

2 HB 1567 - S AMD 245
3 By Senator Haugen

4 ADOPTED 04/12/01

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.52.130 and 1998 c 165 s 11 are each amended to
8 read as follows:

9 A certified abstract of the driving record shall be furnished only
10 to the individual named in the abstract, an employer or prospective
11 employer or an agent acting on behalf of an employer or prospective
12 employer, the insurance carrier that has insurance in effect covering
13 the employer or a prospective employer, the insurance carrier that has
14 insurance in effect covering the named individual, the insurance
15 carrier to which the named individual has applied, an alcohol/drug
16 assessment or treatment agency approved by the department of social and
17 health services, to which the named individual has applied or been
18 assigned for evaluation or treatment, or city and county prosecuting
19 attorneys. City attorneys and county prosecuting attorneys may provide
20 the driving record to alcohol/drug assessment or treatment agencies
21 approved by the department of social and health services to which the
22 named individual has applied or been assigned for evaluation or
23 treatment. The director, upon proper request, shall furnish a
24 certified abstract covering the period of not more than the last three
25 years to insurance companies. Upon proper request, the director shall
26 furnish a certified abstract covering a period of not more than the
27 last five years to state approved alcohol/drug assessment or treatment
28 agencies, except that the certified abstract shall also include records
29 of alcohol-related offenses as defined in RCW 46.01.260(2) covering a
30 period of not more than the last ten years. Upon proper request, a
31 certified abstract of the full driving record maintained by the
32 department shall be furnished to a city or county prosecuting attorney,
33 to the individual named in the abstract or to an employer or
34 prospective employer or an agent acting on behalf of an employer or
35 prospective employer of the named individual. The abstract, whenever
36 possible, shall include an enumeration of motor vehicle accidents in

1 which the person was driving; the total number of vehicles involved;
2 whether the vehicles were legally parked or moving; whether the
3 vehicles were occupied at the time of the accident; whether the
4 accident resulted in any fatality; any reported convictions,
5 forfeitures of bail, or findings that an infraction was committed based
6 upon a violation of any motor vehicle law; and the status of the
7 person's driving privilege in this state. The enumeration shall
8 include any reports of failure to appear in response to a traffic
9 citation or failure to respond to a notice of infraction served upon
10 the named individual by an arresting officer. Certified abstracts
11 furnished to prosecutors and alcohol/drug assessment or treatment
12 agencies shall also indicate whether a recorded violation is an
13 alcohol-related offense as defined in RCW 46.01.260(2) that was
14 originally charged as one of the alcohol-related offenses designated in
15 RCW 46.01.260(2)(b)(i).

16 The abstract provided to the insurance company shall exclude any
17 information, except that related to the commission of misdemeanors or
18 felonies by the individual, pertaining to law enforcement officers or
19 fire fighters as defined in RCW 41.26.030, or any officer of the
20 Washington state patrol, while driving official vehicles in the
21 performance of occupational duty. The abstract provided to the
22 insurance company shall include convictions for RCW 46.61.5249 and
23 46.61.525 except that the abstract shall report them only as negligent
24 driving without reference to whether they are for first or second
25 degree negligent driving. The abstract provided to the insurance
26 company shall exclude any deferred prosecution under RCW 10.05.060,
27 except that if a person is removed from a deferred prosecution under
28 RCW 10.05.090, the abstract shall show the deferred prosecution as well
29 as the removal.

30 The director shall collect for each abstract the sum of four
31 dollars and fifty cents which shall be deposited in the highway safety
32 fund.

33 Any insurance company or its agent receiving the certified abstract
34 shall use it exclusively for its own underwriting purposes and shall
35 not divulge any of the information contained in it to a third party.
36 No policy of insurance may be canceled, nonrenewed, denied, or have the
37 rate increased on the basis of such information unless the policyholder
38 was determined to be at fault. No insurance company or its agent for
39 underwriting purposes relating to the operation of commercial motor

1 vehicles may use any information contained in the abstract relative to
2 any person's operation of motor vehicles while not engaged in such
3 employment, nor may any insurance company or its agent for underwriting
4 purposes relating to the operation of noncommercial motor vehicles use
5 any information contained in the abstract relative to any person's
6 operation of commercial motor vehicles.

7 Any employer or prospective employer or an agent acting on behalf
8 of an employer or prospective employer receiving the certified abstract
9 shall use it exclusively for his or her own purpose to determine
10 whether the licensee should be permitted to operate a commercial
11 vehicle or school bus upon the public highways of this state and shall
12 not divulge any information contained in it to a third party.

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

19 Release of a certified abstract of the driving record of an
20 employee or prospective employee requires a statement signed by: (1)
21 The employee or prospective employee that authorizes the release of the
22 record, and (2) the employer attesting that the information is
23 necessary to determine whether the licensee should be employed to
24 operate a commercial vehicle or school bus upon the public highways of
25 this state. If the employer or prospective employer authorizes an
26 agent to obtain this information on their behalf, this must be noted in
27 the statement.

28 Any negligent violation of this section is a gross misdemeanor.

29 Any intentional violation of this section is a class C felony."

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32 ADOPTED 04/12/01

33 In line 2 of the title, after "records;" strike the remainder of
34 the title and insert "amending RCW 46.52.130; and prescribing
35 penalties."

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