
HOUSE BILL 2787

State of Washington 59th Legislature 2006 Regular Session

By Representatives Hunter, Nixon and Hudgins

Read first time 01/13/2006. Referred to Committee on Technology,
Energy & Communications.

1 AN ACT Relating to identification documents; adding a new section
2 to chapter 19.192 RCW; creating a new section; and prescribing
3 penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that:

6 (1) The right to privacy is a personal and fundamental right
7 protected by Article 1, section 7 of the state Constitution. All
8 individuals have a right of privacy in information pertaining to them.

9 (2) Washington state recognizes the importance of protecting the
10 confidentiality and privacy of an individual's personal information
11 contained in identification documents such as driver's licenses.

12 (3) Machine-readable features found on driver's licenses and other
13 similar identification documents are intended to facilitate
14 verification of identity, not to facilitate collection of personal
15 information about individuals, nor to facilitate the creation of
16 private data bases of transactional information associated with those
17 individuals.

18 (4) Easy access to the information found on driver's licenses and

1 other similar identification documents facilitates the crime of
2 identity theft, a crime that is a major concern in Washington.

3 (5) Use of machine-readable features on identification documents
4 for purposes other than verification of identity constitutes an
5 unreasonable infringement of privacy and is an unfair business
6 practice.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 19.192 RCW
8 to read as follows:

9 (1) For purposes of this section:

10 (a) "Electronically" means relating to technology having
11 electrical, digital, magnetic, wireless, optical, electromagnetic, or
12 similar capabilities.

13 (b) "Identification document" means any document issued by a
14 governmental entity containing personal information that an individual
15 uses alone or in conjunction with other information to establish his or
16 her identity. Identification documents include, but are not limited
17 to, the following:

- 18 (i) Driver's licenses or identicards;
- 19 (ii) Identification cards for governmental employees or
20 contractors;
- 21 (iii) Identification cards issued by public educational
22 institutions;
- 23 (iv) Benefit cards issued in conjunction with any
24 government-supported aid program;
- 25 (v) Licenses, certificates, registration, or other similar
26 documents issued by the department of licensing or necessary to engage
27 in a regulated business or profession; and
- 28 (vi) Library cards issued by any public library.

29 (c) "Personal information" includes any of the following: An
30 individual's name, address, telephone number, e-mail address, date of
31 birth, race, religion, ethnicity, nationality, photograph, fingerprint
32 or other biometric image of the individual, social security number, or
33 any other unique personal identifier or number.

34 (2) A nongovernmental entity may only electronically read an
35 individual's identification document to verify the authenticity of the
36 document or verify the individual's age or identity.

1 (3) When a nongovernmental entity electronically reads an
2 identification document for one of the purposes permitted in subsection
3 (2) of this section, the entity may not store, sell, or share personal
4 information collected from the identification document.

5 (4) A business may only verify a consumer's age when providing an
6 age-restricted good or service or for which there is a discount based
7 on the consumer's age. A business may only verify the consumer's
8 identity when the consumer pays with a method other than cash or
9 returns an item. A business may not deny a consumer or prospective
10 consumer a good or service when the consumer or prospective consumer
11 exercises the right under this section not to allow his or her
12 identification document to be read electronically for other purposes or
13 exercises the right not to allow storage, sale, or sharing of personal
14 information. Any waiver of a provision of this section is contrary to
15 public policy and is void and unenforceable.

16 (5) In addition to any other remedy provided by law, an individual
17 whose personal information is read, stored, shared, sold, or otherwise
18 used in violation of this section may bring an action to recover actual
19 damages or one thousand dollars, whichever is greater, and equitable
20 relief, if available. A court shall award a prevailing individual
21 reasonable costs and attorneys' fees. If a court finds that a
22 violation of this title was willful or knowing, the court may increase
23 the amount of the award to no more than three times the amount
24 otherwise available.

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