

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5937

60th Legislature
2007 Regular Session

Passed by the Senate April 17, 2007
YEAS 47 NAYS 1

President of the Senate

Passed by the House April 6, 2007
YEAS 76 NAYS 18

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5937** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5937

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Haugen, Swecker, Murray and Kauffman)

READ FIRST TIME 03/05/07.

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; adding a new section to chapter
4 46.68 RCW; and providing an effective date.

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.

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

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

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

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

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

- 34 (a) The individual named in the abstract;
- 35 (b) An employer or prospective employer or an agent acting on
36 behalf of an employer or prospective employer, or a volunteer

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

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

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

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

13 (f) The insurance carrier to which the named individual has
14 applied;

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

18 (h) City and county prosecuting attorneys.

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

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

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

36 (4) Upon proper request, the director shall furnish a certified
37 abstract covering a period of not more than the last five years to
38 state approved alcohol/drug assessment or treatment agencies, except

1 that the certified abstract shall also include records of alcohol-
2 related offenses as defined in RCW 46.01.260(2) covering a period of
3 not more than the last ten years.

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

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

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

19 (b) The total number of vehicles involved;

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

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

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

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

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

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

30 (7) Certified abstracts furnished to prosecutors and alcohol/drug
31 assessment or treatment agencies shall also indicate whether a recorded
32 violation is an alcohol-related offense as defined in RCW 46.01.260(2)
33 that was originally charged as one of the alcohol-related offenses
34 designated in RCW 46.01.260(2)(b)(i).

35 (8) The abstract provided to the insurance company shall exclude
36 any information, except that related to the commission of misdemeanors
37 or felonies by the individual, pertaining to law enforcement officers
38 or fire fighters as defined in RCW 41.26.030, or any officer of the

1 Washington state patrol, while driving official vehicles in the
2 performance of occupational duty. The abstract provided to the
3 insurance company shall include convictions for RCW 46.61.5249 and
4 46.61.525 except that the abstract shall report them only as negligent
5 driving without reference to whether they are for first or second
6 degree negligent driving. The abstract provided to the insurance
7 company shall exclude any deferred prosecution under RCW 10.05.060,
8 except that if a person is removed from a deferred prosecution under
9 RCW 10.05.090, the abstract shall show the deferred prosecution as well
10 as the removal.

11 (9) The director shall collect for each abstract the sum of
12 ~~((five))~~ ten dollars, fifty percent of which shall be deposited in the
13 highway safety fund and fifty percent of which must be deposited
14 according to section 4 of this act.

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

28 (11) Any employer or prospective employer or an agent acting on
29 behalf of an employer or prospective employer, or a volunteer
30 organization for which the named individual has submitted an
31 application for a position that could require the transportation of
32 children under eighteen years of age, adults over sixty-five years of
33 age, or ~~((physically or mentally disabled))~~ persons with physical or
34 mental disabilities, receiving the certified abstract shall use it
35 exclusively for his or her own purpose to determine whether the
36 licensee should be permitted to operate a commercial vehicle or school
37 bus, or operate a vehicle for a volunteer organization for purposes of
38 transporting children under eighteen years of age, adults over sixty-

1 five years of age, or (~~physically or mentally disabled~~) persons with
2 physical or mental disabilities, upon the public highways of this state
3 and shall not divulge any information contained in it to a third party.

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

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

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

29 (15) Any negligent violation of this section is a gross
30 misdemeanor.

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

32 NEW SECTION. Sec. 4. A new section is added to chapter 46.68 RCW
33 to read as follows:

34 The funding allocated under RCW 46.20.293, 46.29.050, and 46.52.130
35 shall be deposited into the state patrol highway account created in RCW
36 46.68.030, for the purposes enumerated therein, which may include the

1 provision of enhanced resources to address locations with higher than
2 average collision rates.

3 NEW SECTION. **Sec. 5.** This act takes effect August 1, 2007.

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