

SSB 5289 - H COMM AMD
By Committee on Transportation

ADOPTED AND ENGROSSED 4/12/17

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61
4 RCW to read as follows:

5 (1) A person who uses a personal electronic device while driving
6 a motor vehicle on a public highway is guilty of a traffic infraction
7 and must pay a fine as provided in RCW 46.63.110(3).

8 (2) Subsection (1) of this section does not apply to:

9 (a) A driver who is using a personal electronic device to contact
10 emergency services;

11 (b) The use of a system by a transit system employee for time-
12 sensitive relay communication between the transit system employee and
13 the transit system's dispatch services;

14 (c) An individual employed as a commercial motor vehicle driver
15 who uses a personal electronic device within the scope of such
16 individual's employment if such use is permitted under 49 U.S.C. Sec.
17 31136 as it existed on the effective date of this section; and

18 (d) A person operating an authorized emergency vehicle.

19 (3) The state preempts the field of regulating the use of
20 personal electronic devices in motor vehicles while driving, and this
21 section supersedes any local laws, ordinances, orders, rules, or
22 regulations enacted by any political subdivision or municipality to
23 regulate the use of a personal electronic device by the operator of a
24 motor vehicle.

25 (4) A second or subsequent offense under this section is subject
26 to two times the penalty amount under RCW 46.63.110.

27 (5) A finding that a person has committed an offense under this
28 section, if that offense is the first such offense committed within
29 five years, must not be made available to insurance companies.

30 (6) For purposes of this section:

31 (a) "Driving" means to operate a motor vehicle on a public
32 highway, including while temporarily stationary because of traffic, a

1 traffic control device, or other momentary delays. "Driving" does not
2 include when the vehicle has pulled over to the side of, or off of,
3 an active roadway and has stopped in a location where it can safely
4 remain stationary.

5 (b) "Personal electronic device" means any portable electronic
6 device that is capable of wireless communication or electronic data
7 retrieval and is not manufactured primarily for hands-free use in a
8 motor vehicle. "Personal electronic device" includes, but is not
9 limited to, a cell phone, tablet, laptop, two-way messaging device,
10 or electronic game. "Personal electronic device" does not include
11 two-way radio, citizens band radio, or amateur radio equipment.

12 (c) "Use" or "uses" means:

13 (i) Holding a personal electronic device in either hand or both
14 hands;

15 (ii) Using your hand or finger to compose, send, read, view,
16 access, browse, transmit, save, or retrieve email, text messages,
17 instant messages, photographs, or other electronic data; however,
18 this does not preclude the minimal use of a finger to activate,
19 deactivate, or initiate a function of the device;

20 (iii) Watching video on a personal electronic device.

21 NEW SECTION. **Sec. 2.** The following acts or parts of acts are
22 each repealed:

23 (1) RCW 46.61.667 (Using a wireless communications device or
24 handheld mobile telephone while driving) and 2013 c 224 s 15, 2010 c
25 223 s 3, & 2007 c 417 s 2; and

26 (2) RCW 46.61.668 (Sending, reading, or writing a text message
27 while driving) and 2013 c 224 s 16, 2010 c 223 s 4, & 2007 c 416 s 1.

28 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.61
29 RCW to read as follows:

30 (1)(a) It is a traffic infraction to drive dangerously
31 distracted. Any driver who commits this infraction must be assessed a
32 base penalty of thirty dollars.

33 (b) Enforcement of the infraction of driving dangerously
34 distracted may be accomplished only as a secondary action when a
35 driver of a motor vehicle has been detained for a suspected violation
36 of a separate traffic infraction or an equivalent local ordinance.

37 (c) For the purposes of this section, "dangerously distracted"
38 means a person who engages in any activity not related to the actual

1 operation of a motor vehicle in a manner that interferes with the
2 safe operation of such motor vehicle on any highway.

3 (2) The additional monetary penalty imposed under this section
4 must be deposited into the distracted driving prevention account
5 created in subsection (3) of this section.

6 (3) The distracted driving prevention account is created in the
7 state treasury. All receipts from the base penalty in subsection (1)
8 of this section must be deposited into the account. Moneys in the
9 account may be spent only after appropriation. Expenditures from the
10 account may be used only to support programs dedicated to reducing
11 distracted driving and improving driver education on distracted
12 driving.

13 **Sec. 4.** RCW 46.25.010 and 2013 c 224 s 3 are each amended to
14 read as follows:

15 The definitions set forth in this section apply throughout this
16 chapter.

17 (1) "Alcohol" means any substance containing any form of alcohol,
18 including but not limited to ethanol, methanol, propanol, and
19 isopropanol.

20 (2) "Alcohol concentration" means:

21 (a) The number of grams of alcohol per one hundred milliliters of
22 blood; or

23 (b) The number of grams of alcohol per two hundred ten liters of
24 breath.

25 (3) "Commercial driver's license" (CDL) means a license issued to
26 an individual under chapter 46.20 RCW that has been endorsed in
27 accordance with the requirements of this chapter to authorize the
28 individual to drive a class of commercial motor vehicle.

29 (4) The "commercial driver's license information system" (CDLIS)
30 is the information system established pursuant to 49 U.S.C. Sec.
31 31309 to serve as a clearinghouse for locating information related to
32 the licensing and identification of commercial motor vehicle drivers.

33 (5) "Commercial learner's permit" (CLP) means a permit issued
34 under RCW 46.25.052 for the purposes of behind-the-wheel training.

35 (6) "Commercial motor vehicle" means a motor vehicle or
36 combination of motor vehicles used in commerce to transport
37 passengers or property if the motor vehicle:

38 (a) Has a gross combination weight rating or gross combination
39 weight of 11,794 kilograms or more (26,001 pounds or more), whichever

1 is greater, inclusive of a [any] towed unit [or units] with a gross
2 vehicle weight rating or gross vehicle weight of more than 4,536
3 kilograms (10,000 pounds or more), whichever is greater; or

4 (b) Has a gross vehicle weight rating or gross vehicle weight of
5 11,794 kilograms or more (26,001 pounds or more), whichever is
6 greater; or

7 (c) Is designed to transport sixteen or more passengers,
8 including the driver; or

9 (d) Is of any size and is used in the transportation of hazardous
10 materials as defined in this section; or

11 (e) Is a school bus regardless of weight or size.

12 (7) "Conviction" means an unvacated adjudication of guilt, or a
13 determination that a person has violated or failed to comply with the
14 law in a court of original jurisdiction or by an authorized
15 administrative tribunal, an unvacated forfeiture of bail or
16 collateral deposited to secure the person's appearance in court, a
17 plea of guilty or nolo contendere accepted by the court, the payment
18 of a fine or court cost, entry into a deferred prosecution program
19 under chapter 10.05 RCW, or violation of a condition of release
20 without bail, regardless of whether or not the penalty is rebated,
21 suspended, or probated.

22 (8) "Disqualification" means a prohibition against driving a
23 commercial motor vehicle.

24 (9) "Drive" means to drive, operate, or be in physical control of
25 a motor vehicle in any place open to the general public for purposes
26 of vehicular traffic. For purposes of RCW 46.25.100, 46.25.110, and
27 46.25.120, "drive" includes operation or physical control of a motor
28 vehicle anywhere in the state.

29 (10) "Drugs" are those substances as defined by RCW 69.04.009,
30 including, but not limited to, those substances defined by 49 C.F.R.
31 Sec. 40.3.

32 (11) "Employer" means any person, including the United States, a
33 state, or a political subdivision of a state, who owns or leases a
34 commercial motor vehicle, or assigns a person to drive a commercial
35 motor vehicle.

36 (12) "Gross vehicle weight rating" (GVWR) means the value
37 specified by the manufacturer as the maximum loaded weight of a
38 single vehicle. The GVWR of a combination or articulated vehicle,
39 commonly referred to as the "gross combined weight rating" or GCWR,
40 is the GVWR of the power unit plus the GVWR of the towed unit or

1 units. If the GVWR of any unit cannot be determined, the actual gross
2 weight will be used. If a vehicle with a GVWR of less than 11,794
3 kilograms (26,001 pounds or less) has been structurally modified to
4 carry a heavier load, then the actual gross weight capacity of the
5 modified vehicle, as determined by RCW 46.44.041 and 46.44.042, will
6 be used as the GVWR.

7 (13) "Hazardous materials" means any material that has been
8 designated as hazardous under 49 U.S.C. Sec. 5103 and is required to
9 be placarded under subpart F of 49 C.F.R. Part 172 or any quantity of
10 a material listed as a select agent or toxin in 42 C.F.R. Part 73.

11 (14) "Motor vehicle" means a vehicle, machine, tractor, trailer,
12 or semitrailer propelled or drawn by mechanical power used on
13 highways, or any other vehicle required to be registered under the
14 laws of this state, but does not include a vehicle, machine, tractor,
15 trailer, or semitrailer operated exclusively on a rail.

16 (15) "Out-of-service order" means a declaration by an authorized
17 enforcement officer of a federal, state, Canadian, Mexican, or local
18 jurisdiction that a driver, a commercial motor vehicle, or a motor
19 carrier operation is out-of-service pursuant to 49 C.F.R. Secs.
20 386.72, 392.5, 395.13, 396.9, or compatible laws, or the North
21 American uniform out-of-service criteria.

22 (16) "Positive alcohol confirmation test" means an alcohol
23 confirmation test that:

24 (a) Has been conducted by a breath alcohol technician under 49
25 C.F.R. Part 40; and

26 (b) Indicates an alcohol concentration of 0.04 or more.

27 A report that a person has refused an alcohol test, under
28 circumstances that constitute the refusal of an alcohol test under 49
29 C.F.R. Part 40, will be considered equivalent to a report of a
30 positive alcohol confirmation test for the purposes of this chapter.

31 (17) "School bus" means a commercial motor vehicle used to
32 transport preprimary, primary, or secondary school students from home
33 to school, from school to home, or to and from school-sponsored
34 events. School bus does not include a bus used as a common carrier.

35 (18) "Serious traffic violation" means:

36 (a) Excessive speeding, defined as fifteen miles per hour or more
37 in excess of the posted limit;

38 (b) Reckless driving, as defined under state or local law;

39 (c) Driving while using a (~~handheld wireless communications~~
40 ~~device [handheld mobile telephone], defined as a violation of RCW~~

1 ~~46.61.667(1)(b))~~ personal electronic device, defined as a violation
2 of section 1 of this act, which includes in the activities it
3 prohibits driving while holding a personal electronic device in
4 either or both hands and using a hand or finger for texting, or an
5 equivalent administrative rule or local law, ordinance, rule, or
6 resolution;

7 ~~(d) ((Texting, defined as a violation of RCW 46.61.668(1)(b) or~~
8 ~~an equivalent administrative rule or local law, ordinance, rule, or~~
9 ~~resolution;~~

10 ~~(e))~~ A violation of a state or local law relating to motor
11 vehicle traffic control, other than a parking violation, arising in
12 connection with an accident or collision resulting in death to any
13 person;

14 ~~((f))~~ (e) Driving a commercial motor vehicle without obtaining
15 a commercial driver's license;

16 ~~((g))~~ (f) Driving a commercial motor vehicle without a
17 commercial driver's license in the driver's possession; however, any
18 individual who provides proof to the court by the date the individual
19 must appear in court or pay any fine for such a violation, that the
20 individual held a valid CDL on the date the citation was issued, is
21 not guilty of a "serious traffic violation";

22 ~~((h))~~ (g) Driving a commercial motor vehicle without the proper
23 class of commercial driver's license endorsement or endorsements for
24 the specific vehicle group being operated or for the passenger or
25 type of cargo being transported; and

26 ~~((i))~~ (h) Any other violation of a state or local law relating
27 to motor vehicle traffic control, other than a parking violation,
28 that the department determines by rule to be serious.

29 (19) "State" means a state of the United States and the District
30 of Columbia.

31 (20) "Substance abuse professional" means an alcohol and drug
32 specialist meeting the credentials, knowledge, training, and
33 continuing education requirements of 49 C.F.R. Sec. 40.281.

34 (21) "Tank vehicle" means any commercial motor vehicle that is
35 designed to transport any liquid or gaseous materials within a tank
36 or tanks having an individual rated capacity of more than one hundred
37 nineteen gallons and an aggregate rated capacity of one thousand
38 gallons or more that is either permanently or temporarily attached to
39 the vehicle or the chassis. A commercial motor vehicle transporting
40 an empty storage container tank, not designed for transportation,

1 with a rated capacity of one thousand gallons or more that is
2 temporarily attached to a flatbed trailer is not considered a tank
3 vehicle.

4 (22) "Type of driving" means one of the following:

5 (a) "Nonexcepted interstate," which means the CDL or CLP holder
6 or applicant operates or expects to operate in interstate commerce,
7 is both subject to and meets the qualification requirements under 49
8 C.F.R. Part 391 as it existed on July 8, 2014, or such subsequent
9 date as may be provided by the department by rule, consistent with
10 the purposes of this section, and is required to obtain a medical
11 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
12 July 8, 2014, or such subsequent date as may be provided by the
13 department by rule, consistent with the purposes of this section;

14 (b) "Excepted interstate," which means the CDL or CLP holder or
15 applicant operates or expects to operate in interstate commerce, but
16 engages exclusively in transportation or operations excepted under 49
17 C.F.R. Secs. 390.3(f), 391.2, 391.68, or 398.3, as they existed on
18 July 8, 2014, or such subsequent date as may be provided by the
19 department by rule, consistent with the purposes of this section,
20 from all or parts of the qualification requirements of 49 C.F.R. Part
21 391 as it existed on July 8, 2014, or such subsequent date as may be
22 provided by the department by rule, consistent with the purposes of
23 this section, and is therefore not required to obtain a medical
24 examiner's certificate under 49 C.F.R. Sec. 391.45 as it existed on
25 July 8, 2014, or such subsequent date as may be provided by the
26 department by rule, consistent with the purposes of this section;

27 (c) "Nonexcepted intrastate," which means the CDL or CLP holder
28 or applicant operates only in intrastate commerce and is therefore
29 subject to state driver qualification requirements; or

30 (d) "Excepted intrastate," which means the CDL or CLP holder or
31 applicant operates in intrastate commerce, but engages exclusively in
32 transportation or operations excepted from all or parts of the state
33 driver qualification requirements.

34 (23) "United States" means the fifty states and the District of
35 Columbia.

36 (24) "Verified positive drug test" means a drug test result or
37 validity testing result from a laboratory certified under the
38 authority of the federal department of health and human services
39 that:

1 (a) Indicates a drug concentration at or above the cutoff
2 concentration established under 49 C.F.R. Sec. 40.87; and

3 (b) Has undergone review and final determination by a medical
4 review officer.

5 A report that a person has refused a drug test, under
6 circumstances that constitute the refusal of a federal department of
7 transportation drug test under 49 C.F.R. Part 40, will be considered
8 equivalent to a report of a verified positive drug test for the
9 purposes of this chapter.

10 **Sec. 5.** RCW 46.52.130 and 2015 2nd sp.s. c 3 s 12 are each
11 amended to read as follows:

12 Upon a proper request, the department may furnish an abstract of
13 a person's driving record as permitted under this section.

14 (1) **Contents of abstract of driving record.** An abstract of a
15 person's driving record, whenever possible, must include:

16 (a) An enumeration of motor vehicle accidents in which the person
17 was driving, including:

18 (i) The total number of vehicles involved;

19 (ii) Whether the vehicles were legally parked or moving;

20 (iii) Whether the vehicles were occupied at the time of the
21 accident; and

22 (iv) Whether the accident resulted in a fatality;

23 (b) Any reported convictions, forfeitures of bail, or findings
24 that an infraction was committed based upon a violation of any motor
25 vehicle law;

26 (c) The status of the person's driving privilege in this state;
27 and

28 (d) Any reports of failure to appear in response to a traffic
29 citation or failure to respond to a notice of infraction served upon
30 the named individual by an arresting officer.

31 (2) **Release of abstract of driving record.** An abstract of a
32 person's driving record may be furnished to the following persons or
33 entities:

34 (a) **Named individuals.** (i) An abstract of the full driving record
35 maintained by the department may be furnished to the individual named
36 in the abstract.

37 (ii) Nothing in this section prevents a court from providing a
38 copy of the driver's abstract to the individual named in the abstract
39 or that named individual's attorney, provided that the named

1 individual has a pending or open infraction or criminal case in that
2 court. A pending case includes criminal cases that have not reached a
3 disposition by plea, stipulation, trial, or amended charge. An open
4 infraction or criminal case includes cases on probation, payment
5 agreement or subject to, or in collections. Courts may charge a
6 reasonable fee for the production and copying of the abstract for the
7 individual.

8 (b) **Employers or prospective employers.** (i)(A) An abstract of the
9 full driving record maintained by the department may be furnished to
10 an employer or prospective employer or an agent acting on behalf of
11 an employer or prospective employer of the named individual for
12 purposes related to driving by the individual as a condition of
13 employment or otherwise at the direction of the employer.

14 (B) Release of an abstract of the driving record of an employee
15 or prospective employee requires a statement signed by: (I) The
16 employee or prospective employee that authorizes the release of the
17 record; and (II) the employer attesting that the information is
18 necessary for employment purposes related to driving by the
19 individual as a condition of employment or otherwise at the direction
20 of the employer. If the employer or prospective employer authorizes
21 an agent to obtain this information on their behalf, this must be
22 noted in the statement. The statement must also note that any
23 information contained in the abstract related to an adjudication that
24 is subject to a court order sealing the juvenile record of an
25 employee or prospective employee may not be used by the employer or
26 prospective employer, or an agent authorized to obtain this
27 information on their behalf, unless required by federal regulation or
28 law. The employer or prospective employer must afford the employee or
29 prospective employee an opportunity to demonstrate that an
30 adjudication contained in the abstract is subject to a court order
31 sealing the juvenile record.

32 (C) Upon request of the person named in the abstract provided
33 under this subsection, and upon that same person furnishing copies of
34 court records ruling that the person was not at fault in a motor
35 vehicle accident, the department must indicate on any abstract
36 provided under this subsection that the person was not at fault in
37 the motor vehicle accident.

38 (D) No employer or prospective employer, nor any agent of an
39 employer or prospective employer, may use information contained in
40 the abstract related to an adjudication that is subject to a court

1 order sealing the juvenile record of an employee or prospective
2 employee for any purpose unless required by federal regulation or
3 law. The employee or prospective employee must furnish a copy of the
4 court order sealing the juvenile record to the employer or
5 prospective employer, or the agent of the employer or prospective
6 employer, as may be required to ensure the application of this
7 subsection.

8 (ii) In addition to the methods described in (b)(i) of this
9 subsection, the director may enter into a contractual agreement with
10 an employer or its agent for the purpose of reviewing the driving
11 records of existing employees for changes to the record during
12 specified periods of time. The department shall establish a fee for
13 this service, which must be deposited in the highway safety fund. The
14 fee for this service must be set at a level that will not result in a
15 net revenue loss to the state. Any information provided under this
16 subsection must be treated in the same manner and is subject to the
17 same restrictions as driving record abstracts.

18 (c) **Volunteer organizations.** (i) An abstract of the full driving
19 record maintained by the department may be furnished to a volunteer
20 organization or an agent for a volunteer organization for which the
21 named individual has submitted an application for a position that
22 would require driving by the individual at the direction of the
23 volunteer organization.

24 (ii) Release of an abstract of the driving record of a
25 prospective volunteer requires a statement signed by: (A) The
26 prospective volunteer that authorizes the release of the record; and
27 (B) the volunteer organization attesting that the information is
28 necessary for purposes related to driving by the individual at the
29 direction of the volunteer organization. If the volunteer
30 organization authorizes an agent to obtain this information on their
31 behalf, this must be noted in the statement.

32 (d) **Transit authorities.** An abstract of the full driving record
33 maintained by the department may be furnished to an employee or agent
34 of a transit authority checking prospective volunteer vanpool drivers
35 for insurance and risk management needs.

36 (e) **Insurance carriers.** (i) An abstract of the driving record
37 maintained by the department covering the period of not more than the
38 last three years may be furnished to an insurance company or its
39 agent:

1 (A) That has motor vehicle or life insurance in effect covering
2 the named individual;

3 (B) To which the named individual has applied; or

4 (C) That has insurance in effect covering the employer or a
5 prospective employer of the named individual.

6 (ii) The abstract provided to the insurance company must:

7 (A) Not contain any information related to actions committed by
8 law enforcement officers or firefighters, as both terms are defined
9 in RCW 41.26.030, or by Washington state patrol officers, while
10 driving official vehicles in the performance of their occupational
11 duty. This does not apply to any situation where the vehicle was used
12 in the commission of a misdemeanor or felony;

13 (B) Not include any information related to a finding that a
14 person has committed an offense for using a personal electronic
15 device while driving a motor vehicle on a public highway under
16 section 1 of this act if that offense is the first such offense
17 committed within five years;

18 (C) Include convictions under RCW 46.61.5249 and 46.61.525,
19 except that the abstract must report the convictions only as
20 negligent driving without reference to whether they are for first or
21 second degree negligent driving; and

22 ((+C+)) (D) Exclude any deferred prosecution under RCW 10.05.060,
23 except that if a person is removed from a deferred prosecution under
24 RCW 10.05.090, the abstract must show the deferred prosecution as
25 well as the removal.

26 (iii) Any policy of insurance may not be canceled, nonrenewed,
27 denied, or have the rate increased on the basis of information
28 regarding an accident included in the abstract of a driving record,
29 unless the policyholder was determined to be at fault.

30 (iv) Any insurance company or its agent, for underwriting
31 purposes relating to the operation of commercial motor vehicles, may
32 not use any information contained in the abstract relative to any
33 person's operation of motor vehicles while not engaged in such
34 employment. Any insurance company or its agent, for underwriting
35 purposes relating to the operation of noncommercial motor vehicles,
36 may not use any information contained in the abstract relative to any
37 person's operation of commercial motor vehicles.

38 (v) The director may enter into a contractual agreement with an
39 insurance company or its agent for the limited purpose of reviewing
40 the driving records of existing policyholders for changes to the

1 record during specified periods of time. The department shall
2 establish a fee for this service, which must be deposited in the
3 highway safety fund. The fee for this service must be set at a level
4 that will not result in a net revenue loss to the state. Any
5 information provided under this subsection must be treated in the
6 same manner and is subject to the same restrictions as driving record
7 abstracts.

8 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
9 the driving record maintained by the department covering the period
10 of not more than the last five years may be furnished to an alcohol/
11 drug assessment or treatment agency approved by the department of
12 social and health services to which the named individual has applied
13 or been assigned for evaluation or treatment, for purposes of
14 assisting employees in making a determination as to what level of
15 treatment, if any, is appropriate, except that the abstract must:

16 (i) Also include records of alcohol-related offenses, as defined
17 in RCW 46.01.260(2), covering a period of not more than the last ten
18 years; and

19 (ii) Indicate whether an alcohol-related offense was originally
20 charged as a violation of either RCW 46.61.502 or 46.61.504.

21 (g) **Attorneys—City attorneys, county prosecuting attorneys, and**
22 **named individual's attorney of record.** An abstract of the full
23 driving record maintained by the department, including whether a
24 recorded violation is an alcohol-related offense, as defined in RCW
25 46.01.260(2), that was originally charged as a violation of either
26 RCW 46.61.502 or 46.61.504, may be furnished to city attorneys,
27 county prosecuting attorneys, or the named individual's attorney of
28 record. City attorneys, county prosecuting attorneys, or the named
29 individual's attorney of record may provide the driving record to
30 alcohol/drug assessment or treatment agencies approved by the
31 department of social and health services to which the named
32 individual has applied or been assigned for evaluation or treatment.

33 (h) **State colleges, universities, or agencies, or units of local**
34 **government.** An abstract of the full driving record maintained by the
35 department may be furnished to (i) state colleges, universities, or
36 agencies for employment and risk management purposes or (ii) units of
37 local government authorized to self-insure under RCW 48.62.031 for
38 employment and risk management purposes.

39 (i) **Superintendent of public instruction.** An abstract of the full
40 driving record maintained by the department may be furnished to the

1 superintendent of public instruction for review of public school bus
2 driver records. The superintendent or superintendent's designee may
3 discuss information on the driving record with an authorized
4 representative of the employing school district for employment and
5 risk management purposes.

6 (3) **Release to third parties prohibited.** Any person or entity
7 receiving an abstract of a person's driving record under subsection
8 (2)(b) through (i) of this section shall use the abstract exclusively
9 for his, her, or its own purposes or as otherwise expressly permitted
10 under this section, and shall not divulge any information contained
11 in the abstract to a third party.

12 (4) **Fee.** The director shall collect a thirteen dollar fee for
13 each abstract of a person's driving record furnished by the
14 department. Fifty percent of the fee must be deposited in the highway
15 safety fund, and fifty percent of the fee must be deposited according
16 to RCW 46.68.038.

17 (5) **Violation.** (a) Any negligent violation of this section is a
18 gross misdemeanor.

19 (b) Any intentional violation of this section is a class C
20 felony.

21 (6) Effective July 1, 2019, the contents of a driving abstract
22 pursuant to this section shall not include any information related to
23 sealed juvenile records unless that information is required by
24 federal law or regulation.

25 NEW SECTION. **Sec. 6.** This act takes effect January 1, 2019."

26 Correct the title.

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