

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5343**

65th Legislature  
2017 Regular Session

Passed by the Senate March 3, 2017  
Yeas 43 Nays 1

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**President of the Senate**

Passed by the House April 5, 2017  
Yeas 97 Nays 0

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**Speaker of the House of Representatives**

Approved

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**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 5343** as passed by Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5343**

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Passed Legislature - 2017 Regular Session

**State of Washington**

**65th Legislature**

**2017 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Warnick and Takko)

READ FIRST TIME 02/23/17.

1       AN ACT Relating to notice sent by and certain release of  
2 information affecting registered tow truck operators; and amending  
3 RCW 46.55.110 and 46.52.130.

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

5       **Sec. 1.** RCW 46.55.110 and 2002 c 279 s 11 are each amended to  
6 read as follows:

7       (1) When an unauthorized vehicle is impounded, the impounding  
8 towing operator shall notify the legal and registered owners of the  
9 impoundment of the unauthorized vehicle and the owners of any other  
10 items of personal property registered or titled with the department.  
11 The notification shall be sent by first-class mail within twenty-four  
12 hours after the impoundment to the last known registered and legal  
13 owners of the vehicle, and the owners of any other items of personal  
14 property registered or titled with the department, as provided by the  
15 law enforcement agency, and shall inform the owners of the identity  
16 of the person or agency authorizing the impound. The notification  
17 shall include the name of the impounding tow firm, its address, and  
18 telephone number. The notice shall also include the location, time of  
19 the impound, and by whose authority the vehicle was impounded. The  
20 notice shall also include the written notice of the right of

1 redemption and opportunity for a hearing to contest the validity of  
2 the impoundment pursuant to RCW 46.55.120.

3 (2) In addition, if a suspended license impound has been ordered,  
4 the notice must state the length of the impound, the requirement of  
5 the posting of a security deposit to ensure payment of the costs of  
6 removal, towing, and storage, notification that if the security  
7 deposit is not posted the vehicle will immediately be processed and  
8 sold at auction as an abandoned vehicle, and the requirements set out  
9 in RCW 46.55.120(1)((~~b~~)) (c) regarding the payment of the costs of  
10 removal, towing, and storage as well as providing proof of  
11 satisfaction of any penalties, fines, or forfeitures before  
12 redemption. The notice must also state that the registered owner is  
13 ineligible to purchase the vehicle at the abandoned vehicle auction,  
14 if held.

15 (3) In the case of an abandoned vehicle, or other item of  
16 personal property registered or titled with the department, within  
17 twenty-four hours after receiving information on the legal and  
18 registered owners from the department through the abandoned vehicle  
19 report, the tow truck operator shall send by ((~~certified~~)) first-  
20 class mail((~~, with return receipt requested,~~)) a notice of custody  
21 and sale to the legal and registered owners and of the penalties for  
22 the traffic infraction littering—abandoned vehicle. The tow truck  
23 operator shall obtain a certificate of mailing from the United States  
24 postal service when notice is mailed.

25 (4) If the date on which a notice required by subsection (3) of  
26 this section is to be mailed falls upon a Saturday, Sunday, or a  
27 postal holiday, the notice may be mailed on the next day that is  
28 neither a Saturday, Sunday, nor a postal holiday.

29 (5) No notices need be sent to the legal or registered owners of  
30 an impounded vehicle or other item of personal property registered or  
31 titled with the department, if the vehicle or personal property has  
32 been redeemed.

33 **Sec. 2.** RCW 46.52.130 and 2015 2nd sp.s. c 3 s 12 are each  
34 amended to read as follows:

35 Upon a proper request, the department may furnish an abstract of  
36 a person's driving record as permitted under this section.

37 (1) **Contents of abstract of driving record.** An abstract of a  
38 person's driving record, whenever possible, must include:

1 (a) An enumeration of motor vehicle accidents in which the person  
2 was driving, including:

3 (i) The total number of vehicles involved;

4 (ii) Whether the vehicles were legally parked or moving;

5 (iii) Whether the vehicles were occupied at the time of the  
6 accident; and

7 (iv) Whether the accident resulted in a fatality;

8 (b) Any reported convictions, forfeitures of bail, or findings  
9 that an infraction was committed based upon a violation of any motor  
10 vehicle law;

11 (c) The status of the person's driving privilege in this state;  
12 and

13 (d) Any reports of failure to appear in response to a traffic  
14 citation or failure to respond to a notice of infraction served upon  
15 the named individual by an arresting officer.

16 (2) **Release of abstract of driving record.** An abstract of a  
17 person's driving record may be furnished to the following persons or  
18 entities:

19 (a) **Named individuals.** (i) An abstract of the full driving record  
20 maintained by the department may be furnished to the individual named  
21 in the abstract.

22 (ii) Nothing in this section prevents a court from providing a  
23 copy of the driver's abstract to the individual named in the abstract  
24 or that named individual's attorney, provided that the named  
25 individual has a pending or open infraction or criminal case in that  
26 court. A pending case includes criminal cases that have not reached a  
27 disposition by plea, stipulation, trial, or amended charge. An open  
28 infraction or criminal case includes cases on probation, payment  
29 agreement or subject to, or in collections. Courts may charge a  
30 reasonable fee for the production and copying of the abstract for the  
31 individual.

32 (b) **Employers or prospective employers.** (i)(A) An abstract of the  
33 full driving record maintained by the department may be furnished to  
34 an employer or prospective employer or an agent acting on behalf of  
35 an employer or prospective employer of the named individual for  
36 purposes related to driving by the individual as a condition of  
37 employment or otherwise at the direction of the employer.

38 (B) Release of an abstract of the driving record of an employee  
39 or prospective employee requires a statement signed by: (I) The  
40 employee or prospective employee that authorizes the release of the

1 record; and (II) the employer attesting that the information is  
2 necessary for employment purposes related to driving by the  
3 individual as a condition of employment or otherwise at the direction  
4 of the employer. If the employer or prospective employer authorizes  
5 an agent to obtain this information on their behalf, this must be  
6 noted in the statement. The statement must also note that any  
7 information contained in the abstract related to an adjudication that  
8 is subject to a court order sealing the juvenile record of an  
9 employee or prospective employee may not be used by the employer or  
10 prospective employer, or an agent authorized to obtain this  
11 information on their behalf, unless required by federal regulation or  
12 law. The employer or prospective employer must afford the employee or  
13 prospective employee an opportunity to demonstrate that an  
14 adjudication contained in the abstract is subject to a court order  
15 sealing the juvenile record.

16 (C) Upon request of the person named in the abstract provided  
17 under this subsection, and upon that same person furnishing copies of  
18 court records ruling that the person was not at fault in a motor  
19 vehicle accident, the department must indicate on any abstract  
20 provided under this subsection that the person was not at fault in  
21 the motor vehicle accident.

22 (D) No employer or prospective employer, nor any agent of an  
23 employer or prospective employer, may use information contained in  
24 the abstract related to an adjudication that is subject to a court  
25 order sealing the juvenile record of an employee or prospective  
26 employee for any purpose unless required by federal regulation or  
27 law. The employee or prospective employee must furnish a copy of the  
28 court order sealing the juvenile record to the employer or  
29 prospective employer, or the agent of the employer or prospective  
30 employer, as may be required to ensure the application of this  
31 subsection.

32 (ii) In addition to the methods described in (b)(i) of this  
33 subsection, the director may enter into a contractual agreement with  
34 an employer or its agent for the purpose of reviewing the driving  
35 records of existing employees for changes to the record during  
36 specified periods of time. The department shall establish a fee for  
37 this service, which must be deposited in the highway safety fund. The  
38 fee for this service must be set at a level that will not result in a  
39 net revenue loss to the state. Any information provided under this

1 subsection must be treated in the same manner and is subject to the  
2 same restrictions as driving record abstracts.

3 (c) **Volunteer organizations.** (i) An abstract of the full driving  
4 record maintained by the department may be furnished to a volunteer  
5 organization or an agent for a volunteer organization for which the  
6 named individual has submitted an application for a position that  
7 would require driving by the individual at the direction of the  
8 volunteer organization.

9 (ii) Release of an abstract of the driving record of a  
10 prospective volunteer requires a statement signed by: (A) The  
11 prospective volunteer that authorizes the release of the record; and  
12 (B) the volunteer organization attesting that the information is  
13 necessary for purposes related to driving by the individual at the  
14 direction of the volunteer organization. If the volunteer  
15 organization authorizes an agent to obtain this information on their  
16 behalf, this must be noted in the statement.

17 (d) **Transit authorities.** An abstract of the full driving record  
18 maintained by the department may be furnished to an employee or agent  
19 of a transit authority checking prospective volunteer vanpool drivers  
20 for insurance and risk management needs.

21 (e) **Insurance carriers.** (i) An abstract of the driving record  
22 maintained by the department covering the period of not more than the  
23 last three years may be furnished to an insurance company or its  
24 agent:

25 (A) That has motor vehicle or life insurance in effect covering  
26 the named individual;

27 (B) To which the named individual has applied; or

28 (C) That has insurance in effect covering the employer or a  
29 prospective employer of the named individual.

30 (ii) The abstract provided to the insurance company must:

31 (A) Not contain any information related to actions committed by  
32 law enforcement officers or firefighters, as both terms are defined  
33 in RCW 41.26.030, or by Washington state patrol officers, while  
34 driving official vehicles in the performance of their occupational  
35 duty, or by registered tow truck operators as defined in RCW  
36 46.55.010 in the performance of their occupational duties while at  
37 the scene of a roadside impound or recovery so long as they are not  
38 issued a citation. This does not apply to any situation where the  
39 vehicle was used in the commission of a misdemeanor or felony;

1 (B) Include convictions under RCW 46.61.5249 and 46.61.525,  
2 except that the abstract must report the convictions only as  
3 negligent driving without reference to whether they are for first or  
4 second degree negligent driving; and

5 (C) Exclude any deferred prosecution under RCW 10.05.060, except  
6 that if a person is removed from a deferred prosecution under RCW  
7 10.05.090, the abstract must show the deferred prosecution as well as  
8 the removal.

9 (iii) Any policy of insurance may not be canceled, nonrenewed,  
10 denied, or have the rate increased on the basis of information  
11 regarding an accident included in the abstract of a driving record,  
12 unless the policyholder was determined to be at fault.

13 (iv) Any insurance company or its agent, for underwriting  
14 purposes relating to the operation of commercial motor vehicles, may  
15 not use any information contained in the abstract relative to any  
16 person's operation of motor vehicles while not engaged in such  
17 employment. Any insurance company or its agent, for underwriting  
18 purposes relating to the operation of noncommercial motor vehicles,  
19 may not use any information contained in the abstract relative to any  
20 person's operation of commercial motor vehicles.

21 (v) The director may enter into a contractual agreement with an  
22 insurance company or its agent for the limited purpose of reviewing  
23 the driving records of existing policyholders for changes to the  
24 record during specified periods of time. The department shall  
25 establish a fee for this service, which must be deposited in the  
26 highway safety fund. The fee for this service must be set at a level  
27 that will not result in a net revenue loss to the state. Any  
28 information provided under this subsection must be treated in the  
29 same manner and is subject to the same restrictions as driving record  
30 abstracts.

31 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of  
32 the driving record maintained by the department covering the period  
33 of not more than the last five years may be furnished to an alcohol/  
34 drug assessment or treatment agency approved by the department of  
35 social and health services to which the named individual has applied  
36 or been assigned for evaluation or treatment, for purposes of  
37 assisting employees in making a determination as to what level of  
38 treatment, if any, is appropriate, except that the abstract must:

1 (i) Also include records of alcohol-related offenses, as defined  
2 in RCW 46.01.260(2), covering a period of not more than the last ten  
3 years; and

4 (ii) Indicate whether an alcohol-related offense was originally  
5 charged as a violation of either RCW 46.61.502 or 46.61.504.

6 (g) **Attorneys—City attorneys, county prosecuting attorneys, and**  
7 **named individual's attorney of record.** An abstract of the full  
8 driving record maintained by the department, including whether a  
9 recorded violation is an alcohol-related offense, as defined in RCW  
10 46.01.260(2), that was originally charged as a violation of either  
11 RCW 46.61.502 or 46.61.504, may be furnished to city attorneys,  
12 county prosecuting attorneys, or the named individual's attorney of  
13 record. City attorneys, county prosecuting attorneys, or the named  
14 individual's attorney of record may provide the driving record to  
15 alcohol/drug assessment or treatment agencies approved by the  
16 department of social and health services to which the named  
17 individual has applied or been assigned for evaluation or treatment.

18 (h) **State colleges, universities, or agencies, or units of local**  
19 **government.** An abstract of the full driving record maintained by the  
20 department may be furnished to (i) state colleges, universities, or  
21 agencies for employment and risk management purposes or (ii) units of  
22 local government authorized to self-insure under RCW 48.62.031 for  
23 employment and risk management purposes.

24 (i) **Superintendent of public instruction.** An abstract of the full  
25 driving record maintained by the department may be furnished to the  
26 superintendent of public instruction for review of public school bus  
27 driver records. The superintendent or superintendent's designee may  
28 discuss information on the driving record with an authorized  
29 representative of the employing school district for employment and  
30 risk management purposes.

31 (3) **Release to third parties prohibited.** Any person or entity  
32 receiving an abstract of a person's driving record under subsection  
33 (2)(b) through (i) of this section shall use the abstract exclusively  
34 for his, her, or its own purposes or as otherwise expressly permitted  
35 under this section, and shall not divulge any information contained  
36 in the abstract to a third party.

37 (4) **Fee.** The director shall collect a thirteen dollar fee for  
38 each abstract of a person's driving record furnished by the  
39 department. Fifty percent of the fee must be deposited in the highway



1 safety fund, and fifty percent of the fee must be deposited according  
2 to RCW 46.68.038.

3 (5) **Violation.** (a) Any negligent violation of this section is a  
4 gross misdemeanor.

5 (b) Any intentional violation of this section is a class C  
6 felony.

7 (6) Effective July 1, 2019, the contents of a driving abstract  
8 pursuant to this section shall not include any information related to  
9 sealed juvenile records unless that information is required by  
10 federal law or regulation.

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