

SENATE BILL REPORT

ESHB 2730

As Reported By Senate Committee On:
Transportation, March 2, 1998

Title: An act relating to security of drivers' licenses.

Brief Description: Increasing security of drivers' licenses.

Sponsors: House Committee on Transportation Policy & Budget (originally sponsored by Representatives Robertson, Hatfield, Mitchell, Fisher, Hankins, Romero, Cairnes, O'Brien, Zellinsky, Scott, Johnson, Wood, Sterk, Ogden, Radcliff, Hickel, Skinner, Ballasiotes, Delvin, Cooke, Anderson, Sullivan, Thompson, Gardner and Kenney).

Brief History:

Committee Activity: Transportation: 2/25/98, 3/2/98 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Prince, Chair; Wood, Vice Chair; Haugen, Goings, Heavey, Horn, Jacobsen, Oke, Patterson, Prentice, Rasmussen and Sellar.

Staff: Paul Neal (786-7315)

Background: Many government offices and private businesses rely upon the presentation of a driver's license or identicard to verify a person's identity. However, fraud is often perpetrated against both government and businesses by the use of fraudulent identification.

Washington State law provides that the Department of Licensing (DOL) "shall implement and use such process or processes in the preparation and issuance of drivers' licenses and identicards that prohibit as nearly as possible the alteration or reproduction of such cards, or the superimposing of other photographs on such cards, without ready detection" (Wash. Rev. Code 46.20.114).

The 1996 supplemental transportation budget required the Legislative Transportation Committee (LTC) to undertake a feasibility study to: (1) identify technologies to improve the Washington State driver's license and identicard, particularly security enhancements; (2) develop an analysis of the attendant costs; and (3) recommend technologies and an implementation schedule for their incorporation.

The feasibility study was conducted under the direction of the LTC's Driver Document Working Group (DDWG), comprised of three members of the House Transportation Committee and three members of the Senate Transportation Committee. To aid in its review, the DDWG retained Q&A Consulting, a firm specializing in driver licensing, and Sterling Associates, a firm specializing in cost accounting, financial analysis and technology management. The final report of the consultants' findings and recommendations was issued

in December 1996. The LTC adopted the recommendations detailed in the report at its December 4, 1996 meeting.

The recommendations include procurement of a new state driver's license and identicard that incorporates the following features:

(1) A central issuance system. The central issuance of driver's licenses requires that a licensee be given a temporary license at the issuance office and that the permanent license, which is produced at a central production site, be mailed to the licensee. Currently, DOL issues licenses instantly while the licensee waits.

(2) A digital imaging system. The digital imaging system allows a person's picture and signature images to be captured, displayed on a computer monitor, and stored on a database system. The image files can later be retrieved and used to make positive identification of a person who is applying for a duplicate license. Currently, DOL uses color photographic cameras and systems to produce driver's licenses, and maintains a negative file of all the pictures it takes. Many jurisdictions (28 states and seven Canadian provinces) use digital imaging to produce their licenses. Of those jurisdictions that do not use digital imaging, 10 are in the process of converting to it.

(3) Machine-readable technologies. Machine readable technologies are codes that can be read by a computer for fast and accurate capture of data. Additionally, machine-readable technologies can verify the authenticity of a license by comparing the information displayed on the face of the license to that stored in the machine-readable feature. The study recommends that the new driver's license contain a magnetic stripe, one-dimensional bar code, and an encrypted two-dimensional bar code. Magnetic stripes, like those placed on most credit cards, are the most popular type of machine-readable technology used by North American driver licensing agencies; presently, they are used by at least 23 jurisdictions. One-dimensional bar codes, like those commonly found on grocery items, are used by at least nine licensing jurisdictions. Two-dimensional (2-D) bar codes, which hold a large amount of data (1,000 bytes), are used by at least 10 licensing jurisdictions. Of those states using the 2-D bar code, most store variable driver information (name, address, height, weight, etc.); others are also placing a black and white picture or signature in the code.

(4) An optical variable device. The image and/or color change of an optical variable device helps to prevent fraudulent duplication because attempts at alteration are apparent via distortion or destruction of the license or identicard.

(5) A second picture of the card holder in ultraviolet ink. Digital printing enables the applicant's ultraviolet photo to be added to the license or identicard for presentation of information that is uniquely tied to the card holder.

Summary of Amended Bill: In accordance with the recommendations in the Feasibility Study of Driver's License Technologies, by July 1, 1999, DOL must enter into a contract for the procurement of a new state driver's license and identicard. The department is required to include the following features and is subject to the following restrictions:

(1) A digital imaging system. The department and any subsequent users are prohibited from incorporating facial recognition technology into the digital photograph that would allow a

one-to-many match. A one-to-many search compares one photograph to all the other photographs in a database to determine if there is a match. DOL can only release the digital photograph to law enforcement agencies in connection with a criminal investigation and must keep an audit trail identifying to whom a particular photo has been released.

(2) Machine readable technologies, including a magnetic stripe, one-dimensional bar code, and a 2-D bar code. This allows information currently on the driver's license to be included in a form that can be read electronically. Any machine-readable information must be encrypted. Access to information in machine-readable format is limited to DOL, the Washington State Patrol (WSP), commissioned law enforcement officers, courts and prosecuting attorneys. Unauthorized access to information encrypted in machine-readable form is made a gross misdemeanor.

(3) A central issuance system.

(4) Prohibition on use of biometrics. Submission of biometrics, i.e., physical attributes unique to individual persons such as fingerprints, cannot be requested or required as part of the license application process. The only biometric image that DOL is authorized to collect and store is the digital photograph (see above).

(5) Prohibition against including Social Security number on the driver's license.

Except as prohibited or limited in the bill, DOL may incorporate other driver's license features recommended in the report as discussed above.

The fee for a driver's license is raised from \$14 to \$20. The fee for an identicard is raised from \$4 to \$6. The fee increase is effective July 1, 1999. The driver's license remains valid for four years. The identicard remains valid for five years.

Amended Bill Compared to Substitute Bill: All references to federal law or mandates were deleted. The exemption from public disclosure requirements for information in the driver's license files was removed. The release of digital photographs was limited to law enforcement agencies conducting a criminal investigation. The Department of Licensing is required to maintain an audit trail reflecting to whom digital photographs are released.

Appropriation: None.

Fiscal Note: Available on SHB 2730; requested for ESHB 2730 on February 19, 1998.

Effective Date: Ninety days after adjournment of session in which bill is passed, except for the driver's license and identicard fee increase provisions which take effect July 1, 1999.

Testimony For: These changes will help to make the driver's license more tamper proof and fraud resistant. The increase in the driver's license fee will provide DOL with the resources necessary to implement the changes.

Testimony Against: These changes are a step toward establishing a national identification card. The changes are a further unwarranted invasion of individual privacy. Placing a digital photograph in the computer file makes all persons who hold a driver's license

potential victims of "hackers" who illegally access the file and use the information to forge documents or assume another person's identity. Having the Social Security number in the same computer file exacerbates this danger.

Testified: Rep. Eric Robertson, prime sponsor; Jackie Juntti, Grassroots (con); Delbert Gilbow, Western Fish & Wildlife Federation (con); Sue Kennedy, self (con); Debbie Thompson, self (con); Bob Brownlee, self (con); Uriah Larson, self (con); Larry Witt, self (con); Don Roberts, North Olympic Phone Tree (con); Leslie Erak, self (con); Janeane Dubuar, Computer Professional for Social Responsibility (con); Rowland Thompson, Allied Daily Newspapers (con, Section 10); Judy Giniger, DOL (pro).