

HOUSE BILL REPORT

SHB 2939

As Amended by the Senate

Title: An act relating to notations on driver abstracts that a person was not at fault in a motor vehicle accident.

Brief Description: Concerning notations on driver abstracts that a person was not at fault in a motor vehicle accident.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Dammeier, Orwall, Parker, Probst, Morrell, Kessler, Smith and Kenney).

Brief History:

Committee Activity:

Transportation: 2/1/10, 2/8/10 [DPS].

Floor Activity:

Passed House: 2/12/10, 95-0.

Senate Amended.

Passed Senate: 3/5/10, 45-0.

Brief Summary of Substitute Bill

- Requires the Department of Licensing to indicate in a driving abstract obtained for employment or certain volunteer organization purposes that an individual was not at fault in an accident if an individual provides appropriate documentation to that effect.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Dickerson, Driscoll, Eddy, Ericksen, Finn, Flannigan, Johnson, Klippert, Kristiansen, Moeller, Morris, Nealey, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

Staff: David Munnecke (786-7315).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background:

The Director of the Department of Licensing (DOL) maintains a case record on every person licensed to operate a motor vehicle in Washington. These case records, or abstracts, contain information relating to a person's driving record, including:

- a list of motor vehicle accidents in which the person was driving;
- whether any of the motor vehicle accidents resulted in a fatality;
- any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- the status of the person's driving privilege in Washington; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Washington law restricts the distribution and use of abstracts. Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer, prospective employer, or volunteer organization for which the individual named in the abstract has applied for a position that requires the transportation of certain groups;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services;
- city and county prosecuting attorneys;
- state colleges, universities, or agencies for risk management or employment purposes; and
- units of local government authorized to self-insure.

A full abstract may be released to the individual named in the abstract, an employer or prospective employer, or a city or county prosecuting attorney. Certain requesters are allowed to receive partial abstracts, meaning driving records that date back a limited number of years.

State-approved alcohol/drug assessment or treatment agencies receive an abstract covering a period of not more than five years, plus any records of alcohol-related driving offenses for a period of not more than 10 years.

Information may only be used for specific purposes depending on who requests the abstract. An abstract provided to an alcohol/drug assessment or treatment agency may only be used to assist its employees in determining the appropriate level of treatment.

Persons requesting the abstract, other than the individual named in the abstract, may not give any information contained in the abstract to a third party unless authorized. Prosecutors are authorized to provide the abstract to state-approved alcohol/drug assessment or treatment agencies.

The DOL may destroy certain records, such as applications for drivers' licenses, if they have been microfilmed or are older than five years. However, the DOL must keep convictions for

vehicular homicide and vehicular assault permanently on file. Convictions for driving under the influence of intoxicating liquor or drugs must be kept for 15 years from the date of the conviction.

Summary of Substitute Bill:

The DOL is required to indicate in a driving abstract obtained for employment or certain volunteer organization purposes that an individual was not at fault in a particular accident if the individual named in the abstract provides the DOL with court records or other documents showing that the individual was not at fault.

EFFECT OF SENATE AMENDMENT(S):

Narrows the types of documents that can be presented to the department to show that an individual was not at fault in a motor vehicle accident from court records or documents to court records only. Removes volunteer organizations from the types of organizations that can receive driving record abstracts that indicate that a person was not at fault in a motor vehicle accident, which leaves only employers or prospective employers. Rewrites the entirety of the statute in plain language, and clarifies that office of the superintendent of public instruction can receive driving record abstracts and discuss the abstract with the employing school district. Provides an effective date of October 31, 2010.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This bill was brought forward because of a question of fairness. Driving abstracts can significantly effect employment opportunities, and people have been turned down for jobs because of an accident on their abstract. People should be allowed to reduce this potential barrier to employment by annotating an abstract if they're not at fault in an accident. The decision on whether to report an accident that will go in an abstract is made on a police department-by-police department basis. The language was intended to assist professional drivers, and if the intent can be preserved while modifying the language to reduce the fiscal impact then that should occur.

(Opposed) None.

Persons Testifying: Representative Dammeier, prime sponsor; and Michael Akers.

Persons Signed In To Testify But Not Testifying: None.