

# SENATE BILL REPORT

## EHB 2067

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As Passed Senate - Amended, April 15, 2019

**Title:** An act relating to prohibiting the disclosure of certain individual vehicle and vessel owner information of those participating in the address confidentiality program.

**Brief Description:** Prohibiting the disclosure of certain individual vehicle and vessel owner information of those participating in the address confidentiality program.

**Sponsors:** Representatives Davis, Chambers, Jinkins, Dufault, Riccelli, Doglio, Tarleton, Kilduff and Pollet.

**Brief History:** Passed House: 3/06/19, 97-0.

**Committee Activity:** Transportation: 3/25/19, 4/04/19 [DPA].

**Floor Activity:**

Passed Senate - Amended: 4/15/19, 48-0.

### Brief Summary of Bill (As Amended by Senate)

- Prohibits the Department of Licensing (DOL), county auditors, or agencies or firms authorized by DOL from releasing a vehicle or vessel owner's information if the owner is a participant in the Address Confidentiality Program (ACP).
- Requires the secretary of state (SOS) provide a prospective ACP participant with a form directing DOL to change any associated address on file with a vehicle, vessel, driver's license or identicard to the address designated by the SOS for the program participant.
- Requires that the form also be provided to all current ACP participants.

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass as amended.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Randall, Takko, Wilson, C. and Zeiger.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Staff:** Kim Johnson (786-7472)

**Background:** Address Confidentiality Program. The Address Confidentiality Program (ACP) allows victims of domestic violence, sexual assault, trafficking, or stalking to have an alternative address designated as their substitute mailing address. The ACP also allows state and local agencies to comply with requests for public records without disclosing the confidential location of a victim.

In order to become a participant in the ACP, a person must submit an application to the SOS containing the following:

- a sworn statement from the applicant that:
  1. the applicant is a victim of domestic violence, sexual assault, trafficking, or stalking, and the applicant fears for their safety or their children's safety;
  2. the minor or incapacitated person on whose behalf the application is made is a victim of domestic violence, sexual assault, trafficking, or stalking, and the applicant fears for the safety of the minor or incapacitated person; or
  3. the applicant, as a criminal justice participant, is a target for threats or harassment.
- a designation of the SOS as the applicant's agent for purposes of service of process and receipt of mail;
- the mailing address and phone number where the applicant can be contacted by the SOS;
- the address that the applicant requests be kept confidential; and
- the applicant's signature.

Applicants are certified as program participants for four years, subject to renewal, withdrawal, or invalidation.

An ACP participant may request that state and local agencies use the address designated by the SOS as the participant's address. When creating a new public record, state and local agencies are required to accept the address designated by the SOS as the participant's substitute address, unless the SOS has determined that the agency has a bona fide statutory or administrative requirement for the use of the address which would otherwise be confidential, and that the address will be used only for those statutory or administrative purposes.

Disclosure of Vehicle and Vessel Owner Information. DOL, county auditors, or agencies or firms authorized by DOL may not release the name or address of a vehicle or vessel owner, except if:

- the requesting party is a business entity that requests the information for use in the course of business;
- the request is a written request that includes the full legal name and address of the requesting party, the specific purpose for the use of the information, and the signature of the requester; and
- the requester enters into a disclosure agreement with DOL in which the requester promises they will use the information only for the purpose stated in the written request, and the requester does not intent to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

If both a mailing address and residence address are recorded on the vehicle or vessel record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to information requests from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority, and the disclosed information may only be used by the agency in the normal course of conducting their business.

If a requester is an attorney or private investigator, and the request for information has been granted, the disclosing entity must provide notice to the vehicle or vessel owner named in the requested information that the request has been granted. The notice may only include:

- that the disclosing entity has disclosed the vehicle or vessel owner's name and address;
- the date that the disclosure was made; and
- that the vehicle or vessel owner has five days after receiving the notice to contact the disclosing entity to determine whether the requester was an attorney or a private investigator.

If the vehicle or vessel owner submits to the disclosing entity a copy of a valid court order restricting another person from contacting the vehicle or vessel owner or their family or household member, the disclosing entity must provide the vehicle or vessel owner with the name and address of the requester.

Requests for information may also be granted to governmental entities or law enforcement officers. The disclosure agreement with law enforcement entities must allow law enforcement to redisclose a vessel owner's name or address when trying to locate the owner of a vessel that has become a hazard.

**Summary of Bill:** Address Confidentiality Program. The SOS is required to provide prospective program participants with a form directing the DOL to change any associated address on file with a vehicle or vessel solely or jointly registered to the participant or the participant's driver's license or indenticard to the address designated by the SOS for the program participant.

The SOS must also provide the form to current ACP participants by November 1, 2019.

Department of Licensing Disclosure of Information. DOL, county auditors, or agencies or firms authorized by DOL may not release the name, any address, vehicle or vessel make, vehicle or vessel model, vehicle or vessel year, vehicle identification number, hull identification number or license plate number associated with an individual who is a participant in the ACP.

A participant's vehicle or vessel record information may be released only:

- to government entities or law enforcement officers; or
- by court order upon a probable cause finding by a judicial officer, that the release of the participant's information is legally necessary in the course of a criminal investigation or prosecution, or to prevent immediate risk to a minor.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed House Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: When you experience domestic violence your whole world changes. It is a huge undertaking to relocate and create a new life. You live in constant fear that you will be found. Any peace a victim finds can be taken away by receiving a letter that DOL has disclosed your information. This bill closes a loophole that allows DOL to report ACP participant's address and vehicle information. In 1991, Washington was the first state in the country to adopt an ACP. Our state has been a leader. The ACP is an important tool for survivors. It is important for us to update the law to address a gap in protection. Victims should be able to know their vehicle information is protected.

**Persons Testifying:** PRO: Representative Lauren Davis, Prime Sponsor; Pam Crone, Washington State Coalition Against Domestic Violence; Nancy Sapiro, Legal Voice.

**Persons Signed In To Testify But Not Testifying:** No one.