

---

SECOND SUBSTITUTE SENATE BILL 5499

---

State of Washington                      58th Legislature                      2004 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Oke, Haugen, Horn and Winsley; by request of Department of Transportation)

READ FIRST TIME 01/28/04.

1            AN ACT Relating to transferring accident data processing to the  
2 department of transportation; amending RCW 46.52.030, 46.52.050,  
3 46.52.060, 46.52.065, 46.52.080, 46.52.085, and 46.29.060; and  
4 reenacting and amending RCW 46.52.120.

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

6            **Sec. 1.** RCW 46.52.030 and 1997 c 248 s 1 are each amended to read  
7 as follows:

8            (1) Unless a report is to be made by a law enforcement officer  
9 under subsection (3) of this section, the driver of any vehicle  
10 involved in an accident resulting in injury to or death of any person  
11 or damage to the property of any one person to an apparent extent equal  
12 to or greater than the minimum amount established by rule adopted by  
13 the chief of the Washington state patrol in accordance with subsection  
14 (5) of this section, shall, within four days after such accident, make  
15 a written report of such accident to the chief of police of the city or  
16 town if such accident occurred within an incorporated city or town or  
17 the county sheriff or state patrol if such accident occurred outside  
18 incorporated cities and towns. Nothing in this subsection prohibits

1 accident reports from being filed by drivers where damage to property  
2 is less than the minimum amount or where a law enforcement officer has  
3 submitted a report.

4 (2) The original of the report shall be immediately forwarded by  
5 the authority receiving the report to the (~~chief of the Washington~~  
6 ~~state patrol~~) secretary of transportation at Olympia, Washington.  
7 However, the Washington state patrol shall retain, until an electronic  
8 copy of the report is available, a copy of any report taken by its law  
9 enforcement personnel. The (~~Washington state patrol~~) department of  
10 transportation shall give the department of licensing and the  
11 Washington state patrol full access to the report or any other compiled  
12 reports as the chief deems necessary.

13 (3) Any law enforcement officer who investigates an accident for  
14 which a report is required under subsection (1) of this section shall  
15 submit an investigator's report as required by RCW 46.52.070.

16 (4) The chief of the Washington state patrol may require any driver  
17 of any vehicle involved in an accident, of which report must be made as  
18 provided in this section, to file supplemental reports whenever the  
19 original report in the chief's opinion is insufficient, and may  
20 likewise require witnesses of any such accident to render reports. For  
21 this purpose, the secretary of transportation with the approval of the  
22 chief of the Washington state patrol shall prepare and, upon request,  
23 supply to any police department, coroner, sheriff, and any other  
24 suitable agency or individual, sample forms of accident reports  
25 required hereunder, which reports shall be upon a form devised by the  
26 secretary of transportation with the approval of the chief of the  
27 Washington state patrol and shall call for sufficiently detailed  
28 information to disclose all material facts with reference to the  
29 accident to be reported thereon, including the location, the  
30 circumstances, the conditions then existing, the persons and vehicles  
31 involved, the insurance information required under RCW 46.30.030,  
32 personal injury or death, if any, the amounts of property damage  
33 claimed, the total number of vehicles involved, whether the vehicles  
34 were legally parked, legally standing, or moving, and whether such  
35 vehicles were occupied at the time of the accident. Every required  
36 accident report shall be made on a form prescribed by the secretary of  
37 transportation with the approval of the chief of the Washington state  
38 patrol, and each authority charged with the duty of receiving such

1 reports shall provide sufficient report forms in compliance with the  
2 form devised. The report forms shall be designated so as to provide  
3 that a copy may be retained by the reporting person.

4 (5) The chief of the Washington state patrol shall adopt rules  
5 establishing the accident-reporting threshold for property damage  
6 accidents. (~~Beginning October 1, 1987, the accident reporting~~  
7 ~~threshold for property damage accidents shall be five hundred~~  
8 ~~dollars.~~) The accident-reporting threshold for property damage  
9 accidents shall be revised when necessary, but not more frequently than  
10 every two years. The revisions shall only be for the purpose of  
11 recognizing economic changes as reflected by an inflationary index  
12 recommended by the office of financial management. The revisions shall  
13 be guided by the change in the index for the time period since the last  
14 revision.

15 **Sec. 2.** RCW 46.52.050 and 1961 c 12 s 46.52.050 are each amended  
16 to read as follows:

17 Every coroner or other official performing like functions shall, on  
18 or before the tenth day of each month, report in writing to the sheriff  
19 of the county in which he or she holds office and to the chief of the  
20 Washington state patrol, the director of the traffic safety commission,  
21 and the secretary of transportation the death of any person within his  
22 or her jurisdiction during the preceding calendar month as a result of  
23 an accident involving any vehicle, together with the circumstances of  
24 such accident.

25 **Sec. 3.** RCW 46.52.060 and 1998 c 169 s 1 are each amended to read  
26 as follows:

27 (~~It shall be the duty of the chief of the Washington state patrol~~  
28 ~~to~~) The secretary of transportation shall file, tabulate, and analyze  
29 all accident reports and (~~to~~) publish annually, immediately following  
30 the close of each (~~fiscal~~) calendar year, and monthly during the  
31 course of the year, statistical information based thereon showing the  
32 number of accidents, the location, the frequency and circumstances  
33 thereof, and other statistical information (~~which~~) that may prove of  
34 assistance in determining the cause of vehicular accidents.

35 Such accident reports and analysis or reports thereof shall be  
36 available to the director of licensing, the (~~department of~~

1 ~~transportation))~~ chief of the Washington state patrol, the utilities  
2 and transportation commission, the traffic safety commission, and other  
3 public entities authorized by the (~~chief of the Washington state~~  
4 ~~patrol~~) secretary of transportation, or their duly authorized  
5 representatives, for further tabulation and analysis for pertinent data  
6 relating to the regulation of highway traffic, highway construction,  
7 vehicle operators and all other purposes, and to publish information so  
8 derived as may be deemed of publication value. In addition, the  
9 department of transportation shall give the Washington state patrol  
10 full access to compiled reports as the chief deems necessary.

11 **Sec. 4.** RCW 46.52.065 and 1977 ex.s. c 50 s 1 are each amended to  
12 read as follows:

13 Every coroner or other official performing like functions shall  
14 submit to the state toxicologist a blood sample taken from all drivers  
15 and all pedestrians who are killed in any traffic accident where the  
16 death occurred within four hours after the accident. Blood samples  
17 shall be taken and submitted in the manner prescribed by the state  
18 toxicologist. The state toxicologist shall analyze these blood samples  
19 to determine the concentration of alcohol and, where feasible, the  
20 presence of drugs or other toxic substances. The reports and records  
21 of the state toxicologist relating to analyses made pursuant to this  
22 section shall be confidential: PROVIDED, That the results of these  
23 analyses shall be reported to the state patrol and department of  
24 transportation and made available to the prosecuting attorney or law  
25 enforcement agency having jurisdiction: PROVIDED FURTHER, That the  
26 results of these analyses may be admitted in evidence in any civil or  
27 criminal action where relevant and shall be made available to the  
28 parties to any such litigation on application to the court.

29 **Sec. 5.** RCW 46.52.080 and 1979 c 158 s 162 are each amended to  
30 read as follows:

31 All required accident reports and supplemental reports and copies  
32 thereof shall be without prejudice to the individual so reporting and  
33 shall be for the confidential use of the county prosecuting attorney  
34 and chief of police or county sheriff, as the case may be, (~~and~~) the  
35 director of licensing, the secretary of transportation, and the chief  
36 of the Washington state patrol, and other officer or commission as

1 authorized by law, except that any such officer shall disclose the  
2 names and addresses of persons reported as involved in an accident or  
3 as witnesses thereto, the vehicle license plate numbers and  
4 descriptions of vehicles involved, and the date, time, and location of  
5 an accident, to any person who may have a proper interest therein,  
6 including the driver or drivers involved, or the legal guardian  
7 thereof, the parent of a minor driver, any person injured therein, the  
8 owner of vehicles or property damaged thereby, or any authorized  
9 representative of such an interested party, or the attorney or insurer  
10 thereof. No such accident report or copy thereof shall be used as  
11 evidence in any trial, civil or criminal, arising out of an accident,  
12 except that any officer above named for receiving accident reports  
13 shall furnish, upon demand of any person who has, or who claims to  
14 have, made such a report, or, upon demand of any court, a certificate  
15 showing that a specified accident report has or has not been made to  
16 the ((~~chief of the Washington state patrol~~)) secretary of  
17 transportation solely to prove a compliance or a failure to comply with  
18 the requirement that such a report be made in the manner required by  
19 law: PROVIDED, That the reports may be used as evidence when necessary  
20 to prosecute charges filed in connection with a violation of RCW  
21 46.52.088.

22 **Sec. 6.** RCW 46.52.085 and 1979 c 34 s 1 are each amended to read  
23 as follows:

24 Any information authorized for release under RCW 46.52.080 and  
25 46.52.083 may be furnished in written form for a fee sufficient to  
26 meet, but not exceed, the costs incurred. All fees received by the  
27 ((~~Washington state patrol~~)) department of transportation for such  
28 copies shall be deposited in the motor vehicle fund.

29 **Sec. 7.** RCW 46.52.120 and 1998 c 218 s 1 and 1998 c 165 s 10 are  
30 each reenacted and amended to read as follows:

31 (1) The director shall keep a case record on every motor vehicle  
32 driver licensed under the laws of this state, together with information  
33 on each driver, showing all the convictions and findings of traffic  
34 infractions certified by the courts, together with an index cross-  
35 reference record of each accident reported relating to such individual  
36 with a brief statement of the cause of the accident and whether or not

1 the accident resulted in any fatality. The (~~chief of the Washington~~  
2 ~~state patrol~~) secretary of transportation shall furnish the index  
3 cross-reference record to the director, with reference to each driver  
4 involved in the reported accidents.

5 (2) The records shall be for the confidential use of the director,  
6 the chief of the Washington state patrol, the director of the  
7 Washington traffic safety commission, and for such police officers or  
8 other cognizant public officials as may be designated by law. Such  
9 case records shall not be admitted into evidence in any court, except  
10 where relevant to the prosecution or defense of a criminal charge, or  
11 in case appeal is taken from the order of the director, suspending,  
12 revoking, canceling, or refusing a vehicle driver's license.

13 (3) The director shall tabulate and analyze vehicle driver's case  
14 records and suspend, revoke, cancel, or refuse a vehicle driver's  
15 license to a person when it is deemed from facts contained in the case  
16 record of such person that it is for the best interest of public safety  
17 that such person be denied the privilege of operating a motor vehicle.  
18 The director shall also suspend a person's driver's license if the  
19 person fails to attend or complete a driver improvement interview or  
20 fails to abide by conditions of probation under RCW 46.20.335.  
21 Whenever the director orders the vehicle driver's license of any such  
22 person suspended, revoked, or canceled, or refuses the issuance of a  
23 vehicle driver's license, such suspension, revocation, cancellation, or  
24 refusal is final and effective unless appeal from the decision of the  
25 director is taken as provided by law.

26 **Sec. 8.** RCW 46.29.060 and 1987 c 463 s 1 are each amended to read  
27 as follows:

28 The provisions of this chapter, requiring deposit of security and  
29 suspensions for failure to deposit security, subject to certain  
30 exemptions, shall apply to the driver and owner of any vehicle of a  
31 type subject to registration under the motor vehicle laws of this state  
32 which is in any manner involved in an accident within this state, which  
33 accident has resulted in bodily injury or death of any person or damage  
34 to the property of any one person to an apparent extent equal to or  
35 greater than the minimum amount established by rule adopted by the  
36 director. The director shall adopt rules establishing the property  
37 damage threshold at which the provisions of this chapter apply with

1 respect to the deposit of security and suspensions for failure to  
2 deposit security. (~~Beginning October 1, 1987, the property damage~~  
3 ~~threshold shall be five hundred dollars.~~) The thresholds shall be  
4 revised when necessary, but not more frequently than every two years.  
5 The revisions shall only be for the purpose of recognizing economic  
6 changes as reflected by an inflationary index recommended by the office  
7 of financial management. The revisions shall be guided by the change  
8 in the index for the time period since the last revision and by the  
9 threshold established by the chief of the Washington state patrol for  
10 the filing of accident reports as provided in RCW 46.52.030.

--- END ---