

SSB 5023 - H AMD TO JUDI COMM AMD (H-2272.1/11) **510**

By Representative Armstrong

WITHDRAWN 04/05/2011

1 On page 5, after line 31 of the striking amendment, insert the
2 following:

3 "NEW SECTION. **Sec. 9.** A new section is added to chapter 46.20
4 RCW to read as follows:

5 (1) The department must adopt rules within ninety days after the
6 effective date of this section to establish procedures for verifying
7 that a driver's license or identicard applicant has a valid social
8 security number or that the applicant's presence in the United States
9 is authorized under federal law, including determining which documents
10 are adequate to provide proof of legal presence. The department may
11 not accept a driver's license or identicard issued by another state as
12 documentation if the other state does not require its driver's license
13 or identicard applicants to provide a valid social security number or
14 proof of United States citizenship or proof of authorized presence in
15 the United States under federal law.

16 (2) The department must indicate in its records whether each
17 driver's license and identicard applicant who is issued a driver's
18 license or identicard under this chapter has provided a valid social
19 security number or has provided proof of legal presence.

20 (3) Unless the department issues a driver's license marked "not
21 valid for identification purposes" under section 2 of this act, the
22 department must not issue a driver's license if it is unable to verify
23 that the applicant has a valid social security number or that the
24 applicant's presence in the United States is authorized under federal
25 law.

26

27

1 **Sec. 10.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to
2 read as follows:

3 The department may not issue an identicard or a Washington state
4 driver's license that is valid for identification purposes unless the
5 applicant meets the identification requirements of subsection (1),
6 (2), or (3) of this section and the identification requirements of
7 subsection (4) of this section.

8 (1) A driver's license or identicard applicant must provide the
9 department with at least one of the following pieces of valid
10 identifying documentation that contains the signature and a photograph
11 of the applicant:

12 (a) A valid or recently expired driver's license or instruction
13 permit that includes the date of birth of the applicant;

14 (b) A Washington state identicard or an identification card issued
15 by another state;

16 (c) An identification card issued by the United States, a state,
17 or an agency of either the United States or a state, of a kind
18 commonly used to identify the members or employees of the government
19 agency;

20 (d) A military identification card;

21 (e) A United States passport; or

22 (f) (~~(An immigration and naturalization)~~) A citizenship and
23 immigration services form.

24 (2) An applicant who is a minor may establish identity by
25 providing an affidavit of the applicant's parent or guardian. The
26 parent or guardian must accompany the minor and display or provide:

27 (a) At least one piece of documentation in subsection (1) of this
28 section establishing the identity of the parent or guardian; and

29 (b) Additional documentation establishing the relationship between
30 the parent or guardian and the applicant.

31 (3) A person unable to provide identifying documentation as
32 specified in subsection (1) or (2) of this section may request that
33 the department review other available documentation in order to
34 ascertain identity. The department may waive the requirement if it

1 finds that other documentation clearly establishes the identity of the
2 applicant. Notwithstanding the requirements in subsection (2) of this
3 section, the department shall issue an identicard to an applicant for
4 whom it receives documentation pursuant to RCW 74.13.283.

5 (4) A driver's license or identicard applicant must provide the
6 department with a valid social security number or documentation that
7 the applicant's presence in the United States is authorized under
8 federal law.

9 (5) An identicard or a driver's license that includes a photograph
10 that has been renewed by mail or by electronic commerce is valid for
11 identification purposes if the applicant met the identification
12 requirements of subsection (1), (2), or (3) of this section at the
13 time of previous issuance.

14 ~~((+5+))~~ (6) The form of an applicant's name, as established under
15 this section, is the person's name of record for the purposes of this
16 chapter.

17 ~~((+6+))~~ (7) If ~~((the))~~ an applicant for a driver's license is
18 unable to prove his or her identity under this section or if the
19 department has not verified the applicant's social security number or
20 legal presence under subsection (4) of this section, the department
21 shall plainly label the license "not valid for identification
22 purposes."
23

24 **Sec. 11.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
25 read as follows:

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

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

29 (b) Proves his or her identity and provides a valid social
30 security number or proves that he or she is authorized under federal
31 law to be present in the United States, as required by RCW 46.20.035;

32 and

33 (c) Pays the required fee. The fee is twenty dollars unless an
34 applicant is a recipient of continuing public assistance grants under

1 Title 74 RCW, who is referred in writing by the secretary of social
2 and health services. For those persons the fee must be the actual
3 cost of production of the identicard.

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

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

7 (b) Expire on the fifth anniversary of the applicant's birthdate
8 after issuance or on the date the applicant's authorization to be
9 within the United States expires, whichever occurs first. If there is
10 no definite end to the period of authorized stay, the identicard
11 expires one year after the date of issuance. If an applicant provides
12 a valid social security number, the identicard may expire on the fifth
13 anniversary of the applicant's birthdate after issuance.

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

16 (a) Personal appearance before the department; or

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

24 An identicard may not be renewed by mail or by electronic commerce
25 unless the renewal issued by the department includes a photograph of
26 the identicard holder.

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

30

31 **Sec. 12.** RCW 46.20.155 and 2009 c 369 s 42 are each amended to
32 read as follows:

33 (1) Before issuing an original license or identicard or renewing a
34 license or identicard under this chapter and if an applicant provides

1 a valid social security number or proves that he or she is authorized
2 under federal law to be present in the United States under RCW
3 46.20.035(4), the licensing agent shall determine if the applicant
4 wants to register to vote or transfer his or her voter registration by
5 asking the following question:

6
7 "Do you want to register to vote or transfer your voter
8 registration?"

9
10 If the applicant chooses to register or transfer a registration,
11 the agent shall ask the following:

12
13 (1) "Are you a United States citizen?"

14 (2) "Are you or will you be eighteen years of age on or before the
15 next election?"

16
17 If the applicant answers in the affirmative to both questions, the
18 agent shall then submit the registration or transfer. If the
19 applicant answers in the negative to either question, the agent shall
20 not submit a voter registration application.

21 (2) The department shall establish a procedure that substantially
22 meets the requirements of subsection (1) of this section when
23 permitting an applicant to renew a license or identicard by mail or by
24 electronic commerce.

25
26 **Sec. 13.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to
27 read as follows:

28 (1) (~~Except as provided in subsection (4) of this section,~~)
29 Every driver's license expires on the fifth anniversary of the
30 licensee's birthdate following the issuance of the license or on the
31 date the licensee's authorization to be within the United States
32 expires, whichever occurs first. If there is no definite end to the
33 period of authorized stay, the driver's license expires one year after
34 the date of issuance. If an applicant provides a valid social

1 security number or if a driver's license is issued that is labeled
2 "not valid for identification purposes," the driver's license may
3 expire on the fifth anniversary of the applicant's birthdate after
4 issuance.

5 (2) A person may renew his or her license on or before the
6 expiration date by submitting an application as prescribed by the
7 department and paying a fee of twenty-five dollars. This fee includes
8 the fee for the required photograph.

9 (3) A person renewing his or her driver's license more than sixty
10 days after the license has expired shall pay a penalty fee of ten
11 dollars in addition to the renewal fee, unless his or her license
12 expired when:

13 (a) The person was outside the state and he or she renews the
14 license within sixty days after returning to this state; or

15 (b) The person was incapacitated and he or she renews the license
16 within sixty days after the termination of the incapacity.

17 ~~((4) During the period from July 1, 2000, to July 1, 2006, the~~
18 ~~department may issue or renew a driver's license for a period other~~
19 ~~than five years, or may extend by mail a license that has already been~~
20 ~~issued, in order to evenly distribute, as nearly as possible, the~~
21 ~~yearly renewal rate of licensed drivers. The fee for a driver's~~
22 ~~license issued or renewed for a period other than five years, or that~~
23 ~~has been extended by mail, is five dollars for each year that the~~
24 ~~license is issued, renewed, or extended. The department may adopt any~~
25 ~~rules as are necessary to carry out this subsection.))~~

26
27 NEW SECTION. Sec. 14. A new section is added to chapter 46.20
28 RCW to read as follows:

29 Upon receiving satisfactory proof that the applicant's presence in
30 the United States has been reauthorized, extended, or continues
31 without definite end, the department may adjust the term of a driver's
32 license or identicard that was issued to expire on the expiration date
33 of an applicant's authorization to be within the United States or was
34 issued to expire one year from the date of issuance. The expiration

1 date of a driver's license or identicard may be adjusted up to the
2 date the applicant's authorization to be within the United States
3 expires or up to the full period that the driver's license or
4 identicard could have originally been issued, whichever occurs first.
5 If there is no definite end to the period of authorized stay, the
6 expiration date may be extended for one year or up to the full period
7 that the driver's license or identicard could have originally been
8 issued, whichever occurs first. There is no additional fee for a
9 driver's license or identicard term adjusted under this section."

10

11 Renumber the remaining sections consecutively and correct any
12 internal references accordingly.

13

14 On page 5, line 32 of the striking amendment, after "**Sec. 9.**"
15 strike "This act takes" and insert "Sections 1 through 8 of this act
16 take"

EFFECT:

- Prohibits the Department of Licensing (DOL) from issuing a driver's license or an identicard that is valid for identification purposes unless the applicant provides a valid social security number or provides documentation that the applicant is lawfully present in the United States.
- Modifies expiration dates to provide that driver's licenses and identicards expire on the date the applicant's authorization to be in the United States expires or on the fifth anniversary of the applicant's birthdate after issuance, whichever occurs first. If the applicant provides a valid social security number or is issued a license labeled "not valid for identification purposes," the license or identicard may expire on the fifth anniversary after issuance.
- Requires the DOL to indicate in its records whether each driver's license and identicard applicant who issued a driver's license or identicard has provided a valid social security number or has provided proof of legal presence.
- Prohibits the DOL from asking a driver's license or identicard applicant if she or he would like to register to vote or transfer voter registration unless the

applicant provides a valid social security number or proof of legal presence.

- Allows the DOL to adjust the term of a driver's license or identicard, with certain limitations, upon proof that the applicant's legal presence has been reauthorized, extended or continues with a definite end date.

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