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## Transportation Committee

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### ESSB 6150

**Brief Description:** Addressing the driver's license, permit, and identocard system, including the administration of a facial recognition matching system.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Haugen, King, Eide, Hobbs, Shin and Chase; by request of Department of Licensing).

#### Brief Summary of Engrossed Substitute Bill

- Allows the Department of Licensing to implement a facial recognition matching system for driver's licenses, permits, and identicards.
- Changes the renewal period from five years to six years for driver's licenses, motorcycle endorsements, and identicards.
- Increases fees for driver's licenses, identicards, and commercial driver's licenses.

**Hearing Date:** 2/20/12

**Staff:** Alison Hellberg (786-7152).

#### **Background:**

##### Biometric Matching System.

Current law requires the Department of Licensing (Department) to implement a highly accurate biometric matching system that is compliant with standards established by the American Association of Motor Vehicle Administrators (AAMVA) within two years after Washington implements provisions of the federal Real ID Act.

The biometric matching system may only be used to verify the identity of an applicant for renewal or issuance of a duplicate license or identocard. When the system is established, the Department must allow every person applying for an original, renewal, or duplicate driver's license or identocard the option of submitting a biometric identifier. A fee of up to \$2 may be charged to add a biometric identifier to a driver's license or identocard. The project requires a full

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review by the Information Services Board using the criteria for the projects of the highest visibility and risk.

An applicant must be informed of:

- all ways in which the biometric identifier may be used;
- all parties to whom the identifier may be disclosed and the conditions of disclosure;
- the expected error rates for the biometric matching system, which shall be regularly updated as the technology changes or empirical data is collected; and
- the potential consequences of those errors.

The Department must adopt rules to allow applicants to verify the accuracy of the system at the time that biometric information is submitted. All biometric information must be stored with appropriate safeguards. The Department may not disclose biometric information to the public or any governmental entity except when authorized by court order. Current law also requires the Department to develop procedures to handle instances in which the biometric matching system fails to verify the identity of an applicant for a renewal or duplicate driver's license or identicard. These procedures must allow an applicant to prove identity without using a biometric identifier. A person who has voluntarily submitted a biometric identifier may choose to discontinue participation in the program at any time. When the person discontinues participation, any previously collected biometric information must be destroyed.

The Department received federal funds for a driver's license and identicard biometric matching system pilot program. The pilot program was implemented in 2009. The Enhanced Driver License program also uses facial recognition technology to verify identity.

Facial recognition matching systems use a mathematical template based on the photograph of the applicant and compare the template against templates of photos currently in the system. The system then identifies potential template matches for review by a Department staff person.

#### Licenses, Endorsements, and Identicards.

The Department issues driver's licenses, endorsements, and identicards that are valid for up to five years. The fees associated with the issuance of a driver license, endorsement, and identicard are as follows:

- a driver's license issued for five years is \$25 or, if issued for a period other than five years, is \$5 per year;
- a commercial driver's license issued for five years is \$61 or, if issued for a period other than five years, is \$12.20 per year;
- an identicard issued for up to five years is \$20 unless the applicant receives public assistance, in which case the cost is equal to the actual cost to produce the identicard;
- an initial motorcycle endorsement is \$12; and
- a motorcycle endorsement renewal issued for five years is \$25 or, if issued for a period other than five years, is \$5 per year.

Commercial drivers carrying certain hazardous materials must obtain a hazardous materials endorsement. This requires a complete background check through the federal Transportation Security Administration (TSA) and successful passage of a hazardous materials knowledge test.

#### **Summary of Bill:**

### Facial Recognition Matching System.

A "facial recognition matching system" is defined as a system that compares the biometric template derived from an image of an applicant or holder of a driver's license, permit, or identicard with the biometric templates derived from the images in the Department's negative file. The term "biometric matching system" is replaced with the term "facial recognition matching system" throughout the statute.

The Department may implement a facial recognition matching system for all driver's licenses, permits, and identicards. Any facial recognition matching system selected by the Department must only be used to verify the identity of an applicant for, or holder of, a driver's license, permit, or identicard. The requirement that the system be compliant with standards established by the AAMVA is modified so that any subsequent changes to the AAMVA standards would need to be adopted by the Department in rule.

The results from the facial recognition matching system are not available for public inspection and copying. The Department may not disclose the results from the facial recognition matching system except: when authorized by court order; or to law enforcement if the Department has reason to believe that a person has committed certain prohibited practices. These prohibited practices are to:

- display or possess a fictitious or fraudulently altered driver's license or identicard;
- lend a driver's license or identicard to any other person or knowingly permit its use by another;
- display or represent as one's own any driver's license or identicard not issued to him or her;
- willfully refuse to surrender to the Department upon its lawful demand any driver's license or identicard which has been suspended, revoked, or canceled;
- use a false or fictitious name in an application for a driver's license or identicard, or to knowingly make a false statement, or to knowingly conceal a material fact or otherwise commit a fraud in an application;
- permit any unlawful use of a driver's license or identicard issued to him or her;
- sell or deliver a stolen driver's license or identicard; or
- manufacture, sell, or deliver a forged, fictitious, counterfeit, fraudulently altered, or unlawfully issued driver's license or identicard, or to manufacture, sell, or deliver a blank driver's license or identicard except under the direction of the Department.

The requirement that the Department implement a biometric matching system within two years of implementing the provisions of Real ID Act is removed. Language allowing a person to discontinue participation in the program is removed. The disclosures that the Department must provide to applicants are no longer required. The requirement that the project be reviewed by the Information Services Board is removed. The authority for the Department to charge an applicant a \$2 fee for submitting a biometric identifier is repealed.

### Licenses, Endorsements, and Identicards.

Beginning on July 1, 2013, the renewal period for driver's licenses, commercial driver's licenses, motorcycle endorsements, and identicards is increased from five years to six years. In order to evenly distribute the yearly renewal of driver's licenses and identicards, between July 1, 2013, and June 30, 2021, the Department may issue licenses and identification cards for periods other than six years.

The expiration date of a commercial driver's license with a hazardous materials endorsement may be a period other than six years in order to match validation from the TSA. If a hazardous materials endorsement is added to the license subsequent to its issuance, the Department may adjust the expiration date of the license.

The initial motorcycle endorsement fee is changed to reflect the issuance over a six-year period instead of five years, but the per year cost remains the same as is currently collected (\$2 per year). The motorcycle endorsement renewal fee is also changed to reflect the issuance over a six-year period, but the per year cost remains the same as is currently collected (\$5 per year).

Fees are increased on state-issued documents as follows:

<b>Document</b>	<b>Current Fee</b>	<b>Current Cost Per Year</b>	<b>Proposed Fee (Oct 2012- June 2013)</b>	<b>Proposed Fee (after July 2013) for 6 Years</b>	<b>Proposed Cost Per Year</b>
Driver's License – Original and Renewal	\$25.00	\$ 5.00	\$45.00	\$ 54.00	\$ 9.00
Identical cards – Original And Renewal	\$20.00	\$ 4.00	\$45.00	\$ 54.00	\$ 9.00
Commercial Driver's License – Original And Renewal	\$61.00	\$12.20	\$85.00	\$102.00	\$17.00

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Sections 4 through 9, pertaining to fees and expiration dates for licenses, endorsements, and identical cards, take effect October 1, 2012; and the remaining sections, pertaining to the facial recognition matching system, take effect 90 days after adjournment of the session in which the bill is passed.