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HOUSE BILL 1502

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State of Washington

55th Legislature

1997 Regular Session

By Representatives K. Schmidt, Zellinsky, Robertson, Romero, Fisher, Mitchell and Dunn; by request of Department of Licensing

Read first time 01/29/97. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to restricting the release and use of certain  
2 personal information from state motor vehicle and driver records;  
3 amending RCW 46.12.370, 46.12.380, 46.52.060, and 46.52.120; reenacting  
4 and amending RCW 42.17.310, 46.52.130, and 46.63.020; adding a new  
5 chapter to Title 46 RCW; prescribing penalties; and providing an  
6 effective date.

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

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

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

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

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

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

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

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

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

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

26 (5) "Personal information" means information that identifies a  
27 person, including an individual's photograph or computerized image,  
28 social security number, driver identification number, name, address  
29 (but not the five-digit zip code), telephone number, and medical or  
30 disability information, but does not include information on vehicular  
31 accidents, driving or equipment-related violations, and driver's  
32 license or registration status.

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

36 NEW SECTION. **Sec. 4.** Notwithstanding chapter 42.17 RCW to the  
37 contrary, except as provided in section 5, 6, or 7 of this act, the

1 department and any officer, employee, agent, or contractor thereof  
2 shall not disclose personal information about any person obtained by  
3 the department in connection with a motor vehicle or driver record.

4 NEW SECTION. **Sec. 5.** Personal information referred to in section  
5 4 of this act shall be disclosed for use in connection with matters of  
6 motor vehicle or driver safety and theft, motor vehicle emissions,  
7 motor vehicle product alterations, recalls, or advisories, performance  
8 monitoring of motor vehicles and dealers by motor vehicle  
9 manufacturers, and removal of nonowner records from the original owner  
10 records of motor vehicle manufacturers to carry out the purposes of the  
11 Federal Automobile Information Disclosure Act, 15 U.S.C. Sec. 1231 et  
12 seq., the Motor Vehicle Information and Cost Saving Act, 15 U.S.C. Sec.  
13 1901 et seq., the National Traffic and Motor Vehicle Safety Act of  
14 1966, 15 U.S.C. Sec. 1381 et seq., the Anti-Car Theft Act of 1992, 15  
15 U.S.C. Sec. 2021 et seq., and the Clean Air Act, 42 U.S.C. Sec. 7401 et  
16 seq.

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

22 NEW SECTION. **Sec. 7.** Personal information referred to in section  
23 4 of this act may be disclosed as otherwise permitted by law to any  
24 person by the department, its officers, employees, or contractors, on  
25 proof of the identity of the person requesting a record or records and  
26 representation by such person that the use of the personal information  
27 will be strictly limited to one or more of the following described  
28 uses:

29 (1) For use by any government agency, including any court or law  
30 enforcement agency, in carrying out its functions, or any private  
31 person or entity acting on behalf of a government agency in carrying  
32 out its functions;

33 (2) For use in connection with matters of motor vehicle or driver  
34 safety and theft; motor vehicle emissions; motor vehicle product  
35 alterations, recalls, or advisories; performance monitoring of motor  
36 vehicles, motor vehicle parts, and dealers; motor vehicle market

1 research activities, including survey research; and removal of nonowner  
2 records from the original owner records of motor vehicle manufacturers;

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

5 (a) To verify the accuracy of personal information submitted by the  
6 individual to the business or its agents, employees, or contractors;  
7 and

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

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

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

20 (6) For use by any insurer or insurance support organization, or by  
21 a self-insured entity, or its agents, employees, or contractors, in  
22 connection with claims investigation activities, anti-fraud activities,  
23 rating, or underwriting;

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

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

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

32 (10) For use in connection with the operation of private toll  
33 transportation facilities; and

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

36 NEW SECTION. **Sec. 8.** Disclosure of personal information required  
37 or permitted under sections 5 through 7 of this act shall be subject to  
38 payment by the requesting person to the department of all fees for the

1 information required by statute, regulation, administrative practice,  
2 or the terms of any contract with the requesting person, on such terms  
3 for payment as may be required or agreed, or as may be determined by  
4 the department within the constraints of law.

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

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

21 NEW SECTION. **Sec. 11.** The department is authorized to adopt rules  
22 to carry out the purposes of this chapter.

23 NEW SECTION. **Sec. 12.** Any person requesting the disclosure of  
24 personal information from department records who knowingly  
25 misrepresents his or her identity or knowingly makes a false statement  
26 to the department on any application required to be submitted pursuant  
27 to this chapter shall be guilty of false swearing, a gross misdemeanor,  
28 under RCW 9A.72.040.

29 **Sec. 13.** RCW 42.17.310 and 1996 c 305 s 2, 1996 c 253 s 302, 1996  
30 c 191 s 88, and 1996 c 80 s 1 are each reenacted and amended to read as  
31 follows:

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

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

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

7 (c) Information required of any taxpayer in connection with the  
8 assessment or collection of any tax if the disclosure of the  
9 information to other persons would (i) be prohibited to such persons by  
10 RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result  
11 in unfair competitive disadvantage to the taxpayer.

12 (d) Specific intelligence information and specific investigative  
13 records compiled by investigative, law enforcement, and penology  
14 agencies, and state agencies vested with the responsibility to  
15 discipline members of any profession, the nondisclosure of which is  
16 essential to effective law enforcement or for the protection of any  
17 person's right to privacy.

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

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

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

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

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

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

9 (k) Records, maps, or other information identifying the location of  
10 archaeological sites in order to avoid the looting or depredation of  
11 such sites.

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

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

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

24 (o) Financial and commercial information and records supplied by  
25 private persons pertaining to export services provided pursuant to  
26 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
27 export projects pursuant to RCW 43.23.035.

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

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

33 (r) Financial and commercial information and records supplied by  
34 businesses or individuals during application for loans or program  
35 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
36 or during application for economic development loans or program  
37 services provided by any local agency.

38 (s) Membership lists or lists of members or owners of interests of  
39 units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities  
2 affiliated with such projects, regulated by the department of  
3 licensing, in the files or possession of the department.

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

7 (u) The residential addresses and residential telephone numbers of  
8 employees or volunteers of a public agency which are held by the agency  
9 in personnel records, employment or volunteer rosters, or mailing lists  
10 of employees or volunteers.

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

14 (w)(i) The federal social security number of individuals governed  
15 under chapter 18.130 RCW maintained in the files of the department of  
16 health, except this exemption does not apply to requests made directly  
17 to the department from federal, state, and local agencies of  
18 government, and national and state licensing, credentialing,  
19 investigatory, disciplinary, and examination organizations; (ii) the  
20 current residential address and current residential telephone number of  
21 a health care provider governed under chapter 18.130 RCW maintained in  
22 the files of the department, if the provider requests that this  
23 information be withheld from public inspection and copying, and  
24 provides to the department an accurate alternate or business address  
25 and business telephone number. On or after January 1, 1995, the  
26 current residential address and residential telephone number of a  
27 health care provider governed under RCW 18.130.140 maintained in the  
28 files of the department shall automatically be withheld from public  
29 inspection and copying unless the provider specifically requests the  
30 information be released, and except as provided for under RCW  
31 42.17.260(9).

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

34 (y) Information obtained by the board of pharmacy or the department  
35 of health and its representatives as provided in RCW 69.41.044,  
36 69.41.280, and 18.64.420.

37 (z) Financial information, business plans, examination reports, and  
38 any information produced or obtained in evaluating or examining a



1 business and industrial development corporation organized or seeking  
2 certification under chapter 31.24 RCW.

3 (aa) Financial and commercial information supplied to the state  
4 investment board by any person when the information relates to the  
5 investment of public trust or retirement funds and when disclosure  
6 would result in loss to such funds or in private loss to the providers  
7 of this information.

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

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

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

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

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

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

28 (hh) Information and documents created specifically for, and  
29 collected and maintained by a quality improvement committee pursuant to  
30 RCW 43.70.510, regardless of which agency is in possession of the  
31 information and documents.

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

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

37 (2) Except for information described in subsection (1)(c)(i) of  
38 this section and confidential income data exempted from public  
39 inspection pursuant to RCW 84.40.020, the exemptions of this section

1 are inapplicable to the extent that information, the disclosure of  
2 which would violate personal privacy or vital governmental interests,  
3 can be deleted from the specific records sought. No exemption may be  
4 construed to permit the nondisclosure of statistical information not  
5 descriptive of any readily identifiable person or persons.

6 (3) Inspection or copying of any specific records exempt under the  
7 provisions of this section may be permitted if the superior court in  
8 the county in which the record is maintained finds, after a hearing  
9 with notice thereof to every person in interest and the agency, that  
10 the exemption of such records is clearly unnecessary to protect any  
11 individual's right of privacy or any vital governmental function.

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

16 **Sec. 14.** RCW 46.12.370 and 1982 c 215 s 1 are each amended to read  
17 as follows:

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

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

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

1 (3) Any business regularly making loans to other persons to finance  
2 the purchase of motor vehicles, to be used to assist the person  
3 requesting the list to determine ownership of specific vehicles for the  
4 purpose of determining whether or not to provide such financing. In  
5 the event a list of registered and legal owners of motor vehicles is  
6 used for any purpose other than that authorized in subsections (1), (2)  
7 and (3) of this section, the manufacturer, governmental agency,  
8 financial institution or their authorized agents or contractors  
9 responsible for the unauthorized disclosure or use will be denied  
10 further access to such information by the department of licensing.

11 **Sec. 15.** RCW 46.12.380 and 1995 c 254 s 10 are each amended to  
12 read as follows:

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

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

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

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

37 (2) The disclosing entity shall retain the request for disclosure  
38 for three years.

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

6 (4) Any person who is furnished vehicle owner information under  
7 this section shall be responsible for assuring that the information  
8 furnished is not used for a purpose contrary to the agreement between  
9 the person and the department.

10 (5) This section shall not apply to requests for information by  
11 governmental entities or requests that may be granted under any other  
12 provision of this title expressly authorizing the disclosure of the  
13 names or addresses of vehicle owners.

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

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

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

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

33 **Sec. 17.** RCW 46.52.120 and 1993 c 501 s 12 are each amended to  
34 read as follows:

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

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

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

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

26 **Sec. 18.** RCW 46.52.130 and 1996 c 307 s 4 and 1996 c 183 s 2 are  
27 each reenacted and amended to read as follows:

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

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

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

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

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

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

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

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

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

10 Any violation of this section is a gross misdemeanor.

11 **Sec. 19.** RCW 46.63.020 and 1996 c 307 s 6, 1996 c 287 s 7, 1996 c  
12 93 s 3, 1996 c 87 s 21, and 1996 c 31 s 3 are each reenacted and  
13 amended to read as follows:

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

22 (1) Section 12 of this act relating to misrepresentation of  
23 identity or making a false statement to the department on an  
24 application for personal information;

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

28 ~~((+2))~~ (3) RCW 46.09.130 relating to operation of nonhighway  
29 vehicles;

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

34 ~~((+4))~~ (5) RCW 46.10.130 relating to the operation of snowmobiles;

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



1       ~~((6))~~ (7) RCW 46.16.010 relating to initial registration of motor  
2 vehicles;  
3       ~~((7))~~ (8) RCW 46.16.011 relating to permitting unauthorized  
4 persons to drive;  
5       ~~((8))~~ (9) RCW 46.16.160 relating to vehicle trip permits;  
6       ~~((9))~~ (10) RCW 46.16.381 (6) or (9) relating to unauthorized use  
7 or acquisition of a special placard or license plate for disabled  
8 persons' parking;  
9       ~~((10))~~ (11) RCW 46.20.021 relating to driving without a valid  
10 driver's license, unless the person cited for the violation provided  
11 the citing officer with an expired driver's license or other valid  
12 identifying documentation under RCW 46.20.035 at the time of the stop  
13 and was not in violation of RCW 46.20.342(1) or 46.20.420, in which  
14 case the violation is an infraction;  
15       ~~((11))~~ (12) RCW 46.20.091 relating to false statements regarding  
16 a driver's license or instruction permit;  
17       ~~((12))~~ (13) RCW 46.20.336 relating to the unlawful possession and  
18 use of a driver's license;  
19       ~~((13))~~ (14) RCW 46.20.342 relating to driving with a suspended or  
20 revoked license or status;  
21       ~~((14))~~ (15) RCW 46.20.410 relating to the violation of  
22 restrictions of an occupational driver's license;  
23       ~~((15))~~ (16) RCW 46.20.420 relating to the operation of a motor  
24 vehicle with a suspended or revoked license;  
25       ~~((16))~~ (17) RCW 46.20.750 relating to assisting another person to  
26 start a vehicle equipped with an ignition interlock device;  
27       ~~((17))~~ (18) RCW 46.25.170 relating to commercial driver's  
28 licenses;  
29       ~~((18))~~ (19) Chapter 46.29 RCW relating to financial  
30 responsibility;  
31       ~~((19))~~ (20) RCW 46.30.040 relating to providing false evidence of  
32 financial responsibility;  
33       ~~((20))~~ (21) RCW 46.37.435 relating to wrongful installation of  
34 sunscreening material;  
35       ~~((21))~~ (22) RCW 46.44.180 relating to operation of mobile home  
36 pilot vehicles;  
37       ~~((22))~~ (23) RCW 46.48.175 relating to the transportation of  
38 dangerous articles;

1        ~~((23))~~ (24) RCW 46.52.010 relating to duty on striking an  
2 unattended car or other property;  
3        ~~((24))~~ (25) RCW 46.52.020 relating to duty in case of injury to  
4 or death of a person or damage to an attended vehicle;  
5        ~~((25))~~ (26) RCW 46.52.090 relating to reports by repairmen,  
6 storagemen, and appraisers;  
7        ~~((26))~~ (27) RCW 46.52.100 relating to driving under the influence  
8 of liquor or drugs;  
9        ~~((27))~~ (28) RCW 46.52.130 relating to confidentiality of the  
10 driving record to be furnished to an insurance company, an employer,  
11 and an alcohol/drug assessment or treatment agency;  
12        ~~((28))~~ (29) RCW 46.55.020 relating to engaging in the activities  
13 of a registered tow truck operator without a registration certificate;  
14        ~~((29))~~ (30) RCW 46.55.035 relating to prohibited practices by tow  
15 truck operators;  
16        ~~((30))~~ (31) RCW 46.61.015 relating to obedience to police  
17 officers, flagmen, or fire fighters;  
18        ~~((31))~~ (32) RCW 46.61.020 relating to refusal to give information  
19 to or cooperate with an officer;  
20        ~~((32))~~ (33) RCW 46.61.022 relating to failure to stop and give  
21 identification to an officer;  
22        ~~((33))~~ (34) RCW 46.61.024 relating to attempting to elude  
23 pursuing police vehicles;  
24        ~~((34))~~ (35) RCW 46.61.500 relating to reckless driving;  
25        ~~((35))~~ (36) RCW 46.61.502 and 46.61.504 relating to persons under  
26 the influence of intoxicating liquor or drugs;  
27        ~~((36))~~ (37) RCW 46.61.503 relating to a person under age twenty-  
28 one driving a motor vehicle after consuming alcohol;  
29        ~~((37))~~ (38) RCW 46.61.520 relating to vehicular homicide by motor  
30 vehicle;  
31        ~~((38))~~ (39) RCW 46.61.522 relating to vehicular assault;  
32        ~~((39))~~ (40) RCW 46.61.525(1) relating to first degree negligent  
33 driving;  
34        ~~((40))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of  
35 roadway workers;  
36        ~~((41))~~ (42) RCW 46.61.530 relating to racing of vehicles on  
37 highways;  
38        ~~((42))~~ (43) RCW 46.61.685 relating to leaving children in an  
39 unattended vehicle with the motor running;

1       (~~(43)~~) (44) RCW 46.64.010 relating to unlawful cancellation of or  
2 attempt to cancel a traffic citation;  
3       (~~(44)~~) (45) RCW 46.64.048 relating to attempting, aiding,  
4 abetting, coercing, and committing crimes;  
5       (~~(45)~~) (46) Chapter 46.65 RCW relating to habitual traffic  
6 offenders;  
7       (~~(46)~~) (47) RCW 46.68.010 relating to false statements made to  
8 obtain a refund;  
9       (~~(47)~~) (48) Chapter 46.70 RCW relating to unfair motor vehicle  
10 business practices, except where that chapter provides for the  
11 assessment of monetary penalties of a civil nature;  
12       (~~(48)~~) (49) Chapter 46.72 RCW relating to the transportation of  
13 passengers in for hire vehicles;  
14       (~~(49)~~) (50) RCW 46.--.-- (section 9, chapter 87, Laws of 1996)  
15 relating to limousine carrier insurance;  
16       (~~(50)~~) (51) RCW 46.--.-- (section 10, chapter 87, Laws of 1996)  
17 relating to operation of a limousine without a vehicle certificate;  
18       (~~(51)~~) (52) RCW 46.--.-- (section 11, chapter 87, Laws of 1996)  
19 relating to false advertising by a limousine carrier;  
20       (~~(52)~~) (53) Chapter 46.80 RCW relating to motor vehicle wreckers;  
21       (~~(53)~~) (54) Chapter 46.82 RCW relating to driver's training  
22 schools;  
23       (~~(54)~~) (55) RCW 46.87.260 relating to alteration or forgery of a  
24 cab card, letter of authority, or other temporary authority issued  
25 under chapter 46.87 RCW;  
26       (~~(55)~~) (56) RCW 46.87.290 relating to operation of an  
27 unregistered or unlicensed vehicle under chapter 46.87 RCW.

28       NEW SECTION.     **Sec. 20.**     Sections 1 through 12 of this act  
29 constitute a new chapter in Title 46 RCW, to be codified between  
30 chapters 46.04 and 46.08 RCW.

31       NEW SECTION.     **Sec. 21.**     This act takes effect September 13, 1997.

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