

HOUSE BILL REPORT

SSB 5182

As Reported by House Committee On:
Judiciary
Transportation

Title: An act relating to the disclosure of vehicle owner information.

Brief Description: Addressing the disclosure of vehicle owner information.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Carrell, Harper, King, Chase, Smith, Eide, Hobbs and Schlicher).

Brief History:

Committee Activity:

Judiciary: 3/20/13, 3/27/13 [DP];

Transportation: 4/1/13, 4/2/13 [DP].

Brief Summary of Substitute Bill

- Modifies the required information that the Department of Licensing (DOL) must provide to a vehicle owner when the DOL discloses the vehicle owner's name and address to an attorney or private investigator.
- Imposes a \$2 fee for each record provided in response to a request for vehicle owner information from a business entity, and deposits the fee into the Highway Safety Account.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 13 members: Representatives Pedersen, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; O'Ban, Assistant Ranking Minority Member; Goodman, Hope, Jinkins, Kirby, Klippert, Nealey, Orwall, Roberts and Shea.

Staff: Edie Adams (786-7180).

Background:

Business entities may request the name and address of individual vehicle owners for use in the course of business from the Department of Licensing (DOL). The business entity must

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submit the request in writing, provide the entity's full legal name and address, and specify the purpose for which the information will be used. The business entity must enter into a disclosure agreement with the DOL that declares that the information will be used only for the purposes stated in the request for information. Where both a mailing address and a residence address are recorded on the vehicle record and the addresses differ, only the mailing address will be disclosed to a business entity.

The DOL must retain all requests for disclosure of a vehicle owner's name and address for a period of three years. Records of disclosure requests are public records subject to disclosure upon request.

If the DOL provides the name or address of a vehicle owner to an attorney or private investigator requesting the information, the DOL must notify the vehicle owner that the information has been disclosed. The notice must include the name and address of the attorney or private investigator requesting the information.

Summary of Bill:

The notice that the DOL sends to a vehicle owner when the owner's information has been provided to an attorney or private investigator must include only the fact and date of disclosure, and a notice that the vehicle owner may contact the DOL within five days from receipt of the notice to determine the occupation of the requesting party.

In response to a request from the vehicle owner, the only information that the DOL may disclose is whether the request was made by an attorney or private investigator. If the vehicle owner submits to the DOL a copy of a court order restraining another person from contacting the vehicle owner or his or her family or household member, the DOL must provide the vehicle owner with the name and address of the requestor.

The DOL must collect a \$2 fee for each record provided in response to a request from a business entity for vehicle owner information. Moneys collected from this fee must be deposited into the Highway Safety Account.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2014.

Staff Summary of Public Testimony:

(In support) The primary purpose behind this bill is to protect the safety of a private investigator or attorney accessing vehicle owner information maintained by the DOL. The current notification requirement presents safety concerns for private investigators and

attorneys who have legitimate reasons for accessing the information. Often times the people being investigated are felons who do not want to be found. Many private investigators and attorneys work out of their homes, so a person who is upset about being investigated or sued now has the private investigator's or attorney's home address. This presents a real safety concern, and as a result many investigators and attorneys choose not to use this process.

This bill has been worked on for a long time and we have consulted with victim advocates to address their concerns. The bill balances protections for private investigators and attorneys and protections for victims of domestic violence and assault.

(Opposed) None.

Persons Testifying: Representative Kirby; Grant Nelson and John Tost, Pacific Northwest Association of Investigators; and Lonnie Johns-Brown, Washington Coalition of Sexual Assault Programs.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 30 members: Representatives Clibborn, Chair; Fey, Vice Chair; Liias, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Angel, Bergquist, Farrell, Fitzgibbon, Habib, Hayes, Johnson, Klippert, Kochmar, Kretz, Kristiansen, Moeller, Morris, O'Ban, Riccelli, Rodne, Ryu, Sells, Shea, Takko, Tarleton, Upthegrove and Zeiger.

Staff: Jerry Long (786-7306).

Summary of Recommendation of Committee On Transportation Compared to Recommendation of Committee On Judiciary:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect on January 1, 2014.

Staff Summary of Public Testimony:

(In support) The primary purpose behind this bill is to protect the safety of a private investigator or attorney who is accessing vehicle owner information maintained by the Department of Licensing (DOL). Last session the same bill did not get all the way through the Legislature. The stakeholders worked hard to develop the bill so it was beneficial to all the affected parties. The victims are protected by having the opportunity to provide a protection order to submit to the DOL and to receive the person's name and address that

requested their information. The current notification requirement presents safety concerns for private investigators and attorneys who have legitimate reasons for accessing the information. Many private investigators and attorneys work out of their homes and have families, so a person who is upset about being investigated or sued or a gang member that thinks they are looking to be located or investigated now has the private investigator's or attorney's home address. Oftentimes the people being investigated are felons who do not want to be found. A post office box could be an option, but in many cases the person may have used their residence address or business address when they initially applied for a business filing to become a business. This presents a real safety concern, and as a result many investigators and attorneys choose not to use this process. This bill has been worked on for a long time and victim advocates have consulted to address their concerns. The bill balances protections for private investigators and attorneys and protections for victims of domestic violence and assault.

(Opposed) None.

Persons Testifying: Grant Nelson and John Tost, Pacific Northwest Association of Investigators.

Persons Signed In To Testify But Not Testifying: None.