

SENATE BILL REPORT

SB 6020

As of February 25, 2009

Title: An act relating to the compilation, collection, and release of traffic accident information in compliance with certain federal law.

Brief Description: Concerning the compilation, collection, and release of traffic accident information in compliance with certain federal law.

Sponsors: Senator Haugen.

Brief History:

Committee Activity: Transportation: 2/24/09.

SENATE COMMITTEE ON TRANSPORTATION

Staff: Kelly Simpson (786-7403)

Background: Under current state law, the Washington State Patrol (WSP) is required to collect and analyze all traffic accident reports and to periodically publish statistical information related to the reports. The statistical information must show the number of accidents, the location, the frequency, whether any involved driver was distracted, and other statistical information related to determining the cause of vehicular accidents. The accident reports and analysis are available to various public entities for further analysis.

Various federal programs provide state and local governments with highway safety funding to improve dangerous sections of their highways. In order to receive those federal highway safety funds, agencies must comply with certain federal requirements, one of which is compiling and collecting specific traffic accident information. This particular provision states that traffic accident information compiled or collected for federal law purposes may not be used in a lawsuit for damages arising from any occurrence mentioned in the information. However, court rulings interpreting this provision hold that the use restriction does not apply to information compiled or collected for purposes unrelated to the federal law provisions.

Summary of Bill: Traffic accident information must be compiled or collected solely for federal law purposes. The information may be released only in conformance with federal law protecting the information against use in civil lawsuits.

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.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: State law is somewhat confusing on this issue. This bill helps clarify that traffic accident data may be released, but may not be used for litigation purposes. Traffic data is required to be compiled by the government, but then should be protected from being used in litigation. A recent court ruling held that the data may be used in court because it was not compiled for federal law purposes. Local governments want to ensure that the state continues to receive federal highway safety funds. This is not a public records issue, because people can still access the data; they just can't use it in court.

CON: This bill raises issues of open government and transparency. It may violate federal law regarding accident data collection. This bill goes against this committee's good work regarding transparency, and flies in the face of open government. Transportation agencies already have good risk management practices. Open government regarding these records saves lives and prevents accidents. Under the bill, records will still be withheld because of potential use in lawsuits. Original state law requiring accident data collection came well before the federal law purposes. This bill is an attempt to stop a pending lawsuit.

Persons Testifying: PRO: Jeff DeVere, WSP; Jennifer Meyer, Attorney General's Office; Jon Bauer, Washington State Department of Transportation; Mike Tardif, Association of Washington Cities; Mel Sorensen, Washington Defense Trial Lawyers; Brian Enslow, Washington State Association of Counties.

CON: Larry Shannon, Washington State Association of Justice; Rowland Thompson, Allied Daily Newspapers.