

CERTIFICATION OF ENROLLMENT

SENATE BILL 5321

59th Legislature
2005 Regular Session

Passed by the Senate April 19, 2005
YEAS 46 NAYS 0

President of the Senate

Passed by the House April 8, 2005
YEAS 93 NAYS 3

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5321** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5321

AS AMENDED BY THE HOUSE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators Haugen, Swecker, Jacobsen and Esser

Read first time 01/20/2005. Referred to Committee on Transportation.

1 AN ACT Relating to disclosure of addresses of vehicle owners; and
2 amending RCW 46.12.370 and 46.12.380.

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

4 **Sec. 1.** RCW 46.12.370 and 2004 c 230 s 1 are each amended to read
5 as follows:

6 In addition to any other authority which it may have, the
7 department of licensing may furnish lists of registered and legal
8 owners of motor vehicles only for the purposes specified in this
9 section to:

10 (1) The manufacturers of motor vehicles, or their authorized
11 agents, to be used to enable those manufacturers to carry out the
12 provisions of the National Traffic and Motor Vehicle Safety Act of 1966
13 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto,
14 respecting safety-related defects in motor vehicles;

15 (2) Any governmental agency of the United States or Canada, or
16 political subdivisions thereof, to be used by it or by its authorized
17 commercial agents or contractors only in connection with the
18 enforcement of motor vehicle or traffic laws by, or programs related to

1 traffic safety of, that government agency. Only such parts of the list
2 as are required for completion of the work required of the agent or
3 contractor shall be provided to such agent or contractor;

4 (3) A commercial parking company requiring the names and addresses
5 of registered owners to notify them of outstanding parking violations.
6 Subject to the disclosure agreement provisions of RCW 46.12.380 and the
7 requirements of Executive Order 97-01, the department may provide only
8 the parts of the list that are required for completion of the work
9 required of the company;

10 (4) An authorized agent or contractor of the department, to be used
11 only in connection with providing motor vehicle excise tax, licensing,
12 title, and registration information to motor vehicle dealers;

13 (5) Any business regularly making loans to other persons to finance
14 the purchase of motor vehicles, to be used to assist the person
15 requesting the list to determine ownership of specific vehicles for the
16 purpose of determining whether or not to provide such financing; or

17 (6) A company or its agents operating a toll facility under chapter
18 47.46 RCW or other applicable authority requiring the names, addresses,
19 and vehicle information of motor vehicle registered owners to identify
20 toll violators.

21 Where both a mailing address and residence address are recorded on
22 the vehicle record and are different, only the mailing address will be
23 disclosed. Both addresses will be disclosed in response to requests
24 for disclosure from courts, law enforcement agencies, or government
25 entities with enforcement, investigative, or taxing authority and only
26 for use in the normal course of conducting their business.

27 If a list of registered and legal owners of motor vehicles is used
28 for any purpose other than that authorized in this section, the
29 manufacturer, governmental agency, commercial parking company,
30 authorized agent, contractor, financial institution, toll facility
31 operator, or their authorized agents or contractors responsible for the
32 unauthorized disclosure or use will be denied further access to such
33 information by the department of licensing.

34 **Sec. 2.** RCW 46.12.380 and 1995 c 254 s 10 are each amended to read
35 as follows:

36 (1) Notwithstanding the provisions of chapter 42.17 RCW, the name

1 or address of an individual vehicle owner shall not be released by the
2 department, county auditor, or agency or firm authorized by the
3 department except under the following circumstances:

4 (a) The requesting party is a business entity that requests the
5 information for use in the course of business;

6 (b) The request is a written request that is signed by the person
7 requesting disclosure that contains the full legal name and address of
8 the requesting party, that specifies the purpose for which the
9 information will be used; and

10 (c) The requesting party enters into a disclosure agreement with
11 the department in which the party promises that the party will use the
12 information only for the purpose stated in the request for the
13 information; and that the party does not intend to use, or facilitate
14 the use of, the information for the purpose of making any unsolicited
15 business contact with a person named in the disclosed information. The
16 term "unsolicited business contact" means a contact that is intended to
17 result in, or promote, the sale of any goods or services to a person
18 named in the disclosed information. The term does not apply to
19 situations where the requesting party and such person have been
20 involved in a business transaction prior to the date of the disclosure
21 request and where the request is made in connection with the
22 transaction.

23 (2) Where both a mailing address and residence address are recorded
24 on the vehicle record and are different, only the mailing address will
25 be disclosed. Both addresses will be disclosed in response to requests
26 for disclosure from courts, law enforcement agencies, or government
27 entities with enforcement, investigative, or taxing authority and only
28 for use in the normal course of conducting their business.

29 (3) The disclosing entity shall retain the request for disclosure
30 for three years.

31 ((+3)) (4) Whenever the disclosing entity grants a request for
32 information under this section by an attorney or private investigator,
33 the disclosing entity shall provide notice to the vehicle owner, to
34 whom the information applies, that the request has been granted. The
35 notice also shall contain the name and address of the requesting party.

36 ((+4)) (5) Any person who is furnished vehicle owner information
37 under this section shall be responsible for assuring that the

1 information furnished is not used for a purpose contrary to the
2 agreement between the person and the department.

3 ~~((5))~~ (6) This section shall not apply to requests for
4 information by governmental entities or requests that may be granted
5 under any other provision of this title expressly authorizing the
6 disclosure of the names or addresses of vehicle owners.

7 ~~((6))~~ (7) This section shall not apply to title history
8 information under RCW 19.118.170.

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