

SSB 5246 - H COMM AMD
By Committee on Transportation

ADOPTED 03/01/2012

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

3 "Sec. 1. RCW 46.52.130 and 2010 c 253 s 1 are each amended to read
4 as follows:

5 Upon a proper request, the department may furnish an abstract of a
6 person's driving record as permitted under this section.

7 (1) **Contents of abstract of driving record.** An abstract of a
8 person's driving record, whenever possible, must include:

9 (a) An enumeration of motor vehicle accidents in which the person
10 was driving, including:

11 (i) The total number of vehicles involved;

12 (ii) Whether the vehicles were legally parked or moving;

13 (iii) Whether the vehicles were occupied at the time of the
14 accident; and

15 (iv) Whether the accident resulted in a fatality;

16 (b) Any reported convictions, forfeitures of bail, or findings that
17 an infraction was committed based upon a violation of any motor vehicle
18 law;

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

20 (d) Any reports of failure to appear in response to a traffic
21 citation or failure to respond to a notice of infraction served upon
22 the named individual by an arresting officer.

23 (2) **Release of abstract of driving record.** An abstract of a
24 person's driving record may be furnished to the following persons or
25 entities:

26 (a) **Named individuals.** (i) An abstract of the full driving record
27 maintained by the department may be furnished to the individual named
28 in the abstract.

29 (ii) Nothing in this section prevents a court from providing a copy
30 of the driver's abstract to the individual named in the abstract,

1 provided that the named individual has a pending or open infraction or
2 criminal case in that court. A pending case includes criminal cases
3 that have not reached a disposition by plea, stipulation, trial, or
4 amended charge. An open infraction or criminal case includes cases on
5 probation, payment agreement or subject to, or in collections. Courts
6 may charge a reasonable fee for the production and copying of the
7 abstract for the individual.

8 (b) **Employers or prospective employers.** (i)(A) An abstract of the
9 full driving record maintained by the department may be furnished to an
10 employer or prospective employer or an agent acting on behalf of an
11 employer or prospective employer of the named individual for purposes
12 related to driving by the individual as a condition of employment or
13 otherwise at the direction of the employer.

14 ((+ii+)) (B) Release of an abstract of the driving record of an
15 employee or prospective employee requires a statement signed by:
16 ((+A+)) (I) The employee or prospective employee that authorizes the
17 release of the record; and ((+B+)) (II) the employer attesting that the
18 information is necessary for employment purposes related to driving by
19 the individual as a condition of employment or otherwise at the
20 direction of the employer. If the employer or prospective employer
21 authorizes an agent to obtain this information on their behalf, this
22 must be noted in the statement.

23 ((+iii+)) (C) Upon request of the person named in the abstract
24 provided under this subsection, and upon that same person furnishing
25 copies of court records ruling that the person was not at fault in a
26 motor vehicle accident, the department must indicate on any abstract
27 provided under this subsection that the person was not at fault in the
28 motor vehicle accident.

29 (ii) In addition to the methods described in (b)(i) of this
30 subsection, the director may enter into a contractual agreement with an
31 employer or its agent for the purpose of reviewing the driving records
32 of existing employees for changes to the record during specified
33 periods of time. The department shall establish a fee for this
34 service, which must be deposited in the highway safety fund. The fee
35 for this service must be set at a level that will not result in a net
36 revenue loss to the state. Any information provided under this
37 subsection must be treated in the same manner and is subject to the
38 same restrictions as driving record abstracts.

1 (c) **Volunteer organizations.** (i) An abstract of the full driving
2 record maintained by the department may be furnished to a volunteer
3 organization or an agent for a volunteer organization for which the
4 named individual has submitted an application for a position that would
5 require driving by the individual at the direction of the volunteer
6 organization.

7 (ii) Release of an abstract of the driving record of a prospective
8 volunteer requires a statement signed by: (A) The prospective
9 volunteer that authorizes the release of the record; and (B) the
10 volunteer organization attesting that the information is necessary for
11 purposes related to driving by the individual at the direction of the
12 volunteer organization. If the volunteer organization authorizes an
13 agent to obtain this information on their behalf, this must be noted in
14 the statement.

15 (d) **Transit authorities.** An abstract of the full driving record
16 maintained by the department may be furnished to an employee or agent
17 of a transit authority checking prospective volunteer vanpool drivers
18 for insurance and risk management needs.

19 (e) **Insurance carriers.** (i) An abstract of the driving record
20 maintained by the department covering the period of not more than the
21 last three years may be furnished to an insurance company or its agent:

22 (A) That has motor vehicle or life insurance in effect covering the
23 named individual;

24 (B) To which the named individual has applied; or

25 (C) That has insurance in effect covering the employer or a
26 prospective employer of the named individual.

27 (ii) The abstract provided to the insurance company must:

28 (A) Not contain any information related to actions committed by law
29 enforcement officers or firefighters, as both terms are defined in RCW
30 41.26.030, or by Washington state patrol officers, while driving
31 official vehicles in the performance of their occupational duty. This
32 does not apply to any situation where the vehicle was used in the
33 commission of a misdemeanor or felony;

34 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except
35 that the abstract must report the convictions only as negligent driving
36 without reference to whether they are for first or second degree
37 negligent driving; and

1 (C) Exclude any deferred prosecution under RCW 10.05.060, except
2 that if a person is removed from a deferred prosecution under RCW
3 10.05.090, the abstract must show the deferred prosecution as well as
4 the removal.

5 (iii) Any policy of insurance may not be canceled, nonrenewed,
6 denied, or have the rate increased on the basis of information
7 regarding an accident included in the abstract of a driving record,
8 unless the policyholder was determined to be at fault.

9 (iv) Any insurance company or its agent, for underwriting purposes
10 relating to the operation of commercial motor vehicles, may not use any
11 information contained in the abstract relative to any person's
12 operation of motor vehicles while not engaged in such employment. Any
13 insurance company or its agent, for underwriting purposes relating to
14 the operation of noncommercial motor vehicles, may not use any
15 information contained in the abstract relative to any person's
16 operation of commercial motor vehicles.

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

26 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
27 the driving record maintained by the department covering the period of
28 not more than the last five years may be furnished to an alcohol/drug
29 assessment or treatment agency approved by the department of social and
30 health services to which the named individual has applied or been
31 assigned for evaluation or treatment, for purposes of assisting
32 employees in making a determination as to what level of treatment, if
33 any, is appropriate, except that the abstract must:

34 (i) Also include records of alcohol-related offenses, as defined in
35 RCW 46.01.260(2), covering a period of not more than the last ten
36 years; and

37 (ii) Indicate whether an alcohol-related offense was originally
38 charged as a violation of either RCW 46.61.502 or 46.61.504.

1 (g) **City attorneys and county prosecuting attorneys.** An abstract
2 of the full driving record maintained by the department, including
3 whether a recorded violation is an alcohol-related offense, as defined
4 in RCW 46.01.260(2), that was originally charged as a violation of
5 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys
6 or county prosecuting attorneys. City attorneys and county prosecuting
7 attorneys may provide the driving record to alcohol/drug assessment or
8 treatment agencies approved by the department of social and health
9 services to which the named individual has applied or been assigned for
10 evaluation or treatment.

11 (h) **State colleges, universities, or agencies, or units of local
12 government.** An abstract of the full driving record maintained by the
13 department may be furnished to (i) state colleges, universities, or
14 agencies for employment and risk management purposes or (ii) units of
15 local government authorized to self-insure under RCW 48.62.031 for
16 employment and risk management purposes.

17 (i) **Superintendent of public instruction.** An abstract of the full
18 driving record maintained by the department may be furnished to the
19 superintendent of public instruction for review of public school bus
20 driver records. The superintendent or superintendent's designee may
21 discuss information on the driving record with an authorized
22 representative of the employing school district for employment and risk
23 management purposes.

24 (3) **Release to third parties prohibited.** Any person or entity
25 receiving an abstract of a person's driving record under subsection
26 (2)(b) through (i) of this section shall use the abstract exclusively
27 for his, her, or its own purposes or as otherwise expressly permitted
28 under this section, and shall not divulge any information contained in
29 the abstract to a third party.

30 (4) **Fee.** The director shall collect a ten-dollar fee for each
31 abstract of a person's driving record furnished by the department.
32 Fifty percent of the fee must be deposited in the highway safety fund,
33 and fifty percent of the fee must be deposited according to RCW
34 46.68.038.

35 (5) **Violation.** (a) Any negligent violation of this section is a
36 gross misdemeanor.

37 (b) Any intentional violation of this section is a class C felony."

1 Correct the title.

EFFECT: Strikes the entirety of the substitute bill and replaces it with the underlying bill. The underlying bill specifies a contractual agreement with an employer in order for DOL to review the records of employees for changes. The underlying bill also requires the fee for this service to be set at a level that does not result in a net revenue loss to the state.

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