
SENATE BILL 5105

State of Washington

68th Legislature

2023 Regular Session

By Senators Mullet, Fortunato, Gildon, Lias, Nguyen, Pedersen, and C. Wilson

Prefiled 12/28/22. Read first time 01/09/23. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing digital driver's licenses through
2 a mobile application; amending RCW 46.20.017 and 46.20.161; creating
3 a new section; providing an effective date; providing an expiration
4 date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) By December 1, 2023, the department of
7 licensing shall complete an implementation plan for issuing digital
8 driver's licenses through a mobile application. The plan and
9 evaluation must include, but is not limited to:

10 (a) Reviewing the adoption actions in other states, including
11 successes and lessons learned;

12 (b) Examining existing technical infrastructure and potential
13 changes needed to maximize interoperability, utility, and privacy
14 protection;

15 (c) Identifying the technical investments and other costs
16 associated with issuing digital driver's licenses through a mobile
17 application;

18 (d) Identifying how the technology may impact and can be used by
19 external stakeholders, such as law enforcement;

20 (e) Recommending any process changes required to implement the
21 program successfully and ensure customer satisfaction; and

1 (f) Recommending any statutory changes required to allow for the
2 usage of digital driver's licenses, including recognition of
3 interstate travelers.

4 (2) The department of licensing shall submit a report of its
5 findings and recommendations to the governor and the transportation
6 committees of the legislature by December 1, 2023.

7 (3) This section expires January 1, 2024.

8 **Sec. 2.** RCW 46.20.017 and 2010 c 8 s 9018 are each amended to
9 read as follows:

10 ~~((Every))~~ (1) Except as provided in subsection (2) of this
11 section, every licensee shall have ~~((his or her))~~ the licensee's
12 driver's license in ((his or her)) the licensee's immediate
13 possession at all times when operating a motor vehicle and shall
14 display the same upon demand to any police officer or to any other
15 person when and if required by law to do so. The offense described in
16 this section is a nonmoving offense.

17 (2) Beginning September 1, 2024, a licensee may meet the
18 requirements of subsection (1) of this section by having in the
19 licensee's immediate possession at all times when operating a motor
20 vehicle and displaying upon demand a digital version of the
21 licensee's driver's license as authorized in RCW 46.20.161(7). Only
22 digital versions of the licensee's driver's license issued and
23 authorized by the department is sufficient to meet the requirements
24 of this section.

25 **Sec. 3.** RCW 46.20.161 and 2021 c 158 s 7 are each amended to
26 read as follows:

27 (1) The department, upon receipt of a fee of ~~((seventy-two~~
28 ~~dollars))~~ \$72, unless the driver's license is issued for a period
29 other than eight years, in which case the fee shall be ~~((nine~~
30 ~~dollars))~~ \$9 for each year that the license is issued, which includes
31 the fee for the required photograph, shall issue to every qualifying
32 applicant a driver's license. A driver's license issued to a person
33 under the age of ~~((eighteen))~~ 18 is an intermediate license, subject
34 to the restrictions imposed under RCW 46.20.075, until the person
35 reaches the age of ~~((eighteen))~~ 18.

36 (2) The license must include:

37 (a) A distinguishing number assigned to the licensee;

38 (b) The name of record;

1 (c) Date of birth;
2 (d) Washington residence address;
3 (e) Photograph;
4 (f) A brief description of the licensee;
5 (g) Either a facsimile of the signature of the licensee or a
6 space upon which the licensee shall write the licensees' usual
7 signature with pen and ink immediately upon receipt of the license;
8 (h) If applicable, the person's status as a veteran as provided
9 in subsection (4) of this section; and
10 (i) If applicable, a medical alert designation as provided in
11 subsection (5) of this section.
12 (3) No license is valid until it has been signed by the licensee.
13 (4)(a) A veteran, as defined in RCW 41.04.007, or an individual
14 who otherwise meets the criteria of RCW 41.04.007 but who has
15 received a general discharge under honorable conditions, may apply to
16 the department to obtain a veteran designation on a driver's license
17 issued under this section by providing:
18 (i) A United States department of veterans affairs identification
19 card or proof of service letter;
20 (ii) A United States department of defense discharge document, DD
21 Form 214 or DD Form 215, as it exists on June 7, 2018, or such
22 subsequent date as may be provided by the department by rule,
23 consistent with the purposes of this section, or equivalent or
24 successor discharge paperwork, that shows a discharge status of
25 "honorable" or "general under honorable conditions" that establishes
26 the person's service in the armed forces of the United States;
27 (iii) A national guard state-issued report of separation and
28 military service, NGB Form 22, as it exists on June 7, 2018, or such
29 subsequent date as may be provided by the department by rule,
30 consistent with the purposes of this section, or equivalent or
31 successor discharge paperwork, that shows a discharge status of
32 "honorable" or "general under honorable conditions" that establishes
33 the person's active duty or reserve service in the national guard; or
34 (iv) A United States uniformed services identification card, DD
35 Form 2, that displays on its face that it has been issued to a
36 retired member of any of the armed forces of the United States,
37 including the national guard and armed forces reserves.
38 (b) The department may permit a veteran, as defined in RCW
39 41.04.007, or an individual who otherwise meets the criteria of RCW
40 41.04.007 but who has received a general discharge under honorable

1 conditions, to submit an alternate form of documentation to apply to
2 obtain a veteran designation on a driver's license, as specified by
3 rule, that requires a discharge status of "honorable" or "general
4 under honorable conditions" and that establishes the person's service
5 as required under RCW 41.04.007.

6 (5) Any person may apply to the department to obtain a medical
7 alert designation, a developmental disability designation, or a
8 deafness designation on a driver's license issued under this chapter
9 by providing:

10 (a) Self-attestation that the individual:

11 (i) Has a medical condition that could affect communication or
12 account for a driver health emergency;

13 (ii) Is deaf or hard of hearing; or

14 (iii) Has a developmental disability as defined in RCW
15 71A.10.020;

16 (b) A statement from the person that they have voluntarily
17 provided the self-attestation and other information verifying the
18 condition; and

19 (c) For persons under (~~eighteen~~) 18 years of age or who have a
20 developmental disability, the signature of a parent or legal
21 guardian.

22 (6) A self-attestation or data contained in a self-attestation
23 provided under this section:

24 (a) Shall not be disclosed;

25 (b) Is for the confidential use of the director, the chief of the
26 Washington state patrol, and law enforcement and emergency medical
27 service providers as designated by law; and

28 (c) Is subject to the privacy protections of the driver's privacy
29 protection act, 18 U.S.C. Sec. 2725.

30 (7)(a) By September 1, 2024, the department must establish a
31 program that allows every qualifying applicant for a driver's license
32 the ability to acquire a digital version of the applicant's driver's
33 license in addition to the physical version issued pursuant to
34 subsection (1) of this section.

35 (b) By August 1, 2024, the department must adopt rules to
36 implement (a) of this subsection, which include, but are not limited
37 to, issuance requirements, specifications, security and privacy
38 protections, and the use associated with the digital driver's
39 license.

1 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect July 1, 2023.

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