

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2729

Chapter 200, Laws of 2008

60th Legislature
2008 Regular Session

IDENTIFICATION DOCUMENTS

EFFECTIVE DATE: 06/12/08

Passed by the House March 10, 2008
Yeas 0 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 7, 2008
Yeas 0 Nays 0

BRAD OWEN

President of the Senate

Approved March 27, 2008, 4:12 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2729** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 28, 2008

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2729

AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By House Technology, Energy & Communications (originally sponsored by Representatives Eddy, Pedersen, Appleton, Lantz, Williams, Upthegrove, Santos, Simpson, Hasegawa, Ericks, Ormsby, and Springer)

READ FIRST TIME 02/01/08.

1 AN ACT Relating to identification documents; amending RCW 42.56.230
2 and 42.56.330; adding a new chapter to Title 9A RCW; and prescribing
3 penalties.

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

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

6 (1) Washington state recognizes the importance of protecting
7 its citizens from unwanted wireless surveillance.

8 (2) Enhanced drivers' licenses and enhanced identicards are
9 intended to facilitate efficient travel at land and sea borders between
10 the United States, Canada, and Mexico, not to facilitate the profiling
11 and tracking of individuals.

12 (3) Easy access to the information found on enhanced drivers'
13 licenses and enhanced identicards could facilitate the commission of
14 other unwanted offenses, such as identity theft.

15 NEW SECTION. **Sec. 2.** The definitions in this section apply
16 throughout this chapter unless the context clearly requires otherwise.

17 (1) "Enhanced driver's license" means a driver's license that is
18 issued under RCW 46.20.202.

1 (2) "Enhanced identicard" means an identicard that is issued under
2 RCW 46.20.202.

3 (3) "Identification document" means an enhanced driver's license or
4 an enhanced identicard.

5 (4) "Radio frequency identification" means a technology that uses
6 radio waves to transmit data remotely to readers.

7 (5) "Reader" means a scanning device that is capable of using radio
8 waves to communicate with an identification document and read the data
9 transmitted by the identification document.

10 (6) "Remotely" means that no physical contact between the
11 identification document and a reader is necessary in order to transmit
12 data using radio waves.

13 (7) "Unique personal identifier number" means a randomly assigned
14 string of numbers or symbols issued by the department of licensing that
15 is encoded on an identification document and is intended to be read
16 remotely by a reader to identify the identification document that has
17 been issued to a particular individual.

18 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of
19 this section, a person is guilty of a class C felony if the person
20 intentionally possesses, or reads or captures remotely using radio
21 waves, information contained on another person's identification
22 document, including the unique personal identifier number encoded on
23 the identification document, without that person's express knowledge or
24 consent.

25 (2) This section does not apply to:

26 (a) A person or entity that reads an identification document to
27 facilitate border crossing;

28 (b) A person or entity that reads a person's identification
29 document in the course of an act of good faith security research,
30 experimentation, or scientific inquiry including, but not limited to,
31 activities useful in identifying and analyzing security flaws and
32 vulnerabilities; or

33 (c) A person or entity that unintentionally reads an identification
34 document remotely in the course of operating its own radio frequency
35 identification system, provided that the inadvertently received
36 information:

37 (i) Is not disclosed to any other party;

- (ii) Is not used for any purpose; and
- (iii) Is not stored or is promptly destroyed.

NEW SECTION. Sec. 4. The legislature finds that the practices covered by this chapter are matters vitally affecting the public interest for the purpose of applying chapter 19.86 RCW. A violation of this chapter is not reasonable in relation to the development and preservation of business and is an unfair or deceptive act in trade or commerce and an unfair method of competition for the purpose of applying chapter 19.86 RCW.

Sec. 5. RCW 42.56.230 and 2005 c 274 s 403 are each amended to read as follows:

The following personal information is exempt from public inspection and copying under this chapter:

(1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, or welfare recipients;

(2) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy;

(3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (a) be prohibited to such persons by RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (b) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer; (~~and~~)

(4) Credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law; and

(5) Documents and related materials and scanned images of documents and related materials used to prove identity, age, residential address, social security number, or other personal information required to apply for a driver's license or identicard.

Sec. 6. RCW 42.56.330 and 2007 c 197 s 5 are each amended to read as follows:

1 The following information relating to public utilities and
2 transportation is exempt from disclosure under this chapter:

3 (1) Records filed with the utilities and transportation commission
4 or attorney general under RCW 80.04.095 that a court has determined are
5 confidential under RCW 80.04.095;

6 (2) The residential addresses and residential telephone numbers of
7 the customers of a public utility contained in the records or lists
8 held by the public utility of which they are customers, except that
9 this information may be released to the division of child support or
10 the agency or firm providing child support enforcement for another
11 state under Title IV-D of the federal social security act, for the
12 establishment, enforcement, or modification of a support order;

13 (3) The names, residential addresses, residential telephone
14 numbers, and other individually identifiable records held by an agency
15 in relation to a vanpool, carpool, or other ride-sharing program or
16 service; however, these records may be disclosed to other persons who
17 apply for ride-matching services and who need that information in order
18 to identify potential riders or drivers with whom to share rides;

19 (4) The personally identifying information of current or former
20 participants or applicants in a paratransit or other transit service
21 operated for the benefit of persons with disabilities or elderly
22 persons;

23 (5) The personally identifying information of persons who acquire
24 and use transit passes and other fare payment media including, but not
25 limited to, stored value smart cards and magnetic strip cards, except
26 that an agency may disclose this information to a person, employer,
27 educational institution, or other entity that is responsible, in whole
28 or in part, for payment of the cost of acquiring or using a transit
29 pass or other fare payment media, or to the news media when reporting
30 on public transportation or public safety. This information may also
31 be disclosed at the agency's discretion to governmental agencies or
32 groups concerned with public transportation or public safety;

33 (6) Any information obtained by governmental agencies that is
34 collected by the use of a motor carrier intelligent transportation
35 system or any comparable information equipment attached to a truck,
36 tractor, or trailer; however, the information may be given to other
37 governmental agencies or the owners of the truck, tractor, or trailer

1 from which the information is obtained. As used in this subsection,
2 "motor carrier" has the same definition as provided in RCW 81.80.010;
3 ((and))

4 (7) The personally identifying information of persons who acquire
5 and use transponders or other technology to facilitate payment of
6 tolls. This information may be disclosed in aggregate form as long as
7 the data does not contain any personally identifying information. For
8 these purposes aggregate data may include the census tract of the
9 account holder as long as any individual personally identifying
10 information is not released. Personally identifying information may be
11 released to law enforcement agencies only for toll enforcement
12 purposes. Personally identifying information may be released to law
13 enforcement agencies for other purposes only if the request is
14 accompanied by a court order; and

15 (8) The personally identifying information of persons who acquire
16 and use a driver's license or identicard that includes a radio
17 frequency identification chip or similar technology to facilitate
18 border crossing. This information may be disclosed in aggregate form
19 as long as the data does not contain any personally identifying
20 information. Personally identifying information may be released to law
21 enforcement agencies only for United States customs and border
22 protection enforcement purposes. Personally identifying information
23 may be released to law enforcement agencies for other purposes only if
24 the request is accompanied by a court order.

25 NEW SECTION. Sec. 7. Sections 1 through 4 of this act constitute
26 a new chapter in Title 9A RCW.

Passed by the House March 10, 2008.

Passed by the Senate March 7, 2008.

Approved by the Governor March 27, 2008.

Filed in Office of Secretary of State March 28, 2008.