

HOUSE BILL REPORT

HB 1877

As Reported by House Committee On:
Transportation

Title: An act relating to the release of driving record abstract information affecting registered tow truck operators.

Brief Description: Concerning the release of driving record abstract information affecting registered tow truck operators.

Sponsors: Representative Stanford.

Brief History:

Committee Activity:

Transportation: 2/16/17, 2/21/17 [DPS].

Brief Summary of Substitute Bill

- Prohibits an abstract of a person's driving record provided to an insurance company or its agent from including information related to actions committed by a registered tow truck operator in the performance of his or her duties while at the scene of a roadside impound or recovery, provided no traffic citation has been issued to the tow truck operator at the scene.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 24 members: Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Wylie, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth, Assistant Ranking Minority Member; Chapman, Gregerson, Hayes, Irwin, Kloba, Lovick, McBride, Morris, Ortiz-Self, Pellicciotti, Pike, Riccelli, Shea, Stambaugh, Tarleton, Van Werven and Young.

Staff: Jennifer Harris (786-7143).

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 Department of Licensing (DOL) is permitted to furnish an abstract of a person's driving record on proper request. The abstract, whenever possible, must include: (1) information related to motor vehicle accidents in which the person was driving; (2) any reported convictions, forfeitures of bail, or findings that an infraction was committed based on a violation of any motor vehicle law; (3) the status of the person's driving privilege in the state; and (4) any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served by an arresting officer.

An abstract of a person's driving record may be furnished: (1) to the individual named in the abstract or that individual's attorney; (2) to an employer, prospective employer, or an agent acting on behalf of an employer or prospective employer for purposes related to driving as condition of employment or otherwise at the direction of the employer, with a signed authorization of the release of the driving record by the individual named in the record; (3) to a volunteer organization or agent for a volunteer organization for which the volunteer position requires driving, with a signed authorization of the release of the driving record by the individual named in the record; (4) to an employee or agent of a transit authority checking prospective volunteer vanpool drivers for insurance and risk management needs; (5) to an insurance company, with information from a period no greater than the past three years, that (a) has motor vehicle or life insurance in effect covering the named individual or to which the named individual has applied, or (b) that has insurance in effect covering the employer or a prospective employer of the named individual; (6) to an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services; (7) to city attorneys, county prosecuting attorneys, or the named individual's attorney of record; (8) to state colleges, universities, or agencies or to units of local government authorized to self-insure for employment and risk management purposes; or (9) to the Superintendent of Public Instruction for review of public school bus driver records.

The abstract provided to an insurance company may not contain any information related to actions committed by law enforcement officers or firefighters while driving official vehicles in the performance of their occupational duties. This exception does not apply when the vehicle has been used in the commission of a misdemeanor or a felony.

Summary of Substitute Bill:

The abstract provided to an insurance company may not contain any information related to actions committed by registered tow truck operators in the performance of their occupational duties while at the scene of a roadside impound or recovery provided no traffic citation has been issued to the tow truck operator at the scene. This exception does not apply when the vehicle has been used in the commission of a misdemeanor or a felony.

Substitute Bill Compared to Original Bill:

Actions that occur when a traffic citation is issued to a tow truck operator are excluded from the prohibition on including in an abstract of a person's driving record information that relates to actions committed by a registered tow truck operator in the performance of his or

her duties while at the scene of a roadside impound or recovery, when that record is provided to an insurance company or its agent.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: 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 bill has grown out of discussions and negotiations over a previous bill (House Bill 1037). This bill is better than it was before, and it started out strong. It achieves the desired objective of tow truck operators and addresses concerns of representatives of the insurance industry who would like their risk management done in a certain way.

(Opposed) None.

Persons Testifying: Representative Stanford, prime sponsor; and Peter Lukovich, Washington Towing and Recovery Association.

Persons Signed In To Testify But Not Testifying: None.