

HOUSE BILL REPORT

SSB 5246

As Passed House - Amended:
March 1, 2012

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

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

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Chase, Harper, White and Nelson).

Brief History:

Committee Activity:

Transportation: 2/24/12 [DPA].

Floor Activity:

Passed House - Amended: 3/1/12, 96-0.

**Brief Summary of Substitute Bill
(As Amended by House)**

- Authorizes the Department of Licensing (DOL) to enter into a contractual agreement with an employer or its agent in order to review the driving records of existing employees for changes to the records.
- Requires the DOL to establish a fee for the service that will not result in a net revenue loss to the state.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 27 members: Representatives Clibborn, Chair; Billig, Vice Chair; Lias, Vice Chair; Armstrong, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Angel, Eddy, Finn, Fitzgibbon, Hansen, Jinkins, Johnson, Klippert, Kristiansen, Ladenburg, McCune, Moeller, Morris, Moscoso, Overstreet, Reykdal, Rivers, Rodne, Shea, Takko, Upthegrove and Zeiger.

Staff: David Munnecke (786-7315).

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 restricts them 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, state universities, state 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; and
- 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.

The DOL may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders 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.

Summary of Amended Bill:

The DOL is authorized to enter into a contractual agreement with an employer or its agent in order to review the driving records of existing employees during specified periods of time for changes to the records.

The DOL must establish the fee for this service such that there will not be a net revenue loss to the state.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended 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) Explore provides insurance monitoring of driving records, which improves public safety.

The adoption of the striking amendment would mean a positive fiscal note and prevent any increase in costs to the DOL.

Under current law, the consent of the employees to do the monitoring is required, and the employees' confidentiality is ensured.

This bill would help businesses with ensuring safety. Businesses are already required to obtain abstracts every year for their drivers, and this would help them in doing so.

(Opposed) None.

Persons Testifying: Mike Woodin, Explore; and Jim Fricke, Capital Aeroporter.

Persons Signed In To Testify But Not Testifying: None.