

HOUSE BILL REPORT

HB 1243

As Reported By House Committee On:

Transportation Policy & Budget

Title: An act relating to driver's license and identicard security.

Brief Description: Enhancing security of identicards and drivers' licenses.

Sponsors: Representatives K. Schmidt, Hatfield, Skinner, Scott, Zellinsky, Fisher, O'Brien, Mitchell, Wood, Delvin, Smith, Robertson, Sterk, DeBolt, Radcliff, McMorris, Backlund, Cairnes, Mastin, Boldt, Ogden, L. Thomas, Hankins, Wensman, Johnson and Benson.

Brief History:

Committee Activity:

Transportation Policy & Budget: 1/27/97, 2/20/97 [DPS].

HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Fisher, Ranking Minority Member; Blalock, Assistant Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Backlund; Cairnes; Chandler; Gardner; Johnson; Ogden; Radcliff; Sterk; Wood and Zellinsky.

Minority Report: Without recommendation. Signed by 2 members: Representatives Buck and Romero.

Staff: Jennifer Joly (786-7305).

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 their 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. 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. Most jurisdictions (28 states and seven Canadian provinces) use digital imaging to produce their licenses. Additionally, 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 electronic finger image identification system. Finger imaging systems use the image of a person's finger tip to uniquely identify an applicant. This system will be designed to compare live finger scans to those stored in a database, to prevent the issuance of multiple licenses to the same person. A one-to-many finger image search, to determine if an applicant is enrolled in the system under a different name, will be conducted of each person applying for an original license or identicard, as well as for renewals or duplicates during the first four years of the system. Currently, the largest one-to-many finger imaging search applications are for law enforcement and departments of social services (to eliminate multiple enrollment for benefits). After the initial four-year implementation of the system, a one-to-one finger image search, matching the present finger scan to the image that was captured when that person was enrolled in the system, will be conducted of each person applying for a renewal or duplicate license or identicard.

(5) 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.

(6) 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 Substitute Bill: In accordance with the recommendations in the *Feasibility Study of Driver's License Technologies*, by February 1, 1998, the Department of Licensing (DOL) shall enter into a contract for the procurement of a new state driver's license and identicard. The contract will provide for the incorporation of the following features (as described in the background section above): (1) a central issuance system; (2) a digital imaging system; (3) machine readable technologies (including a magnetic stripe, one-dimensional bar code, and a two-dimensional bar code); (4) a voluntary electronic finger image identification system; (5) a fusion optical variable device; and (6) a second picture of the card holder in ultraviolet ink.

Applicants for original, renewal or duplicate driver's licenses and identicards may submit to an electronic finger scan. Those applicants who decline to submit to an electronic finger scan shall be issued a license or identicard that is clearly differentiated from a standard issue license or identicard.

Upon receipt of a court order that has been issued pursuant to a showing of probable cause to believe that the location of a fingerprint at a crime scene would suggest that the fingerprint could belong to the person who committed the crime, DOL shall allow fingerprints found at a crime scene to be compared to DOL's finger image database. Additionally, a court may grant access to the database upon a showing of probable cause to believe that it will assist a government enforcement agency in identifying a missing, incapacitated or deceased person.

The fee for a driver's license is raised from \$14 to \$22. The fee for an identicard is raised from \$4 to \$10. Both the driver's license and identicard remain valid for four years.

Substitute Bill Compared to Original Bill: The legislative declaration that the driver's license has become a de facto national identification document— is deleted.

Finger imaging is made voluntary. However, those applicants failing to submit to a finger scan would be issued a license or identicard that is clearly differentiated from a standard issue license or identicard.

The optical variable device should be of a fusion technology, rather than either fusion or trimodal.

The identicard fee increase is changed from \$22 to \$10.

Language amending RCW 46.20.118, which permits official government enforcement agencies to have access to DOL's finger image database in certain circumstances provided there is no probable cause, is placed in a new section in RCW 46.20.

The Governor, through DOL, shall try to seek a waiver to the federal requirement that each state place drivers' social security numbers on the face of their licenses, or complete a social security verification process for those Washington residents who have submitted an electronic finger scan as provided in SHB 1243.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 21, 1997.

Effective Date of Substitute Bill: The bill contains several effective dates. Please refer to the bill.

Testimony For: The tool most commonly used to commit fraud is the driver's license. If people could be prevented from obtaining fraudulent driver's licenses, state government, business and ordinary law-abiding residents could save millions of dollars. Furthermore, law enforcement, retailers and financial institutions could rely

on the driver's license as a valid form of identification. The only reliable method for preventing criminals from receiving more than one identity from the Department of Licensing is to require everyone who applies for a license to submit a biometric, like a finger image. Washington's driver's license should keep pace with the technologies that have been implemented in other states, or our state will continue to be an easy target for fraud.

Testimony Against: One's fingerprint is private. Electronic fingerprinting is even more invasive than the traditional ink-and-roll method of fingerprinting due to the ease of dissemination and copying of electronic records. Additionally, inaccuracies are inherent when fingerprinting via electronic scan because the computer is compressing the image. The major desire for this technology comes from banks and retailers who have chosen to use the driver's license as an identification card; this is a private problem, not a governmental one, and it should be up to private industry to deal with the problem. Machine readable technologies are problematic because they allow merchants to record information about their customers for purposes of mass mailings.

Testified: Tim Schellberg, Washington Association of Sheriffs and Police Chiefs/Coalition for Reliable Driver's Licenses (pro); D.J. Nessel, King County Police Department/Coalition for Reliable Driver's Licenses (pro); Joe Paul, Frontier Bank/Washington Bankers Association (pro); Ron Conlin, Southland Corporation (pro); Detective Jim Gallagher, Des Moines Police Department (pro); Betty Pan, identity fraud victim (pro); Laura Mertz, identity fraud victim (pro); Jerry Sheehan, American Civil Liberties Union (con); Kent Lundgren, Immigration and Naturalization Service (pro); Harold Chambers, citizen (con); Larry Carlier, U.S. Post Office (pro); Ruth Dorn, citizen (con); Rick Jensen, Mothers Against Drunk Drivers/Car & Truck Renting & Leasing Association (pro); Gordon Walgren, Car & Truck Renting & Leasing Association (pro); Cheryl Myers, citizen (con); Cindy Jackola, citizen (con); Ken Mark, Department of Licensing (pro); Bob Whitlow, citizen (con); Mike Hattersley, citizen (con); Michael Hanson, citizen (con); Captain Marsh Pugh, Washington State Patrol (pro); Jim McIntyre, citizen (con); Bill Hanson, Washington State Patrol Troopers and Sergeants Association (pro); Janeane Dubuar, Computer Professionals for Social Responsibility (con); Melanie Dubuar, citizen (con); and Art Jackson, The Bon Marche/Washington Retail Association (pro).