

2 **SSB 5718** - H COMM AMD

3 By Committee on Transportation Policy & Budget

4 ADOPTED AS AMENDED 4/16/97

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

7 NEW SECTION. **Sec. 1.** This chapter may be cited as the Uniform
8 Motor Vehicle and Driver Records Disclosure Act.

9 NEW SECTION. **Sec. 2.** The purpose of this chapter is to implement
10 the federal Driver's Privacy Protection Act of 1994 (Title XXX P.L.
11 103-322). The legislature finds that the people of the state of
12 Washington recognize the public benefit derived from motor vehicle
13 registration and titling, driver licensing, and the issuance of
14 identification documentation, and that the people recognize the need to
15 provide personal information to the state of Washington and its
16 agencies in order to properly maintain records on these activities.

17 The legislature further finds that the people have a right to
18 expect that personal information maintained in motor vehicle and driver
19 records will be used only for purposes relating to the ownership or
20 operation of a motor vehicle, for purposes of public safety, and as
21 otherwise expressly required or permitted by law.

22 It is the intent of this act to protect the interests of
23 individuals in their personal privacy by prohibiting the disclosure and
24 use of personal information contained in their motor vehicle and driver
25 records, except as authorized by those individuals or by law.

26 NEW SECTION. **Sec. 3.** The definitions in this section apply
27 throughout this chapter unless the context clearly requires otherwise.

28 (1) "Disclose" means to engage in any practice or conduct to make
29 available and make known personal information contained in a motor
30 vehicle or driver record about a person to any other person,
31 organization, or entity, by any means of communication.

32 (2) "Individual record" is a motor vehicle or driver record
33 containing personal information about a designated person who is the
34 subject of the record as identified in a request.

1 (3) "Motor vehicle or driver record" means any record that pertains
2 to a motor vehicle operator's or driver's license or permit, motor
3 vehicle registration, motor vehicle title, or identification document
4 issued by the department of licensing, or other state or local agency
5 authorized to issue any of such forms of credentials.

6 (4) "Person" means an individual, organization, or entity, but does
7 not include the state of Washington or an agency thereof.

8 (5) "Personal information" means information that identifies a
9 person, including an individual's photograph or computerized image,
10 social security number, driver identification number, name, address
11 (but not the five-digit zip code), telephone number, and medical or
12 disability information, but does not include information on vehicular
13 accidents, driving or equipment-related violations, and driver's
14 license or registration status.

15 (6) "Record" includes all books, papers, photographs, photostats,
16 cards, films, tapes, recordings, electronic data, printouts, or other
17 documentary materials regardless of physical form or characteristics.

18 NEW SECTION. **Sec. 4.** Notwithstanding chapter 42.17 RCW to the
19 contrary, except as provided in section 5, 6, or 7 of this act, the
20 department and any officer, employee, agent, or contractor thereof
21 shall not disclose personal information about any person obtained by
22 the department in connection with a motor vehicle or driver record.

23 NEW SECTION. **Sec. 5.** Personal information referred to in section
24 4 of this act shall be disclosed for use in connection with matters of
25 motor vehicle or driver safety and theft, motor vehicle emissions,
26 motor vehicle product alterations, recalls, or advisories, performance
27 monitoring of motor vehicles and dealers by motor vehicle
28 manufacturers, and removal of nonowner records from the original owner
29 records of motor vehicle manufacturers to carry out the purposes of the
30 Federal Automobile Information Disclosure Act, 15 U.S.C. Sec. 1231 et
31 seq., the Motor Vehicle Information and Cost Saving Act, 15 U.S.C. Sec.
32 1901 et seq., the National Traffic and Motor Vehicle Safety Act of
33 1966, 15 U.S.C. Sec. 1381 et seq., the Anti-Car Theft Act of 1992, 15
34 U.S.C. Sec. 2021 et seq., and the Clean Air Act, 42 U.S.C. Sec. 7401 et
35 seq.

1 NEW SECTION. **Sec. 6.** Nothing in this chapter prevents the
2 disclosure of personal information referred to in section 4 of this act
3 to a requesting person if the person demonstrates, in a form and manner
4 prescribed by the department, that the person has obtained the written
5 consent of the person who is the subject of the information.

6 NEW SECTION. **Sec. 7.** Personal information referred to in section
7 4 of this act may be disclosed as otherwise permitted by law to any
8 person by the department, its officers, employees, or contractors, on
9 proof of the identity of the person requesting a record or records and
10 representation by such person that the use of the personal information
11 will be strictly limited to one or more of the following described
12 uses:

13 (1) For use by any government agency, including any court or law
14 enforcement agency, in carrying out its functions;

15 (2) For use in connection with matters of motor vehicle or driver
16 safety and theft; motor vehicle emissions; motor vehicle product
17 alterations, recalls, or advisories; performance monitoring of motor
18 vehicles, motor vehicle parts, and dealers; and removal of nonowner
19 records from the original owner records of motor vehicle manufacturers;

20 (3) For use in the normal course of business by a legitimate
21 business or its agents, employees, or contractors, but only:

22 (a) To verify the accuracy of personal information submitted by the
23 individual to the business or its agents, employees, or contractors;
24 and

25 (b) If such information as so submitted is not correct or is no
26 longer correct, to obtain the correct information, but only for the
27 purposes of preventing fraud by, pursuing legal remedies against, or
28 recovering on a debt or security interest against, the individual;

29 (4) For use in connection with any civil, criminal, administrative,
30 or arbitral proceeding in any court or government agency or before any
31 self-regulatory body, including the service of process, investigation
32 in anticipation of litigation, and the execution or enforcement of
33 judgments and orders, or pursuant to an order of any court;

34 (5) For use in research activities, and for use in producing
35 statistical reports, so long as the personal information is not
36 published, redisclosed, or used to contact individuals;

37 (6) For use by any insurer or insurance support organization, or by
38 a self-insured entity, or its agents, employees, or contractors, in

1 connection with claims investigation activities, anti-fraud activities,
2 rating, or underwriting;

3 (7) For use in providing notice to the legal and registered owners
4 of towed or impounded vehicles;

5 (8) For use by any licensed private investigative agency or
6 licensed security service for any purpose permitted under this section;

7 (9) For use by an employer or its agent or insurer to obtain or
8 verify information relating to a holder of a commercial driver's
9 license that is required under the Commercial Motor Vehicle Safety Act
10 of 1986 (49 U.S.C. App. 2710 et seq.);

11 (10) For use in connection with matters of public interest where
12 the use is related to operation of a motor vehicle or to public safety,
13 including disclosure to the news media for public dissemination. For
14 purposes of this subsection, the use of personal information is related
15 to public safety if it concerns the physical safety or security of
16 citizens as drivers, passengers, or pedestrians and their vehicles or
17 property; and

18 (11) For any other use specifically authorized by law that is
19 related to the operation of a motor vehicle or public safety.

20 NEW SECTION. **Sec. 8.** Disclosure of personal information required
21 or permitted under sections 5 through 7 of this act shall be subject to
22 payment by the requesting person to the department of all fees for the
23 information required by statute, regulation, administrative practice,
24 or the terms of any contract with the requesting person, on such terms
25 for payment as may be required or agreed, or as may be determined by
26 the department within the constraints of law.

27 NEW SECTION. **Sec. 9.** In addition to provisions for payment of
28 applicable fees, the department may, prior to the disclosure of
29 personal information as permitted under sections 5 through 7 of this
30 act, require the meeting of conditions by the requesting person for the
31 purposes of obtaining reasonable assurance concerning the identity of
32 such requesting person, and, to the extent required, that the use will
33 be only as authorized, or the consent of the person who is the subject
34 of the information has been obtained. Such conditions may include, but
35 need not be limited to, the making and filing of a written application
36 in such form and containing such information and certification
37 requirements as the department may prescribe.

1 NEW SECTION. **Sec. 10.** An authorized recipient of personal
2 information may resell or redisclose the information for any use
3 permitted under section 7 of this act if such resale or redisclosure is
4 otherwise permitted by law, and subject to any applicable agreement
5 with the department.

6 NEW SECTION. **Sec. 11.** Any social security number obtained from a
7 person applying for or renewing a noncommercial driver's license shall
8 be used solely for the purpose of verifying the validity of the number
9 with the social security administration, as required by the federal
10 illegal immigration act, P.L. 104-208. Once the validity of the number
11 has been established, all record of the number shall be destroyed and
12 no record of the number shall be maintained by the department of
13 licensing or its contractors or agents.

14 NEW SECTION. **Sec. 12.** The department is authorized to adopt rules
15 to carry out the purposes of this chapter.

16 NEW SECTION. **Sec. 13.** Any person requesting the disclosure of
17 personal information from department records who knowingly
18 misrepresents his or her identity or knowingly makes a false statement
19 to the department on any application required to be submitted pursuant
20 to this chapter shall be guilty of false swearing, a gross misdemeanor,
21 under RCW 9A.72.040.

22 **Sec. 14.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996
23 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as
24 follows:

25 (1) The following are exempt from public inspection and copying:

26 (a) Personal information in any files maintained for students in
27 public schools, patients or clients of public institutions or public
28 health agencies, or welfare recipients.

29 (b) Personal information in files maintained for employees,
30 appointees, or elected officials of any public agency to the extent
31 that disclosure would violate their right to privacy.

32 (c) Information required of any taxpayer in connection with the
33 assessment or collection of any tax if the disclosure of the
34 information to other persons would (i) be prohibited to such persons by

1 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result
2 in unfair competitive disadvantage to the taxpayer.

3 (d) Specific intelligence information and specific investigative
4 records compiled by investigative, law enforcement, and penology
5 agencies, and state agencies vested with the responsibility to
6 discipline members of any profession, the nondisclosure of which is
7 essential to effective law enforcement or for the protection of any
8 person's right to privacy.

9 (e) Information revealing the identity of persons who are witnesses
10 to or victims of crime or who file complaints with investigative, law
11 enforcement, or penology agencies, other than the public disclosure
12 commission, if disclosure would endanger any person's life, physical
13 safety, or property. If at the time a complaint is filed the
14 complainant, victim or witness indicates a desire for disclosure or
15 nondisclosure, such desire shall govern. However, all complaints filed
16 with the public disclosure commission about any elected official or
17 candidate for public office must be made in writing and signed by the
18 complainant under oath.

19 (f) Test questions, scoring keys, and other examination data used
20 to administer a license, employment, or academic examination.

21 (g) Except as provided by chapter 8.26 RCW, the contents of real
22 estate appraisals, made for or by any agency relative to the
23 acquisition or sale of property, until the project or prospective sale
24 is abandoned or until such time as all of the property has been
25 acquired or the property to which the sale appraisal relates is sold,
26 but in no event shall disclosure be denied for more than three years
27 after the appraisal.

28 (h) Valuable formulae, designs, drawings, and research data
29 obtained by any agency within five years of the request for disclosure
30 when disclosure would produce private gain and public loss.

31 (i) Preliminary drafts, notes, recommendations, and intra-agency
32 memorandums in which opinions are expressed or policies formulated or
33 recommended except that a specific record shall not be exempt when
34 publicly cited by an agency in connection with any agency action.

35 (j) Records which are relevant to a controversy to which an agency
36 is a party but which records would not be available to another party
37 under the rules of pretrial discovery for causes pending in the
38 superior courts.

1 (k) Records, maps, or other information identifying the location of
2 archaeological sites in order to avoid the looting or depredation of
3 such sites.

4 (l) Any library record, the primary purpose of which is to maintain
5 control of library materials, or to gain access to information, which
6 discloses or could be used to disclose the identity of a library user.

7 (m) Financial information supplied by or on behalf of a person,
8 firm, or corporation for the purpose of qualifying to submit a bid or
9 proposal for (i) a ferry system construction or repair contract as
10 required by RCW 47.60.680 through 47.60.750 or (ii) highway
11 construction or improvement as required by RCW 47.28.070.

12 (n) Railroad company contracts filed prior to July 28, 1991, with
13 the utilities and transportation commission under RCW 81.34.070, except
14 that the summaries of the contracts are open to public inspection and
15 copying as otherwise provided by this chapter.

16 (o) Financial and commercial information and records supplied by
17 private persons pertaining to export services provided pursuant to
18 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
19 export projects pursuant to RCW 43.23.035.

20 (p) Financial disclosures filed by private vocational schools under
21 chapters 28B.85 and 28C.10 RCW.

22 (q) Records filed with the utilities and transportation commission
23 or attorney general under RCW 80.04.095 that a court has determined are
24 confidential under RCW 80.04.095.

25 (r) Financial and commercial information and records supplied by
26 businesses or individuals during application for loans or program
27 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
28 or during application for economic development loans or program
29 services provided by any local agency.

30 (s) Membership lists or lists of members or owners of interests of
31 units in timeshare projects, subdivisions, camping resorts,
32 condominiums, land developments, or common-interest communities
33 affiliated with such projects, regulated by the department of
34 licensing, in the files or possession of the department.

35 (t) All applications for public employment, including the names of
36 applicants, resumes, and other related materials submitted with respect
37 to an applicant.

38 (u) The residential addresses and residential telephone numbers of
39 employees or volunteers of a public agency which are held by the agency

1 in personnel records, employment or volunteer rosters, or mailing lists
2 of employees or volunteers.

3 (v) The residential addresses and residential telephone numbers of
4 the customers of a public utility contained in the records or lists
5 held by the public utility of which they are customers.

6 (w)(i) The federal social security number of individuals governed
7 under chapter 18.130 RCW maintained in the files of the department of
8 health, except this exemption does not apply to requests made directly
9 to the department from federal, state, and local agencies of
10 government, and national and state licensing, credentialing,
11 investigatory, disciplinary, and examination organizations; (ii) the
12 current residential address and current residential telephone number of
13 a health care provider governed under chapter 18.130 RCW maintained in
14 the files of the department, if the provider requests that this
15 information be withheld from public inspection and copying, and
16 provides to the department an accurate alternate or business address
17 and business telephone number. On or after January 1, 1995, the
18 current residential address and residential telephone number of a
19 health care provider governed under RCW 18.130.140 maintained in the
20 files of the department shall automatically be withheld from public
21 inspection and copying unless the provider specifically requests the
22 information be released, and except as provided for under RCW
23 42.17.260(9).

24 (x) Information obtained by the board of pharmacy as provided in
25 RCW 69.45.090.

26 (y) Information obtained by the board of pharmacy or the department
27 of health and its representatives as provided in RCW 69.41.044,
28 69.41.280, and 18.64.420.

29 (z) Financial information, business plans, examination reports, and
30 any information produced or obtained in evaluating or examining a
31 business and industrial development corporation organized or seeking
32 certification under chapter 31.24 RCW.

33 (aa) Financial and commercial information supplied to the state
34 investment board by any person when the information relates to the
35 investment of public trust or retirement funds and when disclosure
36 would result in loss to such funds or in private loss to the providers
37 of this information.

38 (bb) Financial and valuable trade information under RCW 51.36.120.

1 (cc) Client records maintained by an agency that is a domestic
2 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
3 crisis center as defined in RCW 70.125.030.

4 (dd) Information that identifies a person who, while an agency
5 employee: (i) Seeks advice, under an informal process established by
6 the employing agency, in order to ascertain his or her rights in
7 connection with a possible unfair practice under chapter 49.60 RCW
8 against the person; and (ii) requests his or her identity or any
9 identifying information not be disclosed.

10 (ee) Investigative records compiled by an employing agency
11 conducting a current investigation of a possible unfair practice under
12 chapter 49.60 RCW or of a possible violation of other federal, state,
13 or local laws prohibiting discrimination in employment.

14 (ff) Business related information protected from public inspection
15 and copying under RCW 15.86.110.

16 (gg) Financial, commercial, operations, and technical and research
17 information and data submitted to or obtained by the clean Washington
18 center in applications for, or delivery of, program services under
19 chapter 70.95H RCW.

20 (hh) Information and documents created specifically for, and
21 collected and maintained by a quality improvement committee pursuant to
22 RCW 43.70.510, regardless of which agency is in possession of the
23 information and documents.

24 (ii) Personal information in files maintained in a data base
25 created under RCW 43.07.360.

26 (jj) Personal information maintained by the department of licensing
27 in connection with motor vehicle or driver records, as provided in
28 section 4 of this act.

29 (2) Except for information described in subsection (1)(c)(i) of
30 this section and confidential income data exempted from public
31 inspection pursuant to RCW 84.40.020, the exemptions of this section
32 are inapplicable to the extent that information, the disclosure of
33 which would violate personal privacy or vital governmental interests,
34 can be deleted from the specific records sought. No exemption may be
35 construed to permit the nondisclosure of statistical information not
36 descriptive of any readily identifiable person or persons.

37 (3) Inspection or copying of any specific records exempt under the
38 provisions of this section may be permitted if the superior court in
39 the county in which the record is maintained finds, after a hearing

1 with notice thereof to every person in interest and the agency, that
2 the exemption of such records is clearly unnecessary to protect any
3 individual's right of privacy or any vital governmental function.

4 (4) Agency responses refusing, in whole or in part, inspection of
5 any public record shall include a statement of the specific exemption
6 authorizing the withholding of the record (or part) and a brief
7 explanation of how the exemption applies to the record withheld.

8 **Sec. 15.** RCW 46.12.370 and 1982 c 215 s 1 are each amended to read
9 as follows:

10 In addition to any other authority which it may have, and subject
11 to section 4 of this act, the department of licensing may furnish lists
12 of registered and legal owners of motor vehicles only for the purposes
13 specified in this section to:

14 (1) The manufacturers of motor vehicles, or their authorized
15 agents, to be used to enable those manufacturers to carry out the
16 provisions of the Federal Automobile Information Disclosure Act (15
17 U.S.C. Sec. 1231 et seq.), the Motor Vehicle Information and Cost
18 Saving Act (15 U.S.C. Sec. 1901 et seq.), the National Traffic and
19 Motor Vehicle Safety Act of 1966 (15 U.S.C. Sec. (~~1382-1418~~) 1381 et
20 seq.), the Anti-Car Theft Act of 1992 (15 U.S.C. Sec. 2021 et seq.),
21 and the Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including
22 amendments or additions thereto, respecting safety-related defects in
23 motor vehicles;

24 (2) Any governmental agency of the United States or Canada, or
25 political subdivisions thereof, to be used by it or by its authorized
26 commercial agents or contractors only in connection with the
27 enforcement of motor vehicle or traffic laws by, or programs related to
28 traffic safety of, that government agency. Only such parts of the list
29 as are required for completion of the work required of the agent or
30 contractor shall be provided to such agent or contractor; or

31 (3) Any business regularly making loans to other persons to finance
32 the purchase of motor vehicles, to be used to assist the person
33 requesting the list to determine ownership of specific vehicles for the
34 purpose of determining whether or not to provide such financing. In
35 the event a list of registered and legal owners of motor vehicles is
36 used for any purpose other than that authorized in subsections (1), (2)
37 and (3) of this section, the manufacturer, governmental agency,
38 financial institution or their authorized agents or contractors

1 responsible for the unauthorized disclosure or use will be denied
2 further access to such information by the department of licensing.

3 **Sec. 16.** RCW 46.12.380 and 1995 c 254 s 10 are each amended to
4 read as follows:

5 (1) Notwithstanding the provisions of chapter 42.17 RCW, the name
6 or address of an individual vehicle owner shall not be released by the
7 department, county auditor, or agency or firm authorized by the
8 department except as provided in section 5, 6, or 7 of this act and
9 under the following circumstances:

10 (a) The requesting party is a business entity that requests the
11 information for use in the course of business;

12 (b) The request is a written request that is signed by the person
13 requesting disclosure that contains the full legal name and address of
14 the requesting party, that specifies the purpose for which the
15 information will be used; and

16 (c) The requesting party enters into a disclosure agreement with
17 the department in which the party promises that the party will use the
18 information only for the purpose stated in the request for the
19 information; and that the party does not intend to use, or facilitate
20 the use of, the information for the purpose of making any unsolicited
21 business contact with a person named in the disclosed information. The
22 term "unsolicited business contact" means a contact that is intended to
23 result in, or promote, the sale of any goods or services to a person
24 named in the disclosed information. The term does not apply to
25 situations where the requesting party and such person have been
26 involved in a business transaction prior to the date of the disclosure
27 request and where the request is made in connection with the
28 transaction.

29 (2) The disclosing entity shall retain the request for disclosure
30 for three years.

31 (3) Whenever the disclosing entity grants a request for information
32 under this section by an attorney or private investigator, the
33 disclosing entity shall provide notice to the vehicle owner, to whom
34 the information applies, that the request has been granted. The notice
35 also shall contain the name and address of the requesting party.

36 (4) Any person who is furnished vehicle owner information under
37 this section shall be responsible for assuring that the information

1 furnished is not used for a purpose contrary to the agreement between
2 the person and the department.

3 (5) This section shall not apply to requests for information by
4 governmental entities or requests that may be granted under any other
5 provision of this title expressly authorizing the disclosure of the
6 names or addresses of vehicle owners. Governmental entities that are
7 exempt from the prohibition on receiving the name or address of an
8 individual vehicle owner under this subsection, may disclose such
9 information to any person, as defined under section 3 of this act,
10 based on information demonstrating a reasonable suspicion of serious
11 threat to person or property in relation to any person's operation of
12 a motor vehicle or public safety.

13 (6) This section shall not apply to title history information under
14 RCW 19.118.170.

15 **Sec. 17.** RCW 46.52.060 and 1979 c 158 s 161 are each amended to
16 read as follows:

17 It shall be the duty of the chief of the Washington state patrol to
18 file, tabulate, and analyze all accident reports and to publish
19 annually, immediately following the close of each fiscal year, and
20 monthly during the course of the year, statistical information based
21 thereon showing the number of accidents, the location, the frequency
22 and circumstances thereof and other statistical information which may
23 prove of assistance in determining the cause of vehicular accidents.

24 Such accident reports and analysis or reports thereof shall be
25 available to the director of licensing, the department of
26 transportation, the utilities and transportation commission, or their
27 duly authorized representatives, for further tabulation and analysis
28 for pertinent data relating to the regulation of highway traffic,
29 highway construction, vehicle operators and all other purposes, and to
30 publish information so derived as may be deemed of publication value,
31 within the constraints of section 4 of this act.

32 **Sec. 18.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to
33 read as follows:

34 (1) The director shall keep a case record on every motor vehicle
35 driver licensed under the laws of this state, together with information
36 on each driver, showing all the convictions and findings of traffic
37 infractions certified by the courts, together with an index cross-

1 reference record of each accident reported relating to such individual
2 with a brief statement of the cause of the accident. The chief of the
3 Washington state patrol shall furnish the index cross-reference record
4 to the director, with reference to each driver involved in the reported
5 accidents.

6 (2) The records shall be for the confidential use of the director,
7 the chief of the Washington state patrol, the director of the
8 Washington traffic safety commission, and for such police officers or
9 other cognizant public officials as may be designated by law, and shall
10 not be disclosed except as permitted under section 5, 6, or 7 of this
11 act and as otherwise permitted by law. Such case records shall not be
12 offered as evidence in any court except in case appeal is taken from
13 the order of the director, suspending, revoking, canceling, or refusing
14 a vehicle driver's license.

15 (3) The director shall tabulate and analyze vehicle driver's case
16 records and suspend, revoke, cancel, or refuse a vehicle driver's
17 license to a person when it is deemed from facts contained in the case
18 record of such person that it is for the best interest of public safety
19 that such person be denied the privilege of operating a motor vehicle.
20 Whenever the director orders the vehicle driver's license of any such
21 person suspended, revoked, or canceled, or refuses the issuance of a
22 vehicle driver's license, such suspension, revocation, cancellation, or
23 refusal is final and effective unless appeal from the decision of the
24 director is taken as provided by law.

25 **Sec. 19.** RCW 46.52.130 and 1996 c 307 s 4 and 1996 c 183 s 2 are
26 each reenacted and amended to read as follows:

27 A certified abstract of the driving record shall be furnished only
28 to the individual named in the abstract, an employer or prospective
29 employer or an agent acting on behalf of an employer or prospective
30 employer if the named individual's employment involves the operation of
31 a motor vehicle, the insurance carrier that has insurance in effect
32 covering the employer or a prospective employer, the insurance carrier
33 that has insurance in effect covering the named individual, the
34 insurance carrier to which the named individual has applied, an
35 alcohol/drug assessment or treatment agency approved by the department
36 of social and health services, to which the named individual has
37 applied or been assigned for evaluation or treatment, or city and
38 county prosecuting attorneys. For purposes of section 7(10) of this

1 act, the disclosure of personal information contained in the abstract
2 of the driving record to an alcohol/drug assessment or treatment agency
3 shall be authorized for purposes of public safety. City attorneys and
4 county prosecuting attorneys may provide the driving record to alcohol/
5 drug assessment or treatment agencies approved by the department of
6 social and health services to which the named individual has applied or
7 been assigned for evaluation or treatment. The director, upon proper
8 request, shall furnish a certified abstract covering the period of not
9 more than the last three years to insurance companies. Upon proper
10 request, the director shall furnish a certified abstract covering a
11 period of not more than the last five years to state approved alcohol/
12 drug assessment or treatment agencies, except that the certified
13 abstract shall also include records of alcohol-related offenses as
14 defined in RCW 46.01.260(2) covering a period of not more than the last
15 ten years. Upon proper request, a certified abstract of the full
16 driving record maintained by the department shall be furnished to a
17 city or county prosecuting attorney, to the individual named in the
18 abstract or to an employer or prospective employer or an agent acting
19 on behalf of an employer or prospective employer of the named
20 individual. The abstract, whenever possible, shall include an
21 enumeration of motor vehicle accidents in which the person was driving;
22 the total number of vehicles involved; whether the vehicles were
23 legally parked or moving; whether the vehicles were occupied at the
24 time of the accident; any reported convictions, forfeitures of bail, or
25 findings that an infraction was committed based upon a violation of any
26 motor vehicle law; and the status of the person's driving privilege in
27 this state. The enumeration shall include any reports of failure to
28 appear in response to a traffic citation or failure to respond to a
29 notice of infraction served upon the named individual by an arresting
30 officer. Certified abstracts furnished to prosecutors and alcohol/drug
31 assessment or treatment agencies shall also indicate whether a recorded
32 violation is an alcohol-related offense as defined in RCW 46.01.260(2)
33 that was originally charged as one of the alcohol-related offenses
34 designated in RCW 46.01.260(2)((~~a~~)(~~i~~)) (b)(i).

35 The abstract provided to the insurance company shall exclude any
36 information, except that related to the commission of misdemeanors or
37 felonies by the individual, pertaining to law enforcement officers or
38 fire fighters as defined in RCW 41.26.030, or any officer of the
39 Washington state patrol, while driving official vehicles in the

1 performance of occupational duty. The abstract provided to the
2 insurance company shall include convictions for RCW 46.61.525 (1) and
3 (2) except that the abstract shall report them only as negligent
4 driving without reference to whether they are for first or second
5 degree negligent driving. The abstract provided to the insurance
6 company shall exclude any deferred prosecution under RCW 10.05.060,
7 except that if a person is removed from a deferred prosecution under
8 RCW 10.05.090, the abstract shall show the deferred prosecution as well
9 as the removal.

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

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

38 Release of a certified abstract of the driving record of an
39 employee or prospective employee requires a statement signed by: (1)

1 The employee or prospective employee that authorizes the release of the
2 record, and (2) the employer attesting that the information is
3 necessary to determine whether the licensee should be employed to
4 operate a commercial vehicle or school bus upon the public highways of
5 this state. If the employer or prospective employer authorizes an
6 agent to obtain this information on their behalf, this must be noted in
7 the statement.

8 Any violation of this section is a gross misdemeanor.

9 **Sec. 20.** RCW 46.63.020 and 1996 c 307 s 6, 1996 c 287 s 7, 1996 c
10 93 s 3, 1996 c 87 s 21, and 1996 c 31 s 3 are each reenacted and
11 amended to read as follows:

12 Failure to perform any act required or the performance of any act
13 prohibited by this title or an equivalent administrative regulation or
14 local law, ordinance, regulation, or resolution relating to traffic
15 including parking, standing, stopping, and pedestrian offenses, is
16 designated as a traffic infraction and may not be classified as a
17 criminal offense, except for an offense contained in the following
18 provisions of this title or a violation of an equivalent administrative
19 regulation or local law, ordinance, regulation, or resolution:

20 (1) Section 13 of this act relating to misrepresentation of
21 identity or making a false statement to the department on an
22 application for personal information;

23 (2) RCW 46.09.120(2) relating to the operation of a nonhighway
24 vehicle while under the influence of intoxicating liquor or a
25 controlled substance;

26 ~~((+2))~~ (3) RCW 46.09.130 relating to operation of nonhighway
27 vehicles;

28 ~~((+3))~~ (4) RCW 46.10.090(2) relating to the operation of a
29 snowmobile while under the influence of intoxicating liquor or
30 narcotics or habit-forming drugs or in a manner endangering the person
31 of another;

32 ~~((+4))~~ (5) RCW 46.10.130 relating to the operation of snowmobiles;

33 ~~((+5))~~ (6) Chapter 46.12 RCW relating to certificates of ownership
34 and registration and markings indicating that a vehicle has been
35 destroyed or declared a total loss;

36 ~~((+6))~~ (7) RCW 46.16.010 relating to initial registration of motor
37 vehicles;

1 ~~((7))~~ (8) RCW 46.16.011 relating to permitting unauthorized
2 persons to drive;

3 ~~((8))~~ (9) RCW 46.16.160 relating to vehicle trip permits;

4 ~~((9))~~ (10) RCW 46.16.381 (6) or (9) relating to unauthorized use
5 or acquisition of a special placard or license plate for disabled
6 persons' parking;

7 ~~((10))~~ (11) RCW 46.20.021 relating to driving without a valid
8 driver's license, unless the person cited for the violation provided
9 the citing officer with an expired driver's license or other valid
10 identifying documentation under RCW 46.20.035 at the time of the stop
11 and was not in violation of RCW 46.20.342(1) or 46.20.420, in which
12 case the violation is an infraction;

13 ~~((11))~~ (12) RCW 46.20.091 relating to false statements regarding
14 a driver's license or instruction permit;

15 ~~((12))~~ (13) RCW 46.20.336 relating to the unlawful possession and
16 use of a driver's license;

17 ~~((13))~~ (14) RCW 46.20.342 relating to driving with a suspended or
18 revoked license or status;

19 ~~((14))~~ (15) RCW 46.20.410 relating to the violation of
20 restrictions of an occupational driver's license;

21 ~~((15))~~ (16) RCW 46.20.420 relating to the operation of a motor
22 vehicle with a suspended or revoked license;

23 ~~((16))~~ (17) RCW 46.20.750 relating to assisting another person to
24 start a vehicle equipped with an ignition interlock device;

25 ~~((17))~~ (18) RCW 46.25.170 relating to commercial driver's
26 licenses;

27 ~~((18))~~ (19) Chapter 46.29 RCW relating to financial
28 responsibility;

29 ~~((19))~~ (20) RCW 46.30.040 relating to providing false evidence of
30 financial responsibility;

31 ~~((20))~~ (21) RCW 46.37.435 relating to wrongful installation of
32 sunscreening material;

33 ~~((21))~~ (22) RCW 46.44.180 relating to operation of mobile home
34 pilot vehicles;

35 ~~((22))~~ (23) RCW 46.48.175 relating to the transportation of
36 dangerous articles;

37 ~~((23))~~ (24) RCW 46.52.010 relating to duty on striking an
38 unattended car or other property;

1 ~~((24))~~ (25) RCW 46.52.020 relating to duty in case of injury to
2 or death of a person or damage to an attended vehicle;
3 ~~((25))~~ (26) RCW 46.52.090 relating to reports by repairmen,
4 storagemen, and appraisers;
5 ~~((26))~~ (27) RCW 46.52.100 relating to driving under the influence
6 of liquor or drugs;
7 ~~((27))~~ (28) RCW 46.52.130 relating to confidentiality of the
8 driving record to be furnished to an insurance company, an employer,
9 and an alcohol/drug assessment or treatment agency;
10 ~~((28))~~ (29) RCW 46.55.020 relating to engaging in the activities
11 of a registered tow truck operator without a registration certificate;
12 ~~((29))~~ (30) RCW 46.55.035 relating to prohibited practices by tow
13 truck operators;
14 ~~((30))~~ (31) RCW 46.61.015 relating to obedience to police
15 officers, flagmen, or fire fighters;
16 ~~((31))~~ (32) RCW 46.61.020 relating to refusal to give information
17 to or cooperate with an officer;
18 ~~((32))~~ (33) RCW 46.61.022 relating to failure to stop and give
19 identification to an officer;
20 ~~((33))~~ (34) RCW 46.61.024 relating to attempting to elude
21 pursuing police vehicles;
22 ~~((34))~~ (35) RCW 46.61.500 relating to reckless driving;
23 ~~((35))~~ (36) RCW 46.61.502 and 46.61.504 relating to persons under
24 the influence of intoxicating liquor or drugs;
25 ~~((36))~~ (37) RCW 46.61.503 relating to a person under age twenty-
26 one driving a motor vehicle after consuming alcohol;
27 ~~((37))~~ (38) RCW 46.61.520 relating to vehicular homicide by motor
28 vehicle;
29 ~~((38))~~ (39) RCW 46.61.522 relating to vehicular assault;
30 ~~((39))~~ (40) RCW 46.61.525(1) relating to first degree negligent
31 driving;
32 ~~((40))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of
33 roadway workers;
34 ~~((41))~~ (42) RCW 46.61.530 relating to racing of vehicles on
35 highways;
36 ~~((42))~~ (43) RCW 46.61.685 relating to leaving children in an
37 unattended vehicle with the motor running;
38 ~~((43))~~ (44) RCW 46.64.010 relating to unlawful cancellation of or
39 attempt to cancel a traffic citation;

1 (~~(44)~~) (45) RCW 46.64.048 relating to attempting, aiding,
2 abetting, coercing, and committing crimes;
3 (~~(45)~~) (46) Chapter 46.65 RCW relating to habitual traffic
4 offenders;
5 (~~(46)~~) (47) RCW 46.68.010 relating to false statements made to
6 obtain a refund;
7 (~~(47)~~) (48) Chapter 46.70 RCW relating to unfair motor vehicle
8 business practices, except where that chapter provides for the
9 assessment of monetary penalties of a civil nature;
10 (~~(48)~~) (49) Chapter 46.72 RCW relating to the transportation of
11 passengers in for hire vehicles;
12 (~~(49)~~) (50) RCW 46.--- (section 9, chapter 87, Laws of 1996)
13 relating to limousine carrier insurance;
14 (~~(50)~~) (51) RCW 46.--- (section 10, chapter 87, Laws of 1996)
15 relating to operation of a limousine without a vehicle certificate;
16 (~~(51)~~) (52) RCW 46.--- (section 11, chapter 87, Laws of 1996)
17 relating to false advertising by a limousine carrier;
18 (~~(52)~~) (53) Chapter 46.80 RCW relating to motor vehicle wreckers;
19 (~~(53)~~) (54) Chapter 46.82 RCW relating to driver's training
20 schools;
21 (~~(54)~~) (55) RCW 46.87.260 relating to alteration or forgery of a
22 cab card, letter of authority, or other temporary authority issued
23 under chapter 46.87 RCW;
24 (~~(55)~~) (56) RCW 46.87.290 relating to operation of an
25 unregistered or unlicensed vehicle under chapter 46.87 RCW.

26 NEW SECTION. **Sec. 21.** Sections 1 through 13 of this act
27 constitute a new chapter in Title 46 RCW, to be codified between
28 chapters 46.04 and 46.08 RCW.

29 NEW SECTION. **Sec. 22.** This act takes effect September 13, 1997."

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