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**SUBSTITUTE SENATE BILL 6399**

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**State of Washington 57th Legislature**

**2002 Regular Session**

**By Senate Committee on Transportation (originally sponsored by Senators McAuliffe and Gardner)**

READ FIRST TIME 02/01/2002.

1 AN ACT Relating to driving records; and amending RCW 46.52.130.

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

3 **Sec. 1.** RCW 46.52.130 and 2001 c 309 s 1 are each amended to read  
4 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, the insurance carrier that has insurance in effect covering  
9 the employer or a prospective employer, the insurance carrier that has  
10 insurance in effect covering the named individual, the insurance  
11 carrier to which the named individual has applied, an alcohol/drug  
12 assessment or treatment agency approved by the department of social and  
13 health services, to which the named individual has applied or been  
14 assigned for evaluation or treatment, or city and county prosecuting  
15 attorneys. City attorneys and county prosecuting attorneys may provide  
16 the driving record to alcohol/drug assessment or treatment agencies  
17 approved by the department of social and health services to which the  
18 named individual has applied or been assigned for evaluation or  
19 treatment. The director, upon proper request, shall furnish a

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

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 negligent violation of this section is a gross misdemeanor.

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

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