
**Technology, Energy &
Communications Committee**

HB 2153

Brief Description: Providing restrictions for reading and handling identification documents.

Sponsors: Representatives Eddy, Hunter, Flannigan, Hudgins, Schual-Berke, Hasegawa, Moeller, Ormsby and Morrell.

Brief Summary of Bill

- Prohibits a non-governmental entity from storing, selling, or sharing personal information about an individual gathered from reading an identification document.
- Limits the circumstances under which a business may verify a person's age or identity.

Hearing Date: 2/20/07

Staff: Kara Durbin (786-7133).

Background:

Obtaining a government issued driver's license or identification document generally requires the applicant to present documentation identifying himself or herself as the person applying for the license or identification document, and the licensing official accepts that documentation as a valid and accurate identification of the applicant. In Washington, in order for a driver's license applicant to receive a license, the applicant must provide documentation of the person's name, date of birth, signature, photo, and current residence, either all in one document or through a combination of documents.

There are no state laws that prohibit or restrict a non-governmental entity from using or distributing personal information gained through an identification card or document.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A non-governmental entity may only electronically read a person's identification document to verify either (a) the authenticity of the document or (b) the person's age or identity. The non-governmental entity may not store, sell, or share personal information gathered from reading the identification document.

A business may only verify a person's age for one of two purposes: (1) to verify age when providing an age-restricted good or service, or (2) to verify age when there is a discount based on the person's age.

A business may only verify a person's identity when the person pays with a method other than cash, or when he or she returns an item.

If a person refuses to allow his or her identification document to be read for a purpose other than verifying age, authenticity, or identity, the business may not deny the person a good or service on that basis. Any waiver of these protections is contrary to public policy and is void and unenforceable.

"Identification document" is defined as any document issued by a governmental entity containing personal information that an individual uses alone or in conjunction with other information to establish his or her identity.

Examples of identification documents include:

- identification cards for government employees or contractors;
- identification cards issued by public educational institutions;
- benefit cards issued with any government-supported aid program;
- licenses, certificates, registration, or other documents issued by the Department of Licensing or documents necessary to engage in a regulated business or profession; and
- library cards issued by a public library

A person whose personal information is read, stored, shared, sold or otherwise used in violation of this bill may bring an action to recover actual damages or \$1,000, whichever is greater, and equitable relief, if available. A court must award reasonable costs and attorneys fees to the prevailing party. If a violation is found to be willful and knowing, the court may increase the damage award to up to three times the original amount.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.