

HOUSE BILL REPORT

HB 1567

As Passed House:

March 9, 2001

Title: An act relating to penalties for the misuse of abstracts of driving records.

Brief Description: Increasing the penalty for the misuse of abstracts of driving records.

Sponsors: By Representatives Fisher, Hankins, Lovick and Mitchell; by request of Department of Licensing.

Brief History:

Committee Activity:

Criminal Justice & Corrections: 2/14/01, 2/21/01 [DP].

Floor Activity:

Passed House: 3/9/01, 93-0.

Brief Summary of Bill

- Makes it a class C felony (rather than a gross misdemeanor) to misuse abstracts of driving records.

HOUSE COMMITTEE ON CRIMINAL JUSTICE & CORRECTIONS

Majority Report: Do pass. Signed by 8 members: Representatives Ballasiotes, Republican Co-Chair; O'Brien, Democratic Co-Chair; Ahern, Republican Vice Chair; Lovick, Democratic Vice Chair; Cairnes, Kagi, Kirby and Morell.

Staff: Katy Freeman (786-7386).

Background:

The Department of Licensing (DOL) maintains abstracts of persons driving records. These abstracts contain information relating to a person's driving record, including:

- a list of motor vehicle accidents in which the person was driving;
- whether the motor vehicle accident resulted in a fatality;
- any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- the status of the person's driving privilege in this state; and

- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Washington law restricts the distribution and use of abstracts. Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer or agent, or prospective employer or agent;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services (DSHS); and
- city and county prosecuting attorneys.

A full abstract may be released to the individual named in the abstract, an employer or agent, prospective employer or agent, and city and county prosecuting attorneys. A partial abstract may be released to specified insurance companies and alcohol/drug assessment or treatment agencies approved by the DSHS.

Information must only be used for specific purposes, which depend on who requests the abstract. For example, an abstract provided to an insurance company must only be used for its own underwriting purposes. In addition, an abstract provided to an employer must only be used to determine whether the individual named in the abstract should be permitted to operate a commercial vehicle or school bus. Furthermore, an abstract provided to an alcohol/drug assessment or treatment agency must only be used to assist its employees in determining the appropriate level of treatment.

Persons requesting the abstract, other than the individual named in the abstract, must not give any information contained in the abstract to a third party.

Misusing an abstract of a person's driving record is a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year of incarceration or a fine of \$5,000, or both.

Offenders convicted of unranked felonies,– felonies without an established seriousness level on the sentencing guidelines grid, are not subject to standard sentence ranges. Generally, in these cases, courts are required to impose a determinate sentence which may include not more than one year of confinement and may also include community service, legal financial obligations, a term of community supervision not to exceed one year, and/or a fine.

Summary of Bill:

It is a class C felony to misuse an abstract of a person's driving record. This is an unranked felony.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The DOL collects a number of items of personal information necessary for the issuance of a driver's license. The department's goal is to restrict the collection of that information so that the individual's privacy is protected and that access to information is provided only as directed by statute.

The department receives and processes over a million requests each year for copies of driving records. These requests are made on behalf of insurance companies for underwriting purposes as well as employment screening agencies for operation of commercial vehicles. To facilitate this process, the insurance companies and the employment screening agencies use service bureaus to funnel their requests to the department.

In February 1999 the department was notified that there was a service bureau with an Internet website that indicated that they could obtain Washington driving records. To ensure that the department's records were not being improperly released, the department began an investigation to determine if they could get Washington driving records from Internet websites. During their investigation, the service bureaus did not ask the department to identify on what basis they were requesting the records, and the department did receive a couple of driving records from these websites. The department was able to trace the service bureaus that improperly released the records and found that all service bureaus investigated were out of compliance with the contractual, federal, and state statutory requirements for the release of driving records. Making improper release of a person's driving record a class C felony will increase the potential for criminal penalties, will demonstrate how seriously state government values personal privacy, and will deter improper release.

Testimony Against: None.

Testified: Representative Fisher, prime sponsor; and Denise Movius, Department of Licensing