

FINAL BILL REPORT

HB 1567

C 309 L 01

Synopsis as Enacted

Brief Description: Increasing the penalty for intentional misuse of abstracts of driving records.

Sponsors: By Representatives Fisher, Hankins, Lovick and Mitchell; by request of Department of Licensing.

House Committee on Criminal Justice & Corrections
Senate Committee on Transportation

Background:

The Department of Licensing (DOL) maintains abstracts of driving records. These 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 this state; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Washington law restricts the distribution and use of abstracts. Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer or agent, or prospective employer or agent;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services (DSHS); and
- city and county prosecuting attorneys.

A full abstract may be released to the individual named in the abstract, an employer or agent, prospective employer or agent, or a city or county prosecuting attorney. A partial abstract may be released to specified insurance companies and alcohol/drug assessment or treatment agencies approved by the DSHS.

Information may only be used for specific purposes, depending on who requests the abstract. For example, an abstract provided to an insurance company may only be used for its own underwriting purposes. In addition, an abstract provided to an employer may

only be used to determine whether the individual named in the abstract should be permitted to operate a commercial vehicle or school bus. Furthermore, 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.

Misusing an abstract of a person's driving record is a gross misdemeanor. A gross misdemeanor carries a maximum sentence of one year of incarceration or a fine of \$5,000, or both.

Offenders convicted of unranked felonies,— felonies without an established seriousness level on the sentencing guidelines grid, are not subject to standard sentence ranges. Generally, in these cases, courts are required to impose a determinate sentence which may include not more than one year of confinement and may also include community service, legal financial obligations, a term of community supervision not to exceed one year, or a fine.

Summary:

It is an unranked class C felony to intentionally misuse an abstract of a person's driving record. It is a gross misdemeanor to negligently misuse an abstract of a person's driving record.

Votes on Final Passage:

House 93 0
Senate 45 1 (Senate amended)
House 91 0 (House concurred)

Effective: July 22, 2001