
SENATE BILL 5113

State of Washington

67th Legislature

2021 Regular Session

By Senator Fortunato

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1 AN ACT Relating to making statutory changes to align with certain
2 recent gubernatorial emergency orders to protect privacy, reduce
3 regulatory burdens, and provide tax relief; amending RCW 46.20.117
4 and 46.20.120; reenacting and amending RCW 42.56.230 and 46.20.117;
5 repealing RCW 19.02.085, 50.29.041, and 84.36.825; providing an
6 effective date; and providing an expiration date.

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

8 **Sec. 1.** RCW 42.56.230 and 2019 c 470 s 8, 2019 c 239 s 2, and
9 2019 c 213 s 2 are each reenacted and amended to read as follows:

10 The following personal information is exempt from public
11 inspection and copying under this chapter:

12 (1) Personal information in any files maintained for students in
13 public schools, patients or clients of public institutions or public
14 health agencies, which includes individuals who have submitted
15 information to public institutions or public health agencies for the
16 purpose of contact tracing, or welfare recipients;

17 (2)(a) Personal information:

18 (i) For a child enrolled in licensed child care in any files
19 maintained by the department of children, youth, and families;

20 (ii) For a child enrolled in a public or nonprofit program
21 serving or pertaining to children, adolescents, or students,

1 including but not limited to early learning or child care services,
2 parks and recreation programs, youth development programs, and after-
3 school programs;

4 (iii) For the family members or guardians of a child who is
5 subject to the exemption under this subsection (2) if the family
6 member or guardian has the same last name as the child or if the
7 family member or guardian resides at the same address as the child
8 and disclosure of the family member's or guardian's information would
9 result in disclosure of the personal information exempted under
10 (a)(i) and (ii) of this subsection; or

11 (iv) For substitute caregivers who are licensed or approved to
12 provide overnight care of children by the department of children,
13 youth, and families.

14 (b) Emergency contact information under this subsection (2) may
15 be provided to appropriate authorities and medical personnel for the
16 purpose of treating the individual during an emergency situation;

17 (3) Personal information in files maintained for employees,
18 appointees, or elected officials of any public agency to the extent
19 that disclosure would violate their right to privacy;

20 (4) Information required of any taxpayer in connection with the
21 assessment or collection of any tax if the disclosure of the
22 information to other persons would: (a) Be prohibited to such persons
23 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
24 authorized under RCW 35.102.145; or (b) violate the taxpayer's right
25 to privacy or result in unfair competitive disadvantage to the
26 taxpayer;

27 (5) Credit card numbers, debit card numbers, electronic check
28 numbers, card expiration dates, or bank or other financial
29 information as defined in RCW 9.35.005 including social security
30 numbers, except when disclosure is expressly required by or governed
31 by other law;

32 (6) Personal and financial information related to a small loan or
33 any system of authorizing a small loan in RCW 31.45.093;

34 (7)(a) Any record used to prove identity, age, residential
35 address, social security number, or other personal information
36 required to apply for a driver's license or identicard.

37 (b) Information provided under RCW 46.20.111 that indicates that
38 an applicant declined to register with the selective service system.

39 (c) Any record pertaining to a vehicle license plate, driver's
40 license, or identicard issued under RCW 46.08.066 that, alone or in

1 combination with any other records, may reveal the identity of an
2 individual, or reveal that an individual is or was, performing an
3 undercover or covert law enforcement, confidential public health
4 work, public assistance fraud, or child support investigative
5 activity. This exemption does not prevent the release of the total
6 number of vehicle license plates, drivers' licenses, or identicards
7 that, under RCW 46.08.066, an agency or department has applied for,
8 been issued, denied, returned, destroyed, lost, and reported for
9 misuse.

10 (d) Any record pertaining to a vessel registration issued under
11 RCW 88.02.330 that, alone or in combination with any other records,
12 may reveal the identity of an individual, or reveal that an
13 individual is or was, performing an undercover or covert law
14 enforcement activity. This exemption does not prevent the release of
15 the total number of vessel registrations that, under RCW 88.02.330,
16 an agency or department has applied for, been issued, denied,
17 returned, destroyed, lost, and reported for misuse;

18 (8) All information related to individual claims resolution
19 structured settlement agreements submitted to the board of industrial
20 insurance appeals under RCW 51.04.063, other than final orders from
21 the board of industrial insurance appeals.

22 Upon request by the legislature, the department of licensing
23 shall provide a report to the legislature containing all of the
24 information in subsection (7)(c) and (d) of this section that is
25 subject to public disclosure;

26 (9) Voluntarily submitted information contained in a database
27 that is part of or associated with enhanced 911 emergency
28 communications systems, or information contained or used in emergency
29 notification systems as provided under RCW 38.52.575 and 38.52.577;

30 (10) Until the person reaches eighteen years of age, information,
31 otherwise disclosable under chapter 29A.08 RCW, that relates to a
32 future voter, except for the purpose of processing and delivering
33 ballots;

34 (11) All information submitted by a person to the state, either
35 directly or through a state-licensed gambling establishment, or
36 Indian tribes, or tribal enterprises that own gambling operations or
37 facilities with class III gaming compacts, as part of the self-
38 exclusion program established in RCW 9.46.071 or 67.70.040 for people
39 with a gambling problem or gambling disorder; and

1 (12) Names, addresses, or other personal information of
2 individuals who participated in the bump-fire stock buy-back program
3 under RCW 43.43.920.

4 **Sec. 2.** RCW 46.20.117 and 2020 c 124 s 2 are each amended to
5 read as follows:

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

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

9 (b) Proves his or her identity as required by RCW 46.20.035; and

10 (c) Pays the required fee. Except as provided in subsection (5)
11 of this section, the fee is fifty-four dollars, unless an applicant
12 is:

13 (i) A recipient of continuing public assistance grants under
14 Title 74 RCW, who is referred in writing by the secretary of social
15 and health services;

16 (ii) Under the age of twenty-five and does not have a permanent
17 residence address as determined by the department by rule; or

18 (iii) An individual who is scheduled to be released from an
19 institution as defined in RCW 13.40.020, a community facility as
20 defined in RCW 72.05.020, or other juvenile rehabilitation facility
21 operated by the department of social and health services or the
22 department of children, youth, and families; or an individual who has
23 been released from such an institution or facility within thirty
24 calendar days before the date of the application.

25 For those persons under (c)(i) through (iii) of this subsection,
26 the fee must be the actual cost of production of the identicard.

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

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

30 (ii) Except as provided in subsection (5) of this section, expire
31 on the sixth anniversary of the applicant's birthdate after issuance.

32 (b) The identicard may include the person's status as a veteran,
33 consistent with RCW 46.20.161(~~((2))~~) (4).

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

36 (a) Personal appearance before the department; or

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

1 An identicard may not be renewed by mail or by electronic
2 commerce unless the renewal issued by the department includes a
3 photograph of the identicard holder.

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

7 (5) **Alternative issuance/renewal/extension.** The department may
8 issue or renew an identicard for a period other than six years, 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 six years, or
13 that has been extended by mail or electronic commerce, is nine
14 dollars for each year that the identicard is issued, renewed, or
15 extended. The department may adopt any rules as are necessary to
16 carry out this subsection.

17 **Sec. 3.** RCW 46.20.117 and 2020 c 261 s 2 and 2020 c 124 s 2 are
18 each reenacted and amended to read as follows:

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

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

22 (b) Proves his or her identity as required by RCW 46.20.035; and

23 (c) Pays the required fee. Except as provided in subsection (7)
24 of this section, the fee is fifty-four dollars, unless an applicant
25 is:

26 (i) A recipient of continuing public assistance grants under
27 Title 74 RCW, who is referred in writing by the secretary of social
28 and health services;

29 (ii) Under the age of twenty-five and does not have a permanent
30 residence address as determined by the department by rule; or

31 (iii) An individual who is scheduled to be released from an
32 institution as defined in RCW 13.40.020, a community facility as
33 defined in RCW 72.05.020, or other juvenile rehabilitation facility
34 operated by the department of social and health services or the
35 department of children, youth, and families; or an individual who has
36 been released from such an institution or facility within thirty
37 calendar days before the date of the application.

38 For those persons under (c)(i) through (iii) of this subsection,
39 the fee must be the actual cost of production of the identicard.

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

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

4 (ii) Except as provided in subsection (7) of this section, expire
5 on the sixth anniversary of the applicant's birthdate after issuance.

6 (b) The identicard may include the person's status as a veteran,
7 consistent with RCW 46.20.161(4).

8 (c) If applicable, the identicard may include a medical alert
9 designation as provided in subsection (5) of this section.

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

12 (a) Personal appearance before the department; or

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

16 An identicard may not be renewed by mail or by electronic
17 commerce unless the renewal issued by the department includes a
18 photograph of the identicard holder.

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

22 (5) Any person may apply to the department to obtain a medical
23 alert designation, a developmental disability designation, or a
24 deafness designation on an identicard issued under this chapter by
25 providing:

26 (a) Self-attestation that the individual:

27 (i) Has a medical condition that could affect communication or
28 account for a health emergency;

29 (ii) Is deaf or hard of hearing; or

30 (iii) Has a developmental disability as defined in RCW
31 71A.10.020;

32 (b) A statement from the person that they have voluntarily
33 provided the self-attestation and other information verifying the
34 condition; and

35 (c) For persons under eighteen years of age or who have a
36 developmental disability, the signature of a parent or legal
37 guardian.

38 (6) A self-attestation or data contained in a self-attestation
39 provided under this section:

40 (a) Shall not be disclosed; and

1 (b) Is for the confidential use of the director, the chief of the
2 Washington state patrol, and law enforcement and emergency medical
3 service providers as designated by law.

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

14 **Sec. 4.** RCW 46.20.120 and 2012 c 80 s 7 are each amended to read
15 as follows:

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

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

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

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

34 (i) Surrenders a valid driver's license issued by the person's
35 previous home state; or

36 (ii) Provides for verification a valid driver's license issued by
37 a foreign driver licensing jurisdiction with which the department has
38 an informal agreement under RCW 46.20.125; and

39 (iii) Is otherwise qualified to be licensed.

1 (2) **Fee.** Each applicant for a new license must pay an
2 examination fee of thirty-five dollars.

3 (a) The examination fee is in addition to the fee charged for
4 issuance of the license.

5 (b) "New license" means a license issued to a driver:

6 (i) Who has not been previously licensed in this state; or

7 (ii) Whose last previous Washington license has been expired for
8 more than six years.

9 (3) An application for driver's license renewal may be submitted
10 by means of:

11 (a) Personal appearance before the department; or

12 (b) Mail or electronic commerce (~~(, if permitted by rule of the~~
13 ~~department and if the applicant did not renew his or her license by~~
14 ~~mail or by electronic commerce when it last expired)~~).

15 (4) A person whose license expired or will expire while he or she
16 is living outside the state, may:

17 (a) Apply to the department to extend the validity of his or her
18 license for no more than twelve months. If the person establishes to
19 the department's satisfaction that he or she is unable to return to
20 Washington before the date his or her license expires, the department
21 shall extend the person's license. The department may grant
22 consecutive extensions, but in no event may the cumulative total of
23 extensions exceed twelve months. An extension granted under this
24 section does not change the expiration date of the license for
25 purposes of RCW 46.20.181. The department shall charge a fee of five
26 dollars for each license extension;

27 (b) Apply to the department to renew his or her license by mail
28 or (~~(, if permitted by rule of the department,)~~) by electronic
29 commerce (~~(even if subsection (3)(b) of this section would not~~
30 ~~otherwise allow renewal by that means)~~). If the person establishes to
31 the department's satisfaction that he or she is unable to return to
32 Washington within twelve months of the date that his or her license
33 expires, the department shall renew the person's license by mail
34 or (~~(, if permitted by rule of the department,)~~) by electronic
35 commerce.

36 (5) If a qualified person submits an application for renewal
37 under subsection (3)(b) or (4)(b) of this section, he or she is not
38 required to pass an examination nor provide an updated photograph. A
39 license renewed by mail or by electronic commerce that does not

1 include a photograph of the licensee must be labeled "not valid for
2 identification purposes."

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

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

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

13 (1) RCW 19.02.085 (Licensing fees—Business license delinquency
14 fee—Rate—Disposition) and 2020 c 139 s 3, 2013 c 144 s 22, 1992 c
15 107 s 5, 1989 c 170 s 1, & 1982 c 182 s 9;

16 (2) RCW 50.29.041 (Contribution rate—Solvency surcharge) and 2006
17 c 13 s 5 & 2003 2nd sp.s. c 4 s 16; and

18 (3) RCW 84.36.825 (Late filing penalty) and 2007 c 111 s 303,
19 1998 c 311 s 28, 1994 c 123 s 2, 1977 ex.s. c 209 s 2, 1975-'76 2nd
20 ex.s. c 127 s 2, 1975 1st ex.s. c 291 s 19, & 1973 2nd ex.s. c 40 s
21 11.

22 NEW SECTION. **Sec. 6.** Section 2 of this act expires January 1,
23 2022.

24 NEW SECTION. **Sec. 7.** Section 3 of this act takes effect January
25 1, 2022.

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