
SENATE BILL 5040

State of Washington

68th Legislature

2023 Regular Session

By Senators J. Wilson and Fortunato

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1 AN ACT Relating to requiring notation on enhanced documents that
2 the holder of the document has demonstrated the citizenship
3 requirements sufficient to register to vote; amending RCW 46.20.202;
4 and providing an effective date.

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

6 **Sec. 1.** RCW 46.20.202 and 2022 c 182 s 205 are each amended to
7 read as follows:

8 (1) The department may enter into a memorandum of understanding
9 with any federal agency for the purposes of facilitating the crossing
10 of the border between the state of Washington and the Canadian
11 province of British Columbia.

12 (2) The department may enter into an agreement with the Canadian
13 province of British Columbia for the purposes of implementing a
14 border-crossing initiative.

15 (3)(a) The department may issue an enhanced driver's license or
16 identicard for the purposes of crossing the border between the state
17 of Washington and the Canadian province of British Columbia to an
18 applicant who provides the department with proof of: United States
19 citizenship, identity, and state residency. The department shall
20 continue to offer a standard driver's license and identicard. If the
21 department chooses to issue an enhanced driver's license, the

1 department must allow each applicant to choose between a standard
2 driver's license or identicard, or an enhanced driver's license or
3 identicard.

4 (b) The department shall implement a one-to-many biometric
5 matching system for the enhanced driver's license or identicard. An
6 applicant for an enhanced driver's license or identicard shall submit
7 a biometric identifier as designated by the department. The biometric
8 identifier must be used solely for the purpose of verifying the
9 identity of the holders and for any purpose set out in RCW 46.20.037.
10 Applicants are required to sign a declaration acknowledging their
11 understanding of the one-to-many biometric match.

12 (c) The enhanced driver's license or identicard must include
13 reasonable security measures to protect the privacy of Washington
14 state residents, including reasonable safeguards to protect against
15 unauthorized disclosure of data about Washington state residents. If
16 the enhanced driver's license or identicard includes a radio
17 frequency identification chip, or similar technology, the department
18 shall ensure that the technology is encrypted or otherwise secure
19 from unauthorized data access.

20 (d) The enhanced driver's license or identicard must also include
21 a notation that the holder presented documentation of United States
22 citizenship sufficient to meet the criteria to register to vote in
23 order to obtain the enhanced driver's license or identicard. The
24 department shall, by rule, determine the format of the notification
25 required by this subsection (3) (d).

26 (e) The requirements of this subsection are in addition to the
27 requirements otherwise imposed on applicants for a driver's license
28 or identicard. The department shall adopt such rules as necessary to
29 meet the requirements of this subsection. From time to time the
30 department shall review technological innovations related to the
31 security of identity cards and amend the rules related to enhanced
32 driver's licenses and identicards as the director deems consistent
33 with this section and appropriate to protect the privacy of
34 Washington state residents.

35 (~~(e)~~) (f) Notwithstanding RCW 46.20.118, the department may
36 make images associated with enhanced drivers' licenses or identicards
37 from the negative file available to United States customs and border
38 agents for the purposes of verifying identity.

39 (4) Beginning October 1, 2022, the fee for an enhanced driver's
40 license or enhanced identicard is \$56, which is in addition to the

1 fees for any regular driver's license or identicard. If the enhanced
2 driver's license or enhanced identicard is issued, renewed, or
3 extended for a period other than eight years, the fee for each class
4 is \$7 for each year that the enhanced driver's license or enhanced
5 identicard is issued, renewed, or extended.

6 (5) (a) The first \$4 per year of issuance, to a maximum of \$32 of
7 the enhanced driver's license and enhanced identicard fee under this
8 section must be deposited into the highway safety fund unless prior
9 to July 1, 2023, the actions described in (a) (i) or (ii) of this
10 subsection occur, in which case the portion of the revenue that is
11 the result of the fee increased in section 209, chapter 44, Laws of
12 2015 3rd sp. sess. must be distributed to the connecting Washington
13 account created under RCW 46.68.395.

14 (i) Any state agency files a notice of rule making under chapter
15 34.05 RCW, absent explicit legislative authorization enacted
16 subsequent to July 1, 2015, for a rule regarding a fuel standard
17 based upon or defined by the carbon intensity of fuel, including a
18 low carbon fuel standard or clean fuel standard.

19 (ii) Any state agency otherwise enacts, adopts, orders, or in any
20 way implements a fuel standard based upon or defined by the carbon
21 intensity of fuel, including a low carbon fuel standard or clean fuel
22 standard, without explicit legislative authorization enacted
23 subsequent to July 1, 2015.

24 (iii) Nothing in this subsection acknowledges, establishes, or
25 creates legal authority for the department of ecology or any other
26 state agency to enact, adopt, order, or in any way implement a fuel
27 standard based upon or defined by the carbon intensity of fuel,
28 including a low carbon fuel standard or clean fuel standard.

29 (b) \$24 of the enhanced driver's license and enhanced identicard
30 fee under this section must be deposited into the move ahead WA
31 flexible account created in RCW 46.68.520. If the enhanced driver's
32 license or enhanced identicard is issued, renewed, or extended for a
33 period other than eight years, the amount deposited into the move
34 ahead WA flexible account created in RCW 46.68.520 is \$3 for each
35 year that the enhanced driver's license or enhanced identicard is
36 issued, renewed, or extended.

37 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2024.

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