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SENATE BILL 5006

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By Senators Honeyford, Sheldon, Prentice, Stevens, Swecker, Becker, Carrell, Zarelli, King, Schoesler, Ericksen, Morton, and Holmquist Newbry

Read first time 01/10/11. Referred to Committee on Transportation.

1 AN ACT Relating to the issuance of drivers' licenses, permits, and  
2 identicards to persons who are not lawfully within the United States;  
3 amending RCW 46.20.021, 46.20.035, 46.20.065, 46.20.070, 46.20.117,  
4 46.20.181, and 46.20.207; and adding new sections to chapter 46.20 RCW.

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

6 **Sec. 1.** RCW 46.20.021 and 1999 c 6 s 5 are each amended to read as  
7 follows:

8 (1) New Washington residents must obtain a valid Washington  
9 driver's license within thirty days from the date they become  
10 residents.

11 (2) To qualify for a Washington driver's license, a person must  
12 surrender to the department all valid driver's licenses that any other  
13 jurisdiction has issued to him or her. The department must invalidate  
14 the surrendered photograph license and may return it to the person.

15 (a) The invalidated license, along with a valid temporary  
16 Washington driver's (~~license~~) permit provided for in RCW  
17 46.20.065(1)(a), is proper identification.

18 (b) The invalidated license, along with a valid temporary  
19 Washington driver's permit provided for in RCW 46.20.065(1)(b), is

1 proper identification as long as the underlying investigation under RCW  
2 46.20.065(1)(b) is not for the purposes of determining whether the  
3 applicant is lawfully within the United States and such a determination  
4 has not already been made.

5 (c) The department shall notify the previous issuing department  
6 that the licensee is now licensed in a new jurisdiction.

7 (3) For the purposes of obtaining a valid driver's license, a  
8 resident is a person who manifests an intent to live or be located in  
9 this state on more than a temporary or transient basis. Evidence of  
10 residency includes but is not limited to:

11 (a) Becoming a registered voter in this state; or

12 (b) Receiving benefits under one of the Washington public  
13 assistance programs; or

14 (c) Declaring residency for the purpose of obtaining a state  
15 license or tuition fees at resident rates.

16 (4)(a) "Washington public assistance programs" means public  
17 assistance programs that receive more than fifty percent of the  
18 combined costs of benefits and administration from state funds.

19 (b) "Washington public assistance programs" does not include:

20 (i) The Food Stamp program under the federal Food Stamp Act of  
21 1964;

22 (ii) Programs under the Child Nutrition Act of 1966, 42 U.S.C.  
23 Secs. 1771 through 1788;

24 (iii) Temporary Assistance for Needy Families; and

25 (iv) Any other program that does not meet the criteria of (a) of  
26 this subsection.

27 **Sec. 2.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to read  
28 as follows:

29 The department may not issue an identicard or a Washington state  
30 driver's license that is valid for identification purposes unless the  
31 applicant has proven his or her lawful presence in the United States  
32 and meets the identification requirements of subsection (1), (2), or  
33 (3) of this section.

34 (1) A driver's license or identicard applicant must provide the  
35 department with at least one of the following pieces of valid  
36 identifying documentation that contains the signature and a photograph  
37 of the applicant:

1 (a) A valid or recently expired driver's license or instruction  
2 permit that includes the date of birth of the applicant;

3 (b) A Washington state identicard or an identification card issued  
4 by another state;

5 (c) An identification card issued by the United States, a state, or  
6 an agency of either the United States or a state, of a kind commonly  
7 used to identify the members or employees of the government agency;

8 (d) A military identification card;

9 (e) A United States passport; or

10 (f) (~~An immigration and naturalization service~~) A United States  
11 citizenship and immigration services form.

12 (2) An applicant who is a minor may establish identity by providing  
13 an affidavit of the applicant's parent or guardian. The parent or  
14 guardian must accompany the minor and display or provide:

15 (a) At least one piece of documentation in subsection (1) of this  
16 section establishing the identity of the parent or guardian; and

17 (b) Additional documentation establishing the relationship between  
18 the parent or guardian and the applicant.

19 (3) A person unable to provide identifying documentation as  
20 specified in subsection (1) or (2) of this section may request that the  
21 department review other available documentation in order to ascertain  
22 identity. The department may waive the requirement if it finds that  
23 other documentation clearly establishes the identity of the applicant.  
24 Notwithstanding the requirements in subsection (2) of this section, the  
25 department shall issue an identicard to an applicant for whom it  
26 receives documentation pursuant to RCW 74.13.283.

27 (4) An identicard or a driver's license that includes a photograph  
28 that has been renewed by mail or by electronic commerce is valid for  
29 identification purposes if the applicant met the identification  
30 requirements of subsection (1), (2), or (3) of this section at the time  
31 of previous issuance.

32 (5) An applicant shall prove his or her lawful presence in the  
33 United States by providing one of the following documents, which may  
34 provide evidence of both lawful presence and identity:

35 (a) A valid, unexpired United States passport or passport card;

36 (b) A certified copy of a birth certificate filed with the state  
37 center for health statistics or equivalent agency in the applicant's  
38 state of birth;

1 (c) A consular report of birth abroad issued by the United States  
2 department of state, Form FS-240, DS-1350, or FS-545;

3 (d) A valid, unexpired permanent resident card, Form I-551;

4 (e) A certificate of naturalization issued by the United States  
5 department of homeland security, Form N-550 or N-570; or

6 (f) A certificate of citizenship issued by the United States  
7 department of homeland security, Form N-560 or N-561.

8 (6) The form of an applicant's name, as established under this  
9 section, is the person's name of record for the purposes of this  
10 chapter.

11 ~~((+6+))~~ (7) If the applicant is unable to prove his or her identity  
12 or lawful presence in the United States under this section, the  
13 department shall plainly label the license "not valid for  
14 identification purposes."

15 **Sec. 3.** RCW 46.20.065 and 1999 c 6 s 12 are each amended to read  
16 as follows:

17 (1)(a) If the department is completing an investigation and  
18 determination of facts concerning an applicant's right to receive a  
19 driver's license, it may issue a temporary driver's permit to the  
20 applicant.

21 (b) If the department is investigating whether the applicant is  
22 lawfully within the United States or the applicant has failed to prove  
23 that he or she is lawfully within the United States, the department  
24 shall plainly label the temporary driver's permit "not valid for  
25 identification purposes."

26 (2) A temporary driver's permit authorizes the permittee to drive  
27 a motor vehicle for up to sixty days. The permittee must have  
28 immediate possession of the permit while driving a motor vehicle.

29 (3) A temporary driver's permit is invalid if the department has  
30 issued a license to the permittee or refused to issue a license to the  
31 permittee for good cause.

32 **Sec. 4.** RCW 46.20.070 and 2005 c 314 s 304 are each amended to  
33 read as follows:

34 (1) **Agricultural driving permit authorized.** The director may issue  
35 a juvenile agricultural driving permit to a person under the age of  
36 eighteen years if:

1 (a) The application is signed by the applicant and the applicant's  
2 father, mother, or legal guardian;

3 (b) The applicant has passed the driving examination required by  
4 RCW 46.20.120;

5 (c) The department has investigated the applicant's need for the  
6 permit and determined that the need justifies issuance;

7 (d) The department has determined the applicant is capable of  
8 operating a motor vehicle without endangering himself or herself or  
9 other persons and property; and

10 (e) The applicant has paid a fee of twenty dollars.

11 The permit must contain a photograph of the person.

12 (2) **Effect of agricultural driving permit.** (a) The permit  
13 authorizes the holder to:

14 (i) Drive a motor vehicle on the public highways of this state in  
15 connection with farm work. The holder may drive only within a  
16 restricted farming locality described on the permit; and

17 (ii) Participate in the classroom portion of a traffic safety  
18 education course authorized under RCW 28A.220.030 or the classroom  
19 portion of a traffic safety education course offered by a driver  
20 training school licensed and inspected by the department of licensing  
21 under chapter 46.82 RCW offered in the community where the holder  
22 resides.

23 (b) The director may transfer the permit from one farming locality  
24 to another. A transfer is not a renewal of the permit.

25 (3) **Term and renewal of agricultural driving permit.** An  
26 agricultural driving permit expires one year from the date of issue or,  
27 unless the permit is plainly labeled "not valid for identification  
28 purposes," on the date the permittee's authorization to be within the  
29 United States expires, whichever occurs first.

30 (a) A person under the age of eighteen who holds a permit may renew  
31 the permit by paying a fee of fifteen dollars.

32 (b) A person applying to renew an agricultural driving permit must  
33 submit the application to the department in person.

34 (c) An agricultural driving permit is invalidated when a permittee  
35 attains age eighteen. In order to drive a motor vehicle on a highway  
36 he or she must obtain a motor vehicle driver's license under this  
37 chapter.

1 (4) **Suspension, revocation, or cancellation.** The director has sole  
2 discretion to suspend, revoke, or cancel a juvenile agricultural  
3 driving permit if:

4 (a) The permittee has been found to have committed an offense that  
5 requires mandatory suspension or revocation of a driver's license;  
6 (~~or~~)

7 (b) The department has determined that the permittee's  
8 authorization to be within the United States has expired or has been  
9 withdrawn; or

10 (c) The director is satisfied that the permittee has violated the  
11 permit's restrictions.

12 **Sec. 5.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to  
13 read as follows:

14 (1) **Issuance.** The department shall issue an identicard, containing  
15 a picture, if the applicant:

16 (a) Does not hold a valid Washington driver's license;

17 (b) Proves his or her identity as required by RCW 46.20.035;  
18 (~~and~~)

19 (c) Proves that he or she is lawfully within the United States; and

20 (d) Pays the required fee. The fee is twenty dollars unless an  
21 applicant is a recipient of continuing public assistance grants under  
22 Title 74 RCW, who is referred in writing by the secretary of social and  
23 health services. For those persons the fee must be the actual cost of  
24 production of the identicard.

25 (2) **Design and term.** The identicard must:

26 (a) Be distinctly designed so that it will not be confused with the  
27 official driver's license; and

28 (b) Expire on the fifth anniversary of the applicant's birthdate  
29 after issuance or, unless the identicard is plainly labeled "not valid  
30 for identification purposes," on the date the applicant's authorization  
31 to be within the United States expires, whichever occurs first.

32 (3) **Renewal.** An application for identicard renewal may be  
33 submitted by means of:

34 (a) Personal appearance before the department; or

35 (b) Mail or electronic commerce, if permitted by rule of the  
36 department and if the applicant did not renew his or her identicard by  
37 mail or by electronic commerce when it last expired. However, the

1 department may accept an application for renewal of an identicard  
2 submitted by means of mail or electronic commerce only if specific  
3 authority and funding is provided for this purpose by June 30, 2004, in  
4 the omnibus transportation appropriations act.

5 An identicard may not be renewed by mail or by electronic commerce  
6 unless the renewal issued by the department includes a photograph of  
7 the identicard holder.

8 (4) **Cancellation.** The department may cancel an identicard if:

9 (a) The holder of the identicard used the card or allowed others to  
10 use the card in violation of RCW 46.20.0921; or

11 (b) The department has determined that the holder's authorization  
12 to be within the United States has expired or has been withdrawn.

13 **Sec. 6.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read  
14 as follows:

15 (1) Except as provided in subsection (4) of this section, every  
16 driver's license expires on the fifth anniversary of the licensee's  
17 birthdate following the issuance of the license or, unless the license  
18 is plainly labeled "not valid for identification purposes," on the date  
19 the licensee's authorization to be within the United States expires,  
20 whichever occurs first.

21 (2) A person may renew his or her license on or before the  
22 expiration date by submitting an application as prescribed by the  
23 department and paying a fee of twenty-five dollars. This fee includes  
24 the fee for the required photograph.

25 (3) A person renewing his or her driver's license more than sixty  
26 days after the license has expired shall pay a penalty fee of ten  
27 dollars in addition to the renewal fee, unless his or her license  
28 expired when:

29 (a) The person was outside the state and he or she renews the  
30 license within sixty days after returning to this state; or

31 (b) The person was incapacitated and he or she renews the license  
32 within sixty days after the termination of the incapacity.

33 (4) During the period from July 1, 2000, to July 1, 2006, the  
34 department may issue or renew a driver's license for a period other  
35 than five years, or may extend by mail a license that has already been  
36 issued, in order to evenly distribute, as nearly as possible, the  
37 yearly renewal rate of licensed drivers. The fee for a driver's

1 license issued or renewed for a period other than five years, or that  
2 has been extended by mail, is five dollars for each year that the  
3 license is issued, renewed, or extended. The department may adopt any  
4 rules as are necessary to carry out this subsection.

5 **Sec. 7.** RCW 46.20.207 and 1993 c 501 s 3 are each amended to read  
6 as follows:

7 (1) The department is authorized to cancel any driver's license or  
8 permit upon determining that the licensee or permittee was not entitled  
9 to the issuance of the license or permit, or that the licensee or  
10 permittee failed to give the required or correct information in his or  
11 her application, or that the licensee or permittee is incompetent to  
12 drive a motor vehicle for any of the reasons under RCW 46.20.031 (4)  
13 and (7), or that the licensee's or permittee's authorization to be  
14 within the United States has expired or has been withdrawn.

15 (2) Upon such cancellation, the licensee or permittee must  
16 surrender the license or permit so canceled to the department.

17 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.20 RCW  
18 to read as follows:

19 The department may adjust the term of a driver's license, permit,  
20 or identicard that has been issued to expire on the expiration date of  
21 an applicant's authorization to be within the United States upon  
22 receiving satisfactory proof that the applicant's presence in the  
23 United States has been reauthorized or extended. The expiration date  
24 of a driver's license, permit, or identicard may be adjusted under this  
25 section up to the date the applicant's authorization to be within the  
26 United States has been extended, or up to the full term for which the  
27 driver's license, permit, or identicard could originally have been  
28 issued, whichever occurs first. There is no additional fee if the  
29 expiration date of a driver's license, permit, or identicard is  
30 adjusted under this section.

31 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.20 RCW  
32 to read as follows:

33 The department may adopt rules to establish procedures for: (1)  
34 Verifying that a driver's license, permit, or identicard applicant's  
35 presence in the United States is authorized under federal law; (2) the



1 issuance of temporary drivers' licenses or permits pending the  
2 verification of status; and (3) appeals hearings from denials and  
3 cancellations of drivers' licenses, permits, or identicards based on  
4 the requirement that a licensee, permittee, or identicard holder be  
5 lawfully within the United States.

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