

SSB 5467 - H COMM AMD
By Committee on Transportation

NOT ADOPTED 03/06/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.12.630 and 2013 c 306 s 702 are each amended to
4 read as follows:

5 ~~((In addition to any other authority which it may have,))~~ (1) The
6 department of licensing ((may)) must furnish lists of registered and
7 legal owners of motor vehicles only for the purposes specified in this
8 ~~((section))~~ subsection to((+

9 ~~(1)(a))~~ the manufacturers of motor vehicles or motor vehicle
10 components, or their authorized agents, to ((be used+

11 ~~(i) To))~~ enable those manufacturers to carry out the provisions of
12 ~~((the national traffic and motor vehicle safety act of 1966 (15 U.S.C.~~
13 ~~Sec. 1382-1418), including amendments or additions thereto, respecting~~
14 ~~safety related defects in motor vehicles; or~~

15 ~~(ii) During the 2011-2013 fiscal biennium, in research activities,~~
16 ~~and in producing statistical reports, as long as the personal~~
17 ~~information is not published, redisclosed, or used to contact~~
18 ~~individuals; or~~

19 ~~(b) During fiscal year 2014, an entity that is an authorized agent~~
20 ~~of a motor vehicle manufacturer,))~~ Titles I and IV of the anti car
21 theft act of 1992, the automobile information disclosure act (15 U.S.C.
22 Sec. 1231 et seq.), the clean air act (42 U.S.C. Sec. 7401 et seq.),
23 and 49 U.S.C.S. Secs. 30101-30183, 30501-30505, and 32101-33118, as
24 these acts existed on January 1, 2014, or such subsequent date as may
25 be provided by the department by rule, consistent with the purposes of
26 this section. However, the department may only provide a manufacturer,
27 or its authorized agent, lists of registered or legal owners who
28 purchased or leased a vehicle manufactured by that manufacturer. Data
29 providers or authorized agents receiving information on behalf of one

1 manufacturer must not disclose this information to any other third
2 party.

3 (2) The department of licensing may furnish lists of registered and
4 legal owners of motor vehicles, only to the entities and only for the
5 purposes specified in this section, to:

6 (a) The manufacturers of motor vehicles, legitimate businesses as
7 defined by the department in rule, or their authorized agents, for
8 purposes of using lists of registered and legal owner information to
9 conduct research activities and produce statistical reports, as long as
10 the entity does not allow personal information received under this
11 section to be published, redisclosed, or used to contact individuals(~~(-~~
12 ~~The department must charge an amount sufficient to cover the full cost~~
13 ~~of providing the data requested under this subsection (1)(b). Full~~
14 ~~cost of providing the data includes the information technology,~~
15 ~~administrative, and contract oversight costs));~~

16 ~~((+2))~~ (b) Any governmental agency of the United States or Canada,
17 or political subdivisions thereof, to be used by it or by its
18 authorized commercial agents or contractors only in connection with the
19 enforcement of motor vehicle or traffic laws by, or programs related to
20 traffic safety of, that government agency. Only such parts of the list
21 as are required for completion of the work required of the agent or
22 contractor shall be provided to such agent or contractor;

23 ~~((+3))~~ (c) Any insurer or insurance support organization, a self-
24 insured entity, or its agents, employees, or contractors for use in
25 connection with claims investigation activities, antifraud activities,
26 rating, or underwriting;

27 (d) Any local governmental entity or its agents for use in
28 providing notice to owners of towed and impounded vehicles;

29 (e) A government agency, commercial parking company, or its agents
30 requiring the names and addresses of registered owners to notify them
31 of outstanding parking violations. Subject to the disclosure agreement
32 provisions of RCW 46.12.635 and the requirements of Executive Order 97-
33 01, the department may provide only the parts of the list that are
34 required for completion of the work required of the company;

35 ~~((+4))~~ (f) An authorized agent or contractor of the department, to
36 be used only in connection with providing motor vehicle excise tax,
37 licensing, title, and registration information to motor vehicle
38 dealers;

1 ~~((+5))~~ (g) Any business regularly making loans to other persons to
2 finance the purchase of motor vehicles, to be used to assist the person
3 requesting the list to determine ownership of specific vehicles for the
4 purpose of determining whether or not to provide such financing; or

5 ~~((+6))~~ (h) A company or its agents operating a toll facility under
6 chapter 47.46 RCW or other applicable authority requiring the names,
7 addresses, and vehicle information of motor vehicle registered owners
8 to identify toll violators.

9 (3) Personal information received by an entity listed in subsection
10 (1) or (2) of this section may not be released for direct marketing
11 purposes.

12 (4) Prior to the release of any lists of vehicle owners under
13 subsection (1) or (2) of this section, the department must enter into
14 a contract with the entity authorized to receive the data. The
15 contract must include:

16 (a) A requirement that the department or its agent conduct both
17 regular permissible use and data security audits subject to the
18 following conditions and limitations:

19 (i) The data security audits must demonstrate compliance with the
20 data security standards adopted by the office of the chief information
21 officer.

22 (ii) When determining whether to conduct an audit under this
23 subsection, the department must first take into consideration any
24 independent third-party audit a data recipient has had before requiring
25 that any additional audits be performed. If the independent third-
26 party audit is a data security audit and it meets both recognized
27 national or international standards and the standards adopted by the
28 office of the chief information officer pursuant to (a)(i) of this
29 subsection, the department must accept the audit and the audit is
30 deemed to satisfy the conditions set out in this subsection (4)(a). If
31 the independent third-party audit is a permissible use audit and it
32 meets recognized national or international standards, the department
33 must accept the audit and the audit is deemed to satisfy the conditions
34 set out in this subsection (4)(a); and

35 (b) A provision that the cost of the audits performed pursuant to
36 this subsection must be borne by the data recipient. A new data
37 recipient must bear the initial cost to set up a system to disburse the
38 data to the data recipient.

1 (5)(a) Beginning January 1, 2015, the department must collect a fee
2 of ten dollars per one thousand individual registered or legal owners
3 included on a list requested by a private entity under subsection (1)
4 or (2) of this section. Beginning January 1, 2016, the department must
5 collect a fee of twenty dollars per one thousand individual registered
6 or legal vehicle owners included on a list requested by a private
7 entity under subsection (1) or (2) of this section. Beginning January
8 1, 2020, the department must collect a fee of twenty-five dollars per
9 one thousand individual registered or legal owners included on a list
10 requested by a private entity under subsection (1) or (2) of this
11 section. The department must prorate the fee when the request is for
12 less than a full one thousand records.

13 (b) In lieu of the fee specified in (a) of this subsection, if the
14 request requires a daily, weekly, monthly, or other regular update of
15 those vehicle records that have changed, the department must collect a
16 fee of two cents per individual registered or legal vehicle owner
17 record provided to the private entity. Beginning January 1, 2020, the
18 department must collect a fee of two and one-half cents per individual
19 registered or legal vehicle owner record provided to the private
20 entity.

21 (c) The department must deposit any moneys collected under this
22 subsection to the department of licensing technology improvement and
23 data management account created in section 2 of this act.

24 (6) Where both a mailing address and residence address are recorded
25 on the vehicle record and are different, only the mailing address will
26 be disclosed. Both addresses will be disclosed in response to requests
27 for disclosure from courts, law enforcement agencies, or government
28 entities with enforcement, investigative, or taxing authority and only
29 for use in the normal course of conducting their business.

30 (7) If a list of registered and legal owners of motor vehicles is
31 used for any purpose other than that authorized in this section, the
32 manufacturer, governmental agency, commercial parking company,
33 ((authorized agent,)) contractor, financial institution, insurer,
34 insurance support organization, self-insured entity, legitimate
35 business entity, toll facility operator, or ((their)) any authorized
36 agent((s)) or contractor((s)) responsible for the unauthorized
37 disclosure or use will be denied further access to such information by
38 the department of licensing.

1 (8) For purposes of this section, "personal information" means
2 information that identifies an individual, including an individual's
3 photograph, social security number, driver identification number, name,
4 address (but not the five-digit zip code), telephone number, or medical
5 or disability information. However, an individual's photograph, social
6 security number, and any medical or disability-related information is
7 considered highly restricted personal information and may only be
8 released under the circumstances described in subsections (1) and
9 (2)(b) and (c) of this section.

10 NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW
11 to read as follows:

12 The department of licensing technology improvement and data
13 management account is created in the highway safety fund. All receipts
14 from fees collected under RCW 46.12.630(5) must be deposited into the
15 account. Expenditures from the account may be used only for
16 investments in technology and data management at the department.
17 Moneys in the account may be spent only after appropriation."

18 Correct the title.

EFFECT: Adds manufacturers of motor vehicle components to receive lists of registered and legal owners of motor vehicles to carry out the provisions required in federal code. Provides department of licensing the authority to define "legitimate businesses" in rule. Clarifies that companies that are already set up to receive data do not pay system set-up charges. Private entities will pay one cent per record beginning January 1, 2015, two cents per record beginning January 1, 2016, and two and one-half cents per record beginning January 1, 2020.

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