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SENATE BILL 5407

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State of Washington                      62nd Legislature                      2011 Regular Session

By Senators Haugen, King, Becker, Prentice, Honeyford, and Hargrove

Read first time 01/24/11. Referred to Committee on Transportation.

1            AN ACT Relating to the issuance of drivers' licenses, drivers'  
2 instruction permits, juvenile agricultural driving permits, and  
3 identicards; amending RCW 46.20.035, 46.20.091, 46.20.105, 46.20.161,  
4 and 46.20.181; reenacting and amending RCW 66.16.040; adding new  
5 sections to chapter 46.20 RCW; creating a new section; repealing RCW  
6 46.20.117; and providing an effective date.

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

8            **Sec. 1.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to read  
9 as follows:

10            The department may not issue an identicard (~~(or a)~~), Washington  
11 state driver's license, driver's instruction permit, or juvenile  
12 agricultural driving permit that is valid for identification purposes  
13 unless the applicant meets the identification requirements of  
14 subsection (1), (2), or (3) of this section.

15            (1) (~~A driver's license or identicard~~) An applicant must provide  
16 the department with at least one of the following pieces of valid  
17 identifying documentation that contains the signature and a photograph  
18 of the applicant:

1 (a) A valid or recently expired driver's license or instruction  
2 permit that includes the date of birth of the applicant;

3 (b) A Washington state identicard or an identification card issued  
4 by another state;

5 (c) An identification card issued by the United States, a state, or  
6 an agency of either the United States or a state, of a kind commonly  
7 used to identify the members or employees of the government agency;

8 (d) A military identification card;

9 (e) A United States passport; or

10 (f) (~~An immigration and naturalization~~) United States citizenship  
11 and immigration services form.

12 (2) An applicant who is a minor may establish identity by providing  
13 an affidavit of the applicant's parent or guardian. The parent or  
14 guardian must accompany the minor and display or provide:

15 (a) At least one piece of documentation in subsection (1) of this  
16 section establishing the identity of the parent or guardian; and

17 (b) Additional documentation establishing the relationship between  
18 the parent or guardian and the applicant.

19 (3) A person unable to provide identifying documentation as  
20 specified in subsection (1) or (2) of this section may request that the  
21 department review other available documentation in order to ascertain  
22 identity. The department may waive the requirement if it finds that  
23 other documentation clearly establishes the identity of the applicant.  
24 Notwithstanding the requirements in subsection (2) of this section, the  
25 department shall issue an identicard to an applicant for whom it  
26 receives documentation pursuant to RCW 74.13.283.

27 (4) An identicard (~~or a~~) driver's license, driver's instruction  
28 permit, or juvenile agricultural driving permit that includes a  
29 photograph that has been renewed by mail or by electronic commerce is  
30 valid for identification purposes if the applicant met the  
31 identification requirements of subsection (1), (2), or (3) of this  
32 section at the time of previous issuance.

33 (5) The form of an applicant's name, as established under this  
34 section, is the person's name of record for the purposes of this  
35 chapter.

36 (6) If the applicant is unable to prove his or her identity under  
37 this section, the department shall plainly label the driver's license,

1 driver's instruction permit, or juvenile agricultural driving permit  
2 "not valid for identification purposes."

3 NEW SECTION. Sec. 2. A new section is added to chapter 46.20 RCW  
4 to read as follows:

5 In order to apply for a driver's license, driver's instruction  
6 permit, juvenile agricultural driving permit, or identicard, the  
7 applicant must:

8 (1) Provide his or her:

9 (a) Name of record, as established by documentation required under  
10 RCW 46.20.035;

11 (b) Date of birth, as established by satisfactory evidence of age;

12 (c) Sex;

13 (d) Washington residence address;

14 (e) Documentation proving Washington residency;

15 (f) Description;

16 (g) Social security number or, if the applicant has not been issued  
17 a social security number, proof that the applicant is lawfully within  
18 the United States; and

19 (h) Any additional information required by the department;

20 (2) Indicate on a form provided by the department whether the  
21 applicant is a Washington resident. The form must be sworn to and  
22 signed by the applicant before a person authorized to administer oaths;  
23 and

24 (3) Meet the requirements of RCW 46.20.035.

25 **Sec. 3.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read  
26 as follows:

27 (1) **Application.** In ~~((order to apply))~~ addition to the application  
28 requirements under section 2 of this act, the applicant for a driver's  
29 license or driver's instruction permit ~~((the applicant))~~ must provide  
30 his or her ~~((~~

31 ~~(a) Name of record, as established by documentation required under~~  
32 ~~RCW 46.20.035;~~

33 ~~(b) Date of birth, as established by satisfactory evidence of age;~~

34 ~~(c) Sex;~~

35 ~~(d) Washington residence address;~~

36 ~~(e) Description;~~

1       ~~(f))~~ driving licensing history, including:

2       ~~((i))~~ (a) Whether the applicant has ever been licensed as a  
3 driver or chauffeur and, if so, ~~((A))~~ (i) when and by what state or  
4 country; ~~((B))~~ (ii) whether the license has ever been suspended or  
5 revoked; and ~~((C))~~ (iii) the date of and reason for the suspension or  
6 revocation; or

7       ~~((ii))~~ (b) Whether the applicant's application to another state  
8 or country for a driver's license has ever been refused and, if so, the  
9 date of and reason for the refusal~~((and~~

10       ~~(g) Any additional information required by the department))~~.

11       (2) **Sworn statement.** An ~~((application))~~ applicant for ~~((an))~~ a  
12 driver's instruction permit or ~~((for an))~~ original driver's license  
13 must ~~((be made upon))~~ indicate, on a form provided by the department~~((-~~  
14 ~~The form must include a section for the applicant to indicate))~~,  
15 whether he or she has received driver training and, if so, where. The  
16 identifying documentation verifying the name of record must be  
17 accompanied by the applicant's written statement that it is valid. The  
18 information provided on the form must be sworn to and signed by the  
19 applicant before a person authorized to administer oaths. ~~((An~~  
20 ~~applicant who makes a false statement on an application for a driver's~~  
21 ~~license or instruction permit is guilty of false swearing, a gross~~  
22 ~~misdemeanor, under RCW 9A.72.040.))~~

23       (3) **Driving records from other jurisdictions.** If a person  
24 previously licensed in another jurisdiction applies for a Washington  
25 driver's license, the department shall request a copy of the  
26 applicant's driver's record from the other jurisdiction. The driving  
27 record from the other jurisdiction becomes a part of the driver's  
28 record in this state.

29       (4) **Driving records to other jurisdictions.** If another  
30 jurisdiction requests a copy of a person's Washington driver's record,  
31 the department shall provide a copy of the record. The department  
32 shall forward the record without charge if the other jurisdiction  
33 extends the same privilege to the state of Washington. Otherwise the  
34 department shall charge a reasonable fee for transmittal of the record.

35       (5) Violation. An applicant who makes a false statement on an  
36 application for a driver's license or driver's instruction permit is  
37 guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 46.20 RCW  
2 to read as follows:

3        (1) The department may cancel an identicard if the holder of the  
4 identicard used the identicard or allowed others to use the identicard  
5 in violation of RCW 46.20.0921.

6        (2) An applicant who makes a false statement on an application for  
7 an identicard is guilty of false swearing, a gross misdemeanor, under  
8 RCW 9A.72.040.

9        **Sec. 5.**    RCW 46.20.105 and 2000 c 115 s 5 are each amended to read  
10 as follows:

11        (1) The department may provide a method to distinguish the driver's  
12 license of a person who is under the age of twenty-one from the  
13 driver's license of a person who is twenty-one years of age or older.

14        (2) (~~An~~) A driver's instruction permit must be identified as an  
15 "instruction permit" and issued in a distinctive form as determined by  
16 the department.

17        (3) An intermediate license must be identified as an "intermediate  
18 license" and issued in a distinctive form as determined by the  
19 department.

20        (4) An identicard must be distinctly designed so that it will not  
21 be confused with an official driver's license.

22        **Sec. 6.**    RCW 46.20.161 and 2000 c 115 s 6 are each amended to read  
23 as follows:

24        (1) The department, upon receipt of a fee of twenty-five dollars,  
25 unless the driver's license is issued for a period other than five  
26 years, in which case the fee shall be five dollars for each year that  
27 the license is issued, which includes the fee for the required  
28 photograph, shall issue to every qualifying applicant a driver's  
29 license. A driver's license issued to a person under the age of  
30 eighteen is an intermediate license, subject to the restrictions  
31 imposed under RCW 46.20.075, until the person reaches the age of  
32 eighteen. The license must include a distinguishing number assigned to  
33 the licensee, the name of record, date of birth, Washington residence  
34 address, photograph, a brief description of the licensee, and either a  
35 facsimile of the signature of the licensee or a space upon which the

1 licensee shall write his or her usual signature with pen and ink  
2 immediately upon receipt of the license. No license is valid until it  
3 has been so signed by the licensee.

4 (2) The department, upon receipt of a fee of twenty dollars, shall  
5 issue to every qualifying applicant an identicard. If the applicant is  
6 a recipient of continuing public assistance grants under Title 74 RCW,  
7 who is referred in writing by the secretary of social and health  
8 services, the fee must be the actual cost of production of the  
9 identicard.

10 **Sec. 7.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read  
11 as follows:

12 ~~(1) ((Except as provided in subsection (4) of this section,))~~ Every  
13 driver's license expires on the fifth anniversary of the licensee's  
14 birthdate following the issuance of the license.

15 (2) A person may renew his or her license on or before the  
16 expiration date by submitting an application as prescribed by the  
17 department and paying a fee of twenty-five dollars. This fee includes  
18 the fee for the required photograph.

19 (3) A person renewing his or her driver's license more than sixty  
20 days after the license has expired shall pay a penalty fee of ten  
21 dollars in addition to the renewal fee, unless his or her license  
22 expired when:

23 (a) The person was outside the state and he or she renews the  
24 license within sixty days after returning to this state; or

25 (b) The person was incapacitated and he or she renews the license  
26 within sixty days after the termination of the incapacity.

27 ~~(4) ((During the period from July 1, 2000, to July 1, 2006, the~~  
28 ~~department may issue or renew a driver's license for a period other~~  
29 ~~than five years, or may extend by mail a license that has already been~~  
30 ~~issued, in order to evenly distribute, as nearly as possible, the~~  
31 ~~yearly renewal rate of licensed drivers. The fee for a driver's~~  
32 ~~license issued or renewed for a period other than five years, or that~~  
33 ~~has been extended by mail, is five dollars for each year that the~~  
34 ~~license is issued, renewed, or extended. The department may adopt any~~  
35 ~~rules as are necessary to carry out this subsection.))~~ Every identicard  
36 expires on the fifth anniversary of the identicard holder's birthday  
37 after issuance of the identicard.

1       (5) An application for identicard renewal may be submitted (a) by  
2 means of personal appearance before the department and payment of a  
3 twenty dollar fee, or (b) by mail or electronic commerce if permitted  
4 by rule of the department and if the applicant did not renew his or her  
5 identicard by mail or by electronic commerce when it last expired. An  
6 identicard may not be renewed by mail or by electronic commerce unless  
7 the renewal issued by the department includes a photograph of the  
8 identicard holder. If the applicant is a recipient of continuing  
9 public assistance grants under Title 74 RCW, who is referred in writing  
10 by the secretary of social and health services, the fee must be the  
11 actual cost of production of the identicard.

12       NEW SECTION. Sec. 8. A new section is added to chapter 46.20 RCW  
13 to read as follows:

14       (1) Before issuing a driver's license, driver's instruction permit,  
15 juvenile agricultural driving permit, or identicard, the department  
16 shall:

17       (a) Verify that the social security number submitted by the  
18 applicant is authentic and is associated with the applicant; and

19       (b) Verify that the residential address submitted by the applicant  
20 is a valid address and does not appear to be an address being used for  
21 fraudulent purposes.

22       (2) Before issuing an identicard, the department shall verify that  
23 the applicant does not hold a valid Washington driver's license.

24       (3)(a) If the department is unable to verify the applicant's social  
25 security number and residential address as described in subsection (1)  
26 of this section, the department shall put the application in pending  
27 status and advise the applicant that he or she has fourteen days to  
28 verify that he or she has provided the accurate residential address and  
29 social security number.

30       (b) If, after fourteen days, the applicant has not responded to the  
31 department's notice of pending status or new information provided by  
32 the applicant is not verifiable, the department shall deny the  
33 application and the applicant may not receive a refund for fees paid.

34       (4) If the department has reason to believe that any information  
35 provided by an applicant is fraudulent, the department may require  
36 additional documentation.

1 (5) The department shall not mail a permanent driver's license,  
2 driver's instruction permit, juvenile agricultural driving permit, or  
3 identicard to an address outside the state of Washington unless it has  
4 verification that the applicant:

5 (a) Lives on or near the border of Oregon or Idaho and has a  
6 mailing address in Oregon or Idaho but actually resides in Washington  
7 state;

8 (b) Is a service member, as defined in RCW 46.20.027, or a  
9 dependent of the service member;

10 (c) Is a dependent student who is a resident of Washington state;  
11 or

12 (d) Meets the requirements of RCW 46.20.120(4).

13 **Sec. 9.** RCW 66.16.040 and 2005 c 206 s 1, 2005 c 151 s 5, and 2005  
14 c 102 s 1 are each reenacted and amended to read as follows:

15 Except as otherwise provided by law, an employee in a state liquor  
16 store or contract liquor store may sell liquor to any person of legal  
17 age to purchase alcoholic beverages and may also sell to holders of  
18 permits such liquor as may be purchased under such permits.

19 Where there may be a question of a person's right to purchase  
20 liquor by reason of age, such person shall be required to present any  
21 one of the following officially issued cards of identification which  
22 shows his/her correct age and bears his/her signature and photograph:

23 (1) Driver's license, instruction permit, or identification card of  
24 any state or province of Canada, or ((<sup>±</sup>))identicard((<sup>±</sup>)) issued by the  
25 Washington state department of licensing pursuant to ((RCW 46.20.117))  
26 chapter 46.20 RCW.

27 (2) United States armed forces identification card issued to active  
28 duty, reserve, and retired personnel and the personnel's dependents,  
29 which may include an imbedded, digital signature in lieu of a visible  
30 signature.

31 (3) Passport.

32 (4) Merchant Marine identification card issued by the United States  
33 Coast Guard.

34 (5) Enrollment card issued by the governing authority of a  
35 federally recognized Indian tribe located in Washington, if the  
36 enrollment card incorporates security features comparable to those  
37 implemented by the department of licensing for Washington drivers'

1 licenses. At least ninety days prior to implementation of an  
2 enrollment card under this subsection, the appropriate tribal authority  
3 shall give notice to the board. The board shall publish and  
4 communicate to licensees regarding the implementation of each new  
5 enrollment card.

6 The board may adopt such regulations as it deems proper covering  
7 the cards of identification listed in this section.

8 No liquor sold under this section shall be delivered until the  
9 purchaser has paid for the liquor in cash, except as allowed under RCW  
10 66.16.041. The use of a personal credit card does not rely upon the  
11 credit of the state as prohibited by Article VIII, section 5 of the  
12 state Constitution.

13 NEW SECTION. **Sec. 10.** By January 1, 2012, the traffic safety  
14 commission shall educate the public of the ramifications of this act in  
15 terms of the changes in documentation that will be required when  
16 applying for a driver's license, driver's instruction permit, juvenile  
17 agricultural driving permit, or identicard.

18 NEW SECTION. **Sec. 11.** RCW 46.20.117 (Identicards) and 2005 c 314  
19 s 305, 2004 c 249 s 5, 2002 c 352 s 12, 1999 c 274 s 15, 1999 c 6 s 18,  
20 1993 c 452 s 3, 1986 c 15 s 1, 1985 ex.s. c 1 s 3, 1985 c 212 s 1, 1981  
21 c 92 s 2, 1971 ex.s. c 65 s 1, & 1969 ex.s. c 155 s 4 are each  
22 repealed.

23 NEW SECTION. **Sec. 12.** Except for section 10 of this act, this act  
24 takes effect January 1, 2012.

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