
HOUSE BILL 2521

State of Washington

59th Legislature

2006 Regular Session

By Representatives Nixon and Simpson

Read first time 01/10/2006. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to identification documents; adding new sections to
2 chapter 19.192 RCW; creating a new section; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that:

5 (1) The right to privacy is a personal and fundamental right
6 protected by Article 1, section 7 of the Washington state Constitution
7 and by the United States Constitution. All individuals have a right of
8 privacy in information pertaining to them.

9 (2) Easy access to the information found on drivers' licenses and
10 other similar identification documents facilitates the crime of
11 identity theft, a crime that is a major concern in Washington.

12 (3) Washington has previously recognized the importance of
13 protecting the confidentiality and privacy of an individual's personal
14 information contained in identification documents such as drivers'
15 licenses.

16 (4) The inclusion in identification documents of contactless
17 integrated circuits or other devices that broadcast data or enable data
18 to be scanned secretly and remotely will greatly magnify the potential
19 risk to individual privacy, safety, and economic well-being that can

1 occur from unauthorized interception and use of personal information.
2 The inclusion of those devices will also make it possible for any
3 person or entity with access to a reader to engage in the secret
4 tracking of Washingtonians on an unprecedented scale.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.192 RCW
6 to read as follows:

7 The definitions in this section apply throughout this chapter
8 unless the context clearly requires otherwise.

9 (1) "Agency" includes all state agencies and all local agencies.

10 (2) "Contactless integrated circuit" means a data carrying unit,
11 such as an integrated circuit or computer chip that can be read
12 remotely.

13 (3) "Identification document" means any document or device
14 containing personal information that an individual uses alone or in
15 conjunction with other information to establish his or her identity.
16 Identification documents specifically include, but are not limited to,
17 the following:

18 (a) Drivers' licenses or identicards;

19 (b) Identification cards for employees or contractors;

20 (c) Identification cards issued by educational institutions;

21 (d) Health insurance or benefit cards;

22 (e) Benefit cards issued in conjunction with any
23 government-supported aid program;

24 (f) Licenses, certificates, registration, or other similar
25 documents issued by the department of licensing or necessary to engage
26 in a regulated business or profession; and

27 (g) Library cards issued by any public library.

28 (4) "Local agency" includes every county, city, town, municipal
29 corporation, quasi-municipal corporation, or special purpose district,
30 or any office, department, division, bureau, board, commission, or
31 agency thereof, or other local public agency.

32 (5) "Personal information" includes any of the following: An
33 individual's name, address, telephone number, e-mail address, date of
34 birth, race, religion, ethnicity, nationality, photograph, fingerprint
35 or other biometric image of the individual, social security number, or
36 any other personal identifier or number.

1 (6) "Remotely" means that no physical contact between the
2 integrated circuit or device and a reader is necessary in order to
3 transmit data.

4 (7) "State agency" includes every state office, department,
5 division, bureau, board, commission, or other state agency.

6 (8) "Unique identifier number" means a number associated with the
7 identification document, but not otherwise related to the individual
8 which the document identifies. A unique identifier number may not be
9 based on the individual's social security number or any other personal
10 identifier associated with the individual.

11 NEW SECTION. **Sec. 3.** A new section is added to chapter 19.192 RCW
12 to read as follows:

13 (1) No identification document created, mandated, or issued by any
14 state or local agency shall contain a contactless integrated circuit or
15 other device that can broadcast personal information or enable personal
16 information to be scanned remotely.

17 (2) Subsection (1) of this section shall not apply in the following
18 circumstances:

19 (a) The identification document is to be given to:

20 (i) A person who is incarcerated in the state prison or a county
21 jail, detained in a juvenile facility, or housed in a mental health
22 facility, pursuant to a court order after having been charged with a
23 crime, or to a person pursuant to court-ordered electronic monitoring;

24 (ii) A driver for use on a toll road or bridge for the specific
25 purpose of collecting funds for the use of that road or bridge; or

26 (iii) A patient who is in the care of a government-operated
27 hospital, ambulatory surgery center, or oncology or dialysis clinic,
28 and the identification document is valid for only a single episode of
29 care and is removed from the patient at the time the patient is
30 discharged, with a new unique identifier number being assigned if the
31 patient returns for a new episode of care;

32 (b) The identification document does not contain, transmit, or
33 enable the remote scanning of any personal information other than an
34 encrypted unique identifier number;

35 (c) The identification document shall use technology to resist
36 cloning and spoofing; and

1 (d) Except for documents described in (a)(i) of this subsection,
2 the issuing entity shall communicate in writing to the person to whom
3 the identification document is issued all of the following:

4 (i) That the identification document contains a circuit or device
5 that can broadcast a unique identifier number or enable that number to
6 be scanned remotely without his or her knowledge;

7 (ii) That countermeasures, such as shield devices, may be used to
8 help one control the risk that his or her unique identifier number will
9 be broadcast or scanned remotely without his or her knowledge; and

10 (iii) The types of locations of all scanners and readers used or
11 intended to be used by the issuing authority or by any other entity
12 known to that authority to read the unique identifier number on the
13 identification document.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 19.192 RCW
15 to read as follows:

16 (1) No person or entity shall use radio waves to remotely scan or
17 attempt to remotely scan a person's identification document without the
18 knowledge of that person.

19 (2) A person or entity who violates this section is guilty of a
20 gross misdemeanor.

21 (3) Any person who, directly or by means of a detective agency or
22 any other agent, violates the provisions of this section shall be
23 subject to legal action for damages, to be brought by a person claiming
24 that his or her identification document was scanned. A person so
25 injured shall be entitled to actual damages, including mental pain and
26 suffering endured by him or her on account of violation of the
27 provisions of this section, or liquidated damages computed at the rate
28 of one hundred dollars a day for each day of violation, not to exceed
29 one thousand dollars, and a reasonable attorneys' fee and other costs
30 of litigation.

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