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SENATE BILL 6824

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State of Washington                      60th Legislature                      2008 Regular Session

By Senators McDermott, Schoesler, and Kline

Read first time 01/25/08. Referred to Committee on Judiciary.

1            AN ACT Relating to process servers; amending RCW 18.180.010 and  
2 46.12.370; and reenacting and amending RCW 46.20.118.

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

4            **Sec. 1.** RCW 18.180.010 and 1992 c 125 s 1 are each amended to read  
5 as follows:

6            (1) A person who serves legal process for a fee in the state of  
7 Washington shall be a resident of the state of Washington and shall  
8 register as a process server with the auditor of the county in which  
9 the process server resides or operates his or her principal place of  
10 business.

11            (2) The requirement to register under subsection (1) of this  
12 section does not apply to any of the following persons:

13            (a) A sheriff, deputy sheriff, marshal, constable, or government  
14 employee who is acting in the course of employment;

15            (b) An attorney or the attorney's employees, who are not serving  
16 process on a fee basis;

17            (c) A person who is court appointed to serve the court's process;

18            (d) An employee of a person who is registered under this section;

1 (e) A person who does not receive a fee or wage for serving  
2 process.

3 **Sec. 2.** RCW 46.12.370 and 2005 c 340 s 1 are each amended to read  
4 as follows:

5 In addition to any other authority which it may have, the  
6 department of licensing may furnish lists of registered and legal  
7 owners of motor vehicles only for the purposes specified in this  
8 section to:

9 (1) The manufacturers of motor vehicles, or their authorized  
10 agents, to be used to enable those manufacturers to carry out the  
11 provisions of the National Traffic and Motor Vehicle Safety Act of 1966  
12 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto,  
13 respecting safety-related defects in motor vehicles;

14 (2) Any governmental agency of the United States or Canada, or  
15 political subdivisions thereof, to be used by it or by its authorized  
16 commercial agents or contractors only in connection with the  
17 enforcement of motor vehicle or traffic laws by, or programs related to  
18 traffic safety of, that government agency. Only such parts of the list  
19 as are required for completion of the work required of the agent or  
20 contractor shall be provided to such agent or contractor;

21 (3) A commercial parking company requiring the names and addresses  
22 of registered owners to notify them of outstanding parking violations.  
23 Subject to the disclosure agreement provisions of RCW 46.12.380 and the  
24 requirements of Executive Order 97-01, the department may provide only  
25 the parts of the list that are required for completion of the work  
26 required of the company;

27 (4) An authorized agent or contractor of the department, to be used  
28 only in connection with providing motor vehicle excise tax, licensing,  
29 title, and registration information to motor vehicle dealers;

30 (5) Any business regularly making loans to other persons to finance  
31 the purchase of motor vehicles, to be used to assist the person  
32 requesting the list to determine ownership of specific vehicles for the  
33 purpose of determining whether or not to provide such financing; (~~(or)~~)

34 (6) A company or its agents operating a toll facility under chapter  
35 47.46 RCW or other applicable authority requiring the names, addresses,  
36 and vehicle information of motor vehicle registered owners to identify  
37 toll violators; or

1        (7) Process servers registered under RCW 18.180.010.

2        Where both a mailing address and residence address are recorded on  
3 the vehicle record and are different, only the mailing address will be  
4 disclosed. Both addresses will be disclosed in response to requests  
5 for disclosure from courts, law enforcement agencies, or government  
6 entities with enforcement, investigative, or taxing authority, or  
7 process servers, and only for use in the normal course of conducting  
8 their business.

9        If a list of registered and legal owners of motor vehicles is used  
10 for any purpose other than that authorized in this section, the  
11 manufacturer, governmental agency, commercial parking company,  
12 authorized agent, contractor, financial institution, toll facility  
13 operator, or process server, or their authorized agents or contractors  
14 responsible for the unauthorized disclosure or use will be denied  
15 further access to such information by the department of licensing.

16        **Sec. 3.** RCW 46.20.118 and 2005 c 274 s 307 and 2005 c 246 s 23 are  
17 each reenacted and amended to read as follows:

18        The department shall maintain a negative file. It shall contain  
19 negatives of all pictures taken by the department of licensing as  
20 authorized by RCW 46.20.070 through 46.20.119. Negatives in the file  
21 shall not be available for public inspection and copying under chapter  
22 42.56 RCW. The department may make the file available to official  
23 governmental enforcement agencies to assist in the investigation by the  
24 agencies of suspected criminal activity. The department shall make the  
25 file available to the office of the secretary of state, at the expense  
26 of the secretary of state, to assist in maintenance of the statewide  
27 voter registration database. The department shall make the file  
28 available to process servers registered under RCW 18.180.010, only for  
29 use in the normal course of conducting their business. The department  
30 may also provide a print to the driver's next of kin in the event the  
31 driver is deceased.

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