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HOUSE BILL 1318

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Zellinsky, Broback, Inslee, Dellwo, Winsley, Anderson, Rasmussen, Scott, R. Fisher, Ferguson, Paris, Wynne and R. Johnson.

Read first time January 25, 1991. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to public workers during emergency situations; and  
2 amending RCW 46.52.130.

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

4 **Sec. 1.** RCW 46.52.130 and 1989 c 178 s 24 are each amended to read  
5 as follows:

6 A certified abstract of the driving record shall be furnished only  
7 to the individual named in the abstract, an employer, the insurance  
8 carrier that has insurance in effect covering the employer or a  
9 prospective employer, the insurance carrier that has insurance in  
10 effect covering the named individual, the insurance carrier to which  
11 the named individual has applied, or an alcohol/drug assessment or  
12 treatment agency approved by the department of social and health  
13 services, to which the named individual has applied or been assigned  
14 for evaluation or treatment. City attorneys and county prosecuting  
15 attorneys may provide the driving record to alcohol/drug assessment or

1 treatment agencies approved by the department of social and health  
2 services to which the named individual has applied or been assigned for  
3 evaluation or treatment. The director, upon proper request, shall  
4 furnish a certified abstract covering the period of not more than the  
5 last three years to insurance companies, and covering a period of not  
6 more than the last five years to state approved alcohol/drug assessment  
7 or treatment agencies. A certified abstract of the full driving record  
8 maintained by the department shall be furnished to individuals and  
9 employers or prospective employers. The abstract, whenever possible,  
10 shall include an enumeration of motor vehicle accidents in which the  
11 person was driving; the total number of vehicles involved; whether the  
12 vehicles were legally parked or moving; whether the vehicles were  
13 occupied at the time of the accident; any reported convictions,  
14 forfeitures of bail, or findings that an infraction was committed based  
15 upon a violation of any motor vehicle law; and the status of the  
16 person's driving privilege in this state. The enumeration shall  
17 include any reports of failure to appear in response to a traffic  
18 citation or failure to respond to a notice of infraction served upon  
19 the named individual by an arresting officer.

20 The abstract provided to the insurance company shall exclude any  
21 information pertaining to law enforcement officers or fire fighters as  
22 defined in RCW 41.26.030, or any member of the Washington state patrol,  
23 while driving official vehicles in the performance of occupational duty  
24 during an emergency situation if the chief of the officer's or fire  
25 fighter's department certifies on the accident report that the actions  
26 of the officer or fire fighter were reasonable under the circumstances  
27 as they existed at the time of the accident.

28 The abstract provided the insurance company shall exclude any  
29 information pertaining to municipal, county, or state public works  
30 workers, while driving official vehicles in the performance of

1 occupational duty during an emergency situation if the worker's  
2 departmental head certifies on the accident report that the actions of  
3 the worker were reasonable under the circumstances as they existed at  
4 the time of the accident.

5 The director shall collect for each abstract the sum of four  
6 dollars and fifty cents which shall be deposited in the highway safety  
7 fund.

8 Any insurance company or its agent receiving the certified abstract  
9 shall use it exclusively for its own underwriting purposes and shall  
10 not divulge any of the information contained in it to a third party.  
11 No policy of insurance may be canceled, nonrenewed, denied, or have the  
12 rate increased on the basis of such information unless the policyholder  
13 was determined to be at fault. No insurance company or its agent for  
14 underwriting purposes relating to the operation of commercial motor  
15 vehicles may use any information contained in the abstract relative to  
16 any person's operation of motor vehicles while not engaged in such  
17 employment, nor may any insurance company or its agent for underwriting  
18 purposes relating to the operation of noncommercial motor vehicles use  
19 any information contained in the abstract relative to any person's  
20 operation of commercial motor vehicles.

21 Any employer or prospective employer receiving the certified  
22 abstract shall use it exclusively for his own purpose to determine  
23 whether the licensee should be permitted to operate a commercial  
24 vehicle or school bus upon the public highways of this state and shall  
25 not divulge any information contained in it to a third party.

26 Any alcohol/drug assessment or treatment agency approved by the  
27 department of social and health services receiving the certified  
28 abstract shall use it exclusively for the purpose of assisting its  
29 employees in making a determination as to what level of treatment, if

1 any, is appropriate. The agency, or any of its employees, shall not  
2 divulge any information contained in the abstract to a third party.  
3 Any violation of this section is a gross misdemeanor.