
HOUSE BILL 1697

State of Washington 59th Legislature 2005 Regular Session

By Representatives Ericksen, DeBolt and Schindler

Read first time 02/02/2005. Referred to Committee on Transportation.

1 AN ACT Relating to provisional driver's licenses for persons who
2 fail to prove United States citizenship; amending RCW 46.20.035,
3 46.20.091, 46.20.105, and 46.20.181; and adding a new section to
4 chapter 46.20 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.20 RCW
7 to read as follows:

8 A person applying for issuance or renewal of a driver's license
9 must provide proof of United States citizenship. If the person does
10 not supply proof meeting the requirements of RCW 46.20.035, the
11 department may not issue the person a regular driver's license. If the
12 person satisfies all other requirements and fees prescribed by law, the
13 department shall issue the person a provisional driver's license. A
14 provisional driver's license is valid for one year from the date of
15 issuance, and may be renewed as provided in RCW 46.20.181.

16 **Sec. 2.** RCW 46.20.035 and 2004 c 249 s 2 are each amended to read
17 as follows:

18 The department may not issue an identicard or a Washington state

1 driver's license that is valid for identification purposes unless the
2 applicant meets the identification requirements of subsection (1), (2),
3 or (3) of this section.

4 (1) A driver's license or identicard applicant must provide the
5 department with at least one of the following pieces of valid
6 identifying documentation that contains the signature and a photograph
7 of the applicant:

8 (a) A valid or recently expired driver's license or instruction
9 permit that includes the date of birth of the applicant;

10 (b) A Washington state identicard or an identification card issued
11 by another state;

12 (c) An identification card issued by the United States, a state, or
13 an agency of either the United States or a state, of a kind commonly
14 used to identify the members or employees of the government agency;

15 (d) A military identification card;

16 (e) A United States passport; or

17 (f) An Immigration and Naturalization Service form.

18 (2) An applicant who is a minor may establish identity by providing
19 an affidavit of the applicant's parent or guardian. The parent or
20 guardian must accompany the minor and display or provide:

21 (a) At least one piece of documentation in subsection (1) of this
22 section establishing the identity of the parent or guardian; and

23 (b) Additional documentation establishing the relationship between
24 the parent or guardian and the applicant.

25 (3) A person unable to provide identifying documentation as
26 specified in subsection (1) or (2) of this section may request that the
27 department review other available documentation in order to ascertain
28 identity. The department may waive the requirement if it finds that
29 other documentation clearly establishes the identity of the applicant.

30 (4) An identicard or a driver's license that includes a photograph
31 that has been renewed by mail or by electronic commerce is valid for
32 identification purposes if the applicant met the identification
33 requirements of subsection (1), (2), or (3) of this section at the time
34 of previous issuance.

35 (5) The form of an applicant's name, as established under this
36 section, is the person's name of record for the purposes of this
37 chapter.

1 (6) If the applicant is unable to prove his or her identity under
2 this section, the department shall plainly label the license "not valid
3 for identification purposes."

4 (7) An applicant may prove that he or she is a United States
5 citizen with an original or copy of any one of the following:

6 (a) A United States passport;

7 (b) A certified birth certificate issued by the city, county, or
8 state. A certified birth certificate has a registrar's raised,
9 embossed, impressed, or multicolored seal, registrar's signature, and
10 the date the certificate was filed with the registrar's office, which
11 must be within one year of birth;

12 (c) A consular report of birth abroad or certification of birth;

13 (d) A naturalization certificate; or

14 (e) A certificate of citizenship.

15 **Sec. 3.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read
16 as follows:

17 (1) **Application.** In order to apply for a driver's license or
18 instruction permit the applicant must provide his or her:

19 (a) Name of record, as established by documentation required under
20 RCW 46.20.035;

21 (b) Date of birth, as established by satisfactory evidence of age;

22 (c) Sex;

23 (d) Washington residence address;

24 (e) Description;

25 (f) Driving licensing history, including:

26 (i) Whether the applicant has ever been licensed as a driver or
27 chauffeur and, if so, (A) when and by what state or country; (B)
28 whether the license has ever been suspended or revoked; and (C) the
29 date of and reason for the suspension or revocation; or

30 (ii) Whether the applicant's application to another state or
31 country for a driver's license has ever been refused and, if so, the
32 date of and reason for the refusal; (~~and~~))

33 (g) Proof of United States citizenship; and

34 (h) Any additional information required by the department.

35 (2) **Sworn statement.** An application for an instruction permit or
36 for an original driver's license must be made upon a form provided by
37 the department. The form must include a section for the applicant to

1 indicate whether he or she has received driver training and, if so,
2 where. The identifying documentation verifying the name of record must
3 be accompanied by the applicant's written statement that it is valid.
4 The information provided on the form must be sworn to and signed by the
5 applicant before a person authorized to administer oaths. An applicant
6 who makes a false statement on an application for a driver's license or
7 instruction permit is guilty of false swearing, a gross misdemeanor,
8 under RCW 9A.72.040.

9 (3) **Driving records from other jurisdictions.** If a person
10 previously licensed in another jurisdiction applies for a Washington
11 driver's license, the department shall request a copy of the
12 applicant's driver's record from the other jurisdiction. The driving
13 record from the other jurisdiction becomes a part of the driver's
14 record in this state.

15 (4) **Driving records to other jurisdictions.** If another
16 jurisdiction requests a copy of a person's Washington driver's record,
17 the department shall provide a copy of the record. The department
18 shall forward the record without charge if the other jurisdiction
19 extends the same privilege to the state of Washington. Otherwise the
20 department shall charge a reasonable fee for transmittal of the record.

21 **Sec. 4.** RCW 46.20.105 and 2000 c 115 s 5 are each amended to read
22 as follows:

23 (1) The department may provide a method to distinguish the driver's
24 license of a person who is under the age of twenty-one from the
25 driver's license of a person who is twenty-one years of age or older.

26 (2) An instruction permit must be identified as an "instruction
27 permit" and issued in a distinctive form as determined by the
28 department.

29 (3) An intermediate license must be identified as an "intermediate
30 license" and issued in a distinctive form as determined by the
31 department.

32 (4) A provisional license must be identified as a "provisional
33 license" and issued in a distinctive color as determined by the
34 department.

35 **Sec. 5.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
36 as follows:

1 (1) Except as provided in subsection (4) of this section, every
2 driver's license expires on the fifth anniversary of the licensee's
3 birthdate following the issuance of the license.

4 (2) A person may renew his or her license on or before the
5 expiration date by submitting an application as prescribed by the
6 department and paying a fee of twenty-five dollars. This fee includes
7 the fee for the required photograph.

8 (3) A person renewing his or her driver's license more than sixty
9 days after the license has expired shall pay a penalty fee of ten
10 dollars in addition to the renewal fee, unless his or her license
11 expired when:

12 (a) The person was outside the state and he or she renews the
13 license within sixty days after returning to this state; or

14 (b) The person was incapacitated and he or she renews the license
15 within sixty days after the termination of the incapacity.

16 (4) During the period from July 1, 2000, to July 1, 2006, the
17 department may issue or renew a driver's license for a period other
18 than five years, or may extend by mail a license that has already been
19 issued, in order to evenly distribute, as nearly as possible, the
20 yearly renewal rate of licensed drivers. A provisional driver's
21 license may be issued only for a period of one year. The fee for a
22 driver's license issued or renewed for a period other than five years,
23 or that has been extended by mail, is five dollars for each year that
24 the license is issued, renewed, or extended. The department may adopt
25 any rules as are necessary to carry out this subsection.

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