
THIRD SUBSTITUTE SENATE BILL 5412

State of Washington

58th Legislature

2004 Regular Session

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

READ FIRST TIME 02/10/04.

1 AN ACT Relating to identity theft penalties and prevention;
2 amending RCW 9.35.020; adding new sections to chapter 46.20 RCW;
3 creating new sections; prescribing penalties; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that identity theft
7 and the other types of fraud is a significant problem in the state of
8 Washington, costing our citizens and businesses millions each year.
9 The most common method of accomplishing identity theft and other
10 fraudulent activity is by securing a fraudulently issued driver's
11 license. It is the purpose of this act to significantly reduce
12 identity theft and other fraud by preventing the fraudulent issuance of
13 driver's licenses and identicards.

14 **Sec. 2.** RCW 9.35.020 and 2003 c 53 s 22 are each amended to read
15 as follows:

16 (1) No person may knowingly obtain, possess, use, or transfer a
17 means of identification or financial information of another person,

1 living or dead, with the intent to commit, or to aid or abet, any
2 crime.

3 (2) Violation of this section when the accused or an accomplice
4 uses the victim's means of identification or financial information and
5 obtains an aggregate total of credit, money, goods, services, or
6 anything else of value in excess of one thousand five hundred dollars
7 in value shall constitute identity theft in the first degree. Identity
8 theft in the first degree is a class B felony punishable according to
9 chapter 9A.20 RCW.

10 (3) Violation of this section when the accused or an accomplice
11 uses the victim's means of identification or financial information and
12 obtains an aggregate total of credit, money, goods, services, or
13 anything else of value that is less than one thousand five hundred
14 dollars in value, or when no credit, money, goods, services, or
15 anything of value is obtained shall constitute identity theft in the
16 second degree. Identity theft in the second degree is a class C felony
17 punishable according to chapter 9A.20 RCW.

18 (4) A person who violates this section is liable for civil damages
19 of ((~~five hundred~~)) one thousand dollars or actual damages, whichever
20 is greater, including costs to repair the victim's credit record, and
21 reasonable attorneys' fees as determined by the court.

22 (5) In a proceeding under this section, the crime will be
23 considered to have been committed in any locality where the person
24 whose means of identification or financial information was appropriated
25 resides, or in which any part of the offense took place, regardless of
26 whether the defendant was ever actually in that locality.

27 (6) The provisions of this section do not apply to any person who
28 obtains another person's driver's license or other form of
29 identification for the sole purpose of misrepresenting his or her age.

30 (7) In a proceeding under this section in which a person's means of
31 identification or financial information was used without that person's
32 authorization, and when there has been a conviction, the sentencing
33 court may issue such orders as are necessary to correct a public record
34 that contains false information resulting from a violation of this
35 section.

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

1 (1) No later than January 1, 2006, the department shall implement
2 a voluntary biometric matching system for driver's licenses and
3 identicards.

4 (2) The biometric matching system selected by the department shall
5 be capable of highly accurate matching, and shall be compliant with
6 biometric standards established by the American association of motor
7 vehicle administrators.

8 (3) Upon the establishment of a biometric driver's license and
9 identicard system as described in this section, the department shall
10 allow every person applying for an original, renewal, or duplicate
11 driver's license or identicard to voluntarily submit a biometric
12 identifier.

13 (4) The department may not disclose biometric information to the
14 public or any governmental entity except when authorized by court
15 order.

16 (5) If Senate Bill No. 5428 or House Bill No. 1681 is enacted into
17 law, this section does not apply when an applicant renews his or her
18 driver's license or identicard by mail or electronic commerce.

19 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.20 RCW
20 to read as follows:

21 (1) The department is authorized to charge persons opting to submit
22 a biometric identifier under section 3 of this act an additional fee of
23 no more than two dollars at the time of application for an original,
24 renewal, or duplicate driver's license or identicard issued by the
25 department. This fee shall be used exclusively to defray the cost of
26 implementation and ongoing operation of a biometric security system.

27 (2) The biometric security account is created in the state
28 treasury. All receipts from subsection (1) of this section shall be
29 deposited into the account. Moneys in the account may be spent only
30 after appropriation. Expenditures from the account must be used only
31 for the purpose of defraying the cost of implementation and ongoing
32 operation of a biometric security system.

33 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2004.

34 NEW SECTION. **Sec. 6.** If specific funding for the purposes of this

1 act, referencing this act by bill or chapter number, is not provided by
2 June 30, 2004, in the omnibus transportation appropriations act,
3 sections 1, 3, 4, and 5 of this act are null and void.

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