

---

HOUSE BILL 2176

---

State of Washington

65th Legislature

2017 Regular Session

By Representatives Hargrove, Shea, and Orcutt

1 AN ACT Relating to aligning the issuance of drivers' licenses and  
2 identicards with the federal requirements of the REAL ID act at no  
3 additional cost to applicants; amending RCW 46.20.091 and 46.20.117;  
4 reenacting and amending RCW 46.01.130; adding a new section to  
5 chapter 46.20 RCW; repealing RCW 43.41.390 and 46.20.191; and  
6 providing an effective date.

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

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

10 (1) As required in section 202 of the REAL ID Act, P.L. 109-13,  
11 and 6 C.F.R. Part 37, the department must issue to a qualifying  
12 applicant a driver's license or identicard that is accepted by the  
13 federal government for official purposes, as defined in 6 C.F.R. Sec.  
14 37.3, as such federal laws and regulations existed on the effective  
15 date of this section, or such subsequent date as may be provided by  
16 the department by rule, consistent with the purposes of this section.

17 (2) An applicant for a driver's license or identicard for federal  
18 purposes must:

19 (a) Submit to a mandatory facial image capture, even if a  
20 driver's license or identicard is not issued;

1 (b) Sign a declaration under penalty of perjury, as proscribed  
2 under RCW 9A.72.030, that the information presented on the  
3 application is true and correct;

4 (c) Present at least one of the following documents required for  
5 proof of identity:

6 (i) Valid, unexpired United States passport;

7 (ii) Certified copy of a birth certificate from the Washington  
8 state department of health or filed with an equivalent government  
9 agency in the individual's state of birth;

10 (iii) Consular report of birth abroad issued by the United States  
11 department of state, form FS-240, DS-1350, or FS-545;

12 (iv) Valid, unexpired permanent resident card (form I-551) issued  
13 by the United States department of homeland security or immigration  
14 and naturalization service or its successor agency;

15 (v) Unexpired employment authorization document issued by the  
16 United States department of homeland security, form I-766 or form  
17 I-688B;

18 (vi) Unexpired foreign passport with a valid, unexpired United  
19 States visa affixed accompanied by the approved I-94 form documenting  
20 the applicant's most recent admittance into the United States;

21 (vii) Certificate of naturalization issued by the United States  
22 department of homeland security, form N-550 or form N-570;

23 (viii) Certificate of citizenship issued by the United States  
24 department of homeland security, form N-560 or form N-561;

25 (ix) REAL ID driver's license or identification card issued in  
26 compliance with federal standards; or

27 (x) Such other documents as the department of homeland security  
28 has designated by rule as it existed on the effective date of this  
29 section, or such subsequent date as may be provided by the department  
30 by rule, consistent with the purposes of this section;

31 (d) Present at least one document required under (c) of this  
32 subsection that establishes the applicant's date of birth;

33 (e) Except for applicants who present a foreign passport as proof  
34 of identity, present his or her social security administration  
35 account number card. If the card is not available, the applicant must  
36 present a W-2 form, a SSA-1099 form, a non-SSA-1099 form, or a pay  
37 stub with the applicant's name and social security number on it. If  
38 the applicant is establishing identity with a foreign passport, the  
39 applicant must present a social security number or demonstrate  
40 nonwork-authorized status;

1 (f) Present at least two documents establishing a person's  
2 Washington state residence address, as required in 6 C.F.R. Secs.  
3 37.11(f) and 37.17(f), as each existed on the effective date of this  
4 section, or such subsequent date as may be provided by the department  
5 by rule, consistent with the purposes of this section; and

6 (g) Present satisfactory evidence of lawful status in the United  
7 States.

8 (i) The verification of an applicant's identity through the  
9 systematic alien verification for entitlements system, or equivalent  
10 federally approved lawful status verification system, using one of  
11 any of the documents listed in (c)(i), (ii), (iii), (iv), (vii), or  
12 (viii) of this subsection satisfies proof of lawful status in the  
13 United States.

14 (ii) An applicant that has provided an identity document listed  
15 in (c)(v), (vi), or (ix) of this subsection must also present a  
16 second document to establish lawful status in the United States. The  
17 second document must be one of the documents identified in (g)(i) of  
18 this subsection or documentation issued by the department of homeland  
19 security or other federal agencies demonstrating lawful status as  
20 determined by the United States citizenship and immigration services.

21 (3) Unless provided otherwise in this section, the applicant must  
22 pay the fee as provided in RCW 46.20.161 or 46.20.117, as applicable.

23 (4) Unless provided otherwise in this section, the expiration  
24 date and renewal fees are provided in RCW 46.20.117 and 46.20.181, as  
25 applicable.

26 (5) When issuing a driver's license or identicard under this  
27 section, the department must follow the procedures and meet the  
28 applicable requirements and standards in 6 C.F.R. Part 37, as it  
29 existed on the effective date of this section, or such subsequent  
30 date as may be provided by the department by rule, consistent with  
31 the purposes of this section.

32 (6) The department may adjust fees for limited-term drivers'  
33 licenses and identicards issued to persons who have temporary lawful  
34 status in the United States as defined in 6 C.F.R. Sec. 37.3, as it  
35 existed on the effective date of this section, or such subsequent  
36 date as may be provided by the department by rule, consistent with  
37 the purposes of this section.

38 (7) The department must provide a security marking for drivers'  
39 licenses and identicards issued under this section to distinguish the  
40 documents from other types of drivers' licenses or identicards issued

1 by the department, as required under 6 C.F.R. Secs. 37.17 and 37.27,  
2 as each existed on the effective date of this section, or such  
3 subsequent date as may be provided by the department by rule,  
4 consistent with the purposes of this section. Drivers' licenses and  
5 identicards issued under RCW 46.20.091 and 46.20.117, respectively,  
6 must include a statement on the front of the document that states it  
7 is not for federal purposes.

8 (8) The requirements of this section are in addition to the  
9 requirements otherwise imposed on applicants for a driver's license  
10 or identicard. The department may adopt rules to implement this  
11 section.

12 **Sec. 2.** RCW 46.20.091 and 2000 c 115 s 4 are each amended to  
13 read as follows:

14 (1) **Application.** In order to apply for a driver's license or  
15 instruction permit, the applicant must provide his or her:

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

18 (b) Date of birth, as established by satisfactory evidence of  
19 age;

20 (c) Sex;

21 (d) Washington residence address;

22 (e) Description;

23 (f) Driving licensing history, including:

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

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

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

32 (2) **Sworn statement.** An application for an instruction permit or  
33 for an original driver's license must be made upon a form provided by  
34 the department. The form must include a section for the applicant to  
35 indicate whether he or she has received driver training and, if so,  
36 where. The identifying documentation verifying the name of record  
37 must be accompanied by the applicant's written statement that it is  
38 valid. The information provided on the form must be sworn to and  
39 signed by the applicant before a person authorized to administer

1 oaths. An applicant who makes a false statement on an application for  
2 a driver's license or instruction permit is guilty of false swearing,  
3 a gross misdemeanor, under RCW 9A.72.040.

4 (3) **Driving records from other jurisdictions.** If a person  
5 previously licensed in another jurisdiction applies for a Washington  
6 driver's license, the department shall request a copy of the  
7 applicant's driver's record from the other jurisdiction. The driving  
8 record from the other jurisdiction becomes a part of the driver's  
9 record in this state.

10 (4) **Driving records to other jurisdictions.** If another  
11 jurisdiction requests a copy of a person's Washington driver's  
12 record, the department shall provide a copy of the record. The  
13 department shall forward the record without charge if the other  
14 jurisdiction extends the same privilege to the state of Washington.  
15 Otherwise the department shall charge a reasonable fee for  
16 transmittal of the record.

17 (5) **Federal purposes.** Any driver's license or instruction permit  
18 issued under this section must include a statement on the front of  
19 the document that states it is not for federal purposes.

20 **Sec. 3.** RCW 46.20.117 and 2014 c 185 s 2 are each amended to  
21 read as follows:

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

24 (a) Does not hold a valid Washington driver's license;  
25 (b) Proves his or her identity as required by RCW 46.20.035; and  
26 (c) Pays the required fee. Except as provided in subsection (5)  
27 of this section, the fee is forty-five dollars from October 1, 2012,  
28 to June 30, 2013, and fifty-four dollars after June 30, 2013, unless  
29 an applicant is a recipient of continuing public assistance grants  
30 under Title 74 RCW, who is referred in writing by the secretary of  
31 social and health services. For those persons the fee must be the  
32 actual cost of production of the identicard.

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

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

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

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

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

3 (a) Personal appearance before the department; or

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

7 An identicard may not be renewed by mail or by electronic  
8 commerce unless the renewal issued by the department includes a  
9 photograph of the identicard holder.

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

13 (5) **Alternative issuance/renewal/extension.** The department may  
14 issue or renew an identicard for a period other than five years from  
15 October 1, 2012, to June 30, 2013, or six years after June 30, 2013,  
16 or may extend by mail or electronic commerce an identicard that has  
17 already been issued, in order to evenly distribute, as nearly as  
18 possible, the yearly renewal rate of identicard holders. The fee for  
19 an identicard issued or renewed for a period other than five years  
20 from October 1, 2012, to June 30, 2013, or six years after June 30,  
21 2013, or that has been extended by mail or electronic commerce, is  
22 nine dollars for each year that the identicard is issued, renewed, or  
23 extended. The department may adopt any rules as are necessary to  
24 carry out this subsection.

25 (6) **Federal purposes.** Any identicard issued under this section  
26 must include a statement on the front of the document that states it  
27 is not for federal purposes.

28 **Sec. 4.** RCW 46.01.130 and 2013 c 336 s 1 and 2013 c 224 s 1 are  
29 each reenacted and amended to read as follows:

30 The director:

31 (1) Shall supervise and control the issuing of vehicle  
32 certificates of title, vehicle registrations, and vehicle license  
33 plates, and has the full power to do all things necessary and proper  
34 to carry out the provisions of the law relating to the registration  
35 of vehicles;

36 (2) May appoint and employ deputies, assistants, representatives,  
37 and clerks;

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

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

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

8 (i)(A) The ability to create or modify records of applicants for  
9 enhanced drivers' licenses and identicards issued under RCW  
10 46.20.202; and

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

13 (ii) The ability to conduct examinations under RCW 46.25.060;  
14 (~~(D)~~)

15 (iii) Access to information pertaining to vehicle license plates,  
16 drivers' licenses, or identicards under RCW 46.08.066, or vessel  
17 registrations issued under RCW 88.02.330 that, alone or in  
18 combination with any other information, may reveal the identity of an  
19 individual, or reveal that an individual is or was, performing an  
20 undercover or covert law enforcement, confidential public health  
21 work, public assistance fraud, or child support investigative  
22 activity;

23 (iv) The ability to create or modify records of applicants for a  
24 federally compliant driver's license under section 1 of this act; or

25 (v) The ability to issue a federally compliant driver's license  
26 under section 1 of this act.

27 (b) The investigation consists of a background check as  
28 authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the  
29 federal bureau of investigation. The background check must be  
30 conducted through the Washington state patrol criminal identification  
31 section and may include a national check from the federal bureau of  
32 investigation, which is through the submission of fingerprints. The  
33 director shall use the information solely to determine the character,  
34 suitability, and competence of current or prospective employees  
35 subject to this section.

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

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

39 (ii) Subsection (5)(a)(ii) of this section as required under  
40 C.F.R. Sec. 384.228 as it existed on July 8, 2014, or such subsequent

1 date as may be provided by the department by rule, consistent with  
2 the purposes of this section.

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

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

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

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

13 NEW SECTION. **Sec. 6.** This act takes effect July 1, 2018.

--- END ---