
HOUSE BILL 1123

State of Washington

53rd Legislature

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By Representatives Schmidt, Zellinsky, Franklin, Heavey, Brough and Van Luven

Read first time 01/15/93. Referred to Committee on Judiciary.
Rereferred to Committee on Financial Institutions & Insurance 1/25/93.

1 AN ACT Relating to furnishing abstracts of driving records to
2 judges; 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 1991 c 243 s 1 are each amended to read
5 as follows:

6 A certified abstract of the driving record shall be furnished only
7 to the individual named in the abstract, an employer, the insurance
8 carrier that has insurance in effect covering the employer or a
9 prospective employer, the insurance carrier that has insurance in
10 effect covering the named individual, the insurance carrier to which
11 the named individual has applied, a judge for the purpose of
12 sentencing, or an alcohol/drug assessment or treatment agency approved
13 by the department of social and health services, to which the named
14 individual has applied or been assigned for evaluation or treatment.
15 City attorneys and county prosecuting attorneys may provide the driving
16 record to alcohol/drug assessment or treatment agencies approved by the
17 department of social and health services to which the named individual
18 has applied or been assigned for evaluation or treatment. The
19 director, upon proper request, shall furnish a certified abstract

1 covering the period of not more than the last three years to insurance
2 companies and judges, and covering a period of not more than the last
3 five years to state approved alcohol/drug assessment or treatment
4 agencies. A certified abstract of the full driving record maintained
5 by the department shall be furnished to individuals and employers or
6 prospective employers. The abstract, whenever possible, shall include
7 an enumeration of motor vehicle accidents in which the person was
8 driving; the total number of vehicles involved; whether the vehicles
9 were legally parked or moving; whether the vehicles were occupied at
10 the time of the accident; any reported convictions, forfeitures of
11 bail, or findings that an infraction was committed based upon a
12 violation of any motor vehicle law; and the status of the person's
13 driving privilege in this state. The enumeration shall include any
14 reports of failure to appear in response to a traffic citation or
15 failure to respond to a notice of infraction served upon the named
16 individual by an arresting officer.

17 The abstract provided to the insurance company shall exclude any
18 information except that related to the commission of misdemeanors or
19 felonies by the individual pertaining to law enforcement officers or
20 fire fighters as defined in RCW 41.26.030, or any officer of the
21 Washington state patrol, while driving official vehicles in the
22 performance of occupational duty.

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

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

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

12 Any violation of this section is a gross misdemeanor.

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