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SENATE BILL 5859

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State of Washington

65th Legislature

2017 Regular Session

By Senators Sheldon and Hasegawa

Read first time 02/28/17. Referred to Committee on Transportation.

1 AN ACT Relating to the disclosure of vehicle and vessel owner  
2 information; and amending RCW 46.12.635.

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

4 **Sec. 1.** RCW 46.12.635 and 2016 c 80 s 2 are each amended to read  
5 as follows:

6 (1) Notwithstanding the provisions of chapter 42.56 RCW, the name  
7 or address of an individual vehicle or vessel owner shall not be  
8 released by the department, county auditor, or agency or firm  
9 authorized by the department except under the following  
10 circumstances:

11 (a) The requesting party is a business entity that requests the  
12 information for use in the course of business;

13 (b) The request is a written request that is signed by the person  
14 requesting disclosure that contains the full legal name and address  
15 of the requesting party, that specifies the purpose for which the  
16 information will be used; and

17 (c) The requesting party enters into a disclosure agreement with  
18 the department in which the party promises that the party will use  
19 the information only for the purpose stated in the request for the  
20 information; and that the party does not intend to use, or facilitate  
21 the use of, the information for the purpose of making any unsolicited

1 business contact with a person named in the disclosed information.  
2 The term "unsolicited business contact" means a contact that is  
3 intended to result in, or promote, the sale of any goods or services  
4 to a person named in the disclosed information. The term does not  
5 apply to situations where the requesting party and such person have  
6 been involved in a business transaction prior to the date of the  
7 disclosure request and where the request is made in connection with  
8 the transaction.

9 (2) Where both a mailing address and residence address are  
10 recorded on the vehicle or vessel record and are different, only the  
11 mailing address will be disclosed. Both addresses will be disclosed  
12 in response to requests for disclosure from courts, law enforcement  
13 agencies, or government entities with enforcement, investigative, or  
14 taxing authority and only for use in the normal course of conducting  
15 their business.

16 (3) The disclosing entity shall retain the request for disclosure  
17 for three years.

18 (4)(a) Whenever the disclosing entity grants a request for  
19 information under this section by an attorney or private  
20 investigator, the disclosing entity shall provide notice to the  
21 vehicle or vessel owner, to whom the information applies, that the  
22 request has been granted. The notice must only include: (i) That the  
23 disclosing entity has disclosed the vehicle or vessel owner's name  
24 and address pursuant to a request made under this section; (ii) the  
25 date that the disclosure was made; and (iii) ~~((that the vehicle or  
26 vessel owner has five days from receipt of the notice to contact the  
27 disclosing entity to determine))~~ the occupation and identity of the  
28 requesting party.

29 ~~((Except as provided in (c) of this subsection, the only  
30 information about the requesting party that the disclosing entity may  
31 disclose in response to a request made by a vehicle or vessel owner  
32 under (a) of this subsection is whether the requesting party was an  
33 attorney or private investigator. The request by the vehicle or  
34 vessel owner must be submitted to the disclosing entity within five  
35 days of receipt of the original notice.~~

36 ~~(e))~~ In the case of a vehicle or vessel owner who submits to the  
37 disclosing entity a copy of a valid court order restricting another  
38 person from contacting the vehicle or vessel owner or his or her  
39 family or household member, the disclosing entity shall provide the

1 vehicle or vessel owner with the name and address of the requesting  
2 party.

3 (5) Any person who is furnished vehicle or vessel owner  
4 information under this section shall be responsible for assuring that  
5 the information furnished is not used for a purpose contrary to the  
6 agreement between the person and the department.

7 (6) This section shall not apply to requests for information by  
8 governmental entities or requests that may be granted under any other  
9 provision of this title expressly authorizing the disclosure of the  
10 names or addresses of vehicle or vessel owners. Requests from law  
11 enforcement officers for vessel record information must be granted.  
12 The disclosure agreement with law enforcement entities must provide  
13 that law enforcement may redisclose a vessel owner's name or address  
14 when trying to locate the owner of or otherwise deal with a vessel  
15 that has become a hazard.

16 (7) The department shall disclose vessel records for any vessel  
17 owned by a governmental entity upon request.

18 (8) This section shall not apply to title history information  
19 under RCW 19.118.170.

20 (9) The department shall charge a fee of two dollars for each  
21 record returned pursuant to a request made by a business entity under  
22 subsection (1) of this section and deposit the fee into the highway  
23 safety account.

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