

CERTIFICATION OF ENROLLMENT

SENATE BILL 6141

63rd Legislature
2014 Regular Session

Passed by the Senate March 11, 2014
YEAS 49 NAYS 0

President of the Senate

Passed by the House March 5, 2014
YEAS 96 NAYS 2

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6141** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6141

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senators Roach, Hasegawa, Fain, Hobbs, Hatfield, Honeyford, and Tom
Read first time 01/16/14. Referred to Committee on Governmental Operations.

1 AN ACT Relating to confidentiality of certain records filed with
2 the utilities and transportation commission or the attorney general;
3 amending RCW 42.56.330; and adding a new section to chapter 81.77 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 81.77 RCW
6 to read as follows:

7 Records, subject to chapter 42.56 RCW, filed with the commission or
8 the attorney general from any person that contain valuable commercial
9 information, including trade secrets or confidential marketing, cost,
10 or financial information, or customer-specific usage information, are
11 not subject to inspection or copying under chapter 42.56 RCW: (1)
12 Until notice to the person or persons directly affected has been given;
13 and (2) if, within ten days of the notice, the person has obtained a
14 superior court order protecting the records as confidential. The court
15 must determine that the records are confidential and not subject to
16 inspection and copying if disclosure is likely to result in private
17 loss, including an unfair competitive disadvantage, and is not
18 necessary for further public review and comment on the appropriate
19 allocation of costs and revenues. When providing information to the

1 commission or the attorney general, a person shall designate which
2 records or portions of records contain valuable commercial information.
3 Nothing in this section prevents the use of protective orders by the
4 commission governing disclosure of proprietary or confidential
5 information in contested proceedings.

6 **Sec. 2.** RCW 42.56.330 and 2012 c 68 s 4 are each amended to read
7 as follows:

8 The following information relating to public utilities and
9 transportation is exempt from disclosure under this chapter:

10 (1) Records filed with the utilities and transportation commission
11 or attorney general under RCW 80.04.095 or section 1 of this act that
12 a court has determined are confidential under RCW 80.04.095 or section
13 1 of this act;

14 (2) The residential addresses and residential telephone numbers of
15 the customers of a public utility contained in the records or lists
16 held by the public utility of which they are customers, except that
17 this information may be released to the division of child support or
18 the agency or firm providing child support enforcement for another
19 state under Title IV-D of the federal social security act, for the
20 establishment, enforcement, or modification of a support order;

21 (3) The names, residential addresses, residential telephone
22 numbers, and other individually identifiable records held by an agency
23 in relation to a vanpool, carpool, or other ride-sharing program or
24 service; however, these records may be disclosed to other persons who
25 apply for ride-matching services and who need that information in order
26 to identify potential riders or drivers with whom to share rides;

27 (4) The personally identifying information of current or former
28 participants or applicants in a paratransit or other transit service
29 operated for the benefit of persons with disabilities or elderly
30 persons;

31 (5) The personally identifying information of persons who acquire
32 and use transit passes or other fare payment media including, but not
33 limited to, stored value smart cards and magnetic strip cards, except
34 that an agency may disclose personally identifying information to a
35 person, employer, educational institution, or other entity that is
36 responsible, in whole or in part, for payment of the cost of acquiring
37 or using a transit pass or other fare payment media for the purpose of

1 preventing fraud, or to the news media when reporting on public
2 transportation or public safety. As used in this subsection,
3 "personally identifying information" includes acquisition or use
4 information pertaining to a specific, individual transit pass or fare
5 payment media.

6 (a) Information regarding the acquisition or use of transit passes
7 or fare payment media may be disclosed in aggregate form if the data
8 does not contain any personally identifying information.

9 (b) Personally identifying information may be released to law
10 enforcement agencies if the request is accompanied by a court order;

11 (6) Any information obtained by governmental agencies that is
12 collected by the use of a motor carrier intelligent transportation
13 system or any comparable information equipment attached to a truck,
14 tractor, or trailer; however, the information may be given to other
15 governmental agencies or the owners of the truck, tractor, or trailer
16 from which the information is obtained. As used in this subsection,
17 "motor carrier" has the same definition as provided in RCW 81.80.010;

18 (7) The personally identifying information of persons who acquire
19 and use transponders or other technology to facilitate payment of
20 tolls. This information may be disclosed in aggregate form as long as
21 the data does not contain any personally identifying information. For
22 these purposes aggregate data may include the census tract of the
23 account holder as long as any individual personally identifying
24 information is not released. Personally identifying information may be
25 released to law enforcement agencies only for toll enforcement
26 purposes. Personally identifying information may be released to law
27 enforcement agencies for other purposes only if the request is
28 accompanied by a court order; and

29 (8) The personally identifying information of persons who acquire
30 and use a driver's license or identicard that includes a radio
31 frequency identification chip or similar technology to facilitate
32 border crossing. This information may be disclosed in aggregate form
33 as long as the data does not contain any personally identifying
34 information. Personally identifying information may be released to law
35 enforcement agencies only for United States customs and border
36 protection enforcement purposes. Personally identifying information

1 may be released to law enforcement agencies for other purposes only if
2 the request is accompanied by a court order.

--- END ---