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SENATE BILL 5937

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State of Washington                      60th Legislature                      2007 Regular Session

By Senators Haugen, Swecker, Murray and Kauffman

Read first time 02/07/2007. Referred to Committee on Transportation.

1            AN ACT Relating to the creation and distribution of funds for  
2 additional patrols along high-accident corridors; amending RCW  
3 46.20.293, 46.29.050, and 46.52.130; and adding a new section to  
4 chapter 46.68 RCW.

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

6            **Sec. 1.** RCW 46.20.293 and 2002 c 352 s 15 are each amended to read  
7 as follows:

8            The department is authorized to provide juvenile courts with the  
9 department's record of traffic charges compiled under RCW 46.52.101 and  
10 13.50.200, against any minor upon the request of any state juvenile  
11 court or duly authorized officer of any juvenile court of this state.  
12 Further, the department is authorized to provide any juvenile court  
13 with any requested service which the department can reasonably perform  
14 which is not inconsistent with its legal authority which substantially  
15 aids juvenile courts in handling traffic cases and which promotes  
16 highway safety.

17            The department is authorized to furnish to the parent, parents, or  
18 guardian of any person under eighteen years of age who is not  
19 emancipated from such parent, parents, or guardian, the department

1 records of traffic charges compiled against the person and shall  
2 collect for the copy a fee of (~~five~~) ten dollars (~~to~~) fifty percent  
3 of which must be deposited in the highway safety fund and fifty percent  
4 of which must be deposited according to section 4 of this act for  
5 additional patrols along high-accident corridors.

6 **Sec. 2.** RCW 46.29.050 and 2002 c 352 s 19 are each amended to read  
7 as follows:

8 (1) The department shall upon request furnish any person or his  
9 attorney a certified abstract of his driving record, which abstract  
10 shall include enumeration of any motor vehicle accidents in which such  
11 person has been involved. Such abstract shall (a) indicate the total  
12 number of vehicles involved, whether the vehicles were legally parked  
13 or moving, and whether the vehicles were occupied at the time of the  
14 accident; and (b) contain reference to any convictions of the person  
15 for violation of the motor vehicle laws as reported to the department,  
16 reference to any findings that the person has committed a traffic  
17 infraction which have been reported to the department, and a record of  
18 any vehicles registered in the name of the person. The department  
19 shall collect for each abstract the sum of (~~five~~) ten dollars, fifty  
20 percent of which shall be deposited in the highway safety fund and  
21 fifty percent of which must be deposited according to section 4 of this  
22 act for additional patrols along high-accident corridors.

23 (2) The department shall upon request furnish any person who may  
24 have been injured in person or property by any motor vehicle, with an  
25 abstract of all information of record in the department pertaining to  
26 the evidence of the ability of any driver or owner of any motor vehicle  
27 to respond in damages. The department shall collect for each abstract  
28 the sum of (~~five~~) ten dollars, fifty percent of which shall be  
29 deposited in the highway safety fund and fifty percent of which must be  
30 deposited according to section 4 of this act for additional patrols  
31 along high-accident corridors.

32 **Sec. 3.** RCW 46.52.130 and 2004 c 49 s 1 are each amended to read  
33 as follows:

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

36 (a) The individual named in the abstract;

1 (b) An employer or prospective employer or an agent acting on  
2 behalf of an employer or prospective employer, or a volunteer  
3 organization for which the named individual has submitted an  
4 application for a position that could require the transportation of  
5 children under eighteen years of age, adults over sixty-five years of  
6 age, or (~~physically or mentally disabled~~) persons with mental or  
7 physical disabilities;

8 (c) An employee or agent of a transit authority checking  
9 prospective volunteer vanpool drivers for insurance and risk management  
10 needs;

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

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

15 (f) The insurance carrier to which the named individual has  
16 applied;

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

20 (h) City and county prosecuting attorneys.

21 (2) City attorneys and county prosecuting attorneys may provide the  
22 driving record to alcohol/drug assessment or treatment agencies  
23 approved by the department of social and health services to which the  
24 named individual has applied or been assigned for evaluation or  
25 treatment.

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

29 (b) The director may enter into a contractual agreement with an  
30 insurance company or its agent for the limited purpose of reviewing the  
31 driving records of existing policyholders for changes to the record  
32 during specified periods of time. The department shall establish a fee  
33 for this service, fifty percent of which must be deposited in the  
34 highway safety fund and fifty percent of which must be deposited  
35 according to section 4 of this act for additional patrols along high-  
36 accident corridors. The fee for this service must be set at a level  
37 that will not result in a net revenue loss to the state. Any

1 information provided under this subsection must be treated in the same  
2 manner and subject to the same restrictions as certified abstracts.

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

9 (5) Upon proper request, a certified abstract of the full driving  
10 record maintained by the department shall be furnished to a city or  
11 county prosecuting attorney, to the individual named in the abstract,  
12 to an employer or prospective employer or an agent acting on behalf of  
13 an employer or prospective employer of the named individual, or to a  
14 volunteer organization for which the named individual has submitted an  
15 application for a position that could require the transportation of  
16 children under eighteen years of age, adults over sixty-five years of  
17 age, or (~~physically or mentally disabled~~) persons with physical or  
18 mental disabilities, or to an employee or agent of a transit authority  
19 checking prospective volunteer vanpool drivers for insurance and risk  
20 management needs.

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

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

24 (b) The total number of vehicles involved;

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

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

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

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

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

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

35 (7) Certified abstracts furnished to prosecutors and alcohol/drug  
36 assessment or treatment agencies shall also indicate whether a recorded  
37 violation is an alcohol-related offense as defined in RCW 46.01.260(2)

1 that was originally charged as one of the alcohol-related offenses  
2 designated in RCW 46.01.260(2)(b)(i).

3 (8) The abstract provided to the insurance company shall exclude  
4 any information, except that related to the commission of misdemeanors  
5 or felonies by the individual, pertaining to law enforcement officers  
6 or fire fighters as defined in RCW 41.26.030, or any officer of the  
7 Washington state patrol, while driving official vehicles in the  
8 performance of occupational duty. The abstract provided to the  
9 insurance company shall include convictions for RCW 46.61.5249 and  
10 46.61.525 except that the abstract shall report them only as negligent  
11 driving without reference to whether they are for first or second  
12 degree negligent driving. The abstract provided to the insurance  
13 company shall exclude any deferred prosecution under RCW 10.05.060,  
14 except that if a person is removed from a deferred prosecution under  
15 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
16 as the removal.

17 (9) The director shall collect for each abstract the sum of  
18 ~~((five))~~ ten dollars, fifty percent of which shall be deposited in the  
19 highway safety fund and fifty percent of which must be deposited  
20 according to section 4 of this act for additional patrols along high-  
21 accident corridors.

22 (10) Any insurance company or its agent receiving the certified  
23 abstract shall use it exclusively for its own underwriting purposes and  
24 shall not divulge any of the information contained in it to a third  
25 party. No policy of insurance may be canceled, nonrenewed, denied, or  
26 have the rate increased on the basis of such information unless the  
27 policyholder was determined to be at fault. No insurance company or  
28 its agent for underwriting purposes relating to the operation of  
29 commercial motor vehicles may use any information contained in the  
30 abstract relative to any person's operation of motor vehicles while not  
31 engaged in such employment, nor may any insurance company or its agent  
32 for underwriting purposes relating to the operation of noncommercial  
33 motor vehicles use any information contained in the abstract relative  
34 to any person's operation of commercial motor vehicles.

35 (11) Any employer or prospective employer or an agent acting on  
36 behalf of an employer or prospective employer, or a volunteer  
37 organization for which the named individual has submitted an  
38 application for a position that could require the transportation of

1 children under eighteen years of age, adults over sixty-five years of  
2 age, or ((~~physically or mentally disabled~~)) persons with physical or  
3 mental disabilities, receiving the certified abstract shall use it  
4 exclusively for his or her own purpose to determine whether the  
5 licensee should be permitted to operate a commercial vehicle or school  
6 bus, or operate a vehicle for a volunteer organization for purposes of  
7 transporting children under eighteen years of age, adults over sixty-  
8 five years of age, or ((~~physically or mentally disabled~~)) persons with  
9 physical or mental disabilities, upon the public highways of this state  
10 and shall not divulge any information contained in it to a third party.

11 (12) Any employee or agent of a transit authority receiving a  
12 certified abstract for its vanpool program shall use it exclusively for  
13 determining whether the volunteer licensee meets those insurance and  
14 risk management requirements necessary to drive a vanpool vehicle. The  
15 transit authority may not divulge any information contained in the  
16 abstract to a third party.

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

23 (14) Release of a certified abstract of the driving record of an  
24 employee, prospective employee, or prospective volunteer requires a  
25 statement signed by: (a) The employee, prospective employee, or  
26 prospective volunteer that authorizes the release of the record, and  
27 (b) the employer or volunteer organization attesting that the  
28 information is necessary to determine whether the licensee should be  
29 employed to operate a commercial vehicle or school bus, or operate a  
30 vehicle for a volunteer organization for purposes of transporting  
31 children under eighteen years of age, adults over sixty-five years of  
32 age, or ((~~physically or mentally disabled~~)) persons with physical or  
33 mental disabilities, upon the public highways of this state. If the  
34 employer or prospective employer authorizes an agent to obtain this  
35 information on their behalf, this must be noted in the statement.

36 (15) Any negligent violation of this section is a gross  
37 misdemeanor.

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

1        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 46.68 RCW  
2 to read as follows:

3        (1)    The funding allocated for additional patrols along high-  
4 accident corridors under RCW 46.20.293, 46.29.050, and 46.52.130 shall  
5 be deposited and used as follows:    (a) Two-thirds of the available  
6 funding shall be deposited into the state patrol highway account  
7 created in RCW 46.68.030, and shall be used for additional emphasis  
8 patrols in locations on state routes that the Washington state patrol  
9 determines are high-accident corridor locations; and (b) the remainder  
10 of the available funding shall be deposited into the highway safety  
11 fund created in RCW 46.68.060, and shall be used to create a county  
12 road high-accident corridor emphasis patrol program administered by the  
13 traffic safety commission.    For purposes of this section, "high-  
14 accident corridor" means a highway corridor of one mile or more where  
15 an analysis of at least five years of historical collision data  
16 indicates that the section has higher than average collision and  
17 severity factors.

18        (2)    The traffic safety commission shall establish criteria for  
19 prioritizing high-accident corridors on county roads for purposes of  
20 emphasis patrols under subsection (1)(b) of this section. According to  
21 procedures that the commission shall specify, a county law enforcement  
22 agency may apply to the commission for emphasis patrols on specific  
23 high-accident corridors within the agency's county.    The commission  
24 shall review and prioritize the applications received from county law  
25 enforcement agencies.    The commission shall notify the Washington state  
26 patrol of those high-accident corridors on county roads prioritized for  
27 emphasis patrol, and to the extent of available funding, shall make  
28 grants to the Washington state patrol to fund emphasis patrols on the  
29 highest priority county roads.    Emphasis patrols conducted pursuant to  
30 the county road high-accident corridor emphasis patrol program shall be  
31 performed by the Washington state patrol at no cost to the county.

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