**5008.E AMH TR H2606.2 - NOT FOR FLOOR USE**

**ESB 5008** - H COMM AMD

By Committee on Transportation

**ADOPTED 04/11/2017**

Strike everything after the enacting clause and insert the following:

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

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

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

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

(1) A driver's license or identicard issued with the design features required in section 1 of this act may not be used as evidence of or as a basis to infer an individual's citizenship or immigration status for any purpose.

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

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

(1) In the absence of express authorization in state law, the department is prohibited from altering department practices to comply with any additional requirements set forth by the federal government as a condition to state compliance with the REAL ID Act of 2005, P.L. 109-13, which are not included in 6 C.F.R. Part 37 as of April 1, 2017.

(2) In the absence of express authorization in state law, the department is prohibited from altering department practices as of April 1, 2017, with respect to the extent to which personally identifying information required to apply for a driver's license or identicard may be released to the federal government or to a party the department has knowledge may intend to release the information for the purpose of it being provided to the federal government, either directly or indirectly.

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

Correct the title.

EFFECT: Makes the following changes related to driver's licenses and identicards:

(1) Prohibits the use of a standard driver's license or identicard with the specified design features as evidence of or as a basis to infer an individual's citizenship or immigration status;

(2) Prohibits the use of a person's standard driver's license or identicard with the specified design features as a basis for the criminal investigation, arrest, or detention of that person where the person otherwise would not be criminally investigated, arrested, or detained;

(3) Prohibits the department of licensing (DOL) from altering department practices to comply with new federal requirements for REAL ID Act compliance not included in federal regulation as of April 1, 2017, in the absence of express authorization in state law;

(4) Prohibits DOL from altering department practices as of April 1, 2017, for the release of personally identifying information required to apply for a driver's license or identicard to the federal government or to a party the department knows may either directly or indirectly release that information to the federal government;

(5) Eliminates the reduction in the fee for a full-term enhanced driver's license and an enhanced identicard to $66, restoring the fee to the current fee of $108; and

(6) Preserves the restriction on DOL from issuing REAL ID-compliant drivers' licenses or identicards or from storing or including data about state residents to meet the requirements of the REAL ID Act until it provides certification that its driver's license, identicard, database, records facility, computer system, and personnel screening and training procedures:

(a) Include all reasonable security measures to protect the privacy of state residents;

(b) Include all reasonable safeguards to protect against the unauthorized disclosure of data; and

(c) Do not place unreasonable costs or recordkeeping burdens on a driver's license or identicard applicant.