# Chapter 308-105 WAC
# ENHANCED DRIVERS' LICENSE AND IDENTICARD

**WAC**


308-105-010 Definitions.
308-105-020 Application for enhanced driver's license or identicard.
308-105-030 Enhanced driver's license or identicard denial—Hearing.
308-105-100 Fee.


**WAC 308-105-010 Definitions.** As used in this chapter, unless the context requires otherwise, the term:

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

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

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-010, filed 10/29/07, effective 11/29/07.]

**WAC 308-105-020 Application for enhanced driver's license or identicard.** (1) An applicant for an enhanced driver's license must be eligible for a standard driver's license under chapter 46.20 RCW, provide the information required by RCW 46.20.091 and WAC 308-104-014, and establish his or her identity as provided by RCW 46.20.035 and WAC 308-104-040.

(2) An applicant for an enhanced identicard must be eligible for a standard identicard under chapter 46.20 RCW, provide the information required by RCW 46.20.117 and WAC 308-104-014, and establish his or her identity as provided by RCW 46.20.035 and WAC 308-104-040.

(3) An applicant for an enhanced driver's license or identicard must sign a declaration acknowledging that his or her photograph will be used as a facial recognition biometric identifier, and that he or she understands that the biometric identifier will be used in a one-to-many biometric matching system for purposes of verifying the identity of the applicant.

(4) An applicant for an enhanced driver's license or identicard must sign a declaration acknowledging that he or she has been notified that the enhanced driver's license or identicard contains a radio frequency identification chip, that he or she has been given written information on the type of information the chip contains and how it may be used, and that tampering with or deactivating the chip will invalidate the enhanced driver's license or identicard for purposes of border crossing.

(5) An applicant for an enhanced driver's license or identicard must provide the department with satisfactory proof of United States citizenship. United States citizenship may be established by providing at least one of the following pieces of documentation:

(a) A United States passport that is valid or has been expired for no more than five years;

(b) Certified state birth certificate;

(c) Certificate of naturalization;

(d) Certificate of citizenship; or

(e) Department of state consular report of birth abroad.

(6) An applicant for an enhanced driver's license or identicard must provide the department with satisfactory proof of residency in the state of Washington.

(7) An enhanced driver's license or identicard will not be issued to an applicant who is unable to provide the department with satisfactory proof required under this section.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-020, filed 10/29/07, effective 11/29/07.]

**WAC 308-105-030 Enhanced driver's license or identicard denial—Hearing.** (1) Within twenty days of the date of notification by the department that an application for an enhanced driver's license or identicard has been denied under WAC 308-105-020(7), the aggrieved person may submit a written request for a formal hearing to contest the department's decision.

(2) Within twenty days of receipt of a request for a formal hearing, the department shall notify the requester in writing of the time and location of the hearing.

(3) The hearing shall be conducted by a hearing officer appointed by the director. The director may delegate the authority to render final decisions to the hearing officer.

(4) The scope of the hearing shall be limited to the following issues:

(a) Has the applicant provided the necessary documentation and information;

(b) Has the applicant established his or her identity;

(c) Has the applicant established that he or she is a United States citizen; and

(d) Has the applicant established that he or she maintains permanent residency in the state of Washington?

(5) The person shall have the burden of providing that he or she has established the requirements listed in subsection (4) of this section.

(6) Upon conclusion of the hearing, the hearing officer shall make written findings on the matter under consideration and shall sustain, modify, or reverse the department's denial of the application for an enhanced driver's license or identicard. The department shall notify the person of the hearing officer's decision and of the person's right to request an appeal in the superior court in the county of his or her residence in writing either by personal service or by first class mail set to the last address of record.

(7) A person denied an enhanced driver's license or identicard under subsection (6) of this section shall have the right within thirty days after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo.

(8) If the person does not request a formal hearing within the time specified in subsection (1) of this section, or fails to appear for the hearing, said person shall have waived his or her right to any further administrative remedies, including the

right to appeal, and the case shall be remanded to the department and the department's previous decision denying the enhanced driver's license or identicard shall be affirmed.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-030, filed 10/29/07, effective 11/29/07.]

**WAC 308-105-100 Fee.** The fee for an enhanced driver's license or enhanced identicard is fifteen dollars. This fee is in addition to the regular drivers' license or identicard fees.

[Statutory Authority: RCW 46.01.110 and 46.20.202. 07-22-031, § 308-105-100, filed 10/29/07, effective 11/29/07.]