

HOUSE BILL REPORT

SSB 6649

As Passed House:
March 3, 2010

Title: An act relating to driving record abstracts.

Brief Description: Streamlining the content and release requirements of driving record abstracts.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators King, Marr, Swecker, Haugen, Tom and Shin).

Brief History:

Committee Activity:

Transportation: 2/26/10, 3/1/10 [DP].

Floor Activity:

Passed House: 3/3/10, 98-0.

Brief Summary of Substitute Bill

- Eliminates the entirety of the current driving abstract statute and replaces the statute with a version written in plain language.
- Requires the Department of Licensing to indicate in a driving abstract obtained for employment purposes that an individual was not at fault in an accident according to a particular authority if an individual provides appropriate documentation to that effect.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 27 members: Representatives Clibborn, Chair; Lias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Campbell, Dickerson, Driscoll, Eddy, Erickson, Finn, Flannigan, Herrera, Johnson, Klippert, Kristiansen, Moeller, Nealey, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

Staff: David Munnecke (786-7315).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Director of the Department of Licensing (DOL) maintains a case record on every person licensed to operate a motor vehicle in Washington. These case records, or 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 Washington; 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, prospective employer, or volunteer organization for which the individual named in the abstract has applied for a position that requires the transportation of certain groups;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services;
- city and county prosecuting attorneys;
- state colleges, universities, or agencies for risk management or employment purposes;
- and
- units of local government authorized to self-insure.

A full abstract may be released to the individual named in the abstract, an employer or prospective employer, or a city or county prosecuting attorney. Certain requesters are allowed to receive partial abstracts, meaning driving records that date back a limited number of years.

Information may only be used for specific purposes depending on who requests the abstract. 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. State-approved alcohol/drug assessment or treatment agencies receive an abstract covering a period of not more than five years, plus any records of alcohol-related driving offenses for a period of not more than 10 years.

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 unless authorized. Prosecutors are authorized to provide the abstract to state-approved alcohol/drug assessment or treatment agencies.

The DOL may destroy certain records, such as applications for drivers' licenses, if they have been microfilmed or are older than five years. However, the DOL must keep convictions for vehicular homicide and vehicular assault permanently on file. Convictions for driving under the influence of intoxicating liquor or drugs must be kept for 15 years from the date of the conviction.

Summary of Bill:

The statute governing the preparation and use of certified abstracts of driving records is stricken and replaced with a version written in plain language.

The ability of the Office of the Superintendent of Public Instruction (OSPI) to obtain driving record abstracts from the DOL, which already exists in Title 28A RCW, is incorporated into the driving record abstract statute, and the ability of the OSPI to provide this information to school districts is clarified.

The Department of Licensing is required to indicate in a driving abstract obtained for employment purposes that an individual was not at fault in a motor vehicle accident if the individual provides records indicating that fact. The Department of Licensing must also indicate on the driving abstract the authority that indicated that the person was not at fault.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a simple bill. Driving record abstracts and the statutes governing them are complicated and potentially unclear, and this bill is an effort to clarify them both.

This bill resolves a concern of the OSPI regarding obtaining abstracts for school bus drivers.

(Opposed) None.

Persons Testifying: Senator King, prime sponsor; and Allan Jones, Office of Superintendent of Public Instruction.

Persons Signed In To Testify But Not Testifying: None.