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HOUSE BILL 1468

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives R. Meyers, Ferguson, Jacobsen and Mitchell.

Read first time January 30, 1991.                      Referred to Committee on  
Transportation.

1            AN ACT Relating to high occupancy vehicles; amending RCW 46.52.100  
2 and 46.52.130; and adding a new section to chapter 46.90 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.90 RCW  
5 to read as follows:

6            In a prosecution charging a violation of RCW 46.61.165, proof that  
7 a particular vehicle described in the complaint was operated in  
8 violation of RCW 46.61.165, together with proof that the defendant  
9 named in the complaint was the registered owner at the time of the  
10 violation, is prima facie evidence that the registered owner of the  
11 vehicle was the person who operated the vehicle at the time the  
12 violation occurred.

13            **Sec. 2.** RCW 46.52.100 and 1987 c 3 s 18 are each amended to read  
14 as follows:

1 Every district court, municipal court, and clerk of superior court  
2 shall keep or cause to be kept a record of every traffic complaint,  
3 traffic citation, notice of infraction, or other legal form of traffic  
4 charge deposited with or presented to the court or a traffic violations  
5 bureau, and shall keep a record of every official action by said court  
6 or its traffic violations bureau in reference thereto, including but  
7 not limited to a record of every conviction, forfeiture of bail,  
8 judgment of acquittal, finding that a traffic infraction has been  
9 committed, dismissal of a notice of infraction, and the amount of fine,  
10 forfeiture, or penalty resulting from every said traffic complaint,  
11 citation, or notice of infraction deposited with or presented to the  
12 district court, municipal court, superior court, or traffic violations  
13 bureau.

14 The Monday following the conviction, forfeiture of bail, or finding  
15 that a traffic infraction was committed for violation of any provisions  
16 of this chapter or other law regulating the operating of vehicles on  
17 highways, every said magistrate of the court or clerk of the court of  
18 record in which such conviction was had, bail was forfeited, or the  
19 finding made shall prepare and immediately forward to the director of  
20 licensing at Olympia an abstract of the record of said court covering  
21 the case, which abstract must be certified by the person so required to  
22 prepare the same to be true and correct. Report need not be made of  
23 any finding involving the illegal parking or standing of a vehicle or  
24 improper use of a designated high-occupancy vehicle lane or ramp under  
25 RCW 46.61.165.

26 Said abstract must be made upon a form furnished by the director  
27 and shall include the name and address of the party charged, the  
28 number, if any, of the party's driver's or chauffeur's license, the  
29 registration number of the vehicle involved, the nature of the offense,  
30 the date of hearing, the plea, the judgment, whether bail forfeited,

1 whether the determination that a traffic infraction was committed was  
2 contested, and the amount of the fine, forfeiture, or penalty as the  
3 case may be.

4 Every court of record shall also forward a like report to the  
5 director upon the conviction of any person of manslaughter or other  
6 felony in the commission of which a vehicle was used.

7 The failure of any such judicial officer to comply with any of the  
8 requirements of this section shall constitute misconduct in office and  
9 shall be grounds for removal therefrom.

10 The director shall keep all abstracts received hereunder at the  
11 director's office in Olympia and the same shall be open to public  
12 inspection during reasonable business hours.

13 Venue in all district courts shall be before one of the two nearest  
14 district judges in incorporated cities and towns nearest to the point  
15 the violation allegedly occurred: PROVIDED, That in counties of class  
16 A and of the first class such cases may be tried in the county seat at  
17 the request of the defendant.

18 It shall be the duty of the officer, prosecuting attorney, or city  
19 attorney signing the charge or information in any case involving a  
20 charge of driving under the influence of intoxicating liquor or any  
21 drug immediately to make request to the director for an abstract of  
22 convictions and forfeitures which the director shall furnish.

23 **Sec. 3.** RCW 46.52.130 and 1989 c 178 s 24 are each amended to read  
24 as follows:

25 A certified abstract of the driving record shall be furnished only  
26 to the individual named in the abstract, an employer, the insurance  
27 carrier that has insurance in effect covering the employer or a  
28 prospective employer, the insurance carrier that has insurance in  
29 effect covering the named individual, the insurance carrier to which

1 the named individual has applied, or an alcohol/drug assessment or  
2 treatment agency approved by the department of social and health  
3 services, to which the named individual has applied or been assigned  
4 for evaluation or treatment. City attorneys and county prosecuting  
5 attorneys may provide the driving record to alcohol/drug assessment or  
6 treatment agencies approved by the department of social and health  
7 services to which the named individual has applied or been assigned for  
8 evaluation or treatment. The director, upon proper request, shall  
9 furnish a certified abstract covering the period of not more than the  
10 last three years to insurance companies, and covering a period of not  
11 more than the last five years to state approved alcohol/drug assessment  
12 or treatment agencies. A certified abstract of the full driving record  
13 maintained by the department shall be furnished to individuals and  
14 employers or prospective employers. The abstract, whenever possible,  
15 shall include an enumeration of motor vehicle accidents in which the  
16 person was driving; the total number of vehicles involved; whether the  
17 vehicles were legally parked or moving; whether the vehicles were  
18 occupied at the time of the accident; any reported convictions,  
19 forfeitures of bail, or findings that an infraction was committed based  
20 upon a violation of any motor vehicle law; and the status of the  
21 person's driving privilege in this state. The enumeration shall  
22 include any reports of failure to appear in response to a traffic  
23 citation or failure to respond to a notice of infraction served upon  
24 the named individual by an arresting officer.

25 The abstract provided to the insurance company shall exclude any  
26 information pertaining to improper use of a designated high-occupancy  
27 vehicle lane or ramp under RCW 46.61.165 or to law enforcement officers  
28 or fire fighters as defined in RCW 41.26.030, or any member of the  
29 Washington state patrol, while driving official vehicles in the  
30 performance of occupational duty during an emergency situation if the

1 chief of the officer's or fire fighter's department certifies on the  
2 accident report that the actions of the officer or fire fighter were  
3 reasonable under the circumstances as they existed at the time of the  
4 accident.

5 The director shall collect for each abstract the sum of four  
6 dollars and fifty cents which shall be deposited in the highway safety  
7 fund.

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

21 Any employer or prospective employer receiving the certified  
22 abstract shall use it exclusively for his own purpose to determine  
23 whether the licensee should be permitted to operate a commercial  
24 vehicle or school bus upon the public highways of this state and shall  
25 not divulge any information contained in it to a third party.

26 Any alcohol/drug assessment or treatment agency approved by the  
27 department of social and health services receiving the certified  
28 abstract shall use it exclusively for the purpose of assisting its  
29 employees in making a determination as to what level of treatment, if

1 any, is appropriate. The agency, or any of its employees, shall not  
2 divulge any information contained in the abstract to a third party.  
3 Any violation of this section is a gross misdemeanor.