
SENATE BILL 6679

State of Washington 64th Legislature 2016 Regular Session

By Senators Benton, Baumgartner, Dandel, and Ericksen

Prefiled 03/11/16.

1 AN ACT Relating to the security and authentication of state-
2 issued identification; amending RCW 46.20.091, 46.20.117, and
3 46.20.117; reenacting and amending RCW 46.01.130; adding a new
4 section to chapter 43.07 RCW; adding new sections to chapter 46.20
5 RCW; creating new sections; repealing RCW 43.41.390 and 46.20.191;
6 providing effective dates; and providing an expiration date.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that a secure and
9 valid identification is necessary for the efficient and effective
10 operation of government. The legislature further finds that in order
11 to prevent fraud, waste, and abuse of government services, a secure
12 and valid identification is necessary for government procurement, the
13 provision of state benefits, and access to local government services
14 as well as to prevent voter fraud. Moreover, a valid and secure state
15 identification is crucial for emergency management, counterterrorism
16 operations, and law enforcement operations. The legislature further
17 finds that current state-issued identification only requires proof of
18 state residency, which is insufficient for the purposes identified in
19 this section, and therefore, it is necessary as an appropriate
20 safeguard to bring the state identification documents into compliance
21 with federal law and require proof of lawful presence.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.07
2 RCW to read as follows:

3 The secretary of state must continue to work with the department
4 of licensing to ensure that government-issued identification remains
5 valid and acceptable for purposes of meeting the needs of the
6 relevant divisions and programs of the secretary of state.

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

9 (1) Beginning August 1, 2016, any person obtaining or renewing
10 his or her driver's license, driver's instruction permit,
11 agricultural driving permit, identicard, or intermediate license must
12 show proof of his or her United States citizenship or his or her
13 lawful presence within the United States. An original or renewal
14 application for any of the documents listed in this section must not
15 be granted to any person who does not provide verified proof of his
16 or her United States citizenship or his or her lawful presence within
17 the United States.

18 (2) A person may prove his or her citizenship by providing a
19 valid, unexpired United States passport or passport card, a certified
20 copy of a birth certificate, a consular report of birth abroad issued
21 by the United States department of state, a certificate of
22 naturalization issued by the department of homeland security, or a
23 certificate of citizenship.

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

26 (a) Lawfully admitted for permanent or temporary residence in the
27 United States;

28 (b) With conditional permanent resident status in the United
29 States;

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

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

33 (e) Who has a pending application for asylum in the United
34 States;

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

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

1 (h) Who has approved deferred action status from a deferred
2 action program established before November 20, 2014. A person with
3 approved deferred action status from a program established before
4 November 1, 2014, that is based on any expansion of eligibility
5 criteria to the deferred action program that occurred after November
6 20, 2014, is not an acceptable form of lawful presence under this
7 subsection (3).

8 (4) The department must verify the status of an applicant through
9 either the systematic alien verification for entitlements program or
10 through verification of the applicant's social security number with
11 the United States social security administration.

12 (5) Any driver's license, driver's instruction permit,
13 agricultural driving permit, identicard, or intermediate license
14 issued to a person who has established lawful presence under
15 subsection (3) of this section expires at the same time as the
16 expiration date for the person's authorization to be in the United
17 States, but under no circumstances may the expiration date of the
18 license, identicard, or permit being issued by the department exceed
19 the maximum term provided in statute for each license, identicard, or
20 permit.

21 (6) An applicant for a driver's license, driver's instruction
22 permit, agricultural driving permit, identicard, or intermediate
23 license must submit to a mandatory facial image capture, even if the
24 license, identicard, or permit is not issued.

25 (7) The department may adopt rules to implement this section and
26 to bring the state into compliance with the REAL ID act of 2005, 49
27 U.S.C. Sec. 30301, and its implementing regulations, as each existed
28 on January 1, 2016, or such subsequent date as may be provided by the
29 department by rule, consistent with the purposes of this section.

30 (8) The requirements of this section are in addition to the
31 requirements otherwise imposed on applicants for a driver's license,
32 driver's instruction permit, agricultural driving permit, identicard,
33 or intermediate license. The department may adopt rules to implement
34 this section.

35 **Sec. 4.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to
36 read as follows:

37 (1) **Application.** In order to apply for a driver's license or
38 instruction permit, in addition to the information required under
39 section 3 of this act, the applicant must provide his or her:

1 (a) Name of record, as established by documentation required
2 under RCW 46.20.035;

3 (b) Date of birth, as established by satisfactory evidence of
4 age;

5 (c) Sex;

6 (d) Washington residence address;

7 (e) Description;

8 (f) Driving licensing history, including:

9 (i) Whether the applicant has ever been licensed as a driver or
10 chauffeur and, if so, (A) when and by what state or country; (B)
11 whether the license has ever been suspended or revoked; and (C) the
12 date of and reason for the suspension or revocation; or

13 (ii) Whether the applicant's application to another state or
14 country for a driver's license has ever been refused and, if so, the
15 date of and reason for the refusal; and

16 (g) Any additional information required by the department.

17 (2) **Sworn statement.** An application for an instruction permit or
18 for an original driver's license must be made upon a form provided by
19 the department. The form must include a section for the applicant to
20 indicate whether he or she has received driver training and, if so,
21 where. The identifying documentation verifying the name of record
22 must be accompanied by the applicant's written statement that it is
23 valid. The information provided on the form must be sworn to and
24 signed by the applicant before a person authorized to administer
25 oaths. An applicant who makes a false statement on an application for
26 a driver's license or instruction permit is guilty of false swearing,
27 a gross misdemeanor, under RCW 9A.72.040.

28 (3) **Driving records from other jurisdictions.** If a person
29 previously licensed in another jurisdiction applies for a Washington
30 driver's license, the department shall request a copy of the
31 applicant's driver's record from the other jurisdiction. The driving
32 record from the other jurisdiction becomes a part of the driver's
33 record in this state.

34 (4) **Driving records to other jurisdictions.** If another
35 jurisdiction requests a copy of a person's Washington driver's
36 record, the department shall provide a copy of the record. The
37 department shall forward the record without charge if the other
38 jurisdiction extends the same privilege to the state of Washington.
39 Otherwise the department shall charge a reasonable fee for
40 transmittal of the record.

1 **Sec. 5.** RCW 46.20.117 and 2012 c 80 s 6 are each amended to read
2 as follows:

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

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

6 (b) Proves his or her identity as required by RCW 46.20.035 and
7 legal presence as required in section 3 of this act; and

8 (c) Pays the required fee. Except as provided in subsection (5)
9 of this section, the fee is forty-five dollars from October 1, 2012,
10 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless
11 an applicant is a recipient of continuing public assistance grants
12 under Title 74 RCW, who is referred in writing by the secretary of
13 social and health services. For those persons the fee must be the
14 actual cost of production of the identicard.

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

16 (a) Be distinctly designed so that it will not be confused with
17 the official driver's license; and

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

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

22 (a) Personal appearance before the department; or

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

26 An identicard may not be renewed by mail or by electronic
27 commerce unless the renewal issued by the department includes a
28 photograph of the identicard holder.

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

32 (5) **Alternative issuance/renewal/extension.** The department may
33 issue or renew an identicard for a period other than five years from
34 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,
35 or may extend by mail or electronic commerce an identicard that has
36 already been issued, in order to evenly distribute, as nearly as
37 possible, the yearly renewal rate of identicard holders. The fee for
38 an identicard issued or renewed for a period other than five years
39 from October 1, 2012, to June 30, 2013, or six years after June 30,
40 2013, or that has been extended by mail or electronic commerce, is

1 nine dollars for each year that the identicard is issued, renewed, or
2 extended. The department may adopt any rules as are necessary to
3 carry out this subsection.

4 **Sec. 6.** RCW 46.20.117 and 2014 c 185 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 legal presence as required in section 3 of this act; and

11 (c) Pays the required fee. Except as provided in subsection (5)
12 of this section, the fee is forty-five dollars from October 1, 2012,
13 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless
14 an applicant is a recipient of continuing public assistance grants
15 under Title 74 RCW, who is referred in writing by the secretary of
16 social and health services. For those persons the fee must be the
17 actual cost of production of the identicard.

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

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

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

23 (b) The identicard may include the person's status as a veteran,
24 consistent with RCW 46.20.161(2).

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

27 (a) Personal appearance before the department; or

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

31 An identicard may not be renewed by mail or by electronic
32 commerce unless the renewal issued by the department includes a
33 photograph of the identicard holder.

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

37 (5) **Alternative issuance/renewal/extension.** The department may
38 issue or renew an identicard for a period other than five years from
39 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,

1 or may extend by mail or electronic commerce an identicard that has
2 already been issued, in order to evenly distribute, as nearly as
3 possible, the yearly renewal rate of identicard holders. The fee for
4 an identicard issued or renewed for a period other than five years
5 from October 1, 2012, to June 30, 2013, or six years after June 30,
6 2013, or that has been extended by mail or electronic commerce, is
7 nine dollars for each year that the identicard is issued, renewed, or
8 extended. The department may adopt any rules as are necessary to
9 carry out this subsection.

10 **Sec. 7.** RCW 46.01.130 and 2013 c 336 s 1 and 2013 c 224 s 1 are
11 each reenacted and amended to read as follows:

12 The director:

13 (1) Shall supervise and control the issuing of vehicle
14 certificates of title, vehicle registrations, and vehicle license
15 plates, and has the full power to do all things necessary and proper
16 to carry out the provisions of the law relating to the registration
17 of vehicles;

18 (2) May appoint and employ deputies, assistants, representatives,
19 and clerks;

20 (3) May establish branch offices in different parts of the state;

21 (4) May appoint county auditors in Washington state or, in the
22 absence of a county auditor, the department or an official of county
23 government as agents for applications for and the issuance of vehicle
24 certificates of title and vehicle registrations; and

25 (5)(a) Shall investigate the conviction records and pending
26 charges of any current employee of or prospective employee being
27 considered for any position with the department who has or will have:

28 (i)(A) The ability to create or modify records of applicants for
29 enhanced drivers' licenses and identicards issued under RCW
30 46.20.202; and

31 (B) The ability to issue enhanced drivers' licenses and
32 identicards under RCW 46.20.202; (~~(C)~~)

33 (ii) The ability to conduct examinations under RCW 46.25.060;
34 (~~(D)~~)

35 (iii) Access to information pertaining to vehicle license plates,
36 drivers' licenses, or identicards under RCW 46.08.066, or vessel
37 registrations issued under RCW 88.02.330 that, alone or in
38 combination with any other information, may reveal the identity of an
39 individual, or reveal that an individual is or was, performing an

1 undercover or covert law enforcement, confidential public health
2 work, public assistance fraud, or child support investigative
3 activity;

4 (iv) The ability to create or modify records of applicants for a
5 federally compliant driver's license under section 3 of this act; or

6 (v) The ability to issue a federally compliant driver's license
7 under section 3 of this act.

8 (b) The investigation consists of a background check as
9 authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the
10 federal bureau of investigation. The background check must be
11 conducted through the Washington state patrol criminal identification
12 section and may include a national check from the federal bureau of
13 investigation, which is through the submission of fingerprints. The
14 director shall use the information solely to determine the character,
15 suitability, and competence of current or prospective employees
16 subject to this section.

17 (c) The director shall investigate the conviction records and
18 pending charges of an employee subject to:

19 (i) Subsection (5)(a)(i) of this section every five years; and

20 (ii) Subsection (5)(a)(ii) of this section as required under 49
21 C.F.R. Sec. 384.228 as it existed on July 8, 2014, or such subsequent
22 date as may be provided by the department by rule, consistent with
23 the purposes of this section.

24 (d) Criminal justice agencies shall provide the director with
25 information that they may possess and that the director may require
26 solely to determine the employment suitability of current or
27 prospective employees subject to this section.

28 NEW SECTION. Sec. 8. A new section is added to chapter 46.20
29 RCW to read as follows:

30 Any driver's license or other form of identification issued by a
31 state that accepts as proof of lawful presence an approved deferred
32 action status based on eligibility criteria that was established
33 after November 20, 2014, must not be considered a valid form of
34 identification in Washington state by the department. This
35 restriction also applies to drivers' licenses or other forms of
36 identification from states that accept as lawful presence an approved
37 deferred action status from a deferred action program that was
38 expanded after November 1, 2014.

1 NEW SECTION. **Sec. 9.** The joint transportation committee must
2 study the issuance of drivers' licenses to persons who cannot prove
3 their lawful presence in the United States. The study must examine
4 the impact this policy has on various stakeholder groups, including
5 industries that are reliant on drivers' licenses as proof of
6 identification. Additionally, the study must consider any security
7 risks and other impacts related to public safety that the issuance of
8 drivers' licenses to persons who are not lawfully present may pose to
9 the state of Washington. The committee must submit a report to the
10 legislature by December 1, 2018.

11 NEW SECTION. **Sec. 10.** The following acts or parts of acts are
12 each repealed:

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

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

17 NEW SECTION. **Sec. 11.** Sections 1 through 5, 7, and 8 of this
18 act take effect August 1, 2016.

19 NEW SECTION. **Sec. 12.** Section 6 of this act takes effect August
20 30, 2017.

21 NEW SECTION. **Sec. 13.** Section 5 of this act expires August 30,
22 2017.

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