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HOUSE BILL 1577

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State of Washington

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**By** Representatives Armstrong, Angel, Kretz, Warnick, Ross, Shea, Taylor, Klippert, Buys, Johnson, Haler, Dahlquist, Rivers, Harris, Hargrove, Walsh, Short, Anderson, Rolfes, Parker, Kristiansen, Schmick, Nealey, Dammeier, Ahern, Stanford, Finn, Moeller, Alexander, Hope, Hinkle, Green, Rodne, Overstreet, Van De Wege, Tharinger, Haigh, Hurst, Takko, Blake, McCune, Kelley, Orcutt, Pearson, Smith, and Miloscia

Read first time 01/26/11. Referred to Committee on Transportation.

1 AN ACT Relating to verification that an applicant for a driver's  
2 license or identicard is lawfully within the United States; amending  
3 RCW 29A.08.350, 46.20.035, 46.20.117, 46.20.155, and 46.20.181; and  
4 adding new sections to chapter 46.20 RCW.

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

6 **Sec. 1.** RCW 29A.08.350 and 2009 c 369 s 21 are each amended to  
7 read as follows:

8 The department of licensing shall produce and transmit to the  
9 secretary of state the following information from the records of each  
10 individual who requested a voter registration or transfer at a driver's  
11 license facility: The name, address, date of birth, gender of the  
12 applicant, the driver's license number, citizenship status, and the  
13 date on which the application for voter registration or transfer was  
14 submitted. The secretary of state shall process the registrations and  
15 transfers as an electronic application and only register those  
16 individuals whose eligibility is established. If United States  
17 citizenship has not been established, the secretary may not issue a  
18 voter registration.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 46.20 RCW  
2 to read as follows:

3        (1) The department must adopt rules within ninety days after the  
4 effective date of this section to establish procedures for verifying  
5 that a driver's license or identicard applicant is a United States  
6 citizen or that the applicant's presence in the United States is  
7 authorized under federal law, including determining which documents are  
8 adequate to provide proof of citizenship or legal presence.    The  
9 department may not accept a driver's license or identicard issued by  
10 another state as documentation if the other state does not require its  
11 driver's license or identicard applicants to provide proof of United  
12 States citizenship or proof of authorized presence in the United States  
13 under federal law.

14        (2) The department must indicate in its records the citizenship  
15 status of each driver's license and identicard applicant who is issued  
16 a driver's license or identicard under this chapter.

17        (3) Unless the department chooses to issue a driver's license  
18 marked "not valid for identification purposes" under section 3 of this  
19 act, the department must not issue a driver's license if it is unable  
20 to verify that the applicant is a United States citizen or that the  
21 applicant's presence in the United States is authorized under federal  
22 law.

23        **Sec. 3.**    RCW 46.20.035 and 2008 c 267 s 8 are each amended to read  
24 as follows:

25        The department may not issue an identicard or a Washington state  
26 driver's license that is valid for identification purposes unless the  
27 applicant meets the identification requirements of subsection (1), (2),  
28 or (3) of this section and the identification requirements of  
29 subsection (4) of this section.

30        (1) A driver's license or identicard applicant must provide the  
31 department with at least one of the following pieces of valid  
32 identifying documentation that contains the signature and a photograph  
33 of the applicant:

34        (a) A valid or recently expired driver's license or instruction  
35 permit that includes the date of birth of the applicant;

36        (b) A Washington state identicard or an identification card issued  
37 by another state;

1 (c) An identification card issued by the United States, a state, or  
2 an agency of either the United States or a state, of a kind commonly  
3 used to identify the members or employees of the government agency;

4 (d) A military identification card;

5 (e) A United States passport; or

6 (f) ~~((An immigration and naturalization))~~ A citizenship and  
7 immigration services form.

8 (2) An applicant who is a minor may establish identity by providing  
9 an affidavit of the applicant's parent or guardian. The parent or  
10 guardian must accompany the minor and display or provide:

11 (a) At least one piece of documentation in subsection (1) of this  
12 section establishing the identity of the parent or guardian; and

13 (b) Additional documentation establishing the relationship between  
14 the parent or guardian and the applicant.

15 (3) A person unable to provide identifying documentation as  
16 specified in subsection (1) or (2) of this section may request that the  
17 department review other available documentation in order to ascertain  
18 identity. The department may waive the requirement if it finds that  
19 other documentation clearly establishes the identity of the applicant.  
20 Notwithstanding the requirements in subsection (2) of this section, the  
21 department shall issue an identicard to an applicant for whom it  
22 receives documentation pursuant to RCW 74.13.283.

23 (4) A driver's license or identicard applicant must provide the  
24 department with documentation that the applicant is a United States  
25 citizen or that the applicant's presence in the United States is  
26 authorized under federal law.

27 (5) An identicard or a driver's license that includes a photograph  
28 that has been renewed by mail or by electronic commerce is valid for  
29 identification purposes if the applicant met the identification  
30 requirements of subsection (1), (2), or (3) of this section at the time  
31 of previous issuance.

32 ~~((+5))~~ (6) The form of an applicant's name, as established under  
33 this section, is the person's name of record for the purposes of this  
34 chapter.

35 ~~((+6))~~ (7) If the applicant is unable to prove his or her identity  
36 under this section or if the department has not verified citizenship or  
37 legal presence under section 2 of this act, the department shall  
38 plainly label the license "not valid for identification purposes."

1       **Sec. 4.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to  
2 read as follows:

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

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

6           (b) Proves his or her identity and proves that he or she is a  
7 United States citizen or is authorized under federal law to be present  
8 in the United States, as required by RCW 46.20.035; and

9           (c) Pays the required fee. The fee is twenty dollars unless an  
10 applicant is a recipient of continuing public assistance grants under  
11 Title 74 RCW, who is referred in writing by the secretary of social and  
12 health services. For those persons the fee must be the actual cost of  
13 production of the identicard.

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

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

17           (b) Expire on the fifth anniversary of the applicant's birthdate  
18 after issuance or on the date the applicant's authorization to be  
19 within the United States expires, whichever occurs first. If there is  
20 no definite end to the period of authorized stay, the identicard  
21 expires one year after the date of issuance.

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

24           (a) Personal appearance before the department; or

25           (b) Mail or electronic commerce, if permitted by rule of the  
26 department and if the applicant did not renew his or her identicard by  
27 mail or by electronic commerce when it last expired. However, the  
28 department may accept an application for renewal of an identicard  
29 submitted by means of mail or electronic commerce only if specific  
30 authority and funding is provided for this purpose by June 30, 2004, in  
31 the omnibus transportation appropriations act.

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

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

1       **Sec. 5.** RCW 46.20.155 and 2009 c 369 s 42 are each amended to read  
2 as follows:

3       (1) Before issuing an original license or identicard or renewing a  
4 license or identicard under this chapter and if an applicant provides  
5 proof of United States citizenship as required under RCW 46.20.035(4),  
6 the licensing agent shall determine if the applicant wants to register  
7 to vote or transfer his or her voter registration by asking the  
8 following question:

9       "Do you want to register to vote or transfer your voter  
10 registration?"

11       If the applicant chooses to register or transfer a registration,  
12 the agent shall ask the following:

13       (1) "Are you a United States citizen?"

14       (2) "Are you or will you be eighteen years of age on or before the  
15 next election?"

16       If the applicant answers in the affirmative to both questions, the  
17 agent shall then submit the registration or transfer. If the applicant  
18 answers in the negative to either question, the agent shall not submit  
19 a voter registration application.

20       (2) The department shall establish a procedure that substantially  
21 meets the requirements of subsection (1) of this section when  
22 permitting an applicant to renew a license or identicard by mail or by  
23 electronic commerce.

24       **Sec. 6.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read  
25 as follows:

26       (1) Except as provided in subsection (4) of this section, every  
27 driver's license expires on the fifth anniversary of the licensee's  
28 birthdate following the issuance of the license or on the date the  
29 licensee's authorization to be within the United States expires,  
30 whichever occurs first. If there is no definite end to the period of  
31 authorized stay, the driver's license expires one year after the date  
32 of issuance.

33       (2) A person may renew his or her license on or before the  
34 expiration date by submitting an application as prescribed by the  
35 department and paying a fee of twenty-five dollars. This fee includes  
36 the fee for the required photograph.

1 (3) A person renewing his or her driver's license more than sixty  
2 days after the license has expired shall pay a penalty fee of ten  
3 dollars in addition to the renewal fee, unless his or her license  
4 expired when:

5 (a) The person was outside the state and he or she renews the  
6 license within sixty days after returning to this state; or

7 (b) The person was incapacitated and he or she renews the license  
8 within sixty days after the termination of the incapacity.

9 ~~((4) During the period from July 1, 2000, to July 1, 2006, the  
10 department may issue or renew a driver's license for a period other  
11 than five years, or may extend by mail a license that has already been  
12 issued, in order to evenly distribute, as nearly as possible, the  
13 yearly renewal rate of licensed drivers. The fee for a driver's  
14 license issued or renewed for a period other than five years, or that  
15 has been extended by mail, is five dollars for each year that the  
16 license is issued, renewed, or extended. The department may adopt any  
17 rules as are necessary to carry out this subsection.))~~

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

20 Upon receiving satisfactory proof that the applicant's presence in  
21 the United States has been reauthorized, extended, or continues without  
22 definite end, the department may adjust the term of a driver's license  
23 or identicard that was issued to expire on the expiration date of an  
24 applicant's authorization to be within the United States or was issued  
25 to expire one year from the date of issuance. The expiration date of  
26 a driver's license or identicard may be adjusted up to the date the  
27 applicant's authorization to be within the United States expires or up  
28 to the full period that the driver's license or identicard could have  
29 originally been issued, whichever occurs first. If there is no  
30 definite end to the period of authorized stay, the expiration date may  
31 be extended for one year. There is no additional fee for a driver's  
32 license or identicard term adjusted under this section.

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