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**ENGROSSED HOUSE BILL 1128**

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**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** Representatives R. Fisher, Schmidt, R. Meyers, Betrozoff, Wood and Zellinsky.

Read first time January 21, 1991.                      Referred to Committee on Transportation.

1            AN ACT Relating to high occupancy vehicles; amending RCW 46.52.100  
2 and 46.52.130; and adding a new section to chapter 46.90 RCW.

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

4            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.90 RCW  
5 to read as follows:

6            In a prosecution charging a violation of RCW 46.61.165, proof that  
7 a particular vehicle described in the complaint was operated in  
8 violation of RCW 46.61.165, together with proof that the defendant  
9 named in the complaint was the registered owner at the time of the  
10 violation, shall be prima facie evidence that the registered owner of  
11 the vehicle was the person who operated the vehicle at the time the  
12 violation occurred.

1       **Sec. 2.** RCW 46.52.100 and 1987 c 3 s 18 are each amended to read  
2 as follows:

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

16       The Monday following the conviction, forfeiture of bail, or finding  
17 that a traffic infraction was committed for violation of any provisions  
18 of this chapter or other law regulating the operating of vehicles on  
19 highways, every said magistrate of the court or clerk of the court of  
20 record in which such conviction was had, bail was forfeited, or the  
21 finding made shall prepare and immediately forward to the director of  
22 licensing at Olympia an abstract of the record of said court covering  
23 the case, which abstract must be certified by the person so required to  
24 prepare the same to be true and correct. Report need not be made of  
25 any finding involving the illegal parking or standing of a vehicle or  
26 improper use of a designated high-occupancy vehicle lane or ramp under  
27 RCW 46.61.165.

28       Said abstract must be made upon a form furnished by the director  
29 and shall include the name and address of the party charged, the  
30 number, if any, of the party's driver's or chauffeur's license, the

1 registration number of the vehicle involved, the nature of the offense,  
2 the date of hearing, the plea, the judgment, whether bail forfeited,  
3 whether the determination that a traffic infraction was committed was  
4 contested, and the amount of the fine, forfeiture, or penalty as the  
5 case may be.

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

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

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

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

20 It shall be the duty of the officer, prosecuting attorney, or city  
21 attorney signing the charge or information in any case involving a  
22 charge of driving under the influence of intoxicating liquor or any  
23 drug immediately to make request to the director for an abstract of  
24 convictions and forfeitures which the director shall furnish.

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

27 A certified abstract of the driving record shall be furnished only  
28 to the individual named in the abstract, an employer, the insurance  
29 carrier that has insurance in effect covering the employer or a

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

27 The abstract provided to the insurance company shall exclude any  
28 information pertaining to improper use of a designated high-occupancy  
29 vehicle lane or ramp under RCW 46.61.165 or to law enforcement officers  
30 or fire fighters as defined in RCW 41.26.030, or any member of the

1 Washington state patrol, while driving official vehicles in the  
2 performance of occupational duty during an emergency situation if the  
3 chief of the officer's or fire fighter's department certifies on the  
4 accident report that the actions of the officer or fire fighter were  
5 reasonable under the circumstances as they existed at the time of the  
6 accident.

7 The director shall collect for each abstract the sum of four  
8 dollars and fifty cents which shall be deposited in the highway safety  
9 fund.

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

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

28 Any alcohol/drug assessment or treatment agency approved by the  
29 department of social and health services receiving the certified  
30 abstract shall use it exclusively for the purpose of assisting its

1 employees in making a determination as to what level of treatment, if  
2 any, is appropriate. The agency, or any of its employees, shall not  
3 divulge any information contained in the abstract to a third party.

4 Any violation of this section is a gross misdemeanor.