

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5591

Chapter 336, Laws of 2013

63rd Legislature
2013 Regular Session

DEPARTMENT OF LICENSING--CONFIDENTIAL IDENTIFICATION

EFFECTIVE DATE: 05/21/13

Passed by the Senate April 19, 2013
YEAS 47 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 16, 2013
YEAS 88 NAYS 8

FRANK CHOPP

Speaker of the House of Representatives

Approved May 21, 2013, 2:59 p.m.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5591** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

May 21, 2013

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5591

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

State of Washington 63rd Legislature 2013 Regular Session

By Senate Transportation (originally sponsored by Senators Eide, King, and Shin; by request of Department of Licensing)

READ FIRST TIME 02/27/13.

1 AN ACT Relating to confidential license plates, drivers' licenses,
2 identicards, and vessel registrations; amending RCW 46.01.130 and
3 46.08.066; reenacting and amending RCW 42.56.230; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 46.01.130 and 2010 c 161 s 203 are each amended to
7 read as follows:

8 The director:

9 (1) Shall supervise and control the issuing of vehicle certificates
10 of title, vehicle registrations, and vehicle license plates, and has
11 the full power to do all things necessary and proper to carry out the
12 provisions of the law relating to the registration of vehicles;

13 (2) May appoint and employ deputies, assistants, representatives,
14 and clerks;

15 (3) May establish branch offices in different parts of the state;

16 (4) May appoint county auditors in Washington state or, in the
17 absence of a county auditor, the department or an official of county
18 government as agents for applications for and the issuance of vehicle
19 certificates of title and vehicle registrations; and

1 (5)(a) Shall investigate the conviction records and pending charges
2 of any current employee of or prospective employee being considered for
3 any position with the department (~~(that)~~) who has or will have:

4 (i)(A) The ability to create or modify records of applicants for
5 enhanced drivers' licenses and identicards issued under RCW 46.20.202;
6 and

7 (~~(ii)~~) (B) The ability to issue enhanced drivers' licenses and
8 identicards under RCW 46.20.202; or

9 (ii) Access to information pertaining to vehicle license plates,
10 drivers' licenses, or identicards under RCW 46.08.066, or vessel
11 registrations issued under RCW 88.02.330 that, alone or in combination
12 with any other information, may reveal the identity of an individual,
13 or reveal that an individual is or was, performing an undercover or
14 covert law enforcement, confidential public health work, public
15 assistance fraud, or child support investigative activity.

16 (b) The investigation consists of a background check as authorized
17 under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau
18 of investigation. The background check must be conducted through the
19 Washington state patrol criminal identification section and may include
20 a national check from the federal bureau of investigation, which is
21 through the submission of fingerprints. The director shall use the
22 information solely to determine the character, suitability, and
23 competence of current or prospective employees subject to this section.

24 (c) The director shall investigate the conviction records and
25 pending charges of an employee subject to this subsection every five
26 years.

27 (d) Criminal justice agencies shall provide the director with
28 information that they may possess and that the director may require
29 solely to determine the employment suitability of current or
30 prospective employees subject to this section.

31 **Sec. 2.** RCW 46.08.066 and 2010 c 161 s 211 are each amended to
32 read as follows:

33 (1) The department may issue confidential license plates to:

34 (a) Units of local government and agencies of the federal
35 government for law enforcement purposes only;

36 (b) Any state official elected on a statewide basis for use on

1 official business. Only one set of confidential license plates may be
2 issued to these elected officials;

3 (c) Any other public officer or public employee for the personal
4 security of the officer or employee when recommended by the chief of
5 the Washington state patrol. These confidential license plates may
6 only be used on an unmarked publicly owned or controlled vehicle of the
7 employing government agency for the conduct of official business for
8 the period of time that the personal security of the state official,
9 public officer, or other public employee may require; and

10 (d) The office of the state treasurer. These confidential license
11 plates may only be used on an unmarked state owned or controlled
12 vehicle when required for the safe transportation of either state funds
13 or negotiable securities to or from the office of the state treasurer.

14 (2) The use of confidential license plates on other vehicles owned
15 or operated by the state of Washington by any officer or employee of
16 the state is limited to confidential, investigative, or undercover work
17 of state law enforcement agencies, confidential public health work, and
18 confidential public assistance fraud or child support investigations.

19 (3)(a) The department may issue confidential drivers' licenses and
20 identicards to commissioned officers of state and local law enforcement
21 agencies and agencies of the federal government only for undercover or
22 covert law enforcement activities.

23 (b) Any driver's license or identicard issued under this subsection
24 shall display an expiration date that complies with the department's
25 rules, but a driver's license or identicard issued under this
26 subsection may be used only during the duration of the officer's
27 assignment to an undercover or covert operation.

28 (c) Any driver's license or identicard issued under this subsection
29 must be returned to the department within thirty days of the end of the
30 officer's undercover assignment. Any driver's license or identicard
31 issued under this subsection must be returned to the department
32 immediately upon the officer's retirement, termination, dismissal,
33 change in job assignment, or leave from the agency.

34 (4) The director may adopt rules governing applications for, and
35 the use of, confidential license plates, drivers' licenses, and
36 identicards.

1 **Sec. 3.** RCW 42.56.230 and 2011 c 350 s 2 and 2011 c 173 s 1 are
2 each reenacted and amended to read as follows:

3 The following personal information is exempt from public inspection
4 and copying under this chapter:

5 (1) Personal information in any files maintained for students in
6 public schools, patients or clients of public institutions or public
7 health agencies, or welfare recipients;

8 (2) Personal information((~~τ~~)) including, but not limited to,
9 addresses, telephone numbers, personal electronic mail addresses,
10 social security numbers, emergency contact and date of birth
11 information for a participant in a public or nonprofit program serving
12 or pertaining to children, adolescents, or students, including but not
13 limited to early learning or child care services, parks and recreation
14 programs, youth development programs, and after-school programs.
15 Emergency contact information may be provided to appropriate
16 authorities and medical personnel for the purpose of treating the
17 individual during an emergency situation;

18 (3) Personal information in files maintained for employees,
19 appointees, or elected officials of any public agency to the extent
20 that disclosure would violate their right to privacy;

21 (4) Information required of any taxpayer in connection with the
22 assessment or collection of any tax if the disclosure of the
23 information to other persons would: (a) Be prohibited to such persons
24 by RCW 84.08.210, 82.32.330, 84.40.020, 84.40.340, or any ordinance
25 authorized under RCW 35.102.145; or (b) violate the taxpayer's right to
26 privacy or result in unfair competitive disadvantage to the taxpayer;

27 (5) Credit card numbers, debit card numbers, electronic check
28 numbers, card expiration dates, or bank or other financial account
29 numbers, except when disclosure is expressly required by or governed by
30 other law;

31 (6) Personal and financial information related to a small loan or
32 any system of authorizing a small loan in RCW 31.45.093; and

33 (7)(a) (~~((Documents and related materials and scanned images of
34 documents and related materials))~~) Any record used to prove identity,
35 age, residential address, social security number, or other personal
36 information required to apply for a driver's license or identicard.

37 (b) Information provided under RCW 46.20.111 that indicates that an
38 applicant declined to register with the selective service system.

1 (c) Any record pertaining to a vehicle license plate, driver's
2 license, or identicard issued under RCW 46.08.066 that, alone or in
3 combination with any other records, may reveal the identity of an
4 individual, or reveal that an individual is or was, performing an
5 undercover or covert law enforcement, confidential public health work,
6 public assistance fraud, or child support investigative activity. This
7 exemption does not prevent the release of the total number of vehicle
8 license plates, drivers' licenses, or identicards that, under RCW
9 46.08.066, an agency or department has applied for, been issued,
10 denied, returned, destroyed, lost, and reported for misuse.

11 (d) Any record pertaining to a vessel registration issued under RCW
12 88.02.330 that, alone or in combination with any other records, may
13 reveal the identity of an individual, or reveal that an individual is
14 or was, performing an undercover or covert law enforcement activity.
15 This exemption does not prevent the release of the total number of
16 vessel registrations that, under RCW 88.02.330, an agency or department
17 has applied for, been issued, denied, returned, destroyed, lost, and
18 reported for misuse.

19 (e) Upon request by the legislature, the department of licensing
20 shall provide a report to the legislature containing all of the
21 information in (c) and (d) of this subsection that is subject to public
22 disclosure.

23 NEW SECTION. Sec. 4. This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of the
25 state government and its existing public institutions, and takes effect
26 immediately.

Passed by the Senate April 19, 2013.

Passed by the House April 16, 2013.

Approved by the Governor May 21, 2013.

Filed in Office of Secretary of State May 21, 2013.