
SENATE BILL 5782

State of Washington

58th Legislature

2003 Regular Session

By Senators Horn and Haugen

Read first time 02/12/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to driving record abstracts furnished to transit
2 authorities; and reenacting 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 2002 c 352 s 20 and 2002 c 221 s 1 are
5 each reenacted and amended to read 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;

11 (c) An employee or agent of a transit authority checking
12 prospective volunteer vanpool drivers or currently employed or
13 prospective transit operators for insurance and risk management needs;

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

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

18 (f) The insurance carrier to which the named individual has
19 applied;

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

4 (h) City and county prosecuting attorneys.

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

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

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

19 (5) Upon proper request, a certified abstract of the full driving
20 record maintained by the department shall be furnished to a city or
21 county prosecuting attorney, to the individual named in the abstract,
22 to an employer or prospective employer or an agent acting on behalf of
23 an employer or prospective employer of the named individual, or to an
24 employee or agent of a transit authority checking prospective volunteer
25 vanpool drivers or currently employed or prospective transit operators
26 for insurance and risk management needs.

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

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

30 (b) The total number of vehicles involved;

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

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

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

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

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

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

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

9 (8) The abstract provided to the insurance company shall exclude
10 any information, except that related to the commission of misdemeanors
11 or felonies by the individual, pertaining to law enforcement officers
12 or fire fighters as defined in RCW 41.26.030, or any officer of the
13 Washington state patrol, while driving official vehicles in the
14 performance of occupational duty. The abstract provided to the
15 insurance company shall include convictions for RCW 46.61.5249 and
16 46.61.525 except that the abstract shall report them only as negligent
17 driving without reference to whether they are for first or second
18 degree negligent driving. The abstract provided to the insurance
19 company shall exclude any deferred prosecution under RCW 10.05.060,
20 except that if a person is removed from a deferred prosecution under
21 RCW 10.05.090, the abstract shall show the deferred prosecution as well
22 as the removal.

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

25 (10) Any insurance company or its agent receiving the certified
26 abstract shall use it exclusively for its own underwriting purposes and
27 shall not divulge any of the information contained in it to a third
28 party. No policy of insurance may be canceled, nonrenewed, denied, or
29 have the rate increased on the basis of such information unless the
30 policyholder was determined to be at fault. No insurance company or
31 its agent for underwriting purposes relating to the operation of
32 commercial motor vehicles may use any information contained in the
33 abstract relative to any person's operation of motor vehicles while not
34 engaged in such employment, nor may any insurance company or its agent
35 for underwriting purposes relating to the operation of noncommercial
36 motor vehicles use any information contained in the abstract relative
37 to any person's operation of commercial motor vehicles.

1 (11) Any employer or prospective employer or an agent acting on
2 behalf of an employer or prospective employer receiving the certified
3 abstract shall use it exclusively for his or her own purpose to
4 determine whether the licensee should be permitted to operate a
5 commercial vehicle or school bus upon the public highways of this state
6 and shall not divulge any information contained in it to a third party.

7 (12) Any employee or agent of a transit authority receiving a
8 certified abstract for its vanpool program or its transit program shall
9 use it exclusively for determining whether the volunteer licensee or
10 the prospective or currently employed transit operator licensee meets
11 those insurance and risk management requirements necessary to drive a
12 vanpool vehicle or a bus. The transit authority may not divulge any
13 information contained in the abstract to a third party.

14 (13) Any alcohol/drug assessment or treatment agency approved by
15 the department of social and health services receiving the certified
16 abstract shall use it exclusively for the purpose of assisting its
17 employees in making a determination as to what level of treatment, if
18 any, is appropriate. The agency, or any of its employees, shall not
19 divulge any information contained in the abstract to a third party.

20 (14) Except as provided for in subsection (15) of this section,
21 release of a certified abstract of the driving record of an employee or
22 prospective employee requires a statement signed by: (a) The employee
23 or prospective employee that authorizes the release of the record, and
24 (b) the employer attesting that the information is necessary to
25 determine whether the licensee should be employed to operate a
26 commercial vehicle or school bus upon the public highways of this
27 state. If the employer or prospective employer authorizes an agent to
28 obtain this information on their behalf, this must be noted in the
29 statement.

30 (15) Release of a certified abstract of the driving record of a
31 currently employed or prospective transit operator does not require a
32 signed statement by either the employee or prospective employee, or by
33 the employer, prospective employer, or their agent.

34 (16) Any negligent violation of this section is a gross
35 misdemeanor.

36 ~~((+16+))~~ (17) Any intentional violation of this section is a class
37 C felony.

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