

ESB 5008 - H AMD 482

By Representative Hargrove

WITHDRAWN 04/11/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20  
4 RCW to read as follows:

5 (1) As required in section 202 of the REAL ID Act, P.L. 109-13,  
6 and 6 C.F.R. Part 37, the department must issue to a qualifying  
7 applicant a driver's license or identicard that is accepted by the  
8 federal government for official purposes, as defined in 6 C.F.R. Sec.  
9 37.3, as such federal laws and regulations existed on the effective  
10 date of this section, or such subsequent date as may be provided by  
11 the department by rule, consistent with the purposes of this section.

12 (2) An applicant for a driver's license or identicard for federal  
13 purposes must:

14 (a) Submit to a mandatory facial image capture, even if a  
15 driver's license or identicard is not issued;

16 (b) Sign a declaration under penalty of perjury, as proscribed  
17 under RCW 9A.72.030, that the information presented on the  
18 application is true and correct;

19 (c) Present at least one of the following documents required for  
20 proof of identity:

21 (i) Valid, unexpired United States passport;

22 (ii) Certified copy of a birth certificate from the Washington  
23 state department of health or filed with an equivalent government  
24 agency in the individual's state of birth;

25 (iii) Consular report of birth abroad issued by the United States  
26 department of state, form FS-240, DS-1350, or FS-545;

27 (iv) Valid, unexpired permanent resident card (form I-551) issued  
28 by the United States department of homeland security or immigration  
29 and naturalization service or its successor agency;

30 (v) Unexpired employment authorization document issued by the  
31 United States department of homeland security, form I-766 or form  
32 I-688B;

1 (vi) Unexpired foreign passport with a valid, unexpired United  
2 States visa affixed accompanied by the approved I-94 form documenting  
3 the applicant's most recent admittance into the United States;

4 (vii) Certificate of naturalization issued by the United States  
5 department of homeland security, form N-550 or form N-570;

6 (viii) Certificate of citizenship issued by the United States  
7 department of homeland security, form N-560 or form N-561;

8 (ix) REAL ID driver's license or identification card issued in  
9 compliance with federal standards; or

10 (x) Such other documents as the department of homeland security  
11 has designated by rule as it existed on the effective date of this  
12 section, or such subsequent date as may be provided by the department  
13 by rule, consistent with the purposes of this section;

14 (d) Present at least one document required under (c) of this  
15 subsection that establishes the applicant's date of birth;

16 (e) Except for applicants who present a foreign passport as proof  
17 of identity, present his or her social security administration  
18 account number card. If the card is not available, the applicant must  
19 present a W-2 form, a SSA-1099 form, a non-SSA-1099 form, or a pay  
20 stub with the applicant's name and social security number on it. If  
21 the applicant is establishing identity with a foreign passport, the  
22 applicant must present a social security number or demonstrate  
23 nonwork-authorized status;

24 (f) Present at least two documents establishing a person's  
25 Washington state residence address, as required in 6 C.F.R. Secs.  
26 37.11(f) and 37.17(f), as each existed on the effective date of this  
27 section, or such subsequent date as may be provided by the department  
28 by rule, consistent with the purposes of this section; and

29 (g) Present satisfactory evidence of lawful status in the United  
30 States.

31 (i) The verification of an applicant's identity through the  
32 systematic alien verification for entitlements system, or equivalent  
33 federally approved lawful status verification system, using one of  
34 any of the documents listed in (c)(i), (ii), (iii), (iv), (vii), or  
35 (viii) of this subsection satisfies proof of lawful status in the  
36 United States.

37 (ii) An applicant that has provided an identity document listed  
38 in (c)(v), (vi), or (ix) of this subsection must also present a  
39 second document to establish lawful status in the United States. The  
40 second document must be one of the documents identified in (g)(i) of

1 this subsection or documentation issued by the department of homeland  
2 security or other federal agencies demonstrating lawful status as  
3 determined by the United States citizenship and immigration services.

4 (3) Unless provided otherwise in this section, the applicant must  
5 pay the fee as provided in RCW 46.20.161 or 46.20.117, as applicable.

6 (4) Unless provided otherwise in this section, the expiration  
7 date and renewal fees are provided in RCW 46.20.117 and 46.20.181, as  
8 applicable.

9 (5) When issuing a driver's license or identicard under this  
10 section, the department must follow the procedures and meet the  
11 applicable requirements and standards in 6 C.F.R. Part 37, as it  
12 existed on the effective date of this section, or such subsequent  
13 date as may be provided by the department by rule, consistent with  
14 the purposes of this section.

15 (6) The department may adjust fees for limited-term drivers'  
16 licenses and identicards issued to persons who have temporary lawful  
17 status in the United States as defined in 6 C.F.R. Sec. 37.3, as it  
18 existed on the effective date of this section, or such subsequent  
19 date as may be provided by the department by rule, consistent with  
20 the purposes of this section.

21 (7) The department must provide a security marking for drivers'  
22 licenses and identicards issued under this section to distinguish the  
23 documents from other types of drivers' licenses or identicards issued  
24 by the department, as required under 6 C.F.R. Secs. 37.17 and 37.27,  
25 as each existed on the effective date of this section, or such  
26 subsequent date as may be provided by the department by rule,  
27 consistent with the purposes of this section. Drivers' licenses and  
28 identicards issued under RCW 46.20.091 and 46.20.117, respectively,  
29 must include a statement on the front of the document that states it  
30 is not for federal purposes.

31 (8) The requirements of this section are in addition to the  
32 requirements otherwise imposed on applicants for a driver's license  
33 or identicard. The department may adopt rules to implement this  
34 section.

35 **Sec. 2.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to  
36 read as follows:

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

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

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

5 (c) Sex;

6 (d) Washington residence address;

7 (e) Description;

8 (f) Driving licensing history, including:

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

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

16 (g) Any additional information required by the department.

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

28 (3) **Driving records from other jurisdictions.** If a person  
29 previously licensed in another jurisdiction applies for a Washington  
30 driver's license, the department shall request a copy of the  
31 applicant's driver's record from the other jurisdiction. The driving  
32 record from the other jurisdiction becomes a part of the driver's  
33 record in this state.

34 (4) **Driving records to other jurisdictions.** If another  
35 jurisdiction requests a copy of a person's Washington driver's  
36 record, the department shall provide a copy of the record. The  
37 department shall forward the record without charge if the other  
38 jurisdiction extends the same privilege to the state of Washington.  
39 Otherwise the department shall charge a reasonable fee for  
40 transmittal of the record.

1       (5) Federal purposes. Any driver's license or instruction permit  
2 issued under this section must include a statement on the front of  
3 the document that states it is not for federal purposes.

4       **Sec. 3.** RCW 46.20.117 and 2012 c 80 s 6 are each amended to read  
5 as follows:

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

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

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

10          (c) Pays the required fee. Except as provided in subsection (5)  
11 of this section, the fee is forty-five dollars from October 1, 2012,  
12 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless  
13 an applicant is a recipient of continuing public assistance grants  
14 under Title 74 RCW, who is referred in writing by the secretary of  
15 social and health services. For those persons the fee must be the  
16 actual cost of production of the identicard.

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

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

20           (b) Except as provided in subsection (5) of this section, expire  
21 on the sixth anniversary of the applicant's birthdate after issuance.

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

24           (a) Personal appearance before the department; or

25           (b) Mail or electronic commerce, if permitted by rule of the  
26 department and if the applicant did not renew his or her identicard  
27 by mail or by electronic commerce when it last expired.

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

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

34       (5) **Alternative issuance/renewal/extension.** The department may  
35 issue or renew an identicard for a period other than five years from  
36 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,  
37 or may extend by mail or electronic commerce an identicard that has  
38 already been issued, in order to evenly distribute, as nearly as  
39 possible, the yearly renewal rate of identicard holders. The fee for

1 an identicard issued or renewed for a period other than five years  
2 from October 1, 2012, to June 30, 2013, or six years after June 30,  
3 2013, or that has been extended by mail or electronic commerce, is  
4 nine dollars for each year that the identicard is issued, renewed, or  
5 extended. The department may adopt any rules as are necessary to  
6 carry out this subsection.

7 (6) **Federal purposes.** Any identicard issued under this section  
8 must include a statement on the front of the document that states it  
9 is not for federal purposes.

10 **Sec. 4.** RCW 46.20.117 and 2014 c 185 s 2 are each amended to  
11 read as follows:

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

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

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

16 (c) Pays the required fee. Except as provided in subsection (5)  
17 of this section, the fee is forty-five dollars from October 1, 2012,  
18 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless  
19 an applicant is a recipient of continuing public assistance grants  
20 under Title 74 RCW, who is referred in writing by the secretary of  
21 social and health services. For those persons the fee must be the  
22 actual cost of production of the identicard.

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

24 (i) Be distinctly designed so that it will not be confused with  
25 the official driver's license; and

26 (ii) Except as provided in subsection (5) of this section, expire  
27 on the sixth anniversary of the applicant's birthdate after issuance.

28 (b) The identicard may include the person's status as a veteran,  
29 consistent with RCW 46.20.161(2).

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

32 (a) Personal appearance before the department; or

33 (b) Mail or electronic commerce, if permitted by rule of the  
34 department and if the applicant did not renew his or her identicard  
35 by mail or by electronic commerce when it last expired.

36 An identicard may not be renewed by mail or by electronic  
37 commerce unless the renewal issued by the department includes a  
38 photograph of the identicard holder.

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

4 (5) **Alternative issuance/renewal/extension.** The department may  
5 issue or renew an identicard for a period other than five years from  
6 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,  
7 or may extend by mail or electronic commerce an identicard that has  
8 already been issued, in order to evenly distribute, as nearly as  
9 possible, the yearly renewal rate of identicard holders. The fee for  
10 an identicard issued or renewed for a period other than five years  
11 from October 1, 2012, to June 30, 2013, or six years after June 30,  
12 2013, or that has been extended by mail or electronic commerce, is  
13 nine dollars for each year that the identicard is issued, renewed, or  
14 extended. The department may adopt any rules as are necessary to  
15 carry out this subsection.

16 (6) **Federal purposes.** Any identicard issued under this section  
17 must include a statement on the front of the document that states it  
18 is not for federal purposes.

19 **Sec. 5.** RCW 46.01.130 and 2013 c 336 s 1 and 2013 c 224 s 1 are  
20 each reenacted and amended to read as follows:

21 The director:

22 (1) Shall supervise and control the issuing of vehicle  
23 certificates of title, vehicle registrations, and vehicle license  
24 plates, and has the full power to do all things necessary and proper  
25 to carry out the provisions of the law relating to the registration  
26 of vehicles;

27 (2) May appoint and employ deputies, assistants, representatives,  
28 and clerks;

29 (3) May establish branch offices in different parts of the state;

30 (4) May appoint county auditors in Washington state or, in the  
31 absence of a county auditor, the department or an official of county  
32 government as agents for applications for and the issuance of vehicle  
33 certificates of title and vehicle registrations; and

34 (5)(a) Shall investigate the conviction records and pending  
35 charges of any current employee of or prospective employee being  
36 considered for any position with the department who has or will have:

37 (i)(A) The ability to create or modify records of applicants for  
38 enhanced drivers' licenses and identicards issued under RCW  
39 46.20.202; and

1 (B) The ability to issue enhanced drivers' licenses and  
2 identicards under RCW 46.20.202; (~~(e)~~)

3 (ii) The ability to conduct examinations under RCW 46.25.060;  
4 (~~(e)~~)

5 (iii) Access to information pertaining to vehicle license plates,  
6 drivers' licenses, or identicards under RCW 46.08.066, or vessel  
7 registrations issued under RCW 88.02.330 that, alone or in  
8 combination with any other information, may reveal the identity of an  
9 individual, or reveal that an individual is or was, performing an  
10 undercover or covert law enforcement, confidential public health  
11 work, public assistance fraud, or child support investigative  
12 activity;

13 (iv) The ability to create or modify records of applicants for a  
14 federally compliant driver's license under section 1 of this act; or

15 (v) The ability to issue a federally compliant driver's license  
16 under section 1 of this act.

17 (b) The investigation consists of a background check as  
18 authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the  
19 federal bureau of investigation. The background check must be  
20 conducted through the Washington state patrol criminal identification  
21 section and may include a national check from the federal bureau of  
22 investigation, which is through the submission of fingerprints. The  
23 director shall use the information solely to determine the character,  
24 suitability, and competence of current or prospective employees  
25 subject to this section.

26 (c) The director shall investigate the conviction records and  
27 pending charges of an employee subject to:

28 (i) Subsection (5)(a)(i) of this section every five years; and

29 (ii) Subsection (5)(a)(ii) of this section as required under 49  
30 C.F.R. Sec. 384.228 as it existed on July 8, 2014, or such subsequent  
31 date as may be provided by the department by rule, consistent with  
32 the purposes of this section.

33 (d) Criminal justice agencies shall provide the director with  
34 information that they may possess and that the director may require  
35 solely to determine the employment suitability of current or  
36 prospective employees subject to this section.

37 NEW SECTION. Sec. 6. RCW 43.41.390 (Implementation of federal  
38 REAL ID Act of 2005) and 2007 c 85 s 1 are each repealed.



1        NEW SECTION.    **Sec. 7.**    Section 3 of this act expires August 30,  
2 2017.

3        NEW SECTION.    **Sec. 8.**    Section 4 of this act takes effect August  
4 30, 2017."

5        Correct the title.

EFFECT: Makes the following changes to department of licensing (DOL)-issued drivers' licenses and identicards and to the driver's license and identicard application and issuance process:

(1) Requires DOL to issue drivers' licenses and identicards that qualify as REAL ID-compliant;

(2) Mandates that DOL meet applicable REAL ID federal requirements and standards when issuing a REAL ID-compliant driver's license or identicard;

(3) Requires REAL ID-compliant driver's license and identicard applicants to submit to a mandatory facial image capture, sign a declaration that the information presented on the application is accurate, present specified forms of identification to establish United States citizenship or lawful presence in the United States and date of birth, and present two documents that establish Washington state residency;

(4) Establishes that the verification of an applicant's identity through the Systematic Alien Verification for Entitlements (SAVE) system, or an equivalent federally approved lawful status verification system, using a specified form of identification satisfies proof of the lawful presence requirement;

(5) Mandates that DOL provide a security marking for REAL ID-compliant drivers' licenses and identicards to distinguish them from other types of drivers' licenses and identicards, as required by federal regulation;

(6) Sets REAL ID-compliant driver's license and identicard application and renewal fees equal to standard driver's license and identicard application and renewal fees, and grants DOL the authority to adjust fees for limited-term, REAL ID-compliant drivers' licenses and identicards;

(7) Eliminates the reduction in the fee for a full-term enhanced driver's license and enhanced identicard from 108 dollars to 66 dollars;

(8) Grants DOL the authority to establish rules related to the issuance of REAL ID-compliant drivers' licenses and identicards;

(9) Removes the mandate that DOL adopt rules for marking standard drivers' licenses and identicards in accordance with federal REAL ID act regulations to indicate they are not acceptable for federal identification purposes; and

(10) Preserves the restriction on the Department of Licensing from issuing REAL ID-compliant drivers' licenses or identicards or from storing or including data about state residents to meet the requirements of the REAL ID Act until it provides certification that its driver's license, identicard, database, records facility, computer system, and personnel screening and training procedures:

(a) Include all reasonable security measures to protect the privacy of state residents;

(b) Include all reasonable safeguards to protect against the unauthorized disclosure of data; and

(c) Do not place unreasonable costs or recordkeeping burdens on a driver's license or identicard applicant.

--- END ---