

SENATE BILL REPORT

ESSB 6150

As Amended by House, March 3, 2012

Title: An act relating to supporting the driver's license, permit, and identicard system, including the administration of a facial recognition matching system.

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).

Brief History:

Committee Activity: Transportation: 1/30/12, 2/06/12 [DPS, DNP, w/oRec].

Passed Senate: 2/13/12, 29-19.

Passed House: 3/03/12, 52-44.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6150 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Eide, Vice Chair; Fain, Assistant Ranking Minority Member; Ericksen, Frockt, Hobbs, Litzow, Prentice, Ranker, Sheldon and Shin.

Minority Report: Do not pass.

Signed by Senator King, Ranking Minority Member.

Minority Report: That it be referred without recommendation.

Signed by Senators Hill and Swecker.

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 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

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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. 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:

- 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; and
- 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.

Summary of Engrossed Substitute 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. DOL may not disclose the results from the facial recognition matching system except: (1) by court order; or (2) to law enforcement if DOL has reason to believe that a person has committed any of the prohibited practices in RCW 46.20.0921. The results from the facial recognition matching system are not available for public inspection and copying under the Public Records Act.

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 \$2.00 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	Proposed Fee (Oct 2012 - June 2013) For 5 Years	Proposed Fee (after July 2013) For 6 Years	Proposed 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

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill will extend the same system that we currently use on the Enhanced Driver's License to all driver's licenses, permits, and indenticards issued by DOL. Identity theft had over 10 million victims nationwide last year, with a financial impact of \$48 billion. Thirty-one other states use facial recognition systems, and seven also use fingerprints. When we had the facial recognition pilot program, we identified over 100 individuals that already had a duplicate license under another name. The driver's license has become the de facto identification document that most of us use to verify our identity. There is no reason to allow people to have more than

one document in their name. Our Enhanced ID has been identified as a leader in security at a national level. This bill would bring our other licenses up to the same standard as the Enhanced ID.

We support this bill. This is an officer safety issue. Officers need to know who it is that they are dealing with, and with a system like facial recognition in place, we can be reasonably certain that the ID given to us at a stop accurately reflects the person we have pulled over. Recently there was a triple homicide in Lakewood. When they served the warrant, they found that the suspect had three different state-issued IDs.

Persons Testifying: PRO: Alan Haight, Director of the DOL; Lee Reeves, WACOPS.

House Amendment(s): Modifies the restrictions regarding disclosure of the results of the facial recognition matching system by specifying: (1) DOL may disclose to a federal government agency only if specifically required under federal law; and (2) DOL may disclose the results to a government agency, including a court or law enforcement agency, only if DOL has determined that a person has committed certain prohibited practices (related to license fraud) and the determination has been confirmed by a hearings examiner. Certain information technology security requirements are also provided.

Directs DOL to 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.

Requires DOL to 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.

Requires that a driver license issued to a person under the age of 21 expires on the person's twenty-first birthday.

Increases the following fees, in addition to those in the bill as passed the Senate:

Document	RCW	Current Fee	Proposed Fee
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 Identocard or Driver's License	46.20.200	\$15.00	\$20.00
DUI Hearing	46.20.308	\$200.00	\$375.00

Adds a new section (sec. 14) to chapter 46.68 that identifies the following uses for the incremental increase in each fee:

- 14.5 percent for highway maintenance;

- 14.5 percent for highway preservation;
- 14.5 percent for street construction and maintenance grants to cities and urban counties;
- 14.5 percent to provide grants for counties road improvements;
- 29 percent for state ferry operations;
- 3.7 percent for freight mobility projects; and
- 9.3 percent for grants to improve safety and mobility for children by enabling and encouraging them to walk and bicycle to school.