

SENATE BILL REPORT

SB 5182

As Passed Senate, March 7, 2013

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

Brief Description: Addressing the disclosure of vehicle owner information.

Sponsors: Senators Carrell, Harper, King, Chase, Smith, Eide, Hobbs and Schlicher.

Brief History:

Committee Activity: Transportation: 2/07/13, 2/19/13 [DPS].

Passed Senate: 3/07/13, 46-1.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5182 be substituted therefor, and the substitute bill do pass.

Signed by Senators Eide, Co-Chair; King, Co-Chair; Benton, Vice Co-Chair; Hobbs, Vice Co-Chair; Fain, Budget Leadership Cabinet; Brown, Carrell, Ericksen, Harper, Mullet, Rolfes, Schlicher, Sheldon and Smith.

Staff: Kim Johnson (786-7472)

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 submit the request in writing and provide the full legal name and address of the requesting party specifying the purpose for which the information will be used. The requesting party must enter into a disclosure agreement with DOL and promise 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.

If DOL provides the name or address of a vehicle owner to an attorney or private investigator requesting such information, 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.

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.

Summary of Bill: The notice that DOL provides to a vehicle owner when the owner's information has been disclosed to an attorney or private investigator must only contain the following:

- a statement indicating that DOL has disclosed the vehicle owner's name and address pursuant to a request made under RCW 46.12.635;
- the date that DOL disclosed the information; and
- a statement informing the vehicle owner that the owner may contact DOL to find out the occupation of the requesting party if the vehicle owner contacts DOL within five days.

In response to an inquiry from the vehicle owner, DOL is prohibited from disclosing any information about the requesting party other than whether it was an attorney or private investigator.

A fee of \$2 must be collected per record returned pursuant to a request by any business entity and deposited into the Highway Safety Account.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill passed in its present form out of the Senate last year. The primary purpose driving this bill is the safety of a private investigator (PI) or attorney. There are many protections built into the system before you can access this vehicle owner information. You have to contract with DOL to get this information. The notification puts PIs and attorneys in jeopardy by giving their name and address to a person being investigated. Often times these peoples are felons or violent people and attorneys and PIs often work out of their homes so a person who is upset about being investigated or sued now has a PI's or attorney's home address. This bill has been worked on for a long time and we have accommodated other stakeholders. The time has come to move this forward. We are licensed, bonded, and experienced hard-working professionals. The first thing that I do is a background check, so if there is a protection order in place we would know. We are not going to abuse the system and go after a domestic violence victim. We are good, law abiding people who are trying to protect ourselves and our families.

OTHER: We appreciate the safety concerns the PI's have and we have worked with them and the sponsor to address our concerns and needs for people we represent who have been victimized. We have one last small request to make. We would like to see a small carve out for a vehicle owner who can show DOL a valid protection order to be provided with the name and address of the PI or attorney who requested the vehicle owner's information. There would not likely be a large number of these people, but it would be a good safety improvement and would help people who do have a valid protection order to be able to prove

that someone has violated that order. We would like to work on language with you and would appreciate your support.

We appreciate the willingness of the PI community to adopt a user fee to support the cost of implementing this legislation.

Persons Testifying: PRO: Roger Montgomery, FR Investigations; John Trost, Pacific NW Assn. of Investigators.

OTHER: Grace Huang, WA State Coalition Against Domestic Violence; Tony Sermonti, DOL.