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HOUSE BILL 2373

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State of Washington                      60th Legislature                      2007 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; amending RCW  
2 46.52.130; and declaring an emergency.

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

4            **Sec. 1.** RCW 46.52.130 and 2004 c 49 s 1 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 (~~physically or mentally disabled~~) persons with physical or  
15 mental disabilities;

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 must be deposited in the highway safety fund.  
24 The fee for this service must be set at a level that will not result in  
25 a net revenue loss to the state. Any information provided under this  
26 subsection must be treated in the same manner and subject to the same  
27 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 with physical or  
5 mental disabilities, or to an employee or agent of a transit authority  
6 checking prospective volunteer vanpool drivers for insurance and risk  
7 management needs.

8 (6) Upon proper request, the director shall furnish at no charge,  
9 a complete certified abstract of the full driving record maintained by  
10 the department to a school district for current or prospective school  
11 bus drivers. The department shall also immediately notify school  
12 districts if a school bus driver has had a driver's license or  
13 commercial driver's license suspended or revoked.

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

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

17 (b) The total number of vehicles involved;

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

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

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

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

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

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

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

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

1 provided to the insurance company shall include convictions for RCW  
2 46.61.5249 and 46.61.525 except that the abstract shall report them  
3 only as negligent driving without reference to whether they are for  
4 first or second degree negligent driving. The abstract provided to the  
5 insurance company shall exclude any deferred prosecution under RCW  
6 10.05.060, except that if a person is removed from a deferred  
7 prosecution under RCW 10.05.090, the abstract shall show the deferred  
8 prosecution as well as the removal.

9 ((+9)) (10) The director shall collect for each abstract the sum  
10 of five dollars, which shall be deposited in the highway safety fund.

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 ((~~physically or mentally disabled~~)) persons with physical or  
31 mental disabilities, receiving the certified abstract shall use it  
32 exclusively for his or her own purpose to determine whether the  
33 licensee should be permitted to operate a commercial vehicle or school  
34 bus, or operate a vehicle for a volunteer organization for purposes of  
35 transporting children under eighteen years of age, adults over sixty-  
36 five years of age, or ((~~physically or mentally disabled~~)) persons with  
37 physical or mental disabilities, upon the public highways of this state  
38 and 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 ~~((physically or mentally disabled))~~ persons with physical or  
24 mental disabilities, upon the public highways of this state. If the  
25 employer or prospective employer authorizes an agent to obtain this  
26 information on their behalf, this 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.

31 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
32 preservation of the public peace, health, or safety, or support of the  
33 state government and its existing public institutions, and takes effect  
34 immediately.

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