permittee
30 is diligently seeking to improve driving proficiency.

31 (2) The department may waive the examination, except as to eyesight
32 and other potential physical restrictions, for any applicant who is
33 enrolled in either a traffic safety education course as defined by RCW
34 28A.220.020(2) or a course of instruction offered by a licensed driver
35 training school as defined by RCW 46.82.280(1) at the time the
36 application is being considered by the department. The department may
37 require proof of registration in such a course as it deems necessary.

1 (3) The department upon receiving proper application may in its
2 discretion issue a driver's instruction permit to an applicant who is
3 at least fifteen years of age and is enrolled in a traffic safety
4 education program which includes practice driving and which is approved
5 and accredited by the superintendent of public instruction. Such
6 instruction permit shall entitle the permittee having the permit in
7 immediate possession to drive a motor vehicle only when an approved
8 instructor or other licensed driver with at least five years of driving
9 experience, is occupying a seat beside the permittee.

10 (4) The department may in its discretion issue a temporary driver's
11 permit to an applicant for a driver's license permitting the applicant
12 to drive a motor vehicle for a period not to exceed sixty days while
13 the department is completing its investigation and determination of all
14 facts relative to such applicant's right to receive a driver's license,
15 including any necessary investigation into the validity of
16 identification documentation submitted by the applicant. Such permit
17 must be in the permittee's immediate possession while driving a motor
18 vehicle, and it shall be invalid when the permittee's license has been
19 issued or for good cause has been refused.

20 **Sec. 6.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read
21 as follows:

22 (1) Every application for an instruction permit or for an original
23 driver's license shall be made upon a form prescribed and furnished by
24 the department which shall be sworn to and signed by the applicant
25 before a person authorized to administer oaths. An applicant making a
26 false statement under this subsection is guilty of false swearing, a
27 gross misdemeanor, under RCW 9A.72.040. Every application for an
28 instruction permit containing a photograph shall be accompanied by a
29 fee of five dollars. The department shall forthwith transmit the fees
30 collected for instruction permits and temporary drivers' permits to the
31 state treasurer.

32 (2) Every such application shall state the full name, date of
33 birth, sex, and Washington residence address of the applicant, and
34 briefly describe the applicant, and shall state whether the applicant
35 has theretofore been licensed as a driver or chauffeur, and, if so,
36 when and by what state or country, and whether any such license has
37 ever been suspended or revoked, or whether an application has ever been
38 refused, and, if so, the date of and reason for such suspension,

1 revocation, or refusal, and shall state such additional information as
2 the department shall require, including a statement that identifying
3 documentation presented by the applicant is valid.

4 (3) Whenever application is received from a person previously
5 licensed in another jurisdiction, the department shall request a copy
6 of such driver's record from such other jurisdiction. When received,
7 the driving record shall become a part of the driver's record in this
8 state.

9 (4) Whenever the department receives request for a driving record
10 from another licensing jurisdiction, the record shall be forwarded
11 without charge if the other licensing jurisdiction extends the same
12 privilege to the state of Washington. Otherwise there shall be a
13 reasonable charge for transmittal of the record, the amount to be fixed
14 by the director of the department.

15 **Sec. 7.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read
16 as follows:

17 (1) The department shall issue "identicards," containing a picture,
18 to nondrivers for a fee of four dollars. However, the fee shall be the
19 actual cost of production to recipients of continuing public assistance
20 grants under Title 74 RCW who are referred in writing to the department
21 by the secretary of social and health services. The fee shall be
22 deposited in the highway safety fund. To be eligible, each applicant
23 shall produce evidence as required in RCW 46.20.035 that positively
24 proves identity. The "identicard" shall be distinctly designed so that
25 it will not be confused with the official driver's license. The
26 identicard shall expire on the fifth anniversary of the applicant's
27 birthdate after issuance.

28 (2) The department may cancel an "identicard" upon a showing by its
29 records or other evidence that the holder of such "identicard" has
30 committed a violation relating to "identicards" defined in RCW
31 46.20.336.

32 (3) The department may issue identicards only to United States
33 citizens and persons lawfully entitled to be in the United States.

34 **Sec. 8.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read
35 as follows:

36 The department shall maintain a negative file. It shall contain
37 negatives of all pictures taken by the department of licensing as

1 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file
2 shall not be available for public inspection and copying under chapter
3 42.17 RCW. The department (~~may~~) shall make the file available to
4 official governmental enforcement agencies to assist in the
5 investigation by the agencies of suspected criminal activity. The
6 department may also provide a print to the driver's next of kin in the
7 event the driver is deceased.

8 **Sec. 9.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to read
9 as follows:

10 (1) The department is authorized to cancel any driver's license
11 upon determining that the licensee was not entitled to the issuance of
12 the license, or that the licensee failed to give the required or
13 correct information in his or her application, or that the licensee is
14 incompetent to drive a motor vehicle for any of the reasons under RCW
15 46.20.031 (~~(+4)~~) (5) and (~~(+7)~~) (8).

16 (2) Upon such cancellation, the licensee must surrender the license
17 so canceled to the department.

18 **Sec. 10.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read
19 as follows:

20 The department is authorized to suspend the license of a driver
21 upon a showing by its records or other sufficient evidence that the
22 licensee:

23 (1) Has committed an offense for which mandatory revocation or
24 suspension of license is provided by law;

25 (2) Has, by reckless or unlawful operation of a motor vehicle,
26 caused or contributed to an accident resulting in death or injury to
27 any person or serious property damage;

28 (3) Has been convicted of offenses against traffic regulations
29 governing the movement of vehicles, or found to have committed traffic
30 infractions, with such frequency as to indicate a disrespect for
31 traffic laws or a disregard for the safety of other persons on the
32 highways;

33 (4) Is incompetent to drive a motor vehicle under RCW
34 46.20.031(~~(+3)~~) (4); or

35 (5) Has failed to respond to a notice of traffic infraction, failed
36 to appear at a requested hearing, violated a written promise to appear

1 in court, or has failed to comply with the terms of a notice of traffic
2 infraction or citation, as provided in RCW 46.20.289; or

3 (6) Has committed one of the prohibited practices relating to
4 drivers' licenses defined in RCW 46.20.336.

5 **Sec. 11.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s
6 16, and 1995 c 256 s 25 are each reenacted and amended to read as
7 follows:

8 Failure to perform any act required or the performance of any act
9 prohibited by this title or an equivalent administrative regulation or
10 local law, ordinance, regulation, or resolution relating to traffic
11 including parking, standing, stopping, and pedestrian offenses, is
12 designated as a traffic infraction and may not be classified as a
13 criminal offense, except for an offense contained in the following
14 provisions of this title or a violation of an equivalent administrative
15 regulation or local law, ordinance, regulation, or resolution:

16 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
17 vehicle while under the influence of intoxicating liquor or a
18 controlled substance;

19 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

20 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
21 while under the influence of intoxicating liquor or narcotics or
22 habit-forming drugs or in a manner endangering the person of another;

23 (4) RCW 46.10.130 relating to the operation of snowmobiles;

24 (5) Chapter 46.12 RCW relating to certificates of ownership and
25 registration and markings indicating that a vehicle has been destroyed
26 or declared a total loss;

27 (6) RCW 46.16.010 relating to initial registration of motor
28 vehicles;

29 (7) RCW 46.16.011 relating to permitting unauthorized persons to
30 drive;

31 (8) RCW 46.16.160 relating to vehicle trip permits;

32 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
33 acquisition of a special placard or license plate for disabled persons'
34 parking;

35 (10) RCW 46.20.021 relating to driving without a valid driver's
36 license;

37 (11) RCW 46.20.091 relating to false statements regarding a
38 driver's license or instruction permit;

1 ~~(12)~~ (12) RCW 46.20.336 relating to the unlawful possession and use of
2 a driver's license;
3 ~~((12))~~ (13) RCW 46.20.342 relating to driving with a suspended or
4 revoked license or status;
5 ~~((13))~~ (14) RCW 46.20.410 relating to the violation of
6 restrictions of an occupational driver's license;
7 ~~((14))~~ (15) RCW 46.20.420 relating to the operation of a motor
8 vehicle with a suspended or revoked license;
9 ~~((15))~~ (16) RCW 46.20.750 relating to assisting another person to
10 start a vehicle equipped with an ignition interlock device;
11 ~~((16))~~ (17) RCW 46.25.170 relating to commercial driver's
12 licenses;
13 ~~((17))~~ (18) Chapter 46.29 RCW relating to financial
14 responsibility;
15 ~~((18))~~ (19) RCW 46.30.040 relating to providing false evidence of
16 financial responsibility;
17 ~~((19))~~ (20) RCW 46.37.435 relating to wrongful installation of
18 sunscreening material;
19 ~~((20))~~ (21) RCW 46.44.180 relating to operation of mobile home
20 pilot vehicles;
21 ~~((21))~~ (22) RCW 46.48.175 relating to the transportation of
22 dangerous articles;
23 ~~((22))~~ (23) RCW 46.52.010 relating to duty on striking an
24 unattended car or other property;
25 ~~((23))~~ (24) RCW 46.52.020 relating to duty in case of injury to
26 or death of a person or damage to an attended vehicle;
27 ~~((24))~~ (25) RCW 46.52.090 relating to reports by repairmen,
28 storagemen, and appraisers;
29 ~~((25))~~ (26) RCW 46.52.100 relating to driving under the influence
30 of liquor or drugs;
31 ~~((26))~~ (27) RCW 46.52.130 relating to confidentiality of the
32 driving record to be furnished to an insurance company, an employer,
33 and an alcohol/drug assessment or treatment agency;
34 ~~((27))~~ (28) RCW 46.55.020 relating to engaging in the activities
35 of a registered tow truck operator without a registration certificate;
36 ~~((28))~~ (29) RCW 46.55.035 relating to prohibited practices by tow
37 truck operators;
38 ~~((29))~~ (30) RCW 46.61.015 relating to obedience to police
39 officers, flagmen, or fire fighters;

1 ~~((30))~~ (31) RCW 46.61.020 relating to refusal to give information
2 to or cooperate with an officer;

3 ~~((31))~~ (32) RCW 46.61.022 relating to failure to stop and give
4 identification to an officer;

5 ~~((32))~~ (33) RCW 46.61.024 relating to attempting to elude
6 pursuing police vehicles;

7 ~~((33))~~ (34) RCW 46.61.500 relating to reckless driving;

8 ~~((34))~~ (35) RCW 46.61.502 and 46.61.504 relating to persons under
9 the influence of intoxicating liquor or drugs;

10 ~~((35))~~ (36) RCW (~~46.61.5055 (section 5, chapter 332 (Substitute~~
11 ~~Senate Bill No. 5141), Laws of 1995~~)) 46.61.503 relating to a person
12 under age twenty-one driving a motor vehicle after consuming alcohol;

13 ~~((36))~~ (37) RCW 46.61.520 relating to vehicular homicide by motor
14 vehicle;

15 ~~((37))~~ (38) RCW 46.61.522 relating to vehicular assault;

16 ~~((38))~~ (39) RCW 46.61.525 relating to negligent driving;

17 ~~((39))~~ (40) RCW 46.61.527(4) relating to reckless endangerment of
18 roadway workers;

19 ~~((40))~~ (41) RCW 46.61.530 relating to racing of vehicles on
20 highways;

21 ~~((41))~~ (42) RCW 46.61.685 relating to leaving children in an
22 unattended vehicle with the motor running;

23 ~~((42))~~ (43) RCW 46.64.010 relating to unlawful cancellation of or
24 attempt to cancel a traffic citation;

25 ~~((43))~~ (44) RCW 46.64.048 relating to attempting, aiding,
26 abetting, coercing, and committing crimes;

27 ~~((44))~~ (45) Chapter 46.65 RCW relating to habitual traffic
28 offenders;

29 ~~((45))~~ (46) Chapter 46.70 RCW relating to unfair motor vehicle
30 business practices, except where that chapter provides for the
31 assessment of monetary penalties of a civil nature;

32 ~~((46))~~ (47) Chapter 46.72 RCW relating to the transportation of
33 passengers in for hire vehicles;

34 ~~((47))~~ (48) Chapter 46.80 RCW relating to motor vehicle wreckers;

35 ~~((48))~~ (49) Chapter 46.82 RCW relating to driver's training
36 schools;

37 ~~((49))~~ (50) RCW 46.87.260 relating to alteration or forgery of a
38 cab card, letter of authority, or other temporary authority issued
39 under chapter 46.87 RCW;

1 (~~(50)~~) (51) RCW 46.87.290 relating to operation of an
2 unregistered or unlicensed vehicle under chapter 46.87 RCW.

3 NEW SECTION. **Sec. 12.** (1) The legislative transportation
4 committee is directed to appoint a consultant to assist the committee
5 in undertaking a study of the methods and technology currently
6 available to create a driver's license and identicard that cannot be
7 fraudulently obtained from the department of licensing, thereby
8 providing the public, businesses, and agencies with a more secure
9 driver's license. The scope of the study shall be determined by the
10 legislative transportation committee, but at a minimum, shall include
11 an examination of:

12 (a) Improving identity verification with the use of biometric
13 systems; determining the type of biometric system to be utilized; and
14 examining system costs. A "biometric system" refers to the use of
15 identification technology to verify the identity of individuals through
16 comparison of unique physical characteristics;

17 (b) Digitized facial photography, and associated system costs;

18 (c) Coded information, such as a bar code, and associated system
19 costs; and

20 (d) Available technology to prevent alterations of the license and
21 identification cards, and associated costs.

22 (2) The consultant and the legislative transportation committee
23 shall work closely with the department of licensing in developing
24 recommendations.

25 (3) The sum of seventy-five thousand dollars, or as much thereof as
26 may be necessary, is appropriated for the biennium ending June 30,
27 1997, from the motor vehicle fund--state to the legislative
28 transportation committee to accomplish the purposes of this section.

29 (4) The legislative transportation committee shall deliver a final
30 report and recommendations to the legislature by December 15, 1996.

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