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SENATE BILL 5264

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State of Washington

55th Legislature

1997 Regular Session

By Senators Prentice, Haugen, Oke, Goings, Wood, Long, Hargrove, Sellar and Winsley

Read first time 01/21/97. Referred to Committee on Transportation.

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 a new section 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, it has become a de facto national  
8 identification document. Drivers' licenses and identicards issued by  
9 the department of licensing are the most widely accepted forms of  
10 personal identification used by Washington residents. There is an  
11 increasing use of false drivers' licenses and identicards to purchase  
12 liquor, to cash bad checks, and to obtain food stamps and other  
13 benefits. In recognition of these losses that are borne by taxpayers,  
14 businesses, and government, Congress has recently directed the states  
15 to produce more counterfeit-resistant drivers' licenses. In keeping  
16 with the congressional directive, the Washington state legislature  
17 commissioned a feasibility study to identify technologies to improve  
18 the security of the Washington state driver's license and identicard.  
19 It is the purpose of this act to require effective means of rendering

1 drivers' licenses and identicards as immune as possible from alteration  
2 and counterfeiting in order to promote the public health and safety of  
3 the 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) An electronic finger image identification system. The system  
28 will be designed to compare finger scans with the data base to prevent  
29 the issuance of multiple licenses or cards to the same person. A one-  
30 to-many finger image search, to determine if an applicant is enrolled  
31 in the system under a different name, should be conducted of each  
32 resident applying for an original license or identicard. Additionally,  
33 a one-to-many image search should be employed for renewals or  
34 duplicates during the first four years of the system. After the  
35 initial four-year implementation of the system, a one-to-one finger  
36 image search, matching the present finger scan to the image that was  
37 captured when that person was enrolled in the system, should be

1 conducted of each resident applying for a renewal or duplicate license  
2 or identicard.

3 (5) A fusion or trimodal optical variable device that is not  
4 readily available to the general public. The image or color change of  
5 an optical variable device helps to prevent fraudulent duplication  
6 because attempts at alteration are apparent by distortion or  
7 destruction of the license or identicard. Furthermore, the optical  
8 variable device prevents the license or identicard from being  
9 accurately copied by color photography or a color copier.

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

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

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

27 (2) Every such application shall state the full name, date of  
28 birth, sex, and Washington residence address of the applicant, and  
29 briefly describe the applicant, and shall state whether the applicant  
30 has theretofore been licensed as a driver or chauffeur, and, if so,  
31 when and by what state or country, and whether any such license has  
32 ever been suspended or revoked, or whether an application has ever been  
33 refused, and, if so, the date of and reason for such suspension,  
34 revocation, or refusal, and shall state such additional information as  
35 the department shall require, including a statement that identifying  
36 documentation presented by the applicant is valid.

37 (3) Whenever application is received from a person previously  
38 licensed in another jurisdiction, the department shall request a copy

1 of such driver's record from such other jurisdiction. When received,  
2 the driving record shall become a part of the driver's record in this  
3 state.

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

10 (5) Every person applying for an original, renewal, or duplicate  
11 driver's license shall submit to an electronic finger scan as provided  
12 in section 2 of this act.

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

15 (1) The department shall issue "identicards," containing a picture,  
16 to nondrivers for a fee of (~~four~~) twenty-two dollars. However, the  
17 fee shall be the actual cost of production to recipients of continuing  
18 public assistance grants under Title 74 RCW who are referred in writing  
19 to the department by the secretary of social and health services. The  
20 fee shall be deposited in the highway safety fund. To be eligible,  
21 each applicant shall produce evidence as required in RCW 46.20.035 that  
22 positively proves identity. Each applicant for an original, renewal,  
23 or duplicate identicard shall also submit to an electronic finger scan  
24 as provided in section 2 of this act. The "identicard" shall be  
25 distinctly designed so that it will not be confused with the official  
26 driver's license. The identicard shall expire on the fifth anniversary  
27 of the applicant's birthdate after issuance.

28 (2) The department may cancel an "identicard" upon a showing by its  
29 records or other evidence that the holder of such "identicard" has  
30 committed a violation relating to "identicards" defined in RCW  
31 46.20.336.

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

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

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

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

7       (a) The department may make the ((file)) negatives available to  
8 official governmental enforcement agencies to assist in the  
9 investigation by the agencies of suspected criminal activity. The  
10 department may also provide a print to the driver's next of kin in the  
11 event the driver is deceased.

12       (b) The department shall allow fingerprints found at a crime scene  
13 to be compared to the department's finger image data base when an  
14 official government enforcement agency receives a court order directing  
15 the comparison. A court may grant such an order if it finds that there  
16 is probable cause to believe that the location of the fingerprint at  
17 the crime scene would suggest that the fingerprint could belong to the  
18 person who committed the crime.

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

23       **Sec. 6.** RCW 46.20.161 and 1990 c 250 s 40 are each amended to read  
24 as follows:

25       The department, upon receipt of a fee of ~~((fourteen))~~ twenty-two  
26 dollars, which includes the fee for the required photograph, shall  
27 issue to every applicant qualifying therefor a driver's license, which  
28 license shall bear thereon a distinguishing number assigned to the  
29 licensee, the full name, date of birth, Washington residence address,  
30 and a brief description of the licensee, and either a facsimile of the  
31 signature of the licensee or a space upon which the licensee shall  
32 write his usual signature with pen and ink immediately upon receipt of  
33 the license. No license is valid until it has been so signed by the  
34 licensee.

35       **Sec. 7.** RCW 46.20.181 and 1990 c 250 s 41 are each amended to read  
36 as follows:

1       Every driver's license expires on the fourth anniversary of the  
2 licensee's birthdate following the issuance of the license. Every such  
3 license is renewable on or before its expiration upon application  
4 prescribed by the department and the payment of a fee of ((~~fourteen~~)  
5 twenty-two dollars. This fee includes the fee for the required  
6 photograph.

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