
SECOND ENGROSSED HOUSE BILL 2373

State of Washington 60th Legislature 2008 Regular Session

By Representatives McCune, Ahern, Kretz, Pearson, Roach and Kenney

Read first time 02/28/2007. Referred to Committee on Transportation.

1 AN ACT Relating to enhancing school bus driver safety; and amending
2 RCW 46.52.130.

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

4 **Sec. 1.** RCW 46.52.130 and 2007 c 424 s 3 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 persons with mental or physical disabilities;

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)(a) 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 (b) The director may enter into a contractual agreement with an
18 insurance company or its agent for the limited purpose of reviewing the
19 driving records of existing policyholders for changes to the record
20 during specified periods of time. The department shall establish a fee
21 for this service, which must be deposited in the highway safety fund.
22 The fee for this service must be set at a level that will not result in
23 a net revenue loss to the state. Any information provided under this
24 subsection must be treated in the same manner and subject to the same
25 restrictions as certified abstracts.

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

32 (5) Upon proper request, a certified abstract of the full driving
33 record maintained by the department shall be furnished to a city or
34 county prosecuting attorney, to the individual named in the abstract,
35 to an employer or prospective employer or an agent acting on behalf of
36 an employer or prospective employer of the named individual, or to a
37 volunteer organization for which the named individual has submitted an
38 application for a position that could require the transportation of

1 children under eighteen years of age, adults over sixty-five years of
2 age, or persons with physical or mental disabilities, or to an employee
3 or agent of a transit authority checking prospective volunteer vanpool
4 drivers for insurance and risk management needs.

5 (6) Upon proper request, the director shall furnish at no charge,
6 a complete certified abstract of the full driving record maintained by
7 the department to a school district for current or prospective school
8 bus drivers. The department shall also immediately notify the
9 superintendent of public instruction if a public school bus driver has
10 had a new moving violation, or any court or departmental action has
11 entered on his or her driving record.

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

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

15 (b) The total number of vehicles involved;

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

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

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

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

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

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

26 ~~((7))~~ (8) Certified abstracts furnished to prosecutors and
27 alcohol/drug assessment or treatment agencies shall also indicate
28 whether a recorded violation is an alcohol-related offense as defined
29 in RCW 46.01.260(2) that was originally charged as one of the alcohol-
30 related offenses designated in RCW 46.01.260(2)(b)(i).

31 ~~((8))~~ (9) The abstract provided to the insurance company shall
32 exclude any information, except that related to the commission of
33 misdemeanors or felonies by the individual, pertaining to law
34 enforcement officers or firefighters as defined in RCW 41.26.030, or
35 any officer of the Washington state patrol, while driving official
36 vehicles in the performance of occupational duty. The abstract
37 provided to the insurance company shall include convictions for RCW
38 46.61.5249 and 46.61.525 except that the abstract shall report them

1 only as negligent driving without reference to whether they are for
2 first or second degree negligent driving. The abstract provided to the
3 insurance company shall exclude any deferred prosecution under RCW
4 10.05.060, except that if a person is removed from a deferred
5 prosecution under RCW 10.05.090, the abstract shall show the deferred
6 prosecution as well as the removal.

7 ~~((+9))~~ (10) The director shall collect for each abstract the sum
8 of ten dollars, fifty percent of which shall be deposited in the
9 highway safety fund and fifty percent of which must be deposited
10 according to RCW 46.68.038.

11 ~~((+10))~~ (11) Any insurance company or its agent receiving the
12 certified abstract shall use it exclusively for its own underwriting
13 purposes and shall not divulge any of the information contained in it
14 to a third party. No policy of insurance may be canceled, nonrenewed,
15 denied, or have the rate increased on the basis of such information
16 unless the policyholder was determined to be at fault. No insurance
17 company or its agent for underwriting purposes relating to the
18 operation of commercial motor vehicles may use any information
19 contained in the abstract relative to any person's operation of motor
20 vehicles while not engaged in such employment, nor may any insurance
21 company or its agent for underwriting purposes relating to the
22 operation of noncommercial motor vehicles use any information contained
23 in the abstract relative to any person's operation of commercial motor
24 vehicles.

25 ~~((+11))~~ (12) Any employer or prospective employer or an agent
26 acting on behalf of an employer or prospective employer, or a volunteer
27 organization for which the named individual has submitted an
28 application for a position that could require the transportation of
29 children under eighteen years of age, adults over sixty-five years of
30 age, or persons with physical or mental disabilities, receiving the
31 certified abstract shall use it exclusively for his or her own purpose
32 to determine whether the licensee should be permitted to operate a
33 commercial vehicle or school bus, or operate a vehicle for a volunteer
34 organization for purposes of transporting children under eighteen years
35 of age, adults over sixty-five years of age, or persons with physical
36 or mental disabilities, upon the public highways of this state and
37 shall not divulge any information contained in it to a third party.

1 ~~((12))~~ (13) Any employee or agent of a transit authority
2 receiving a certified abstract for its vanpool program shall use it
3 exclusively for determining whether the volunteer licensee meets those
4 insurance and risk management requirements necessary to drive a vanpool
5 vehicle. The transit authority may not divulge any information
6 contained in the abstract to a third party.

7 ~~((13))~~ (14) Any alcohol/drug assessment or treatment agency
8 approved by the department of social and health services receiving the
9 certified abstract shall use it exclusively for the purpose of
10 assisting its employees in making a determination as to what level of
11 treatment, if any, is appropriate. The agency, or any of its
12 employees, shall not divulge any information contained in the abstract
13 to a third party.

14 ~~((14))~~ (15) Release of a certified abstract of the driving record
15 of an employee, prospective employee, or prospective volunteer requires
16 a statement signed by: (a) The employee, prospective employee, or
17 prospective volunteer that authorizes the release of the record, and
18 (b) the employer or volunteer organization attesting that the
19 information is necessary to determine whether the licensee should be
20 employed to operate a commercial vehicle or school bus, or operate a
21 vehicle for a volunteer organization for purposes of transporting
22 children under eighteen years of age, adults over sixty-five years of
23 age, or persons with physical or mental disabilities, upon the public
24 highways of this state. If the employer or prospective employer
25 authorizes an agent to obtain this information on their behalf, this
26 must be noted in the statement.

27 ~~((15))~~ (16) Any negligent violation of this section is a gross
28 misdemeanor.

29 ~~((16))~~ (17) Any intentional violation of this section is a class
30 C felony.

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