

SENATE BILL REPORT

ESHB 1289

As Reported By Senate Committee On:
Transportation, March 19, 2007

Title: An act relating to the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

Brief Description: Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Clibborn, Campbell, VanDeWege, Dickerson, Moeller and Morrell; by request of Department of Licensing).

Brief History: Passed House: 3/13/07, 94-2. Companion Bill (SSB 5366) Passed Senate: 3/06/07, 46-0)

Committee Activity: Transportation: 3/19/07 [DP, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Berkey, Eide, Jacobsen, Kastama, Kilmer, Pflug, Sheldon and Spanel.

Minority Report: That it be referred without recommendation.

Signed by Senator Clements.

Staff: Dory Nicpon (786-7321)

Background: The federal Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require United States citizens and foreign nationals to present a passport, or other secure document when entering the United States. In April 2005, the Departments of State and Homeland Security announced the Western Hemisphere Travel Initiative, which requires individuals entering or re-entering the United States to present a passport or other accepted secure identifying document. The identification requirements of the Western Hemisphere Travel Initiative take effect by January 1, 2008. When announcing the Western Hemisphere Travel Initiative, the Departments of State and Homeland Security identified the passport as the document of choice for entry or re-entry into the United States, but acknowledged that certain other documents might be acceptable in lieu of a passport.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Engrossed Substitute Bill: The Department of Licensing (Department) may enter into a memorandum of understanding with any federal agency to facilitate border crossing between the state of Washington and the Canadian province of British Columbia. The Department may enter into an agreement with British Columbia to implement a border crossing initiative. The Department may issue an enhanced driver's license or identicard to an applicant who, in addition to meeting any other driver's license and identicard requirements, provides the Department with proof of United States citizenship, identity, and state residency. The enhanced driver's license or identicard must include a one-to-many biometric matching system, which an applicant for an enhanced driver's license or identicard must submit.

The Department may release copies of photographs from enhanced driver's licenses and identicards to United States customs and border agents for the purposes of verifying identity. The Department must adopt rules and may set fees for the issuance of enhanced drivers' licenses and identicards. The Department must establish a statewide campaign to educate Washington citizens about the border crossing initiative authorized by this act.

The Department must continue to issue a standard driver's license and identicard. The Department must allow each applicant to choose between the standard driver's license or identicard, or an enhanced driver's license or identicard. The enhanced driver's license or identicard must include reasonable security measures to protect the privacy of Washington State residents, including reasonable safeguards against unauthorized data access. From time to time, the Department must review technological innovations related to identity card security, and amend rules related to the enhanced driver's license and identicards as appropriate to protect the privacy of Washington State residents.

The bill is null and void unless funded in the budget.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Staff Summary of Public Testimony: PRO: This bill will help with commerce and travel between Washington and British Columbia. In response to stakeholder concerns, a public education program was added to this bill in the House. The public education component is very important and should involve stakeholder input. It is important that the traveling public understand upcoming border crossing requirements, and the availability of the enhanced driver's license or identicard.

Persons Testifying: PRO: Liz Luce, Department of Licensing; Earl Tower, Private International Ferry Operators; Russell Veenem, Port Angeles Chamber of Commerce; Larry Williams, Deputy Mayor of Port Angeles; Edna Peterson, Councilmember for Port Angeles.