

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1964

54th Legislature
1996 Regular Session

Passed by the House March 4, 1996
Yeas 95 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate February 29, 1996
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1964** 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**

SUBSTITUTE HOUSE BILL 1964

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Transportation (originally sponsored by Representatives K. Schmidt, R. Fisher, Robertson, Cairnes, Ogden, Hankins, Elliot, Johnson, Chandler, Scott, Tokuda, Quall, Backlund, Chopp, Horn, Koster, McMahan, Mitchell, Skinner, Benton, D. Schmidt and Stevens)

Read first time 02/22/95.

1 AN ACT Relating to access to accident reports; amending RCW
2 46.52.030 and 46.52.130; prescribing penalties; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 46.52.030 and 1989 c 353 s 5 are each amended to read
6 as follows:

7 (1) The driver of any vehicle involved in an accident resulting in
8 injury to or death of any person or damage to the property of any one
9 person to an apparent extent equal to or greater than the minimum
10 amount established by rule adopted by the chief of the Washington state
11 patrol in accordance with subsection (5) of this section, shall, within
12 twenty-four hours after such accident, make a written report of such
13 accident to the chief of police of the city or town if such accident
14 occurred within an incorporated city or town or the county sheriff or
15 state patrol if such accident occurred outside incorporated cities and
16 towns. Nothing in this subsection prohibits accident reports from
17 being filed by drivers where damage to property is less than the
18 minimum amount.

1 (2) The original of (~~such~~) the report shall be immediately
2 forwarded by the authority receiving (~~such~~) the report to the chief
3 of the Washington state patrol at Olympia, Washington(~~, and the second~~
4 ~~copy of such report to be forwarded to~~). The Washington state patrol
5 shall give the department of licensing (~~at Olympia, Washington~~) full
6 access to the report.

7 (3) Any law enforcement officer who investigates an accident for
8 which a driver's report is required under subsection (1) of this
9 section shall submit an investigator's report as required by RCW
10 46.52.070.

11 (4) The chief of the Washington state patrol may require any driver
12 of any vehicle involved in an accident, of which report must be made as
13 provided in this section, to file supplemental reports whenever the
14 original report in his opinion is insufficient, and may likewise
15 require witnesses of any such accident to render reports. For this
16 purpose, the chief of the Washington state patrol shall prepare and,
17 upon request, supply to any police department, coroner, sheriff, and
18 any other suitable agency or individual, sample forms of accident
19 reports required hereunder, which reports shall be upon a form devised
20 by the chief of the Washington state patrol and shall call for
21 sufficiently detailed information to disclose all material facts with
22 reference to the accident to be reported thereon, including the
23 location, the cause, the conditions then existing, the persons and
24 vehicles involved, the insurance information required under RCW
25 46.30.030, personal injury or death, if any, the amounts of property
26 damage claimed, the total number of vehicles involved, whether the
27 vehicles were legally parked, legally standing, or moving, and whether
28 such vehicles were occupied at the time of the accident. Every
29 required accident report shall be made on a form prescribed by the
30 chief of the Washington state patrol and each authority charged with
31 the duty of receiving such reports shall provide sufficient report
32 forms in compliance with the form devised. The report forms shall be
33 designated so as to provide that a copy may be retained by the
34 reporting person.

35 (5) The chief of the Washington state patrol shall adopt rules
36 establishing the accident-reporting threshold for property damage
37 accidents. Beginning October 1, 1987, the accident-reporting threshold
38 for property damage accidents shall be five hundred dollars. The
39 accident-reporting threshold for property damage accidents shall be

1 revised when necessary, but not more frequently than every two years.
2 The revisions shall only be for the purpose of recognizing economic
3 changes as reflected by an inflationary index recommended by the office
4 of financial management. The revisions shall be guided by the change
5 in the index for the time period since the last revision.

6 **Sec. 2.** RCW 46.52.130 and 1994 c 275 s 16 are each amended to read
7 as follows:

8 A certified abstract of the driving record shall be furnished only
9 to the individual named in the abstract, an employer or prospective
10 employer or an agent acting on behalf of an employer or prospective
11 employer, the insurance carrier that has insurance in effect covering
12 the employer or a prospective employer, the insurance carrier that has
13 insurance in effect covering the named individual, the insurance
14 carrier to which the named individual has applied, an alcohol/drug
15 assessment or treatment agency approved by the department of social and
16 health services, to which the named individual has applied or been
17 assigned for evaluation or treatment, or city and county prosecuting
18 attorneys. City attorneys and county prosecuting attorneys may provide
19 the driving record to alcohol/drug assessment or treatment agencies
20 approved by the department of social and health services to which the
21 named individual has applied or been assigned for evaluation or
22 treatment. The director, upon proper request, shall furnish a
23 certified abstract covering the period of not more than the last three
24 years to insurance companies. Upon proper request, the director shall
25 furnish a certified abstract covering a period of not more than the
26 last five years to state approved alcohol/drug assessment or treatment
27 agencies, except that the certified abstract shall also include records
28 of alcohol-related offenses as defined in RCW 46.01.260(2) covering a
29 period of not more than the last ten years. Upon proper request, a
30 certified abstract of the full driving record maintained by the
31 department shall be furnished to a city or county prosecuting attorney,
32 to the individual named in the abstract or to an employer or
33 prospective employer or an agent acting on behalf of an employer or
34 prospective employer of the named individual. The abstract, whenever
35 possible, shall include an enumeration of motor vehicle accidents in
36 which the person was driving; the total number of vehicles involved;
37 whether the vehicles were legally parked or moving; whether the
38 vehicles were occupied at the time of the accident; any reported

1 convictions, forfeitures of bail, or findings that an infraction was
2 committed based upon a violation of any motor vehicle law; and the
3 status of the person's driving privilege in this state. The
4 enumeration shall include any reports of failure to appear in response
5 to a traffic citation or failure to respond to a notice of infraction
6 served upon the named individual by an arresting officer. Certified
7 abstracts furnished to prosecutors and alcohol/drug assessment or
8 treatment agencies shall also indicate whether a recorded violation is
9 an alcohol-related offense as defined in RCW 46.01.260(2) that was
10 originally charged as one of the alcohol-related offenses designated in
11 RCW 46.01.260(2)(a)(i).

12 The abstract provided to the insurance company shall exclude any
13 information, except that related to the commission of misdemeanors or
14 felonies by the individual, pertaining to law enforcement officers or
15 fire fighters as defined in RCW 41.26.030, or any officer of the
16 Washington state patrol, while driving official vehicles in the
17 performance of occupational duty. The abstract provided to the
18 insurance company shall exclude any deferred prosecution under RCW
19 10.05.060, except that if a person is removed from a deferred
20 prosecution under RCW 10.05.090, the abstract shall show the deferred
21 prosecution as well as the removal.

22 The director shall collect for each abstract the sum of four
23 dollars and fifty cents which shall be deposited in the highway safety
24 fund.

25 Any insurance company or its agent receiving the certified abstract
26 shall use it exclusively for its own underwriting purposes and shall
27 not divulge any of the information contained in it to a third party.
28 No policy of insurance may be canceled, nonrenewed, denied, or have the
29 rate increased on the basis of such information unless the policyholder
30 was determined to be at fault. No insurance company or its agent for
31 underwriting purposes relating to the operation of commercial motor
32 vehicles may use any information contained in the abstract relative to
33 any person's operation of motor vehicles while not engaged in such
34 employment, nor may any insurance company or its agent for underwriting
35 purposes relating to the operation of noncommercial motor vehicles use
36 any information contained in the abstract relative to any person's
37 operation of commercial motor vehicles.

38 Any employer or prospective employer or an agent acting on behalf
39 of an employer or prospective employer receiving the certified abstract

1 shall use it exclusively for his or her own purpose to determine
2 whether the licensee should be permitted to operate a commercial
3 vehicle or school bus upon the public highways of this state and shall
4 not divulge any information contained in it to a third party.

5 Any alcohol/drug assessment or treatment agency approved by the
6 department of social and health services receiving the certified
7 abstract shall use it exclusively for the purpose of assisting its
8 employees in making a determination as to what level of treatment, if
9 any, is appropriate. The agency, or any of its employees, shall not
10 divulge any information contained in the abstract to a third party.

11 Release of a certified abstract of the driving record of an
12 employee or prospective employee requires a statement signed by: (1)
13 The employee or prospective employee that authorizes the release of the
14 record, and (2) the employer attesting that the information is
15 necessary to determine whether the licensee should be employed to
16 operate a commercial vehicle or school bus upon the public highways of
17 this state. If the employer or prospective employer authorizes an
18 agent to obtain this information on their behalf, this must be noted in
19 the statement.

20 Any violation of this section is a gross misdemeanor.

21 NEW SECTION. Sec. 3. This act takes effect July 1, 1996.

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