

2 **HB 1128** - H COMM AMD **ADOPTED 2-20-91**

3 By Committee on Transportation

4

5 On page 1, after line 12, insert the following:

6 "Sec. 2. RCW 46.52.100 and 1987 c 3 s 18 are each amended to read
7 as follows:

8 Every district court, municipal court, and clerk of superior court
9 shall keep or cause to be kept a record of every traffic complaint,
10 traffic citation, notice of infraction, or other legal form of traffic
11 charge deposited with or presented to the court or a traffic violations
12 bureau, and shall keep a record of every official action by said court
13 or its traffic violations bureau in reference thereto, including but
14 not limited to a record of every conviction, forfeiture of bail,
15 judgment of acquittal, finding that a traffic infraction has been
16 committed, dismissal of a notice of infraction, and the amount of fine,
17 forfeiture, or penalty resulting from every said traffic complaint,
18 citation, or notice of infraction deposited with or presented to the
19 district court, municipal court, superior court, or traffic violations
20 bureau.

21 The Monday following the conviction, forfeiture of bail, or finding
22 that a traffic infraction was committed for violation of any provisions
23 of this chapter or other law regulating the operating of vehicles on
24 highways, every said magistrate of the court or clerk of the court of
25 record in which such conviction was had, bail was forfeited, or the
26 finding made shall prepare and immediately forward to the director of
27 licensing at Olympia an abstract of the record of said court covering
28 the case, which abstract must be certified by the person so required to
29 prepare the same to be true and correct. Report need not be made of

1 any finding involving the illegal parking or standing of a vehicle or
2 improper use of a designated high-occupancy vehicle lane or ramp under
3 RCW 46.61.165.

4 Said abstract must be made upon a form furnished by the director
5 and shall include the name and address of the party charged, the
6 number, if any, of the party's driver's or chauffeur's license, the
7 registration number of the vehicle involved, the nature of the offense,
8 the date of hearing, the plea, the judgment, whether bail forfeited,
9 whether the determination that a traffic infraction was committed was
10 contested, and the amount of the fine, forfeiture, or penalty as the
11 case may be.

12 Every court of record shall also forward a like report to the
13 director upon the conviction of any person of manslaughter or other
14 felony in the commission of which a vehicle was used.

15 The failure of any such judicial officer to comply with any of the
16 requirements of this section shall constitute misconduct in office and
17 shall be grounds for removal therefrom.

18 The director shall keep all abstracts received hereunder at the
19 director's office in Olympia and the same shall be open to public
20 inspection during reasonable business hours.

21 Venue in all district courts shall be before one of the two nearest
22 district judges in incorporated cities and towns nearest to the point
23 the violation allegedly occurred: PROVIDED, That in counties of class
24 A and of the first class such cases may be tried in the county seat at
25 the request of the defendant.

26 It shall be the duty of the officer, prosecuting attorney, or city
27 attorney signing the charge or information in any case involving a
28 charge of driving under the influence of intoxicating liquor or any
29 drug immediately to make request to the director for an abstract of
30 convictions and forfeitures which the director shall furnish."

1 **"Sec. 3.** RCW 46.52.130 and 1989 c 178 s 24 are each amended to
2 read as follows:

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

1 The abstract provided to the insurance company shall exclude any
2 information pertaining to improper use of a designated high-occupancy
3 vehicle lane or ramp under RCW 46.61.165 or to law enforcement officers
4 or fire fighters as defined in RCW 41.26.030, or any member of the
5 Washington state patrol, while driving official vehicles in the
6 performance of occupational duty during an emergency situation if the
7 chief of the officer's or fire fighter's department certifies on the
8 accident report that the actions of the officer or fire fighter were
9 reasonable under the circumstances as they existed at the time of the
10 accident.

11 The director shall collect for each abstract the sum of four
12 dollars and fifty cents which shall be deposited in the highway safety
13 fund.

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

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

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

7 Any violation of this section is a gross misdemeanor."

8 **HB 1128** - H COMM AMD **ADOPTED 2-20-91**
9 By Committee on Transportation

10

11 In line 1 of the title, after "vehicles;" insert "amending RCW
12 46.52.100 and 46.52.130;"