
SENATE BILL 6028

State of Washington

64th Legislature

2015 Regular Session

By Senator Benton

Read first time 02/18/15. Referred to Committee on Transportation.

1 AN ACT Relating to issuing a secure driver's license; adding new
2 sections to chapter 46.20 RCW; creating a new section; and repealing
3 RCW 43.41.390 and 46.20.191.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that in 2005
6 congress passed the REAL ID act, which was intended to require that
7 all identification issued by states verify the lawful presence of
8 licensees prior to issuance. Although the federal government has
9 postponed the deadline, the vast majority of states now have REAL ID
10 compliant identification. The legislature finds that while the
11 federal government has recognized enhanced drivers' licenses as a
12 compliant form of identification, Washington state has otherwise not
13 been in compliance with REAL ID. Recently the federal government
14 moved up the deadline for compliance from 2023 to 2020.

15 The legislature finds that currently there are an estimated
16 eleven million three hundred thousand undocumented aliens in the
17 United States. The legislature also finds that there have been five
18 deferred action programs created by the executive branch since
19 1997. While previously deferred action programs conferred lawful
20 presence status for purposes of REAL ID on essentially an emergency
21 basis for relatively low numbers of undocumented aliens, on November

1 20, 2014, President Barack Obama created a new program that could
2 apply to four million nine hundred thousand people. Since his
3 announcement, many members of congress have disagreed with the
4 President on whether he has the lawful authority to make such a
5 sweeping change to the nation's immigration law without congressional
6 approval. The legislature finds that the state remains under a
7 deadline for compliance with the REAL ID act, but disagreement exists
8 over the constitutionality of the recent actions of the President
9 purporting to confer lawful presence by way of allowing REAL ID-
10 compliant states to issue licenses to these aliens. The conferral of
11 such status will cost millions of dollars to implement. The
12 legislature further finds that it has a compelling state interest and
13 is within its tenth amendment rights to comply with federal law
14 requiring the issuance of a driver's license only to those people who
15 can establish lawful presence, but not issue such licenses to those
16 who were the subject of the President's recent announcement until
17 such time as the current dispute over his authority is resolved at
18 the federal level.

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

21 (1) Beginning August 1, 2015, any person obtaining or renewing
22 his or her driver's license, driver's instruction permit,
23 agricultural driving permit, identicard, or intermediate license must
24 show proof of his or her United States citizenship or his or her
25 lawful presence within the United States. An original or renewal
26 application must not be granted to any person who does not provide
27 verified proof of his or her United States citizenship or his or her
28 lawful presence within the United States. A person who is a citizen
29 or national of the United States, or who is a legal permanent
30 resident alien, must not be required to provide proof under this
31 subsection, so long as the department has a record of the person's
32 status in compliance with subsection (4) of this section.

33 (2) A person may prove his or her citizenship by providing a
34 valid, unexpired United States passport or passport card, a certified
35 copy of a birth certificate, a consular report of birth abroad issued
36 by the United States department of state, a certificate of
37 naturalization issued by the department of homeland security, or a
38 certificate of citizenship.

1 (3) A person may prove his or her lawful presence within the
2 United States by providing documentation that he or she is an alien:

3 (a) Lawfully admitted for permanent or temporary residence in the
4 United States;

5 (b) With conditional permanent resident status in the United
6 States;

7 (c) Who has an approved application for asylum in the United
8 States or has entered into the United States in refugee status;

9 (d) Who has a valid nonimmigrant status in the United States;

10 (e) Who has a pending application for asylum in the United
11 States;

12 (f) Who has a pending or approved application for temporary
13 protected status in the United States;

14 (g) Who has a pending application for lawful permanent residence
15 or conditional permanent resident status; or

16 (h) Who has approved deferred action status from a deferred
17 action program established before November 20, 2014. A person with
18 approved deferred action status from a program established before
19 November 1, 2014, that is based on any expansion of eligibility
20 criteria to the deferred action program that occurred after November
21 20, 2014, is not an acceptable form of lawful presence under this
22 subsection (3).

23 (4) The department must maintain records of an applicant's status
24 as a United States citizen or as a noncitizen, including the type of
25 document provided and the expiration of the applicant's authorization
26 to lawfully be within the United States. The department must make
27 such records available to the secretary of state and state and local
28 criminal justice agencies.

29 (5) The department must verify the status of an applicant through
30 either the systematic alien verification for entitlements program or
31 through verification of the applicant's social security number with
32 the United States social security administration.

33 (6) Any driver's license, driver's instruction permit,
34 agricultural driving permit, identicard, or intermediate license
35 issued to a person who has established lawful presence under
36 subsection (3) of this section expires at the same time as the
37 expiration date for the person's authorization to be in the United
38 States, but under no circumstances may the expiration date of the
39 license, identicard, or permit being issued by the department exceed

1 the maximum term provided in statute for each license, identicard, or
2 permit.

3 (7) The department may adopt rules to implement this section and
4 to bring the state into compliance with the REAL ID act of 2005, 49
5 U.S.C. Sec. 30301, as it existed on January 1, 2015, or such
6 subsequent date as may be provided by the department by rule,
7 consistent with the purposes of this section.

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

10 Any driver's license or other form of identification issued by a
11 state that accepts as proof of lawful presence an approved deferred
12 action status based on eligibility criteria that was established
13 after November 20, 2014, must not be considered a valid form of
14 identification in Washington state by the department. This
15 restriction also applies to drivers' licenses or other forms of
16 identification from states that accept as lawful presence an approved
17 deferred action status from a deferred action program that was
18 expanded after November 1, 2014.

19 NEW SECTION. **Sec. 4.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 43.41.390 (Implementation of federal REAL ID Act of 2005)
22 and 2007 c 85 s 1; and

23 (2) RCW 46.20.191 (Compliance with federal REAL ID Act of 2005
24 requirements) and 2007 c 85 s 2.

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