

# SENATE BILL REPORT

## SB 5105

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As of January 23, 2023

**Title:** An act relating to authorizing digital driver's licenses through a mobile application.

**Brief Description:** Authorizing digital driver's licenses through a mobile application.

**Sponsors:** Senators Mullet, Fortunato, Gildon, Liias, Nguyen, Pedersen and Wilson, C..

**Brief History:**

**Committee Activity:** Transportation: 1/23/23.

**Brief Summary of Bill**

- Requires the Department of Licensing (DOL) to establish a program that allows every qualifying applicant for a driver's license the ability to acquire a digital version of the applicant's driver's license in addition to the physical version by September 1, 2024.
- Requires DOL to adopt rules related to the program by August 1, 2024.
- Directs DOL to complete an implementation plan for issuing digital driver's licenses through a mobile application by December 1, 2023.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Bryon Moore (786-7726)

**Background:** To drive a motor vehicle upon a highway, a person must first obtain a driver's license issued by the Department of Licensing (DOL). Some exceptions to this requirement include:

- certain non-resident drivers and armed forces members;
- a person operating special highway construction equipment;
- a person driving or operating any farm tractor or implement of husbandry that is only incidentally operated or moved over a highway; or

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

- an operator of a locomotive upon rails.

Driver's licenses are valid for eight years, though DOL must offer the option to issue or renew driver licenses for six years. The fee for an 8-year driver's license is \$72 and the fee for a 6-year driver's license is \$54.

Every licensee must have their driver's license in their immediate possession when operating a motor vehicle and must display the driver's license to a police officer or other person, if required by law to do so.

**Summary of Bill:** By September 1, 2024, DOL must establish a program that allows every qualifying applicant for a driver's license the ability to acquire a digital version of the applicant's driver's license in addition to the physical version.

By August 1, 2024, DOL must adopt rules to which address issuance requirements, specifications, security and privacy protections, and the use requirements associated with the digital driver's license.

By December 1, 2023, DOL is required to submit an implementation plan for issuing digital driver's licenses through a mobile application. The plan must include:

- reviewing the adoption actions in other states, including successes and lessons learned;
- examining existing technical infrastructure and potential changes needed to maximize interoperability, utility, and privacy protection;
- identifying the technical investments and other costs associated with issuing digital driver's licenses through a mobile application;
- identifying how the technology may impact and can be used by external stakeholders, such as law enforcement;
- recommending any process changes required to implement the program successfully and ensure customer satisfaction; and
- recommending any statutory changes required to allow for the usage of digital driver's licenses, including recognition of interstate travelers.

**Appropriation:** None.

**Fiscal Note:** Requested on January 19, 2023.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Staff Summary of Public Testimony:** PRO: We are somewhat behind other states in implementing mobile driver's license technologies. A decade from now, this kind of technology will be available to everyone. While the timeline outlined in the bill might be

too aggressive, we should begin to make the transition to this new technology. We should start going down this path, but deference should be given to what the Department of Licensing thinks is realistic and allows us to address all the implementation issues. The legitimate privacy considerations raised can and must get addressed as part of the proposed study.

CON: This bill raises significant privacy issues and the digital license could cause great harm to individuals. Prior to implementing the mobile driver's license, there needs to be a variety of legislative changes to safeguard the data, prevent the potential misuse of this information by companies and government agencies, and create additional privacy protections. The actual implementation provisions need to get removed and further study should be conducted. The legal and policy issues raised by the implementation of digital driver's license, include, potential violations of civil liberties, abuse and overreach by law enforcement, and increased hacking risk. Before implementing this change, the privacy and equity issues need to get addressed. This is a frivolous bill and it diverts needed funds for transportation infrastructure.

OTHER: The digital driver's license is an exciting possibility, but it needs further study. Interoperability and how the information can and should be accepted needs to get a comprehensive review. To do this the right way, we need a standard across the states. The state should wait until it is more clear what technology solution will prevail. These issues need to get addressed by a comprehensive set of stakeholders before implementing the mobile driver's license. The timeframe outlined in the bill is over optimistic. This type of system is open to hacking and other types of misuse. The Legislature should consider funding a task force to comprehensively review all these issues before adopting a technology that puts our data at risk.

**Persons Testifying:** PRO: Senator Mark Mullet, Prime Sponsor; Preston Dwoskin.

CON: Jennifer Lee, ACLU of Washington.

OTHER: Maya Morales, WA People's Privacy; Cynthia Spiess; Jonathan Pincus; Beau Perschbacher, WA Dept. of Licensing.

**Persons Signed In To Testify But Not Testifying:** No one.