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**SUBSTITUTE HOUSE BILL 2150**

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**State of Washington****54th Legislature****1996 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives K. Schmidt, Skinner, R. Fisher, Sterk, Romero, Conway, Smith, Lambert, D. Schmidt, Mitchell, Robertson, Backlund, Ballasiotes, Kremen, Pennington, Hymes, Crouse, Delvin, Buck, Chappell, Ogden, Brown, Scott, Blanton, Lisk, Mulliken, Sheldon, Grant, Chandler, Radcliff, Honeyford, Koster, Huff, L. Thomas, Quall, Johnson, Hickel, Thompson, Cooke, Patterson, Costa and McMahan)

Read first time 01/18/96.

1 AN ACT Relating to identification requirements for drivers'  
2 licenses and identicards; amending RCW 46.20.031, 46.20.035, 46.20.055,  
3 46.20.091, 46.20.117, 46.20.118, 46.20.207, and 46.20.291; reenacting  
4 and amending RCW 46.63.020; adding a new section to chapter 46.20 RCW;  
5 creating new sections; prescribing penalties; and making an  
6 appropriation.

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

8 NEW SECTION. **Sec. 1.** This act, authorizing investigation of  
9 documents submitted with a driver's license application, is the second  
10 stage of a three-part effort to increase the reliability and security  
11 of the Washington driver's license document.

12 The first stage, accomplished with the enactment of chapter 452,  
13 Laws of 1993, established procedures for identification documentation  
14 screening and acceptance in the department of licensing field offices.  
15 That act established a list of acceptable documents to be used as  
16 primary identification documents, and provided for departmental review  
17 of secondary identification documents commonly used to establish  
18 identity.

1 This act enhances the procedures established in chapter 452, Laws  
2 of 1993, by directing the department of licensing to retain secondary  
3 identification documentation where necessary to verify the validity of  
4 the documents. It further requires a license applicant to sign a  
5 statement that identifying documentation is valid. Making a false  
6 statement regarding the validity of any identifying information  
7 constitutes false swearing, a gross misdemeanor.

8 The third stage in the effort to improve the reliability and  
9 security of the driver's license is the eventual adoption of a new  
10 document with minimal potential for forgery. Such a document would  
11 potentially include available antifraud safeguards, such as biometric  
12 identifiers. Development of a proposal for the new driver's license  
13 document will follow the release of a recommendation on technology  
14 currently being formulated by the department of licensing's driver's  
15 document advisory committee. The committee's recommendation is  
16 currently scheduled for release on November 15, 1996.

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

19 Every application for an identicard or a Washington state driver's  
20 license must contain a statement of implied consent, notifying the  
21 applicant that information contained in the application and any  
22 documents submitted in support of the application may be made available  
23 to law enforcement agencies, or federal, state, and local governmental  
24 agencies for official purposes.

25 **Sec. 3.** RCW 46.20.031 and 1995 c 219 s 1 are each amended to read  
26 as follows:

27 The department shall not issue a driver's license hereunder:  
28 (1) To persons not lawfully entitled to be in the United States;  
29 (2) To any person who is under the age of sixteen years;  
30 ~~((+2))~~ (3) To any person whose license has been suspended during  
31 such suspension, nor to any person whose license has been revoked,  
32 except as provided in RCW 46.20.311;  
33 ~~((+3))~~ (4) To any person who has been evaluated by a program  
34 approved by the department of social and health services as being an  
35 alcoholic, drug addict, alcohol abuser, and/or drug abuser: PROVIDED,  
36 That a license may be issued if the department determines that such  
37 person has been granted a deferred prosecution, pursuant to chapter

1 10.05 RCW, or is satisfactorily participating in or has successfully  
2 completed an alcohol or drug abuse treatment program approved by the  
3 department of social and health services and has established control of  
4 his or her alcohol and/or drug abuse problem;

5 ~~((+4))~~ (5) To any person who has previously been adjudged to be  
6 mentally ill or insane, or to be incompetent due to any mental  
7 disability or disease, and who has not at the time of application been  
8 restored to competency by the methods provided by law: PROVIDED,  
9 HOWEVER, That no person so adjudged shall be denied a license for such  
10 cause if the superior court should find him able to operate a motor  
11 vehicle with safety upon the highways during such incompetency;

12 ~~((+5))~~ (6) To any person who is required by this chapter to take  
13 an examination, unless such person shall have successfully passed such  
14 examination;

15 ~~((+6))~~ (7) To any person who is required under the laws of this  
16 state to deposit proof of financial responsibility and who has not  
17 deposited such proof;

18 ~~((+7))~~ (8) To any person when the department has good and  
19 substantial evidence to reasonably conclude that such person by reason  
20 of physical or mental disability would not be able to operate a motor  
21 vehicle with safety upon the highways; subject to review by a court of  
22 competent jurisdiction;

23 ~~((+8))~~ (9) To a person when the department has been notified by a  
24 court that the person has violated his or her written promise to  
25 appear, respond, or comply regarding a notice of infraction issued for  
26 a violation of RCW 46.55.105, unless the department has received notice  
27 from the court showing that the person has been found not to have  
28 committed the violation of RCW 46.55.105, or that the person has paid  
29 all monetary penalties owing, including completion of community  
30 service, and that the court is satisfied that the person has made  
31 restitution as provided by RCW 46.55.105(2).

32 **Sec. 4.** RCW 46.20.035 and 1993 c 452 s 1 are each amended to read  
33 as follows:

34 (1) The department may not issue an identicard or a Washington  
35 state driver's license, except as provided in RCW 46.20.116, unless the  
36 applicant has satisfied the department regarding his or her identity.  
37 Except as provided in subsection (2) of this section, an applicant has  
38 not satisfied the identity requirements of this section unless he or

1 she displays or provides the department with at least one of the  
2 following pieces of valid identifying documentation:

3 (a) A valid or recently expired driver's license or instruction  
4 permit that contains the signature, date of birth, and a photograph of  
5 the applicant;

6 (b) A Washington state identicard or an identification card issued  
7 by another state that contains the signature and a photograph of the  
8 applicant;

9 (c) An identification card issued by the United States, a state, or  
10 an agency of either the United States or a state, of a kind commonly  
11 used to identify the members of employees of the government agency,  
12 that contains the signature and a photograph of the applicant;

13 (d) A United States military identification card that contains the  
14 signature and a photograph of the applicant;

15 (e) A United States passport that contains the signature and a  
16 photograph of the applicant;

17 (f) An immigration and naturalization service form that contains  
18 the signature and photograph of the applicant; or

19 (g) If the applicant is a minor, an affidavit of the applicant's  
20 parent or guardian where the parent or guardian displays or provides at  
21 least one piece of identifying documentation as specified in this  
22 subsection along with additional documentation establishing the  
23 relationship between the parent or guardian and the applicant.

24 (2) A person unable to provide identifying satisfactory  
25 documentation as specified in subsection (1) of this section may  
26 request that the department review other available documentation in  
27 order to ascertain identity. The department may retain documentation  
28 submitted for review under this subsection for a period of time not to  
29 exceed sixty days, in order to investigate its validity except for  
30 green cards issued by the immigration and naturalization service, which  
31 may not be retained. The department may make a photocopy of a green  
32 card to determine its validity. The department may waive the  
33 requirement for specific identifying documentation under subsection (1)  
34 of this section if it finds that other documentation clearly  
35 establishes the identity of the applicant. The department may issue a  
36 temporary driver's permit as provided in RCW 46.20.055(4), pending the  
37 investigation of documentation submitted by an applicant for review.

38 (3) The department may not accept photocopied documents unless they  
39 are certified by the issuing authority. The department may not accept

1 original documents transmitted by facsimile unless the documents are  
2 transmitted directly to the department from the issuing authority.

3 **Sec. 5.** RCW 46.20.055 and 1990 c 250 s 34 are each amended to read  
4 as follows:

5 (1) Any person who is at least fifteen and a half years of age may  
6 apply to the department for an instruction permit for the operation of  
7 any motor vehicle except a motorcycle. Any person sixteen years of age  
8 or older, holding a valid driver's license, may apply for an  
9 instruction permit for the operation of a motorcycle. The department  
10 may in its discretion, after the applicant has successfully passed all  
11 parts of the examination other than the driving test, issue to the  
12 applicant a driver's or motorcyclist's instruction permit.

13 (a) A driver's instruction permit entitles the permittee while  
14 having the permit in immediate possession to drive a motor vehicle upon  
15 the public highways for a period of one year when accompanied by a  
16 licensed driver who has had at least five years of driving experience  
17 and is occupying a seat beside the driver. Except as provided in  
18 subsection (c) of this subsection, only one additional permit, valid  
19 for one year, may be issued.

20 (b) A motorcyclist's instruction permit entitles the permittee  
21 while having the permit in immediate possession to drive a motorcycle  
22 upon the public highways for a period of ninety days as provided in RCW  
23 46.20.510(~~((+3))~~) (2). Except as provided in subsection (c) of this  
24 subsection, only one additional permit, valid for ninety days, may be  
25 issued.

26 (c) The department after investigation may issue a third driver's  
27 or motorcyclist's instruction permit when it finds that the permittee  
28 is diligently seeking to improve driving proficiency.

29 (2) The department may waive the examination, except as to eyesight  
30 and other potential physical restrictions, for any applicant who is  
31 enrolled in either a traffic safety education course as defined by RCW  
32 28A.220.020(2) or a course of instruction offered by a licensed driver  
33 training school as defined by RCW 46.82.280(1) at the time the  
34 application is being considered by the department. The department may  
35 require proof of registration in such a course as it deems necessary.

36 (3) The department upon receiving proper application may in its  
37 discretion issue a driver's instruction permit to an applicant who is  
38 at least fifteen years of age and is enrolled in a traffic safety

1 education program which includes practice driving and which is approved  
2 and accredited by the superintendent of public instruction. Such  
3 instruction permit shall entitle the permittee having the permit in  
4 immediate possession to drive a motor vehicle only when an approved  
5 instructor or other licensed driver with at least five years of driving  
6 experience, is occupying a seat beside the permittee.

7 (4) The department may in its discretion issue a temporary driver's  
8 permit to an applicant for a driver's license permitting the applicant  
9 to drive a motor vehicle for a period not to exceed sixty days while  
10 the department is completing its investigation and determination of all  
11 facts relative to such applicant's right to receive a driver's license,  
12 including any necessary investigation into the validity of  
13 identification documentation submitted by the applicant. Such permit  
14 must be in the permittee's immediate possession while driving a motor  
15 vehicle, and it shall be invalid when the permittee's license has been  
16 issued or for good cause has been refused.

17 **Sec. 6.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read  
18 as follows:

19 (1) Every application for an instruction permit or for an original  
20 driver's license shall be made upon a form prescribed and furnished by  
21 the department which shall be sworn to and signed by the applicant  
22 before a person authorized to administer oaths. An applicant making a  
23 false statement under this subsection is guilty of false swearing, a  
24 gross misdemeanor, under RCW 9A.72.040. Every application for an  
25 instruction permit containing a photograph shall be accompanied by a  
26 fee of five dollars. The department shall forthwith transmit the fees  
27 collected for instruction permits and temporary drivers' permits to the  
28 state treasurer.

29 (2) Every such application shall state the full name, date of  
30 birth, sex, and Washington residence address of the applicant, and  
31 briefly describe the applicant, and shall state whether the applicant  
32 has theretofore been licensed as a driver or chauffeur, and, if so,  
33 when and by what state or country, and whether any such license has  
34 ever been suspended or revoked, or whether an application has ever been  
35 refused, and, if so, the date of and reason for such suspension,  
36 revocation, or refusal, and shall state such additional information as  
37 the department shall require, including a statement that identifying  
38 documentation presented by the applicant is valid.

1 (3) Whenever application is received from a person previously  
2 licensed in another jurisdiction, the department shall request a copy  
3 of such driver's record from such other jurisdiction. When received,  
4 the driving record shall become a part of the driver's record in this  
5 state.

6 (4) Whenever the department receives request for a driving record  
7 from another licensing jurisdiction, the record shall be forwarded  
8 without charge if the other licensing jurisdiction extends the same  
9 privilege to the state of Washington. Otherwise there shall be a  
10 reasonable charge for transmittal of the record, the amount to be fixed  
11 by the director of the department.

12 **Sec. 7.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read  
13 as follows:

14 (1) The department shall issue "identicards," containing a picture,  
15 to nondrivers for a fee of four dollars. However, the fee shall be the  
16 actual cost of production to recipients of continuing public assistance  
17 grants under Title 74 RCW who are referred in writing to the department  
18 by the secretary of social and health services. The fee shall be  
19 deposited in the highway safety fund. To be eligible, each applicant  
20 shall produce evidence as required in RCW 46.20.035 that positively  
21 proves identity. The "identicard" shall be distinctly designed so that  
22 it will not be confused with the official driver's license. The  
23 identicard shall expire on the fifth anniversary of the applicant's  
24 birthdate after issuance.

25 (2) The department may cancel an "identicard" upon a showing by its  
26 records or other evidence that the holder of such "identicard" has  
27 committed a violation relating to "identicards" defined in RCW  
28 46.20.336.

29 (3) The department may issue identicards only to United States  
30 citizens and persons lawfully entitled to be in the United States.

31 **Sec. 8.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read  
32 as follows:

33 The department shall maintain a negative file. It shall contain  
34 negatives of all pictures taken by the department of licensing as  
35 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file  
36 shall not be available for public inspection and copying under chapter  
37 42.17 RCW. The department (~~may~~) shall make the file available to

1 official governmental enforcement agencies to assist in the  
2 investigation by the agencies of suspected criminal activity. The  
3 department may also provide a print to the driver's next of kin in the  
4 event the driver is deceased.

5 **Sec. 9.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to read  
6 as follows:

7 (1) The department is authorized to cancel any driver's license  
8 upon determining that the licensee was not entitled to the issuance of  
9 the license, or that the licensee failed to give the required or  
10 correct information in his or her application, or that the licensee is  
11 incompetent to drive a motor vehicle for any of the reasons under RCW  
12 46.20.031 (~~((4))~~) (5) and (~~((7))~~) (8).

13 (2) Upon such cancellation, the licensee must surrender the license  
14 so canceled to the department.

15 **Sec. 10.** RCW 46.20.291 and 1993 c 501 s 4 are each amended to read  
16 as follows:

17 The department is authorized to suspend the license of a driver  
18 upon a showing by its records or other sufficient evidence that the  
19 licensee:

20 (1) Has committed an offense for which mandatory revocation or  
21 suspension of license is provided by law;

22 (2) Has, by reckless or unlawful operation of a motor vehicle,  
23 caused or contributed to an accident resulting in death or injury to  
24 any person or serious property damage;

25 (3) Has been convicted of offenses against traffic regulations  
26 governing the movement of vehicles, or found to have committed traffic  
27 infractions, with such frequency as to indicate a disrespect for  
28 traffic laws or a disregard for the safety of other persons on the  
29 highways;

30 (4) Is incompetent to drive a motor vehicle under RCW  
31 46.20.031(~~((3))~~) (4); or

32 (5) Has failed to respond to a notice of traffic infraction, failed  
33 to appear at a requested hearing, violated a written promise to appear  
34 in court, or has failed to comply with the terms of a notice of traffic  
35 infraction or citation, as provided in RCW 46.20.289; or

36 (6) Has committed one of the prohibited practices relating to  
37 drivers' licenses defined in RCW 46.20.336.

1       **Sec. 11.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s  
2 16, and 1995 c 256 s 25 are each reenacted and amended to read as  
3 follows:

4       Failure to perform any act required or the performance of any act  
5 prohibited by this title or an equivalent administrative regulation or  
6 local law, ordinance, regulation, or resolution relating to traffic  
7 including parking, standing, stopping, and pedestrian offenses, is  
8 designated as a traffic infraction and may not be classified as a  
9 criminal offense, except for an offense contained in the following  
10 provisions of this title or a violation of an equivalent administrative  
11 regulation or local law, ordinance, regulation, or resolution:

12       (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
13 vehicle while under the influence of intoxicating liquor or a  
14 controlled substance;

15       (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

16       (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
17 while under the influence of intoxicating liquor or narcotics or  
18 habit-forming drugs or in a manner endangering the person of another;

19       (4) RCW 46.10.130 relating to the operation of snowmobiles;

20       (5) Chapter 46.12 RCW relating to certificates of ownership and  
21 registration and markings indicating that a vehicle has been destroyed  
22 or declared a total loss;

23       (6) RCW 46.16.010 relating to initial registration of motor  
24 vehicles;

25       (7) RCW 46.16.011 relating to permitting unauthorized persons to  
26 drive;

27       (8) RCW 46.16.160 relating to vehicle trip permits;

28       (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
29 acquisition of a special placard or license plate for disabled persons'  
30 parking;

31       (10) RCW 46.20.021 relating to driving without a valid driver's  
32 license;

33       (11) RCW 46.20.091 relating to false statements regarding a  
34 driver's license or instruction permit;

35       (12) RCW 46.20.336 relating to the unlawful possession and use of  
36 a driver's license;

37       (~~(12)~~) (13) RCW 46.20.342 relating to driving with a suspended or  
38 revoked license or status;

1       ~~((13))~~ (14) RCW 46.20.410 relating to the violation of  
2 restrictions of an occupational driver's license;  
3       ~~((14))~~ (15) RCW 46.20.420 relating to the operation of a motor  
4 vehicle with a suspended or revoked license;  
5       ~~((15))~~ (16) RCW 46.20.750 relating to assisting another person to  
6 start a vehicle equipped with an ignition interlock device;  
7       ~~((16))~~ (17) RCW 46.25.170 relating to commercial driver's  
8 licenses;  
9       ~~((17))~~ (18) Chapter 46.29 RCW relating to financial  
10 responsibility;  
11       ~~((18))~~ (19) RCW 46.30.040 relating to providing false evidence of  
12 financial responsibility;  
13       ~~((19))~~ (20) RCW 46.37.435 relating to wrongful installation of  
14 sunscreening material;  
15       ~~((20))~~ (21) RCW 46.44.180 relating to operation of mobile home  
16 pilot vehicles;  
17       ~~((21))~~ (22) RCW 46.48.175 relating to the transportation of  
18 dangerous articles;  
19       ~~((22))~~ (23) RCW 46.52.010 relating to duty on striking an  
20 unattended car or other property;  
21       ~~((23))~~ (24) RCW 46.52.020 relating to duty in case of injury to  
22 or death of a person or damage to an attended vehicle;  
23       ~~((24))~~ (25) RCW 46.52.090 relating to reports by repairmen,  
24 storagemen, and appraisers;  
25       ~~((25))~~ (26) RCW 46.52.100 relating to driving under the influence  
26 of liquor or drugs;  
27       ~~((26))~~ (27) RCW 46.52.130 relating to confidentiality of the  
28 driving record to be furnished to an insurance company, an employer,  
29 and an alcohol/drug assessment or treatment agency;  
30       ~~((27))~~ (28) RCW 46.55.020 relating to engaging in the activities  
31 of a registered tow truck operator without a registration certificate;  
32       ~~((28))~~ (29) RCW 46.55.035 relating to prohibited practices by tow  
33 truck operators;  
34       ~~((29))~~ (30) RCW 46.61.015 relating to obedience to police  
35 officers, flagmen, or fire fighters;  
36       ~~((30))~~ (31) RCW 46.61.020 relating to refusal to give information  
37 to or cooperate with an officer;  
38       ~~((31))~~ (32) RCW 46.61.022 relating to failure to stop and give  
39 identification to an officer;

1       (~~(32)~~) (33) RCW 46.61.024 relating to attempting to elude  
2 pursuing police vehicles;  
3       (~~(33)~~) (34) RCW 46.61.500 relating to reckless driving;  
4       (~~(34)~~) (35) RCW 46.61.502 and 46.61.504 relating to persons under  
5 the influence of intoxicating liquor or drugs;  
6       (~~(35)~~) (36) RCW (~~(46.61.5055 (section 5, chapter 332 (Substitute~~  
7 ~~Senate Bill No. 5141), Laws of 1995)~~) 46.61.503 relating to a person  
8 under age twenty-one driving a motor vehicle after consuming alcohol;  
9       (~~(36)~~) (37) RCW 46.61.520 relating to vehicular homicide by motor  
10 vehicle;  
11       (~~(37)~~) (38) RCW 46.61.522 relating to vehicular assault;  
12       (~~(38)~~) (39) RCW 46.61.525 relating to negligent driving;  
13       (~~(39)~~) (40) RCW 46.61.527(4) relating to reckless endangerment of  
14 roadway workers;  
15       (~~(40)~~) (41) RCW 46.61.530 relating to racing of vehicles on  
16 highways;  
17       (~~(41)~~) (42) RCW 46.61.685 relating to leaving children in an  
18 unattended vehicle with the motor running;  
19       (~~(42)~~) (43) RCW 46.64.010 relating to unlawful cancellation of or  
20 attempt to cancel a traffic citation;  
21       (~~(43)~~) (44) RCW 46.64.048 relating to attempting, aiding,  
22 abetting, coercing, and committing crimes;  
23       (~~(44)~~) (45) Chapter 46.65 RCW relating to habitual traffic  
24 offenders;  
25       (~~(45)~~) (46) Chapter 46.70 RCW relating to unfair motor vehicle  
26 business practices, except where that chapter provides for the  
27 assessment of monetary penalties of a civil nature;  
28       (~~(46)~~) (47) Chapter 46.72 RCW relating to the transportation of  
29 passengers in for hire vehicles;  
30       (~~(47)~~) (48) Chapter 46.80 RCW relating to motor vehicle wreckers;  
31       (~~(48)~~) (49) Chapter 46.82 RCW relating to driver's training  
32 schools;  
33       (~~(49)~~) (50) RCW 46.87.260 relating to alteration or forgery of a  
34 cab card, letter of authority, or other temporary authority issued  
35 under chapter 46.87 RCW;  
36       (~~(50)~~) (51) RCW 46.87.290 relating to operation of an  
37 unregistered or unlicensed vehicle under chapter 46.87 RCW.

1        NEW SECTION.        **Sec. 12.**        (1) The legislative transportation  
2 committee is directed to appoint a consultant to assist the committee  
3 in undertaking a study of the methods and technology currently  
4 available to create a driver's license and identicard that cannot be  
5 fraudulently obtained from the department of licensing, thereby  
6 providing the public, businesses, and agencies with a more secure  
7 driver's license. The scope of the study shall be determined by the  
8 legislative transportation committee, but at a minimum, shall include  
9 an examination of:

10        (a) Improving identity verification with the use of biometric  
11 systems; determining the type of biometric system to be utilized; and  
12 examining system costs. A "biometric system" refers to the use of  
13 identification technology to verify the identity of individuals through  
14 comparison of unique physical characteristics;

15        (b) Digitized facial photography, and associated system costs;

16        (c) Coded information, such as a bar code, and associated system  
17 costs; and

18        (d) Available technology to prevent alterations of the license and  
19 identification cards, and associated costs.

20        (2) The consultant and the legislative transportation committee  
21 shall work closely with the department of licensing in developing  
22 recommendations.

23        (3) The sum of seventy-five thousand dollars, or as much thereof as  
24 may be necessary, is appropriated for the biennium ending June 30,  
25 1997, from the motor vehicle fund--state to the legislative  
26 transportation committee to accomplish the purposes of this section.

27        (4) The legislative transportation committee shall deliver a final  
28 report and recommendations to the legislature by December 15, 1997.

--- END ---