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SENATE BILL 5080

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State of Washington

54th Legislature

1995 Regular Session

By Senators Smith, Gaspard, Roach, Long, Deccio, Haugen, Schow, Newhouse and Oke

Read first time 01/10/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to use of electronic security systems to prevent  
2 fraud involving driver's licenses and identicards; amending RCW  
3 46.20.091, 46.20.117, 46.20.118, and 46.20.120; adding a new section to  
4 chapter 46.20 RCW; adding a new section to chapter 74.04 RCW; and  
5 creating a new section.

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

7 NEW SECTION. **Sec. 1.** The intent of this act is to create a  
8 program in the department of licensing that will significantly improve  
9 the reliability and verifiability of state-issued drivers' licenses and  
10 identicards. With this program, the legislature intends to reduce the  
11 occurrence of fraudulent transactions and to reduce losses of state and  
12 federal funds by significantly lowering the incidence of welfare fraud.

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

15 (1) Not later than July 1, 1997, the department of licensing, in  
16 consultation with the department of information services, shall  
17 implement, through purchase or lease, a driver's license/identocard  
18 verification program. This program shall consist of a magnetic strip

1 verification system and an electronic finger scan identification  
2 system, for use at the time of issuance or renewal of all drivers'  
3 licenses and identicards. These systems shall be designed to work  
4 complementary to each other and shall be implemented on-line  
5 simultaneously.

6 (2) The magnetic strip verification system shall be designed to  
7 assist verification of the authenticity of licenses or identicards and  
8 to assist in determining whether a license or identicard has been  
9 altered or stolen. The system shall be designed to comply with the  
10 following criteria:

11 (a) The magnetic strip shall contain only the information appearing  
12 on the face of the driver's license or identicard.

13 (b) The sole purpose of the magnetic strip is to provide  
14 verification that the license or identicard is valid. Other than  
15 official government agencies, no person who uses the magnetic strip to  
16 verify the validity of a license or identicard may, by means of  
17 accessing the magnetic strip, obtain any personal identifying  
18 information regarding the person to whom the license or identicard was  
19 issued.

20 (c) The department shall allow access to the magnetic strip  
21 verification system by government agencies and businesses that rely on  
22 these forms of identification solely for the purpose of verifying the  
23 authenticity of a license or identicard.

24 (3) The electronic finger scan identification system shall be  
25 designed to verify through the use of an electronic fingerprint scan  
26 the identity of a person at the time the person submits an application  
27 for a driver's license or identicard, and at the time the person seeks  
28 renewal or replacement of a driver's license or identicard. The system  
29 shall be designed to compare finger scans with the data base to prevent  
30 the issuance of multiple licenses or cards to the same person.

31 (4) Immediately upon on-line implementation of the driver's  
32 license/identicard verification program, the department of licensing  
33 shall provide written notification to the department of social and  
34 health services that the program is operating.

35 **Sec. 3.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read  
36 as follows:

37 (1) Every application for an instruction permit or for an original  
38 driver's license shall be made upon a form prescribed and furnished by

1 the department which shall be sworn to and signed by the applicant  
2 before a person authorized to administer oaths. Every application for  
3 an instruction permit containing a photograph shall be accompanied by  
4 a fee of five dollars. The department shall forthwith transmit the  
5 fees collected for instruction permits and temporary drivers' permits  
6 to the state treasurer.

7 (2) Every such application shall state the full name, date of  
8 birth, sex, and Washington residence address of the applicant, and  
9 briefly describe the applicant, and shall state whether the applicant  
10 has theretofore been licensed as a driver or chauffeur, and, if so,  
11 when and by what state or country, and whether any such license has  
12 ever been suspended or revoked, or whether an application has ever been  
13 refused, and, if so, the date of and reason for such suspension,  
14 revocation, or refusal, and shall state such additional information as  
15 the department shall require.

16 (3) Whenever application is received from a person previously  
17 licensed in another jurisdiction, the department shall request a copy  
18 of such driver's record from such other jurisdiction. When received,  
19 the driving record shall become a part of the driver's record in this  
20 state.

21 (4) Whenever the department receives request for a driving record  
22 from another licensing jurisdiction, the record shall be forwarded  
23 without charge if the other licensing jurisdiction extends the same  
24 privilege to the state of Washington. Otherwise there shall be a  
25 reasonable charge for transmittal of the record, the amount to be fixed  
26 by the director of the department.

27 (5) Every person applying for an original or duplicate driver's  
28 license shall submit to an electronic finger scan as provided in  
29 section 2 of this act.

30 **Sec. 4.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read  
31 as follows:

32 (1) The department shall issue "identincards," containing a picture,  
33 to nondrivers for a fee of four dollars. However, the fee shall be the  
34 actual cost of production to recipients of continuing public assistance  
35 grants under Title 74 RCW who are referred in writing to the department  
36 by the secretary of social and health services. The fee shall be  
37 deposited in the highway safety fund. To be eligible, each applicant  
38 shall produce evidence as required in RCW 46.20.035 that positively

1 proves identity. Each applicant for an original, renewed, or duplicate  
2 identocard shall also submit to an electronic finger scan as provided  
3 in section 2 of this act. The "identocard" shall be distinctly  
4 designed so that it will not be confused with the official driver's  
5 license. The identocard shall expire on the fifth anniversary of the  
6 applicant's birthdate after issuance.

7 (2) The department may cancel an "identocard" upon a showing by its  
8 records or other evidence that the holder of such "identocard" has  
9 committed a violation relating to "identocards" defined in RCW  
10 46.20.336.

11 **Sec. 5.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read  
12 as follows:

13 (1) The department shall maintain a negative file. It shall  
14 contain negatives of all pictures taken by the department of licensing  
15 as authorized by RCW 46.20.070 through 46.20.119.

16 (2) The department shall maintain a finger scan data base  
17 consisting of all finger scans obtained by the department for use in  
18 issuing a driver's license or identocard.

19 (3) Negatives ((in the file)) and the finger scan data base shall  
20 not be available for public inspection and copying under chapter 42.17  
21 RCW. The department may make the ((file)) negatives available to  
22 official governmental enforcement agencies to assist in the  
23 investigation by the agencies of suspected criminal activity. The  
24 department may also provide a print to the driver's next of kin in the  
25 event the driver is deceased.

26 **Sec. 6.** RCW 46.20.120 and 1990 c 9 s 1 are each amended to read as  
27 follows:

28 No new driver's license may be issued and no previously issued  
29 license may be renewed until the applicant therefor has successfully  
30 passed a driver licensing examination and submitted to an electronic  
31 finger scan as provided in section 2 of this act. However, the  
32 department may waive all or any part of the examination of any person  
33 applying for the renewal of a driver's license except when the  
34 department determines that an applicant for a driver's license is not  
35 qualified to hold a driver's license under this title. The department  
36 may also waive the actual demonstration of the ability to operate a  
37 motor vehicle by a person who surrenders a valid driver's license

1 issued by the person's previous home state and who is otherwise  
2 qualified to be licensed. For a new license examination a fee of seven  
3 dollars shall be paid by each applicant, in addition to the fee charged  
4 for issuance of the license. A new license is one issued to a driver  
5 who has not been previously licensed in this state or to a driver whose  
6 last previous Washington license has been expired for more than four  
7 years.

8 Any person renewing his or her driver's license more than sixty  
9 days after the license has expired shall pay a penalty fee of ten  
10 dollars in addition to the renewal fee under RCW 46.20.181. The  
11 penalty fee shall be deposited in the highway safety fund.

12 Any person who is outside the state at the time his or her driver's  
13 license expires or who is unable to renew the license due to any  
14 incapacity may renew the license within sixty days after returning to  
15 this state or within sixty days after the termination of any such  
16 incapacity without the payment of the penalty fee.

17 The department shall provide for giving examinations at places and  
18 times reasonably available to the people of this state.

19 NEW SECTION. **Sec. 7.** A new section is added to chapter 74.04 RCW  
20 to read as follows:

21 (1) The department shall require all applicants for public  
22 assistance to provide a valid Washington state driver's license or  
23 identicard to verify identity.

24 (2) Not more than one year after the date of notification as  
25 required by section 2 of this act by the department of licensing that  
26 the driver's license/identicard verification program is operating, the  
27 department shall commence to verify all licenses or identicards offered  
28 as identification through the magnetic strip verification system  
29 operated by the department of licensing.

30 (3) Once the department is using the magnetic strip verification  
31 system, the department shall not provide any assistance under this  
32 title to any person without verification of identity by use of the  
33 magnetic strip verification system, except that the department may  
34 adopt rules authorizing assistance under RCW 74.04.660 without initial  
35 verification of identity through the system.

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