
SENATE BILL 6399

State of Washington 57th Legislature

2002 Regular Session

By Senators McAuliffe and Gardner

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

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 and was determined to be at fault; the
15 total number of vehicles involved; whether the vehicles were legally
16 parked or moving; whether the vehicles were occupied at the time of the
17 accident; whether the accident resulted in any fatality; any reported
18 convictions, forfeitures of bail, or findings that an infraction was
19 committed based upon a violation of any motor vehicle law; and the
20 status of the person's driving privilege in this state. The
21 enumeration shall include any reports of failure to appear in response
22 to a traffic citation or failure to respond to a notice of infraction
23 served upon the named individual by an arresting officer. Certified
24 abstracts furnished to prosecutors and alcohol/drug assessment or
25 treatment agencies shall also indicate whether a recorded violation is
26 an 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).

29 The abstract provided to the insurance company shall exclude any
30 information, except that related to the commission of misdemeanors or
31 felonies by the individual, pertaining to law enforcement officers or
32 fire fighters as defined in RCW 41.26.030, or any officer of the
33 Washington state patrol, while driving official vehicles in the
34 performance of occupational duty. The abstract provided to the
35 insurance company shall include convictions for RCW 46.61.5249 and
36 46.61.525 except that the abstract shall report them only as negligent
37 driving without reference to whether they are for first or second
38 degree negligent driving. The abstract provided to the insurance
39 company shall exclude any deferred prosecution under RCW 10.05.060,

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

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

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

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

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

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