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SENATE BILL 5701

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Swecker and Delvin

Read first time 02/08/11. Referred to Committee on Transportation.

1 AN ACT Relating to providing limited access to motor vehicle  
2 records for driver and pedestrian safety in private communities; and  
3 reenacting and amending RCW 46.12.635.

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

5 **Sec. 1.** RCW 46.12.635 and 2005 c 340 s 2 and 2005 c 274 s 304 are  
6 each reenacted and amended to read as follows:

7 (1) Notwithstanding the provisions of chapter 42.56 RCW, the name  
8 or address of an individual vehicle owner shall not be released by the  
9 department, county auditor, or agency or firm authorized by the  
10 department except under the following circumstances:

11 (a)(i) The requesting party is a business entity that requests the  
12 information for use in the course of business; or

13 (ii) The requesting party is a homeowners' association as defined  
14 in RCW 64.38.010 that requests the information in connection with  
15 matters of driver and pedestrian safety subject to the following  
16 conditions:

17 (A) The homeowners' association contains at least one thousand  
18 residences, restricts access to residents and visitors through gates or

1 other means of access control, and is located in the unincorporated  
2 area of a county with a population of less than one million as of the  
3 effective date of this section;

4 (B) The governing documents of the homeowners' association require  
5 certain speed limits on roads within the boundaries of the association;  
6 and

7 (C) Any individual of the requesting party with access to the  
8 information disclosed completes a fingerprint-based background check  
9 through the Washington state patrol criminal identification system and  
10 through the federal bureau of investigation. The requesting party must  
11 be required to pay the current state fees for fingerprint-based  
12 criminal history background checks. The requesting party shall submit  
13 the fingerprints and required fees for the background checks to the  
14 department for submission to the Washington state patrol. The  
15 department shall not release the information to any individual who  
16 fails to pass the background check;

17 (b) The request is a written request that is signed by the person  
18 requesting disclosure that contains the full legal name and address of  
19 the requesting party, that specifies the purpose for which the  
20 information will be used; and

21 (c) The requesting party enters into a disclosure agreement with  
22 the department in which the party promises that the party will use the  
23 information only for the purpose stated in the request for the  
24 information; and that the party does not intend to use, or facilitate  
25 the use of, the information for the purpose of making any unsolicited  
26 business contact with a person named in the disclosed information. The  
27 term "unsolicited business contact" means a contact that is intended to  
28 result in, or promote, the sale of any goods or services to a person  
29 named in the disclosed information. The term does not apply to  
30 situations where the requesting party and such person have been  
31 involved in a business transaction prior to the date of the disclosure  
32 request and where the request is made in connection with the  
33 transaction.

34 (2) Where both a mailing address and residence address are recorded  
35 on the vehicle record and are different, only the mailing address will  
36 be disclosed. Both addresses will be disclosed in response to requests  
37 for disclosure from courts, law enforcement agencies, or government

1 entities with enforcement, investigative, or taxing authority and only  
2 for use in the normal course of conducting their business.

3 (3) The disclosing entity shall retain the request for disclosure  
4 for three years.

5 (4) Whenever the disclosing entity grants a request for information  
6 under this section by an attorney or private investigator, the  
7 disclosing entity shall provide notice to the vehicle owner, to whom  
8 the information applies, that the request has been granted. The notice  
9 also shall contain the name and address of the requesting party.

10 (5) Any person who is furnished vehicle owner information under  
11 this section shall be responsible for assuring that the information  
12 furnished is not used for a purpose contrary to the agreement between  
13 the person and the department.

14 (6) This section shall not apply to requests for information by  
15 governmental entities or requests that may be granted under any other  
16 provision of this title expressly authorizing the disclosure of the  
17 names or addresses of vehicle owners.

18 (7) This section shall not apply to title history information under  
19 RCW 19.118.170.

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