

HOUSE BILL REPORT

HB 1281

As Reported by House Committee On: Transportation

Title: An act relating to providing limited access to motor vehicle records for driver and pedestrian safety in private communities.

Brief Description: Providing limited access to motor vehicle records for driver and pedestrian safety in private communities.

Sponsors: Representatives McCune, Finn, Liias, Reykdal, Wilcox and Hunt.

Brief History:

Committee Activity:

Transportation: 1/25/11, 1/27/11 [DP].

Brief Summary of Bill

- Authorizes homeowners' associations with at least 1,000 residences access to a vehicle owner's name and address.
- Requires that the homeowners' association be located in an unincorporated area of a county with a population of less than one million.
- Requires homeowners' associations requesting the information to have certain speed limits stated in their governing documents and restrict access to residents and visitors through gates or other means of access control.
- Requires individuals of the association requesting the information to have passed a fingerprint-based background check.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 21 members: Representatives Clibborn, Chair; Billig, Vice Chair; Liias, Vice Chair; Armstrong, Ranking Minority Member; Angel, Asay, Eddy, Finn, Jinkins, Johnson, Kristiansen, Ladenburg, McCune, Moeller, Moscoso, Reykdal, Rivers, Ryu, Takko, Upthegrove and Zeiger.

Minority Report: Do not pass. Signed by 6 members: Representatives Hargrove, Assistant Ranking Minority Member; Klippert, Morris, Overstreet, Rodne and Shea.

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.

Staff: Jerry Long (786-7306).

Background:

Currently, the Department of Licensing (DOL) may furnish lists of registered and legal owners of motor vehicles to the following entities for the indicated purposes:

- motor vehicle manufacturers, for safety recalls;
- United States and Canadian governmental agencies, for use in enforcement of vehicle or traffic laws;
- commercial parking companies, to notify owners of outstanding parking violations;
- authorized agents or contractors of the DOL, to provide tax, licensing, title, and registration information to motor vehicle dealers;
- businesses making loans for the purchase of motor vehicles, to assist in determining whether to provide financing;
- toll facilities, to identify toll violators; and
- business entities that request the information for use in the normal course of business. The request is a written request and the requesting party will enter into a disclosure agreement with the DOL.

When both a residential and a mailing address are on file with the DOL, only the mailing address may be disclosed unless the request for information is from: the courts, a law enforcement agency, or a government entity with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

If a list of registered and legal owners of motor vehicles are used for any other purpose not authorized, the manufacturer, governmental agency, commercial parking company, authorized agent, contractor, financial institution, toll facility operator, or their authorized agents or contractors responsible for the unauthorized use will be denied further access to that information.

Summary of Bill:

The bill authorizes a homeowners' association to request information regarding the name and address of an individual vehicle owner in connection with driver and pedestrian safety. The requirements are that the homeowners' association:

- needs to contain at least 1,000 residences as of the effective date of the act;
- restricts access to residents and visitors through gates or other means of access control;
- is located in the unincorporated area of a county with a population of less than one million as of the effective date of this act;
- requires certain speed limits on roads within the boundaries of the association be stated in the association governing documents; and
- has an individual of the requesting association with access to the disclosed information complete a fingerprint-based background check through the Washington State Patrol (WSP) criminal identification system and the Federal Bureau of Investigation. The requesting party must submit the fingerprints and required

background fees to the DOL for payment to the WSP. The DOL is prohibited from releasing the information to any individual who does not pass the background check.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The bill has been tightened up from last year's bill, which was House Bill 2440. This bill is limited to counties which have less than one million people in population and the homeowner's community has at least 1,000 residences and is either controlled access or a gated community. The person requesting the driver's name and address for speed violations in the association would be required to go through a fingerprint-based background check. Many individuals that receive this information on an on-going basis do not have to go through a background check.

After the association receives this information, they can then send the driver a warning about speed in their community. Clearwood, near Yelm, is one of the communities in Washington that can take advantage of this. The Clearwood community had access to the data from the DOL in the past, which does not reconcile with the fiscal note from the DOL requesting a full-time person to provide this service when it was not required in the past.

Clearwood is a private community and has 16 miles of roadway, 3,500 lots, and over 3,000 residences. Clearwood used to get this information, but due to a federal law change, is not able to get the driver's name and address as they used to for free. They are willing to go through the background checks so that they can promote safety within their community for their residents. The only information they are requesting is a driver's name and address.

(Opposed) None.

Persons Testifying: Representative McCune, prime sponsor; and Deborah Baker, Clearwater Community.

Persons Signed In To Testify But Not Testifying: None.