SHB 1289 - H AMD **238**
    By Representative Van De Wege

WITHDRAWN 3/13/2007

1   Strike everything after the enacting clause and insert the
2   following:

3   "NEW SECTION. **Sec. 1.** A new section is added to chapter
4   46.20 RCW to read as follows:
5   (1) The department may enter into a memorandum of understanding
6   with any federal agency for the purposes of facilitating the
7   crossing of the border between the state of Washington and the
8   Canadian province of British Columbia.
9   (2) The department may enter into an agreement with the
10   Canadian province of British Columbia for the purposes of
11   implementing a border-crossing initiative.
12   (3)(a) The department may issue an enhanced driver's license or
13   identicard for the purposes of crossing the border between the
14   state of Washington and the Canadian province of British Columbia
15   to an applicant who provides the department with proof of: United
16   States citizenship, identity, and state residency. The department
17   shall continue to offer a standard driver's license and identicard.
18   If the department chooses to issue an enhanced driver's license,
19   the department must allow each applicant to choose between a
20   standard driver's license or identicard, or an enhanced driver's
21   license or identicard.
22   (b) The department shall implement a one-to-many biometric
23   matching system for the enhanced driver's license or identicard. An
24   applicant for an enhanced driver's license or identicard shall
25   submit a biometric identifier as designated by the department. The
26   biometric identifier must be used solely for the purpose of
27   verifying the identity of the holders and for any purpose set out
28   in RCW 46.20.037. Applicants are required to sign a declaration
29   acknowledging their understanding of the one-to-many biometric
30   match.

1   (c) The enhanced driver's license or identicard must include
2 reasonable security measures to protect the privacy of Washington
3 state residents, including reasonable safeguards to protect against
4 unauthorized disclosure of data about Washington state residents.
5 If the enhanced driver's license or identicard includes a radio
6 frequency identification chip, or similar technology, the
7 department shall ensure that the technology is encrypted or
8 otherwise secure from unauthorized data access.

9   (d) The requirements of this subsection are in addition to the
10 requirements otherwise imposed on applicants for a driver's license
11 or identicard. The department shall adopt such rules as necessary
12 to meet the requirements of this subsection. From time to time the
13 department shall review technological innovations related to the
14 security of identity cards and amend the rules related to enhanced
15 driver's licenses and identicards as the director deems consistent
16 with this section and appropriate to protect the privacy of
17 Washington state residents.

18   (e) Notwithstanding RCW 46.20.118, the department may make
19 images associated with enhanced drivers' licenses or identicards
20 from the negative file available to United States customs and
21 border agents for the purposes of verifying identity.

22   (4) The department may set a fee for the issuance of enhanced
23 drivers' licenses and identicards under this section.

24   (5) The border crossing initiative authorized by this act must
25 be consistent with the requirements of the federal REAL ID Act of
26 2005, P.L. 109-13.

27   (6) The department may not enter into a memorandum of
28 understanding with any federal agency for the purposes of
29 facilitating the crossing of the border between the state of
30 Washington and the Canadian province of British Columbia until:

31   (a) The federal department of homeland security agrees to delay
32 the enforcement of the western hemisphere travel initiative until
33 twelve months after the completion of the border crossing
34 initiative authorized by this act; and

35   (b) Agreement is reached between the department and British
36 Columbia on the technology to be used for the secure driver's
37 licenses and identicards, and a timeline for implementation on both
38 boarders is established and agreed to.

1   (7) The department shall develop and implement an educational
2   campaign to educate Washington citizens about the border crossing
3   initiative authorized by this act. The educational campaign must:
4   (a) Include information on how the enhanced driver's license or
5   identicard can be used for all forms of travel;
6   (b) State that the existing Washington state driver's license
7   and identicard will be valid for travel during the border crossing
8   initiative pilot project; and
9   (c) Explain that the border crossing initiative is being
10   implemented in anticipation of the federal REAL ID Act of 2005,
11   P.L. 109-13 and the western hemisphere travel initiative.

12   <u>NEW SECTION.</u> **Sec. 2.** If specific funding for the purposes of
13   this act, referencing this act by bill or chapter number, is not
14   provided by June 30, 2007, in the omnibus transportation
15   appropriations act, this act is null and void.

16   <u>NEW SECTION.</u> **Sec. 3.** This act is necessary for the immediate
17   preservation of the public peace, health, or safety, or support of
18   the state government and its existing public institutions, and
19   takes effect immediately."

20   Correct the title.

EFFECT: Requires that the border crossing initiative be consistent with the requirements of the federal REAL ID Act.

Prohibits the department from entering into a memorandum of understanding with a federal agency for a border crossing initiative until:
- The federal department of homeland security agrees to delay the enforcement of the western hemisphere travel initiative until twelve months after the completion of the border crossing initiative; and
- Agreement is reached between the department and British Columbia on the technology to be used for the secure driver's licenses and identicards and a timeline for implementation.

The department must implement an educational campaign, which must:
- Include information on how the enhanced driver's license or identicard can be used for all forms of travel;
- State that the existing Washington state driver's licenses and identicards will be valid during the pilot project; and

- Explain that the border crossing initiative is being implemented in anticipation of the federal REAL ID Act and the western hemisphere travel initiative.