
SENATE BILL 5499

State of Washington

58th Legislature

2003 Regular Session

By Senators Oke, Haugen, Horn and Winsley; by request of Department of Transportation

Read first time 01/28/2003. Referred to Committee on Highways & Transportation.

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; reenacting
4 and amending RCW 46.52.120; providing an effective date; and declaring
5 an emergency.

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

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

9 (1) Unless a report is to be made by a law enforcement officer
10 under subsection (3) of this section, the driver of any vehicle
11 involved in an accident resulting in injury to or death of any person
12 or damage to the property of any one person to an apparent extent equal
13 to or greater than the minimum amount established by rule adopted by
14 the ((chief of the Washington state patrol)) secretary of
15 transportation in accordance with subsection (5) of this section,
16 shall, within four days after such accident, make a written report of
17 such accident to the chief of police of the city or town if such
18 accident occurred within an incorporated city or town or the county
19 sheriff or state patrol if such accident occurred outside incorporated

1 cities and towns. Nothing in this subsection prohibits accident
2 reports from being filed by drivers where damage to property is less
3 than the minimum amount or where a law enforcement officer has
4 submitted a report.

5 (2) The original of the report shall be immediately forwarded by
6 the authority receiving the report to the (~~chief of the Washington~~
7 ~~state patrol~~) secretary of transportation at Olympia, Washington. The
8 (~~Washington state patrol~~) department of transportation shall give the
9 department of licensing full access to the report.

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

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

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

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

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

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

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

32 Such accident reports and analysis or reports thereof shall be
33 available to the director of licensing, the (~~department of~~
34 ~~transportation~~) chief of the Washington state patrol, the utilities
35 and transportation commission, the traffic safety commission, and other
36 public entities authorized by the (~~chief of the Washington state~~

1 ~~patrol~~) secretary of transportation, or their duly authorized
2 representatives, for further tabulation and analysis for pertinent data
3 relating to the regulation of highway traffic, highway construction,
4 vehicle operators and all other purposes, and to publish information so
5 derived as may be deemed of publication value.

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

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

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

26 All required accident reports and supplemental reports and copies
27 thereof shall be without prejudice to the individual so reporting and
28 shall be for the confidential use of the county prosecuting attorney
29 and chief of police or county sheriff, as the case may be, (~~and~~) the
30 director of licensing, the secretary of transportation, and the chief
31 of the Washington state patrol, and other officer or commission as
32 authorized by law, except that any such officer shall disclose the
33 names and addresses of persons reported as involved in an accident or
34 as witnesses thereto, the vehicle license plate numbers and
35 descriptions of vehicles involved, and the date, time, and location of
36 an accident, to any person who may have a proper interest therein,

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

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

19 Any information authorized for release under RCW 46.52.080 and
20 46.52.083 may be furnished in written form for a fee sufficient to
21 meet, but not exceed, the costs incurred. All fees received by the
22 ((~~Washington state patrol~~)) department of transportation for such
23 copies shall be deposited in the motor vehicle fund.

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

26 (1) The director shall keep a case record on every motor vehicle
27 driver licensed under the laws of this state, together with information
28 on each driver, showing all the convictions and findings of traffic
29 infractions certified by the courts, together with an index cross-
30 reference record of each accident reported relating to such individual
31 with a brief statement of the cause of the accident and whether or not
32 the accident resulted in any fatality. The ((~~chief of the Washington~~
33 ~~state patrol~~)) secretary of transportation shall furnish the index
34 cross-reference record to the director, with reference to each driver
35 involved in the reported accidents.

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

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

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

24 The provisions of this chapter, requiring deposit of security and
25 suspensions for failure to deposit security, subject to certain
26 exemptions, shall apply to the driver and owner of any vehicle of a
27 type subject to registration under the motor vehicle laws of this state
28 which is in any manner involved in an accident within this state, which
29 accident has resulted in bodily injury or death of any person or damage
30 to the property of any one person to an apparent extent equal to or
31 greater than the minimum amount established by rule adopted by the
32 ~~((director. The director shall adopt rules establishing the property~~
33 ~~damage threshold at which the provisions of this chapter apply with~~
34 ~~respect to the deposit of security and suspensions for failure to~~
35 ~~deposit security. Beginning October 1, 1987, the property damage~~
36 ~~threshold shall be five hundred dollars. The thresholds shall be~~
37 ~~revised when necessary, but not more frequently than every two years.~~

1 ~~The revisions shall only be for the purpose of recognizing economic~~
2 ~~changes as reflected by an inflationary index recommended by the office~~
3 ~~of financial management. The revisions shall be guided by the change~~
4 ~~in the index for the time period since the last revision and by the~~
5 ~~threshold established by the chief of the Washington state patrol for~~
6 ~~the filing of accident reports as provided in)) secretary of~~
7 ~~transportation under RCW 46.52.030.~~

8 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 July 1, 2003.

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