

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1567

57th Legislature  
2001 Regular Legislative Session

Passed by the House April 18, 2001  
Yeas 91 Nays 0

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**Speaker of the House of Representatives**

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**Speaker of the House of Representatives**

Passed by the Senate April 12, 2001  
Yeas 45 Nays 1

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**President of the Senate**

Approved

\_\_\_\_\_  
Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1567** as passed by the House of Representatives and the Senate on the dates hereon set forth.

\_\_\_\_\_  
**Chief Clerk**

\_\_\_\_\_  
**Chief Clerk**

FILED

Secretary of State  
State of Washington

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HOUSE BILL 1567

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AS AMENDED BY THE SENATE

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

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

Read first time 01/30/2001. Referred to Committee on Criminal Justice & Corrections.

1 AN ACT Relating to penalties for the misuse of abstracts of driving  
2 records; amending RCW 46.52.130; and prescribing penalties.

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

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

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

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

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

1 company shall exclude any deferred prosecution under RCW 10.05.060,  
2 except that if a person is removed from a deferred prosecution under  
3 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
4 as the removal.

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

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

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

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

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

1 agent to obtain this information on their behalf, this must be noted in  
2 the statement.

3 Any negligent violation of this section is a gross misdemeanor.

4 Any intentional violation of this section is a class C felony.

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