

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 2432

57th Legislature
2002 Regular Session

Passed by the House March 11, 2002
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 7, 2002
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2432** 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 2432

AS AMENDED BY THE SENATE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Lovick, Jarrett and Mitchell)

Read first time 02/06/2002. Referred to Committee on .

1 AN ACT Relating to driving record abstracts furnished to transit
2 authorities; and 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 2001 c 309 s 1 are each amended to read
5 as follows:

6 (1) A certified abstract of the driving record shall be furnished
7 only to:

8 (a) The individual named in the abstract((~~τ~~))i

9 (b) An employer or prospective employer or an agent acting on
10 behalf of an employer or prospective employer((~~τ~~))i

11 (c) An employee or agent of a transit authority checking
12 prospective volunteer vanpool drivers for insurance and risk management
13 needs;

14 (d) The insurance carrier that has insurance in effect covering the
15 employer or a prospective employer((~~τ~~))i

16 (e) The insurance carrier that has motor vehicle or life insurance
17 in effect covering the named individual((~~τ~~))i

18 (f) The insurance carrier to which the named individual has
19 applied((~~τ~~))i

1 (g) An alcohol/drug assessment or treatment agency approved by the
2 department of social and health services, to which the named individual
3 has applied or been assigned for evaluation or treatment~~((τ))~~i or

4 (h) City and county prosecuting attorneys.

5 (2) City attorneys and county prosecuting attorneys may provide the
6 driving record to alcohol/drug assessment or treatment agencies
7 approved by the department of social and health services to which the
8 named individual has applied or been assigned for evaluation or
9 treatment.

10 (3) The director, upon proper request, shall furnish a certified
11 abstract covering the period of not more than the last three years to
12 insurance companies.

13 (4) Upon proper request, the director shall furnish a certified
14 abstract covering a period of not more than the last five years to
15 state approved alcohol/drug assessment or treatment agencies, except
16 that the certified abstract shall also include records of alcohol-
17 related offenses as defined in RCW 46.01.260(2) covering a period of
18 not more than the last ten years.

19 (5) Upon proper request, a certified abstract of the full driving
20 record maintained by the department shall be furnished to a city or
21 county prosecuting attorney, to the individual named in the abstract
22 ~~((ε))~~ to an employer or prospective employer or an agent acting on
23 behalf of an employer or prospective employer of the named individual,
24 or to an employee or agent of a transit authority checking prospective
25 volunteer vanpool drivers for insurance and risk management needs.

26 (6) The abstract, whenever possible, shall include:

27 (a) An enumeration of motor vehicle accidents in which the person
28 was driving;

29 (b) The total number of vehicles involved;

30 (c) Whether the vehicles were legally parked or moving;

31 (d) Whether the vehicles were occupied at the time of the accident;

32 (e) Whether the accident resulted in any fatality;

33 (f) Any reported convictions, forfeitures of bail, or findings that
34 an infraction was committed based upon a violation of any motor vehicle
35 law; ~~((and))~~

36 (g) The status of the person's driving privilege in this state~~((-~~
37 ~~The enumeration shall include))~~i and

1 (h) 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 (7) Certified abstracts furnished to prosecutors and alcohol/drug
5 assessment or treatment agencies shall also indicate whether a recorded
6 violation is an alcohol-related offense as defined in RCW 46.01.260(2)
7 that was originally charged as one of the alcohol-related offenses
8 designated in RCW 46.01.260(2)(b)(i).

9 (8) The abstract provided to the insurance company shall exclude
10 any information, except that related to the commission of misdemeanors
11 or felonies by the individual, pertaining to law enforcement officers
12 or fire fighters as defined in RCW 41.26.030, or any officer of the
13 Washington state patrol, while driving official vehicles in the
14 performance of occupational duty. The abstract provided to the
15 insurance company shall include convictions for RCW 46.61.5249 and
16 46.61.525 except that the abstract shall report them only as negligent
17 driving without reference to whether they are for first or second
18 degree negligent driving. The abstract provided to the insurance
19 company shall exclude any deferred prosecution under RCW 10.05.060,
20 except that if a person is removed from a deferred prosecution under
21 RCW 10.05.090, the abstract shall show the deferred prosecution as well
22 as the removal.

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

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

1 (11) Any employer or prospective employer or an agent acting on
2 behalf of an employer or prospective employer receiving the certified
3 abstract shall use it exclusively for his or her own purpose to
4 determine whether the licensee should be permitted to operate a
5 commercial vehicle or school bus upon the public highways of this state
6 and shall not divulge any information contained in it to a third party.

7 (12) Any employee or agent of a transit authority receiving a
8 certified abstract for its vanpool program shall use it exclusively for
9 determining whether the volunteer licensee meets those insurance and
10 risk management requirements necessary to drive a vanpool vehicle. The
11 transit authority may not divulge any information contained in the
12 abstract to a third party.

13 (13) Any alcohol/drug assessment or treatment agency approved by
14 the department of social and health services receiving the certified
15 abstract shall use it exclusively for the purpose of assisting its
16 employees in making a determination as to what level of treatment, if
17 any, is appropriate. The agency, or any of its employees, shall not
18 divulge any information contained in the abstract to a third party.

19 (14) Release of a certified abstract of the driving record of an
20 employee or prospective employee requires a statement signed by:
21 ~~((+1))~~ (a) The employee or prospective employee that authorizes the
22 release of the record, and ~~((+2))~~ (b) the employer attesting that the
23 information is necessary to determine whether the licensee should be
24 employed to operate a commercial vehicle or school bus upon the public
25 highways of this state. If the employer or prospective employer
26 authorizes an agent to obtain this information on their behalf, this
27 must be noted in the statement.

28 (15) Any negligent violation of this section is a gross
29 misdemeanor.

30 (16) Any intentional violation of this section is a class C felony.

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