

CERTIFICATION OF ENROLLMENT

SENATE BILL 6885

60th Legislature
2008 Regular Session

Passed by the Senate February 15, 2008
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 5, 2008
YEAS 95 NAYS 1

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 **SENATE BILL 6885** 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 6885

Passed Legislature - 2008 Regular Session

State of Washington 60th Legislature 2008 Regular Session

By Senators King and Swecker

Read first time 01/31/08. Referred to Committee on Transportation.

1 AN ACT Relating to abstracts of driving records; amending RCW
2 46.52.130; and providing an effective date.

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

4 **Sec. 1.** RCW 46.52.130 and 2007 c 424 s 3 are each amended to read
5 as follows:

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

8 (a) The individual named in the abstract;

9 (b) An employer or prospective employer or an agent acting on
10 behalf of an employer or prospective employer, or a volunteer
11 organization for which the named individual has submitted an
12 application for a position that could require the transportation of
13 children under eighteen years of age, adults over sixty-five years of
14 age, or persons with mental or physical disabilities;

15 (c) An employee or agent of a transit authority checking
16 prospective volunteer vanpool drivers for insurance and risk management
17 needs;

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

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

3 (f) The insurance carrier to which the named individual has
4 applied;

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

8 (h) City and county prosecuting attorneys; or

9 (i) State colleges, universities, or agencies for employment and
10 risk management purposes; or units of local government authorized to
11 self-insure under RCW 48.62.031.

12 (2) City attorneys and county prosecuting attorneys may provide the
13 driving record to alcohol/drug assessment or treatment agencies
14 approved by the department of social and health services to which the
15 named individual has applied or been assigned for evaluation or
16 treatment.

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

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

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

35 (5) Upon proper request, a certified abstract of the full driving
36 record maintained by the department shall be furnished to a city or
37 county prosecuting attorney, to the individual named in the abstract,
38 to an employer or prospective employer or an agent acting on behalf of

1 an employer or prospective employer of the named individual, or to a
2 volunteer organization for which the named individual has submitted an
3 application for a position that could require the transportation of
4 children under eighteen years of age, adults over sixty-five years of
5 age, or persons with physical or mental disabilities, or to an employee
6 or agent of a transit authority checking prospective volunteer vanpool
7 drivers for insurance and risk management needs.

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

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

11 (b) The total number of vehicles involved;

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

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

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

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

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

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

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

27 (8) The abstract provided to the insurance company shall exclude
28 any information, except that related to the commission of misdemeanors
29 or felonies by the individual, pertaining to law enforcement officers
30 or firefighters as defined in RCW 41.26.030, or any officer of the
31 Washington state patrol, while driving official vehicles in the
32 performance of occupational duty. The abstract provided to the
33 insurance company shall include convictions for RCW 46.61.5249 and
34 46.61.525 except that the abstract shall report them only as negligent
35 driving without reference to whether they are for first or second
36 degree negligent driving. The abstract provided to the insurance
37 company shall exclude any deferred prosecution under RCW 10.05.060,

1 except that if a person is removed from a deferred prosecution under
2 RCW 10.05.090, the abstract shall show the deferred prosecution as well
3 as the removal.

4 (9) The director shall collect for each abstract the sum of ten
5 dollars, fifty percent of which shall be deposited in the highway
6 safety fund and fifty percent of which must be deposited according to
7 RCW 46.68.038.

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

21 (11) Any employer or prospective employer or an agent acting on
22 behalf of an employer or prospective employer, or a volunteer
23 organization for which the named individual has submitted an
24 application for a position that could require the transportation of
25 children under eighteen years of age, adults over sixty-five years of
26 age, or persons with physical or mental disabilities, receiving the
27 certified abstract shall use it exclusively for his or her own purpose
28 to determine whether the licensee should be permitted to operate a
29 commercial vehicle or school bus, or operate a vehicle for a volunteer
30 organization for purposes of transporting children under eighteen years
31 of age, adults over sixty-five years of age, or persons with physical
32 or mental disabilities, upon the public highways of this state and
33 shall not divulge any information contained in it to a third party.

34 (12) Any employee or agent of a transit authority receiving a
35 certified abstract for its vanpool program shall use it exclusively for
36 determining whether the volunteer licensee meets those insurance and
37 risk management requirements necessary to drive a vanpool vehicle. The

1 transit authority may not divulge any information contained in the
2 abstract to a third party.

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

9 (14) Release of a certified abstract of the driving record of an
10 employee, prospective employee, or prospective volunteer requires a
11 statement signed by: (a) The employee, prospective employee, or
12 prospective volunteer that authorizes the release of the record, and
13 (b) the employer or volunteer organization attesting that the
14 information is necessary to determine whether the licensee should be
15 employed to operate a commercial vehicle or school bus, or operate a
16 vehicle for a volunteer organization for purposes of transporting
17 children under eighteen years of age, adults over sixty-five years of
18 age, or persons with physical or mental disabilities, upon the public
19 highways of this state. If the employer or prospective employer
20 authorizes an agent to obtain this information on their behalf, this
21 must be noted in the statement. This subsection does not apply to
22 entities identified in subsection (1)(i) of this section.

23 (15) Any negligent violation of this section is a gross
24 misdemeanor.

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

26 NEW SECTION. **Sec. 2.** This act takes effect August 1, 2008.

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