
HOUSE BILL 2939

State of Washington

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By Representatives Dammeier, Orwall, Parker, Probst, Morrell, Kessler, Smith, and Kenney

Read first time 01/19/10. Referred to Committee on Transportation.

1 AN ACT Relating to notations on driver abstracts that a person was
2 not at fault in a motor vehicle accident; and amending RCW 46.52.130.

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

4 **Sec. 1.** RCW 46.52.130 and 2009 c 276 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 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;

8 (h) City and county prosecuting attorneys;

9 (i) State colleges, universities, or agencies for employment and
10 risk management purposes; or units of local government authorized to
11 self-insure under RCW 48.62.031; or

12 (j) An employer or prospective employer or volunteer organization,
13 or an agent acting on behalf of an employer or prospective employer or
14 volunteer organization, for employment purposes related to driving by
15 an individual as a condition of that individual's employment or
16 otherwise at the direction of the employer or organization.

17 (2) Nothing in this section shall be interpreted to prevent a court
18 from providing a copy of the driver's abstract to the individual named
19 in the abstract, provided that the named individual has a pending case
20 in that court for a suspended license violation or an open infraction
21 or criminal case in that court that has resulted in the suspension of
22 the individual's driver's license. A pending case includes criminal
23 cases that have not reached a disposition by plea, stipulation, trial,
24 or amended charge. An open infraction or criminal case includes cases
25 on probation, payment agreement or subject to, or in collections.
26 Courts may charge a reasonable fee for production and copying of the
27 abstract for the individual.

28 (3) City attorneys and county prosecuting attorneys may provide the
29 driving record to alcohol/drug assessment or treatment agencies
30 approved by the department of social and health services to which the
31 named individual has applied or been assigned for evaluation or
32 treatment.

33 (4)(a) The director, upon proper request, shall furnish a certified
34 abstract covering the period of not more than the last three years to
35 insurance companies.

36 (b) The director may enter into a contractual agreement with an
37 insurance company or its agent for the limited purpose of reviewing the
38 driving records of existing policyholders for changes to the record

1 during specified periods of time. The department shall establish a fee
2 for this service, which must be deposited in the highway safety fund.
3 The fee for this service must be set at a level that will not result in
4 a net revenue loss to the state. Any information provided under this
5 subsection must be treated in the same manner and subject to the same
6 restrictions as certified abstracts.

7 (5) Upon proper request, the director shall furnish a certified
8 abstract covering a period of not more than the last five years to
9 state approved alcohol/drug assessment or treatment agencies, except
10 that the certified abstract shall also include records of alcohol-
11 related offenses as defined in RCW 46.01.260(2) covering a period of
12 not more than the last ten years.

13 (6) Upon proper request, a certified abstract of the full driving
14 record maintained by the department shall be furnished to a city or
15 county prosecuting attorney, to the individual named in the abstract,
16 to an employer or prospective employer or an agent acting on behalf of
17 an employer or prospective employer of the named individual, or to a
18 volunteer organization for which the named individual has submitted an
19 application for a position that could require the transportation of
20 children under eighteen years of age, adults over sixty-five years of
21 age, or persons with physical or mental disabilities, or to an employee
22 or agent of a transit authority checking prospective volunteer vanpool
23 drivers for insurance and risk management needs.

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

25 (a) An enumeration of motor vehicle accidents in which the person
26 was driving. Upon request of the person named in the abstract, and
27 upon that same person furnishing copies of court records or documents
28 showing that the person was not at fault in a motor vehicle accident,
29 the department must indicate on the abstract that the person was not at
30 fault;

31 (b) The total number of vehicles involved;

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

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

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

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

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

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

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

9 (9) The abstract provided to the insurance company shall exclude
10 any information, except that related to the commission of misdemeanors
11 or felonies by the individual, pertaining to law enforcement officers
12 or firefighters as defined in RCW 41.26.030, or any officer of the
13 Washington state patrol, while driving official vehicles in the
14 performance of occupational duty. The abstract provided to the
15 insurance company shall include convictions for RCW 46.61.5249 and
16 46.61.525 except that the abstract shall report them only as negligent
17 driving without reference to whether they are for first or second
18 degree negligent driving. The abstract provided to the insurance
19 company shall exclude any deferred prosecution under RCW 10.05.060,
20 except that if a person is removed from a deferred prosecution under
21 RCW 10.05.090, the abstract shall show the deferred prosecution as well
22 as the removal.

23 (10) The director shall collect for each abstract the sum of ten
24 dollars, fifty percent of which shall be deposited in the highway
25 safety fund and fifty percent of which must be deposited according to
26 RCW 46.68.038.

27 (11) Any insurance company or its agent receiving the certified
28 abstract shall use it exclusively for its own underwriting purposes and
29 shall not divulge any of the information contained in it to a third
30 party. No policy of insurance may be canceled, nonrenewed, denied, or
31 have the rate increased on the basis of such information unless the
32 policyholder was determined to be at fault. No insurance company or
33 its agent for underwriting purposes relating to the operation of
34 commercial motor vehicles may use any information contained in the
35 abstract relative to any person's operation of motor vehicles while not
36 engaged in such employment, nor may any insurance company or its agent
37 for underwriting purposes relating to the operation of noncommercial

1 motor vehicles use any information contained in the abstract relative
2 to any person's operation of commercial motor vehicles.

3 (12) Any employer or prospective employer or an agent acting on
4 behalf of an employer or prospective employer, or a volunteer
5 organization for which the named individual has submitted an
6 application for a position that could require the transportation of
7 children under eighteen years of age, adults over sixty-five years of
8 age, or persons with physical or mental disabilities, receiving the
9 certified abstract shall use it exclusively for his or her own purpose:

10 (a) To determine whether the licensee should be permitted to operate a
11 commercial vehicle or school bus, or operate a vehicle for a volunteer
12 organization for purposes of transporting children under eighteen years
13 of age, adults over sixty-five years of age, or persons with physical
14 or mental disabilities, upon the public highways of this state; or (b)
15 for employment purposes related to driving by an individual as a
16 condition of that individual's employment or otherwise at the direction
17 of the employer or organization, and shall not divulge any information
18 contained in it to a third party.

19 (13) Any employee or agent of a transit authority receiving a
20 certified abstract for its vanpool program shall use it exclusively for
21 determining whether the volunteer licensee meets those insurance and
22 risk management requirements necessary to drive a vanpool vehicle. The
23 transit authority may not divulge any information contained in the
24 abstract to a third party.

25 (14) Any alcohol/drug assessment or treatment agency approved by
26 the department of social and health services receiving the certified
27 abstract shall use it exclusively for the purpose of assisting its
28 employees in making a determination as to what level of treatment, if
29 any, is appropriate. The agency, or any of its employees, shall not
30 divulge any information contained in the abstract to a third party.

31 (15) Release of a certified abstract of the driving record of an
32 employee, prospective employee, or prospective volunteer requires a
33 statement signed by: (a) The employee, prospective employee, or
34 prospective volunteer that authorizes the release of the record, and
35 (b) the employer or volunteer organization attesting that the
36 information is necessary: (i) To determine whether the licensee should
37 be employed to operate a commercial vehicle or school bus, or operate
38 a vehicle for a volunteer organization for purposes of transporting

1 children under eighteen years of age, adults over sixty-five years of
2 age, or persons with physical or mental disabilities, upon the public
3 highways of this state; or (ii) for employment purposes related to
4 driving by an individual as a condition of that individual's employment
5 or otherwise at the direction of the employer or organization. If the
6 employer or prospective employer authorizes an agent to obtain this
7 information on their behalf, this must be noted in the statement. This
8 subsection does not apply to entities identified in subsection (1)(i)
9 of this section.

10 (16) Any negligent violation of this section is a gross
11 misdemeanor.

12 (17) Any intentional violation of this section is a class C felony.

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