

2 **SHB 2432** - S COMM AMD  
3 By Committee on Transportation

4 ADOPTED 03/07/02

5 Strike everything after the enacting clause and insert the  
6 following:

7 "**Sec. 1.** RCW 46.52.130 and 2001 c 309 s 1 are each amended to read  
8 as follows:

9 (1) A certified abstract of the driving record shall be furnished  
10 only to:

11 (a) The individual named in the abstract((~~τ~~))*i*

12 (b) An employer or prospective employer or an agent acting on  
13 behalf of an employer or prospective employer((~~τ~~))*i*

14 (c) An employee or agent of a transit authority checking  
15 prospective volunteer vanpool drivers for insurance and risk management  
16 needs*i*

17 (d) The insurance carrier that has insurance in effect covering the  
18 employer or a prospective employer((~~τ~~))*i*

19 (e) The insurance carrier that has motor vehicle or life insurance  
20 in effect covering the named individual((~~τ~~))*i*

21 (f) The insurance carrier to which the named individual has  
22 applied((~~τ~~))*i*

23 (g) An alcohol/drug assessment or treatment agency approved by the  
24 department of social and health services, to which the named individual  
25 has applied or been assigned for evaluation or treatment((~~τ~~))*i* or

26 (h) City and county prosecuting attorneys.

27 (2) City attorneys and county prosecuting attorneys may provide the  
28 driving record to alcohol/drug assessment or treatment agencies  
29 approved by the department of social and health services to which the  
30 named individual has applied or been assigned for evaluation or  
31 treatment.

32 (3) The director, upon proper request, shall furnish a certified  
33 abstract covering the period of not more than the last three years to  
34 insurance companies.

35 (4) Upon proper request, the director shall furnish a certified  
36 abstract covering a period of not more than the last five years to

1 state approved alcohol/drug assessment or treatment agencies, except  
2 that the certified abstract shall also include records of alcohol-  
3 related offenses as defined in RCW 46.01.260(2) covering a period of  
4 not more than the last ten years.

5 (5) Upon proper request, a certified abstract of the full driving  
6 record maintained by the department shall be furnished to a city or  
7 county prosecuting attorney, to the individual named in the abstract  
8 ~~((or))~~, to an employer or prospective employer or an agent acting on  
9 behalf of an employer or prospective employer of the named individual,  
10 or to an employee or agent of a transit authority checking prospective  
11 volunteer vanpool drivers for insurance and risk management needs.

12 (6) The abstract, whenever possible, shall include:

13 (a) An enumeration of motor vehicle accidents in which the person  
14 was driving;

15 (b) The total number of vehicles involved;

16 (c) Whether the vehicles were legally parked or moving;

17 (d) Whether the vehicles were occupied at the time of the accident;

18 (e) Whether the accident resulted in any fatality;

19 (f) Any reported convictions, forfeitures of bail, or findings that  
20 an infraction was committed based upon a violation of any motor vehicle  
21 law; ~~((and))~~

22 (g) The status of the person's driving privilege in this state ~~((-~~  
23 ~~The enumeration shall include))~~; and

24 (h) Any reports of failure to appear in response to a traffic  
25 citation or failure to respond to a notice of infraction served upon  
26 the named individual by an arresting officer.

27 (7) Certified abstracts furnished to prosecutors and alcohol/drug  
28 assessment or treatment agencies shall also indicate whether a recorded  
29 violation is an alcohol-related offense as defined in RCW 46.01.260(2)  
30 that was originally charged as one of the alcohol-related offenses  
31 designated in RCW 46.01.260(2)(b)(i).

32 (8) The abstract provided to the insurance company shall exclude  
33 any information, except that related to the commission of misdemeanors  
34 or felonies by the individual, pertaining to law enforcement officers  
35 or fire fighters as defined in RCW 41.26.030, or any officer of the  
36 Washington state patrol, while driving official vehicles in the  
37 performance of occupational duty. The abstract provided to the  
38 insurance company shall include convictions for RCW 46.61.5249 and  
39 46.61.525 except that the abstract shall report them only as negligent

1 driving without reference to whether they are for first or second  
2 degree negligent driving. The abstract provided to the insurance  
3 company shall exclude any deferred prosecution under RCW 10.05.060,  
4 except that if a person is removed from a deferred prosecution under  
5 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
6 as the removal.

7 (9) The director shall collect for each abstract the sum of four  
8 dollars and fifty cents which shall be deposited in the highway safety  
9 fund.

10 (10) Any insurance company or its agent receiving the certified  
11 abstract shall use it exclusively for its own underwriting purposes and  
12 shall not divulge any of the information contained in it to a third  
13 party. No policy of insurance may be canceled, nonrenewed, denied, or  
14 have the rate increased on the basis of such information unless the  
15 policyholder was determined to be at fault. No insurance company or  
16 its agent for underwriting purposes relating to the operation of  
17 commercial motor vehicles may use any information contained in the  
18 abstract relative to any person's operation of motor vehicles while not  
19 engaged in such employment, nor may any insurance company or its agent  
20 for underwriting purposes relating to the operation of noncommercial  
21 motor vehicles use any information contained in the abstract relative  
22 to any person's operation of commercial motor vehicles.

23 (11) Any employer or prospective employer or an agent acting on  
24 behalf of an employer or prospective employer receiving the certified  
25 abstract shall use it exclusively for his or her own purpose to  
26 determine whether the licensee should be permitted to operate a  
27 commercial vehicle or school bus upon the public highways of this state  
28 and shall not divulge any information contained in it to a third party.

29 (12) Any employee or agent of a transit authority receiving a  
30 certified abstract for its vanpool program shall use it exclusively for  
31 determining whether the volunteer licensee meets those insurance and  
32 risk management requirements necessary to drive a vanpool vehicle. The  
33 transit authority may not divulge any information contained in the  
34 abstract to a third party.

35 (13) Any alcohol/drug assessment or treatment agency approved by  
36 the department of social and health services receiving the certified  
37 abstract shall use it exclusively for the purpose of assisting its  
38 employees in making a determination as to what level of treatment, if

1 any, is appropriate. The agency, or any of its employees, shall not  
2 divulge any information contained in the abstract to a third party.

3 (14) Release of a certified abstract of the driving record of an  
4 employee or prospective employee requires a statement signed by:  
5 ((+1)) (a) The employee or prospective employee that authorizes the  
6 release of the record, and ((+2)) (b) the employer attesting that the  
7 information is necessary to determine whether the licensee should be  
8 employed to operate a commercial vehicle or school bus upon the public  
9 highways of this state. If the employer or prospective employer  
10 authorizes an agent to obtain this information on their behalf, this  
11 must be noted in the statement.

12 (15) Any negligent violation of this section is a gross  
13 misdemeanor.

14 (16) Any intentional violation of this section is a class C  
15 felony."

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19 On page 1, line 2 of the title, after "authorities;" strike the  
20 remainder of the title and insert "and amending RCW 46.52.130."

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