

SENATE BILL REPORT

SB 5397

As of January 28, 2015

Title: An act relating to the department of licensing disclosing certain transportation-related information.

Brief Description: Concerning the disclosure of certain transportation-related information by the department of licensing.

Sponsors: Senators Litzow, Hobbs and King.

Brief History:

Committee Activity: Transportation: 1/27/15.

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.

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.

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

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.

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 a vessel that has become unmoored and is drifting or beached; (6) DOL agents, to provide certain information to vessel dealers; and (7) 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. DOL must disclose vessel records for any vessel owned by a governmental entity.

The cost for an individual vessel record is \$2.

Appropriation: None.

Fiscal Note: Requested on January 23, 2015.

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: This is a very straightforward bill. We are just treating vessel records like vehicle records. This just brings us back to what we were doing all along. There is an expectation that personal information will not be disclosed by DOL. It is a simple matter of equity. The bill is very clear that law enforcement may get the information for vessels that have become unmoored or beached. DOL is supportive of this approach.

OTHER: We are thankful for being included in the drafting of this bill. We just have two small requests to make it better. As the owner of a beach I can tell you that boats get loose and end up all over the place. There is a provision regarding law enforcement and we would

like to change the language to say boats that have become a hazard. We also want to specify that law enforcement dealing with one of these vessels can re-disclose the information.

Persons Testifying: PRO: Senator Litzow, prime sponsor; Paul Thorpe, President, Recreational Boating Assn. of WA; Tony Sermonti, DOL.

OTHER: Rowland Thompson, Allied Daily Newspapers of WA.