

# HOUSE BILL REPORT

## HB 1504

---

### As Reported by House Committee On: Transportation

**Title:** An act relating to employer review of abstracts of driving records.

**Brief Description:** Concerning employer review of abstracts of driving records.

**Sponsors:** Representatives Fitzgibbon, Moscoso and Finn.

#### **Brief History:**

##### **Committee Activity:**

Transportation: 2/14/11, 2/22/11 [DPS].

#### **Brief Summary of Substitute Bill**

- Authorizes the Department of Licensing (DOL) to enter into a contractual agreement with an employer or its agent for the purpose of reviewing driving records of existing employees during specified periods of time.
- Authorizes the DOL to establish a fee for the service that will cover the costs.
- Requires the employer to provide a copy of the driving record to the employee.

---

### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Clibborn, Chair; Liias, Vice Chair; Eddy, Finn, Fitzgibbon, Jinkins, Klippert, Ladenburg, Moeller, Morris, Moscoso, Reykdal, Rivers, Rolfes, Ryu, Shea, Takko and Upthegrove.

**Minority Report:** Do not pass. Signed by 9 members: Representatives Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Asay, Johnson, Kristiansen, Overstreet, Rodne and Zeiger.

**Staff:** Jerry Long (786-7306).

#### **Background:**

---

*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.*

The Director of the Department of Licensing (DOL) maintains a driving record on every person licensed to operate a motor vehicle in the State of Washington. These records, or driver abstracts, contain information relating to a person's driving record which include: accident information, driving status, and information about traffic citations.

The DOL charges a \$10 fee to obtain a driver's abstract and is restricted to the following persons and uses:

- the individual named in the abstract;
- employers or prospective employers relating to driving as a condition of employment;
- volunteer organizations where driving is required;
- transit authorities for volunteer vanpool drivers;
- insurance carriers for an individual covering the period of not more than the last three years;
- state colleges, universities, or agencies, or units of local government for employment and risk management purposes authorized to self-insure;
- the Office of Superintendent of Public Instruction for school bus drivers;
- circumstances related to traffic offenses:
  1. alcohol/drug assessment or treatment agencies; and
  2. city attorneys and county prosecuting attorneys.

Any negligent violation of these authorized uses is a gross misdemeanor and any intentional violation is a class C felony.

---

### **Summary of Substitute Bill:**

The DOL may enter into a contractual agreement with an employer or its agent for the purpose of reviewing the driving records of existing employees for changes to the record and must establish a fee for this service, which may not result in a net revenue loss to the state.

### **Substitute Bill Compared to Original Bill:**

The Director of the DOL may provide an employer or its agent with a review of the driving records of existing employees that documents changes to the record during specified periods of time. The DOL shall establish a fee for this service, which must be deposited in the Highway Safety Fund. The fee for this service must be set at a level that will, at a minimum, recover all costs associated with the request in addition to any revenues that would have otherwise been received from fees for abstracts from that employer. Any information provided under this subsection must be treated in the same manner and is subject to the same restrictions as driving record abstracts.

When an employer or the employer's agent receives an abstract of an employee's driving record, the employer or the employer's agent must furnish a copy of the abstract to that employee.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) To receive driver information is very important to employers where it is a condition of employment. From a risk management standpoint, it helps an employer reduce risks if problems are identified early. The present process is not user-friendly, and this would be much easier for employers to use and receive the driver abstracts. The cost proposed, at 25 cents for each employee, is very reasonable. Employees must sign an authorization form for the employer to request an abstract.

Many employers, such as automobile rental companies, vehicle auctions, and companies with fleets, employ hundreds of employees where driving vehicles is a part and condition of a person's employment.

For the many companies that employ independent contractors that are treated and taxed as employees, this would also be a valuable service.

(Opposed) None.

**Persons Testifying:** Representative Fitzgibbon, prime sponsor; Dylan Doty and Raj Vhon, Enterprise Rent-A-Car; Rick Jensen, Dealers Auto Auction Northwest; and Chris Van Dyk, BYG Taxi Cooperative Association.

**Persons Signed In To Testify But Not Testifying:** None.