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HOUSE BILL 2432

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Lovick, Jarrett and Mitchell

Read first time 01/16/2002. Referred to Committee on Transportation.

1            AN ACT Relating to driving record abstracts furnished to transit  
2 authorities; and amending RCW 46.52.130.

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

4            **Sec. 1.** RCW 46.52.130 and 2001 c 309 s 1 are each amended to read  
5 as follows:

6            (1) A certified abstract of the driving record shall be furnished  
7 only to:

8            (a) The individual named in the abstract((~~τ~~))*i*

9            (b) An employer or prospective employer or an agent acting on  
10 behalf of an employer or prospective employer((~~τ~~))*i*

11            (c) An employee or agent of a transit authority checking  
12 prospective volunteer vanpool drivers for insurance and risk management  
13 needs;

14            (d) The insurance carrier that has insurance in effect covering the  
15 employer or a prospective employer((~~τ~~))*i*

16            (e) The insurance carrier that has insurance in effect covering the  
17 named individual((~~τ~~))*i*

18            (f) The insurance carrier to which the named individual has  
19 applied((~~τ~~))*i*

1       (g) An alcohol/drug assessment or treatment agency approved by the  
2 department of social and health services, to which the named individual  
3 has applied or been assigned for evaluation or treatment~~((7))~~i or

4       (h) City and county prosecuting attorneys.

5       (2) City attorneys and county prosecuting attorneys may provide the  
6 driving record to alcohol/drug assessment or treatment agencies  
7 approved by the department of social and health services to which the  
8 named individual has applied or been assigned for evaluation or  
9 treatment.

10       (3) The director, upon proper request, shall furnish a certified  
11 abstract covering the period of not more than the last three years to  
12 insurance companies.

13       (4) Upon proper request, the director shall furnish a certified  
14 abstract covering a period of not more than the last five years to  
15 state approved alcohol/drug assessment or treatment agencies, except  
16 that the certified abstract shall also include records of alcohol-  
17 related offenses as defined in RCW 46.01.260(2) covering a period of  
18 not more than the last ten years.

19       (5) Upon proper request, a certified abstract of the full driving  
20 record maintained by the department shall be furnished to a city or  
21 county prosecuting attorney, to the individual named in the abstract  
22 ~~((or))~~, to an employer or prospective employer or an agent acting on  
23 behalf of an employer or prospective employer of the named individual,  
24 or to an employee or agent of a transit authority checking prospective  
25 volunteer vanpool drivers for insurance and risk management needs.

26       (6) The abstract, whenever possible, shall include:

27       (a) An enumeration of motor vehicle accidents in which the person  
28 was driving;

29       (b) The total number of vehicles involved;

30       (c) Whether the vehicles were legally parked or moving;

31       (d) Whether the vehicles were occupied at the time of the accident;

32       (e) Whether the accident resulted in any fatality;

33       (f) Any reported convictions, forfeitures of bail, or findings that  
34 an infraction was committed based upon a violation of any motor vehicle  
35 law; ~~((and))~~

36       (g) The status of the person's driving privilege in this state~~((-~~  
37 ~~The enumeration shall include))~~i and

1       (h) Any reports of failure to appear in response to a traffic  
2 citation or failure to respond to a notice of infraction served upon  
3 the named individual by an arresting officer.

4       (7) Certified abstracts furnished to prosecutors and alcohol/drug  
5 assessment or treatment agencies shall also indicate whether a recorded  
6 violation is an alcohol-related offense as defined in RCW 46.01.260(2)  
7 that was originally charged as one of the alcohol-related offenses  
8 designated in RCW 46.01.260(2)(b)(i).

9       (8) The abstract provided to the insurance company shall exclude  
10 any information, except that related to the commission of misdemeanors  
11 or felonies by the individual, pertaining to law enforcement officers  
12 or fire fighters as defined in RCW 41.26.030, or any officer of the  
13 Washington state patrol, while driving official vehicles in the  
14 performance of occupational duty. The abstract provided to the  
15 insurance company shall include convictions for RCW 46.61.5249 and  
16 46.61.525 except that the abstract shall report them only as negligent  
17 driving without reference to whether they are for first or second  
18 degree negligent driving. The abstract provided to the insurance  
19 company shall exclude any deferred prosecution under RCW 10.05.060,  
20 except that if a person is removed from a deferred prosecution under  
21 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
22 as the removal.

23       (9) The director shall collect for each abstract the sum of four  
24 dollars and fifty cents which shall be deposited in the highway safety  
25 fund. However, this fee will be waived for a transit district seeking  
26 these abstracts to determine insurance and risk management requirements  
27 necessary to drive a vanpool vehicle.

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

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

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

9 (12) Any employee or agent of a transit authority receiving a  
10 certified abstract for its vanpool program shall use it exclusively for  
11 determining whether the volunteer licensee meets those insurance and  
12 risk management requirements necessary to drive a vanpool vehicle. The  
13 transit authority may not divulge any information contained in the  
14 abstract to a third party.

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

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

30 (15) Any negligent violation of this section is a gross  
31 misdemeanor.

32 (16) Any intentional violation of this section is a class C felony.

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