
HOUSE BILL 2583

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By Representatives Schindler, Lovick, Mielke, Gombosky, Lambert, Esser, Wensman, Thomas, Benson, Morris, Haigh, Dunn and Hurst

Read first time 01/17/2000. Referred to Committee on Transportation.

1 AN ACT Relating to disclosure of vehicle license information;
2 amending RCW 46.12.380 and 46.12.390; reenacting and amending RCW
3 46.12.370; and adding a new section to chapter 46.12 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.12 RCW
6 to read as follows:

7 (1) The registered owner of a vehicle may forbid the department
8 from disclosing the vehicle licensing record if the registered owner is
9 not a business entity. The vehicle's registered owner must provide the
10 department with written notification of the prohibition. If a
11 qualifying vehicle's registered owner provides the written
12 notification, the department may not release the vehicle licensing
13 record except as allowed under RCW 46.12.370 and 46.52.030.

14 (2) The registered owner of a vehicle may at any time prohibit the
15 department from disclosing the vehicle licensing record. Once received
16 by the department, the prohibition applies to the entire vehicle
17 licensing record and operates prospectively.

18 (a) When a vehicle's registered owner pays the annual license tab
19 fee on a vehicle the department shall provide the vehicle's registered

1 owner the opportunity to issue a written prohibition of disclosure of
2 the vehicle licensing record.

3 (b) If a person is a registered owner of more than one vehicle and
4 wishes to prohibit the disclosure of the vehicle licensing record for
5 each vehicle, he or she must provide a separate written notification to
6 the department for each vehicle.

7 (c) If a vehicle's registered owner forbids the department from
8 disclosing his or her vehicle licensing record, the prohibition on
9 disclosure is effective as long as the person owns the licensed
10 vehicle.

11 (3) For purposes of this section "vehicle licensing record" means
12 the name and address for one or more registered owners of vehicles that
13 is linked to a vehicle record maintained by the department. Each
14 vehicle record and the associated name and address information are a
15 separate vehicle licensing record.

16 **Sec. 2.** RCW 46.12.370 and 1997 c 432 s 6 and 1997 c 33 s 1 are
17 each reenacted and amended to read as follows:

18 (1) In addition to any other authority which it may have, the
19 department of licensing may furnish lists of registered and legal
20 owners of (~~motor~~) vehicles only for the purposes specified in this
21 section to:

22 ((+1)) (a) The manufacturers of (~~motor~~) vehicles, or their
23 authorized agents, to be used to enable those manufacturers to carry
24 out the provisions of the National Traffic and Motor Vehicle Safety Act
25 of 1966 (15 U.S.C. sec. 1382-1418), including amendments or additions
26 thereto, respecting safety-related defects in (~~motor~~) vehicles;

27 ((+2)) (b) Any governmental agency of the United States or Canada,
28 or political subdivisions thereof, to be used by it or by its
29 authorized commercial agents or contractors only in connection with the
30 enforcement of (~~motor~~) vehicle or traffic laws by, or programs
31 related to traffic safety of, that government agency. Only such parts
32 of the list as are required for completion of the work required of the
33 agent or contractor shall be provided to such agent or contractor;

34 ((+3)) (c) A commercial parking company requiring the names and
35 addresses of registered owners to notify them of outstanding parking
36 violations. Subject to the disclosure agreement provisions of RCW
37 46.12.380 and the requirements of Executive Order 97-01, the department

1 may provide only the parts of the list that are required for completion
2 of the work required of the company;

3 ~~((4))~~ (d) An authorized agent or contractor of the department, to
4 be used only in connection with providing ~~((motor))~~ vehicle ~~((exercise~~
5 ~~tax,))~~ licensing, title, and registration information to motor vehicle
6 dealers; or

7 ~~((5))~~ (e) Any business regularly making loans to other persons to
8 finance the purchase of ~~((motor))~~ vehicles, to be used to assist the
9 person requesting the list to determine ownership of specific vehicles
10 for the purpose of determining whether or not to provide such
11 financing.

12 ~~((In the event))~~ (2) If a list of registered and legal owners of
13 ~~((motor))~~ vehicles is used for any purpose other than that authorized
14 in this section, including but not limited to the disclosure of the
15 information to a third party except as authorized under subsection
16 (1)(d) of this section, the manufacturer, governmental agency,
17 commercial parking company, authorized agent, contractor, financial
18 institution, or their authorized agents or contractors responsible for
19 the unauthorized disclosure or use will be:

20 (a) Denied further access to such information by the department of
21 licensing; and

22 (b) Subject to the penalty provisions of RCW 46.12.390.

23 **Sec. 3.** RCW 46.12.380 and 1995 c 254 s 10 are each amended to read
24 as follows:

25 (1) Notwithstanding the provisions of chapter 42.17 RCW, the name
26 or address of an individual vehicle owner shall not be released by the
27 department, county auditor, or agency or firm authorized by the
28 department except under the following circumstances:

29 (a) The requesting party is a business entity that requests the
30 information for use in the course of business. For purposes of this
31 section "course of business" does not include the sale or other
32 distribution of a vehicle's registered owner's name or address to
33 another person whose identity is not disclosed to the disclosing entity
34 in the request or disclosure agreement;

35 (b) The request is a written request that is signed by the person
36 requesting disclosure that contains the full legal name and address of
37 the requesting party, that specifies the purpose for which the
38 information will be used; ~~((and))~~

1 (c) The requesting party enters into a disclosure agreement with
2 the department in which the party promises that the party will use the
3 information only for the purpose stated in the request for the
4 information; and that the party does not intend to use, or facilitate
5 the use of, the information for the purpose of making any unsolicited
6 business contact with a person named in the disclosed information. The
7 term "unsolicited business contact" means a contact that is intended to
8 result in, or promote, the sale of any goods or services to a person
9 named in the disclosed information. The term does not apply to
10 situations where the requesting party and such person have been
11 involved in a business transaction prior to the date of the disclosure
12 request and where the request is made in connection with the
13 transaction; and

14 (d) The vehicle's registered owner has not exercised his or her
15 authority under section 1 of this act to prohibit the department or
16 other entity from disclosing the information.

17 (2) The disclosing entity shall retain the request for disclosure
18 for three years. "Disclosing entity" as used in this section means the
19 person or entity that discloses the vehicle's registered owner's name
20 and address from a vehicle licensing record to another person or
21 entity.

22 (3) Whenever the disclosing entity grants a request for information
23 under this section by an attorney or private investigator, the
24 disclosing entity shall provide notice to the vehicle owner, to whom
25 the information applies, that the request has been granted. The notice
26 also shall contain the name and address of the requesting party.

27 (4) Any person who is furnished vehicle owner information under
28 this section shall be responsible for assuring that the information
29 furnished is not used for a purpose contrary to the agreement between
30 the person and the department. If the person supplies vehicle owner
31 information to a third person, that person shall provide notice to the
32 vehicle's registered owner to whom the information applies that the
33 information has been disclosed. The notice must also contain the name
34 and address of the requesting party.

35 (5) This section shall not apply to requests for information by
36 governmental entities or requests that may be granted under any other
37 provision of this title expressly authorizing the disclosure of the
38 names or addresses of vehicle owners.

1 (6) This section shall not apply to title history information under
2 RCW 19.118.170.

3 (7) If the department or other entity or person discloses name and
4 address information of a vehicle's registered owner in violation of the
5 terms of RCW 46.12.390, 46.12.380, or 46.12.370, the vehicle's
6 registered owner may bring a civil action against the disclosing entity
7 for damages as a result of the violation. If the vehicle's registered
8 owner prevails, he or she must be allowed a reasonable attorney's fee
9 and costs as determined by the court. If the department or other
10 entity or person discloses information as provided under RCW 46.12.390,
11 46.12.380, or 46.12.370, and the receiver of the information then
12 discloses the information in violation of one or more of those
13 sections, the vehicle's registered owner may not bring a civil action
14 against the department, person, or entity that originally disclosed the
15 information.

16 **Sec. 4.** RCW 46.12.390 and 1990 c 232 s 3 are each amended to read
17 as follows:

18 (1) The department may review the activities of a person who
19 receives vehicle record information to ensure compliance with the
20 limitations imposed on the use of the information. The department
21 shall suspend or revoke for up to five years the privilege of obtaining
22 vehicle record information of a person found to be in violation of
23 chapter 42.17 RCW, this chapter, or a disclosure agreement executed
24 with the department.

25 (2) In addition to the penalty in subsection (1) of this section:

26 (a) The unauthorized disclosure of information from a department
27 vehicle record; or

28 (b) The use of a false representation to obtain information from
29 the department's vehicle records; or

30 (c) The use of information obtained from the department vehicle
31 records for a purpose other than what is stated in the request for
32 information or in the disclosure agreement executed with the
33 department; or

34 (d) The sale or other distribution of any vehicle owner name or
35 address to another person not disclosed to the disclosing entity in the
36 request or disclosure agreement

1 is a gross misdemeanor punishable by a fine not to exceed ten thousand
2 dollars, or by imprisonment in a county jail not to exceed one year, or
3 by both such fine and imprisonment for each violation.

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