

SENATE BILL REPORT

SHB 1501

As Reported By Senate Committee On:
Transportation, April 7, 1997

Title: An act relating to drivers' licenses.

Brief Description: Clarifying and making technical corrections to driver's license statutes.

Sponsors: House Committee on Transportation Policy & Budget (originally sponsored by Representatives Robertson, Scott and Mielke; by request of Department of Licensing).

Brief History:

Committee Activity: Transportation: 4/3/97, 4/7/97 [DPA, DNPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

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

Minority Report: Do not pass as amended.

Signed by Senators Benton, Vice Chair; and Heavey.

Staff: Jennifer Joly (786-7305)

Background: In the 1994 Youth Violence Prevention Act, the Legislature amended RCW 46.20.265 so that multiple driver's license revocations for minors convicted of repeated alcohol, drug and firearm offenses run consecutively. However, due to a drafting oversight, the portion of RCW 46.20.265 pertaining to driver's license reinstatement was not accordingly amended.

The statute that specifies the appeal process following the Department of Licensing's (DOL) determination that a driver's license should be suspended or revoked following an arrest for driving under the influence provides that the appeal be filed "in the same manner as an appeal from a decision of a court of limited jurisdiction." Generally, this provision has been interpreted to mean that the Supreme Court's Rules for Appeal of Decisions of Courts of Limited Jurisdiction (RALJ) should apply. However, use of the RALJs has caused confusion in some courts due to the apparent inapplicability of many of the rules to an administrative agency.

In 1995 the Legislature directed the department to waive the \$50 fee for a probationary driver's license when a person who already possesses a probationary license is required to obtain a new one. The 1995 amendment to abolish the fee does not, however, allow DOL to waive the requirement that a person obtain a new probationary license which is merely a duplicate of the one previously issued.

RCW 46.61.503 makes it a crime for a minor to drive a motor vehicle while having an alcohol concentration of 0.02 or more. The implied consent statute, RCW 46.20.308, speaks to whether the minor was driving or in actual physical control of the vehicle.

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 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 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 its review, 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. 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. Additionally, of those jurisdictions that do not use digital imaging, ten 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 ten 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. If implemented, this system would 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, would 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, would 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 Amended Bill: RCW 46.20.265 is amended to clarify that reinstatement of a juvenile's privilege to drive following a revocation is subject to expiration of the revocation periods prescribed in statute.

The process for appealing a driver's license suspension or revocation following an arrest for driving while under the influence of alcohol or drugs is set forth. Namely, notice of appeal must be filed within 30 days after the date the final order is served. The appeal is confined to the record of the administrative hearing. The determination of the superior court is limited to whether the department has committed any errors of law.

The requirement to obtain an additional probationary license upon renewal is abolished.

RCW 46.61.503 is amended to clarify that it is a crime for a minor to be in physical control of, not just driving, a motor vehicle while having an alcohol concentration of 0.02 or more.

In accordance with some of the recommendations in the Feasibility Study of Driver's License Technologies, by February 1, 1998, DOL must enter into a contract for the procurement of a new state driver's license and identicard. The contract provides 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); and (4) an optical variable device. The study recommendation for an electronic finger image identification system is not included, and a second picture of the card holder in ultraviolet ink is made optional at the discretion of DOL.

The fee for a driver's license is raised from \$14 to \$20. The fee for an identicard is raised from \$4 to \$10.

Amended Bill Compared to Substitute Bill: Effective February 1, 1998, DOL must enter into a contract for the procurement of a new state driver's license and identicard with the following features: (1) a central issuance system; (2) a digital imaging system; (3) machine-readable technologies (i.e., one-dimensional bar code, two-dimensional bar code, and a magnetic stripe); and (4) an optical variable device. The study recommendation for an electronic finger image identification system is not included, and a second picture of the card holder in ultraviolet ink is made optional at the discretion of DOL. The driver's license fee is raised from \$14 to \$20; the identicard fee is raised from \$4 to \$10.

Appropriation: None.

Fiscal Note: Requested on April 4, 1997.

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

Testimony For: The bill is necessary to clarify procedural issues and make technical corrections to statutes relating to driver's licenses. 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. 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: None.

Testified: PRO: Tim Schellberg, WA Association of Sheriffs and Police Chiefs; Bob Gee, WA Retail Association; D.J. Nesel, King County Police; Clark Holloway, DOL.