



**STATE OF WASHINGTON**  
**DEPARTMENT OF LICENSING**  
*PO Box 9020 Olympia, Washington 98507-9020*

**CONCISE EXPLANATORY STATEMENT**  
**WAC 308-104-014 Application for driver's license or identicard**  
Public Hearing: April 24, 2018  
Effective: May 19, 2018

**Purpose of Rulemaking**

The Department's current regulations require an applicant for a driver's license to provide the applicants place of birth. A person's place of birth is not necessary for ascertaining a person's identity and should be removed.

**Comment Period**

The public comment period for this rulemaking began March 9, 2018 and ended April 24, 2018.

**Summary of Comments Received on the Proposed Rules and Department Response**

The department has analyzed all the comments received on the proposed rules and responses to these comments by category are listed below.

**Changes to proposed language**

The department did not make changes to the proposed language for the adoption because the language meets the intent of Executive Order 17-01.

**Summary of all public comments received on this rule proposal and the agency’s response to those comments:**

Comments	
Opposed	Department response
<i>Generalized comments</i>	
<ol style="list-style-type: none"> <li>1. Place of birth information could be used to assist authorities.</li> <li>2. Place of birth can help identify a person and protect the state from criminals.</li> <li>3. Do not support state rule that infringes on the right of those sworn to protect American citizens – place of birth can assist federal agencies in carrying out their duties.</li> <li>4. We should establish citizenship, legal resident, or naturalization status of all state residents.</li> <li>5. Do not support change to law without input from its citizens.</li> <li>6. Place of birth information can be used to notify families.</li> <li>7. Removing place of birth from the license will encourage others to move to the area.</li> <li>8. There are other factors on a driver’s license that could be used for discrimination (i.e. sex and height).</li> <li>9. Rule is not retroactive and could still impact those who already did provide place of birth.</li> </ol>	<p>The department does not use place of birth or permanent residency status to determine the eligibility of an applicant. This rule change to eliminate place of birth from an application does not change eligibility for any applicant.</p> <p>This rule change is related to safeguarding information of all driver license and identification card applicants. Collecting place of birth is not required by state or federal law and is not a required piece of information in order to identify a person or establish eligibility. New technology allows the department to verify a person’s identity through more accurate data, rendering the collection of place of birth information unnecessary.</p> <p>The department followed the Office of the Code Reviser’s official process in this rule making; the department elicited written and oral comments between March 9 and April 24.</p> <p>Place of birth information is not used to potentially locate a person’s family. There are other methods used to help investigators locate a person’s contact in case of emergency.</p> <p>An individual’s birth place is not, and never has been, printed on driver license cards or ID cards. This rule change eliminates</p>

	<p>place of birth on an application and does not change eligibility for any applicant. The department has never used place of birth or permanent residency status to determine eligibility for an applicant.</p> <p>Elements listed on a driver license card or ID card (e.g. sex, height, etc.) are used as a descriptor of the person. These physical description elements are required by state law (RCW 46.20.181) and standards set by American Association of Motor Vehicle Administrators.</p> <p>After the department was made aware that capturing place of birth did not align with the Governor’s Executive Order 17-01, the department changed policy immediately. This rule change aligns with that policy change.</p>
<p><i>Comments outside the scope of the rulemaking</i></p>	
<ol style="list-style-type: none"> <li>1. Rule change stops Washington from achieving the goal of no accidents.</li> <li>2. Tax dollars should not be spent to protect illegal immigrants/This rule only protects illegal immigrants.</li> <li>3. This is about making it easier for illegal immigrants to register to vote or to gain more votes.</li> <li>4. Believes the department inaccurately marked this rule has no cost because it causes law enforcement agencies to commit additional resources.</li> <li>5. This should be on a Washington State ballot.</li> </ol>	<p>This rule change has nothing to do with the State’s Target Zero initiative.</p> <p>Birthplace does not determine a person’s eligibility to vote.</p> <p>This rulemaking change does not add costs to Washington State or to Washington businesses; the department believes this comment is in regards to another matter not directly related to the removal of place of birth.</p> <p>The department adopted this rulemaking under its statutory authority and followed the Office of the Code Reviser’s official process in this rule making.</p>

In favor	Department response
<p>Does not want to make it harder for others to live and work in the state based on fear of immigration persecution; if we wanted to track natural citizens we should get approval from tribal councils, until then get rid of discriminatory questions.</p>	<p>Thank you for your comment.</p>