
SUBSTITUTE SENATE BILL 5407

State of Washington

62nd Legislature

2011 Regular Session

By Senate Transportation (originally sponsored by Senators Haugen, King, Becker, Prentice, Honeyford, and Hargrove)

READ FIRST TIME 02/17/11.

1 AN ACT Relating to the issuance of drivers' licenses, drivers'
2 instruction permits, juvenile agricultural driving permits, and
3 identicards; amending RCW 46.20.035, 46.20.055, 46.20.070, 46.20.091,
4 46.20.105, 46.20.161, and 46.20.181; reenacting and amending RCW
5 66.16.040; adding new sections to chapter 46.20 RCW; creating a new
6 section; repealing RCW 46.20.117; and providing an effective date.

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

8 **Sec. 1.** RCW 46.20.035 and 2008 c 267 s 8 are each amended to read
9 as follows:

10 The department may not issue an identicard (~~(or a)~~), Washington
11 state driver's license, driver's instruction permit, or juvenile
12 agricultural driving permit that is valid for identification purposes
13 unless the applicant meets the identification requirements of
14 subsection (1), (2), or (3) of this section.

15 (1) (~~A driver's license or identicard~~) An applicant must provide
16 the department with at least one of the following pieces of valid
17 identifying documentation that contains the signature and a photograph
18 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~~) United States citizenship
11 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, driver's instruction
28 permit, or juvenile agricultural driving permit that includes a
29 photograph that has been renewed by mail or by electronic commerce is
30 valid for identification purposes if the applicant met the
31 identification requirements of subsection (1), (2), or (3) of this
32 section at the time of previous issuance.

33 (5) The form of an applicant's name, as established under this
34 section, is the person's name of record for the purposes of this
35 chapter.

36 (6) If the applicant is unable to prove his or her identity under
37 this section, the department shall plainly label the driver's license,

1 driver's instruction permit, or juvenile agricultural driving permit
2 "not valid for identification purposes."

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW
4 to read as follows:

5 In order to apply for a driver's license, driver's instruction
6 permit, juvenile agricultural driving permit, or identicard, the
7 applicant must:

8 (1) Provide his or her:

9 (a) Name of record, as established by documentation required under
10 RCW 46.20.035;

11 (b) Date of birth, as established by satisfactory evidence of age;

12 (c) Sex;

13 (d) Washington residence address;

14 (e) Documentation proving Washington residency;

15 (f) Description;

16 (g) Social security number or, if the applicant has not been issued
17 a social security number, proof that the applicant is lawfully within
18 the United States; and

19 (h) Any additional information required by the department;

20 (2) Indicate on a form provided by the department whether the
21 applicant is a Washington resident. The form must be sworn to and
22 signed by the applicant before a person authorized to administer oaths;
23 and

24 (3) Meet the requirements of RCW 46.20.035.

25 A driver's license, driver's instruction permit, or juvenile
26 agricultural driving permit issued to an applicant who has not been
27 issued a social security number and who is otherwise unable to meet the
28 requirements of subsection (1)(g) of this section must be plainly
29 labeled "not valid for identification purposes."

30 **Sec. 3.** RCW 46.20.055 and 2010 c 223 s 1 are each amended to read
31 as follows:

32 (1) **Driver's instruction permit.** The department may issue a
33 driver's instruction permit with or without a photograph to an
34 applicant who has successfully passed all parts of the examination
35 other than the driving test, provided the information required by RCW

1 46.20.091, paid a fee of twenty dollars, and meets the following
2 requirements:

3 (a) Is at least fifteen and one-half years of age; or

4 (b) Is at least fifteen years of age and:

5 (i) Has submitted a proper application; and

6 (ii) Is enrolled in a traffic safety education program offered,
7 approved, and accredited by the superintendent of public instruction or
8 offered by a driver training school licensed and inspected by the
9 department of licensing under chapter 46.82 RCW, that includes practice
10 driving.

11 (2) **Waiver of written examination for instruction permit.** The
12 department may waive the written examination, if, at the time of
13 application, an applicant is enrolled in:

14 (a) A traffic safety education course as defined by RCW
15 28A.220.020(2); or

16 (b) A course of instruction offered by a licensed driver training
17 school as defined by RCW 46.82.280.

18 The department may require proof of registration in such a course
19 as it deems necessary.

20 (3) **Effect of instruction permit.** A person holding a driver's
21 instruction permit may drive a motor vehicle, other than a motorcycle,
22 upon the public highways if:

23 (a) The person has immediate possession of the permit;

24 (b) The person is not using a wireless communications device,
25 unless the person is using the device to report illegal activity,
26 summon medical or other emergency help, or prevent injury to a person
27 or property; and

28 (c) An approved instructor, or a licensed driver with at least five
29 years of driving experience, occupies the seat beside the driver.

30 (4) **Term of instruction permit.** A driver's instruction permit is
31 valid for one year from the date of issue or until the date the
32 permittee's authorization to be within the United States expires,
33 whichever occurs first.

34 (a) The department may issue one additional (~~one-year~~) permit for
35 one year or until the date the permittee's authorization to be within
36 the United States expires, whichever occurs first.

37 (b) The department may issue a third driver's permit for one year
38 or until the date the permittee's authorization to be within the United

1 States expires, whichever occurs first, if it finds after an
2 investigation that the permittee is diligently seeking to improve
3 driving proficiency.

4 (c) A person applying to renew an instruction permit must submit
5 the application to the department in person.

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

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

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

13 (b) The applicant has passed the driving examination required by
14 RCW 46.20.120;

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

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

20 (e) The applicant has paid a fee of twenty dollars.
21 The permit must contain a photograph of the person.

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

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

27 (ii) Participate in the classroom portion of a traffic safety
28 education course authorized under RCW 28A.220.030 or the classroom
29 portion of a traffic safety education course offered by a driver
30 training school licensed and inspected by the department of licensing
31 under chapter 46.82 RCW offered in the community where the holder
32 resides.

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

35 (3) **Term and renewal of agricultural driving permit.** An
36 agricultural driving permit expires one year from the date of issue or

1 until the date the permittee's authorization to be within the United
2 States expires, whichever occurs first.

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

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

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

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

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

16 (b) The director is satisfied that the permittee has violated the
17 permit's restrictions.

18 **Sec. 5.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to read
19 as follows:

20 (1) **Application.** In ~~((order to apply))~~ addition to the application
21 requirements under section 2 of this act, the applicant for a driver's
22 license or driver's instruction permit ~~((the applicant))~~ must provide
23 his or her ~~((+~~

24 ~~(a) Name of record, as established by documentation required under~~
25 ~~RCW 46.20.035;~~

26 ~~(b) Date of birth, as established by satisfactory evidence of age;~~

27 ~~(c) Sex;~~

28 ~~(d) Washington residence address;~~

29 ~~(e) Description;~~

30 ~~(f))~~ driving licensing history, including:

31 ~~((+i))~~ (a) Whether the applicant has ever been licensed as a
32 driver or chauffeur and, if so, ~~((+A))~~ (i) when and by what state or
33 country; ~~((+B))~~ (ii) whether the license has ever been suspended or
34 revoked; and ~~((+C))~~ (iii) the date of and reason for the suspension or
35 revocation; or

36 ~~((+ii))~~ (b) Whether the applicant's application to another state

1 or country for a driver's license has ever been refused and, if so, the
2 date of and reason for the refusal(~~(+and~~
3 ~~(g) Any additional information required by the department)~~)).

4 (2) **Sworn statement.** An (~~(application)~~) applicant for (~~(an)~~) a
5 driver's instruction permit or (~~(for an)~~) original driver's license
6 must (~~(be made upon)~~) indicate, on a form provided by the department(~~(-~~
7 ~~The form must include a section for the applicant to indicate)~~),
8 whether he or she has received driver training and, if so, where. The
9 identifying documentation verifying the name of record must be
10 accompanied by the applicant's written statement that it is valid. The
11 information provided on the form must be sworn to and signed by the
12 applicant before a person authorized to administer oaths. (~~(An~~
13 ~~applicant who makes a false statement on an application for a driver's~~
14 ~~license or instruction permit is guilty of false swearing, a gross~~
15 ~~misdemeanor, under RCW 9A.72.040.)~~)

16 (3) **Driving records from other jurisdictions.** If a person
17 previously licensed in another jurisdiction applies for a Washington
18 driver's license, the department shall request a copy of the
19 applicant's driver's record from the other jurisdiction. The driving
20 record from the other jurisdiction becomes a part of the driver's
21 record in this state.

22 (4) **Driving records to other jurisdictions.** If another
23 jurisdiction requests a copy of a person's Washington driver's record,
24 the department shall provide a copy of the record. The department
25 shall forward the record without charge if the other jurisdiction
26 extends the same privilege to the state of Washington. Otherwise the
27 department shall charge a reasonable fee for transmittal of the record.

28 (5) **Violation.** An applicant who makes a false statement on an
29 application for a driver's license or driver's instruction permit is
30 guilty of false swearing, a gross misdemeanor, under RCW 9A.72.040.

31 NEW SECTION. Sec. 6. A new section is added to chapter 46.20 RCW
32 to read as follows:

33 (1) The department may cancel an identicard if the holder of the
34 identicard used the identicard or allowed others to use the identicard
35 in violation of RCW 46.20.0921.

36 (2) An applicant who makes a false statement on an application for

1 an identicard is guilty of false swearing, a gross misdemeanor, under
2 RCW 9A.72.040.

3 **Sec. 7.** RCW 46.20.105 and 2000 c 115 s 5 are each amended to read
4 as follows:

5 (1) The department may provide a method to distinguish the driver's
6 license of a person who is under the age of twenty-one from the
7 driver's license of a person who is twenty-one years of age or older.

8 (2) (~~An~~) A driver's instruction permit must be identified as an
9 "instruction permit" and issued in a distinctive form as determined by
10 the department.

11 (3) An intermediate license must be identified as an "intermediate
12 license" and issued in a distinctive form as determined by the
13 department.

14 (4) An identicard must be distinctly designed so that it will not
15 be confused with an official driver's license.

16 **Sec. 8.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read
17 as follows:

18 (1) The department, upon receipt of a fee of twenty-five dollars,
19 unless the driver's license is issued for a period other than five
20 years, in which case the fee shall be five dollars for each year that
21 the license is issued, which includes the fee for the required
22 photograph, shall issue to every qualifying applicant a driver's
23 license. A driver's license issued to a person under the age of
24 eighteen is an intermediate license, subject to the restrictions
25 imposed under RCW 46.20.075, until the person reaches the age of
26 eighteen. The license must include a distinguishing number assigned to
27 the licensee, the name of record, date of birth, Washington residence
28 address, photograph, a brief description of the licensee, and either a
29 facsimile of the signature of the licensee or a space upon which the
30 licensee shall write his or her usual signature with pen and ink
31 immediately upon receipt of the license. No license is valid until it
32 has been so signed by the licensee.

33 (2) The department, upon receipt of a fee of twenty dollars, shall
34 issue to every qualifying applicant an identicard. If the applicant is
35 a recipient of continuing public assistance grants under Title 74 RCW,

1 who is referred in writing by the secretary of social and health
2 services, the fee must be the actual cost of production of the
3 identocard.

4 **Sec. 9.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
5 as follows:

6 (1) (~~Except as provided in subsection (4) of this section,~~) Every
7 driver's license expires on the fifth anniversary of the licensee's
8 birthdate following the issuance of the license or until the date the
9 licensee's authorization to be within the United States expires,
10 whichever occurs first.

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

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

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

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

23 (4) (~~During the period from July 1, 2000, to July 1, 2006, the~~
24 ~~department may issue or renew a driver's license for a period other~~
25 ~~than five years, or may extend by mail a license that has already been~~
26 ~~issued, in order to evenly distribute, as nearly as possible, the~~
27 ~~yearly renewal rate of licensed drivers. The fee for a driver's~~
28 ~~license issued or renewed for a period other than five years, or that~~
29 ~~has been extended by mail, is five dollars for each year that the~~
30 ~~license is issued, renewed, or extended. The department may adopt any~~
31 ~~rules as are necessary to carry out this subsection.~~) Every identocard
32 expires on the fifth anniversary of the identocard holder's birthday
33 after issuance of the identocard or until the date the identocard
34 holder's authorization to be within the United States expires,
35 whichever occurs first.

36 (5) An application for identocard renewal may be submitted (a) by
37 means of personal appearance before the department and payment of a

1 twenty dollar fee, or (b) by mail or electronic commerce if permitted
2 by rule of the department and if the applicant did not renew his or her
3 identocard by mail or by electronic commerce when it last expired. An
4 identocard may not be renewed by mail or by electronic commerce unless
5 the renewal issued by the department includes a photograph of the
6 identocard holder. If the applicant is a recipient of continuing
7 public assistance grants under Title 74 RCW, who is referred in writing
8 by the secretary of social and health services, the fee must be the
9 actual cost of production of the identocard.

10 NEW SECTION. Sec. 10. A new section is added to chapter 46.20 RCW
11 to read as follows:

12 (1) Before issuing a driver's license, driver's instruction permit,
13 juvenile agricultural driving permit, or identocard, the department
14 shall:

15 (a) Verify that the social security number submitted by the
16 applicant is authentic and is associated with the applicant, or verify
17 that the documents proving that the applicant is lawfully within the
18 United States are authentic and are associated with the applicant; and

19 (b) Verify that the residential address submitted by the applicant
20 is a valid address and does not appear to be an address being used for
21 fraudulent purposes.

22 (2) Before issuing an identocard, the department shall verify that
23 the applicant does not hold a valid Washington driver's license.

24 (3)(a) If the department is unable to verify the applicant's social
25 security number and residential address as described in subsection (1)
26 of this section, the department shall put the application in pending
27 status and advise the applicant that he or she has fourteen days to
28 verify that he or she has provided the accurate residential address and
29 social security number.

30 (b) If, after fourteen days, the applicant has not responded to the
31 department's notice of pending status or new information provided by
32 the applicant is not verifiable, the department shall deny the
33 application and the applicant may not receive a refund for fees paid.

34 (4) If the department has reason to believe that any information
35 provided by an applicant is fraudulent, the department may require
36 additional documentation.

1 (5) The department shall not mail a permanent driver's license,
2 driver's instruction permit, juvenile agricultural driving permit, or
3 identicard to an address outside the state of Washington unless it has
4 verification that the applicant:

5 (a) Lives on or near the border of Oregon or Idaho and has a
6 mailing address in Oregon or Idaho but actually resides in Washington
7 state;

8 (b) Is a service member, as defined in RCW 46.20.027, or a
9 dependent of the service member;

10 (c) Is a dependent student who is a resident of Washington state;
11 or

12 (d) Meets the requirements of RCW 46.20.120(4).

13 **Sec. 11.** RCW 66.16.040 and 2005 c 206 s 1, 2005 c 151 s 5, and
14 2005 c 102 s 1 are each reenacted and amended to read as follows:

15 Except as otherwise provided by law, an employee in a state liquor
16 store or contract liquor store may sell liquor to any person of legal
17 age to purchase alcoholic beverages and may also sell to holders of
18 permits such liquor as may be purchased under such permits.

19 Where there may be a question of a person's right to purchase
20 liquor by reason of age, such person shall be required to present any
21 one of the following officially issued cards of identification which
22 shows his/her correct age (~~and~~), bears his/her signature and
23 photograph, and is not labeled "not valid for identification purposes":

24 (1) Driver's license, instruction permit, or identification card of
25 any state or province of Canada, or (~~an~~) identicard (~~an~~) issued by the
26 Washington state department of licensing pursuant to (~~RCW 46.20.117~~)
27 chapter 46.20 RCW.

28 (2) United States armed forces identification card issued to active
29 duty, reserve, and retired personnel and the personnel's dependents,
30 which may include an imbedded, digital signature in lieu of a visible
31 signature.

32 (3) Passport.

33 (4) Merchant Marine identification card issued by the United States
34 Coast Guard.

35 (5) Enrollment card issued by the governing authority of a
36 federally recognized Indian tribe located in Washington, if the
37 enrollment card incorporates security features comparable to those

1 implemented by the department of licensing for Washington drivers'
2 licenses. At least ninety days prior to implementation of an
3 enrollment card under this subsection, the appropriate tribal authority
4 shall give notice to the board. The board shall publish and
5 communicate to licensees regarding the implementation of each new
6 enrollment card.

7 The board may adopt such regulations as it deems proper covering
8 the cards of identification listed in this section.

9 No liquor sold under this section shall be delivered until the
10 purchaser has paid for the liquor in cash, except as allowed under RCW
11 66.16.041. The use of a personal credit card does not rely upon the
12 credit of the state as prohibited by Article VIII, section 5 of the
13 state Constitution.

14 NEW SECTION. **Sec. 12.** By January 1, 2012, the department of
15 licensing shall educate the public of the ramifications of this act in
16 terms of the changes in documentation that will be required when
17 applying for a driver's license, driver's instruction permit, juvenile
18 agricultural driving permit, or identicard.

19 NEW SECTION. **Sec. 13.** RCW 46.20.117 (Identicards) and 2005 c 314
20 s 305, 2004 c 249 s 5, 2002 c 352 s 12, 1999 c 274 s 15, 1999 c 6 s 18,
21 1993 c 452 s 3, 1986 c 15 s 1, 1985 ex.s. c 1 s 3, 1985 c 212 s 1, 1981
22 c 92 s 2, 1971 ex.s. c 65 s 1, & 1969 ex.s. c 155 s 4 are each
23 repealed.

24 NEW SECTION. **Sec. 14.** Except for section 12 of this act, this act
25 takes effect January 1, 2012.

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