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HOUSE BILL 1360

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State of Washington

66th Legislature

2019 Regular Session

By Representatives Irwin and Fey

1 AN ACT Relating to abstracts of driving records; and amending RCW  
2 46.52.130.

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

4 **Sec. 1.** RCW 46.52.130 and 2017 c 43 s 2 are each amended to read  
5 as follows:

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

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

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

12 (i) The total number of vehicles involved;

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

14 (iii) Whether the vehicles were occupied at the time of the  
15 accident; and

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

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

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

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

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

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

10 (ii) Nothing in this section prevents a court from providing a  
11 copy of the driver's abstract to the individual named in the abstract  
12 or that named individual's attorney, provided that the named  
13 individual has a pending or open infraction or criminal case in that  
14 court. A pending case includes criminal cases that have not reached a  
15 disposition by plea, stipulation, trial, or amended charge. An open  
16 infraction or criminal case includes cases on probation, payment  
17 agreement or subject to, or in collections. Courts may charge a  
18 reasonable fee for the production and copying of the abstract for the  
19 individual.

20 (b) **Employers or prospective employers.** (i) (A) An abstract of the  
21 full driving record maintained by the department may be furnished to  
22 an employer or prospective employer or an agent acting on behalf of  
23 an employer or prospective employer of the named individual for  
24 purposes related to driving by the individual as a condition of  
25 employment or otherwise at the direction of the employer.

26 (B) Release of an abstract of the driving record of an employee  
27 or prospective employee requires a statement signed by: (I) The  
28 employee or prospective employee that authorizes the release of the  
29 record; and (II) the employer attesting that the information is  
30 necessary for employment purposes related to driving by the  
31 individual as a condition of employment or otherwise at the direction  
32 of the employer. If the employer or prospective employer authorizes  
33 an agent to obtain this information on their behalf, this must be  
34 noted in the statement. The statement must also note that any  
35 information contained in the abstract related to an adjudication that  
36 is subject to a court order sealing the juvenile record of an  
37 employee or prospective employee may not be used by the employer or  
38 prospective employer, or an agent authorized to obtain this  
39 information on their behalf, unless required by federal regulation or  
40 law. The employer or prospective employer must afford the employee or

1 prospective employee an opportunity to demonstrate that an  
2 adjudication contained in the abstract is subject to a court order  
3 sealing the juvenile record.

4 (C) Upon request of the person named in the abstract provided  
5 under this subsection, and upon that same person furnishing copies of  
6 court records ruling that the person was not at fault in a motor  
7 vehicle accident, the department must indicate on any abstract  
8 provided under this subsection that the person was not at fault in  
9 the motor vehicle accident.

10 (D) No employer or prospective employer, nor any agent of an  
11 employer or prospective employer, may use information contained in  
12 the abstract related to an adjudication that is subject to a court  
13 order sealing the juvenile record of an employee or prospective  
14 employee for any purpose unless required by federal regulation or  
15 law. The employee or prospective employee must furnish a copy of the  
16 court order sealing the juvenile record to the employer or  
17 prospective employer, or the agent of the employer or prospective  
18 employer, as may be required to ensure the application of this  
19 subsection.

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

30 (c) **Volunteer organizations.** (i) An abstract of the full driving  
31 record maintained by the department may be furnished to a volunteer  
32 organization or an agent for a volunteer organization for which the  
33 named individual has submitted an application for a position that  
34 would require driving by the individual at the direction of the  
35 volunteer organization.

36 (ii) Release of an abstract of the driving record of a  
37 prospective volunteer requires a statement signed by: (A) The  
38 prospective volunteer that authorizes the release of the record; and  
39 (B) the volunteer organization attesting that the information is  
40 necessary for purposes related to driving by the individual at the

1 direction of the volunteer organization. If the volunteer  
2 organization authorizes an agent to obtain this information on their  
3 behalf, this must be noted in the statement.

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

8 (i) The director may enter into a contractual agreement with a  
9 transit authority or its agent for the purpose of reviewing the  
10 driving records of existing vanpool drivers for changes to the record  
11 during specified periods of time. The department shall establish a  
12 fee for this service, which must be deposited in the highway safety  
13 fund. The fee for this service must be set at a level that does not  
14 result in a net revenue loss to the state. Any information provided  
15 under this subsection must be treated in the same manner and is  
16 subject to the same restrictions as driving record abstracts.

17 (ii) For purposes of this subsection (2)(d), "agent" of a transit  
18 authority includes an insurance pool established under RCW 48.62.031,  
19 of which the transit authority is a member.

20 (iii) The transit authority or its agent need not obtain a  
21 release of an abstract of the full driving record or of information  
22 provided pursuant to (d)(i) of this subsection.

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

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

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

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

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

33 (A) Not contain any information related to actions committed by  
34 law enforcement officers or firefighters, as both terms are defined  
35 in RCW 41.26.030, or by Washington state patrol officers, while  
36 driving official vehicles in the performance of their occupational  
37 duty, or by registered tow truck operators as defined in RCW  
38 46.55.010 in the performance of their occupational duties while at  
39 the scene of a roadside impound or recovery so long as they are not

1 issued a citation. This does not apply to any situation where the  
2 vehicle was used in the commission of a misdemeanor or felony;

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

7 (C) Exclude any deferred prosecution under RCW 10.05.060, except  
8 that if a person is removed from a deferred prosecution under RCW  
9 10.05.090, the abstract must show the deferred prosecution as well as  
10 the removal.

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

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

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

33 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of  
34 the driving record maintained by the department covering the period  
35 of not more than the last five years may be furnished to an alcohol/  
36 drug assessment or treatment agency approved by the department of  
37 social and health services to which the named individual has applied  
38 or been assigned for evaluation or treatment, for purposes of  
39 assisting employees in making a determination as to what level of  
40 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, or  
23 their agents, for employment and risk management purposes. The  
24 director may enter into a contractual agreement with a unit of local  
25 government, or its agent, for the purpose of reviewing the driving  
26 records of existing employees for changes to the record during  
27 specified periods of time. The department shall establish a fee for  
28 this service, which must be deposited in the highway safety fund. The  
29 fee for this service must be set at a level that will not result in a  
30 net revenue loss to the state. Any information provided under this  
31 subsection must be treated in the same manner and is subject to the  
32 same restrictions as driving record abstracts. "Agent" of a unit of  
33 local government includes an insurance pool established under RCW  
34 48.62.031, of which the unit of local government is a member. "Unit  
35 of local government" includes an insurance pool established under RCW  
36 48.62.031. The unit of local government or its agent need not obtain  
37 a release of an abstract of the full driving record or of information  
38 provided pursuant this subsection (2) (h).

39 (i) **Superintendent of public instruction.** An abstract of the full  
40 driving record maintained by the department may be furnished to the

1 superintendent of public instruction for review of public school bus  
2 driver records. The superintendent or superintendent's designee may  
3 discuss information on the driving record with an authorized  
4 representative of the employing school district for employment and  
5 risk management purposes.

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

12 (4) **Fee.** The director shall collect a thirteen dollar fee for  
13 each abstract of a person's driving record furnished by the  
14 department. Fifty percent of the fee must be deposited in the highway  
15 safety fund, and fifty percent of the fee must be deposited according  
16 to RCW 46.68.038.

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

19 (b) Any intentional violation of this section is a class C  
20 felony.

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

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