

---

SENATE BILL 5847

---

State of Washington                      63rd Legislature                      2013 Regular Session

By Senator King; by request of Department of Transportation

Read first time 02/22/13. Referred to Committee on Transportation.

1            AN ACT Relating to the disclosure and use of information contained  
2 in collision reports; and amending RCW 46.52.060 and 46.52.080.

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

4            **Sec. 1.** RCW 46.52.060 and 2005 c 171 s 2 are each amended to read  
5 as follows:

6            (1) Subject to subsection (3) of this section, it shall be the duty  
7 of the chief of the Washington state patrol to file, tabulate, and  
8 analyze all accident reports and to publish annually, immediately  
9 following the close of each fiscal year, and monthly during the course  
10 of the year, statistical information based thereon showing the number  
11 of accidents, the location, the frequency, whether any driver involved  
12 in the accident was distracted at the time of the accident and the  
13 circumstances thereof, and other statistical information which may  
14 prove of assistance in determining the cause of vehicular accidents.  
15 Distractions contributing to an accident to be reported must include at  
16 least the following: Not distracted; operating a handheld electronic  
17 telecommunication device; operating a hands-free wireless  
18 telecommunication device; other electronic devices (including, but not  
19 limited to, PDA's, laptop computers, navigational devices, etc.);

1 adjusting an audio or entertainment system; smoking; eating or  
2 drinking; reading or writing; grooming; interacting with children,  
3 passengers, animals, or objects in the vehicle; other inside  
4 distractions; outside distractions; and distraction unknown.

5 (2) Subject to subsection (3) of this section, such accident  
6 reports and analysis or reports thereof shall be available to the  
7 director of licensing, the department of transportation, the utilities  
8 and transportation commission, the traffic safety commission, and other  
9 public entities authorized by the chief of the Washington state patrol,  
10 or their duly authorized representatives, for further tabulation and  
11 analysis for pertinent data relating to the regulation of highway  
12 traffic, highway construction, vehicle operators, and all other  
13 purposes, and to publish information so derived as may be deemed of  
14 publication value.

15 (3) Information compiled, collected, received, filed, tabulated, or  
16 analyzed under this section is subject to public disclosure in a manner  
17 consistent with chapter 42.56 RCW, but is inadmissible in any current,  
18 pending, or future action for damages against a government agency.

19 **Sec. 2.** RCW 46.52.080 and 1979 c 158 s 162 are each amended to  
20 read as follows:

21 All required accident reports and supplemental reports and copies  
22 thereof, including reports prepared pursuant to RCW 46.52.070, shall be  
23 ~~((without prejudice to the individual so reporting and shall be))~~ for  
24 the confidential use of the county prosecuting attorney and chief of  
25 police or county sheriff, as the case may be, and the director of  
26 licensing ~~((and)),~~ the department of transportation, the chief of the  
27 Washington state patrol, and other officer or commission as authorized  
28 by law, except that any such officer shall disclose the names and  
29 addresses of persons reported as involved in an accident or as  
30 witnesses thereto, the vehicle license plate numbers and descriptions  
31 of vehicles involved, and the date, time, and location of an accident,  
32 to any person who may have a proper interest therein, including the  
33 driver or drivers involved, or the legal guardian thereof, the parent  
34 of a minor driver, any person injured therein, the owner of vehicles or  
35 property damaged thereby, or any authorized representative of such an  
36 interested party, or the attorney or insurer thereof. No such accident  
37 reports, supplemental reports, or ~~((copy))~~ copies thereof shall be used

1 as evidence in any trial, civil or criminal, arising out of an  
2 accident, except that any officer above named for receiving accident  
3 reports shall furnish, upon demand of any person who has, or who claims  
4 to have, made such a report, or, upon demand of any court, a  
5 certificate showing that a specified accident report has or has not  
6 been made to the chief of the Washington state patrol solely to prove  
7 a compliance or a failure to comply with the requirement that such a  
8 report be made in the manner required by law: PROVIDED, That the  
9 reports may be used as evidence when necessary to prosecute charges  
10 filed in connection with a violation of RCW 46.52.088.

--- END ---