
HOUSE BILL 3029

State of Washington

58th Legislature

2004 Regular Session

By Representatives Fromhold, Kenney, Moeller, Quall, Lovick, Sommers, Santos, Lantz, Conway and Upthegrove

Read first time 01/26/2004. Referred to Committee on Judiciary.

1 AN ACT Relating to use of Mexican consular photo identification
2 cards for identification purposes; amending RCW 46.20.035; adding a new
3 section to chapter 46.20 RCW; adding a new section to chapter 30.04
4 RCW; adding a new section to chapter 30.38 RCW; adding a new section to
5 chapter 31.12 RCW; adding a new section to chapter 31.45 RCW; adding a
6 new section to chapter 32.04 RCW; adding a new section to chapter 35.21
7 RCW; adding a new section to chapter 35A.21 RCW; adding a new section
8 to chapter 36.01 RCW; and creating new sections.

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

10 NEW SECTION. **Sec. 1.** The legislature finds that many ordinary
11 activities in modern society require possession of valid photo
12 identification. For example, valid photo identification may be
13 necessary to receive public services such as public utilities and
14 library access. Valid photo identification may also be necessary to
15 conduct routine transactions with financial institutions. Law
16 enforcement officers may require valid photo identification from
17 victims and witnesses of crimes.

18 The legislature finds that the Mexican government has developed a
19 photo identification card, known as a *matricula consular*, for Mexican

1 nationals residing in the United States. The *matricula consular*
2 contains the holder's photo, name, United States address, and date and
3 place of birth. Numerous security features and checks have been added
4 to the *matricula consular*.

5 Many cities, states, law enforcement agencies, and financial
6 institutions accept the *matricula consular* as a valid form of
7 identification. The legislature finds that broadened recognition of
8 the *matricula consular* as a valid form of identification will serve a
9 public purpose by promoting access to many ordinary business or
10 government services. The legislature also finds that broadened
11 recognition of the *matricula consular* as a valid form of identification
12 will promote important law enforcement purposes by encouraging the
13 reporting of crimes, by increasing cooperation with law enforcement,
14 and by avoiding efforts that law enforcement would otherwise have to
15 make to establish identity. The legislature further finds that
16 recognition of the *matricula consular* for identification purposes only
17 does not alter or affect the holder's immigration status, nor does it
18 entitle the holder to services for which the holder is ineligible due
19 to immigration status.

20 Finally, the legislature encourages the government of Mexico to
21 continue its efforts to issue secure identification to its citizens
22 living in the United States, and to consider including additional
23 identifying information, such as physical description, on the *matricula*
24 *consular*.

25 **PART I--DRIVERS' LICENSES**

26 **Sec. 2.** RCW 46.20.035 and 1999 c 6 s 8 are each amended to read as
27 follows:

28 The department may not issue an identicard or a Washington state
29 driver's license that is valid for identification purposes unless the
30 applicant meets the identification requirements of subsection (1), (2),
31 or (3) of this section.

32 (1) A driver's license or identicard applicant must provide the
33 department with at least one of the following pieces of valid
34 identifying documentation that contains the signature and a photograph
35 of the applicant:

1 (a) A valid or recently expired driver's license or instruction
2 permit that includes the date of birth of the applicant;

3 (b) A Washington state identicard or an identification card issued
4 by another state;

5 (c) An identification card issued by the United States, a state, or
6 an agency of either the United States or a state, of a kind commonly
7 used to identify the members or employees of the government agency;

8 (d) A military identification card;

9 (e) A United States passport; or

10 (f) An Immigration and Naturalization Service form.

11 (2) An applicant who is a minor may establish identity by providing
12 an affidavit of the applicant's parent or guardian. The parent or
13 guardian must accompany the minor and display or provide:

14 (a) At least one piece of documentation in subsection (1) of this
15 section establishing the identity of the parent or guardian; and

16 (b) Additional documentation establishing the relationship between
17 the parent or guardian and the applicant.

18 (3) A person unable to provide identifying documentation as
19 specified in subsection (1) or (2) of this section may request that the
20 department review other available documentation in order to ascertain
21 identity. The department may waive the requirement if it finds that
22 other documentation clearly establishes the identity of the applicant.
23 The department is authorized to adopt rules governing the use of the
24 matricula consular, the identity card issued by the Mexican government
25 to Mexican nationals residing in the United States, as identifying
26 documentation.

27 (4) The form of an applicant's name, as established under this
28 section, must be the person's name of record for the purposes of this
29 chapter.

30 (5) If the applicant is unable to prove his or her identity under
31 this section, the department shall plainly label the license "not valid
32 for identification purposes."

33 **PART II--LAW ENFORCEMENT**

34 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.20 RCW
35 to read as follows:

36 State and local law enforcement agencies are authorized to accept

1 the *matricula consular*, the photo identity card issued by the Mexican
2 government to Mexican nationals residing in the United States, as a
3 valid form of identification for all law enforcement purposes for which
4 a driver's license is not legally required.

5 **PART III--FINANCIAL TRANSACTIONS**

6 NEW SECTION. **Sec. 4.** A new section is added to chapter 30.04 RCW
7 to read as follows:

8 State-chartered banks are authorized to accept the *matricula*
9 *consular*, the identity card issued by the Mexican government to Mexican
10 nationals residing in the United States, as a valid form of
11 identification.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 30.38 RCW
13 to read as follows:

14 Out-of-state banks and national banks are encouraged to accept the
15 *matricula consular*, the photo identity card issued by the Mexican
16 government to Mexican nationals residing in the United States, as a
17 valid form of identification.

18 NEW SECTION. **Sec. 6.** A new section is added to chapter 31.12 RCW
19 to read as follows:

20 Credit unions are authorized to accept the *matricula consular*, the
21 photo identity card issued by the Mexican government to Mexican
22 nationals residing in the United States, as a valid form of
23 identification.

24 Federal credit unions are encouraged to accept the *matricula*
25 *consular*, the photo identity card issued by the Mexican government to
26 Mexican nationals residing in the United States, as a valid form of
27 identification.

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 31.45 RCW
29 to read as follows:

30 Check cashers are authorized to accept the *matricula consular*, the
31 photo identity card issued by the Mexican government to Mexican
32 nationals residing in the United States, as a valid form of
33 identification.

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

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