

HOUSE BILL REPORT

SSB 5087

As Passed House:

April 5, 2007

Title: An act relating to compliance with the federal REAL ID Act of 2005.

Brief Description: Addressing Washington state compliance with the federal REAL ID Act of 2005.

Sponsors: By Senate Committee on Transportation (originally sponsored by Senators Haugen, Swecker and Murray).

Brief History:

Committee Activity:

Transportation: 3/21/07, 3/28/07 [DP].

Floor Activity:

Passed House: 4/5/07, 95-2.

Brief Summary of Substitute Bill

- Creates a series of requirements that must be met before a state agency or program may expend funds to implement or comply with the REAL ID Act.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 25 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Curtis, Dickerson, Eddy, Ericksen, Hailey, Hankins, Hudgins, Kristiansen, Lovick, Rodne, Rolfes, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

Staff: David Munnecke (786-7315).

Background:

The REAL ID Act of 2005, which was attached to the Emergency Supplemental Appropriation for Defense, the Global War on Terror, and Tsunami Relief, 2005, was signed into law on May 11, 2005. It repealed the provisions of a December 2004 law that established a

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joint state and federal process for creating a federal standard for driver's licenses, and contains the following significant requirements and restrictions:

- A federal agency may not accept a driver's license or personal identification card (DL/ID) after May 11, 2008, unless the issuing state has been certified by the Department of Homeland Security (DHS), in consultation with the Department of Transportation. The Act itself states that a certified DL/ID card will be required for boarding an airplane and entering a federal building.
- A DL/ID must contain a variety of information and features, including a person's full legal name and address of legal residence.
- A state must require the presentation of and must verify a variety of information and documentation including date of birth.
- A state must verify citizenship or immigration status and, in some cases, may only issue a license valid for one year.
- A DL/ID that does not conform to the federal standards must indicate this fact through both a written statement on the license and a unique color or design.
- A state must ensure the physical security of DL/ID production locations and materials, and must subject people involved in production to appropriate security clearance procedures.
- A state must capture digital images of all source documents and maintain these images for a minimum of 10 years.
- A state must maintain a database containing all data fields printed on DL/IDs and drivers' driving histories. A state must provide electronic access to this database to all other states.

The DHS recently released draft rules for implementing the REAL ID Act, and is in the process of receiving comments.

Summary of Bill:

The Director of the Office of Financial Management must ensure that state agencies and programs do not expend funds to implement the REAL ID Act in Washington unless: (1) all reasonable privacy and data security protections are in place; (2) the implementation does not place unreasonable costs or record-keeping burdens on driver's license or identicard applicants; and (3) sufficient federal funds are received by Washington to implement the REAL ID Act requirements.

The Attorney General is allowed, with the approval of the Governor, to challenge the legality or constitutionality of the REAL ID Act.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Washington should not implement the REAL ID Act unless the cost of doing so is covered by the federal government. It is estimated that the cost of complying with the act will be \$11 billion nationwide. Complying with the REAL ID Act also raises concerns about ID theft since it requires the creation of a national database of important information.

The federal government does not traditionally have authority in the area of driver licensing. Since it is a state responsibility, the state has the right to decline to follow the Real ID Act.

The REAL ID Act requires the real address of the driver to appear on the driver's license. This could present difficulties for victims of domestic violence who don't want to reveal this information. The REAL ID Act could also present problems for victims of domestic violence since they often lack some or all of the documents required to obtain a driver's license under the Act.

(Opposed) None.

Persons Testifying: Jennifer Shaw, American Civil Liberties Union; and Grace Huang, Washington State Coalition Against Domestic Violence.

Persons Signed In To Testify But Not Testifying: None.