

SHB 2729 - S COMM AMD  
By Committee on Transportation

ADOPTED 03/07/2008

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that:

4 (1) Washington state recognizes the importance of protecting  
5 its citizens from unwanted wireless surveillance.

6 (2) Enhanced drivers' licenses and enhanced identicards are  
7 intended to facilitate efficient travel at land and sea borders between  
8 the United States, Canada, and Mexico, not to facilitate the profiling  
9 and tracking of individuals.

10 (3) Easy access to the information found on enhanced drivers'  
11 licenses and enhanced identicards could facilitate the commission of  
12 other unwanted offenses, such as identity theft.

13 NEW SECTION. **Sec. 2.** The definitions in this section apply  
14 throughout this chapter unless the context clearly requires otherwise.

15 (1) "Enhanced driver's license" means a driver's license that is  
16 issued under RCW 46.20.202.

17 (2) "Enhanced identicard" means an identicard that is issued under  
18 RCW 46.20.202.

19 (3) "Identification document" means an enhanced driver's license or  
20 an enhanced identicard.

21 (4) "Radio frequency identification" means a technology that uses  
22 radio waves to transmit data remotely to readers.

23 (5) "Reader" means a scanning device that is capable of using radio  
24 waves to communicate with an identification document and read the data  
25 transmitted by the identification document.

26 (6) "Remotely" means that no physical contact between the  
27 identification document and a reader is necessary in order to transmit  
28 data using radio waves.

1 (7) "Unique personal identifier number" means a randomly assigned  
2 string of numbers or symbols issued by the department of licensing that  
3 is encoded on an identification document and is intended to be read  
4 remotely by a reader to identify the identification document that has  
5 been issued to a particular individual.

6 NEW SECTION. **Sec. 3.** (1) Except as provided in subsection (2) of  
7 this section, a person is guilty of a class C felony if the person  
8 intentionally possesses, or reads or captures remotely using radio  
9 waves, information contained on another person's identification  
10 document, including the unique personal identifier number encoded on  
11 the identification document, without that person's express knowledge or  
12 consent.

13 (2) This section does not apply to:

14 (a) A person or entity that reads an identification document to  
15 facilitate border crossing;

16 (b) A person or entity that reads a person's identification  
17 document in the course of an act of good faith security research,  
18 experimentation, or scientific inquiry including, but not limited to,  
19 activities useful in identifying and analyzing security flaws and  
20 vulnerabilities; or

21 (c) A person or entity that unintentionally reads an identification  
22 document remotely in the course of operating its own radio frequency  
23 identification system, provided that the inadvertently received  
24 information:

25 (i) Is not disclosed to any other party;

26 (ii) Is not used for any purpose; and

27 (iii) Is not stored or is promptly destroyed.

28 NEW SECTION. **Sec. 4.** The legislature finds that the practices  
29 covered by this chapter are matters vitally affecting the public  
30 interest for the purpose of applying chapter 19.86 RCW. A violation of  
31 this chapter is not reasonable in relation to the development and  
32 preservation of business and is an unfair or deceptive act in trade or  
33 commerce and an unfair method of competition for the purpose of  
34 applying chapter 19.86 RCW.



1 state under Title IV-D of the federal social security act, for the  
2 establishment, enforcement, or modification of a support order;

3 (3) The names, residential addresses, residential telephone  
4 numbers, and other individually identifiable records held by an agency  
5 in relation to a vanpool, carpool, or other ride-sharing program or  
6 service; however, these records may be disclosed to other persons who  
7 apply for ride-matching services and who need that information in order  
8 to identify potential riders or drivers with whom to share rides;

9 (4) The personally identifying information of current or former  
10 participants or applicants in a paratransit or other transit service  
11 operated for the benefit of persons with disabilities or elderly  
12 persons;

13 (5) The personally identifying information of persons who acquire  
14 and use transit passes and other fare payment media including, but not  
15 limited to, stored value smart cards and magnetic strip cards, except  
16 that an agency may disclose this information to a person, employer,  
17 educational institution, or other entity that is responsible, in whole  
18 or in part, for payment of the cost of acquiring or using a transit  
19 pass or other fare payment media, or to the news media when reporting  
20 on public transportation or public safety. This information may also  
21 be disclosed at the agency's discretion to governmental agencies or  
22 groups concerned with public transportation or public safety;

23 (6) Any information obtained by governmental agencies that is  
24 collected by the use of a motor carrier intelligent transportation  
25 system or any comparable information equipment attached to a truck,  
26 tractor, or trailer; however, the information may be given to other  
27 governmental agencies or the owners of the truck, tractor, or trailer  
28 from which the information is obtained. As used in this subsection,  
29 "motor carrier" has the same definition as provided in RCW 81.80.010;  
30 ((and))

31 (7) The personally identifying information of persons who acquire  
32 and use transponders or other technology to facilitate payment of  
33 tolls. This information may be disclosed in aggregate form as long as  
34 the data does not contain any personally identifying information. For  
35 these purposes aggregate data may include the census tract of the  
36 account holder as long as any individual personally identifying  
37 information is not released. Personally identifying information may be  
38 released to law enforcement agencies only for toll enforcement

1 purposes. Personally identifying information may be released to law  
2 enforcement agencies for other purposes only if the request is  
3 accompanied by a court order; and

4 (8) The personally identifying information of persons who acquire  
5 and use a driver's license or identicard that includes a radio  
6 frequency identification chip or similar technology to facilitate  
7 border crossing. This information may be disclosed in aggregate form  
8 as long as the data does not contain any personally identifying  
9 information. Personally identifying information may be released to law  
10 enforcement agencies only for United States customs and border  
11 protection enforcement purposes. Personally identifying information  
12 may be released to law enforcement agencies for other purposes only if  
13 the request is accompanied by a court order.

14 NEW SECTION. Sec. 7. Sections 1 through 4 of this act constitute  
15 a new chapter in Title 9A RCW."

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16 On page 1, line 1 of the title, after "documents;" strike the  
17 remainder of the title and insert "amending RCW 42.56.230 and  
18 42.56.330; adding a new chapter to Title 9A RCW; and prescribing  
19 penalties."

EFFECT: Strikes all of the provisions of the underlying bill,  
except for the exemptions from the Public Records Act. Adds that a  
person is guilty of a class C felony if the person intentionally  
possesses, or reads or captures remotely using radio waves, information  
contained on another person's enhanced driver's license without that  
person's express knowledge or consent. Exceptions are included for:  
Border crossing; inadvertent scanning (if the information is promptly  
destroyed); and security-related research.

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