
SUBSTITUTE SENATE BILL 6327

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Esser, Haugen, Swecker, Jacobsen, Murray and Rasmussen)

READ FIRST TIME 01/30/04.

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 for this service shall be set at a level that will not result
25 in a net revenue loss to the state. Any information provided under
26 this subsection, shall be treated in the same manner and subject to the
27 same 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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