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HOUSE BILL 2830

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State of Washington

58th Legislature

2004 Regular Session

By Representatives Hudgins, Jarrett, Hatfield, Mielke, Wallace and Nixon

Read first time 01/21/2004. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing a fee for the limited purpose of  
2 reviewing driving records of existing policyholders for changes; and  
3 amending RCW 46.52.130.

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

5 **Sec. 1.** RCW 46.52.130 and 2003 c 367 s 1 are each amended to read  
6 as follows:

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

9 (a) The individual named in the abstract;

10 (b) An employer or prospective employer or an agent acting on  
11 behalf of an employer or prospective employer, or a volunteer  
12 organization for which the named individual has submitted an  
13 application for a position that could require the transportation of  
14 children under eighteen years of age, adults over sixty-five years of  
15 age, or physically or mentally disabled persons;

16 (c) An employee or agent of a transit authority checking  
17 prospective volunteer vanpool drivers for insurance and risk management  
18 needs;

1 (d) The insurance carrier that has insurance in effect covering the  
2 employer or a prospective employer;

3 (e) The insurance carrier that has motor vehicle or life insurance  
4 in effect covering the named individual;

5 (f) The insurance carrier to which the named individual has  
6 applied;

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

10 (h) City and county prosecuting attorneys.

11 (2) City attorneys and county prosecuting attorneys may provide the  
12 driving record to alcohol/drug assessment or treatment agencies  
13 approved by the department of social and health services to which the  
14 named individual has applied or been assigned for evaluation or  
15 treatment.

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

19 (b) The director may enter into a contractual agreement with an  
20 insurance company or its agent for the limited purpose of reviewing the  
21 driving records of existing policyholders for changes to the record  
22 during specified periods of time. The department shall establish a fee  
23 for this service, which shall be deposited in the highway safety fund.  
24 The fee specified in the contract must, at a minimum, cover the cost of  
25 providing the service. Any information provided under this subsection,  
26 shall be treated in the same manner and subject to the same  
27 restrictions as certified abstracts.

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

34 (5) Upon proper request, a certified abstract of the full driving  
35 record maintained by the department shall be furnished to a city or  
36 county prosecuting attorney, to the individual named in the abstract,  
37 to an employer or prospective employer or an agent acting on behalf of  
38 an employer or prospective employer of the named individual, or to a

1 volunteer organization for which the named individual has submitted an  
2 application for a position that could require the transportation of  
3 children under eighteen years of age, adults over sixty-five years of  
4 age, or physically or mentally disabled persons, or to an employee or  
5 agent of a transit authority checking prospective volunteer vanpool  
6 drivers for insurance and risk management needs.

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

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

10 (b) The total number of vehicles involved;

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

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

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

14 (f) Any reported convictions, forfeitures of bail, or findings that  
15 an infraction was committed based upon a violation of any motor vehicle  
16 law;

17 (g) The status of the person's driving privilege in this state; and

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

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

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

1 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
2 as the removal.

3 (9) The director shall collect for each abstract the sum of five  
4 dollars, which shall be deposited in the highway safety fund.

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

18 (11) Any employer or prospective employer or an agent acting on  
19 behalf of an employer or prospective employer, or a volunteer  
20 organization for which the named individual has submitted an  
21 application for a position that could require the transportation of  
22 children under eighteen years of age, adults over sixty-five years of  
23 age, or physically or mentally disabled persons, receiving the  
24 certified abstract shall use it exclusively for his or her own purpose  
25 to determine whether the licensee should be permitted to operate a  
26 commercial vehicle or school bus, or operate a vehicle for a volunteer  
27 organization for purposes of transporting children under eighteen years  
28 of age, adults over sixty-five years of age, or physically or mentally  
29 disabled persons, upon the public highways of this state and shall not  
30 divulge any information contained in it to a third party.

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

37 (13) Any alcohol/drug assessment or treatment agency approved by  
38 the department of social and health services receiving the certified

1 abstract shall use it exclusively for the purpose of assisting its  
2 employees in making a determination as to what level of treatment, if  
3 any, is appropriate. The agency, or any of its employees, shall not  
4 divulge any information contained in the abstract to a third party.

5 (14) Release of a certified abstract of the driving record of an  
6 employee, prospective employee, or prospective volunteer requires a  
7 statement signed by: (a) The employee, prospective employee, or  
8 prospective volunteer that authorizes the release of the record, and  
9 (b) the employer or volunteer organization attesting that the  
10 information is necessary to determine whether the licensee should be  
11 employed to operate a commercial vehicle or school bus, or operate a  
12 vehicle for a volunteer organization for purposes of transporting  
13 children under eighteen years of age, adults over sixty-five years of  
14 age, or physically or mentally disabled persons, upon the public  
15 highways of this state. If the employer or prospective employer  
16 authorizes an agent to obtain this information on their behalf, this  
17 must be noted in the statement.

18 (15) Any negligent violation of this section is a gross  
19 misdemeanor.

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

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