

FINAL BILL REPORT

SHB 2939

PARTIAL VETO C 253 L 10 Synopsis as Enacted

Brief Description: Concerning notations on driver abstracts that a person was not at fault in a motor vehicle accident.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Dammeier, Orwall, Parker, Probst, Morrell, Kessler, Smith and Kenney).

House Committee on Transportation
Senate Committee on Transportation

Background:

The Director of the Department of Licensing (DOL) maintains a case record on every person licensed to operate a motor vehicle in Washington. These case records, or abstracts, contain information relating to a person's driving record, including:

- a list of motor vehicle accidents in which the person was driving;
- whether any of the motor vehicle accidents resulted in a fatality;
- any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- the status of the person's driving privilege in Washington; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer, prospective employer, or volunteer organization for which the individual named in the abstract has applied for a position that requires the transportation of certain groups;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services;
- city and county prosecuting attorneys;
- state colleges, universities, or agencies for risk management or employment purposes; and

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- units of local government authorized to self-insure.

A full abstract may be released to the individual named in the abstract, an employer or prospective employer, or a city or county prosecuting attorney. Certain requesters are allowed to receive partial abstracts, meaning driving records that date back a limited number of years.

State-approved alcohol/drug assessment or treatment agencies receive an abstract covering a period of not more than five years, plus any records of alcohol-related driving offenses for a period of not more than 10 years.

Information may only be used for specific purposes depending on who requests the abstract. An abstract provided to an alcohol/drug assessment or treatment agency may only be used to assist its employees in determining the appropriate level of treatment.

Persons requesting the abstract, other than the individual named in the abstract, may not give any information contained in the abstract to a third party unless authorized. Prosecutors are authorized to provide the abstract to state-approved alcohol/drug assessment or treatment agencies.

The DOL may destroy certain records, such as applications for drivers' licenses, if they have been microfilmed or are older than five years. However, the DOL must keep convictions for vehicular homicide and vehicular assault permanently on file. Convictions for driving under the influence of intoxicating liquor or drugs must be kept for 15 years from the date of the conviction.

Summary:

The DOL is required to indicate in a driving abstract obtained for employment purposes that an individual was not at fault in a particular accident if the individual named in the abstract provides the DOL with court records showing that the individual was not at fault.

The entirety of the statute is rewritten in plain language, and the Office of the Superintendent of Public Instruction is allowed to receive driving record abstracts and discuss the abstract with the employing school district.

Votes on Final Passage:

House	95	0	
Senate	45	0	(Senate amended)
House	96	0	(House concurred)

Effective: October 31, 2010

Partial Veto Summary: The governor vetoed section 2, thereby eliminating the null and void clause.