
SUBSTITUTE SENATE BILL 5718

State of Washington

55th Legislature

1997 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Wood, Newhouse, Haugen, Winsley and Oke; by request of Department of Licensing)

Read first time 03/07/97.

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;

34 (11) For use in connection with matters of public interest where
35 the use is related to operation of a motor vehicle or to public safety,
36 including disclosure to the news media for public dissemination. For
37 purposes of this subsection, the use of personal information is related
38 to public safety if it concerns the physical safety or security of

1 citizens as drivers, passengers, or pedestrians and their vehicles or
2 property; and

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

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

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

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

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

30 NEW SECTION. **Sec. 12.** Any person requesting the disclosure of
31 personal information from department records who knowingly
32 misrepresents his or her identity or knowingly makes a false statement
33 to the department on any application required to be submitted pursuant

1 to this chapter shall be guilty of false swearing, a gross misdemeanor,
2 under RCW 9A.72.040.

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

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

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

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

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

18 (d) Specific intelligence information and specific investigative
19 records compiled by investigative, law enforcement, and penology
20 agencies, and state agencies vested with the responsibility to
21 discipline members of any profession, the nondisclosure of which is
22 essential to effective law enforcement or for the protection of any
23 person's right to privacy.

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

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

36 (g) Except as provided by chapter 8.26 RCW, the contents of real
37 estate appraisals, made for or by any agency relative to the
38 acquisition or sale of property, until the project or prospective sale

1 is abandoned or until such time as all of the property has been
2 acquired or the property to which the sale appraisal relates is sold,
3 but in no event shall disclosure be denied for more than three years
4 after the appraisal.

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

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

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

16 (k) Records, maps, or other information identifying the location of
17 archaeological sites in order to avoid the looting or depredation of
18 such sites.

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

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

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

31 (o) Financial and commercial information and records supplied by
32 private persons pertaining to export services provided pursuant to
33 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
34 export projects pursuant to RCW 43.23.035.

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

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

1 (r) Financial and commercial information and records supplied by
2 businesses or individuals during application for loans or program
3 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
4 or during application for economic development loans or program
5 services provided by any local agency.

6 (s) Membership lists or lists of members or owners of interests of
7 units in timeshare projects, subdivisions, camping resorts,
8 condominiums, land developments, or common-interest communities
9 affiliated with such projects, regulated by the department of
10 licensing, in the files or possession of the department.

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

14 (u) The residential addresses and residential telephone numbers of
15 employees or volunteers of a public agency which are held by the agency
16 in personnel records, employment or volunteer rosters, or mailing lists
17 of employees or volunteers.

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

21 (w)(i) The federal social security number of individuals governed
22 under chapter 18.130 RCW maintained in the files of the department of
23 health, except this exemption does not apply to requests made directly
24 to the department from federal, state, and local agencies of
25 government, and national and state licensing, credentialing,
26 investigatory, disciplinary, and examination organizations; (ii) the
27 current residential address and current residential telephone number of
28 a health care provider governed under chapter 18.130 RCW maintained in
29 the files of the department, if the provider requests that this
30 information be withheld from public inspection and copying, and
31 provides to the department an accurate alternate or business address
32 and business telephone number. On or after January 1, 1995, the
33 current residential address and residential telephone number of a
34 health care provider governed under RCW 18.130.140 maintained in the
35 files of the department shall automatically be withheld from public
36 inspection and copying unless the provider specifically requests the
37 information be released, and except as provided for under RCW
38 42.17.260(9).

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

3 (y) Information obtained by the board of pharmacy or the department
4 of health and its representatives as provided in RCW 69.41.044,
5 69.41.280, and 18.64.420.

6 (z) Financial information, business plans, examination reports, and
7 any information produced or obtained in evaluating or examining a
8 business and industrial development corporation organized or seeking
9 certification under chapter 31.24 RCW.

10 (aa) Financial and commercial information supplied to the state
11 investment board by any person when the information relates to the
12 investment of public trust or retirement funds and when disclosure
13 would result in loss to such funds or in private loss to the providers
14 of this information.

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

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

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

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

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

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

35 (hh) Information and documents created specifically for, and
36 collected and maintained by a quality improvement committee pursuant to
37 RCW 43.70.510, regardless of which agency is in possession of the
38 information and documents.

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

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

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

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

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

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

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

30 (1) The manufacturers of motor vehicles, or their authorized
31 agents, to be used to enable those manufacturers to carry out the
32 provisions of the Federal Automobile Information Disclosure Act (15
33 U.S.C. Sec. 1231 et seq.), the Motor Vehicle Information and Cost
34 Saving Act (15 U.S.C. Sec. 1901 et seq.), the National Traffic and
35 Motor Vehicle Safety Act of 1966 (15 U.S.C. Sec. (~~1382-1418~~) 1381 et
36 seq.), the Anti-Car Theft Act of 1992 (15 U.S.C. Sec. 2021 et seq.),
37 and the Clean Air Act (42 U.S.C. Sec. 7401 et seq.), including

1 amendments or additions thereto, respecting safety-related defects in
2 motor vehicles;

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

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

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

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

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

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

33 (c) The requesting party enters into a disclosure agreement with
34 the department in which the party promises that the party will use the
35 information only for the purpose stated in the request for the
36 information; and that the party does not intend to use, or facilitate
37 the use of, the information for the purpose of making any unsolicited
38 business contact with a person named in the disclosed information. The

1 term "unsolicited business contact" means a contact that is intended to
2 result in, or promote, the sale of any goods or services to a person
3 named in the disclosed information. The term does not apply to
4 situations where the requesting party and such person have been
5 involved in a business transaction prior to the date of the disclosure
6 request and where the request is made in connection with the
7 transaction.

8 (2) The disclosing entity shall retain the request for disclosure
9 for three years.

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

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

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

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

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

33 It shall be the duty of the chief of the Washington state patrol to
34 file, tabulate, and analyze all accident reports and to publish
35 annually, immediately following the close of each fiscal year, and
36 monthly during the course of the year, statistical information based
37 thereon showing the number of accidents, the location, the frequency

1 and circumstances thereof and other statistical information which may
2 prove of assistance in determining the cause of vehicular accidents.

3 Such accident reports and analysis or reports thereof shall be
4 available to the director of licensing, the department of
5 transportation, the utilities and transportation commission, or their
6 duly authorized representatives, for further tabulation and analysis
7 for pertinent data relating to the regulation of highway traffic,
8 highway construction, vehicle operators and all other purposes, and to
9 publish information so derived as may be deemed of publication value,
10 within the constraints of section 4 of this act.

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

13 (1) The director shall keep a case record on every motor vehicle
14 driver licensed under the laws of this state, together with information
15 on each driver, showing all the convictions and findings of traffic
16 infractions certified by the courts, together with an index cross-
17 reference record of each accident reported relating to such individual
18 with a brief statement of the cause of the accident. The chief of the
19 Washington state patrol shall furnish the index cross-reference record
20 to the director, with reference to each driver involved in the reported
21 accidents.

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

31 (3) The director shall tabulate and analyze vehicle driver's case
32 records and suspend, revoke, cancel, or refuse a vehicle driver's
33 license to a person when it is deemed from facts contained in the case
34 record of such person that it is for the best interest of public safety
35 that such person be denied the privilege of operating a motor vehicle.
36 Whenever the director orders the vehicle driver's license of any such
37 person suspended, revoked, or canceled, or refuses the issuance of a
38 vehicle driver's license, such suspension, revocation, cancellation, or

1 refusal is final and effective unless appeal from the decision of the
2 director is taken as provided by law.

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

5 A certified abstract of the driving record shall be furnished only
6 to the individual named in the abstract, an employer or prospective
7 employer or an agent acting on behalf of an employer or prospective
8 employer if the named individual's employment involves the operation of
9 a motor vehicle, the insurance carrier that has insurance in effect
10 covering the employer or a prospective employer, the insurance carrier
11 that has insurance in effect covering the named individual, the
12 insurance carrier to which the named individual has applied, an
13 alcohol/drug assessment or treatment agency approved by the department
14 of social and health services, to which the named individual has
15 applied or been assigned for evaluation or treatment, or city and
16 county prosecuting attorneys. For purposes of section 7(11) of this
17 act, the disclosure of personal information contained in the abstract
18 of the driving record to an alcohol/drug assessment or treatment agency
19 shall be authorized for purposes of public safety. City attorneys and
20 county prosecuting attorneys may provide the driving record to alcohol/
21 drug assessment or treatment agencies approved by the department of
22 social and health services to which the named individual has applied or
23 been assigned for evaluation or treatment. The director, upon proper
24 request, shall furnish a certified abstract covering the period of not
25 more than the last three years to insurance companies. Upon proper
26 request, the director shall furnish a certified abstract covering a
27 period of not more than the last five years to state approved alcohol/
28 drug assessment or treatment agencies, except that the certified
29 abstract shall also include records of alcohol-related offenses as
30 defined in RCW 46.01.260(2) covering a period of not more than the last
31 ten years. Upon proper request, a certified abstract of the full
32 driving record maintained by the department shall be furnished to a
33 city or county prosecuting attorney, to the individual named in the
34 abstract or to an employer or prospective employer or an agent acting
35 on behalf of an employer or prospective employer of the named
36 individual. The abstract, whenever possible, shall include an
37 enumeration of motor vehicle accidents in which the person was driving;
38 the total number of vehicles involved; whether the vehicles were

1 legally parked or moving; whether the vehicles were occupied at the
2 time of the accident; any reported convictions, forfeitures of bail, or
3 findings that an infraction was committed based upon a violation of any
4 motor vehicle law; and the status of the person's driving privilege in
5 this state. The enumeration shall include any reports of failure to
6 appear in response to a traffic citation or failure to respond to a
7 notice of infraction served upon the named individual by an arresting
8 officer. Certified abstracts furnished to prosecutors and alcohol/drug
9 assessment or treatment agencies shall also indicate whether a recorded
10 violation is an alcohol-related offense as defined in RCW 46.01.260(2)
11 that was originally charged as one of the alcohol-related offenses
12 designated in RCW 46.01.260(2)((+a)(i)) (b)(i).

13 The abstract provided to the insurance company shall exclude any
14 information, except that related to the commission of misdemeanors or
15 felonies by the individual, pertaining to law enforcement officers or
16 fire fighters as defined in RCW 41.26.030, or any officer of the
17 Washington state patrol, while driving official vehicles in the
18 performance of occupational duty. The abstract provided to the
19 insurance company shall include convictions for RCW 46.61.525 (1) and
20 (2) except that the abstract shall report them only as negligent
21 driving without reference to whether they are for first or second
22 degree negligent driving. The abstract provided to the insurance
23 company shall exclude any deferred prosecution under RCW 10.05.060,
24 except that if a person is removed from a deferred prosecution under
25 RCW 10.05.090, the abstract shall show the deferred prosecution as well
26 as the removal.

27 The director shall collect for each abstract the sum of four
28 dollars and fifty cents which shall be deposited in the highway safety
29 fund.

30 Any insurance company or its agent receiving the certified abstract
31 shall use it exclusively for its own underwriting purposes and shall
32 not divulge any of the information contained in it to a third party.
33 No policy of insurance may be canceled, nonrenewed, denied, or have the
34 rate increased on the basis of such information unless the policyholder
35 was determined to be at fault. No insurance company or its agent for
36 underwriting purposes relating to the operation of commercial motor
37 vehicles may use any information contained in the abstract relative to
38 any person's operation of motor vehicles while not engaged in such
39 employment, nor may any insurance company or its agent for underwriting

1 purposes relating to the operation of noncommercial motor vehicles use
2 any information contained in the abstract relative to any person's
3 operation of commercial motor vehicles.

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

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

16 Release of a certified abstract of the driving record of an
17 employee or prospective employee requires a statement signed by: (1)
18 The employee or prospective employee that authorizes the release of the
19 record, and (2) the employer attesting that the information is
20 necessary to determine whether the licensee should be employed to
21 operate a commercial vehicle or school bus upon the public highways of
22 this state. If the employer or prospective employer authorizes an
23 agent to obtain this information on their behalf, this must be noted in
24 the statement.

25 Any violation of this section is a gross misdemeanor.

26 **Sec. 19.** RCW 46.63.020 and 1996 c 307 s 6, 1996 c 287 s 7, 1996 c
27 93 s 3, 1996 c 87 s 21, and 1996 c 31 s 3 are each reenacted and
28 amended to read as follows:

29 Failure to perform any act required or the performance of any act
30 prohibited by this title or an equivalent administrative regulation or
31 local law, ordinance, regulation, or resolution relating to traffic
32 including parking, standing, stopping, and pedestrian offenses, is
33 designated as a traffic infraction and may not be classified as a
34 criminal offense, except for an offense contained in the following
35 provisions of this title or a violation of an equivalent administrative
36 regulation or local law, ordinance, regulation, or resolution:

1 (1) Section 12 of this act relating to misrepresentation of
2 identity or making a false statement to the department on an
3 application for personal information;
4 (2) RCW 46.09.120(2) relating to the operation of a nonhighway
5 vehicle while under the influence of intoxicating liquor or a
6 controlled substance;
7 (~~(2)~~) (3) RCW 46.09.130 relating to operation of nonhighway
8 vehicles;
9 (~~(3)~~) (4) RCW 46.10.090(2) relating to the operation of a
10 snowmobile while under the influence of intoxicating liquor or
11 narcotics or habit-forming drugs or in a manner endangering the person
12 of another;
13 (~~(4)~~) (5) RCW 46.10.130 relating to the operation of snowmobiles;
14 (~~(5)~~) (6) Chapter 46.12 RCW relating to certificates of ownership
15 and registration and markings indicating that a vehicle has been
16 destroyed or declared a total loss;
17 (~~(6)~~) (7) RCW 46.16.010 relating to initial registration of motor
18 vehicles;
19 (~~(7)~~) (8) RCW 46.16.011 relating to permitting unauthorized
20 persons to drive;
21 (~~(8)~~) (9) RCW 46.16.160 relating to vehicle trip permits;
22 (~~(9)~~) (10) RCW 46.16.381 (6) or (9) relating to unauthorized use
23 or acquisition of a special placard or license plate for disabled
24 persons' parking;
25 (~~(10)~~) (11) RCW 46.20.021 relating to driving without a valid
26 driver's license, unless the person cited for the violation provided
27 the citing officer with an expired driver's license or other valid
28 identifying documentation under RCW 46.20.035 at the time of the stop
29 and was not in violation of RCW 46.20.342(1) or 46.20.420, in which
30 case the violation is an infraction;
31 (~~(11)~~) (12) RCW 46.20.091 relating to false statements regarding
32 a driver's license or instruction permit;
33 (~~(12)~~) (13) RCW 46.20.336 relating to the unlawful possession and
34 use of a driver's license;
35 (~~(13)~~) (14) RCW 46.20.342 relating to driving with a suspended or
36 revoked license or status;
37 (~~(14)~~) (15) RCW 46.20.410 relating to the violation of
38 restrictions of an occupational driver's license;

1 ~~((15))~~ (16) RCW 46.20.420 relating to the operation of a motor
2 vehicle with a suspended or revoked license;
3 ~~((16))~~ (17) RCW 46.20.750 relating to assisting another person to
4 start a vehicle equipped with an ignition interlock device;
5 ~~((17))~~ (18) RCW 46.25.170 relating to commercial driver's
6 licenses;
7 ~~((18))~~ (19) Chapter 46.29 RCW relating to financial
8 responsibility;
9 ~~((19))~~ (20) RCW 46.30.040 relating to providing false evidence of
10 financial responsibility;
11 ~~((20))~~ (21) RCW 46.37.435 relating to wrongful installation of
12 sunscreening material;
13 ~~((21))~~ (22) RCW 46.44.180 relating to operation of mobile home
14 pilot vehicles;
15 ~~((22))~~ (23) RCW 46.48.175 relating to the transportation of
16 dangerous articles;
17 ~~((23))~~ (24) RCW 46.52.010 relating to duty on striking an
18 unattended car or other property;
19 ~~((24))~~ (25) RCW 46.52.020 relating to duty in case of injury to
20 or death of a person or damage to an attended vehicle;
21 ~~((25))~~ (26) RCW 46.52.090 relating to reports by repairmen,
22 storagemen, and appraisers;
23 ~~((26))~~ (27) RCW 46.52.100 relating to driving under the influence
24 of liquor or drugs;
25 ~~((27))~~ (28) RCW 46.52.130 relating to confidentiality of the
26 driving record to be furnished to an insurance company, an employer,
27 and an alcohol/drug assessment or treatment agency;
28 ~~((28))~~ (29) RCW 46.55.020 relating to engaging in the activities
29 of a registered tow truck operator without a registration certificate;
30 ~~((29))~~ (30) RCW 46.55.035 relating to prohibited practices by tow
31 truck operators;
32 ~~((30))~~ (31) RCW 46.61.015 relating to obedience to police
33 officers, flagmen, or fire fighters;
34 ~~((31))~~ (32) RCW 46.61.020 relating to refusal to give information
35 to or cooperate with an officer;
36 ~~((32))~~ (33) RCW 46.61.022 relating to failure to stop and give
37 identification to an officer;
38 ~~((33))~~ (34) RCW 46.61.024 relating to attempting to elude
39 pursuing police vehicles;

1 ~~((34))~~ (35) RCW 46.61.500 relating to reckless driving;
2 ~~((35))~~ (36) RCW 46.61.502 and 46.61.504 relating to persons under
3 the influence of intoxicating liquor or drugs;
4 ~~((36))~~ (37) RCW 46.61.503 relating to a person under age twenty-
5 one driving a motor vehicle after consuming alcohol;
6 ~~((37))~~ (38) RCW 46.61.520 relating to vehicular homicide by motor
7 vehicle;
8 ~~((38))~~ (39) RCW 46.61.522 relating to vehicular assault;
9 ~~((39))~~ (40) RCW 46.61.525(1) relating to first degree negligent
10 driving;
11 ~~((40))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of
12 roadway workers;
13 ~~((41))~~ (42) RCW 46.61.530 relating to racing of vehicles on
14 highways;
15 ~~((42))~~ (43) RCW 46.61.685 relating to leaving children in an
16 unattended vehicle with the motor running;
17 ~~((43))~~ (44) RCW 46.64.010 relating to unlawful cancellation of or
18 attempt to cancel a traffic citation;
19 ~~((44))~~ (45) RCW 46.64.048 relating to attempting, aiding,
20 abetting, coercing, and committing crimes;
21 ~~((45))~~ (46) Chapter 46.65 RCW relating to habitual traffic
22 offenders;
23 ~~((46))~~ (47) RCW 46.68.010 relating to false statements made to
24 obtain a refund;
25 ~~((47))~~ (48) Chapter 46.70 RCW relating to unfair motor vehicle
26 business practices, except where that chapter provides for the
27 assessment of monetary penalties of a civil nature;
28 ~~((48))~~ (49) Chapter 46.72 RCW relating to the transportation of
29 passengers in for hire vehicles;
30 ~~((49))~~ (50) RCW 46.--.-- (section 9, chapter 87, Laws of 1996)
31 relating to limousine carrier insurance;
32 ~~((50))~~ (51) RCW 46.--.-- (section 10, chapter 87, Laws of 1996)
33 relating to operation of a limousine without a vehicle certificate;
34 ~~((51))~~ (52) RCW 46.--.-- (section 11, chapter 87, Laws of 1996)
35 relating to false advertising by a limousine carrier;
36 ~~((52))~~ (53) Chapter 46.80 RCW relating to motor vehicle wreckers;
37 ~~((53))~~ (54) Chapter 46.82 RCW relating to driver's training
38 schools;

1 (~~(54)~~) (55) RCW 46.87.260 relating to alteration or forgery of a
2 cab card, letter of authority, or other temporary authority issued
3 under chapter 46.87 RCW;

4 (~~(55)~~) (56) RCW 46.87.290 relating to operation of an
5 unregistered or unlicensed vehicle under chapter 46.87 RCW.

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

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

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