
SENATE BILL 5412

State of Washington

58th Legislature

2003 Regular Session

By Senators Brandland, Kline, Winsley, Haugen, Prentice, Reardon, Rasmussen, Eide and McCaslin

Read first time 01/24/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to identity theft penalties and prevention;
2 amending RCW 9.35.020 and 46.20.035; adding a new section to chapter
3 46.20 RCW; creating a new section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that identity theft
6 and the other types of fraud is a significant problem in the state of
7 Washington, costing our citizens and businesses millions each year.
8 The most common method of accomplishing identity theft and other
9 fraudulent activity is by securing a fraudulently issued driver's
10 license. It is the purpose of this act to significantly reduce
11 identity theft and other fraud by preventing the fraudulent issuance of
12 driver's licenses and identicards.

13 **Sec. 2.** RCW 9.35.020 and 2001 c 217 s 9 are each amended to read
14 as follows:

15 (1) No person may knowingly obtain, possess, use, or transfer a
16 means of identification or financial information of another person,
17 living or dead, with the intent to commit, or to aid or abet, any
18 crime.

1 (2)(a) Violation of this section when the accused or an accomplice
2 uses the victim's means of identification or financial information and
3 obtains an aggregate total of credit, money, goods, services, or
4 anything else of value in excess of one thousand five hundred dollars
5 in value shall constitute identity theft in the first degree. Identity
6 theft in the first degree is a class B felony.

7 (b) Violation of this section when the accused or an accomplice
8 uses the victim's means of identification or financial information and
9 obtains an aggregate total of credit, money, goods, services, or
10 anything else of value that is less than one thousand five hundred
11 dollars in value, or when no credit, money, goods, services, or
12 anything of value is obtained shall constitute identity theft in the
13 second degree. Identity theft in the second degree is a class C
14 felony.

15 (3) A person who violates this section is liable for civil damages
16 of (~~five hundred~~) one thousand dollars or actual damages, whichever
17 is greater, including costs to repair the victim's credit record, and
18 reasonable attorneys' fees as determined by the court.

19 (4) In a proceeding under this section, the crime will be
20 considered to have been committed in any locality where the person
21 whose means of identification or financial information was appropriated
22 resides, or in which any part of the offense took place, regardless of
23 whether the defendant was ever actually in that locality.

24 (5) The provisions of this section do not apply to any person who
25 obtains another person's driver's license or other form of
26 identification for the sole purpose of misrepresenting his or her age.

27 (6) In a proceeding under this section in which a person's means of
28 identification or financial information was used without that person's
29 authorization, and when there has been a conviction, the sentencing
30 court may issue such orders as are necessary to correct a public record
31 that contains false information resulting from a violation of this
32 section.

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

35 (1) No later than July 1, 2004, the department shall require a
36 biometric identifier from every person applying for an original,
37 renewal, or duplicate driver's license or identicard.

1 (2) No later than July 1, 2004, the department shall implement a
2 one-to-many and one-to-one biometric matching system for the purpose of
3 preventing multiple licenses or cards from being issued to one person,
4 and to help prevent identity theft.

5 (3) The biometric matching system selected by the department shall
6 be capable of highly accurate one-to-many and one-to-one matching, and
7 shall be compliant with biometric standards established by the American
8 association of motor vehicle administrators.

9 **Sec. 4.** RCW 46.20.035 and 1999 c 6 s 8 are each amended to read as
10 follows:

11 The department may not issue an identicard or a Washington state
12 driver's license that is valid for identification purposes unless the
13 applicant meets the identification requirements of subsection (1), (2),
14 (~~(3)~~) (3), or (4) of this section.

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

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

21 (b) A Washington state identicard or an identification card issued
22 by another state;

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

26 (d) A military identification card;

27 (e) A United States passport; or

28 (f) An Immigration and Naturalization Service form.

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

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

34 (b) Additional documentation establishing the relationship between
35 the parent or guardian and the applicant.

36 (3) A person unable to provide identifying documentation as
37 specified in subsection (1) or (2) of this section may request that the

1 department review other available documentation in order to ascertain
2 identity. The department may waive the requirement if it finds that
3 other documentation clearly establishes the identity of the applicant.

4 (4) An applicant shall provide a biometric identifier to the
5 department.

6 (5) The form of an applicant's name, as established under this
7 section, must be the person's name of record for the purposes of this
8 chapter.

9 ~~((+5+))~~ (6) If the applicant is unable to prove his or her identity
10 under this section, the department shall plainly label the license "not
11 valid for identification purposes."

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