

2 ESHB 2150 - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 3/1/96

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** This act, authorizing investigation of
8 documents submitted with a driver's license application, is the second
9 stage of a three-part effort to increase the reliability and security
10 of the Washington driver's license document.

11 The first stage, accomplished with the enactment of chapter 452,
12 Laws of 1993, established procedures for identification documentation
13 screening and acceptance in the department of licensing field offices.
14 That act established a list of acceptable documents to be used as
15 primary identification documents, and provided for departmental review
16 of secondary identification documents commonly used to establish
17 identity.

18 This act enhances the procedures established in chapter 452, Laws
19 of 1993, by directing the department of licensing to retain secondary
20 identification documentation where necessary to verify the validity of
21 the documents. It further requires a license applicant to sign a
22 statement that identifying documentation is valid. Making a false
23 statement regarding the validity of any identifying information
24 constitutes false swearing, a gross misdemeanor.

25 The third stage in the effort to improve the reliability and
26 security of the driver's license is the eventual adoption of a new
27 document with minimal potential for forgery. Such a document would
28 potentially include available antifraud safeguards, such as biometric
29 identifiers, and other technological advances as described in section
30 8 of this act. Development of a proposal for the new driver's license
31 document will follow the release of a recommendation on technology
32 currently being formulated by the department of licensing's driver's
33 document advisory committee. The committee's recommendation is
34 currently scheduled for release on November 15, 1996.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 Every application for an identicard or a Washington state driver's
4 license must contain a statement of implied consent, notifying the
5 applicant that information contained in the application and any
6 documents submitted in support of the application may be made available
7 to law enforcement agencies, or federal, state, and local governmental
8 agencies for official purposes.

9 **Sec. 3.** RCW 46.20.035 and 1993 c 452 s 1 are each amended to read
10 as follows:

11 (1) The department may not issue an identicard or a Washington
12 state driver's license, except as provided in RCW 46.20.116, unless the
13 applicant has satisfied the department regarding his or her identity.
14 Except as provided in subsection (2) of this section, an applicant has
15 not satisfied the identity requirements of this section unless he or
16 she displays or provides the department with at least one of the
17 following pieces of valid identifying documentation:

18 (a) A valid or recently expired driver's license or instruction
19 permit that contains the signature, date of birth, and a photograph of
20 the applicant;

21 (b) A Washington state identicard or an identification card issued
22 by another state that contains the signature and a photograph of the
23 applicant;

24 (c) An identification card issued by the United States, a state, or
25 an agency of either the United States or a state, of a kind commonly
26 used to identify the members of employees of the government agency,
27 that contains the signature and a photograph of the applicant;

28 (d) A United States military identification card that contains the
29 signature and a photograph of the applicant;

30 (e) A United States passport that contains the signature and a
31 photograph of the applicant;

32 (f) An immigration and naturalization service form that contains
33 the signature and photograph of the applicant; or

34 (g) If the applicant is a minor, an affidavit of the applicant's
35 parent or guardian where the parent or guardian displays or provides at
36 least one piece of identifying documentation as specified in this
37 subsection along with additional documentation establishing the
38 relationship between the parent or guardian and the applicant.

1 (2) A person unable to provide identifying satisfactory
2 documentation as specified in subsection (1) of this section may
3 request that the department review other available documentation in
4 order to ascertain identity. The department may retain documentation
5 submitted for review under this subsection, in order to investigate its
6 validity, except as provided in subsection (3) of this section. The
7 department may waive the requirement for specific identifying
8 documentation under subsection (1) of this section if it finds that
9 other documentation clearly establishes the identity of the applicant.
10 The department may issue a temporary driver's permit as provided in RCW
11 46.20.055(4), pending the investigation of documentation submitted by
12 an applicant for review.

13 (3) The department may not retain originals of green cards or other
14 documents issued by the immigration and naturalization service, or
15 documents of foreign origin. The department may make photocopies of
16 these documents in order to determine validity. The department may
17 issue to the applicant a temporary driver's permit or temporary
18 identocard as provided in RCW 46.20.055(4) and 46.20.117, pending an
19 investigation of documentation submitted under this subsection.

20 (4) The department may not accept photocopied documents unless they
21 are certified by the issuing authority. The department may not accept
22 original documents transmitted by facsimile unless the documents are
23 transmitted directly to the department from the issuing authority.

24 **Sec. 4.** RCW 46.20.055 and 1990 c 250 s 34 are each amended to read
25 as follows:

26 (1) Any person who is at least fifteen and a half years of age may
27 apply to the department for an instruction permit for the operation of
28 any motor vehicle except a motorcycle. Any person sixteen years of age
29 or older, holding a valid driver's license, may apply for an
30 instruction permit for the operation of a motorcycle. The department
31 may in its discretion, after the applicant has successfully passed all
32 parts of the examination other than the driving test, issue to the
33 applicant a driver's or motorcyclist's instruction permit.

34 (a) A driver's instruction permit entitles the permittee while
35 having the permit in immediate possession to drive a motor vehicle upon
36 the public highways for a period of one year when accompanied by a
37 licensed driver who has had at least five years of driving experience
38 and is occupying a seat beside the driver. Except as provided in

1 subsection (c) of this subsection, only one additional permit, valid
2 for one year, may be issued.

3 (b) A motorcyclist's instruction permit entitles the permittee
4 while having the permit in immediate possession to drive a motorcycle
5 upon the public highways for a period of ninety days as provided in RCW
6 46.20.510(~~(+3)~~) (2). Except as provided in subsection (c) of this
7 subsection, only one additional permit, valid for ninety days, may be
8 issued.

9 (c) The department after investigation may issue a third driver's
10 or motorcyclist's instruction permit when it finds that the permittee
11 is diligently seeking to improve driving proficiency.

12 (2) The department may waive the examination, except as to eyesight
13 and other potential physical restrictions, for any applicant who is
14 enrolled in either a traffic safety education course as defined by RCW
15 28A.220.020(2) or a course of instruction offered by a licensed driver
16 training school as defined by RCW 46.82.280(1) at the time the
17 application is being considered by the department. The department may
18 require proof of registration in such a course as it deems necessary.

19 (3) The department upon receiving proper application may in its
20 discretion issue a driver's instruction permit to an applicant who is
21 at least fifteen years of age and is enrolled in a traffic safety
22 education program which includes practice driving and which is approved
23 and accredited by the superintendent of public instruction. Such
24 instruction permit shall entitle the permittee having the permit in
25 immediate possession to drive a motor vehicle only when an approved
26 instructor or other licensed driver with at least five years of driving
27 experience, is occupying a seat beside the permittee.

28 (4) The department may in its discretion issue a temporary driver's
29 permit to an applicant for a driver's license permitting the applicant
30 to drive a motor vehicle for a period not to exceed sixty days while
31 the department is completing its investigation and determination of all
32 facts relative to such applicant's right to receive a driver's license,
33 including any necessary investigation into the validity of
34 identification documentation submitted by the applicant. In the case
35 of investigation of identification documents under RCW 46.20.035(3),
36 the department may issue a temporary license pending the investigation
37 of documentation submitted by an applicant for review. Such permit
38 must be in the permittee's immediate possession while driving a motor

1 vehicle, and it shall be invalid when the permittee's license has been
2 issued or for good cause has been refused.

3 **Sec. 5.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read
4 as follows:

5 (1) Every application for an instruction permit or for an original
6 driver's license shall be made upon a form prescribed and furnished by
7 the department which shall be sworn to and signed by the applicant
8 before a person authorized to administer oaths. An applicant making a
9 false statement under this subsection is guilty of false swearing, a
10 gross misdemeanor, under RCW 9A.72.040. Every application for an
11 instruction permit containing a photograph shall be accompanied by a
12 fee of five dollars. The department shall forthwith transmit the fees
13 collected for instruction permits and temporary drivers' permits to the
14 state treasurer.

15 (2) Every such application shall state the full name, date of
16 birth, sex, and Washington residence address of the applicant, and
17 briefly describe the applicant, and shall state whether the applicant
18 has theretofore been licensed as a driver or chauffeur, and, if so,
19 when and by what state or country, and whether any such license has
20 ever been suspended or revoked, or whether an application has ever been
21 refused, and, if so, the date of and reason for such suspension,
22 revocation, or refusal, and shall state such additional information as
23 the department shall require, including a statement that identifying
24 documentation presented by the applicant is valid.

25 (3) Whenever application is received from a person previously
26 licensed in another jurisdiction, the department shall request a copy
27 of such driver's record from such other jurisdiction. When received,
28 the driving record shall become a part of the driver's record in this
29 state.

30 (4) Whenever the department receives request for a driving record
31 from another licensing jurisdiction, the record shall be forwarded
32 without charge if the other licensing jurisdiction extends the same
33 privilege to the state of Washington. Otherwise there shall be a
34 reasonable charge for transmittal of the record, the amount to be fixed
35 by the director of the department.

36 **Sec. 6.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read
37 as follows:

1 The department shall maintain a negative file. It shall contain
2 negatives of all pictures taken by the department of licensing as
3 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file
4 shall not be available for public inspection and copying under chapter
5 42.17 RCW. The department (~~may~~) shall make the file available to
6 official governmental enforcement agencies to assist in the
7 investigation by the agencies of suspected criminal activity. The
8 department may also provide a print to the driver's next of kin in the
9 event the driver is deceased.

10 **Sec. 7.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s
11 16, and 1995 c 256 s 25 are each reenacted and amended to read as
12 follows:

13 Failure to perform any act required or the performance of any act
14 prohibited by this title or an equivalent administrative regulation or
15 local law, ordinance, regulation, or resolution relating to traffic
16 including parking, standing, stopping, and pedestrian offenses, is
17 designated as a traffic infraction and may not be classified as a
18 criminal offense, except for an offense contained in the following
19 provisions of this title or a violation of an equivalent administrative
20 regulation or local law, ordinance, regulation, or resolution:

21 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
22 vehicle while under the influence of intoxicating liquor or a
23 controlled substance;

24 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

25 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
26 while under the influence of intoxicating liquor or narcotics or
27 habit-forming drugs or in a manner endangering the person of another;

28 (4) RCW 46.10.130 relating to the operation of snowmobiles;

29 (5) Chapter 46.12 RCW relating to certificates of ownership and
30 registration and markings indicating that a vehicle has been destroyed
31 or declared a total loss;

32 (6) RCW 46.16.010 relating to initial registration of motor
33 vehicles;

34 (7) RCW 46.16.011 relating to permitting unauthorized persons to
35 drive;

36 (8) RCW 46.16.160 relating to vehicle trip permits;

1 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
2 acquisition of a special placard or license plate for disabled persons'
3 parking;
4 (10) RCW 46.20.021 relating to driving without a valid driver's
5 license;
6 (11) RCW 46.20.091 relating to false statements regarding a
7 driver's license or instruction permit;
8 (12) RCW 46.20.336 relating to the unlawful possession and use of
9 a driver's license;
10 (~~(12)~~) (13) RCW 46.20.342 relating to driving with a suspended or
11 revoked license or status;
12 (~~(13)~~) (14) RCW 46.20.410 relating to the violation of
13 restrictions of an occupational driver's license;
14 (~~(14)~~) (15) RCW 46.20.420 relating to the operation of a motor
15 vehicle with a suspended or revoked license;
16 (~~(15)~~) (16) RCW 46.20.750 relating to assisting another person to
17 start a vehicle equipped with an ignition interlock device;
18 (~~(16)~~) (17) RCW 46.25.170 relating to commercial driver's
19 licenses;
20 (~~(17)~~) (18) Chapter 46.29 RCW relating to financial
21 responsibility;
22 (~~(18)~~) (19) RCW 46.30.040 relating to providing false evidence of
23 financial responsibility;
24 (~~(19)~~) (20) RCW 46.37.435 relating to wrongful installation of
25 sunscreening material;
26 (~~(20)~~) (21) RCW 46.44.180 relating to operation of mobile home
27 pilot vehicles;
28 (~~(21)~~) (22) RCW 46.48.175 relating to the transportation of
29 dangerous articles;
30 (~~(22)~~) (23) RCW 46.52.010 relating to duty on striking an
31 unattended car or other property;
32 (~~(23)~~) (24) RCW 46.52.020 relating to duty in case of injury to
33 or death of a person or damage to an attended vehicle;
34 (~~(24)~~) (25) RCW 46.52.090 relating to reports by repairmen,
35 storagemen, and appraisers;
36 (~~(25)~~) (26) RCW 46.52.100 relating to driving under the influence
37 of liquor or drugs;

1 ~~((26))~~ (27) RCW 46.52.130 relating to confidentiality of the
2 driving record to be furnished to an insurance company, an employer,
3 and an alcohol/drug assessment or treatment agency;
4 ~~((27))~~ (28) RCW 46.55.020 relating to engaging in the activities
5 of a registered tow truck operator without a registration certificate;
6 ~~((28))~~ (29) RCW 46.55.035 relating to prohibited practices by tow
7 truck operators;
8 ~~((29))~~ (30) RCW 46.61.015 relating to obedience to police
9 officers, flagmen, or fire fighters;
10 ~~((30))~~ (31) RCW 46.61.020 relating to refusal to give information
11 to or cooperate with an officer;
12 ~~((31))~~ (32) RCW 46.61.022 relating to failure to stop and give
13 identification to an officer;
14 ~~((32))~~ (33) RCW 46.61.024 relating to attempting to elude
15 pursuing police vehicles;
16 ~~((33))~~ (34) RCW 46.61.500 relating to reckless driving;
17 ~~((34))~~ (35) RCW 46.61.502 and 46.61.504 relating to persons under
18 the influence of intoxicating liquor or drugs;
19 ~~((35))~~ (36) RCW ~~((46.61.5055 (section 5, chapter 332 (Substitute~~
20 ~~Senate Bill No. 5141), Laws of 1995))~~ 46.61.503 relating to a person
21 under age twenty-one driving a motor vehicle after consuming alcohol;
22 ~~((36))~~ (37) RCW 46.61.520 relating to vehicular homicide by motor
23 vehicle;
24 ~~((37))~~ (38) RCW 46.61.522 relating to vehicular assault;
25 ~~((38))~~ (39) RCW 46.61.525 relating to negligent driving;
26 ~~((39))~~ (40) RCW 46.61.527(4) relating to reckless endangerment of
27 roadway workers;
28 ~~((40))~~ (41) RCW 46.61.530 relating to racing of vehicles on
29 highways;
30 ~~((41))~~ (42) RCW 46.61.685 relating to leaving children in an
31 unattended vehicle with the motor running;
32 ~~((42))~~ (43) RCW 46.64.010 relating to unlawful cancellation of or
33 attempt to cancel a traffic citation;
34 ~~((43))~~ (44) RCW 46.64.048 relating to attempting, aiding,
35 abetting, coercing, and committing crimes;
36 ~~((44))~~ (45) Chapter 46.65 RCW relating to habitual traffic
37 offenders;

1 (~~(45)~~) (46) Chapter 46.70 RCW relating to unfair motor vehicle
2 business practices, except where that chapter provides for the
3 assessment of monetary penalties of a civil nature;

4 (~~(46)~~) (47) Chapter 46.72 RCW relating to the transportation of
5 passengers in for hire vehicles;

6 (~~(47)~~) (48) Chapter 46.80 RCW relating to motor vehicle wreckers;

7 (~~(48)~~) (49) Chapter 46.82 RCW relating to driver's training
8 schools;

9 (~~(49)~~) (50) RCW 46.87.260 relating to alteration or forgery of a
10 cab card, letter of authority, or other temporary authority issued
11 under chapter 46.87 RCW;

12 (~~(50)~~) (51) RCW 46.87.290 relating to operation of an
13 unregistered or unlicensed vehicle under chapter 46.87 RCW.

14 NEW SECTION. Sec. 8. (1) The legislative transportation committee
15 is directed to appoint a consultant to assist the committee in
16 undertaking a study of the methods and technology currently available
17 to create a driver's license and identicard that cannot be fraudulently
18 obtained from the department of licensing, thereby providing the
19 public, businesses, and agencies with a more secure driver's license.
20 The scope of the study shall be determined by the legislative
21 transportation committee, but at a minimum, shall include an
22 examination of:

23 (a) Improving identity verification with the use of biometric
24 systems; determining the type of biometric system to be utilized; and
25 examining system costs. A "biometric system" refers to the use of
26 identification technology to verify the identity of individuals through
27 comparison of unique physical characteristics;

28 (b) Digitized facial photography, and associated system costs;

29 (c) Coded information, such as a bar code, and associated system
30 costs; and

31 (d) Available technology to prevent alterations of the license and
32 identification cards, and associated costs.

33 (2) The consultant and the legislative transportation committee
34 shall work closely with the department of licensing in developing
35 recommendations.

36 (3) The legislative transportation committee shall deliver a final
37 report and recommendations to the legislature by December 15, 1996."

1 **ESHB 2150** - S COMM AMD
2 By Committee on Transportation

ADOPTED 3/1/96

3
4 In line 2 of the title, after "identical;" strike the remainder
5 of the title and insert "amending RCW 46.20.035, 46.20.055, 46.20.091,
6 and 46.20.118; reenacting and amending RCW 46.63.020; adding a new
7 section to chapter 46.20 RCW; creating new sections; and prescribing
8 penalties."

--- END ---