

VETO MESSAGE ON HB 2150-S

March 30, 1996

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2, 3, 4, and 6, Engrossed Substitute House Bill No. 2150 entitled: "AN ACT Relating to identification requirements for driver's licenses and identicards;"

Engrossed Substitute House Bill No. 2150 represents an effort to improve the integrity of the Washington State driver's license as a universally accepted method of identification. Much of the amendatory language included in this bill contemplates using procedures to validate identities that raise serious civil liberty and due process rights concerns. This is especially true of the new policy established in this bill that permits the Department of Licensing to confiscate a person's documents and turn them over to law enforcement agencies for criminal investigations.

Some testimony during legislative hearings raised the possibility that the physical safety of driver's license examiners would be jeopardized if they confiscated identity documents. While this surely is only an extreme possibility, confiscating a person's documents at a government window against the will of the applicant alters significantly the cooperative nature of the licensing process.

The legislature, working with the Department of Licensing, needs to reexamine this approach in the hope that better ways to secure the identity of citizens in this state can be found.

Section 3 of the bill permits the Department of Licensing to retain certain documents that are submitted by applicants who are trying to validate their identities prior to receiving an "identocard" or a driver's license that can be used for identification purposes. This is the heart of the problem with this bill, and I have vetoed this section. The amendatory language added by section 4 is tied to the confiscation process established in section 3 and is without purpose if section 3 does not become law.

Sections 2 and 6 relate the power to confiscate documents to criminal investigations. Section 2 requires applicants to give "implied consent" that their documents may be made available "to law enforcement agencies, or federal, state, and local government agencies for official purposes." Section 6 requires that the Department of Licensing shall turn over its files to "government enforcement agencies" to assist in criminal investigations. Present law makes such referrals permissive rather than mandatory. Requiring documents confiscated under the provisions of this bill to be made available for other law enforcement purposes raises serious civil liberty issues and may violate a person's right to due process. We do not need to make our citizens fearful of the driver's license office by granting these extraordinary and unusual powers to license examiners.

Section 1, while appearing to be merely an intent section, refers to the implied consent portions of the bill and specifically directs the Department of Licensing to retain documents. I have

vetoed this section also.

Accordingly, I cannot approve sections 1, 2, 3, 4, and 6 of Engrossed Substitute House Bill No. 2150.

Sections 5 and 7 make "false swearing" when applying for a driver's license or identicard a gross misdemeanor under the perjury statutes. This is an appropriate penalty for those who provide false information in an attempt to establish their identities, and I am approving these sections of the bill.

I also have approved section 8 which provides for an expert study, under the auspices of the Legislative Transportation Committee, of the scientific and technological methods available for improving the validity of the driver's licenses and identicards issued by the state. In conjunction with this study, I will ask the Department of Licensing to reexamine its procedures associated with the validation of driver's licenses. If there are procedures or administrative changes that can be made to improve the process of identifying those who seek licenses and identicards, we will make reasonable efforts to improve this process using alternatives that are available without having to resort to the extreme of document confiscation.

The broad issue of whether or not the driver's license should be made into a universally valid identification card needs substantial public debate. The matter of having the state go to considerable expense and trouble to change the nature of our driver's license may be obviated by federal efforts to utilize the Social Security card for similar purposes. Therefore, while I have not vetoed section 8 of Engrossed Substitute House Bill No. 2150, I urge both the Legislative Transportation Committee and the general public to be very circumspect regarding excessive grants of power to government bureaus that may become threats to general liberty.

For these reasons, I have vetoed sections 1, 2, 3, 4, and 6 of Engrossed Substitute House Bill No. 2150.

With the exception of sections 1, 2, 3, 4, and 6, Engrossed Substitute House Bill No. 2150 is approved.

Respectfully submitted,
Mike Lowry
Governor