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**HOUSE BILL 2209**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives G. Hunt, Young, Shea, Taylor, Scott, Condotta, Harmsworth, and McCaslin

AN ACT Relating to verification that an applicant for a driver's license or identicard is lawfully within the United States; amending RCW 29A.08.350, 46.20.035, 46.20.117, 46.20.117, 46.20.155, and 46.20.181; adding new sections to chapter 46.20 RCW; providing an effective date; and providing an expiration date.

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

**Sec.**  RCW 29A.08.350 and 2013 c 11 s 18 are each amended to read as follows:

The department of licensing shall produce and transmit to the secretary of state the following information from the records of each individual who requested a voter registration or update at a driver's license facility: The name, address, date of birth, gender of the applicant, the driver's license number, citizenship status, and the date on which the application for voter registration or update was submitted. The secretary of state shall process the registrations and updates as an electronic application and only register those individuals whose eligibility is established. If United States citizenship has not been established, the secretary may not issue a voter registration.

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

(1) The department must adopt rules within ninety days after the effective date of this section to establish procedures for verifying that a driver's license or identicard applicant is a United States citizen or that the applicant's presence in the United States is authorized under federal law, including determining which documents are adequate to provide proof of citizenship or legal presence. The department may not accept a driver's license or identicard issued by another state as documentation if the other state does not require its driver's license or identicard applicants to provide proof of United States citizenship or proof of authorized presence in the United States under federal law.

(2) The department must indicate in its records the citizenship status of each driver's license and identicard applicant who is issued a driver's license or identicard under this chapter.

(3) The department may issue a driver's license marked "not valid for identification purposes" under RCW 46.20.035 if it is unable to verify that the applicant is a United States citizen or that the applicant's presence in the United States is authorized under federal law.

**Sec.**  RCW 46.20.035 and 2008 c 267 s 8 are each amended to read as follows:

The department may not issue an identicard or a Washington state driver's license that is valid for identification purposes unless the applicant meets the identification requirements of subsection (1), (2), or (3) of this section and the identification requirements of subsection (4) of this section.

(1) A driver's license or identicard applicant must provide the department with at least one of the following pieces of valid identifying documentation that contains the signature and a photograph of the applicant:

(a) A valid or recently expired driver's license or instruction permit that includes the date of birth of the applicant;

(b) A Washington state identicard or an identification card issued by another state;

(c) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency;

(d) A military identification card;

(e) A United States passport; or

(f) ((~~An immigration and naturalization~~)) A citizenship and immigration services form.

(2) An applicant who is a minor may establish identity by providing an affidavit of the applicant's parent or guardian. The parent or guardian must accompany the minor and display or provide:

(a) At least one piece of documentation in subsection (1) of this section establishing the identity of the parent or guardian; and

(b) Additional documentation establishing the relationship between the parent or guardian and the applicant.

(3) A person unable to provide identifying documentation as specified in subsection (1) or (2) of this section may request that the department review other available documentation in order to ascertain identity. The department may waive the requirement if it finds that other documentation clearly establishes the identity of the applicant. Notwithstanding the requirements in subsection (2) of this section, the department shall issue an identicard to an applicant for whom it receives documentation pursuant to RCW 74.13.283.

(4) A driver's license or identicard applicant must provide the department with documentation that the applicant is a United States citizen or that the applicant's presence in the United States is authorized under federal law. If the applicant does not provide such documentation, the department shall plainly label the license or identicard "not valid for federal official purposes."

(5) An identicard or a driver's license that includes a photograph that has been renewed by mail or by electronic commerce is valid for identification purposes if the applicant met the identification requirements of subsection (1), (2), or (3) of this section at the time of previous issuance.

((~~(5)~~)) (6) The form of an applicant's name, as established under this section, is the person's name of record for the purposes of this chapter.

((~~(6)~~)) (7) If the applicant is unable to prove his or her identity under this section, the department shall plainly label the license "not valid for identification purposes."

**Sec.**  RCW 46.20.117 and 2012 c 80 s 6 are each amended to read as follows:

(1) **Issuance**. The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity and proves that he or she is a United States citizen or is authorized under federal law to be present in the United States, as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) **Design and term**. The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Except as provided in subsection (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance or on the date the applicant's authorization to be within the United States expires, whichever occurs first. If there is no definite end to the period of authorized stay, the identicard expires one year after the date of issuance.

(3) **Renewal**. An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation**. The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension**. Upon receipt of proof that the applicant or holder is a United States citizen or is authorized under federal law to be present in the United States, the department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec.**  RCW 46.20.117 and 2014 c 185 s 2 are each amended to read as follows:

(1) **Issuance**. The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity and proves that he or she is a United States citizen or is authorized under federal law to be present in the United States, as required by RCW 46.20.035; and

(c) Pays the required fee. Except as provided in subsection (5) of this section, the fee is forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2)(a) **Design and term**. The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance or on the date the applicant's authorization to be within the United States expires, whichever occurs first. If there is no definite end to the period of authorized stay, the identicard expires one year after the date of issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal**. An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation**. The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension**. Upon receipt of proof that the applicant or holder is a United States citizen or is authorized under federal law to be present in the United States, the department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec.**  RCW 46.20.155 and 2013 c 11 s 90 are each amended to read as follows:

(1) Before issuing an original license or identicard or renewing a license or identicard under this chapter and if an applicant provides proof of United States citizenship as required under RCW 46.20.035(4), the licensing agent shall determine if the applicant wants to register to vote or update his or her voter registration by asking the following question:

"Do you want to register to vote or update your voter registration?"

If the applicant chooses to register or update a registration, the agent shall ask the following:

(1) "Are you a United States citizen?"

(2) "Are you or will you be eighteen years of age on or before the next election?"

If the applicant answers in the affirmative to both questions, the agent shall then submit the registration or update. If the applicant answers in the negative to either question, the agent shall not submit a voter registration application.

(2) The department shall establish a procedure that substantially meets the requirements of subsection (1) of this section when permitting an applicant to renew a license or identicard by mail or by electronic commerce.

**Sec.**  RCW 46.20.181 and 2012 c 80 s 9 are each amended to read as follows:

(1) Except as provided in subsection (4) or (5) of this section, every driver's license expires on the sixth anniversary of the licensee's birthdate following the issuance of the license or on the date the licensee's authorization to be within the United States expires, whichever occurs first. If there is no definite end to the period of authorized stay, the driver's license expires one year after the date of issuance.

(2) A person may renew his or her license on or before the expiration date by submitting an application as prescribed by the department and paying a fee of forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013. This fee includes the fee for the required photograph.

(3) A person renewing his or her driver's license more than sixty days after the license has expired shall pay a penalty fee of ten dollars in addition to the renewal fee, unless his or her license expired when:

(a) The person was outside the state and he or she renews the license within sixty days after returning to this state; or

(b) The person was incapacitated and he or she renews the license within sixty days after the termination of the incapacity.

(4) Upon receipt of proof that the applicant or holder is a United States citizen or is authorized under federal law to be present in the United States, the department may issue or renew a driver's license for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce a license that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of licensed drivers. The fee for a driver's license issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the license is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

(5) A driver's license that includes a hazardous materials endorsement under chapter 46.25 RCW may expire on an anniversary of the licensee's birthdate other than the sixth year following issuance or renewal of the license in order to match, as nearly as possible, the validity of certification from the federal transportation security administration that the licensee has been determined not to pose a security risk. The fee for a driver's license issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, is nine dollars for each year that the license is issued or renewed, not including any endorsement fees. The department may adjust the expiration date of a driver's license that has previously been issued to conform to the provisions of this subsection if a hazardous materials endorsement is added to the license subsequent to its issuance. If the validity of the driver's license is extended, the licensee must pay a fee of nine dollars for each year that the license is extended.

(6) The department may adopt any rules as are necessary to carry out this section.

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

Upon receiving satisfactory proof that the applicant's presence in the United States has been reauthorized, extended, or continues without definite end, the department may adjust the term of a driver's license or identicard that was issued to expire on the expiration date of an applicant's authorization to be within the United States or was issued to expire one year from the date of issuance. The expiration date of a driver's license or identicard may be adjusted up to the date the applicant's authorization to be within the United States expires or up to the full period that the driver's license or identicard could have originally been issued, whichever occurs first. If there is no definite end to the period of authorized stay, the expiration date may be extended for one year. There is no additional fee for a driver's license or identicard term adjusted under this section.

NEW SECTION. **Sec.**  Section 4 of this act expires August 30, 2017.

NEW SECTION. **Sec.**  Section 5 of this act takes effect August 30, 2017.

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