
HOUSE BILL 2912

State of Washington 58th Legislature 2004 Regular Session

By Representatives Schindler, Hankins, Armstrong and Mielke

Read first time 01/22/2004. Referred to Committee on Transportation.

1 AN ACT Relating to driving records furnished to private
2 investigative and security services; 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 2003 c 367 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;

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

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

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

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

3 (f) The insurance carrier to which the named individual has
4 applied;

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

8 (h) City and county prosecuting attorneys.

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

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

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

23 (5) Upon proper request, a certified abstract of the full driving
24 record maintained by the department shall be furnished to a city or
25 county prosecuting attorney, to the individual named in the abstract,
26 to an employer or prospective employer or an agent acting on behalf of
27 an employer or prospective employer of the named individual, or to a
28 volunteer organization for which the named individual has submitted an
29 application for a position that could require the transportation of
30 children under eighteen years of age, adults over sixty-five years of
31 age, or physically or mentally disabled persons, or to an employee or
32 agent of a transit authority checking prospective volunteer vanpool
33 drivers for insurance and risk management needs.

34 (6) The director, upon proper request, shall furnish a certified
35 abstract covering the period of not more than the last three years to
36 a licensed private investigator, licensed investigative agency, or
37 licensed security service. The allowable use of the information

1 contained in the certified abstract of the driving record is subject to
2 restrictions and permissible uses contained in 18 U.S.C. 2721(b).

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

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

6 (b) The total number of vehicles involved;

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

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

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

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

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

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

17 ~~((+7))~~ (8) Certified abstracts furnished to prosecutors and
18 alcohol/drug assessment or treatment agencies shall also indicate
19 whether a recorded violation is an alcohol-related offense as defined
20 in RCW 46.01.260(2) that was originally charged as one of the alcohol-
21 related offenses designated in RCW 46.01.260(2)(b)(i).

22 ~~((+8))~~ (9) The abstract provided to the insurance company shall
23 exclude any information, except that related to the commission of
24 misdemeanors or felonies by the individual, pertaining to law
25 enforcement officers or fire fighters as defined in RCW 41.26.030, or
26 any officer of the Washington state patrol, while driving official
27 vehicles in the performance of occupational duty. The abstract
28 provided to the insurance company shall include convictions for RCW
29 46.61.5249 and 46.61.525 except that the abstract shall report them
30 only as negligent driving without reference to whether they are for
31 first or second degree negligent driving. The abstract provided to the
32 insurance company shall exclude any deferred prosecution under RCW
33 10.05.060, except that if a person is removed from a deferred
34 prosecution under RCW 10.05.090, the abstract shall show the deferred
35 prosecution as well as the removal.

36 ~~((+9))~~ (10) The director shall collect for each abstract the sum
37 of five dollars, which shall be deposited in the highway safety fund.

1 ~~((10))~~ (11) Any insurance company or its agent receiving the
2 certified abstract shall use it exclusively for its own underwriting
3 purposes and shall not divulge any of the information contained in it
4 to a third party. No policy of insurance may be canceled, nonrenewed,
5 denied, or have the rate increased on the basis of such information
6 unless the policyholder was determined to be at fault. No insurance
7 company or its agent for underwriting purposes relating to the
8 operation of commercial motor vehicles may use any information
9 contained in the abstract relative to any person's operation of motor
10 vehicles while not engaged in such employment, nor may any insurance
11 company or its agent for underwriting purposes relating to the
12 operation of noncommercial motor vehicles use any information contained
13 in the abstract relative to any person's operation of commercial motor
14 vehicles.

15 ~~((11))~~ (12) Any employer or prospective employer or an agent
16 acting on behalf of an employer or prospective employer, or a volunteer
17 organization for which the named individual has submitted an
18 application for a position that could require the transportation of
19 children under eighteen years of age, adults over sixty-five years of
20 age, or physically or mentally disabled persons, receiving the
21 certified abstract shall use it exclusively for his or her own purpose
22 to determine whether the licensee should be permitted to operate a
23 commercial vehicle or school bus, or operate a vehicle for a volunteer
24 organization for purposes of transporting children under eighteen years
25 of age, adults over sixty-five years of age, or physically or mentally
26 disabled persons, upon the public highways of this state and shall not
27 divulge any information contained in it to a third party.

28 ~~((12))~~ (13) Any employee or agent of a transit authority
29 receiving a certified abstract for its vanpool program shall use it
30 exclusively for determining whether the volunteer licensee meets those
31 insurance and risk management requirements necessary to drive a vanpool
32 vehicle. The transit authority may not divulge any information
33 contained in the abstract to a third party.

34 ~~((13))~~ (14) Any alcohol/drug assessment or treatment agency
35 approved by the department of social and health services receiving the
36 certified abstract shall use it exclusively for the purpose of
37 assisting its employees in making a determination as to what level of

1 treatment, if any, is appropriate. The agency, or any of its
2 employees, shall not divulge any information contained in the abstract
3 to a third party.

4 ((+14+)) (15) Release of a certified abstract of the driving record
5 of an employee, prospective employee, or prospective volunteer requires
6 a statement signed by: (a) The employee, prospective employee, or
7 prospective volunteer that authorizes the release of the record, and
8 (b) the employer or volunteer organization attesting that the
9 information is necessary to determine whether the licensee should be
10 employed to operate a commercial vehicle or school bus, or operate a
11 vehicle for a volunteer organization for purposes of transporting
12 children under eighteen years of age, adults over sixty-five years of
13 age, or physically or mentally disabled persons, upon the public
14 highways of this state. If the employer or prospective employer
15 authorizes an agent to obtain this information on their behalf, this
16 must be noted in the statement.

17 ((+15+)) (16) Any negligent violation of this section is a gross
18 misdemeanor.

19 ((+16+)) (17) Any intentional violation of this section is a class
20 C felony.

--- END ---