

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2067

66th Legislature
2019 Regular Session

Passed by the House April 24, 2019
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 15, 2019
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2067** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2067

AS AMENDED BY THE SENATE

Passed Legislature - 2019 Regular Session

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; adding a new section to chapter 40.24 RCW;
5 creating a new section; and providing an expiration date.

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,
29 vessel make and model, vessel model year, hull identification number,
30 vessel document number, vessel registration number, vessel decal
31 number, or license plate number associated with an individual vehicle
32 or vessel owner who is a participant in the address confidentiality
33 program under chapter 40.24 RCW except as allowed in subsection (6)
34 of this section and RCW 40.24.075.

35 NEW SECTION. Sec. 2. A new section is added to chapter 40.24
36 RCW to read as follows:

37 The department of licensing, county auditors, or agencies or
38 firms authorized by the department of licensing may not disclose the
39 name, any address, vehicle make, vehicle model, vehicle year, vehicle

1 identification number, vessel make and model, vessel model year, hull
2 identification number, vessel document number, vessel registration
3 number, vessel decal number, or license plate number associated with
4 a program participant under the disclosure authority provided in RCW
5 46.12.635 except as allowed in RCW 46.12.635(6) or if provided with a
6 court order as allowed in RCW 40.24.075.

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

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

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

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

36 (iii) A designation of the secretary of state as agent for
37 purposes of service of process and for the purpose of receipt of
38 mail;

1 (iv) The residential address and any telephone number where the
2 applicant can be contacted by the secretary of state, which shall not
3 be disclosed because disclosure will increase the risk of (A)
4 domestic violence, sexual assault, trafficking, or stalking, or (B)
5 threats or harassment prohibited under RCW 9A.46.020(2)(b) (iii) or
6 (iv);

7 (v) The signature of the applicant and of any individual or
8 representative of any office designated in writing under RCW
9 40.24.080 who assisted in the preparation of the application, and the
10 date on which the applicant signed the application.

11 (2) Applications shall be filed with the office of the secretary
12 of state.

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

19 (4)(a) During the application process, the secretary of state
20 shall provide each applicant a form to direct the department of
21 licensing to change the address of registration for vehicles or
22 vessels solely or jointly registered to the applicant and the address
23 associated with the applicant's driver's license or identicard to the
24 applicant's address as designated by the secretary of state upon
25 certification in the program. The directive to the department of
26 licensing is only valid if signed by the applicant. The directive may
27 only include information required by the department of licensing to
28 verify the applicant's identity and ownership information for
29 vehicles and vessels. This information is limited to the:

30 (i) Applicant's full legal name;

31 (ii) Applicant's Washington driver's license or identicard
32 number;

33 (iii) Applicant's date of birth;

34 (iv) Vehicle identification number and license plate number for
35 each vehicle solely or jointly registered to the applicant; and

36 (v) Hull identification number or vessel document number and
37 vessel decal number for each vessel solely or jointly registered to
38 the applicant.

1 (b) Upon certification of the applicants, the secretary of state
2 shall transmit completed and signed directives to the department of
3 licensing.

4 (c) Within thirty days of receiving a completed and signed
5 directive, the department of licensing shall update the applicant's
6 address on registration and licensing records.

7 (d) Applicants are not required to sign the directive to the
8 department of licensing to be certified as a program participant.

9 (5) A person who knowingly provides false or incorrect
10 information upon making an application or falsely attests in an
11 application that disclosure of the applicant's address would endanger
12 (a) the applicant's safety or the safety of the applicant's children
13 or the minor or incapacitated person on whose behalf the application
14 is made, or (b) the safety of any criminal justice participant as
15 defined in RCW 9A.46.020 who is a target for threats or harassment
16 prohibited under RCW 9A.46.020(2)(b) (iii) or (iv), or any family
17 members residing with him or her, shall be punished under RCW
18 40.16.030 or other applicable statutes.

19 NEW SECTION. Sec. 4. (1) By November 1, 2019, the secretary of
20 state shall, in accordance with RCW 40.24.030, provide to current
21 program participants, as of August 1, 2019, forms to direct the
22 department of licensing to change the address of registration for
23 vehicles or vessels solely or jointly registered to the applicant or
24 the address associated with the applicant's driver's license or
25 identocard to the applicant's address as designated by the secretary
26 of state upon certification in the program.

27 (2) This section expires June 30, 2020.

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