

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5008**

65th Legislature  
2017 Regular Session

Passed by the Senate April 20, 2017  
Yeas 36 Nays 13

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**President of the Senate**

Passed by the House April 20, 2017  
Yeas 55 Nays 41

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5008** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SENATE BILL 5008

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AS AMENDED BY THE HOUSE

Passed Legislature - 2017 Regular Session

**State of Washington**                      **65th Legislature**                      **2017 Regular Session**

**By** Senators King, Hunt, Sheldon, Hobbs, Mullet, and Warnick; by request of Department of Licensing

Prefiled 12/13/16. Read first time 01/09/17. Referred to Committee on Transportation.

1            AN ACT Relating to facilitating compliance with the federal REAL  
2 ID act by modifying driver's license and identicard design and fees;  
3 amending RCW 46.20.202; adding new sections to chapter 46.20 RCW; and  
4 repealing RCW 43.41.390.

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

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 46.20  
7 RCW to read as follows:

8            (1) Beginning July 1, 2018, except for enhanced drivers' licenses  
9 and identicards issued under RCW 46.20.202, the department must mark  
10 a driver's license or identicard issued under this chapter in  
11 accordance with the requirements of 6 C.F.R. Sec. 37.71 as it existed  
12 on the effective date of this section, or such subsequent date as may  
13 be provided by the department by rule, consistent with the purposes  
14 of this section.

15            (2) The department must adopt rules necessary to implement this  
16 section.

17            NEW SECTION.    **Sec. 2.**    A new section is added to chapter 46.20  
18 RCW to read as follows:

19            (1) A driver's license or identicard issued with the design  
20 features required in section 1 of this act may not be used as

1 evidence of or as a basis to infer an individual's citizenship or  
2 immigration status for any purpose.

3 (2) The presence of the design features required in section 1 of  
4 this act on a person's driver's license or identicard may not be used  
5 as a basis for the criminal investigation, arrest, or detention of  
6 that person in circumstances where a person with a driver's license  
7 or identicard without these design features would not be criminally  
8 investigated, arrested, or detained.

9 **Sec. 3.** RCW 46.20.202 and 2016 c 32 s 2 are each amended to read  
10 as follows:

11 (1) The department may enter into a memorandum of understanding  
12 with any federal agency for the purposes of facilitating the crossing  
13 of the border between the state of Washington and the Canadian  
14 province of British Columbia.

15 (2) The department may enter into an agreement with the Canadian  
16 province of British Columbia for the purposes of implementing a  
17 border-crossing initiative.

18 (3)(a) The department may issue an enhanced driver's license or  
19 identicard for the purposes of crossing the border between the state  
20 of Washington and the Canadian province of British Columbia to an  
21 applicant who provides the department with proof of: United States  
22 citizenship, identity, and state residency. The department shall  
23 continue to offer a standard driver's license and identicard. If the  
24 department chooses to issue an enhanced driver's license, the  
25 department must allow each applicant to choose between a standard  
26 driver's license or identicard, or an enhanced driver's license or  
27 identicard.

28 (b) The department shall implement a one-to-many biometric  
29 matching system for the enhanced driver's license or identicard. An  
30 applicant for an enhanced driver's license or identicard shall submit  
31 a biometric identifier as designated by the department. The biometric  
32 identifier must be used solely for the purpose of verifying the  
33 identity of the holders and for any purpose set out in RCW 46.20.037.  
34 Applicants are required to sign a declaration acknowledging their  
35 understanding of the one-to-many biometric match.

36 (c) The enhanced driver's license or identicard must include  
37 reasonable security measures to protect the privacy of Washington  
38 state residents, including reasonable safeguards to protect against  
39 unauthorized disclosure of data about Washington state residents. If

1 the enhanced driver's license or identicard includes a radio  
2 frequency identification chip, or similar technology, the department  
3 shall ensure that the technology is encrypted or otherwise secure  
4 from unauthorized data access.

5 (d) The requirements of this subsection are in addition to the  
6 requirements otherwise imposed on applicants for a driver's license  
7 or identicard. The department shall adopt such rules as necessary to  
8 meet the requirements of this subsection. From time to time the  
9 department shall review technological innovations related to the  
10 security of identity cards and amend the rules related to enhanced  
11 driver's licenses and identicards as the director deems consistent  
12 with this section and appropriate to protect the privacy of  
13 Washington state residents.

14 (e) Notwithstanding RCW 46.20.118, the department may make images  
15 associated with enhanced drivers' licenses or identicards from the  
16 negative file available to United States customs and border agents  
17 for the purposes of verifying identity.

18 ~~(4)((a) Between July 15, 2015, and June 30, 2016, the fee for an~~  
19 ~~enhanced driver's license or enhanced identicard is eighteen dollars,~~  
20 ~~which is in addition to the fees for any regular driver's license or~~  
21 ~~identicard. If the enhanced driver's license or enhanced identicard~~  
22 ~~is issued, renewed, or extended for a period other than six years,~~  
23 ~~the fee for each class is three dollars for each year that the~~  
24 ~~enhanced driver's license or enhanced identicard is issued, renewed,~~  
25 ~~or extended.~~

26 ~~(b))~~ Beginning ~~((July 1, 2016))~~ on the effective date of this  
27 section, the fee for an enhanced driver's license or enhanced  
28 identicard is ~~((fifty-four))~~ twenty-four dollars, which is in  
29 addition to the fees for any regular driver's license or identicard.  
30 If the enhanced driver's license or enhanced identicard is issued,  
31 renewed, or extended for a period other than six years, the fee for  
32 each class is ~~((nine))~~ four dollars for each year that the enhanced  
33 driver's license or enhanced identicard is issued, renewed, or  
34 extended.

35 (5) The enhanced driver's license and enhanced identicard fee  
36 under this section must be deposited into the highway safety fund  
37 unless prior to July 1, 2023, the actions described in (a) or (b) of  
38 this subsection occur, in which case the portion of the revenue that  
39 is the result of the fee increased in section 209, chapter 44, Laws

1 of 2015 3rd sp. sess. must be distributed to the connecting  
2 Washington account created under RCW 46.68.395.

3 (a) Any state agency files a notice of rule making under chapter  
4 34.05 RCW for a rule regarding a fuel standard based upon or defined  
5 by the carbon intensity of fuel, including a low carbon fuel standard  
6 or clean fuel standard.

7 (b) Any state agency otherwise enacts, adopts, orders, or in any  
8 way implements a fuel standard based upon or defined by the carbon  
9 intensity of fuel, including a low carbon fuel standard or clean fuel  
10 standard.

11 (c) Nothing in this subsection acknowledges, establishes, or  
12 creates legal authority for the department of ecology or any other  
13 state agency to enact, adopt, order, or in any way implement a fuel  
14 standard based upon or defined by the carbon intensity of fuel,  
15 including a low carbon fuel standard or clean fuel standard.

16 NEW SECTION. **Sec. 4.** RCW 43.41.390 (Implementation of federal  
17 REAL ID Act of 2005) and 2007 c 85 s 1 are each repealed.

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