

SENATE BILL REPORT

EHB 1409

As of February 25, 2016

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

Brief Description: Concerning the disclosure of vessel owner information.

Sponsors: Representatives Walkinshaw, Hayes, Clibborn, Hargrove, Fey, Farrell, Zeiger, Orcutt and Tarleton.

Brief History: Passed House: 2/10/16, 96-1.

Committee Activity: Transportation: 2/23/16.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kim Johnson (786-7472)

Background: The Department of Licensing (DOL) issues vessel registration and title documents and maintains the related records which contain the following personal information: the registered owner's name, physical address, and mailing address.

Until the summer of 2014, DOL had been treating the disclosure of personal information contained in vessel records in the same manner as vehicle records, which means that the disclosure of such information was limited to a set of prescribed entities for specified purposes. While implementing vehicle owner record data legislation enacted in 2014, DOL discovered that the federal Driver Privacy Protection Acts did not apply to release of certain information contained in vessel registration and title records.

Generally, the cost of vehicle records requested by private entities varies depending on whether the records are being requested on an individual or multiple record basis. The cost for an individual record is \$2. The cost for lists of records is \$20 per 1000 records, and can be prorated for less than a 1000 record request.

The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless the records fall within certain statutory exemptions. Certain vehicle owner related information is exempt from public disclosure under PRA. Similar to vehicles, there are federal laws requiring the disclosure of some vessel owner information for the purpose of notifying owners of safety recall notices.

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: For purposes of disclosure, vessel record information is treated in the same way as motor vehicle owner record information.

Disclosure of Lists of Vessel Owners. DOL may furnish lists of registered and legal owners of vessels to the following entities for the specified purposes:

1. vessel manufacturers or their agents, for safety recalls;
2. subject to some limitations, vessel manufacturers, legitimate businesses, or their agents for use in research activities and in producing statistical reports, as long as the personal information is not published, redisclosed, or used to contact individuals;
3. an insurer or insurance support organization or their agent for use in connection with claims investigation, antifraud, rating, or underwriting activities;
4. U.S. and Canadian governmental agencies, for use in enforcement of vessel laws and safety programs;
5. law enforcement entities for use in locating the owner of or otherwise dealing with a vessel that has become a hazard; (6) DOL agents, to provide certain information to vessel dealers; and
6. businesses making loans for the purchase of vessels, to assist in determining whether to provide financing.

Prior to the release of any information, DOL must enter into a contract with an authorized entity. The contract must contain provisions requiring DOL or its agent to conduct regular permissible use and data security audits. DOL must charge fees for lists of vehicle owners requested by private entities, and rates are based on the amount of records requested.

Disclosure of Individual Vessel Owners. Business entities may request the name and address of individual vessel owners for use in the course of business from 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.

Any request by a law enforcement entity for vessel record information must be granted. Disclosure agreements with law enforcement must allow the re-disclosure of a vessel owner's name or address when trying to locate the owner of or otherwise deal with a vessel that has become a hazard. DOL must disclose vessel records for any vessel owned by a governmental entity.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We should give vessel owners the same privacy protections we currently provide for vehicle owners. Boaters always thought that their personal information was protected from disclosure. This bill ensures that vessel

records are kept private in the same way that vehicle records are. We have worked with both open government advocates and law enforcement to make sure that disclosure can occur when appropriate. There are 250,000 registered vessel owners. There is an expectation that our private information will not be disclosed to telemarketers.

Persons Testifying: PRO: Representative Walkinshaw, Prime Sponsor; Brittany Jarnot, Recreational Boating Association of Washington; Loyd Walker, Treasurer, Recreational Boating Association of Washington; Tony Sermonti, Dept. of Licensing.

Persons Signed In To Testify But Not Testifying: No one.