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**SENATE BILL 5105**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senator Mullet

Prefiled 12/28/22.

1 AN ACT Relating to authorizing digital driver's licenses through  
2 a mobile application; amending RCW 46.20.017 and 46.20.161; creating  
3 a new section; providing an effective date; providing an expiration  
4 date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) By December 1, 2023, the department of  
7 licensing shall complete an implementation plan for issuing digital  
8 driver's licenses through a mobile application. The plan and  
9 evaluation must include, but is not limited to:

10 (a) Reviewing the adoption actions in other states, including  
11 successes and lessons learned;

12 (b) Examining existing technical infrastructure and potential  
13 changes needed to maximize interoperability, utility, and privacy  
14 protection;

15 (c) Identifying the technical investments and other costs  
16 associated with issuing digital driver's licenses through a mobile  
17 application;

18 (d) Identifying how the technology may impact and can be used by  
19 external stakeholders, such as law enforcement;

20 (e) Recommending any process changes required to implement the  
21 program successfully and ensure customer satisfaction; and

1 (f) Recommending any statutory changes required to allow for the  
2 usage of digital driver's licenses, including recognition of  
3 interstate travelers.

4 (2) The department of licensing shall submit a report of its  
5 findings and recommendations to the governor and the transportation  
6 committees of the legislature by December 1, 2023.

7 (3) This section expires January 1, 2024.

8 **Sec. 2.** RCW 46.20.017 and 2010 c 8 s 9018 are each amended to  
9 read as follows:

10 ~~((Every))~~ (1) Except as provided in subsection (2) of this  
11 section, every licensee shall have ~~((his or her))~~ the licensee's  
12 driver's license in ((his or her)) the licensee's immediate  
13 possession at all times when operating a motor vehicle and shall  
14 display the same upon demand to any police officer or to any other  
15 person when and if required by law to do so. The offense described in  
16 this section is a nonmoving offense.

17 (2) Beginning September 1, 2024, a licensee may meet the  
18 requirements of subsection (1) of this section by having in the  
19 licensee's immediate possession at all times when operating a motor  
20 vehicle and displaying upon demand a digital version of the  
21 licensee's driver's license as authorized in RCW 46.20.161(7). Only  
22 digital versions of the licensee's driver's license issued and  
23 authorized by the department is sufficient to meet the requirements  
24 of this section.

25 **Sec. 3.** RCW 46.20.161 and 2021 c 158 s 7 are each amended to  
26 read as follows:

27 (1) The department, upon receipt of a fee of ~~((seventy-two~~  
28 ~~dollars))~~ \$72, unless the driver's license is issued for a period  
29 other than eight years, in which case the fee shall be ~~((nine~~  
30 ~~dollars))~~ \$9 for each year that the license is issued, which includes  
31 the fee for the required photograph, shall issue to every qualifying  
32 applicant a driver's license. A driver's license issued to a person  
33 under the age of ~~((eighteen))~~ 18 is an intermediate license, subject  
34 to the restrictions imposed under RCW 46.20.075, until the person  
35 reaches the age of ~~((eighteen))~~ 18.

36 (2) The license must include:

37 (a) A distinguishing number assigned to the licensee;

38 (b) The name of record;

1 (c) Date of birth;  
2 (d) Washington residence address;  
3 (e) Photograph;  
4 (f) A brief description of the licensee;  
5 (g) Either a facsimile of the signature of the licensee or a  
6 space upon which the licensee shall write the licensees' usual  
7 signature with pen and ink immediately upon receipt of the license;  
8 (h) If applicable, the person's status as a veteran as provided  
9 in subsection (4) of this section; and  
10 (i) If applicable, a medical alert designation as provided in  
11 subsection (5) of this section.  
12 (3) No license is valid until it has been signed by the licensee.  
13 (4)(a) A veteran, as defined in RCW 41.04.007, or an individual  
14 who otherwise meets the criteria of RCW 41.04.007 but who has  
15 received a general discharge under honorable conditions, may apply to  
16 the department to obtain a veteran designation on a driver's license  
17 issued under this section by providing:  
18 (i) A United States department of veterans affairs identification  
19 card or proof of service letter;  
20 (ii) A United States department of defense discharge document, DD  
21 Form 214 or DD Form 215, as it exists on June 7, 2018, or such  
22 subsequent date as may be provided by the department by rule,  
23 consistent with the purposes of this section, or equivalent or  
24 successor discharge paperwork, that shows a discharge status of  
25 "honorable" or "general under honorable conditions" that establishes  
26 the person's service in the armed forces of the United States;  
27 (iii) A national guard state-issued report of separation and  
28 military service, NGB Form 22, as it exists on June 7, 2018, or such  
29 subsequent date as may be provided by the department by rule,  
30 consistent with the purposes of this section, or equivalent or  
31 successor discharge paperwork, that shows a discharge status of  
32 "honorable" or "general under honorable conditions" that establishes  
33 the person's active duty or reserve service in the national guard; or  
34 (iv) A United States uniformed services identification card, DD  
35 Form 2, that displays on its face that it has been issued to a  
36 retired member of any of the armed forces of the United States,  
37 including the national guard and armed forces reserves.  
38 (b) The department may permit a veteran, as defined in RCW  
39 41.04.007, or an individual who otherwise meets the criteria of RCW  
40 41.04.007 but who has received a general discharge under honorable

1 conditions, to submit an alternate form of documentation to apply to  
2 obtain a veteran designation on a driver's license, as specified by  
3 rule, that requires a discharge status of "honorable" or "general  
4 under honorable conditions" and that establishes the person's service  
5 as required under RCW 41.04.007.

6 (5) Any person may apply to the department to obtain a medical  
7 alert designation, a developmental disability designation, or a  
8 deafness designation on a driver's license issued under this chapter  
9 by providing:

10 (a) Self-attestation that the individual:

11 (i) Has a medical condition that could affect communication or  
12 account for a driver health emergency;

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

14 (iii) Has a developmental disability as defined in RCW  
15 71A.10.020;

16 (b) A statement from the person that they have voluntarily  
17 provided the self-attestation and other information verifying the  
18 condition; and

19 (c) For persons under (~~eighteen~~) 18 years of age or who have a  
20 developmental disability, the signature of a parent or legal  
21 guardian.

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

24 (a) Shall not be disclosed;

25 (b) Is for the confidential use of the director, the chief of the  
26 Washington state patrol, and law enforcement and emergency medical  
27 service providers as designated by law; and

28 (c) Is subject to the privacy protections of the driver's privacy  
29 protection act, 18 U.S.C. Sec. 2725.

30 (7)(a) By September 1, 2024, the department must establish a  
31 program that allows every qualifying applicant for a driver's license  
32 the ability to acquire a digital version of the applicant's driver's  
33 license in addition to the physical version issued pursuant to  
34 subsection (1) of this section.

35 (b) By August 1, 2024, the department must adopt rules to  
36 implement (a) of this subsection, which include, but are not limited  
37 to, issuance requirements, specifications, security and privacy  
38 protections, and the use associated with the digital driver's  
39 license.

1        NEW SECTION.    **Sec. 4.**    This act is necessary for the immediate  
2    preservation of the public peace, health, or safety, or support of  
3    the state government and its existing public institutions, and takes  
4    effect July 1, 2023.

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