

# SENATE BILL REPORT

## SB 5347

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As of January 26, 2023

**Title:** An act relating to access to abstract driving records.

**Brief Description:** Concerning access to abstract driving records.

**Sponsors:** Senators Wagoner, Pedersen, Dhingra, Kuderer and Wilson, C..

**Brief History:**

**Committee Activity:** Law & Justice: 1/26/23.

**Brief Summary of Bill**

- Authorizes the Department of Licensing to provide an abstract of the full driving record, and all alcohol related offenses to an alcohol or drug assessment or treatment agency for an individual who has applied for evaluation or treatment.
- Permits probation officers and probation clerks employed by a court to provide an abstract driving record to a treatment agency.
- Permits courts to waive production and copying fees for the abstract driving records of indigent persons.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** Abstract Driving Record. An abstract of a person's driving record (ADR) is maintained by the Department of Licensing (DOL) and must include the following information:

- an enumeration of motor vehicle accidents in which the person was driving, including:
  1. the total numbers of vehicles involved;

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- 2. whether the vehicles were legally parked or moving;
- 3. whether the vehicles were occupied at the time of the accident; and
- 4. whether the accident resulted in a fatality;
- the status of a person's driving privilege in this state; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

Alcohol or Drug Assessment or Treatment Agencies. DOL may provide an individual's ADR for a period not more than the last five years to an alcohol or drug assessment or treatment agency approved by the Department of Health to which the individual has applied or been assigned for evaluation or treatment. The abstract must:

- include alcohol related offenses for a period not more than the last ten years; and
- indicate whether the alcohol related offense was originally charged as a violation of either:
  1. driving under the influence of liquor or any drug; or
  2. physical control of a vehicle under the influence of liquor or any drug.

Courts may provide a copy of the driver's abstract to the individual named in the abstract or their attorney, provided that the named individual has a pending or open infraction or criminal case in that court. An open infraction or criminal case includes cases on probation. Courts may charge a reasonable fee for the production and copying of the abstract for the individual.

Fees. Courts may charge a reasonable fee for the production and copying of the abstract for the individual. DOL must collect a \$15 fee for providing a copy of an individual's ADR.

Indigent Person. An indigent person is an impoverished person who, at any stage of a court proceeding, is:

- receiving one of the following types of public assistance:
  1. temporary assistance for needy families benefits;
  2. medical care services;
  3. pregnant women assistance benefits;
  4. poverty-related veterans' benefits;
  5. food stamps;
  6. refugee resettlement benefits;
  7. medicaid; or
  8. supplemental security income;
- involuntarily committed to a public mental health facility;
- receiving an annual income, after taxes, of 125 percent or less of the current federally established poverty level; or
- unable to pay the anticipated cost of counsel for the matter before the court because their available funds are insufficient to pay any amount for the retention of counsel.

**Summary of Bill:** Five Year and Ten Year Period Limitations. The limitation on DOL for

providing an ADR covering a period of not more than five years is removed. The limitation on DOL for including records of alcohol-related offenses for a period covering not more than ten years is removed. DOL may provide a full copy of an individual's ADR including all alcohol- related offenses to an alcohol or drug assessment or treatment agency for an individual who has applied for assessment or treatment.

Probation Officers and Clerks of a Court. Probation officers and probation clerks employed by a court may provide a copy of the an individual's ADR to an alcohol or drug assessment or treatment agency for an individual who has applied for assessment or treatment.

Fees. A court may waive the fees charged for the production and copying of an ADR if the court finds that the individual is an indigent person.

**Appropriation:** None.

**Fiscal Note:** Requested on January 22, 2023.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Under current law there is an incomplete picture of the abstract being received. Incomplete data is flawed data. Removing the five year restriction allows a more complete picture and better decision making for courts, probation officers, and treatment providers. The ability to waive the right for indigents is important because the ability to pay should not be a barrier to justice. People in Washington experience barriers in accessing an abstract of their driving record. When a person has court ordered treatment due to a DUI conviction they must obtain a driving record and provide it to the treatment agency. Courts cannot provide a five year driving record with 10 years of alcohol related history. Some courts are not providing driving records to people who come to court needing one for treatment, they are being referred to DOL. Those without access to a DOL would have to travel or go online and pay a fee before waiting for it to come in the mail. This will not be a significant cost to the court.

**Persons Testifying:** PRO: Senator Keith Wagoner, Prime Sponsor; Judge Angelle Gerl, District & Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** No one.