
SUBSTITUTE SENATE BILL 6150

State of Washington

62nd Legislature

2012 Regular Session

By Senate Transportation (originally sponsored by Senators Haugen, King, Eide, Hobbs, Shin, and Chase; by request of Department of Licensing)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to administering a facial recognition matching
2 system and related processes applicable to drivers' licenses, permits,
3 and identicards; amending RCW 46.20.037, 46.20.049, 46.20.117,
4 46.20.120, 46.20.161, 46.20.181, and 46.20.505; adding a new section to
5 chapter 46.04 RCW; repealing RCW 46.20.038; and providing an effective
6 date.

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

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

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

1 ~~the applicant against the biometric identifier submitted when the~~
2 ~~license was last issued. This project requires a full review by the~~
3 ~~information services board using the criteria for projects of the~~
4 ~~highest visibility and risk)).~~

5 (2) Any ((biometric)) facial recognition matching system selected
6 by the department ((shall)) must be capable of highly accurate
7 matching, and ((shall)) must be compliant with ((biometric))
8 appropriate standards established by the American association of motor
9 vehicle administrators that exist on the effective date of this
10 section, or such subsequent date as may be provided by the department
11 by rule, consistent with the purposes of this section.

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

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

30 ~~(5))~~ The department may not disclose ((biometric information)) the
31 results from the facial recognition matching system to the public or
32 any governmental entity except: (a) When authorized by court order; or
33 (b) when the department has reason to believe that a person has
34 committed one of the prohibited practices listed in RCW 46.20.0921.
35 The results from the facial recognition matching system are not
36 available for public inspection and copying under chapter 42.56 RCW.

37 ((+6)) (4) All ((biometric)) personally identifying information

1 (~~shall~~) derived from the facial recognition matching system must be
2 stored with appropriate security safeguards(~~(, including but not~~
3 ~~limited to encryption)~~).

4 (~~(7)~~) (5) The department shall develop procedures to handle
5 instances in which the (~~biometric~~) facial recognition matching system
6 fails to verify the identity of an applicant for a renewal or duplicate
7 driver's license, permit, or identicard. These procedures (~~shall~~)
8 must allow an applicant to prove identity without using (~~a biometric~~
9 ~~identifier~~).

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

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

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

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

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

28 Sec. 4. RCW 46.20.049 and 2011 c 227 s 6 are each amended to read
29 as follows:

30 There shall be an additional fee for issuing any class of
31 commercial driver's license in addition to the prescribed fee required
32 for the issuance of the original driver's license. The additional fee
33 for each class shall be (~~sixty-one~~) eighty-five dollars from October
34 1, 2012, to June 30, 2013, and one hundred two dollars after June 30,
35 2013, for the original commercial driver's license or subsequent

1 renewals. If the commercial driver's license is issued, renewed, or
2 extended for a period other than five years from October 1, 2012, to
3 June 30, 2013, or six years after June 30, 2013, the fee for each class
4 shall be ~~((twelve))~~ seventeen dollars ~~((and twenty cents))~~ for each
5 year that the commercial driver's license is issued, renewed, or
6 extended. The fee shall be deposited in the highway safety fund.

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

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

- 11 (a) Does not hold a valid Washington driver's license;
- 12 (b) Proves his or her identity as required by RCW 46.20.035; and
- 13 (c) Pays the required fee. Except as provided in subsection (5) of
14 this section, the fee is ~~((twenty))~~ forty-five dollars from October 1,
15 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013,
16 unless an applicant is a recipient of continuing public assistance
17 grants under Title 74 RCW, who is referred in writing by the secretary
18 of social and health services. For those persons the fee must be the
19 actual cost of production of the identicard.

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

- 21 (a) Be distinctly designed so that it will not be confused with the
22 official driver's license; and
- 23 (b) Except as provided in subsection (5) of this section, expire on
24 the ~~((fifth))~~ sixth anniversary of the applicant's birthdate after
25 issuance.

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

- 28 (a) Personal appearance before the department; or
- 29 (b) Mail or electronic commerce, if permitted by rule of the
30 department and if the applicant did not renew his or her identicard by
31 mail or by electronic commerce when it last expired. ~~((However, the~~
32 ~~department may accept an application for renewal of an identicard~~
33 ~~submitted by means of mail or electronic commerce only if specific~~
34 ~~authority and funding is provided for this purpose by June 30, 2004, in~~
35 ~~the omnibus transportation appropriations act.))~~

36 An identicard may not be renewed by mail or by electronic commerce

1 unless the renewal issued by the department includes a photograph of
2 the identicard holder.

3 (4) **Cancellation.** The department may cancel an identicard if the
4 holder of the identicard used the card or allowed others to use the
5 card in violation of RCW 46.20.0921.

6 (5) **Alternative issuance/renewal/extension.** The department may
7 issue or renew an identicard for a period other than five years from
8 October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or
9 may extend by mail or electronic commerce an identicard that has
10 already been issued, in order to evenly distribute, as nearly as
11 possible, the yearly renewal rate of identicard holders. The fee for
12 an identicard issued or renewed for a period other than five years from
13 October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or
14 that has been extended by mail or electronic commerce, is nine dollars
15 for each year that the identicard is issued, renewed, or extended. The
16 department may adopt any rules as are necessary to carry out this
17 subsection.

18 **Sec. 6.** RCW 46.20.120 and 2011 c 370 s 4 are each amended to read
19 as follows:

20 An applicant for a new or renewed driver's license must
21 successfully pass a driver licensing examination to qualify for a
22 driver's license. The department must ensure that examinations are
23 given at places and times reasonably available to the people of this
24 state. If the department does not administer driver licensing
25 examinations as a routine part of its licensing services within a
26 department region because adequate testing sites are provided by driver
27 training schools or school districts within that region, the department
28 shall, at a minimum, administer driver licensing examinations by
29 appointment to applicants eighteen years of age and older in at least
30 one licensing office within that region.

31 (1) **Waiver.** The department may waive:

32 (a) All or any part of the examination of any person applying for
33 the renewal of a driver's license unless the department determines that
34 the applicant is not qualified to hold a driver's license under this
35 title; or

36 (b) All or any part of the examination involving operating a motor
37 vehicle if the applicant:

1 (i) Surrenders a valid driver's license issued by the person's
2 previous home state; or
3 (ii) Provides for verification a valid driver's license issued by
4 a foreign driver licensing jurisdiction with which the department has
5 an informal agreement under RCW 46.20.125; and
6 (iii) Is otherwise qualified to be licensed.
7 (2) **Fee.** Each applicant for a new license must pay an examination
8 fee of twenty dollars.
9 (a) The examination fee is in addition to the fee charged for
10 issuance of the license.
11 (b) "New license" means a license issued to a driver:
12 (i) Who has not been previously licensed in this state; or
13 (ii) Whose last previous Washington license has been expired for
14 more than (~~five~~) six years.
15 (3) An application for driver's license renewal may be submitted by
16 means of:
17 (a) Personal appearance before the department; or
18 (b) Mail or electronic commerce, if permitted by rule of the
19 department and if the applicant did not renew his or her license by
20 mail or by electronic commerce when it last expired.
21 (4) A person whose license expired or will expire while he or she
22 is living outside the state, may:
23 (a) Apply to the department to extend the validity of his or her
24 license for no more than twelve months. If the person establishes to
25 the department's satisfaction that he or she is unable to return to
26 Washington before the date his or her license expires, the department
27 shall extend the person's license. The department may grant
28 consecutive extensions, but in no event may the cumulative total of
29 extensions exceed twelve months. An extension granted under this
30 section does not change the expiration date of the license for purposes
31 of RCW 46.20.181. The department shall charge a fee of five dollars
32 for each license extension;
33 (b) Apply to the department to renew his or her license by mail or,
34 if permitted by rule of the department, by electronic commerce even if
35 subsection (3)(b) of this section would not otherwise allow renewal by
36 that means. If the person establishes to the department's satisfaction
37 that he or she is unable to return to Washington within twelve months

1 of the date that his or her license expires, the department shall renew
2 the person's license by mail or, if permitted by rule of the
3 department, by electronic commerce.

4 (5) If a qualified person submits an application for renewal under
5 subsection (3)(b) or (4)(b) of this section, he or she is not required
6 to pass an examination nor provide an updated photograph. A license
7 renewed by mail or by electronic commerce that does not include a
8 photograph of the licensee must be labeled "not valid for
9 identification purposes."

10 (6) Driver training schools licensed by the department under
11 chapter 46.82 RCW may administer the portions of the driver licensing
12 examination that test the applicant's knowledge of traffic laws and
13 ability to safely operate a motor vehicle.

14 (7) School districts that offer a traffic safety education program
15 under chapter 28A.220 RCW may administer the portions of the driver
16 licensing examination that test the applicant's knowledge of traffic
17 laws and ability to safely operate a motor vehicle.

18 **Sec. 7.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read
19 as follows:

20 The department, upon receipt of a fee of (~~twenty-five~~) forty-five
21 dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars
22 after June 30, 2013, unless the driver's license is issued for a period
23 other than five years from October 1, 2012, to June 30, 2013, or six
24 years after June 30, 2013, in which case the fee shall be (~~five~~) nine
25 dollars for each year that the license is issued, which includes the
26 fee for the required photograph, shall issue to every qualifying
27 applicant a driver's license. A driver's license issued to a person
28 under the age of eighteen is an intermediate license, subject to the
29 restrictions imposed under RCW 46.20.075, until the person reaches the
30 age of eighteen. The license must include a distinguishing number
31 assigned to the licensee, the name of record, date of birth, Washington
32 residence address, photograph, a brief description of the licensee, and
33 either a facsimile of the signature of the licensee or a space upon
34 which the licensee shall write his or her usual signature with pen and
35 ink immediately upon receipt of the license. No license is valid until
36 it has been so signed by the licensee.

1 **Sec. 8.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
2 as follows:

3 (1) Except as provided in subsection (4) or (5) of this section,
4 every driver's license expires on the (~~(fifth)~~) sixth anniversary of
5 the licensee's birthdate following the issuance of the license.

6 (2) A person may renew his or her license on or before the
7 expiration date by submitting an application as prescribed by the
8 department and paying a fee of (~~(twenty-five)~~) forty-five dollars from
9 October 1, 2012, to June 30, 2013, and fifty-four dollars after June
10 30, 2013. This fee includes the fee for the required photograph.

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

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

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

19 (4) (~~(During the period from July 1, 2000, to July 1, 2006,)~~) The
20 department may issue or renew a driver's license for a period other
21 than five years from October 1, 2012, to June 30, 2013, or six years
22 after June 30, 2013, or may extend by mail or electronic commerce a
23 license that has already been issued, in order to evenly distribute, as
24 nearly as possible, the yearly renewal rate of licensed drivers. The
25 fee for a driver's license issued or renewed for a period other than
26 five years from October 1, 2012, to June 30, 2013, or six years after
27 June 30, 2013, or that has been extended by mail or electronic
28 commerce, is (~~(five)~~) nine dollars for each year that the license is
29 issued, renewed, or extended. The department may adopt any rules as
30 are necessary to carry out this subsection.

31 (5) A driver's license that includes a hazardous materials
32 endorsement under chapter 46.25 RCW may expire on an anniversary of the
33 licensee's birthdate other than the sixth year following issuance or
34 renewal of the license in order to match, as nearly as possible, the
35 validity of certification from the federal transportation security
36 administration that the licensee has been determined not to pose a
37 security risk. The fee for a driver's license issued or renewed for a
38 period other than five years from October 1, 2012, to June 30, 2013, or

1 six years after June 30, 2013, is nine dollars for each year that the
2 license is issued or renewed, not including any endorsement fees. The
3 department may adjust the expiration date of a driver's license that
4 has previously been issued to conform to the provisions of this
5 subsection if a hazardous materials endorsement is added to the license
6 subsequent to its issuance. If the validity of the driver's license is
7 extended, the licensee must pay a fee of nine dollars for each year
8 that the license is extended.

9 (6) The department may adopt any rules as are necessary to carry
10 out this section.

11 **Sec. 9.** RCW 46.20.505 and 2007 c 97 s 1 are each amended to read
12 as follows:

13 Every person applying for a special endorsement of a driver's
14 license authorizing such person to drive a two or three-wheeled
15 motorcycle or a motor-driven cycle shall pay a fee of five dollars,
16 which is not refundable. In addition, the endorsement fee for the
17 initial motorcycle endorsement shall not exceed ~~((ten))~~ twelve
18 dollars~~((, and))~~, unless the endorsement is issued for a period other
19 than six years, in which case the endorsement fee shall not exceed two
20 dollars for each year the initial motorcycle endorsement is issued.
21 The subsequent renewal endorsement fee shall not exceed ~~((twenty-five))~~
22 thirty dollars, unless the endorsement is renewed or extended for a
23 period other than ~~((five))~~ six years, in which case the subsequent
24 renewal endorsement fee shall not exceed five dollars for each year
25 that the endorsement is renewed or extended. Fees collected under this
26 section shall be deposited in the motorcycle safety education account
27 of the highway safety fund.

28 NEW SECTION. **Sec. 10.** Sections 4 through 9 of this act take
29 effect October 1, 2012.

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