

Enhanced Drivers' Licenses and Identicards

According to Washington legislative staff, “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 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, which will require people entering or re-entering the United States to present a passport or other acceptable secure identification. When announcing the Western Hemisphere Travel 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.”

This Act permits the state department of licensing (DOL) to enter into a memorandum of understanding with a federal agency to facilitate border crossing between the state and Canada. The DOL may enter into an agreement with a Canadian province 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 United States 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.

Submitted as:

Washington

[Chapter 7, Laws of 2007](#)

Status: Enacted into law in 2007.

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “An Act Relating to the Issuance of
2 Enhanced Drivers' Licenses and Identicards to Facilitate Crossing the Canadian Border.”

3
4 Section 2. [*Memorandum of Understanding, Enhanced Driver License, Identicard.*]

5 (1) The [department] may enter into a Memorandum of Understanding with any federal
6 agency for the purposes of facilitating the crossing of the border between this state and the
7 [Canadian province of British Columbia].

8 (2) The [department] may enter into an agreement with the [Canadian province of British
9 Columbia] for the purposes of implementing a border-crossing initiative.

10 (3) (a) The [department] may issue an enhanced driver's license or Identicard for the
11 purposes of crossing the border between this state and the [Canadian province of British
12 Columbia] to an applicant who provides the [department] with proof of: United States citizenship,
13 identity, and state residency. The [department] shall continue to offer a standard driver's license
14 and Identicard. If the [department] chooses to issue an enhanced driver's license, the [department]
15 must allow each applicant to choose between a standard driver's license or Identicard, or an
16 enhanced driver's license or Identicard.

17 (b) The [department] shall implement a one-to-many biometric matching system
18 for the enhanced driver's license or Identicard. An applicant for an enhanced driver's license or

19 Identocard shall submit a biometric identifier as designated by the [department]. The biometric
20 identifier must be used solely for the purpose of verifying the identity of the holders and for any
21 purpose set out in [insert citation]. Applicants are required to sign a declaration acknowledging
22 their understanding of the one-to-many biometric match.

23 (c) The enhanced driver’s license or Identocard must include reasonable security
24 measures to protect the privacy of state residents, including reasonable safeguards to protect
25 against unauthorized disclosure of data about this state’s residents. If the enhanced driver’s license
26 or Identocard includes a Radio Frequency Identification Chip, or similar technology, the
27 [department] shall ensure that the technology is encrypted or otherwise secure from unauthorized
28 data access.

29 (d) The requirements of this subsection are in addition to the requirements
30 otherwise imposed on applicants for a driver’s license or Identocard. The [department] shall adopt
31 such rules as necessary to meet the requirements of this subsection. From time to time the
32 [department] shall review technological innovations related to the security of identity cards and
33 amend the rules related to enhanced driver’s licenses and Identocards as the [director] deems
34 consistent with this section and appropriate to protect the privacy of residents of this state.

35 (e) Notwithstanding [insert citation], the [department] may make images associated
36 with enhanced drivers’ licenses or Identocards from the negative file available to United States
37 Customs and Border Agents for the purposes of verifying identity.

38 (4) The [department] may set a fee for the issuance of enhanced drivers’ licenses and
39 Identocards under this section.

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41 Section 3. [*Statewide Education Campaign about this Act.*] The [department] shall develop
42 and implement a statewide education campaign to educate citizens about the border crossing
43 initiative authorized by this Act. The educational campaign must include information on the forms
44 of travel for which the existing and enhanced driver’s license can be used. The campaign must
45 include information on the time frames for implementation of laws that impact identification
46 requirements at the border with [Canada].

47
48 Section 4. [*Severability.*] [Insert severability clause.]

49
50 Section 5. [*Repealer.*] [Insert repealer clause.]

51
52 Section 6. [*Effective Date.*] [Insert effective date.]