
SENATE BILL 6416

State of Washington

60th Legislature

2008 Regular Session

By Senator Zarelli

Read first time 01/16/08. Referred to Committee on Transportation.

1 AN ACT Relating to verifying the legal residency of driver's
2 license, instruction permit, and identicard applicants; amending RCW
3 46.20.091 and 46.20.117; adding a new section to chapter 46.20 RCW; and
4 creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that Washington
7 statutes governing the issuance of drivers' licenses, instruction
8 permits, and identicards are subject to fraud by individuals who seek
9 to obtain a driver's license, instruction permit, or identicard using
10 a false identity. In order to prevent criminals and terrorists from
11 obtaining a Washington state driver's license, permit, or identicard
12 using a false identity, the legislature has determined that, in
13 addition to current proof of identity requirements, applicants for a
14 Washington state driver's license, permit, or identicard should
15 demonstrate that the applicant's presence in the United States is
16 authorized under federal law, either by demonstrating United States
17 citizenship or by showing legal immigration status. The legislature
18 further finds that the department of licensing should be explicitly
19 authorized to verify social security numbers of applicants for a

1 Washington state driver's license, permit, or identicard, and that
2 current Washington statutes could be interpreted as forbidding the
3 department of licensing from verifying social security numbers with the
4 federal government.

5 NEW SECTION. **Sec. 2.** This act may be known and cited as the
6 driver's license security act of 2008.

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

9 (1) In addition to the proof of identity requirements under RCW
10 46.20.035, the department shall require every applicant for an original
11 driver's license, instruction permit, or identicard to submit
12 satisfactory proof that the applicant's presence in the United States
13 is authorized under federal law.

14 (2) The department shall not issue an original driver's license,
15 instruction permit, or identicard to an applicant who has not presented
16 to the department, with an application, valid documentary evidence that
17 the applicant is either a citizen of the United States, a legal
18 permanent resident of the United States, or a conditional resident
19 alien of the United States.

20 (a) Any applicant unable to fulfill the requirements of RCW
21 26.23.150 must provide:

22 (i) A valid, unexpired nonimmigrant visa or nonimmigrant visa
23 status for entry into the United States;

24 (ii) A pending or approved application for asylum in the United
25 States;

26 (iii) A pending or approved application for refugee status in the
27 United States;

28 (iv) A pending or approved application for temporary protected
29 status in the United States;

30 (v) Approved deferred action status; or

31 (vi) A pending application for adjustment of status to legal
32 permanent residence status or conditional resident status.

33 (b) A driver's license, instruction permit, or identicard issued
34 under (a) of this subsection:

35 (i) Is valid only during the period of time of the applicant's

1 authorized stay in the United States or, if there is no definite end to
2 the period of authorized stay, a period of one year;

3 (ii) Must clearly indicate that it is temporary and state the date
4 that it expires; and

5 (iii) May be renewed only upon presentation of valid documentary
6 evidence that the status by which the applicant qualified for the
7 temporary driver's license, instruction permit, or identicard has been
8 extended by the United States immigration and naturalization service or
9 the bureau of citizenship and immigration services of the department of
10 homeland security.

11 (3) On November 1, 2008, and on November 1st of each subsequent
12 year, the department shall submit a report to the governor and the
13 legislature detailing the costs of verifying the citizenship or legal
14 residency of applicants for drivers' licenses, instruction permits, and
15 identicards, in order for the state to request reimbursement from the
16 federal government.

17 (4) The inability to obtain a driver's license, instruction permit,
18 or identicard under this section does not abrogate or diminish in any
19 respect the legal requirement of every driver in this state to obey the
20 motor vehicle laws of this state, including laws with respect to
21 licensing, motor vehicle registration, and financial responsibility.

22 **Sec. 4.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read
23 as follows:

24 (1) **Application.** In order to apply for a driver's license or
25 instruction permit the applicant must provide his or her:

26 (a) Name of record, as established by documentation required under
27 RCW 46.20.035;

28 (b) Date of birth, as established by satisfactory evidence of age;

29 (c) Sex;

30 (d) Washington residence address;

31 (e) Description;

32 (f) Driving licensing history, including:

33 (i) Whether the applicant has ever been licensed as a driver or
34 chauffeur and, if so, (A) when and by what state or country; (B)
35 whether the license has ever been suspended or revoked; and (C) the
36 date of and reason for the suspension or revocation; or

1 (ii) Whether the applicant's application to another state or
2 country for a driver's license has ever been refused and, if so, the
3 date of and reason for the refusal; (~~and~~)

4 (g) Residency status, by presenting valid documentary evidence that
5 he or she is a citizen of the United States, a legal permanent resident
6 of the United States, or a conditional resident alien of the United
7 States; and

8 (h) Any additional information required by the department.

9 (2) **Sworn statement.** An application for an instruction permit or
10 for an original driver's license must be made upon a form provided by
11 the department. The form must include a section for the applicant to
12 indicate whether he or she has received driver training and, if so,
13 where. The identifying documentation verifying the name of record must
14 be accompanied by the applicant's written statement that it is valid.
15 The information provided on the form must be sworn to and signed by the
16 applicant before a person authorized to administer oaths. An applicant
17 who makes a false statement on an application for a driver's license or
18 instruction permit is guilty of false swearing, a gross misdemeanor,
19 under RCW 9A.72.040.

20 (3) **Driving records from other jurisdictions.** If a person
21 previously licensed in another jurisdiction applies for a Washington
22 driver's license, the department shall request a copy of the
23 applicant's driver's record from the other jurisdiction. The driving
24 record from the other jurisdiction becomes a part of the driver's
25 record in this state.

26 (4) **Driving records to other jurisdictions.** If another
27 jurisdiction requests a copy of a person's Washington driver's record,
28 the department shall provide a copy of the record. The department
29 shall forward the record without charge if the other jurisdiction
30 extends the same privilege to the state of Washington. Otherwise the
31 department shall charge a reasonable fee for transmittal of the record.

32 **Sec. 5.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
33 read as follows:

34 (1) **Issuance.** The department shall issue an identicard, containing
35 a picture, if the applicant:

36 (a) Does not hold a valid Washington driver's license;

1 (b) Proves his or her identity as required by RCW 46.20.035;
2 ((and))

3 (c) Proves his or her residency status by presenting valid
4 documentary evidence that he or she is a citizen of the United States,
5 a legal permanent resident of the United States, or a conditional
6 resident alien of the United States; and

7 (d) Pays the required fee. The fee is twenty dollars unless an
8 applicant is a recipient of continuing public assistance grants under
9 Title 74 RCW, who is referred in writing by the secretary of social and
10 health services. For those persons the fee must be the actual cost of
11 production of the identicard.

12 (2) **Design and term.** The identicard must:

13 (a) Be distinctly designed so that it will not be confused with the
14 official driver's license; and

15 (b) Expire on the fifth anniversary of the applicant's birthdate
16 after issuance.

17 (3) **Renewal.** An application for identicard renewal may be
18 submitted by means of:

19 (a) Personal appearance before the department; or

20 (b) Mail or electronic commerce, if permitted by rule of the
21 department and if the applicant did not renew his or her identicard by
22 mail or by electronic commerce when it last expired. However, the
23 department may accept an application for renewal of an identicard
24 submitted by means of mail or electronic commerce only if specific
25 authority and funding is provided for this purpose by June 30, 2004, in
26 the omnibus transportation appropriations act.

27 An identicard may not be renewed by mail or by electronic commerce
28 unless the renewal issued by the department includes a photograph of
29 the identicard holder.

30 (4) **Cancellation.** The department may cancel an identicard if the
31 holder of the identicard used the card or allowed others to use the
32 card in violation of RCW 46.20.0921.

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