

SENATE BILL REPORT

SB 5407

As Reported by Senate Committee On:
Transportation, February 14, 2011

Title: An act relating to the issuance of drivers' licenses, drivers' instruction permits, juvenile agricultural driving permits, and identicards.

Brief Description: Concerning the issuance of drivers' licenses, drivers' instruction permits, juvenile agricultural driving permits, and identicards.

Sponsors: Senators Haugen, King, Becker, Prentice, Honeyford and Hargrove.

Brief History:

Committee Activity: Transportation: 2/03/11, 2/07/11, 2/14/11 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5407 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Eide, Hill, Hobbs, Litzow, Sheldon, Shin and Swecker.

Minority Report: Do not pass.

Signed by Senators White, Vice Chair; Nelson, Prentice and Ranker.

Minority Report: That it be referred without recommendation.

Signed by Senator Delvin.

Staff: Janice Baumgardt (786-7319)

Background: Under current law, those wishing to apply for a driver's license (WDL) or driver's instruction permit must be residents of the state of Washington and submit an application to the Department of Licensing (DOL). There are no requirements that applicants show proof of their legal presence in the United States. There are no application, residency, or legal presence requirements for those seeking an identicard or juvenile agricultural permit. Driver's licenses and identicards expire on the fifth anniversary of the licensee/applicant's birthday following the issuance of the license/identicard. Driver's instruction permits expire one year after issuance. Agricultural permits expire one year after issuance or when the licensee reaches the age of 18, whichever comes first.

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 Bill: The bill as referred to committee not considered.

Summary of Bill (Recommended Substitute): Those seeking a WDL, permit, or identicard must submit an application, a sworn statement that they are Washington residents, proof of their Washington residency, and their social security number (SSN) to the DOL. If the applicant does not have a SSN they must provide proof that they are lawfully within the United States. Applicants without a SSN or proof of legal presence may obtain a driver's license, driver's instruction permit, or juvenile agricultural driving permit that is plainly labeled not valid for identification purposes. Before giving applicants their permanent WDL, permit, or identicard, DOL must verify that the SSN provided or the documentation proving the applicant is lawfully within the United States is valid and associated with the applicant and that the address provided is a valid address which does not appear to be used fraudulently. DOL may not mail permanent licenses and permits to out-of-state addresses with some exceptions. Driver's licenses and identicards expire on the fifth anniversary of the licensee/applicant's birthday following the issuance of the license/identicard or when the date the licenses's authorization to be within the United States expires, whichever occurs first. Driver's instruction permits expire one year after issuance or when the date the licenses's authorization to be within the United States expires, whichever occurs first. Agricultural permits expire one year after issuance, when the licensee reaches the age of 18, or when the licenses's authorization to be within the United States expires, whichever occurs first. DOL must educate the public on the new documentation requirements when applying for WDLs, permits, and identicards.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute as Passed Committee): Allows those without a SSN or proof of legal presence to obtain a driver's license, driver's instruction permit, or juvenile agricultural driving permit that is plainly labeled not valid for identification purposes.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on January 1, 2012.

Staff Summary of Public Testimony on Proposed Substitute as Heard in Committee:

PRO: The rule of law should be respected. This bill helps to close a loophole but doesn't go far enough: (1) all existing license holders should have to prove lawful presence; (2) everyone should have to prove lawful presence; and (3) DOL should verify documents through the federal SAVE system. This bill is about verifying identities and is a safety issue; and, this bill will help prevent crime, prevent identity theft, protect the public, and increase law enforcement safety.

CON: This bill targets illegal immigrants. It is very difficult to get a visa to come to the United States. It will be very difficult to determine who is lawfully present. People will not get car insurance and will then be less safe drivers which will put everyone at risk. The

purpose of a license is to show proof of the ability to drive – not to be used for identification purposes.

Persons Testifying: PRO: Steve Edwards, Grassroots of Yakima Valley; Loretta Graff, retired, Bob West, Craig Fisher, Judith Tyback, Craig Keller, Mimi Silver, citizens; Brian Wurtx, WA Council of Police and Sheriffs.

CON: Pramila Jayapal, One America; Shankar Narnyan, ACLU; Maru Villalpando, Community 2 Community; Maribel Peralez, citizen; John-Paul Chaisson-Carderas, Washington Community Action Network; Jorge Baron, Northwest Immigrant Rights Projects; Josefina Beacher, Reverend; Health Villanneva, Service Employees International Union 7745NW.