

SENATE BILL REPORT

SHB 1900

As Reported by Senate Committee On:
Judiciary, March 27, 2009

Title: An act relating to the disclosure of vehicle owner information.

Brief Description: Requiring a disclosing entity to send notice to a vehicle owner no earlier than thirty days after granting a request for vehicle owner information.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Kelley and Hurst).

Brief History: Passed House: 3/06/09, 94-1.

Committee Activity: Judiciary: 3/24/09, 3/27/09 [DPA].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, Kohl-Welles, Roach and Tom.

Staff: Lidia Mori (786-7755)

Background: Federal and state laws impose restrictions on the disclosure of personal information contained in motor vehicle records. The federal Drivers Privacy Protection Act (Act) generally requires states to protect the privacy of a vehicle owner's personal information, except for certain authorized purposes. Authorized purposes for disclosure under the federal Act include government agency functions; legitimate business needs to verify the accuracy of personal information; use in connection with a civil, criminal, administrative, or arbitral proceeding; and use by a licensed investigator or security service.

State law provides that the Department of Licensing (DOL) may release the name or address of an individual vehicle owner to a business entity if the request is for use in the course of business and the requestor enters into a disclosure agreement with the DOL promising not to use the information for other purposes. The entity requesting the disclosure must include in the request the entity's full legal name and address and the purpose for which the information will be used. The DOL must retain all requests for disclosure of a vehicle owner's name and address for a period of three years. Records of disclosure requests are themselves public records subject to disclosure upon request.

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.

If the requestor is an attorney or private investigator, the DOL must provide notice to the vehicle owner that the request has been granted. The notice must also contain the name and address of the attorney or private investigator requesting the information.

Summary of Bill (Recommended Amendments): The notice that must be sent to a vehicle owner when an attorney or private investigator has been granted a request for the owner's name and address must be sent no earlier than 30 days after the request for disclosure was granted unless, after reviewing the Washington State Patrol criminal identification system database and the judicial information system database, the disclosing entity determines that a protective order protecting the vehicle owner exists or a criminal conviction of a crime against persons involving the requestor exists, and the vehicle owner might be at an increased risk of danger if the notice is not sent for 30 days after granting the request for information. In the event of such a determination, the disclosing entity must send the notice to the vehicle owner informing that person that a request for information has been granted at least 30 days prior to granting the request for vehicle owner information.

The notice that must be sent to a vehicle owner when an attorney or private investigator has been granted a request for the owner's name and address will contain the name of the party who requested the information.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Amendments): The disclosing entity must send the notice to the vehicle owner informing that person that a request for information has been granted at least 30 days prior to granting the request for vehicle owner information if, after reviewing the Washington State Patrol criminal identification system database and the judicial information system database, the disclosing entity determines that a protective order protecting the vehicle owner exists or a criminal conviction of a crime against persons involving the requestor exists, and the vehicle owner might be at an increased risk of danger if the notice is not sent for 30 days after granting the request for information.

When the disclosing entity grants a request for information about a vehicle owner by an attorney or private investigator and sends a notice to the vehicle owner that a request has been granted, the notice will contain the name of the party that requested the information.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: PRO: People try to elude service of process. By sending the notice that a request for information was granted 30 days after it was granted, there is time for service to be accomplished. This bill attempts to balance the interests at stake. Many states passed legislation like this bill around 1990 and

1991 because two women were killed in California with the help of information that was obtained by private investigators.

CON: If one looks at this bill from a privacy perspective, perhaps the person that is being looked for should be notified first. The question arises, should the state get into giving out people's information like this? It seems to give one side an advantage.

Persons Testifying: PRO: Representative Kelly, prime sponsor.

CON: Merton Cooper, citizen.