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HOUSE BILL 2209

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State of Washington

64th Legislature

2015 Regular Session

By Representatives G. Hunt, Young, Shea, Taylor, Scott, Condotta, Harmsworth, and McCaslin

Read first time 03/25/15. Referred to Committee on Transportation.

1 AN ACT Relating to verification that an applicant for a driver's  
2 license or identicard is lawfully within the United States; amending  
3 RCW 29A.08.350, 46.20.035, 46.20.117, 46.20.117, 46.20.155, and  
4 46.20.181; adding new sections to chapter 46.20 RCW; providing an  
5 effective date; and providing an expiration date.

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

7 **Sec. 1.** RCW 29A.08.350 and 2013 c 11 s 18 are each amended to  
8 read as follows:

9 The department of licensing shall produce and transmit to the  
10 secretary of state the following information from the records of each  
11 individual who requested a voter registration or update at a driver's  
12 license facility: The name, address, date of birth, gender of the  
13 applicant, the driver's license number, citizenship status, and the  
14 date on which the application for voter registration or update was  
15 submitted. The secretary of state shall process the registrations and  
16 updates as an electronic application and only register those  
17 individuals whose eligibility is established. If United States  
18 citizenship has not been established, the secretary may not issue a  
19 voter registration.

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

3        (1) The department must adopt rules within ninety days after the  
4    effective date of this section to establish procedures for verifying  
5    that a driver's license or identicard applicant is a United States  
6    citizen or that the applicant's presence in the United States is  
7    authorized under federal law, including determining which documents  
8    are adequate to provide proof of citizenship or legal presence. The  
9    department may not accept a driver's license or identicard issued by  
10   another state as documentation if the other state does not require  
11   its driver's license or identicard applicants to provide proof of  
12   United States citizenship or proof of authorized presence in the  
13   United States under federal law.

14        (2) The department must indicate in its records the citizenship  
15   status of each driver's license and identicard applicant who is  
16   issued a driver's license or identicard under this chapter.

17        (3) The department may issue a driver's license marked "not valid  
18   for identification purposes" under RCW 46.20.035 if it is unable to  
19   verify that the applicant is a United States citizen or that the  
20   applicant's presence in the United States is authorized under federal  
21   law.

22        **Sec. 3.**    RCW 46.20.035 and 2008 c 267 s 8 are each amended to  
23   read as follows:

24        The department may not issue an identicard or a Washington state  
25   driver's license that is valid for identification purposes unless the  
26   applicant meets the identification requirements of subsection (1),  
27   (2), or (3) of this section and the identification requirements of  
28   subsection (4) of this section.

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

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

35        (b) A Washington state identicard or an identification card  
36   issued by another state;

37        (c) An identification card issued by the United States, a state,  
38   or an agency of either the United States or a state, of a kind

1 commonly used to identify the members or employees of the government  
2 agency;

3 (d) A military identification card;

4 (e) A United States passport; or

5 (f) (~~An immigration and naturalization~~) A citizenship and  
6 immigration services form.

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

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

12 (b) Additional documentation establishing the relationship  
13 between the parent or guardian and the applicant.

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

23 (4) A driver's license or identicard applicant must provide the  
24 department with documentation that the applicant is a United States  
25 citizen or that the applicant's presence in the United States is  
26 authorized under federal law. If the applicant does not provide such  
27 documentation, the department shall plainly label the license or  
28 identicard "not valid for federal official purposes."

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

34 (~~(+5)~~) (6) The form of an applicant's name, as established under  
35 this section, is the person's name of record for the purposes of this  
36 chapter.

37 (~~(+6)~~) (7) If the applicant is unable to prove his or her  
38 identity under this section, the department shall plainly label the  
39 license "not valid for identification purposes."

1       **Sec. 4.** RCW 46.20.117 and 2012 c 80 s 6 are each amended to read  
2 as follows:

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

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

6           (b) Proves his or her identity and proves that he or she is a  
7 United States citizen or is authorized under federal law to be  
8 present in the United States, as required by RCW 46.20.035; and

9           (c) Pays the required fee. Except as provided in subsection (5)  
10 of this section, the fee is forty-five dollars from October 1, 2012,  
11 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless  
12 an applicant is a recipient of continuing public assistance grants  
13 under Title 74 RCW, who is referred in writing by the secretary of  
14 social and health services. For those persons the fee must be the  
15 actual cost of production of the identicard.

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

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

19           (b) Except as provided in subsection (5) of this section, expire  
20 on the sixth anniversary of the applicant's birthdate after issuance  
21 or on the date the applicant's authorization to be within the United  
22 States expires, whichever occurs first. If there is no definite end  
23 to the period of authorized stay, the identicard expires one year  
24 after the date of issuance.

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

27           (a) Personal appearance before the department; or

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

31       An identicard may not be renewed by mail or by electronic  
32 commerce unless the renewal issued by the department includes a  
33 photograph of the identicard holder.

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

37       (5) **Alternative issuance/renewal/extension.** Upon receipt of proof  
38 that the applicant or holder is a United States citizen or is  
39 authorized under federal law to be present in the United States, the  
40 department may issue or renew an identicard for a period other than

1 five years from October 1, 2012, to June 30, 2013, or six years after  
2 June 30, 2013, or may extend by mail or electronic commerce an  
3 identicard that has already been issued, in order to evenly  
4 distribute, as nearly as possible, the yearly renewal rate of  
5 identicard holders. The fee for an identicard issued or renewed for a  
6 period other than five years from October 1, 2012, to June 30, 2013,  
7 or six years after June 30, 2013, or that has been extended by mail  
8 or electronic commerce, is nine dollars for each year that the  
9 identicard is issued, renewed, or extended. The department may adopt  
10 any rules as are necessary to carry out this subsection.

11 **Sec. 5.** RCW 46.20.117 and 2014 c 185 s 2 are each amended to  
12 read as follows:

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

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

16 (b) Proves his or her identity and proves that he or she is a  
17 United States citizen or is authorized under federal law to be  
18 present in the United States, as required by RCW 46.20.035; and

19 (c) Pays the required fee. Except as provided in subsection (5)  
20 of this section, the fee is forty-five dollars from October 1, 2012,  
21 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless  
22 an applicant is a recipient of continuing public assistance grants  
23 under Title 74 RCW, who is referred in writing by the secretary of  
24 social and health services. For those persons the fee must be the  
25 actual cost of production of the identicard.

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

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

29 (ii) Except as provided in subsection (5) of this section, expire  
30 on the sixth anniversary of the applicant's birthdate after issuance  
31 or on the date the applicant's authorization to be within the United  
32 States expires, whichever occurs first. If there is no definite end  
33 to the period of authorized stay, the identicard expires one year  
34 after the date of issuance.

35 (b) The identicard may include the person's status as a veteran,  
36 consistent with RCW 46.20.161(2).

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

39 (a) Personal appearance before the department; or

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

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

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

10 (5) **Alternative issuance/renewal/extension.** Upon receipt of proof  
11 that the applicant or holder is a United States citizen or is  
12 authorized under federal law to be present in the United States, the  
13 department may issue or renew an identicard for a period other than  
14 five years from October 1, 2012, to June 30, 2013, or six years after  
15 June 30, 2013, or may extend by mail or electronic commerce an  
16 identicard that has already been issued, in order to evenly  
17 distribute, as nearly as possible, the yearly renewal rate of  
18 identicard holders. The fee for an identicard issued or renewed for a  
19 period other than five years from October 1, 2012, to June 30, 2013,  
20 or six years after June 30, 2013, or that has been extended by mail  
21 or electronic commerce, is nine dollars for each year that the  
22 identicard is issued, renewed, or extended. The department may adopt  
23 any rules as are necessary to carry out this subsection.

24 **Sec. 6.** RCW 46.20.155 and 2013 c 11 s 90 are each amended to  
25 read as follows:

26 (1) Before issuing an original license or identicard or renewing  
27 a license or identicard under this chapter and if an applicant  
28 provides proof of United States citizenship as required under RCW  
29 46.20.035(4), the licensing agent shall determine if the applicant  
30 wants to register to vote or update his or her voter registration by  
31 asking the following question:

32 "Do you want to register to vote or update your voter  
33 registration?"

34 If the applicant chooses to register or update a registration,  
35 the agent shall ask the following:

36 (1) "Are you a United States citizen?"

37 (2) "Are you or will you be eighteen years of age on or before  
38 the next election?"

1 If the applicant answers in the affirmative to both questions,  
2 the agent shall then submit the registration or update. If the  
3 applicant answers in the negative to either question, the agent shall  
4 not submit a voter registration application.

5 (2) The department shall establish a procedure that substantially  
6 meets the requirements of subsection (1) of this section when  
7 permitting an applicant to renew a license or identicard by mail or  
8 by electronic commerce.

9 **Sec. 7.** RCW 46.20.181 and 2012 c 80 s 9 are each amended to read  
10 as follows:

11 (1) Except as provided in subsection (4) or (5) of this section,  
12 every driver's license expires on the sixth anniversary of the  
13 licensee's birthdate following the issuance of the license or on the  
14 date the licensee's authorization to be within the United States  
15 expires, whichever occurs first. If there is no definite end to the  
16 period of authorized stay, the driver's license expires one year  
17 after the date of issuance.

18 (2) A person may renew his or her license on or before the  
19 expiration date by submitting an application as prescribed by the  
20 department and paying a fee of forty-five dollars from October 1,  
21 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013.  
22 This fee includes the fee for the required photograph.

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

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

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

31 (4) Upon receipt of proof that the applicant or holder is a  
32 United States citizen or is authorized under federal law to be  
33 present in the United States, the department may issue or renew a  
34 driver's license for a period other than five years from October 1,  
35 2012, to June 30, 2013, or six years after June 30, 2013, or may  
36 extend by mail or electronic commerce a license that has already been  
37 issued, in order to evenly distribute, as nearly as possible, the  
38 yearly renewal rate of licensed drivers. The fee for a driver's

1 license issued or renewed for a period other than five years from  
2 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,  
3 or that has been extended by mail or electronic commerce, is nine  
4 dollars for each year that the license is issued, renewed, or  
5 extended. The department may adopt any rules as are necessary to  
6 carry out this subsection.

7 (5) A driver's license that includes a hazardous materials  
8 endorsement under chapter 46.25 RCW may expire on an anniversary of  
9 the licensee's birthdate other than the sixth year following issuance  
10 or renewal of the license in order to match, as nearly as possible,  
11 the validity of certification from the federal transportation  
12 security administration that the licensee has been determined not to  
13 pose a security risk. The fee for a driver's license issued or  
14 renewed for a period other than five years from October 1, 2012, to  
15 June 30, 2013, or six years after June 30, 2013, is nine dollars for  
16 each year that the license is issued or renewed, not including any  
17 endorsement fees. The department may adjust the expiration date of a  
18 driver's license that has previously been issued to conform to the  
19 provisions of this subsection if a hazardous materials endorsement is  
20 added to the license subsequent to its issuance. If the validity of  
21 the driver's license is extended, the licensee must pay a fee of nine  
22 dollars for each year that the license is extended.

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

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

27 Upon receiving satisfactory proof that the applicant's presence  
28 in the United States has been reauthorized, extended, or continues  
29 without definite end, the department may adjust the term of a  
30 driver's license or identicard that was issued to expire on the  
31 expiration date of an applicant's authorization to be within the  
32 United States or was issued to expire one year from the date of  
33 issuance. The expiration date of a driver's license or identicard may  
34 be adjusted up to the date the applicant's authorization to be within  
35 the United States expires or up to the full period that the driver's  
36 license or identicard could have originally been issued, whichever  
37 occurs first. If there is no definite end to the period of authorized  
38 stay, the expiration date may be extended for one year. There is no



1 additional fee for a driver's license or identicard term adjusted  
2 under this section.

3 NEW SECTION. **Sec. 9.** Section 4 of this act expires August 30,  
4 2017.

5 NEW SECTION. **Sec. 10.** Section 5 of this act takes effect August  
6 30, 2017.

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