

HOUSE BILL REPORT

HB 3029

As Passed House:

February 16, 2004

Title: An act relating to use of Mexican consular photo identification cards for identification purposes.

Brief Description: Authorizing the use of Mexican consular photo identification cards for identification purposes.

Sponsors: By Representatives Fromhold, Kenney, Moeller, Quall, Lovick, Sommers, Santos, Lantz, Conway and Upthegrove.

Brief History:

Committee Activity:

Judiciary: 2/5/04, 2/6/04 [DP].

Floor Activity:

Passed House: 2/16/04, 55-41.

Brief Summary of Bill

- Authorizes cities, towns, counties, law enforcement agencies, financial institutions, and check cashers to accept the matricula consular as a valid form of identification for all purposes for which a driver's license is not legally required;
- Authorizes the Department of Licensing to adopt rules governing the use of the matricula consular as identifying documentation for purposes of issuing a driver's license or identocard.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 6 members: Representatives Lantz, Chair; Moeller, Vice Chair; Campbell, Flannigan, Kirby and Lovick.

Minority Report: Do not pass. Signed by 3 members: Representatives Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; and Newhouse.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

The matricula consular is the identification card issued by a Mexican consulate to Mexican nationals living in the United States. A matricula consular does not change the immigration

status of the holder. It does not act as a work permit or "green card" or authorize entry into the United States.

The matricula consular includes a photo and the address of the holder. It does not include a physical description of the holder. To receive a matricula consular, the applicant must appear in person, present an original birth certificate to prove Mexican nationality, present a government-issued photo identification, and present proof of address in the state.

Some Washington cities, such as Seattle, Tacoma, Renton, Lacey, Burien, and Yakima have recognized the matricula consular as a legitimate form of identification. Some banks, such as Bank of America, Wells Fargo, Key Bank, and Washington Mutual, also recognize the card. On the other hand, some states have prohibited the use of the card for identification purposes by state agencies.

An applicant for a state driver's license or identocard must present proof of identification to the Department of Licensing (DOL) by providing either:

- (a) one primary document containing the applicant's signature and photograph;
- (b) one supporting document and two alternate documents; or
- (c) a minimum of five alternate documents.

The matricula consular is one of the alternate documents that the DOL may accept to show proof of identification.

Summary of Bill:

The DOL is authorized to adopt rules governing the use of the matricula consular as identifying documentation for the purposes of obtaining a driver's license or state identocard.

State and local law enforcement agencies, cities, towns, and counties are authorized to accept the matricula consular as a valid form of identification for all purposes for which a driver's license is not legally required.

Check cashers and financial institutions, such as state-chartered banks, credit unions, and mutual savings banks, are authorized to accept the matricula consular as a valid form of identification. Out-of-state banks and national banks are encouraged to accept the matricula consular.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The matricula consular is used as an alternate form of identification. It does not give an undocumented immigrant lawful immigration status. States cannot enforce or create immigration laws. The card will promote access to services such as libraries, public utilities, and bank accounts. It will also help establish a person's identification in the case of law enforcement. Many cities and law enforcement already accept the card. Security features on the card have been added. The card does not give the holder services or benefits that the person is not authorized to receive. This bill will give cities guidance when they are considering whether to officially recognize these cards as a form of identification. Mexicans are working with cities and businesses and getting more involved in the community. Accepting the card will promote more involvement and will help relationships between Mexico and Washington. It is better to have people with identification cards than people without any identification. Mexico is a friendly, neighbor state. It is not a hostile country. Immigration status may vary, and the matricula consular provides a form of identification that establishes that the person is a Mexican citizen. It is important for banks to be able to verify identification. Some banks have ways to make sure the card is a valid matricula consular. It is consistent with state efforts to serve the Mexican community. Mexican farm workers are vital members of our economy. The DOL currently accepts the card as one form of identification and has worked with the Mexican consulate to discuss the security features of the card. Accepting the card can be a starting point for law enforcement agencies to break down barriers and encourage witnesses and victims of crimes to come forward to the police. It will be easier for Mexican citizens to access basic services and easier for the police to identify people. The section regarding the DOL should be removed since their current practice addresses this issue already.

Testimony Against: None.

Persons Testifying: (In support) Representative Fromhold, prime sponsor; Representative Kenney, sponsor; Mark Brown, City of Vancouver; Councilman Dan Clawson, City of Renton; Jim White, Mayor of Kent; Ted Rodriguez, City of Renton/Cuautla Sister City; Susana Gonzalez-Murillo and Celeste Aida Ramos, U.S. Bank; Juan Aguilar, Washington Mutual; Denise Movius, Department of Licensing; John Diaz and Leo Port, Seattle Police Department; Edward Davila and Tomas Villanueva, Grupo Mexico; Felix Negron, Latin American Coalition of Washington; Antonio Ginatta, Commission on Hispanic Affairs; Jorge Madrazo, Consul of Mexico; and Erik Nicholson, United Farm Workers.

Persons Signed In To Testify But Not Testifying: (In support) Guadalupe Gamba; and Ricardo Sanchez.

(With concerns) Dan Fazio, Washington Farm Bureau.