

HOUSE BILL REPORT

HB 1900

As Reported by House Committee On:
Judiciary

Title: An act relating to the disclosure of vehicle owner information.

Brief Description: Modifying the notice requirement when an attorney or private investigator requests vehicle owner information.

Sponsors: Representatives Kelley and Hurst.

Brief History:

Committee Activity:

Judiciary: 2/16/09, 2/19/09 [DPS].

Brief Summary of Substitute Bill

- Provides that the notice sent to a vehicle owner when an attorney or private investigator has been granted a request for the owner's name and address must be sent no earlier than 30 days after granting the request for information.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Edie Adams (786-7180)

Background:

Federal and state laws impose restrictions on the disclosure of personal information contained in motor vehicle records. The federal Drivers Privacy Protection Act (Act) generally requires states to protect the privacy of a vehicle owner's personal information, except for certain authorized purposes and in accordance with other requirements. Authorized purposes under the federal Act include, among others, disclosure for: government agency functions; motor vehicle safety, theft, emissions, or product recalls;

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legitimate business needs to verify the accuracy of personal information; use in connection with a civil, criminal, administrative or arbitral proceeding; and use by a licensed investigator or security service.

State law provides that the Department of Licensing (DOL) may release the name or address of an individual vehicle owner to a business entity if the request is for use in the course of business and the requestor enters into a disclosure agreement with the DOL promising not to use the information for other purposes. The entity requesting the disclosure must include in the request the entity's full legal name and address and the purpose for which the information will be used.

The DOL must retain all requests for disclosure of a vehicle owner's name and address for a period of three years. Records of disclosure requests are themselves public records subject to disclosure upon request.

If the requestor is an attorney or private investigator, the DOL must provide notice to the vehicle owner that the request has been granted. The notice must also contain the name and address of the attorney or private investigator requesting the information.

Summary of Substitute Bill:

The notice sent to a vehicle owner when an attorney or private investigator has been granted a request for the owner's name and address must be sent no earlier than 30 days after the request for disclosure was granted.

Substitute Bill Compared to Original Bill:

The original bill removed the requirement that the notice to a vehicle owner include the name and address of the attorney or private investigator who requested the vehicle owner's information. The original bill did not delay the sending of the notice for 30 days.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill addresses important safety concerns of attorneys and private investigators who have access to vehicle owner information for legitimate reasons. Private investigators are often accessing the information for the purpose of serving process in lawsuits. The DOL does not perform any background checks before sending out notification

letters. There have been instances where the notices have been sent to dangerous criminals. This compromises public safety since the notices contain name and address information.

The current law is well-intended, but it is costly and does not work well. Sending the notification letter to the vehicle owner gives the person the opportunity to evade service of process. This increases the time it takes to locate the person and results in higher costs to the system. In some instances, the notification creates unnecessary work and concern because the notices are sent to anyone with the same last name as the vehicle owner who was the subject of the request for information.

(Information) The notification letter is automatically generated and is usually sent out the next business day. It would not be difficult for the DOL to delay sending the letter for 30 days.

(Opposed) None.

Persons Testifying: (In support) Representative Kelley, prime sponsor; Martha Modeen, David Liston, Jeff Kirby, Neil Marsh and John Hays, Washington Association of Legal Investigators; and John Woodring.

(Information) Ben Shamshor, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.