

SENATE BILL REPORT

SSB 5366

As Passed Senate, March 6, 2007

Title: An act relating to the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

Brief Description: Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen and Jacobsen; by request of Department of Licensing).

Brief History:

Committee Activity: Transportation: 1/23/07, 1/29/07 [DPS, DNP].

Passed Senate: 3/06/07, 46-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5366 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Berkey, Clements, Delvin, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon and Spanel.

Minority Report: Do not pass.

Signed by Senator Holmquist.

Staff: Dory Nicpon (786-7321)

Background: The federal Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require United States citizens and foreign nationals to present a passport, or other secure document when entering the United States. In April 2005, the Departments of State and Homeland Security announced the Western Hemisphere Travel Initiative, which will require individuals entering or re-entering the United States to present a passport or other accepted secure identifying document. The identification requirements of the Western Hemisphere Travel Initiative take effect by January 1, 2008.

When announcing the Western Hemisphere Travel Initiative, the Departments of State and Homeland Security identified the passport as the document of choice for entry or re-entry into the United States, but acknowledged that certain other documents might be acceptable in lieu of a passport.

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.

Summary of Substitute Bill: The Department of Licensing (Department) may enter into a memorandum of understanding with any federal agency to facilitate border crossing between the state of Washington and the Canadian province of British Columbia. The Department may enter into an agreement with British Columbia to implement a border crossing initiative.

The Department may issue an enhanced driver's license or identicard to an applicant who, in addition to meeting any other driver's license and identicard requirements, provides the Department with proof of United States citizenship, identity and state residency. The enhanced driver's license or identicard must include a one-to-many biometric matching system, which an applicant for an enhanced driver's license or identicard must submit.

The Department must adopt rules and may set fees for the issuance of enhanced drivers' licenses and identicards.

The Department must continue to issue a standard driver's license and identicard. The Department must allow each applicant to choose between the standard driver's license or identicard, or an enhanced driver's license or identicard. The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington State residents, including reasonable safeguards against unauthorized data access. From time to time, the Department must review technological innovations related to identity card security, and amend rules related to the enhanced driver's license and identicards as appropriate to protect the privacy of Washington State residents.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original: PRO: This bill provides a means to address border crossing security issues while accommodating the needs of citizens. Data suggests that if a passport were required to cross the border between the United States and Canada, there would be 3.5 million fewer border crossings, with a \$2.7 billion impact on the economy. This bill authorizes the Department to continue a collaborative effort with federal and Canadian authorities to develop an enhanced driver's license or identicard acceptable for border crossing purposes.

OTHER: The border crossing card proposal is a good idea, but the bill should include the following: (1) a clear statement that the enhanced driver's license or identicard is voluntary; (2) an instruction that the costs associated with the issuance of the enhanced driver's license are to be borne by the enhanced driver's license applicants; (3) a provision either: (a) disallowing a radio frequency identification tag; or (b) permitting the use of a radio frequency identification tag only if such tag is encrypted or secure; and (4) a provision that the one-to-many biometric identifier applies only to the enhanced driver's license or identicard.

Persons Testifying: PRO: Liz Luce, Department of Licensing; Becky Loomis, Department of Licensing; Honourable John van Dongen, Office of the Premier, British Columbia.

OTHER: Jennifer Shaw, American Civil Liberties Union.