
ENGROSSED SUBSTITUTE HOUSE BILL 1243

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Transportation Policy & Budget (originally sponsored by 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)

Read first time 02/25/97.

1 AN ACT Relating to driver's license and identicard security;
2 amending RCW 46.20.091, 46.20.117, 46.20.118, 46.20.161, and 46.20.181;
3 adding new sections to chapter 46.20 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that while the
6 driver's license was designed to be merely a declaration of the
7 privilege to operate a motor vehicle, now drivers' licenses and
8 identicards issued by the department of licensing are the most widely
9 accepted forms of personal identification used by Washington residents.
10 There is an increasing use of false drivers' licenses and identicards
11 to purchase liquor, to cash bad checks, and to obtain food stamps and
12 other benefits, often at the expense of law-abiding residents. In
13 recognition of these losses that are borne by taxpayers, businesses,
14 and government, Congress has recently directed the states to produce
15 more counterfeit-resistant drivers' licenses. In keeping with the
16 congressional directive, the Washington state legislature commissioned
17 a feasibility study to identify technologies to improve the security of
18 the Washington state driver's license and identicard. It is the
19 purpose of this act to require effective means of rendering drivers'

1 licenses and identicards as immune as possible from alteration and
2 counterfeiting in order to promote the public health and safety of the
3 people of this state.

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

6 In accordance with the recommendations issued in the feasibility
7 study of driver's license technologies, as required by chapter 287,
8 Laws of 1996, by February 1, 1998, the department shall enter into a
9 contract for the procurement of a new state driver's license and
10 identicard. Under the study recommendations, the contract shall, at a
11 minimum, provide for incorporation of the following features:

12 (1) A central issuance system. A central issuance system requires
13 issuance of permanent licenses and identicards from one central, secure
14 location. Upon verification of eligibility, the license or identicard
15 will be mailed to the resident.

16 (2) A digital imaging system. A digital imaging system permits a
17 person's photograph and signature to be stored and displayed by
18 computer, which allows for improved file management, flexibility,
19 responsiveness, and fraud protection.

20 (3) Machine-readable technologies, including a one-dimensional bar
21 code, two-dimensional bar code, and a magnetic stripe. The primary
22 purpose of these machine-readable technologies is to provide for rapid
23 and accurate verification that the license or identicard is genuine.
24 Through encryption, both the magnetic stripe and two-dimensional bar
25 code offer additional levels of security against alteration and
26 counterfeiting.

27 (4) A voluntary electronic finger image identification system. The
28 system will be designed to compare finger scans with the data base to
29 prevent the issuance of multiple licenses or cards to the same person.
30 A one-to-many finger image search, to determine if an applicant is
31 enrolled in the system under a different name, should be conducted of
32 each resident applying for an original license or identicard.
33 Additionally, a one-to-many image search should be employed for
34 renewals or duplicates during the first four years of the system.
35 After the initial four-year implementation of the system, a one-to-one
36 finger image search, matching the present finger scan to the image that
37 was captured when that person was enrolled in the system, should be
38 conducted of each resident applying for a renewal or duplicate license

1 or identicard. However, if an applicant declines to submit a finger
2 image, the department shall issue a license or identicard that is
3 clearly differentiated from a standard issue license or identicard.

4 (5) An optical variable device that is not readily available to the
5 general public. The image or color change of an optical variable
6 device helps to prevent fraudulent duplication because attempts at
7 alteration are apparent by distortion or destruction of the license or
8 identicard. Furthermore, the optical variable device prevents the
9 license or identicard from being accurately copied by color photography
10 or a color copier. The optical variable device selected by the
11 department of licensing shall utilize the most secure technology
12 available to prevent tampering, fraudulent duplication, separation, and
13 alteration.

14 (6) A second picture of the card holder printed on the license or
15 identicard in ultraviolet ink. Digital printing enables the
16 applicant's ultraviolet picture to be added to the license or
17 identicard at the time of issuance for presentation of information that
18 is uniquely tied to the card holder.

19 **Sec. 3.** RCW 46.20.091 and 1996 c 287 s 5 are each amended to read
20 as follows:

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

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

1 the department shall require, including a statement that identifying
2 documentation presented by the applicant is valid.

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

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

14 (5) The department may request that an applicant submit an
15 electronic finger scan as provided in section 2 of this act. If the
16 applicant declines to submit a finger scan, the department shall issue
17 a license that is clearly differentiated from a standard issue license.

18 **Sec. 4.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read
19 as follows:

20 (1) The department shall issue "identicards," containing a picture,
21 to nondrivers for a fee of four dollars. Upon issuance of an
22 identicard incorporating the features in section 2 of this act, the fee
23 is increased to ten dollars. However, the fee shall be the actual cost
24 of production to recipients of continuing public assistance grants
25 under Title 74 RCW who are referred in writing to the department by the
26 secretary of social and health services. The fee shall be deposited in
27 the highway safety fund. To be eligible, each applicant shall produce
28 evidence as required in RCW 46.20.035 that positively proves identity.
29 The department may request that an applicant submit to an electronic
30 finger scan as provided in section 2 of this act. If an applicant
31 declines to submit a finger scan, the department shall issue an
32 "identicard" that is clearly differentiated from a standard issue
33 "identicard." The "identicard" shall be distinctly designed so that it
34 will not be confused with the official driver's license. The
35 identicard shall expire on the fifth anniversary of the applicant's
36 birthdate after issuance.

37 (2) The department may cancel an "identicard" upon a showing by its
38 records or other evidence that the holder of such "identicard" has

1 committed a violation relating to "identicards" defined in RCW
2 46.20.336.

3 **Sec. 5.** RCW 46.20.118 and 1990 c 250 s 37 are each amended to read
4 as follows:

5 (1) The department shall maintain a negative file. It shall
6 contain negatives of all pictures taken by the department of licensing
7 as authorized by RCW 46.20.070 through 46.20.119.

8 (2) The department shall maintain a finger image data base
9 consisting of all finger images obtained by the department for use in
10 issuing drivers' licenses and identicards.

11 (3) Negatives ((in the file shall)) and the finger image data base
12 are not ((be)) available for public inspection and copying under
13 chapter 42.17 RCW.

14 The department may make the ((file)) negatives available to
15 official governmental enforcement agencies to assist in the
16 investigation by the agencies of suspected criminal activity. The
17 department may also provide a print to the driver's next of kin in the
18 event the driver is deceased. The department shall not disclose finger
19 image data, except as provided in section 6 of this act.

20 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.20 RCW
21 to read as follows:

22 (1) The department shall allow fingerprints found at a crime scene
23 to be compared to the department's finger image data base when an
24 official government enforcement agency receives a court order directing
25 the comparison. A court may grant such an order if it finds that there
26 is probable cause to believe that the location of the fingerprint at
27 the crime scene would suggest that the fingerprint could belong to the
28 person who committed the crime.

29 (2) A court may also grant such an order if it finds that there is
30 probable cause to believe access to the finger image data base will
31 assist an official government enforcement agency in identifying a
32 missing, incapacitated, or deceased person.

33 **Sec. 7.** RCW 46.20.161 and 1990 c 250 s 40 are each amended to read
34 as follows:

35 The department, upon receipt of a fee of fourteen dollars, which
36 includes the fee for the required photograph, shall issue to every

1 applicant qualifying therefor a driver's license, which license shall
2 bear thereon a distinguishing number assigned to the licensee, the full
3 name, date of birth, Washington residence address, and a brief
4 description of the licensee, and either a facsimile of the signature of
5 the licensee or a space upon which the licensee shall write his usual
6 signature with pen and ink immediately upon receipt of the license. No
7 license is valid until it has been so signed by the licensee. Upon
8 issuance of a driver's license incorporating the features in section 2
9 of this act, the fee is increased to twenty-two dollars.

10 **Sec. 8.** RCW 46.20.181 and 1990 c 250 s 41 are each amended to read
11 as follows:

12 Every driver's license expires on the fourth anniversary of the
13 licensee's birthdate following the issuance of the license. Every such
14 license is renewable on or before its expiration upon application
15 prescribed by the department and the payment of a fee of fourteen
16 dollars. Upon issuance of a driver's license incorporating the
17 features in section 2 of this act, the renewal fee is increased to
18 twenty-two dollars. This fee includes the fee for the required
19 photograph.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.20 RCW
21 to read as follows:

22 Beginning October 1, 2000, the federal illegal immigration control
23 act, P.L. 104-208, requires states to either place drivers' social
24 security numbers on the face of their licenses, or to complete a social
25 security verification process. The legislature finds that requiring
26 the placement of social security numbers on drivers' licenses means
27 that whenever someone shows his or her driver's license, the person
28 will also be exposing his or her social security number. With the
29 social security number accessible to so many people, it will be
30 relatively easy for someone to fraudulently use another's social
31 security number to assume that person's identity and gain access to
32 bank accounts, credit services, billing information, driving history,
33 and other sources of personal information. The new federal law will
34 compound and exacerbate the disturbing trend of social security number-
35 related fraud. In order to prevent fraud and curtail invasions of
36 privacy, the governor, through the department of licensing, shall seek
37 a waiver to the federal mandate. If a waiver is not granted, the

1 department shall rely only upon the verification process prescribed in
2 the federal law. In no event may the social security number be placed
3 on the driver's license or identicard. Additionally, the department
4 shall not maintain a record of applicant or licensee social security
5 numbers in its computer data bases.

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