CERTIFICATION OF ENROLLMENT

SENATE BILL 6141

Chapter 170, Laws of 2014

63rd Legislature
2014 Regular Session

UTILITIES AND TRANSPORTATION COMMISSION--PUBLIC RECORDS--EXEMPTION

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 11, 2014
YEAS 49  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 5, 2014
YEAS 96  NAYS 2

FRANK CHOPP
Speaker of the House of Representatives

Approved March 31, 2014, 3:23 p.m.

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SENATE BILL 6141 as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN
Secretary

FILED

March 31, 2014

JAY INSLEE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to confidentiality of certain records filed with
the utilities and transportation commission or the attorney general;
amending RCW 42.56.330; and adding a new section to chapter 81.77 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 81.77 RCW
to read as follows:

Records, subject to chapter 42.56 RCW, filed with the commission or
the attorney general from any person that contain valuable commercial
information, including trade secrets or confidential marketing, cost,
or financial information, or customer-specific usage information, are
not subject to inspection or copying under chapter 42.56 RCW: (1)
Until notice to the person or persons directly affected has been given;
and (2) if, within ten days of the notice, the person has obtained a
superior court order protecting the records as confidential. The court
must determine that the records are confidential and not subject to
inspection and copying if disclosure is likely to result in private
loss, including an unfair competitive disadvantage, and is not
necessary for further public review and comment on the appropriate
allocation of costs and revenues. When providing information to the
commission or the attorney general, a person shall designate which records or portions of records contain valuable commercial information. Nothing in this section prevents the use of protective orders by the commission governing disclosure of proprietary or confidential information in contested proceedings.

Sec. 2. RCW 42.56.330 and 2012 c 68 s 4 are each amended to read as follows:

The following information relating to public utilities and transportation is exempt from disclosure under this chapter:

1. Records filed with the utilities and transportation commission or attorney general under RCW 80.04.095 or section 1 of this act that a court has determined are confidential under RCW 80.04.095 or section 1 of this act;

2. The residential addresses and residential telephone numbers of the customers of a public utility contained in the records or lists held by the public utility of which they are customers, except that this information may be released to the division of child support or the agency or firm providing child support enforcement for another state under Title IV-D of the federal social security act, for the establishment, enforcement, or modification of a support order;

3. The names, residential addresses, residential telephone numbers, and other individually identifiable records held by an agency in relation to a vanpool, carpool, or other ride-sharing program or service; however, these records may be disclosed to other persons who apply for ride-matching services and who need that information in order to identify potential riders or drivers with whom to share rides;

4. The personally identifying information of current or former participants or applicants in a paratransit or other transit service operated for the benefit of persons with disabilities or elderly persons;

5. The personally identifying information of persons who acquire and use transit passes or other fare payment media including, but not limited to, stored value smart cards and magnetic strip cards, except that an agency may disclose personally identifying information to a person, employer, educational institution, or other entity that is responsible, in whole or in part, for payment of the cost of acquiring or using a transit pass or other fare payment media for the purpose of
preventing fraud, or to the news media when reporting on public transportation or public safety. As used in this subsection, "personally identifying information" includes acquisition or use information pertaining to a specific, individual transit pass or fare payment media.

(a) Information regarding the acquisition or use of transit passes or fare payment media may be disclosed in aggregate form if the data does not contain any personally identifying information.

(b) Personally identifying information may be released to law enforcement agencies if the request is accompanied by a court order;

(6) Any information obtained by governmental agencies that is collected by the use of a motor carrier intelligent transportation system or any comparable information equipment attached to a truck, tractor, or trailer; however, the information may be given to other governmental agencies or the owners of the truck, tractor, or trailer from which the information is obtained. As used in this subsection, "motor carrier" has the same definition as provided in RCW 81.80.010;

(7) The personally identifying information of persons who acquire and use transponders or other technology to facilitate payment of tolls. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. For these purposes aggregate data may include the census tract of the account holder as long as any individual personally identifying information is not released. Personally identifying information may be released to law enforcement agencies only for toll enforcement purposes. Personally identifying information may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order; and

(8) The personally identifying information of persons who acquire and use a driver's license or identicard that includes a radio frequency identification chip or similar technology to facilitate border crossing. This information may be disclosed in aggregate form as long as the data does not contain any personally identifying information. Personally identifying information may be released to law enforcement agencies only for United States customs and border protection enforcement purposes. Personally identifying information

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may be released to law enforcement agencies for other purposes only if the request is accompanied by a court order.

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