

ESB 5008 - H COMM AMD
By Committee on Transportation

ADOPTED 04/11/2017

1 Strike everything after the enacting clause and insert the
2 following:

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

5 (1) Beginning July 1, 2018, except for enhanced drivers' licenses
6 and identicards issued under RCW 46.20.202, the department must mark
7 a driver's license or identicard issued under this chapter in
8 accordance with the requirements of 6 C.F.R. Sec. 37.71 as it existed
9 on the effective date of this section, or such subsequent date as may
10 be provided by the department by rule, consistent with the purposes
11 of this section.

12 (2) The department must adopt rules necessary to implement this
13 section.

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

16 (1) A driver's license or identicard issued with the design
17 features required in section 1 of this act may not be used as
18 evidence of or as a basis to infer an individual's citizenship or
19 immigration status for any purpose.

20 (2) The presence of the design features required in section 1 of
21 this act on a person's driver's license or identicard may not be used
22 as a basis for the criminal investigation, arrest, or detention of
23 that person in circumstances where a person with a driver's license
24 or identicard without these design features would not be criminally
25 investigated, arrested, or detained.

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

28 (1) In the absence of express authorization in state law, the
29 department is prohibited from altering department practices to comply
30 with any additional requirements set forth by the federal government

1 as a condition to state compliance with the REAL ID Act of 2005, P.L.
2 109-13, which are not included in 6 C.F.R. Part 37 as of April 1,
3 2017.

4 (2) In the absence of express authorization in state law, the
5 department is prohibited from altering department practices as of
6 April 1, 2017, with respect to the extent to which personally
7 identifying information required to apply for a driver's license or
8 identicard may be released to the federal government or to a party
9 the department has knowledge may intend to release the information
10 for the purpose of it being provided to the federal government,
11 either directly or indirectly.

12 NEW SECTION. **Sec. 4.** RCW 43.41.390 (Implementation of federal
13 REAL ID Act of 2005) and 2007 c 85 s 1 are each repealed."

14 Correct the title.

EFFECT: Makes the following changes related to driver's licenses
and identicards:

(1) Prohibits the use of a standard driver's license or
identicard with the specified design features as evidence of or as a
basis to infer an individual's citizenship or immigration status;

(2) Prohibits the use of a person's standard driver's license or
identicard with the specified design features as a basis for the
criminal investigation, arrest, or detention of that person where the
person otherwise would not be criminally investigated, arrested, or
detained;

(3) Prohibits the department of licensing (DOL) from altering
department practices to comply with new federal requirements for REAL
ID Act compliance not included in federal regulation as of April 1,
2017, in the absence of express authorization in state law;

(4) Prohibits DOL from altering department practices as of April
1, 2017, for the release of personally identifying information
required to apply for a driver's license or identicard to the federal
government or to a party the department knows may either directly or
indirectly release that information to the federal government;

(5) Eliminates the reduction in the fee for a full-term enhanced
driver's license and an enhanced identicard to \$66, restoring the fee
to the current fee of \$108; and

(6) Preserves the restriction on DOL from issuing REAL ID-
compliant drivers' licenses or identicards or from storing or
including data about state residents to meet the requirements of the
REAL ID Act until it provides certification that its driver's
license, identicard, database, records facility, computer system, and
personnel screening and training procedures:

(a) Include all reasonable security measures to protect the
privacy of state residents;

(b) Include all reasonable safeguards to protect against the
unauthorized disclosure of data; and

(c) Do not place unreasonable costs or recordkeeping burdens on a driver's license or identicard applicant.

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