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## Transportation Committee

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### HB 2013

**Brief Description:** Protecting personal and identity information held by the department of licensing.

**Sponsors:** Representatives Young, Boehnke, Graham, Leavitt, Sutherland and Walsh.

#### Brief Summary of Bill

- Prohibits the release of personal or identity information associated with vehicle, vessel, driver's license, identicard, or driving records by the Department of Licensing if its release is not explicitly authorized for sale or sharing under state law.
- Establishes a cause of action for a violation of this prohibition if it has resulted in injury to a business, a person, or a person's reputation.

**Hearing Date:** 1/25/22

**Staff:** Jennifer Harris (786-7143).

#### **Background:**

##### Personal and Identity Information.

Information or records containing person or identity information obtained by the Department of Licensing (DOL) for driver and vehicle records is private and confidential, subject to exceptions under federal and state law. "Identity information" includes federal tax identification number, employer identification number, residential and mailing address (excluding zip codes), telephone number, registered and legal vehicle owner name, gender, place of birth, voter information status, and selective service information.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

### Vehicle and Vessel Records.

For personal information associated with vehicle or vessel registration, information disclosure is permitted under state law to the following recipients for limited purposes: vehicle or vessel manufacturers and the manufacturers of vehicle components; government agencies, including any court or law enforcement agency, or an entity acting on behalf of a federal, state, or local agency, or Canada; commercial parking companies; an authorized agent or contractor of the DOL; any business regularly making loans to finance the purchase of motor vehicles or vessels; and companies operating toll facilities.

### Driver's License and Driving Records.

The DOL may provide an abstract of a person's driving record to the individual named in the abstract, and, for certain specified purposes, to: employers or prospective employers; volunteer organizations; transit authorities; insurance carriers; alcohol and drug assessment and treatment agencies; city attorneys, county prosecuting attorneys, and named individuals' attorneys of record; state colleges, universities, agencies, or units of local government; the Superintendent of Public Instruction; state and federal agencies; transportation network companies; and scientific research organizations. Release of this information by these entities to third parties is prohibited, except for certain limited exceptions.

The DOL maintains a case record on every motor vehicle driver that includes information on each driver and that shows all convictions and findings of traffic infractions certified by the courts, including each accident reported that relates to a driver and that includes a statement of the accident's cause and whether or not the accident resulted in a fatality. These records may be used by the DOL, Washington State Patrol, Washington Traffic Safety Commission, and police officers.

### Violations of Privacy Rights.

Violations of privacy protections in state law are subject to legal actions for damages. A claim can be brought for injury to a business, a person, or a person's reputation. A person injured is entitled to actual damages, including mental pain and suffering, or to liquidated damages computed at the rate of \$100 per day for each violation, not to exceed \$1,000, and reasonable attorneys' fees and other costs of litigation.

### **Summary of Bill:**

The release of personal or identity information associated with vehicle or vessel, driver's license or identocard, or driving records by the DOL is prohibited if its release is not explicitly authorized for sale or sharing under state law. This prohibition extends to anonymized data from which personal and identity information has been removed, but that retains unique identifiers that could enable the anonymized data to be reassociated with personal or identity information that state law permits to be sold or shared.

A cause of action is established for a violation of this restriction if it has resulted in injury to a business, a person, or a person's reputation. A person injured is entitled to actual damages, including mental pain and suffering, or to liquidated damages computed at the rate of \$100 per day for each violation, not to exceed \$1,000, and reasonable attorneys' fees and other costs of litigation.

To the extent of any conflict, this restriction does not apply in instances when its application would violate federal law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.