

SENATE BILL REPORT

SB 6150

As of April 27, 2012

Title: An act relating to a facial recognition matching system for drivers' licenses, permits, and identicards.

Brief Description: Authorizing the implementation of a facial recognition matching system for drivers' licenses, permits, and identicards.

Sponsors: Senators Haugen, King, Eide, Hobbs, Shin and Chase; by request of Department of Licensing.

Brief History:

Committee Activity: Transportation: 1/30/12.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: State law requires the Department of Licensing (DOL) to implement a highly accurate one-to-one biometric matching system within two years after Washington implements the provisions of the federal Real ID Act. The Real ID Act sets new standards for state issued driver licenses and identicards and states must meet the federal standards by January 15, 2013. When the biometric driver license and identicard system is established, DOL must allow every person applying for an original, renewal, or duplicate driver's license or identicard the option of submitting a biometric identifier. The fee for applying a biometric identifier to a driver license or identicard is \$2. DOL may not disclose biometric information to the public or any governmental entity, except when authorized by court order. The statute is silent about the type of biometric DOL must use. Washington has not yet met all of the standards required in Real ID Act.

In 2009 the Legislature authorized DOL to seek federal funds to implement a driver license and identicard biometric matching system pilot program. DOL successfully obtained federal funds and implemented a facial recognition pilot program. The Enhanced Driver License program also uses facial recognition technology to verify identity.

Facial recognition 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 flags potential template matches for review by a DOL staff person.

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.

According to a recent survey of states by the American Association of Motor Vehicle Administrators, approximately 34 states use some form of facial recognition program.

Summary of Bill: 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 license, permit, or identicard with the biometric templates derived from the images in DOL's negative file.

DOL is authorized to implement a facial recognition matching system for all driver's licenses, permits, and identicards. Any facial recognition matching system selected by DOL must be used only to verify the identity of an applicant for, or holder of, a driver's license, permit, or identicard. Limitations on when DOL may disclose the results from the facial recognition matching system are provided.

DOL must develop procedures to handle incidents when the facial recognition matching system fails to verify the identity of an applicant for a renewal or duplicate driver license or identicard. The procedures must allow the applicant to prove identity without using the facial recognition matching system.

The authority for DOL to charge an applicant a \$2 fee for submitting a biometric identifier is repealed. The requirement that DOL implement a biometric matching system within two years of implementing the provisions of Real ID Act is removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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