

EHB 2067 - S COMM AMD
By Committee on Transportation

ADOPTED 04/15/2019

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

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

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

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

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

16 (c) The requesting party enters into a disclosure agreement with
17 the department in which the party promises that the party will use
18 the information only for the purpose stated in the request for the
19 information; and that the party does not intend to use, or facilitate
20 the use of, the information for the purpose of making any unsolicited
21 business contact with a person named in the disclosed information.
22 The term "unsolicited business contact" means a contact that is
23 intended to result in, or promote, the sale of any goods or services
24 to a person named in the disclosed information. The term does not
25 apply to situations where the requesting party and such person have
26 been involved in a business transaction prior to the date of the
27 disclosure request and where the request is made in connection with
28 the transaction.

29 (2) Where both a mailing address and residence address are
30 recorded on the vehicle or vessel record and are different, only the
31 mailing address will be disclosed. Both addresses will be disclosed
32 in response to requests for disclosure from courts, law enforcement

1 agencies, or government entities with enforcement, investigative, or
2 taxing authority and only for use in the normal course of conducting
3 their business.

4 (3) The disclosing entity shall retain the request for disclosure
5 for three years.

6 (4) (a) Whenever the disclosing entity grants a request for
7 information under this section by an attorney or private
8 investigator, the disclosing entity shall provide notice to the
9 vehicle or vessel owner, to whom the information applies, that the
10 request has been granted. The notice must only include: (i) That the
11 disclosing entity has disclosed the vehicle or vessel owner's name
12 and address pursuant to a request made under this section; (ii) the
13 date that the disclosure was made; and (iii) that the vehicle or
14 vessel owner has five days from receipt of the notice to contact the
15 disclosing entity to determine the occupation of the requesting
16 party.

17 (b) Except as provided in (c) of this subsection, the only
18 information about the requesting party that the disclosing entity may
19 disclose in response to a request made by a vehicle or vessel owner
20 under (a) of this subsection is whether the requesting party was an
21 attorney or private investigator. The request by the vehicle or
22 vessel owner must be submitted to the disclosing entity within five
23 days of receipt of the original notice.

24 (c) In the case of a vehicle or vessel owner who submits to the
25 disclosing entity a copy of a valid court order restricting another
26 person from contacting the vehicle or vessel owner or his or her
27 family or household member, the disclosing entity shall provide the
28 vehicle or vessel owner with the name and address of the requesting
29 party.

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

34 (6) This section shall not apply to requests for information by
35 governmental entities or requests that may be granted under any other
36 provision of this title expressly authorizing the disclosure of the
37 names or addresses of vehicle or vessel owners. Requests from law
38 enforcement officers for vessel record information must be granted.
39 The disclosure agreement with law enforcement entities must provide
40 that law enforcement may redisclose a vessel owner's name or address

1 when trying to locate the owner of or otherwise deal with a vessel
2 that has become a hazard.

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

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

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

11 (10) The department, county auditor, or agency or firm authorized
12 by the department shall not release the name, any address, vehicle
13 make, vehicle model, vehicle year, vehicle identification number,
14 vessel make and model, vessel model year, hull identification number,
15 vessel document number, vessel registration number, vessel decal
16 number, or license plate number associated with an individual vehicle
17 or vessel owner who is a participant in the address confidentiality
18 program under chapter 40.24 RCW except as allowed in subsection (6)
19 of this section and RCW 40.24.075.

20 NEW SECTION. Sec. 2. A new section is added to chapter 40.24
21 RCW to read as follows:

22 The department of licensing, county auditors, or agencies or
23 firms authorized by the department of licensing may not disclose the
24 name, any address, vehicle make, vehicle model, vehicle year, vehicle
25 identification number, vessel make and model, vessel model year, hull
26 identification number, vessel document number, vessel registration
27 number, vessel decal number, or license plate number associated with
28 a program participant under the disclosure authority provided in RCW
29 46.12.635 except as allowed in RCW 46.12.635(6) or if provided with a
30 court order as allowed in RCW 40.24.075.

31 **Sec. 3.** RCW 40.24.030 and 2011 c 64 s 2 are each amended to read
32 as follows:

33 (1)(a) An adult person, a parent or guardian acting on behalf of
34 a minor, or a guardian acting on behalf of an incapacitated person,
35 as defined in RCW 11.88.010, and (b) any criminal justice participant
36 as defined in RCW 9A.46.020 who is a target for threats or harassment
37 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), and any family
38 members residing with him or her, may apply to the secretary of state

1 to have an address designated by the secretary of state serve as the
2 person's address or the address of the minor or incapacitated person.
3 The secretary of state shall approve an application if it is filed in
4 the manner and on the form prescribed by the secretary of state and
5 if it contains:

6 (i) A sworn statement, under penalty of perjury, by the applicant
7 that the applicant has good reason to believe (A) that the applicant,
8 or the minor or incapacitated person on whose behalf the application
9 is made, is a victim of domestic violence, sexual assault,
10 trafficking, or stalking and that the applicant fears for his or her
11 safety or his or her children's safety, or the safety of the minor or
12 incapacitated person on whose behalf the application is made; or (B)
13 that the applicant, as a criminal justice participant as defined in
14 RCW 9A.46.020, is a target for threats or harassment prohibited under
15 RCW 9A.46.020(2)(b) (iii) or (iv);

16 (ii) If applicable, a sworn statement, under penalty of perjury,
17 by the applicant, that the applicant has reason to believe they are a
18 victim of (A) domestic violence, sexual assault, or stalking
19 perpetrated by an employee of a law enforcement agency, or (B)
20 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
21 (iv);

22 (iii) A designation of the secretary of state as agent for
23 purposes of service of process and for the purpose of receipt of
24 mail;

25 (iv) The residential address and any telephone number where the
26 applicant can be contacted by the secretary of state, which shall not
27 be disclosed because disclosure will increase the risk of (A)
28 domestic violence, sexual assault, trafficking, or stalking, or (B)
29 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
30 (iv);

31 (v) The signature of the applicant and of any individual or
32 representative of any office designated in writing under RCW
33 40.24.080 who assisted in the preparation of the application, and the
34 date on which the applicant signed the application.

35 (2) Applications shall be filed with the office of the secretary
36 of state.

37 (3) Upon filing a properly completed application, the secretary
38 of state shall certify the applicant as a program participant.
39 Applicants shall be certified for four years following the date of
40 filing unless the certification is withdrawn or invalidated before

1 that date. The secretary of state shall by rule establish a renewal
2 procedure.

3 (4)(a) During the application process, the secretary of state
4 shall provide each applicant a form to direct the department of
5 licensing to change the address of registration for vehicles or
6 vessels solely or jointly registered to the applicant and the address
7 associated with the applicant's driver's license or identicard to the
8 applicant's address as designated by the secretary of state upon
9 certification in the program. The directive to the department of
10 licensing is only valid if signed by the applicant. The directive may
11 only include information required by the department of licensing to
12 verify the applicant's identity and ownership information for
13 vehicles and vessels. This information is limited to the:

14 (i) Applicant's full legal name;

15 (ii) Applicant's Washington driver's license or identicard
16 number;

17 (iii) Applicant's date of birth;

18 (iv) Vehicle identification number and license plate number for
19 each vehicle solely or jointly registered to the applicant; and

20 (v) Hull identification number or vessel document number and
21 vessel decal number for each vessel solely or jointly registered to
22 the applicant.

23 (b) Upon certification of the applicants, the secretary of state
24 shall transmit completed and signed directives to the department of
25 licensing.

26 (c) Within thirty days of receiving a completed and signed
27 directive, the department of licensing shall update the applicant's
28 address on registration and licensing records.

29 (d) Applicants are not required to sign the directive to the
30 department of licensing to be certified as a program participant.

31 (5) A person who knowingly provides false or incorrect
32 information upon making an application or falsely attests in an
33 application that disclosure of the applicant's address would endanger
34 (a) the applicant's safety or the safety of the applicant's children
35 or the minor or incapacitated person on whose behalf the application
36 is made, or (b) the safety of any criminal justice participant as
37 defined in RCW 9A.46.020 who is a target for threats or harassment
38 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or any family
39 members residing with him or her, shall be punished under RCW
40 40.16.030 or other applicable statutes.

1 NEW SECTION. **Sec. 4.** (1) By November 1, 2019, the secretary of
2 state shall, in accordance with RCW 40.24.030, provide to current
3 program participants, as of August 1, 2019, forms to direct the
4 department of licensing to change the address of registration for
5 vehicles or vessels solely or jointly registered to the applicant or
6 the address associated with the applicant's driver's license or
7 identicard to the applicant's address as designated by the secretary
8 of state upon certification in the program.
9 (2) This section expires June 30, 2020."

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10 On page 1, line 3 of the title, after "program;" strike the
11 remainder of the title and insert "amending RCW 46.12.635 and
12 40.24.030; adding a new section to chapter 40.24 RCW; creating a new
13 section; and providing an expiration date."

EFFECT: Changes the requirement that the Secretary of State (SOS) notify the Department of Licensing (DOL) upon the certification of a participant in the Address Confidentiality Program (ACP) to a requirement that the SOS provide prospective program participants with a form directing the DOL to change any associated address on file with vehicles or vessels solely or jointly registered to the participant or the participant's driver's license or identicard to the address designated by the SOS for the program participant. Requires the SOS to provide this form to current ACP participants by November 1, 2019. Adds vessel information to the list of information that cannot be disclosed.

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