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HOUSE BILL 2433

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State of Washington

62nd Legislature

2012 Regular Session

By Representatives Clibborn, Armstrong, Lias, Rodne, Maxwell, Moeller, Hurst, and Ormsby; by request of Department of Licensing

Read first time 01/13/12. Referred to Committee on Transportation.

1 AN ACT Relating to a facial recognition matching system for  
2 drivers' licenses, permits, and identicards; amending RCW 46.20.037;  
3 adding a new section to chapter 46.04 RCW; and repealing RCW 46.20.038.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 46.20.037 and 2006 c 292 s 1 are each amended to read  
6 as follows:

7 ~~(1) ((No later than two years after full implementation of the~~  
8 ~~provisions of Title II of P.L. 109-13, improved security for driver's~~  
9 ~~licenses and personal identification cards (Real ID), as passed by~~  
10 ~~Congress May 10, 2005,))~~ The department ((shall)) may implement a  
11 ~~((voluntary biometric))~~ facial recognition matching system for  
12 ~~((driver's))~~ drivers' licenses, permits, and identicards. ~~((A~~  
13 ~~biometric))~~ Any facial recognition matching system ~~((shall))~~ selected  
14 by the department must be used only to verify the identity of an  
15 applicant for or holder of a ~~((renewal or duplicate))~~ driver's license,  
16 permit, or identicard ~~((by matching a biometric identifier submitted by~~  
17 ~~the applicant against the biometric identifier submitted when the~~  
18 ~~license was last issued. This project requires a full review by the~~

1 ~~information services board using the criteria for projects of the~~  
2 ~~highest visibility and risk)).~~

3 (2) Any ~~((biometric))~~ facial recognition matching system selected  
4 by the department ~~((shall))~~ must be capable of highly accurate  
5 matching, and ~~((shall))~~ must be compliant with ~~((biometric))~~ any  
6 appropriate standards established by the American association of motor  
7 vehicle administrators.

8 ~~((The biometric matching system selected by the department must~~  
9 ~~incorporate a process that allows the owner of a driver's license or~~  
10 ~~identocard to present a personal identification number or other code~~  
11 ~~along with the driver's license or identocard before the information~~  
12 ~~may be verified by a third party, including a governmental entity.~~

13 ~~((4) Upon the establishment of a biometric driver's license and~~  
14 ~~identocard system as described in this section, the department shall~~  
15 ~~allow every person applying for an original, renewal, or duplicate~~  
16 ~~driver's license or identocard to voluntarily submit a biometric~~  
17 ~~identifier. Each applicant shall be informed of all ways in which the~~  
18 ~~biometric identifier may be used, all parties to whom the identifier~~  
19 ~~may be disclosed and the conditions of disclosure, the expected error~~  
20 ~~rates for the biometric matching system which shall be regularly~~  
21 ~~updated as the technology changes or empirical data is collected, and~~  
22 ~~the potential consequences of those errors. The department shall adopt~~  
23 ~~rules to allow applicants to verify the accuracy of the system at the~~  
24 ~~time that biometric information is submitted, including the use of at~~  
25 ~~least two separate devices.~~

26 ~~((5))~~ Except when the department has reason to believe that a  
27 person has committed one of the prohibited practices listed in RCW  
28 46.20.0921, the department may not disclose ((biometric information))  
29 the results from the facial recognition matching system to the public  
30 or any governmental entity except when authorized by court order.

31 ~~((+6))~~ (4) All ((biometric)) personally identifying information  
32 ((shall)) derived from the facial recognition matching system must be  
33 stored with appropriate security safeguards((, including but not  
34 limited to encryption)).

35 ~~((+7))~~ (5) The department shall develop procedures to handle  
36 instances in which the ((biometric)) facial recognition matching system  
37 fails to verify the identity of an applicant for a renewal or duplicate

1 driver's license, permit, or identicard. These procedures ((shall))  
2 must allow an applicant to prove identity without using ((a biometric  
3 identifier.

4 ~~(8) Any person who has voluntarily submitted a biometric identifier~~  
5 ~~may choose to discontinue participation in the biometric matching~~  
6 ~~program at any time, provided that the department utilizes a secure~~  
7 ~~procedure to prevent fraudulent requests for a renewal or duplicate~~  
8 ~~driver's license or identicard. When the person discontinues~~  
9 ~~participation, any previously collected biometric information shall be~~  
10 ~~destroyed.~~

11 ~~(9) This section does not apply when an applicant renews his or her~~  
12 ~~driver's license or identicard by mail or electronic commerce)) the~~  
13 ~~facial recognition matching system.~~

14 NEW SECTION. Sec. 2. A new section is added to chapter 46.04 RCW  
15 to read as follows:

16 "Facial recognition matching system" means a system that compares  
17 the biometric template derived from an image of an applicant or holder  
18 of a driver's license, permit, or identicard with the biometric  
19 templates derived from the images in the department's negative file.

20 NEW SECTION. Sec. 3. RCW 46.20.038 (Biometric matching system--  
21 Funding) and 2004 c 273 s 4 are each repealed.

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