
SENATE BILL 5610

State of Washington 61st Legislature 2009 Regular Session

By Senators Haugen, Delvin, Sheldon, Berkey, Jarrett, and Shin

Read first time 01/27/09. Referred to Committee on Transportation.

1 AN ACT Relating to the release of driving record abstracts for
2 employment and risk management purposes; and amending RCW 46.52.130.

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

4 **Sec. 1.** RCW 46.52.130 and 2008 c 253 s 1 are each amended to read
5 as follows:

6 (1) A certified abstract of the driving record shall be furnished
7 only to:

8 (a) The individual named in the abstract;

9 (b) An employer or prospective employer or an agent acting on
10 behalf of an employer or prospective employer, or a volunteer
11 organization for which the named individual has submitted an
12 application for a position that could require the transportation of
13 children under eighteen years of age, adults over sixty-five years of
14 age, or persons with mental or physical disabilities;

15 (c) An employee or agent of a transit authority checking
16 prospective volunteer vanpool drivers for insurance and risk management
17 needs;

18 (d) The insurance carrier that has insurance in effect covering the
19 employer or a prospective employer;

1 (e) The insurance carrier that has motor vehicle or life insurance
2 in effect covering the named individual;

3 (f) The insurance carrier to which the named individual has
4 applied;

5 (g) An alcohol/drug assessment or treatment agency approved by the
6 department of social and health services, to which the named individual
7 has applied or been assigned for evaluation or treatment;

8 (h) City and county prosecuting attorneys; (~~or~~)

9 (i) State colleges, universities, or agencies for employment and
10 risk management purposes; or units of local government authorized to
11 self-insure under RCW 48.62.031; or

12 (j) An employer or prospective employer or volunteer organization,
13 or an agent acting on behalf of an employer or prospective employer or
14 volunteer organization, for employment and risk management purposes.

15 (2) City attorneys and county prosecuting attorneys may provide the
16 driving record to alcohol/drug assessment or treatment agencies
17 approved by the department of social and health services to which the
18 named individual has applied or been assigned for evaluation or
19 treatment.

20 (3)(a) The director, upon proper request, shall furnish a certified
21 abstract covering the period of not more than the last three years to
22 insurance companies.

23 (b) The director may enter into a contractual agreement with an
24 insurance company or its agent for the limited purpose of reviewing the
25 driving records of existing policyholders for changes to the record
26 during specified periods of time. The department shall establish a fee
27 for this service, which must be deposited in the highway safety fund.
28 The fee for this service must be set at a level that will not result in
29 a net revenue loss to the state. Any information provided under this
30 subsection must be treated in the same manner and subject to the same
31 restrictions as certified abstracts.

32 (4) Upon proper request, the director shall furnish a certified
33 abstract covering a period of not more than the last five years to
34 state approved alcohol/drug assessment or treatment agencies, except
35 that the certified abstract shall also include records of alcohol-
36 related offenses as defined in RCW 46.01.260(2) covering a period of
37 not more than the last ten years.

1 (5) Upon proper request, a certified abstract of the full driving
2 record maintained by the department shall be furnished to a city or
3 county prosecuting attorney, to the individual named in the abstract,
4 to an employer or prospective employer or an agent acting on behalf of
5 an employer or prospective employer of the named individual, or to a
6 volunteer organization for which the named individual has submitted an
7 application for a position that could require the transportation of
8 children under eighteen years of age, adults over sixty-five years of
9 age, or persons with physical or mental disabilities, or to an employee
10 or agent of a transit authority checking prospective volunteer vanpool
11 drivers for insurance and risk management needs.

12 (6) The abstract, whenever possible, shall include:

13 (a) An enumeration of motor vehicle accidents in which the person
14 was driving;

15 (b) The total number of vehicles involved;

16 (c) Whether the vehicles were legally parked or moving;

17 (d) Whether the vehicles were occupied at the time of the accident;

18 (e) Whether the accident resulted in any fatality;

19 (f) Any reported convictions, forfeitures of bail, or findings that
20 an infraction was committed based upon a violation of any motor vehicle
21 law;

22 (g) The status of the person's driving privilege in this state; and

23 (h) Any reports of failure to appear in response to a traffic
24 citation or failure to respond to a notice of infraction served upon
25 the named individual by an arresting officer.

26 (7) Certified abstracts furnished to prosecutors and alcohol/drug
27 assessment or treatment agencies shall also indicate whether a recorded
28 violation is an alcohol-related offense as defined in RCW 46.01.260(2)
29 that was originally charged as one of the alcohol-related offenses
30 designated in RCW 46.01.260(2)(b)(i).

31 (8) The abstract provided to the insurance company shall exclude
32 any information, except that related to the commission of misdemeanors
33 or felonies by the individual, pertaining to law enforcement officers
34 or firefighters as defined in RCW 41.26.030, or any officer of the
35 Washington state patrol, while driving official vehicles in the
36 performance of occupational duty. The abstract provided to the
37 insurance company shall include convictions for RCW 46.61.5249 and
38 46.61.525 except that the abstract shall report them only as negligent

1 driving without reference to whether they are for first or second
2 degree negligent driving. The abstract provided to the insurance
3 company shall exclude any deferred prosecution under RCW 10.05.060,
4 except that if a person is removed from a deferred prosecution under
5 RCW 10.05.090, the abstract shall show the deferred prosecution as well
6 as the removal.

7 (9) The director shall collect for each abstract the sum of ten
8 dollars, fifty percent of which shall be deposited in the highway
9 safety fund and fifty percent of which must be deposited according to
10 RCW 46.68.038.

11 (10) Any insurance company or its agent receiving the certified
12 abstract shall use it exclusively for its own underwriting purposes and
13 shall not divulge any of the information contained in it to a third
14 party. No policy of insurance may be canceled, nonrenewed, denied, or
15 have the rate increased on the basis of such information unless the
16 policyholder was determined to be at fault. No insurance company or
17 its agent for underwriting purposes relating to the operation of
18 commercial motor vehicles may use any information contained in the
19 abstract relative to any person's operation of motor vehicles while not
20 engaged in such employment, nor may any insurance company or its agent
21 for underwriting purposes relating to the operation of noncommercial
22 motor vehicles use any information contained in the abstract relative
23 to any person's operation of commercial motor vehicles.

24 (11) Any employer or prospective employer or an agent acting on
25 behalf of an employer or prospective employer, or a volunteer
26 organization for which the named individual has submitted an
27 application for a position that could require the transportation of
28 children under eighteen years of age, adults over sixty-five years of
29 age, or persons with physical or mental disabilities, receiving the
30 certified abstract shall use it exclusively for his or her own purpose
31 to determine whether the licensee should be permitted to operate a
32 commercial vehicle or school bus, or operate a vehicle for a volunteer
33 organization for purposes of transporting children under eighteen years
34 of age, adults over sixty-five years of age, or persons with physical
35 or mental disabilities, upon the public highways of this state and
36 shall not divulge any information contained in it to a third party.

37 (12) Any employee or agent of a transit authority receiving a
38 certified abstract for its vanpool program shall use it exclusively for

1 determining whether the volunteer licensee meets those insurance and
2 risk management requirements necessary to drive a vanpool vehicle. The
3 transit authority may not divulge any information contained in the
4 abstract to a third party.

5 (13) Any alcohol/drug assessment or treatment agency approved by
6 the department of social and health services receiving the certified
7 abstract shall use it exclusively for the purpose of assisting its
8 employees in making a determination as to what level of treatment, if
9 any, is appropriate. The agency, or any of its employees, shall not
10 divulge any information contained in the abstract to a third party.

11 (14) Release of a certified abstract of the driving record of an
12 employee, prospective employee, or prospective volunteer requires a
13 statement signed by: (a) The employee, prospective employee, or
14 prospective volunteer that authorizes the release of the record, and
15 (b) the employer or volunteer organization attesting that the
16 information is necessary to determine whether the licensee should be
17 employed to operate a commercial vehicle or school bus, or operate a
18 vehicle for a volunteer organization for purposes of transporting
19 children under eighteen years of age, adults over sixty-five years of
20 age, or persons with physical or mental disabilities, upon the public
21 highways of this state. If the employer or prospective employer
22 authorizes an agent to obtain this information on their behalf, this
23 must be noted in the statement. This subsection does not apply to
24 entities identified in subsection (1)(i) of this section.

25 (15) Any negligent violation of this section is a gross
26 misdemeanor.

27 (16) Any intentional violation of this section is a class C felony.

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