

FINAL BILL REPORT

3SSB 5412

C 273 L 04

Synopsis as Enacted

Brief Description: Authorizing voluntary collection of biometric identifiers from applicants for drivers licenses and identicards.

Sponsors: Senate Committee on Highways & Transportation (originally sponsored by Senators Brandland, Kline, Winsley, Haugen, Prentice, Reardon, Rasmussen, Eide and McCaslin).

Senate Committee on Judiciary

Senate Committee on Highways & Transportation

House Committee on Transportation

Background: Identity theft occurs when someone appropriates another person's personal information, without that person's knowledge, to commit fraud or theft. A common piece of personal information that is used to commit this crime is a fraudulently issued driver's license. Proponents of this bill believe requiring a biometric identifier from every person applying for a driver's license will greatly reduce the ability of people to obtain fraudulent drivers' licenses.

Summary: The civil liability for committing identity theft in the first or second degree is increased from \$500 to \$1,000 or actual damages, whichever is greater.

The Department of Licensing (DOL) must implement a highly accurate biometric matching system by January 1, 2006. This system must be used only to verify the identity of an applicant for renewal or issuance of a duplicate license or identicard. When the biometric driver's license and identicard system is established, the department must allow every person applying for an original, renewal, or duplicate driver's license or identicard the option of submitting a biometric identifier. A fee of up to \$2 may be charged to add a biometric identifier to a driver's license or identicard.

Individuals who choose to provide biometric information must be informed of the following:

1. ways in which the biometric identifier may be used;
2. parties to whom the identifier may be disclosed; and
3. expected error rates for the matching system chosen and the potential consequences of the errors.

The department must adopt rules to allow applicants to verify the accuracy of the system at the time the biometric information is submitted, including the use of verification through separate devices. And, the system selected must incorporate the use of personal identification numbers or codes to be used with the drivers' licenses and identicards before verification can be made by a third party. DOL must develop procedures to handle circumstances when the matching system fails and must allow applicants to provide identity without using a biometric identifier. An individual who has provided biometric identifiers to the department may

discontinue participation at any time, and that individual's biometric information must be destroyed by the department.

All biometric information gathered from individuals must be stored with appropriate safeguards. DOL may not disclose biometric information to the public or any governmental entity except when authorized by court order.

The selection of a biometric matching system must be fully reviewed by the Information Services Board using criteria for projects of the highest visibility and risk.

Sections 1, 3, 4 and 5 are null and void if funding is not provided for implementation in the transportation appropriations act.

Votes on Final Passage:

Senate	46	2	
House	66	28	(House amended)
Senate	47	2	(Senate concurred)

Effective: July 1, 2004