
HOUSE BILL 2272

State of Washington

52nd Legislature

1992 Regular Session

By Representatives R. Fisher, R. Meyers, Betrozoff, Wang, Winsley and May; by request of Washington State Patrol

Prefiled 1/9/92. Read first time 01/13/92. Referred to Committee on Transportation.

1 AN ACT Relating to enforcement of high-occupancy vehicle lane
2 violations; amending RCW 46.52.100 and 46.52.130; and adding a new
3 section to chapter 46.90 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.90 RCW
6 to read as follows:

7 In a prosecution charging a violation of RCW 46.61.165, proof must
8 be shown by a law enforcement officer that a particular vehicle
9 described in the complaint was operated in violation of RCW 46.61.165.
10 The proof must be supported by a law enforcement officer having plain
11 view of the interior of the vehicle described in the complaint. When
12 making the sighting, the officer must not be at a distance farther than
13 the adjoining traffic lane. This proof, together with proof that the
14 defendant named in the complaint was the registered owner at the time

1 of the violation, is prima facie evidence that the registered owner of
2 the vehicle was the person who operated the vehicle at the time the
3 violation occurred.

4 **Sec. 2.** RCW 46.52.100 and 1991 c 363 s 123 are each amended to
5 read as follows:

6 Every district court, municipal court, and clerk of superior court
7 shall keep or cause to be kept a record of every traffic complaint,
8 traffic citation, notice of infraction, or other legal form of traffic
9 charge deposited with or presented to the court or a traffic violations
10 bureau, and shall keep a record of every official action by said court
11 or its traffic violations bureau in reference thereto, including but
12 not limited to a record of every conviction, forfeiture of bail,
13 judgment of acquittal, finding that a traffic infraction has been
14 committed, dismissal of a notice of infraction, and the amount of fine,
15 forfeiture, or penalty resulting from every said traffic complaint,
16 citation, or notice of infraction deposited with or presented to the
17 district court, municipal court, superior court, or traffic violations
18 bureau.

19 The Monday following the conviction, forfeiture of bail, or finding
20 that a traffic infraction was committed for violation of any provisions
21 of this chapter or other law regulating the operating of vehicles on
22 highways, every said magistrate of the court or clerk of the court of
23 record in which such conviction was had, bail was forfeited, or the
24 finding made shall prepare and immediately forward to the director of
25 licensing at Olympia an abstract of the record of said court covering
26 the case, which abstract must be certified by the person so required to
27 prepare the same to be true and correct. Report need not be made of
28 any finding involving the illegal parking or standing of a vehicle or

1 improper use of a designated high-occupancy vehicle lane or ramp under
2 RCW 46.61.165.

3 Said abstract must be made upon a form furnished by the director
4 and shall include the name and address of the party charged, the
5 number, if any, of the party's driver's or chauffeur's license, the
6 registration number of the vehicle involved, the nature of the offense,
7 the date of hearing, the plea, the judgment, whether bail forfeited,
8 whether the determination that a traffic infraction was committed was
9 contested, and the amount of the fine, forfeiture, or penalty as the
10 case may be.

11 Every court of record shall also forward a like report to the
12 director upon the conviction of any person of manslaughter or other
13 felony in the commission of which a vehicle was used.

14 The failure of any such judicial officer to comply with any of the
15 requirements of this section shall constitute misconduct in office and
16 shall be grounds for removal therefrom.

17 The director shall keep all abstracts received hereunder at the
18 director's office in Olympia and the same shall be open to public
19 inspection during reasonable business hours.

20 Venue in all district courts shall be before one of the two nearest
21 district judges in incorporated cities and towns nearest to the point
22 the violation allegedly occurred: PROVIDED, That in counties with
23 populations of one hundred twenty-five thousand or more such cases may
24 be tried in the county seat at the request of the defendant.

25 It shall be the duty of the officer, prosecuting attorney, or city
26 attorney signing the charge or information in any case involving a
27 charge of driving under the influence of intoxicating liquor or any
28 drug immediately to make request to the director for an abstract of
29 convictions and forfeitures which the director shall furnish.

1 **Sec. 3.** RCW 46.52.130 and 1991 c 243 s 1 are each amended to read
2 as follows:

3 A certified abstract of the driving record shall be furnished only
4 to the individual named in the abstract, an employer, the insurance
5 carrier that has insurance in effect covering the employer or a
6 prospective employer, the insurance carrier that has insurance in
7 effect covering the named individual, the insurance carrier to which
8 the named individual has applied, or an alcohol/drug assessment or
9 treatment agency approved by the department of social and health
10 services, to which the named individual has applied or been assigned
11 for evaluation or treatment. City attorneys and county prosecuting
12 attorneys may provide the driving record to alcohol/drug assessment or
13 treatment agencies approved by the department of social and health
14 services to which the named individual has applied or been assigned for
15 evaluation or treatment. The director, upon proper request, shall
16 furnish a certified abstract covering the period of not more than the
17 last three years to insurance companies, and covering a period of not
18 more than the last five years to state approved alcohol/drug assessment
19 or treatment agencies. A certified abstract of the full driving record
20 maintained by the department shall be furnished to individuals and
21 employers or prospective employers. The abstract, whenever possible,
22 shall include an enumeration of motor vehicle accidents in which the
23 person was driving; the total number of vehicles involved; whether the
24 vehicles were legally parked or moving; whether the vehicles were
25 occupied at the time of the accident; any reported convictions,
26 forfeitures of bail, or findings that an infraction was committed based
27 upon a violation of any motor vehicle law; and the status of the
28 person's driving privilege in this state. The enumeration shall
29 include any reports of failure to appear in response to a traffic

1 citation or failure to respond to a notice of infraction served upon
2 the named individual by an arresting officer.

3 The abstract provided to the insurance company shall exclude any
4 information except that related to the commission of misdemeanors or
5 felonies by the individual pertaining to law enforcement officers or
6 fire fighters as defined in RCW 41.26.030, or any officer of the
7 Washington state patrol, while driving official vehicles in the
8 performance of occupational duty or pertaining to improper use of a
9 designated high-occupancy vehicle lane or ramp under RCW 46.61.165.

10 The director shall collect for each abstract the sum of four
11 dollars and fifty cents which shall be deposited in the highway safety
12 fund.

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

26 Any employer or prospective employer receiving the certified
27 abstract shall use it exclusively for his own purpose to determine
28 whether the licensee should be permitted to operate a commercial
29 vehicle or school bus upon the public highways of this state and shall
30 not divulge any information contained in it to a third party.

1 Any alcohol/drug assessment or treatment agency approved by the
2 department of social and health services receiving the certified
3 abstract shall use it exclusively for the purpose of assisting its
4 employees in making a determination as to what level of treatment, if
5 any, is appropriate. The agency, or any of its employees, shall not
6 divulge any information contained in the abstract to a third party.

7 Any violation of this section is a gross misdemeanor.