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**SUBSTITUTE SENATE BILL 6364**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** Senate Committee on Governmental Operations (originally sponsored by Senators Hayner, Owen, McDonald, Rasmussen, West, Vognild, Newhouse, Nelson, Bailey, McMullen, Saling, Metcalf, Thorsness, Cantu, Amondson, L. Smith, Craswell, Patterson, Oke, Erwin, McCaslin and Sellar)

Read first time 02/06/92.

1 AN ACT Relating to fraudulent document use; amending RCW 29.07.080,  
2 29.07.092, 46.20.116, 46.20.091, 46.20.117, and 46.20.118; adding new  
3 sections to chapter 43.24 RCW; creating a new section; prescribing  
4 penalties; and providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that  
7 identification document fraud is pervasive in Washington state and  
8 undermines immigration and anticrime policies of this state.  
9 Identification document fraud often involves checks, credit cards,  
10 licensing, voter registration cards, insurance, welfare, immigration,  
11 money laundering, and the importation of illegal drugs. Such abuse has  
12 significant legal, economic, and political consequences, and undermines  
13 the public confidence in governmental and commercial institutions.

1       The state driver's license and identification card are the most  
2 commonly used documents for identification in private and public  
3 transactions. The legislature finds that the driver's license is not  
4 used simply to certify driver qualification, nor is the identification  
5 card a document that should be issued without adequate proof of  
6 identity. Therefore, the state adopts a policy that the driver's  
7 license and identification card issued by the department of licensing  
8 are the basic identification documents of this state and that the state  
9 has a compelling interest in ensuring the accuracy and integrity of  
10 this identification system. It is the purpose and intent of this act  
11 to further secure the accuracy and integrity of this system by  
12 requiring the application for a license or identification card to  
13 include a legible thumbprint or fingerprint of the applicant, in  
14 addition to other steps to curtail identification document fraud.

15       **Sec. 2.** RCW 29.07.080 and 1990 c 143 s 8 are each amended to read  
16 as follows:

17       For voter registrations executed under this section, the registrar  
18 shall state to the applicant that any false information or fraudulently  
19 produced documents given by the applicant may subject the applicant to  
20 criminal felony prosecution. The registrar shall require the applicant  
21 to sign the following oath:

22       "I declare that the facts relating to my qualifications as a voter  
23 recorded on this voter registration form are true and that the  
24 documents submitted in support of my qualifications are true and have  
25 not been fraudulently procured. I am a citizen of the United States,  
26 I am not presently denied my civil rights as a result of being  
27 convicted of an infamous crime, I will have lived in this state,  
28 county, and precinct for thirty days immediately preceding the next  
29 election at which I offer to vote, and I will be at least eighteen

1 years of age at the time of voting. I understand that it is a class C  
2 felony to give false information or produce fraudulent documentation."

3 The registration officer shall attest and date this oath in the  
4 following form:

5 "Subscribed and sworn to before me this ..... day of .....,  
6 19.., ..... Registration Officer."

7 **Sec. 3.** RCW 29.07.092 and 1975 1st ex.s. c 184 s 1 are each  
8 amended to read as follows:

9 The county auditor shall acknowledge each new voter registration or  
10 transfer by providing or sending the voter a card identifying his or  
11 her current precinct, plainly stating "not valid for identification  
12 purposes" and containing such other information as may be prescribed by  
13 the secretary of state.

14 **Sec. 4.** RCW 46.20.116 and 1969 ex.s. c 155 s 3 are each amended to  
15 read as follows:

16 (1) No identicard or Washington state driver's license shall be  
17 issued unless the applicant has satisfied the department regarding his  
18 or her identity. In no event shall an applicant be deemed to have  
19 satisfied the identity requirements of this section unless he or she  
20 displays or provides the department with at least two of the following:

21 (a) An expired or expiring driver's license that contains the  
22 signature and/or a photograph of the applicant;

23 (b) A valid Washington state identicard;

24 (c) A nationally or regionally known credit card containing the  
25 signature or photograph of the applicant;

1        (d) An identification card issued by the United States, any state,  
2 or any agency or either, of a kind commonly used to identify the  
3 members of employees of such government agencies, including military  
4 identification cards, and that contain the signature and/or the  
5 photograph of the applicant;

6        (e) Any certificate or other document issued by any government  
7 agency commonly used for the purpose of establishing identities. If  
8 the certificate or other document is issued by the government of a  
9 foreign country, the certificate or document must be supplemented with  
10 an alien registration or identification card issued by the United  
11 States immigration and naturalization service or by proof of United  
12 States citizenship;

13        (f) An affidavit, or in the case the applicant is a minor, an  
14 affidavit of his or her parent or guardian.

15        (2) The department shall plainly label each license "not valid for  
16 identification purposes" where the applicant is unable to prove his or  
17 her identity commensurate ((to the regulations)) with this section and  
18 rules adopted by the director.

19        NEW SECTION. Sec. 5.        The department of licensing, the  
20 Washington state association of county auditors, and the department of  
21 social and health services, shall each develop procedures to inform  
22 screening personnel about the identification of fraudulent documents.

23        NEW SECTION. Sec. 6.        The department shall forward the  
24 following information to the appropriate law enforcement agency or  
25 agencies within a reasonable time of receipt of suspected fraudulent  
26 documentation relating to the application for driver's licenses or  
27 identicards:

1 (1) The given name and address of the person submitting suspected  
2 fraudulent documentation;

3 (2) The confiscated document or copy of the suspected fraudulent  
4 documentation; and

5 (3) The reasons why the documentation was suspected to be  
6 fraudulent.

7 NEW SECTION. **Sec. 7.** The persons informed under section 5 of  
8 this act shall not be liable for actions taken in pursuance of the  
9 requirements of this act.

10 NEW SECTION. **Sec. 8.** For purposes of section 6 of this act,  
11 "suspected fraudulent document" means a document that the reviewing  
12 agent has probable cause to believe has been fraudulently produced or  
13 altered.

14 **Sec. 9.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read  
15 as follows:

16 (1) Every application for an instruction permit or for an original  
17 driver's license shall be made upon a form prescribed and furnished by  
18 the department which shall be sworn to and signed by the applicant  
19 before a person authorized to administer oaths. Every application for  
20 an instruction permit containing a photograph shall be accompanied by  
21 a fee of five dollars. The department shall forthwith transmit the  
22 fees collected for instruction permits and temporary drivers' permits  
23 to the state treasurer.

24 (2) Every such application shall state the full name, date of  
25 birth, sex, and Washington residence address of the applicant, and  
26 briefly describe the applicant, and shall state whether the applicant  
27 has theretofore been licensed as a driver or chauffeur, and, if so,

1 when and by what state or country, and whether any such license has  
2 ever been suspended or revoked, or whether an application has ever been  
3 refused, and, if so, the date of and reason for such suspension,  
4 revocation, or refusal, and shall state such additional information as  
5 the department shall require.

6 (3) Every application for an original or duplicate driver's license  
7 shall include a legible thumbprint or fingerprint.

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

13 ~~((4))~~ (5) Whenever the department receives request for a driving  
14 record from another licensing jurisdiction, the record shall be  
15 forwarded without charge if the other licensing jurisdiction extends  
16 the same privilege to the state of Washington. Otherwise there shall  
17 be a reasonable charge for transmittal of the record, the amount to be  
18 fixed by the director of the department.

19 **Sec. 10.** RCW 46.20.117 and 1986 c 15 s 1 are each amended to read  
20 as follows:

21 (1) The department shall issue "identicards," containing a picture,  
22 to ~~((individuals))~~ nondrivers for a fee of four dollars. However, the  
23 fee shall be the actual cost of production to recipients of continuing  
24 public assistance grants under Title 74 RCW who are referred in writing  
25 to the department by the secretary of social and health services. The  
26 fee shall be deposited in the highway safety fund. To be eligible,  
27 each applicant shall produce evidence as required by the rules adopted  
28 by the director that positively proves identity. Such evidence shall  
29 include a legible thumbprint or fingerprint for each applicant for an

1 original, renewed, or duplicate identicard. The "identicard" shall be  
2 distinctly designed so that it will not be confused with the official  
3 driver's license. The identicard shall expire on the fifth anniversary  
4 of the applicant's birthdate after issuance.

5 (2) The department may cancel an "identicard" upon a showing by its  
6 records or other evidence that the holder of such "identicard" has  
7 committed a violation relating to "identicards" defined in RCW  
8 46.20.336.

9 **Sec. 11.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to  
10 read as follows:

11 The department shall maintain a negative file. It shall contain  
12 negatives of all pictures and thumbprints or fingerprints taken by the  
13 department of licensing as authorized by RCW 46.20.070 through  
14 46.20.119. Negatives and thumbprints or fingerprints in the file shall  
15 not be available for public inspection and copying under chapter 42.17  
16 RCW. The department may make the file available to official  
17 governmental enforcement agencies to assist in the investigation by the  
18 agencies of suspected criminal activity. The department may also  
19 provide a print to the driver's next of kin in the event the driver is  
20 deceased.

21 NEW SECTION. **Sec. 12.** Sections 5 through 8 of this act are  
22 each added to chapter 43.24 RCW.

23 NEW SECTION. **Sec. 13.** This act shall take effect July 1, 1993.