

# FINAL BILL REPORT

## ESSB 6150

---

---

### C 80 L 12

Synopsis as Enacted

**Brief Description:** Addressing the driver's license, permit, and identicard 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).

**Senate Committee on Transportation**  
**House Committee on Transportation**

**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 license or identicard the option of submitting a biometric identifier. The fee for applying a biometric identifier to a driver license or identicard is \$2.00. 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 the 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. 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.

A Washington State driver license, endorsement, or identicard is currently valid for up to five years. The fees associated with the issuance of a driver license, endorsement, and identicard are as follows:

---

*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.*

- a driver license issued for five years is \$25.00 or, if issued for a period other than five years, is \$5.00 per year;
- a commercial driver license issued for five years is \$61.00 or, if issued for a period other than five years, is \$12.20 per year;
- an identicard issued for up to five years is \$20.00 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 \$12.00;
- a motorcycle endorsement renewal issued for five years is \$25.00 or, if issued for a period other than five years, is \$5.00 per year;
- an instruction permit is \$20;
- an original license examination is \$20;
- a duplicate license is \$15; and
- a DUI hearing is \$200.

**Summary:** 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 licenses, permits, and identicards to determine whether the person has been issued identification under a different name or names.

The results from the system are not available for public inspection and copying and may only be disclosed: (1) pursuant to a valid court order; (2) to a federal government agency, if specifically required under federal law; or (3) to a government agency, including a court or law enforcement agency, for use in carrying out its functions if the DOL has determined that person has committed certain prohibited practices and this determination has been confirmed by a hearings examiner. The results from the facial recognition matching system are not available for public inspection and copying under the Public Records Act.

DOL must provide specified public notices at driver licensing offices and on DOL's website that address how the facial recognition matching system works, all ways in which DOL may use the results, how an investigation based on results from the system would be conducted, and a person's right to appeal any determination made.

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.

DOL must report to the Governor and the Legislature annually regarding the facial recognition matching system, including the number of investigations initiated based on the results from the system; determinations that were confirmed and those overturned; and determinations that were referred to law enforcement. This requirement expires in 2017.

The authority for DOL to charge an applicant a \$2.00 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.

Beginning July 1, 2013, a Washington State driver license, endorsement, or identicard is valid for up to six years. From July 1, 2013, until June 30, 2021, DOL may issue a driver license or identicard for a period of other than six years in order to evenly distribute the yearly renewal rate. DOL may also issue a driver license that includes a hazardous materials endorsement for a period of other than six years in order to match the validity of certification from the federal transportation security administration.

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 the listed state issued documents as follows:

Document	Current Fee	Current Cost per Year	New Fee Level (Oct 2012 - June 2013) For 5 Years	New Fee Level (after July 2013) For 6 Years	New Cost per Year
Driver's License - Original & Renewal	\$25.00	\$5.00	\$45.00	\$54.00	\$9.00
Identicards - Original & Renewal	\$20.00	\$4.00	\$45.00	\$54.00	\$9.00
Commercial Driver's License - Original & Renewal	\$61.00	\$12.20	\$85.00	\$102.00	\$17.00

Document	RCW	Current Fee	New Fee Level
Driver's Instruction Permit (Application)	46.20.055	\$20.00	\$25.00
Driver's Instruction Permit (Renewal)	46.20.055	\$20.00	\$25.00
Driver's License Examination	46.20.120	\$20.00	\$35.00
Replacement Identicard or Driver's License	46.20.200	\$15.00	\$20.00
DUI Hearing	46.20.308	\$200.00	\$375.00

**Votes on Final Passage:**

Senate 29 19  
 House 52 44 (House amended)  
 Senate (Senate refused to concur)

Conference Committee

House 51 47

Senate 29 20

**Effective:** June 7, 2012

October 1, 2012 (Sections 5-13)