
SENATE BILL 5411

State of Washington 61st Legislature 2009 Regular Session

By Senators Kline, Franklin, and Carrell

Read first time 01/21/09. Referred to Committee on Judiciary.

1 AN ACT Relating to requests for driving record abstracts; and
2 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 2008 c 253 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; or

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.

12 (2) City attorneys and county prosecuting attorneys may provide the
13 driving record to alcohol/drug assessment or treatment agencies
14 approved by the department of social and health services to which the
15 named individual has applied or been assigned for evaluation or
16 treatment.

17 (3)(a) The director, upon proper request, shall furnish a certified
18 abstract covering the period of not more than the last three years to
19 insurance companies.

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

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

35 (+5)) Upon proper request, a certified abstract of the full driving
36 record maintained by the department shall be furnished to a city or
37 county prosecuting attorney, to state-approved alcohol or drug
38 assessment or treatment agencies, to the individual named in the

1 abstract, to an employer or prospective employer or an agent acting on
2 behalf of an employer or prospective employer of the named individual,
3 or to a volunteer organization for which the named individual has
4 submitted an application for a position that could require the
5 transportation of children under eighteen years of age, adults over
6 sixty-five years of age, or persons with physical or mental
7 disabilities, or to an employee or agent of a transit authority
8 checking prospective volunteer vanpool drivers for insurance and risk
9 management needs.

10 ((+6+)) (5) The abstract, whenever possible, shall include:

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

13 (b) The total number of vehicles involved;

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

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

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

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

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

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

24 ((+7+)) (6) Certified abstracts furnished to prosecutors and
25 alcohol/drug assessment or treatment agencies shall also indicate
26 whether a recorded violation is an alcohol-related offense as defined
27 in RCW 46.01.260(2) that was originally charged as one of the alcohol-
28 related offenses designated in RCW 46.01.260(2)(b)(i).

29 ((+8+)) (7) The abstract provided to the insurance company shall
30 exclude any information, except that related to the commission of
31 misdemeanors or felonies by the individual, pertaining to law
32 enforcement officers or firefighters as defined in RCW 41.26.030, or
33 any officer of the Washington state patrol, while driving official
34 vehicles in the performance of occupational duty. The abstract
35 provided to the insurance company shall include convictions for RCW
36 46.61.5249 and 46.61.525 except that the abstract shall report them
37 only as negligent driving without reference to whether they are for
38 first or second degree negligent driving. The abstract provided to the

1 insurance company shall exclude any deferred prosecution under RCW
2 10.05.060, except that if a person is removed from a deferred
3 prosecution under RCW 10.05.090, the abstract shall show the deferred
4 prosecution as well as the removal.

5 ~~((+9+))~~ (8) The director shall collect for each abstract the sum of
6 ten dollars, fifty percent of which shall be deposited in the highway
7 safety fund and fifty percent of which must be deposited according to
8 RCW 46.68.038.

9 ~~((+10+))~~ (9) Any insurance company or its agent receiving the
10 certified abstract shall use it exclusively for its own underwriting
11 purposes and shall not divulge any of the information contained in it
12 to a third party. No policy of insurance may be canceled, nonrenewed,
13 denied, or have the rate increased on the basis of such information
14 unless the policyholder was determined to be at fault. No insurance
15 company or its agent for underwriting purposes relating to the
16 operation of commercial motor vehicles may use any information
17 contained in the abstract relative to any person's operation of motor
18 vehicles while not engaged in such employment, nor may any insurance
19 company or its agent for underwriting purposes relating to the
20 operation of noncommercial motor vehicles use any information contained
21 in the abstract relative to any person's operation of commercial motor
22 vehicles.

23 ~~((+11+))~~ (10) Any employer or prospective employer or an agent
24 acting on behalf of an employer or prospective employer, or a volunteer
25 organization for which the named individual has submitted an
26 application for a position that could require the transportation of
27 children under eighteen years of age, adults over sixty-five years of
28 age, or persons with physical or mental disabilities, receiving the
29 certified abstract shall use it exclusively for his or her own purpose
30 to determine whether the licensee should be permitted to operate a
31 commercial vehicle or school bus, or operate a vehicle for a volunteer
32 organization for purposes of transporting children under eighteen years
33 of age, adults over sixty-five years of age, or persons with physical
34 or mental disabilities, upon the public highways of this state and
35 shall not divulge any information contained in it to a third party.

36 ~~((+12+))~~ (11) Any employee or agent of a transit authority
37 receiving a certified abstract for its vanpool program shall use it
38 exclusively for determining whether the volunteer licensee meets those

1 insurance and risk management requirements necessary to drive a vanpool
2 vehicle. The transit authority may not divulge any information
3 contained in the abstract to a third party.

4 ~~((+13+))~~ (12) Any alcohol/drug assessment or treatment agency
5 approved by the department of social and health services receiving the
6 certified abstract shall use it exclusively for the purpose of
7 assisting its employees in making a determination as to what level of
8 treatment, if any, is appropriate. The agency, or any of its
9 employees, shall not divulge any information contained in the abstract
10 to a third party.

11 ~~((+14+))~~ (13) Release of a certified abstract of the driving record
12 of an employee, prospective employee, or prospective volunteer requires
13 a statement signed by: (a) The employee, prospective employee, or
14 prospective volunteer that authorizes the release of the record, and
15 (b) the employer or volunteer organization attesting that the
16 information is necessary to determine whether the licensee should be
17 employed to operate a commercial vehicle or school bus, or operate a
18 vehicle for a volunteer organization for purposes of transporting
19 children under eighteen years of age, adults over sixty-five years of
20 age, or persons with physical or mental disabilities, upon the public
21 highways of this state. If the employer or prospective employer
22 authorizes an agent to obtain this information on their behalf, this
23 must be noted in the statement. This subsection does not apply to
24 entities identified in subsection (1)(i) of this section.

25 ~~((+15+))~~ (14) Any negligent violation of this section is a gross
26 misdemeanor.

27 ~~((+16+))~~ (15) Any intentional violation of this section is a class
28 C felony.

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