
SUBSTITUTE SENATE BILL 6399

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Oke, Haugen, Morton and Rasmussen)

Read first time 02/10/98.

1 AN ACT Relating to security of drivers' licenses; amending RCW
2 46.20.091, 46.20.117, 46.20.161, and 46.20.181; reenacting and amending
3 RCW 46.63.020; adding a new section to chapter 46.04 RCW; adding new
4 sections to chapter 46.20 RCW; adding a new section to chapter 42.17
5 RCW; creating a new section; prescribing penalties; and providing an
6 effective date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that while the
9 driver's license was designed to be a declaration of the privilege to
10 operate a motor vehicle, drivers' licenses and identicards issued by
11 the department of licensing have become the most widely accepted forms
12 of personal identification used by Washington residents. There is an
13 increasing use of false drivers' licenses and identicards to purchase
14 liquor, to cash bad checks, and to obtain food stamps and other
15 benefits, often at the expense of law-abiding residents. It is the
16 purpose of this act to require effective means of rendering drivers'
17 licenses and identicards as immune as possible from alteration and
18 counterfeiting in order to promote the public health and safety of the
19 people of this state.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.04 RCW
2 to read as follows:

3 "Biometrics" means physical attributes that are unique to
4 individual persons. Biometrics includes but is not limited to finger
5 images, iris/retinal scans, vein patterns, facial images, and
6 hand/finger geometry.

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

9 By July 1, 1999, the department shall enter into a contract for the
10 procurement of a new state driver's license and identicard. The
11 contract may incorporate the following features subject to the listed
12 restrictions:

13 (1) A digital imaging system. A digital imaging system permits a
14 person's photograph and signature to be stored and displayed by
15 computer, which allows for improved file management, flexibility,
16 responsiveness, and fraud protection.

17 (2) Machine-readable technologies, including a one-dimensional bar
18 code, two-dimensional bar code, and a magnetic stripe. Through
19 encryption, both the magnetic stripe and two-dimensional bar code offer
20 additional levels of security against alteration and counterfeiting.

21 (a) Information included on a driver's license in machine-readable
22 form may be accessed by the director, the chief of the Washington state
23 patrol, commissioned law enforcement officers, district courts,
24 municipal courts, superior courts, city and county prosecuting
25 attorneys, and such other public officials as may be designated by law.

26 (b) Except as authorized by this section, a person accessing
27 information encrypted in machine-readable form on a driver's license is
28 guilty of a gross misdemeanor.

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

31 The digital imaging system authorized in section 3 of this act is
32 subject to the following restriction: The digital photograph shall not
33 incorporate facial recognition technology that would allow a one-to-
34 many search. A one-to-many search compares the photograph to all the
35 other photographs to determine if there is a match. However, the
36 department may compare the photograph against the individual applying
37 for a license, license renewal, or identicard.

1 **Sec. 5.** RCW 46.20.091 and 1996 c 287 s 5 are each amended to read
2 as follows:

3 (1) Every application for an instruction permit or for an original
4 driver's license shall be made upon a form prescribed and furnished by
5 the department which shall be sworn to and signed by the applicant
6 before a person authorized to administer oaths. An applicant making a
7 false statement under this subsection is guilty of false swearing, a
8 gross misdemeanor, under RCW 9A.72.040. Every application for an
9 instruction permit containing a photograph shall be accompanied by a
10 fee of five dollars. The department shall forthwith transmit the fees
11 collected for instruction permits and temporary drivers' permits to the
12 state treasurer.

13 (2) Every such application shall state the full name, date of
14 birth, sex, and Washington residence address of the applicant, and
15 briefly describe the applicant, and shall state whether the applicant
16 has theretofore been licensed as a driver or chauffeur, and, if so,
17 when and by what state or country, and whether any such license has
18 ever been suspended or revoked, or whether an application has ever been
19 refused, and, if so, the date of and reason for such suspension,
20 revocation, or refusal, and shall state such additional information as
21 the department shall require, including a statement that identifying
22 documentation presented by the applicant is valid. Except for
23 submitting a digital photograph as authorized by section 3 of this act,
24 the department shall not require an applicant to submit biometrics as
25 part of an application under this section.

26 (3) Whenever application is received from a person previously
27 licensed in another jurisdiction, the department shall request a copy
28 of such driver's record from such other jurisdiction. When received,
29 the driving record shall become a part of the driver's record in this
30 state.

31 (4) Whenever the department receives request for a driving record
32 from another licensing jurisdiction, the record shall be forwarded
33 without charge if the other licensing jurisdiction extends the same
34 privilege to the state of Washington. Otherwise there shall be a
35 reasonable charge for transmittal of the record, the amount to be fixed
36 by the director of the department.

37 **Sec. 6.** RCW 46.20.117 and 1993 c 452 s 3 are each amended to read
38 as follows:

1 (1) The department shall issue "identicards," containing a picture,
2 to nondrivers for a fee of (~~four~~) six dollars. However, the fee
3 shall be the actual cost of production to recipients of continuing
4 public assistance grants under Title 74 RCW who are referred in writing
5 to the department by the secretary of social and health services. The
6 fee shall be deposited in the highway safety fund. To be eligible,
7 each applicant shall produce evidence as required in RCW 46.20.035 that
8 positively proves identity. The "identicard" shall be distinctly
9 designed so that it will not be confused with the official driver's
10 license. The identicard shall expire on the fifth anniversary of the
11 applicant's birthdate after issuance.

12 (2) The department may cancel an "identicard" upon a showing by its
13 records or other evidence that the holder of such "identicard" has
14 committed a violation relating to "identicards" defined in RCW
15 46.20.336.

16 **Sec. 7.** RCW 46.20.161 and 1990 c 250 s 40 are each amended to read
17 as follows:

18 (1) The department, upon receipt of a fee of (~~fourteen~~) twenty
19 dollars, which includes the fee for the required photograph, shall
20 issue to every applicant qualifying therefor a driver's license, which
21 license shall bear thereon a distinguishing number assigned to the
22 licensee, the full name, date of birth, Washington residence address,
23 and a brief description of the licensee, and either a facsimile of the
24 signature of the licensee or a space upon which the licensee shall
25 write his usual signature with pen and ink immediately upon receipt of
26 the license. No license is valid until it has been so signed by the
27 licensee.

28 (2) As authorized by section 3 of this act, the department may also
29 include the information specified by subsection (1) of this section on
30 a driver's license in machine-readable form. Any information included
31 on a driver's license in a form that can only be read by machine must
32 be encrypted.

33 **Sec. 8.** RCW 46.20.181 and 1990 c 250 s 41 are each amended to read
34 as follows:

35 Every driver's license expires on the fourth anniversary of the
36 licensee's birthdate following the issuance of the license. Every such
37 license is renewable on or before its expiration upon application

1 prescribed by the department and the payment of a fee of (~~fourteen~~)
2 twenty dollars. This fee includes the fee for the required photograph.

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

5 Beginning October 1, 2000, the federal Illegal Immigration Control
6 Act, P.L. 104-208, requires states to either place drivers' social
7 security numbers on the face of their licenses, or to complete a social
8 security verification process. The legislature finds that requiring
9 the placement of social security numbers on drivers' licenses means
10 that whenever someone shows his or her driver's license, the person
11 will also be exposing his or her social security number. With the
12 social security number accessible to so many people, it will be
13 relatively easy for someone to fraudulently use another's social
14 security number to assume that person's identity and gain access to
15 bank accounts, credit services, billing information, driving history,
16 and other sources of personal information. The new federal law will
17 compound and exacerbate the disturbing trend of social security number-
18 related fraud. In order to prevent fraud and curtail invasions of
19 privacy, the governor, through the department of licensing, shall seek
20 a waiver to the federal mandate. If a waiver is not granted, the
21 department shall rely only upon the verification process prescribed in
22 the federal law. In no event may the social security number be placed
23 on the driver's license or identicard.

24 **Sec. 10.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are
25 each reenacted and amended to read as follows:

26 Failure to perform any act required or the performance of any act
27 prohibited by this title or an equivalent administrative regulation or
28 local law, ordinance, regulation, or resolution relating to traffic
29 including parking, standing, stopping, and pedestrian offenses, is
30 designated as a traffic infraction and may not be classified as a
31 criminal offense, except for an offense contained in the following
32 provisions of this title or a violation of an equivalent administrative
33 regulation or local law, ordinance, regulation, or resolution:

34 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
35 vehicle while under the influence of intoxicating liquor or a
36 controlled substance;

37 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

1 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
2 while under the influence of intoxicating liquor or narcotics or
3 habit-forming drugs or in a manner endangering the person of another;
4 (4) RCW 46.10.130 relating to the operation of snowmobiles;
5 (5) Chapter 46.12 RCW relating to certificates of ownership and
6 registration and markings indicating that a vehicle has been destroyed
7 or declared a total loss;
8 (6) RCW 46.16.010 relating to initial registration of motor
9 vehicles;
10 (7) RCW 46.16.011 relating to permitting unauthorized persons to
11 drive;
12 (8) RCW 46.16.160 relating to vehicle trip permits;
13 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
14 acquisition of a special placard or license plate for disabled persons'
15 parking;
16 (10) RCW 46.20.005 relating to driving without a valid driver's
17 license;
18 (11) RCW 46.20.091 relating to false statements regarding a
19 driver's license or instruction permit;
20 (12) RCW 46.20.--- (section 3 of this act) relating to unauthorized
21 access to encrypted driver's license information;
22 (13) RCW 46.20.336 relating to the unlawful possession and use of
23 a driver's license;
24 ~~((13))~~ (14) RCW 46.20.342 relating to driving with a suspended or
25 revoked license or status;
26 ~~((14))~~ (15) RCW 46.20.410 relating to the violation of
27 restrictions of an occupational driver's license;
28 ~~((15))~~ (16) RCW 46.20.420 relating to the operation of a motor
29 vehicle with a suspended or revoked license;
30 ~~((16))~~ (17) RCW 46.20.740 relating to operation of a motor
31 vehicle without an ignition interlock device in violation of a license
32 notation that the device is required;
33 ~~((17))~~ (18) RCW 46.20.750 relating to assisting another person to
34 start a vehicle equipped with an ignition interlock device;
35 ~~((18))~~ (19) RCW 46.25.170 relating to commercial driver's
36 licenses;
37 ~~((19))~~ (20) Chapter 46.29 RCW relating to financial
38 responsibility;

1 ~~((20))~~ (21) RCW 46.30.040 relating to providing false evidence of
2 financial responsibility;

3 ~~((21))~~ (22) RCW 46.37.435 relating to wrongful installation of
4 sunscreening material;

5 ~~((22))~~ (23) RCW 46.44.180 relating to operation of mobile home
6 pilot vehicles;

7 ~~((23))~~ (24) RCW 46.48.175 relating to the transportation of
8 dangerous articles;

9 ~~((24))~~ (25) RCW 46.52.010 relating to duty on striking an
10 unattended car or other property;

11 ~~((25))~~ (26) RCW 46.52.020 relating to duty in case of injury to
12 or death of a person or damage to an attended vehicle;

13 ~~((26))~~ (27) RCW 46.52.090 relating to reports by repairmen,
14 storagemen, and appraisers;

15 ~~((27))~~ (28) RCW 46.52.100 relating to driving under the influence
16 of liquor or drugs;

17 ~~((28))~~ (29) RCW 46.52.130 relating to confidentiality of the
18 driving record to be furnished to an insurance company, an employer,
19 and an alcohol/drug assessment or treatment agency;

20 ~~((29))~~ (30) RCW 46.55.020 relating to engaging in the activities
21 of a registered tow truck operator without a registration certificate;

22 ~~((30))~~ (31) RCW 46.55.035 relating to prohibited practices by tow
23 truck operators;

24 ~~((31))~~ (32) RCW 46.61.015 relating to obedience to police
25 officers, flagmen, or fire fighters;

26 ~~((32))~~ (33) RCW 46.61.020 relating to refusal to give information
27 to or cooperate with an officer;

28 ~~((33))~~ (34) RCW 46.61.022 relating to failure to stop and give
29 identification to an officer;

30 ~~((34))~~ (35) RCW 46.61.024 relating to attempting to elude
31 pursuing police vehicles;

32 ~~((35))~~ (36) RCW 46.61.500 relating to reckless driving;

33 ~~((36))~~ (37) RCW 46.61.502 and 46.61.504 relating to persons under
34 the influence of intoxicating liquor or drugs;

35 ~~((37))~~ (38) RCW 46.61.503 relating to a person under age twenty-
36 one driving a motor vehicle after consuming alcohol;

37 ~~((38))~~ (39) RCW 46.61.520 relating to vehicular homicide by motor
38 vehicle;

39 ~~((39))~~ (40) RCW 46.61.522 relating to vehicular assault;

1 ~~((40))~~ (41) RCW 46.61.5249 relating to first degree negligent
2 driving;
3 ~~((41))~~ (42) RCW 46.61.527(4) relating to reckless endangerment of
4 roadway workers;
5 ~~((42))~~ (43) RCW 46.61.530 relating to racing of vehicles on
6 highways;
7 ~~((43))~~ (44) RCW 46.61.685 relating to leaving children in an
8 unattended vehicle with the motor running;
9 ~~((44))~~ (45) RCW 46.64.010 relating to unlawful cancellation of or
10 attempt to cancel a traffic citation;
11 ~~((45))~~ (46) RCW 46.64.048 relating to attempting, aiding,
12 abetting, coercing, and committing crimes;
13 ~~((46))~~ (47) Chapter 46.65 RCW relating to habitual traffic
14 offenders;
15 ~~((47))~~ (48) RCW 46.68.010 relating to false statements made to
16 obtain a refund;
17 ~~((48))~~ (49) Chapter 46.70 RCW relating to unfair motor vehicle
18 business practices, except where that chapter provides for the
19 assessment of monetary penalties of a civil nature;
20 ~~((49))~~ (50) Chapter 46.72 RCW relating to the transportation of
21 passengers in for hire vehicles;
22 ~~((50))~~ (51) RCW 46.72A.060 relating to limousine carrier
23 insurance;
24 ~~((51))~~ (52) RCW 46.72A.070 relating to operation of a limousine
25 without a vehicle certificate;
26 ~~((52))~~ (53) RCW 46.72A.080 relating to false advertising by a
27 limousine carrier;
28 ~~((53))~~ (54) Chapter 46.80 RCW relating to motor vehicle wreckers;
29 ~~((54))~~ (55) Chapter 46.82 RCW relating to driver's training
30 schools;
31 ~~((55))~~ (56) RCW 46.87.260 relating to alteration or forgery of a
32 cab card, letter of authority, or other temporary authority issued
33 under chapter 46.87 RCW;
34 ~~((56))~~ (57) RCW 46.87.290 relating to operation of an
35 unregistered or unlicensed vehicle under chapter 46.87 RCW.

36 NEW SECTION. Sec. 11. A new section is added to chapter 42.17 RCW
37 to read as follows:

1 Except as specifically authorized in Title 46 RCW, information
2 collected or maintained in connection with the application, granting,
3 maintenance, or deprivation of a driver's license is exempt from
4 disclosure under this chapter.

5 NEW SECTION. **Sec. 12.** Sections 6 through 8 of this act take
6 effect July 1, 1999.

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