
HOUSE BILL 1026

State of Washington 61st Legislature 2009 Regular Session

By Representatives Armstrong, Anderson, Newhouse, Orcutt, Short, Kretz, and Warnick

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1 AN ACT Relating to verification that applicants for drivers'
2 licenses and identicards are lawfully within the United States;
3 amending RCW 46.20.035; and adding a new section to chapter 46.20 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to read
6 as follows:

7 The department may not issue an identicard or a Washington state
8 driver's license that is valid for identification purposes unless the
9 applicant meets the identification requirements of subsection (1), (2),
10 or (3) of this section and the identification requirements of
11 subsection (4) of this section.

12 (1) A driver's license or identicard applicant must provide the
13 department with at least one of the following pieces of valid
14 identifying documentation that contains the signature and a photograph
15 of the applicant:

16 (a) A valid or recently expired driver's license or instruction
17 permit that includes the date of birth of the applicant;

18 (b) A Washington state identicard or an identification card issued
19 by another state;

1 (c) An identification card issued by the United States, a state, or
2 an agency of either the United States or a state, of a kind commonly
3 used to identify the members or employees of the government agency;

4 (d) A military identification card;

5 (e) A United States passport; or

6 (f) (~~An Immigration and Naturalization Service~~) A citizenship and
7 immigration services form.

8 (2) An applicant who is a minor may establish identity by providing
9 an affidavit of the applicant's parent or guardian. The parent or
10 guardian must accompany the minor and display or provide:

11 (a) At least one piece of documentation in subsection (1) of this
12 section establishing the identity of the parent or guardian; and

13 (b) Additional documentation establishing the relationship between
14 the parent or guardian and the applicant.

15 (3) A person unable to provide identifying documentation as
16 specified in subsection (1) or (2) of this section may request that the
17 department review other available documentation in order to ascertain
18 identity. The department may waive the requirement if it finds that
19 other documentation clearly establishes the identity of the applicant.
20 Notwithstanding the requirements in subsection (2) of this section, the
21 department shall issue an identicard to an applicant for whom it
22 receives documentation pursuant to RCW 74.13.283.

23 (4) A driver's license or identicard applicant must provide the
24 department with documentation that the applicant is a United States
25 citizen or that the applicant's presence in the United States is
26 authorized under federal law.

27 (5) An identicard or a driver's license that includes a photograph
28 that has been renewed by mail or by electronic commerce is valid for
29 identification purposes if the applicant met the identification
30 requirements of subsection (1), (2), or (3) of this section at the time
31 of previous issuance.

32 (~~(+5)~~) (6) The form of an applicant's name, as established under
33 this section, is the person's name of record for the purposes of this
34 chapter.

35 (~~(+6)~~) (7) If the applicant is unable to prove his or her identity
36 under this section or provide the documentation required under
37 subsection (4) of this section, the department shall plainly label the
38 license "not valid for identification purposes."

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
2 to read as follows:

3 The department may adopt rules to establish procedures for: (1)
4 Verifying that a driver's license or identicard applicant is a United
5 States citizen or that the applicant's presence in the United States is
6 authorized under federal law, including appropriate documentation of
7 that status; and (2) appeals hearings from denials and cancellations of
8 drivers' licenses or identicards based on the requirement that a
9 licensee or identicard holder be a United States citizen or be lawfully
10 within the United States.

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