

# HOUSE BILL REPORT

## HB 1289

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### As Reported by House Committee On: Transportation

**Title:** An act relating to the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

**Brief Description:** Authorizing the issuance of enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

**Sponsors:** Representatives Clibborn, Campbell, VanDeWege, Dickerson, Moeller and Morrell; by request of Department of Licensing.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/15/07, 3/1/07 [DPS].

#### **Brief Summary of Substitute Bill**

- Authorizes the Department of Licensing to issue enhanced drivers' licenses and identicards to facilitate crossing the Canadian border.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 26 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Jarrett, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Armstrong, Campbell, Curtis, Dickerson, Eddy, Ericksen, Hailey, Hankins, Hudgins, Kristiansen, Lovick, Rodne, Rolfes, Sells, Simpson, Springer, B. Sullivan, Takko, Upthegrove, Wallace and Wood.

**Staff:** Teresa Berntsen (786-7301).

#### **Background:**

The federal Intelligence Reform and Terrorism Prevention Act of 2004 mandated that the Secretary of Homeland Security, in consultation with the Secretary of State, develop and implement a plan to require United States citizens and foreign nationals to present a passport

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or other secure document when entering the United States. In April 2005, the Departments of State and Homeland Security announced the Western Hemisphere Travel Initiative (Initiative), which will require individuals entering or re-entering the United States to present a passport or other acceptable secure identification. The identification requirements of the Initiative will take effect as early as January 1, 2008.

When announcing the Initiative, the Departments of State and Homeland Security identified the passport as the document of choice for entry or re-entry into the United States, but acknowledged that certain other documents might be acceptable in lieu of a passport.

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**Summary of Substitute Bill:**

The Department of Licensing (DOL) may enter into a memorandum of understanding with a federal agency to facilitate border crossing between Washington and British Columbia. The DOL may enter into an agreement with British Columbia to implement a border crossing initiative.

The DOL may issue an enhanced driver's license or identicard to an applicant who, in addition to meeting all other driver's license or identicard requirements, provides the DOL with proof of U.S. citizenship, identity, and state residency. The enhanced driver's license or identicard must include a one-to-many biometric matching system.

The DOL must adopt rules and may set fees for the issuance of enhanced drivers' licenses and identicards.

**Substitute Bill Compared to Original Bill:**

It is clarified that applicants may choose between the standard driver's license or identicard or an enhanced license or identicard.

- The enhanced driver's license or identicard must include reasonable security measures to protect privacy, including reasonable safeguards against unauthorized data access.
- The DOL must periodically review identity card security technologies and amend rules as appropriate to protect the privacy of Washington residents.
- The DOL may release copies of photographs from enhanced driver's licenses and identicards to U.S. customs and border agents for the purposes of verifying identity.
- If specific funding for the act is not provided in the enacted 2007 transportation budget, the act is null and void.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill contains an emergency clause and takes effect immediately. However, the bill is null and void if not funded in the budget.

**Staff Summary of Public Testimony:**

(In support) This will provide a choice for crossing the Canadian border other than the expense of acquiring a passport. This is a pilot program that other states may be able to follow.

(Opposed) None.

**Persons Testifying:** Representative Clibborn, prime sponsor; and Liz Luce and Becky Loomis, Washington State Department of Licensing.

**Persons Signed In To Testify But Not Testifying:** None.