

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1024

Chapter 243, Laws of 1991

52nd Legislature
1991 Regular Session

LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS--INFORMATION
EXCLUDED FROM DRIVING RECORD

EFFECTIVE DATE: 7/28/91

Passed by the House February 13, 1991
Yeas 97 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Passed by the Senate April 8, 1991
Yeas 48 Nays 0

JOEL PRITCHARD
President of the Senate

Approved May 17, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1024** as passed by the House of Representatives and the Senate on the dates hereon set forth.

ALAN THOMPSON
Chief Clerk

FILED

May 17, 1991 - 10:13 a.m.

Secretary of State
State of Washington

HOUSE BILL 1024

AS AMENDED BY THE SENATE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Zellinsky, Broback, Dellwo, Haugen, Kremen, Day, Wineberry, Mielke, Orr, Inslee, Ebersole, R. Meyers, Paris, Schmidt, May, Edmondson, Van Luven, Sheldon, Pruitt, Winsley, Forner and Anderson.

Read first time January 16, 1991. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to law enforcement and fire fighters; and amending
2 RCW 46.52.130.

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

4 **Sec. 1.** RCW 46.52.130 and 1989 c 178 s 24 are each amended to read
5 as follows:

6 A certified abstract of the driving record shall be furnished only
7 to the individual named in the abstract, an employer, the insurance
8 carrier that has insurance in effect covering the employer or a
9 prospective employer, the insurance carrier that has insurance in
10 effect covering the named individual, the insurance carrier to which
11 the named individual has applied, or an alcohol/drug assessment or
12 treatment agency approved by the department of social and health
13 services, to which the named individual has applied or been assigned
14 for evaluation or treatment. City attorneys and county prosecuting

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

21 The abstract provided to the insurance company shall exclude any
22 information except that related to the commission of misdemeanors or
23 felonies by the individual pertaining to law enforcement officers or
24 fire fighters as defined in RCW 41.26.030, or any ((member)) officer of
25 the Washington state patrol, while driving official vehicles in the
26 performance of occupational duty ((during an emergency situation if the
27 chief of the officer's or fire fighter's department certifies on the
28 accident report that the actions of the officer or fire fighter were
29 reasonable under the circumstances as they existed at the time of the
30 accident)).

1 The director shall collect for each abstract the sum of four
2 dollars and fifty cents which shall be deposited in the highway safety
3 fund.

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

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

22 Any alcohol/drug assessment or treatment agency approved by the
23 department of social and health services receiving the certified
24 abstract shall use it exclusively for the purpose of assisting its
25 employees in making a determination as to what level of treatment, if
26 any, is appropriate. The agency, or any of its employees, shall not
27 divulge any information contained in the abstract to a third party.

28 Any violation of this section is a gross misdemeanor.

Passed the House February 13, 1991.
Passed the Senate April 8, 1991.
Approved by the Governor May 17, 1991.
Filed in Office of Secretary of State May 17, 1991.