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SENATE BILL 6504

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State of Washington

56th Legislature

2000 Regular Session

By Senators Rossi, Kline and McCaslin

Read first time . Referred to Committee on .

1 AN ACT Relating to access to criminal history and driving record  
2 information by alcoholism and drug assessment and treatment agencies;  
3 and amending RCW 46.52.130 and 46.61.5056.

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

5 **Sec. 1.** RCW 46.52.130 and 1998 c 165 s 11 are each amended to read  
6 as follows:

7 A certified abstract of the driving record shall be furnished only  
8 to the individual named in the abstract, an employer or prospective  
9 employer or an agent acting on behalf of an employer or prospective  
10 employer, the insurance carrier that has insurance in effect covering  
11 the employer or a prospective employer, the insurance carrier that has  
12 insurance in effect covering the named individual, the insurance  
13 carrier to which the named individual has applied, an alcohol/drug  
14 assessment or treatment agency approved by the department of social and  
15 health services, to which the named individual has applied or been  
16 assigned for evaluation or treatment, or city and county prosecuting  
17 attorneys. City attorneys and county prosecuting attorneys may provide  
18 the driving record to alcohol/drug assessment or treatment agencies  
19 approved by the department of social and health services to which the

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

31 The abstract provided to the insurance company shall exclude any  
32 information, except that related to the commission of misdemeanors or  
33 felonies by the individual, pertaining to law enforcement officers or  
34 fire fighters as defined in RCW 41.26.030, or any officer of the  
35 Washington state patrol, while driving official vehicles in the  
36 performance of occupational duty. The abstract provided to the  
37 insurance company shall include convictions for RCW 46.61.5249 and  
38 46.61.525 except that the abstract shall report them only as negligent  
39 driving without reference to whether they are for first or second

1 degree negligent driving. The abstract provided to the insurance  
2 company shall exclude any deferred prosecution under RCW 10.05.060,  
3 except that if a person is removed from a deferred prosecution under  
4 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
5 as the removal.

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

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

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

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

34 Release of a certified abstract of the driving record of an  
35 employee or prospective employee requires a statement signed by: (1)  
36 The employee or prospective employee that authorizes the release of the  
37 record, and (2) the employer attesting that the information is  
38 necessary to determine whether the licensee should be employed to  
39 operate a commercial vehicle or school bus upon the public highways of

1 this state. If the employer or prospective employer authorizes an  
2 agent to obtain this information on their behalf, this must be noted in  
3 the statement.

4 Any violation of this section is a gross misdemeanor.

5 **Sec. 2.** RCW 46.61.5056 and 1995 c 332 s 14 are each amended to  
6 read as follows:

7 (1) A person subject to alcohol assessment and treatment under RCW  
8 46.61.5055 shall be required by the court to complete a course in an  
9 alcohol information school approved by the department of social and  
10 health services or to complete more intensive treatment in a program  
11 approved by the department of social and health services, as determined  
12 by the court. The court shall notify the department of licensing  
13 whenever it orders a person to complete a course or treatment program  
14 under this section.

15 (2) A diagnostic evaluation and treatment recommendation shall be  
16 prepared under the direction of the court by an alcoholism agency  
17 approved by the department of social and health services or a qualified  
18 probation department approved by the department of social and health  
19 services. Prior to completion of the report, the alcoholism agency  
20 shall obtain a complete criminal history from the Washington state  
21 patrol. A copy of the report shall be forwarded to the department of  
22 licensing. Based on the diagnostic evaluation, the court shall  
23 determine whether the person shall be required to complete a course in  
24 an alcohol information school approved by the department of social and  
25 health services or more intensive treatment in a program approved by  
26 the department of social and health services.

27 (3) Standards for approval for alcohol treatment programs shall be  
28 prescribed by the department of social and health services. The  
29 department of social and health services shall periodically review the  
30 costs of alcohol information schools and treatment programs.

31 (4) Any agency that provides treatment ordered under RCW  
32 46.61.5055, shall immediately report to the appropriate probation  
33 department where applicable, otherwise to the court, and to the  
34 department of licensing any noncompliance by a person with the  
35 conditions of his or her ordered treatment. The court shall notify the  
36 department of licensing and the department of social and health  
37 services of any failure by an agency to so report noncompliance. Any  
38 agency with knowledge of noncompliance that fails to so report shall be

1 fined two hundred fifty dollars by the department of social and health  
2 services. Upon three such failures by an agency within one year, the  
3 department of social and health services shall revoke the agency's  
4 approval under this section.

5 (5) The department of licensing and the department of social and  
6 health services may adopt such rules as are necessary to carry out this  
7 section.

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