

SENATE BILL REPORT

SB 6075

As Reported by Senate Committee On:
Transportation, February 6, 2012

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

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

Sponsors: Senators Carrell and Harper.

Brief History:

Committee Activity: Transportation: 1/23/12, 2/02/12, 2/06/12 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6075 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Eide, Vice Chair; King, Ranking Minority Member; Fain, Assistant Ranking Minority Member; Delvin, Ericksen, Frockt, Hobbs, Rolfes, Sheldon, Shin and Swecker.

Minority Report: Do not pass.
Signed by Senator Prentice.

Minority Report: That it be referred without recommendation.
Signed by Senators Litzow and Ranker.

Staff: Kim Johnson (786-7472)

Background: Business entities may request the name and address of individual vehicle owners for use in the course of business from the Department of Licensing (DOL). The business entity must submit the request in writing and provide the full legal name and address of the requesting party specifying the purpose for which the information will be used. The requesting party must enter into a disclosure agreement with DOL and promise that the information will be used only for the purposes stated in the request for information. Where both a mailing address and a residence address are recorded on the vehicle record and the addresses differ, only the mailing address will be disclosed to a business entity.

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

Under current law, DOL provides the name or address of a vehicle owner to an attorney or private investigator requesting such information; DOL must notify the vehicle owner that the information has been disclosed. The notice must include the name and address of the attorney or private investigator.

Summary of Bill (Recommended Substitute): The notice that DOL provides to a vehicle owner when the owner's information has been disclosed to an attorney or private investigator must only contain:

- a statement indicating that DOL has disclosed the vehicle owner's name and address pursuant to a request made under RCW 46.12.635;
- the date that DOL disclosed the information; and
- a statement informing the vehicle owner that the owner may contact DOL to find out the occupation of the requesting party if the vehicle owner contacts DOL within five days.

In response to an inquiry from the vehicle owner, DOL is prohibited from disclosing any information about the requesting party other than whether it was an attorney or private investigator.

A fee of \$2 must be collected per record returned pursuant to a request by a business entity and deposited into the highway safety account.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): The notice that DOL provides to a vehicle owner when the owner's information has been disclosed to an attorney or private investigator must only contain:

- a statement indicating that DOL has disclosed the vehicle owner's name and address pursuant to a request made under RCW 46.12.635;
- the date that DOL disclosed the information; and
- a statement informing the vehicle owner that the owner may contact DOL to find out the occupation of the requesting party if the vehicle owner contacts DOL within five days.

In response to an inquiry from the vehicle owner, DOL is prohibited from disclosing any information about the requesting party other than whether it was an attorney or private investigator.

A fee of \$2 must be collected per record requested by a business entity and deposited into the highway safety account.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: I introduced this bill to address a matter of safety for people who are working as private investigators. This is an important issue that we can do something about. If there are concerns, we can address them. A domestic violence victim's family hired me to follow the perpetrator while the family got the wife and child to a safe place. The perpetrator knew I was following him and called our firm and threatened me. This notice provision does little to help victims of domestic violence, and poses an even greater threat to private investigators' safety. Any good private investigator is very careful in who they work for, and most check to make sure there is not a protection order in place against their client. Some investigators even go so far as to make sure the person whose information has been requested is okay with that information being disclosed to the investigator's client prior to releasing the information. There has to be common ground for us to protect both victims of domestic violence and private investigators. It is not a matter of if, but when a private investigator is going to be hurt or killed because of this requirement.

CON: For victims of abuse or stalking, this notice makes all the difference in the world. The notice requirement allows a victim to make a security plan and a choice about whether to go into hiding. DOL should do a better job of informing the public about who has access to their personal information. Many people have no idea that their home address can be made available to a private investigator or other business. We believe that private investigators are ethical, and we are sympathetic to their safety concerns, but we don't believe removing the notice requirement and putting other people in jeopardy is the solution.

OTHER: We want to better understand the impact that removing the notice requirement has on fleet vehicle owners. We want to make sure that employers know if/when someone may be investigating one of their drivers.

Persons Testifying: PRO: Senator Carrell, prime sponsor; Alexis Montgomery, Verla Viera, Jean Elizabeth Webster, Roger Montgomery, Pacific NW Assn. of Investigators.

CON: Lonnie Johns-Brown, WA Coalition of Sexual Assault Programs; Grace Huang, WA State Coalition Against Domestic Violence.

OTHER: Duke Schawb, Assn. of General Contractors.