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**ENGROSSED HOUSE BILL 2067**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Representatives Davis, Chambers, Jinkins, Dufault, Riccelli, Doglio, Tarleton, Kilduff, and Pollet

Read first time 02/15/19. Referred to Committee on Transportation.

1       AN ACT Relating to prohibiting the disclosure of certain  
2 individual vehicle and vessel owner information of those  
3 participating in the address confidentiality program; amending RCW  
4 46.12.635 and 40.24.030; and adding a new section to chapter 40.24  
5 RCW.

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

7       **Sec. 1.** RCW 46.12.635 and 2016 c 80 s 2 are each amended to read  
8 as follows:

9       (1) Notwithstanding the provisions of chapter 42.56 RCW, the name  
10 or address of an individual vehicle or vessel owner shall not be  
11 released by the department, county auditor, or agency or firm  
12 authorized by the department except under the following  
13 circumstances:

14       (a) The requesting party is a business entity that requests the  
15 information for use in the course of business;

16       (b) The request is a written request that is signed by the person  
17 requesting disclosure that contains the full legal name and address  
18 of the requesting party, that specifies the purpose for which the  
19 information will be used; and

20       (c) The requesting party enters into a disclosure agreement with  
21 the department in which the party promises that the party will use

1 the information only for the purpose stated in the request for the  
2 information; and that the party does not intend to use, or facilitate  
3 the use of, the information for the purpose of making any unsolicited  
4 business contact with a person named in the disclosed information.  
5 The term "unsolicited business contact" means a contact that is  
6 intended to result in, or promote, the sale of any goods or services  
7 to a person named in the disclosed information. The term does not  
8 apply to situations where the requesting party and such person have  
9 been involved in a business transaction prior to the date of the  
10 disclosure request and where the request is made in connection with  
11 the transaction.

12 (2) Where both a mailing address and residence address are  
13 recorded on the vehicle or vessel record and are different, only the  
14 mailing address will be disclosed. Both addresses will be disclosed  
15 in response to requests for disclosure from courts, law enforcement  
16 agencies, or government entities with enforcement, investigative, or  
17 taxing authority and only for use in the normal course of conducting  
18 their business.

19 (3) The disclosing entity shall retain the request for disclosure  
20 for three years.

21 (4) (a) Whenever the disclosing entity grants a request for  
22 information under this section by an attorney or private  
23 investigator, the disclosing entity shall provide notice to the  
24 vehicle or vessel owner, to whom the information applies, that the  
25 request has been granted. The notice must only include: (i) That the  
26 disclosing entity has disclosed the vehicle or vessel owner's name  
27 and address pursuant to a request made under this section; (ii) the  
28 date that the disclosure was made; and (iii) that the vehicle or  
29 vessel owner has five days from receipt of the notice to contact the  
30 disclosing entity to determine the occupation of the requesting  
31 party.

32 (b) Except as provided in (c) of this subsection, the only  
33 information about the requesting party that the disclosing entity may  
34 disclose in response to a request made by a vehicle or vessel owner  
35 under (a) of this subsection is whether the requesting party was an  
36 attorney or private investigator. The request by the vehicle or  
37 vessel owner must be submitted to the disclosing entity within five  
38 days of receipt of the original notice.

39 (c) In the case of a vehicle or vessel owner who submits to the  
40 disclosing entity a copy of a valid court order restricting another

1 person from contacting the vehicle or vessel owner or his or her  
2 family or household member, the disclosing entity shall provide the  
3 vehicle or vessel owner with the name and address of the requesting  
4 party.

5 (5) Any person who is furnished vehicle or vessel owner  
6 information under this section shall be responsible for assuring that  
7 the information furnished is not used for a purpose contrary to the  
8 agreement between the person and the department.

9 (6) This section shall not apply to requests for information by  
10 governmental entities or requests that may be granted under any other  
11 provision of this title expressly authorizing the disclosure of the  
12 names or addresses of vehicle or vessel owners. Requests from law  
13 enforcement officers for vessel record information must be granted.  
14 The disclosure agreement with law enforcement entities must provide  
15 that law enforcement may redisclose a vessel owner's name or address  
16 when trying to locate the owner of or otherwise deal with a vessel  
17 that has become a hazard.

18 (7) The department shall disclose vessel records for any vessel  
19 owned by a governmental entity upon request.

20 (8) This section shall not apply to title history information  
21 under RCW 19.118.170.

22 (9) The department shall charge a fee of two dollars for each  
23 record returned pursuant to a request made by a business entity under  
24 subsection (1) of this section and deposit the fee into the highway  
25 safety account.

26 (10) The department, county auditor, or agency or firm authorized  
27 by the department shall not release the name, any address, vehicle  
28 make, vehicle model, vehicle year, vehicle identification number, or  
29 license plate number associated with an individual vehicle or vessel  
30 owner who is a participant in the address confidentiality program  
31 under chapter 40.24 RCW except as allowed in subsection (6) of this  
32 section and RCW 40.24.075.

33 NEW SECTION. **Sec. 2.** A new section is added to chapter 40.24  
34 RCW to read as follows:

35 The department of licensing, county auditors, or agencies or  
36 firms authorized by the department of licensing may not disclose the  
37 name, any address, vehicle make, vehicle model, vehicle year, vehicle  
38 identification number, or license plate number associated with a  
39 program participant under the disclosure authority provided in RCW

1 46.12.635 except as allowed in RCW 46.12.635(6) or if provided with a  
2 court order as allowed in RCW 40.24.075.

3 **Sec. 3.** RCW 40.24.030 and 2011 c 64 s 2 are each amended to read  
4 as follows:

5 (1)(a) An adult person, a parent or guardian acting on behalf of  
6 a minor, or a guardian acting on behalf of an incapacitated person,  
7 as defined in RCW 11.88.010, and (b) any criminal justice participant  
8 as defined in RCW 9A.46.020 who is a target for threats or harassment  
9 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), and any family  
10 members residing with him or her, may apply to the secretary of state  
11 to have an address designated by the secretary of state serve as the  
12 person's address or the address of the minor or incapacitated person.  
13 The secretary of state shall approve an application if it is filed in  
14 the manner and on the form prescribed by the secretary of state and  
15 if it contains:

16 (i) A sworn statement, under penalty of perjury, by the applicant  
17 that the applicant has good reason to believe (A) that the applicant,  
18 or the minor or incapacitated person on whose behalf the application  
19 is made, is a victim of domestic violence, sexual assault,  
20 trafficking, or stalking and that the applicant fears for his or her  
21 safety or his or her children's safety, or the safety of the minor or  
22 incapacitated person on whose behalf the application is made; or (B)  
23 that the applicant, as a criminal justice participant as defined in  
24 RCW 9A.46.020, is a target for threats or harassment prohibited under  
25 RCW 9A.46.020(2)(b) (iii) or (iv);

26 (ii) If applicable, a sworn statement, under penalty of perjury,  
27 by the applicant, that the applicant has reason to believe they are a  
28 victim of (A) domestic violence, sexual assault, or stalking  
29 perpetrated by an employee of a law enforcement agency, or (B)  
30 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or  
31 (iv);

32 (iii) A designation of the secretary of state as agent for  
33 purposes of service of process and for the purpose of receipt of  
34 mail;

35 (iv) The residential address and any telephone number where the  
36 applicant can be contacted by the secretary of state, which shall not  
37 be disclosed because disclosure will increase the risk of (A)  
38 domestic violence, sexual assault, trafficking, or stalking, or (B)

1 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or  
2 (iv);

3 (v) The signature of the applicant and of any individual or  
4 representative of any office designated in writing under RCW  
5 40.24.080 who assisted in the preparation of the application, and the  
6 date on which the applicant signed the application.

7 (2) Applications shall be filed with the office of the secretary  
8 of state.

9 (3)(a) Upon filing a properly completed application, the  
10 secretary of state shall certify the applicant as a program  
11 participant. Applicants shall be certified for four years following  
12 the date of filing unless the certification is withdrawn or  
13 invalidated before that date. The secretary of state shall by rule  
14 establish a renewal procedure.

15 (b) Upon certifying an applicant as a program participant, the  
16 secretary of state shall provide a notice of certification to the  
17 department of licensing for the sole purpose of updating any related  
18 vehicle or vessel ownership records that may be subject to  
19 disclosure. The notice of certification must include the  
20 participant's address as designated by the secretary of state.

21 (4) A person who knowingly provides false or incorrect  
22 information upon making an application or falsely attests in an  
23 application that disclosure of the applicant's address would endanger  
24 (a) the applicant's safety or the safety of the applicant's children  
25 or the minor or incapacitated person on whose behalf the application  
26 is made, or (b) the safety of any criminal justice participant as  
27 defined in RCW 9A.46.020 who is a target for threats or harassment  
28 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or any family  
29 members residing with him or her, shall be punished under RCW  
30 40.16.030 or other applicable statutes.

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