

SENATE BILL REPORT

SB 5087

As Reported By Senate Committee On:
Transportation, January 29, 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: Senators Haugen, Swecker and Murray.

Brief History:

Committee Activity: Transportation: 1/23/07, 1/29/07 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5087 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Berkey, Clements, Delvin, Holmquist, Jacobsen, Kastama, Kauffman, Kilmer, Sheldon and Spanel.

Staff: Dory Nicpon (786-7321)

Background: In 2004, Congress established a cooperative state-federal process to create federal standards for drivers' licenses. On May 11, 2005, President Bush signed into law the REAL ID Act of 2005 (REAL ID Act). The REAL ID Act repeals the negotiated rulemaking process and establishes standards intended to improve security for state-issued drivers' licenses and personal identification cards. The REAL ID Act requires that certain verified, uniform information be placed on every state driver's license in a standard, machine readable format. Beginning in May 2008, no federal agency may accept for any official purpose a driver's license or identification card that does not meet the requirements of the REAL ID Act.

The Department of Licensing estimates that total expenditures to implement the REAL ID Act in Washington would be \$96.7 million in 2007-2009, and \$93.4 million in 2009-2011. No federal funding has been provided for the implementation of the REAL ID Act.

Summary of Bill: The bill as referred to committee was not considered.

SUMMARY OF RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Transportation): The director of the Office of Financial Management must ensure that state

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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 included; (2) the implementation does not place unreasonable costs or recordkeeping burdens on driver's license or identicard applicants; and (3) sufficient federal funds are received by Washington to implement the REAL ID Act requirements.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill addresses some serious concerns raised by the REAL ID Act of 2005, specifically: (1) the lack of federal funding for implementation of the REAL ID Act; and (2) privacy. The REAL ID Act would require the collection and retention of a substantial amount of information about driver's license or identicard applicants. The data collected would be subject to inaccuracies, and susceptible to increased unauthorized disclosure as it would be shared among states.

Persons Testifying: PRO: Jennifer Shaw, American Civil Liberties Union.