
HOUSE BILL 1041

State of Washington

65th Legislature

2017 Regular Session

By Representatives Clibborn, Kilduff, Ormsby, Gregerson, Santos, and Fey; by request of Department of Licensing

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1 AN ACT Relating to facilitating compliance with the federal REAL
2 ID act by modifying driver's license and identicard design and fees;
3 amending RCW 46.20.202; adding a new section to chapter 46.20 RCW;
4 and repealing RCW 43.41.390 and 46.20.191.

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

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

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

15 (2) The department may adopt rules necessary to implement this
16 section.

17 **Sec. 2.** RCW 46.20.202 and 2016 c 32 s 2 are each amended to read
18 as follows:

19 (1) The department may enter into a memorandum of understanding
20 with any federal agency for the purposes of facilitating the crossing

1 of the border between the state of Washington and the Canadian
2 province of British Columbia.

3 (2) The department may enter into an agreement with the Canadian
4 province of British Columbia for the purposes of implementing a
5 border-crossing initiative.

6 (3)(a) The department may issue an enhanced driver's license or
7 identicard for the purposes of crossing the border between the state
8 of Washington and the Canadian province of British Columbia to an
9 applicant who provides the department with proof of: United States
10 citizenship, identity, and state residency. The department shall
11 continue to offer a standard driver's license and identicard. If the
12 department chooses to issue an enhanced driver's license, the
13 department must allow each applicant to choose between a standard
14 driver's license or identicard, or an enhanced driver's license or
15 identicard.

16 (b) The department shall implement a one-to-many biometric
17 matching system for the enhanced driver's license or identicard. An
18 applicant for an enhanced driver's license or identicard shall submit
19 a biometric identifier as designated by the department. The biometric
20 identifier must be used solely for the purpose of verifying the
21 identity of the holders and for any purpose set out in RCW 46.20.037.
22 Applicants are required to sign a declaration acknowledging their
23 understanding of the one-to-many biometric match.

24 (c) The enhanced driver's license or identicard must include
25 reasonable security measures to protect the privacy of Washington
26 state residents, including reasonable safeguards to protect against
27 unauthorized disclosure of data about Washington state residents. If
28 the enhanced driver's license or identicard includes a radio
29 frequency identification chip, or similar technology, the department
30 shall ensure that the technology is encrypted or otherwise secure
31 from unauthorized data access.

32 (d) The requirements of this subsection are in addition to the
33 requirements otherwise imposed on applicants for a driver's license
34 or identicard. The department shall adopt such rules as necessary to
35 meet the requirements of this subsection. From time to time the
36 department shall review technological innovations related to the
37 security of identity cards and amend the rules related to enhanced
38 driver's licenses and identicards as the director deems consistent
39 with this section and appropriate to protect the privacy of
40 Washington state residents.

1 (e) Notwithstanding RCW 46.20.118, the department may make images
2 associated with enhanced drivers' licenses or identicards from the
3 negative file available to United States customs and border agents
4 for the purposes of verifying identity.

5 (4)(a) (~~Between July 15, 2015, and June 30, 2016~~) Beginning on
6 the effective date of this section and for the next four years
7 immediately following that date, the fee for an enhanced driver's
8 license or enhanced identicard is (~~eighteen~~) thirty-six dollars,
9 which is in addition to the fees for any regular driver's license or
10 identicard. If the enhanced driver's license or enhanced identicard
11 is issued, renewed, or extended for a period other than six years,
12 the fee for each class is (~~three~~) six dollars for each year that
13 the enhanced driver's license or enhanced identicard is issued,
14 renewed, or extended.

15 (b) Beginning (~~July 1, 2016~~) on the date immediately following
16 the four-year period referenced in (a) of this subsection, the fee
17 for an enhanced driver's license or enhanced identicard is fifty-four
18 dollars, which is in addition to the fees for any regular driver's
19 license or identicard. If the enhanced driver's license or enhanced
20 identicard is issued, renewed, or extended for a period other than
21 six years, the fee for each class is nine dollars for each year that
22 the enhanced driver's license or enhanced identicard is issued,
23 renewed, or extended.

24 (5) The enhanced driver's license and enhanced identicard fee
25 under this section must be deposited into the highway safety fund
26 unless prior to July 1, 2023, the actions described in (a) or (b) of
27 this subsection occur, in which case the portion of the revenue that
28 is the result of the fee increased in section 209, chapter 44, Laws
29 of 2015 3rd sp. sess. must be distributed to the connecting
30 Washington account created under RCW 46.68.395.

31 (a) Any state agency files a notice of rule making under chapter
32 34.05 RCW for a rule regarding a fuel standard based upon or defined
33 by the carbon intensity of fuel, including a low carbon fuel standard
34 or clean fuel standard.

35 (b) Any state agency otherwise enacts, adopts, orders, or in any
36 way implements a fuel standard based upon or defined by the carbon
37 intensity of fuel, including a low carbon fuel standard or clean fuel
38 standard.

39 (c) Nothing in this subsection acknowledges, establishes, or
40 creates legal authority for the department of ecology or any other

1 state agency to enact, adopt, order, or in any way implement a fuel
2 standard based upon or defined by the carbon intensity of fuel,
3 including a low carbon fuel standard or clean fuel standard.

4 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
5 each repealed:

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

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

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