
ENGROSSED HOUSE BILL 2373

State of Washington 60th Legislature 2007 Regular Session

By Representatives McCune, Ahern, Kretz, Pearson, Roach and Kenney

Read first time 02/28/2007. Referred to Committee on Transportation.

1 AN ACT Relating to enhancing school bus driver safety; amending RCW
2 46.52.130; and declaring an emergency.

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

4 **Sec. 1.** RCW 46.52.130 and 2004 c 49 s 1 are each amended to read
5 as follows:

6 (1) A certified abstract of the driving record shall be furnished
7 only to:

8 (a) The individual named in the abstract;

9 (b) An employer or prospective employer or an agent acting on
10 behalf of an employer or prospective employer, or a volunteer
11 organization for which the named individual has submitted an
12 application for a position that could require the transportation of
13 children under eighteen years of age, adults over sixty-five years of
14 age, or (~~physically or mentally disabled~~) persons with physical or
15 mental disabilities;

16 (c) An employee or agent of a transit authority checking
17 prospective volunteer vanpool drivers for insurance and risk management
18 needs;

1 (d) The insurance carrier that has insurance in effect covering the
2 employer or a prospective employer;

3 (e) The insurance carrier that has motor vehicle or life insurance
4 in effect covering the named individual;

5 (f) The insurance carrier to which the named individual has
6 applied;

7 (g) An alcohol/drug assessment or treatment agency approved by the
8 department of social and health services, to which the named individual
9 has applied or been assigned for evaluation or treatment; or

10 (h) City and county prosecuting attorneys.

11 (2) City attorneys and county prosecuting attorneys may provide the
12 driving record to alcohol/drug assessment or treatment agencies
13 approved by the department of social and health services to which the
14 named individual has applied or been assigned for evaluation or
15 treatment.

16 (3)(a) The director, upon proper request, shall furnish a certified
17 abstract covering the period of not more than the last three years to
18 insurance companies.

19 (b) The director may enter into a contractual agreement with an
20 insurance company or its agent for the limited purpose of reviewing the
21 driving records of existing policyholders for changes to the record
22 during specified periods of time. The department shall establish a fee
23 for this service, which must be deposited in the highway safety fund.
24 The fee for this service must be set at a level that will not result in
25 a net revenue loss to the state. Any information provided under this
26 subsection must be treated in the same manner and subject to the same
27 restrictions as certified abstracts.

28 (4) Upon proper request, the director shall furnish a certified
29 abstract covering a period of not more than the last five years to
30 state approved alcohol/drug assessment or treatment agencies, except
31 that the certified abstract shall also include records of alcohol-
32 related offenses as defined in RCW 46.01.260(2) covering a period of
33 not more than the last ten years.

34 (5) Upon proper request, a certified abstract of the full driving
35 record maintained by the department shall be furnished to a city or
36 county prosecuting attorney, to the individual named in the abstract,
37 to an employer or prospective employer or an agent acting on behalf of
38 an employer or prospective employer of the named individual, or to a

1 volunteer organization for which the named individual has submitted an
2 application for a position that could require the transportation of
3 children under eighteen years of age, adults over sixty-five years of
4 age, or (~~physically or mentally disabled~~) persons with physical or
5 mental disabilities, or to an employee or agent of a transit authority
6 checking prospective volunteer vanpool drivers for insurance and risk
7 management needs.

8 (6) Upon proper request, the director shall furnish at no charge,
9 a complete certified abstract of the full driving record maintained by
10 the department to a school district for current or prospective school
11 bus drivers. The department shall also immediately notify the
12 superintendent of public instruction if a public school bus driver has
13 had a new moving violation, or any court or departmental action has
14 entered on his or her driving record.

15 (7) The abstract, whenever possible, shall include:

16 (a) An enumeration of motor vehicle accidents in which the person
17 was driving;

18 (b) The total number of vehicles involved;

19 (c) Whether the vehicles were legally parked or moving;

20 (d) Whether the vehicles were occupied at the time of the accident;

21 (e) Whether the accident resulted in any fatality;

22 (f) Any reported convictions, forfeitures of bail, or findings that
23 an infraction was committed based upon a violation of any motor vehicle
24 law;

25 (g) The status of the person's driving privilege in this state; and

26 (h) Any reports of failure to appear in response to a traffic
27 citation or failure to respond to a notice of infraction served upon
28 the named individual by an arresting officer.

29 (~~(7)~~) (8) Certified abstracts furnished to prosecutors and
30 alcohol/drug assessment or treatment agencies shall also indicate
31 whether a recorded violation is an alcohol-related offense as defined
32 in RCW 46.01.260(2) that was originally charged as one of the alcohol-
33 related offenses designated in RCW 46.01.260(2)(b)(i).

34 (~~(8)~~) (9) The abstract provided to the insurance company shall
35 exclude any information, except that related to the commission of
36 misdemeanors or felonies by the individual, pertaining to law
37 enforcement officers or fire fighters as defined in RCW 41.26.030, or
38 any officer of the Washington state patrol, while driving official

1 vehicles in the performance of occupational duty. The abstract
2 provided to the insurance company shall include convictions for RCW
3 46.61.5249 and 46.61.525 except that the abstract shall report them
4 only as negligent driving without reference to whether they are for
5 first or second degree negligent driving. The abstract provided to the
6 insurance company shall exclude any deferred prosecution under RCW
7 10.05.060, except that if a person is removed from a deferred
8 prosecution under RCW 10.05.090, the abstract shall show the deferred
9 prosecution as well as the removal.

10 ~~((9))~~ (10) The director shall collect for each abstract the sum
11 of five dollars, which shall be deposited in the highway safety fund.

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

26 ~~((11))~~ (12) Any employer or prospective employer or an agent
27 acting on behalf of an employer or prospective employer, or a volunteer
28 organization for which the named individual has submitted an
29 application for a position that could require the transportation of
30 children under eighteen years of age, adults over sixty-five years of
31 age, or ~~((physically or mentally disabled))~~ persons with physical or
32 mental disabilities, receiving the certified abstract shall use it
33 exclusively for his or her own purpose to determine whether the
34 licensee should be permitted to operate a commercial vehicle or school
35 bus, or operate a vehicle for a volunteer organization for purposes of
36 transporting children under eighteen years of age, adults over sixty-
37 five years of age, or ~~((physically or mentally disabled))~~ persons with

1 physical or mental disabilities, upon the public highways of this state
2 and shall not divulge any information contained in it to a third party.

3 ((+12+)) (13) Any employee or agent of a transit authority
4 receiving a certified abstract for its vanpool program shall use it
5 exclusively for determining whether the volunteer licensee meets those
6 insurance and risk management requirements necessary to drive a vanpool
7 vehicle. The transit authority may not divulge any information
8 contained in the abstract to a third party.

9 ((+13+)) (14) Any alcohol/drug assessment or treatment agency
10 approved by the department of social and health services receiving the
11 certified abstract shall use it exclusively for the purpose of
12 assisting its employees in making a determination as to what level of
13 treatment, if any, is appropriate. The agency, or any of its
14 employees, shall not divulge any information contained in the abstract
15 to a third party.

16 ((+14+)) (15) Release of a certified abstract of the driving record
17 of an employee, prospective employee, or prospective volunteer requires
18 a statement signed by: (a) The employee, prospective employee, or
19 prospective volunteer that authorizes the release of the record, and
20 (b) the employer or volunteer organization attesting that the
21 information is necessary to determine whether the licensee should be
22 employed to operate a commercial vehicle or school bus, or operate a
23 vehicle for a volunteer organization for purposes of transporting
24 children under eighteen years of age, adults over sixty-five years of
25 age, or ~~((physically or mentally disabled))~~ persons with physical or
26 mental disabilities, upon the public highways of this state. If the
27 employer or prospective employer authorizes an agent to obtain this
28 information on their behalf, this must be noted in the statement.

29 ((+15+)) (16) Any negligent violation of this section is a gross
30 misdemeanor.

31 ((+16+)) (17) Any intentional violation of this section is a class
32 C felony.

33 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the
35 state government and its existing public institutions, and takes effect

1 immediately.

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