
HOUSE BILL 2440

State of Washington

61st Legislature

2010 Regular Session

By Representatives McCune, Campbell, Moeller, Lias, Williams, Finn, Sells, and Hunt

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1 AN ACT Relating to providing limited access to motor vehicle
2 records by homeowners' associations in connection with matters of
3 driver and pedestrian safety; and reenacting and amending RCW
4 46.12.380.

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

6 **Sec. 1.** RCW 46.12.380 and 2005 c 340 s 2 and 2005 c 274 s 304 are
7 each reenacted and amended to read as follows:

8 (1) Notwithstanding the provisions of chapter 42.56 RCW, the name
9 or address of an individual vehicle owner shall not be released by the
10 department, county auditor, or agency or firm authorized by the
11 department except under the following circumstances:

12 (a)(i) The requesting party is a business entity that requests the
13 information for use in the course of business; or

14 (ii) The requesting party is a homeowners' association as defined
15 in RCW 64.38.010 that requests the information in connection with
16 matters of driver and pedestrian safety subject to the following
17 conditions:

18 (A) The homeowners' association contains at least one thousand
19 residences as of the effective date of this act;

1 (B) The governing documents of the homeowners' association require
2 certain speed limits on roads within the boundaries of the association;
3 and

4 (C) Any individual of the requesting party with access to the
5 information disclosed completes a fingerprint-based background check
6 through the Washington state patrol criminal identification system and
7 through the federal bureau of investigation. The requesting party must
8 be required to pay the current state fees for fingerprint-based
9 criminal history background checks. The requesting party shall submit
10 the fingerprints and required fees for the background checks to the
11 department for submission to the Washington state patrol. The
12 department shall not release the information to any individual who
13 fails to pass the background check;

14 (b) The request is a written request that is signed by the person
15 requesting disclosure that contains the full legal name and address of
16 the requesting party, that specifies the purpose for which the
17 information will be used; and

18 (c) The requesting party enters into a disclosure agreement with
19 the department in which the party promises that the party will use the
20 information only for the purpose stated in the request for the
21 information; and that the party does not intend to use, or facilitate
22 the use of, the information for the purpose of making any unsolicited
23 business contact with a person named in the disclosed information. The
24 term "unsolicited business contact" means a contact that is intended to
25 result in, or promote, the sale of any goods or services to a person
26 named in the disclosed information. The term does not apply to
27 situations where the requesting party and such person have been
28 involved in a business transaction prior to the date of the disclosure
29 request and where the request is made in connection with the
30 transaction.

31 (2) Where both a mailing address and residence address are recorded
32 on the vehicle record and are different, only the mailing address will
33 be disclosed. Both addresses will be disclosed in response to requests
34 for disclosure from courts, law enforcement agencies, or government
35 entities with enforcement, investigative, or taxing authority and only
36 for use in the normal course of conducting their business.

37 (3) The disclosing entity shall retain the request for disclosure
38 for three years.

1 (4) Whenever the disclosing entity grants a request for information
2 under this section by an attorney or private investigator, the
3 disclosing entity shall provide notice to the vehicle owner, to whom
4 the information applies, that the request has been granted. The notice
5 also shall contain the name and address of the requesting party.

6 (5) Any person who is furnished vehicle owner information under
7 this section shall be responsible for assuring that the information
8 furnished is not used for a purpose contrary to the agreement between
9 the person and the department.

10 (6) This section shall not apply to requests for information by
11 governmental entities or requests that may be granted under any other
12 provision of this title expressly authorizing the disclosure of the
13 names or addresses of vehicle owners.

14 (7) This section shall not apply to title history information under
15 RCW 19.118.170.

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