

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2150**

54th Legislature  
1996 Regular Session

Passed by the House March 5, 1996  
Yeas 95 Nays 0

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**Speaker of the  
House of Representatives**

Passed by the Senate March 1, 1996  
Yeas 43 Nays 6

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2150** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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ENGROSSED SUBSTITUTE HOUSE BILL 2150

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AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

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 46.20.035, 46.20.055, 46.20.091,  
3 and 46.20.118; reenacting and amending RCW 46.63.020; adding a new  
4 section to chapter 46.20 RCW; creating new sections; and prescribing  
5 penalties.

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

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

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

18            This act enhances the procedures established in chapter 452, Laws  
19 of 1993, by directing the department of licensing to retain secondary

1 identification documentation where necessary to verify the validity of  
2 the documents. It further requires a license applicant to sign a  
3 statement that identifying documentation is valid. Making a false  
4 statement regarding the validity of any identifying information  
5 constitutes false swearing, a gross misdemeanor.

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

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

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

24 **Sec. 3.** RCW 46.20.035 and 1993 c 452 s 1 are each amended to read  
25 as follows:

26 (1) The department may not issue an identicard or a Washington  
27 state driver's license, except as provided in RCW 46.20.116, unless the  
28 applicant has satisfied the department regarding his or her identity.  
29 Except as provided in subsection (2) of this section, an applicant has  
30 not satisfied the identity requirements of this section unless he or  
31 she displays or provides the department with at least one of the  
32 following pieces of valid identifying documentation:

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

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

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

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

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

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

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

19 (2) A person unable to provide identifying satisfactory  
20 documentation as specified in subsection (1) of this section may  
21 request that the department review other available documentation in  
22 order to ascertain identity. The department may retain documentation  
23 submitted for review under this subsection, in order to investigate its  
24 validity, except as provided in subsection (3) of this section. The  
25 department may waive the requirement for specific identifying  
26 documentation under subsection (1) of this section if it finds that  
27 other documentation clearly establishes the identity of the applicant.  
28 The department may issue a temporary driver's permit as provided in RCW  
29 46.20.055(4), pending the investigation of documentation submitted by  
30 an applicant for review.

31 (3) The department may not retain originals of green cards or other  
32 documents issued by the immigration and naturalization service, or  
33 documents of foreign origin. The department may make photocopies of  
34 these documents in order to determine validity. The department may  
35 issue to the applicant a temporary driver's permit or temporary  
36 identicard as provided in RCW 46.20.055(4) and 46.20.117, pending an  
37 investigation of documentation submitted under this subsection.

38 (4) 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. 4.** 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. In the case  
14 of investigation of identification documents under RCW 46.20.035(3),  
15 the department may issue a temporary license pending the investigation  
16 of documentation submitted by an applicant for review. Such permit  
17 must be in the permittee's immediate possession while driving a motor  
18 vehicle, and it shall be invalid when the permittee's license has been  
19 issued or for good cause has been refused.

20 **Sec. 5.** RCW 46.20.091 and 1990 c 250 s 35 are each amended to read  
21 as follows:

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

32 (2) Every such application shall state the full name, date of  
33 birth, sex, and Washington residence address of the applicant, and  
34 briefly describe the applicant, and shall state whether the applicant  
35 has theretofore been licensed as a driver or chauffeur, and, if so,  
36 when and by what state or country, and whether any such license has  
37 ever been suspended or revoked, or whether an application has ever been  
38 refused, and, if so, the date of and reason for such suspension,

1 revocation, or refusal, and shall state such additional information as  
2 the department shall require, including a statement that identifying  
3 documentation presented by the applicant is valid.

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

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

15 **Sec. 6.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read  
16 as follows:

17 The department shall maintain a negative file. It shall contain  
18 negatives of all pictures taken by the department of licensing as  
19 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file  
20 shall not be available for public inspection and copying under chapter  
21 42.17 RCW. The department (~~may~~) shall make the file 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. 7.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s  
27 16, and 1995 c 256 s 25 are each reenacted and amended to read as  
28 follows:

29 Failure to perform any act required or the performance of any act  
30 prohibited by this title or an equivalent administrative regulation or  
31 local law, ordinance, regulation, or resolution relating to traffic  
32 including parking, standing, stopping, and pedestrian offenses, is  
33 designated as a traffic infraction and may not be classified as a  
34 criminal offense, except for an offense contained in the following  
35 provisions of this title or a violation of an equivalent administrative  
36 regulation or local law, ordinance, regulation, or resolution:

1 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
2 vehicle while under the influence of intoxicating liquor or a  
3 controlled substance;  
4 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;  
5 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
6 while under the influence of intoxicating liquor or narcotics or  
7 habit-forming drugs or in a manner endangering the person of another;  
8 (4) RCW 46.10.130 relating to the operation of snowmobiles;  
9 (5) Chapter 46.12 RCW relating to certificates of ownership and  
10 registration and markings indicating that a vehicle has been destroyed  
11 or declared a total loss;  
12 (6) RCW 46.16.010 relating to initial registration of motor  
13 vehicles;  
14 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
15 drive;  
16 (8) RCW 46.16.160 relating to vehicle trip permits;  
17 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
18 acquisition of a special placard or license plate for disabled persons'  
19 parking;  
20 (10) RCW 46.20.021 relating to driving without a valid driver's  
21 license;  
22 (11) RCW 46.20.091 relating to false statements regarding a  
23 driver's license or instruction permit;  
24 (12) RCW 46.20.336 relating to the unlawful possession and use of  
25 a driver's license;  
26 ~~((+12+))~~ (13) RCW 46.20.342 relating to driving with a suspended or  
27 revoked license or status;  
28 ~~((+13+))~~ (14) RCW 46.20.410 relating to the violation of  
29 restrictions of an occupational driver's license;  
30 ~~((+14+))~~ (15) RCW 46.20.420 relating to the operation of a motor  
31 vehicle with a suspended or revoked license;  
32 ~~((+15+))~~ (16) RCW 46.20.750 relating to assisting another person to  
33 start a vehicle equipped with an ignition interlock device;  
34 ~~((+16+))~~ (17) RCW 46.25.170 relating to commercial driver's  
35 licenses;  
36 ~~((+17+))~~ (18) Chapter 46.29 RCW relating to financial  
37 responsibility;  
38 ~~((+18+))~~ (19) RCW 46.30.040 relating to providing false evidence of  
39 financial responsibility;

1        ~~((19))~~ (20) RCW 46.37.435 relating to wrongful installation of  
2        sunscreening material;  
3        ~~((20))~~ (21) RCW 46.44.180 relating to operation of mobile home  
4        pilot vehicles;  
5        ~~((21))~~ (22) RCW 46.48.175 relating to the transportation of  
6        dangerous articles;  
7        ~~((22))~~ (23) RCW 46.52.010 relating to duty on striking an  
8        unattended car or other property;  
9        ~~((23))~~ (24) RCW 46.52.020 relating to duty in case of injury to  
10       or death of a person or damage to an attended vehicle;  
11       ~~((24))~~ (25) RCW 46.52.090 relating to reports by repairmen,  
12       storagemen, and appraisers;  
13       ~~((25))~~ (26) RCW 46.52.100 relating to driving under the influence  
14       of liquor or drugs;  
15       ~~((26))~~ (27) RCW 46.52.130 relating to confidentiality of the  
16       driving record to be furnished to an insurance company, an employer,  
17       and an alcohol/drug assessment or treatment agency;  
18       ~~((27))~~ (28) RCW 46.55.020 relating to engaging in the activities  
19       of a registered tow truck operator without a registration certificate;  
20       ~~((28))~~ (29) RCW 46.55.035 relating to prohibited practices by tow  
21       truck operators;  
22       ~~((29))~~ (30) RCW 46.61.015 relating to obedience to police  
23       officers, flagmen, or fire fighters;  
24       ~~((30))~~ (31) RCW 46.61.020 relating to refusal to give information  
25       to or cooperate with an officer;  
26       ~~((31))~~ (32) RCW 46.61.022 relating to failure to stop and give  
27       identification to an officer;  
28       ~~((32))~~ (33) RCW 46.61.024 relating to attempting to elude  
29       pursuing police vehicles;  
30       ~~((33))~~ (34) RCW 46.61.500 relating to reckless driving;  
31       ~~((34))~~ (35) RCW 46.61.502 and 46.61.504 relating to persons under  
32       the influence of intoxicating liquor or drugs;  
33       ~~((35))~~ (36) RCW (~~46.61.5055 (section 5, chapter 332 (Substitute~~  
34       ~~Senate Bill No. 5141), Laws of 1995~~)) 46.61.503 relating to a person  
35       under age twenty-one driving a motor vehicle after consuming alcohol;  
36       ~~((36))~~ (37) RCW 46.61.520 relating to vehicular homicide by motor  
37       vehicle;  
38       ~~((37))~~ (38) RCW 46.61.522 relating to vehicular assault;  
39       ~~((38))~~ (39) RCW 46.61.525 relating to negligent driving;

1       (~~(39)~~) (40) RCW 46.61.527(4) relating to reckless endangerment of  
2 roadway workers;  
3       (~~(40)~~) (41) RCW 46.61.530 relating to racing of vehicles on  
4 highways;  
5       (~~(41)~~) (42) RCW 46.61.685 relating to leaving children in an  
6 unattended vehicle with the motor running;  
7       (~~(42)~~) (43) RCW 46.64.010 relating to unlawful cancellation of or  
8 attempt to cancel a traffic citation;  
9       (~~(43)~~) (44) RCW 46.64.048 relating to attempting, aiding,  
10 abetting, coercing, and committing crimes;  
11       (~~(44)~~) (45) Chapter 46.65 RCW relating to habitual traffic  
12 offenders;  
13       (~~(45)~~) (46) Chapter 46.70 RCW relating to unfair motor vehicle  
14 business practices, except where that chapter provides for the  
15 assessment of monetary penalties of a civil nature;  
16       (~~(46)~~) (47) Chapter 46.72 RCW relating to the transportation of  
17 passengers in for hire vehicles;  
18       (~~(47)~~) (48) Chapter 46.80 RCW relating to motor vehicle wreckers;  
19       (~~(48)~~) (49) Chapter 46.82 RCW relating to driver's training  
20 schools;  
21       (~~(49)~~) (50) RCW 46.87.260 relating to alteration or forgery of a  
22 cab card, letter of authority, or other temporary authority issued  
23 under chapter 46.87 RCW;  
24       (~~(50)~~) (51) RCW 46.87.290 relating to operation of an  
25 unregistered or unlicensed vehicle under chapter 46.87 RCW.

26       NEW SECTION. Sec. 8. (1) The legislative transportation committee  
27 is directed to appoint a consultant to assist the committee in  
28 undertaking a study of the methods and technology currently available  
29 to create a driver's license and identicard that cannot be fraudulently  
30 obtained from the department of licensing, thereby providing the  
31 public, businesses, and agencies with a more secure driver's license.  
32 The scope of the study shall be determined by the legislative  
33 transportation committee, but at a minimum, shall include an  
34 examination of:

35       (a) Improving identity verification with the use of biometric  
36 systems; determining the type of biometric system to be utilized; and  
37 examining system costs. A "biometric system" refers to the use of

1 identification technology to verify the identity of individuals through  
2 comparison of unique physical characteristics;

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

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

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

8 (2) The consultant and the legislative transportation committee  
9 shall work closely with the department of licensing in developing  
10 recommendations.

11 (3) The legislative transportation committee shall deliver a final  
12 report and recommendations to the legislature by December 15, 1996.

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