

2 SHB 1964 - S COMM AMD
3 By Committee on Transportation

4 ADOPTED 2/29/96

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.52.030 and 1989 c 353 s 5 are each amended to read
8 as follows:

9 (1) The driver of any vehicle involved in an accident resulting in
10 injury to or death of any person or damage to the property of any one
11 person to an apparent extent equal to or greater than the minimum
12 amount established by rule adopted by the chief of the Washington state
13 patrol in accordance with subsection (5) of this section, shall, within
14 twenty-four hours after such accident, make a written report of such
15 accident to the chief of police of the city or town if such accident
16 occurred within an incorporated city or town or the county sheriff or
17 state patrol if such accident occurred outside incorporated cities and
18 towns. Nothing in this subsection prohibits accident reports from
19 being filed by drivers where damage to property is less than the
20 minimum amount.

21 (2) The original of ~~((such))~~ the report shall be immediately
22 forwarded by the authority receiving ~~((such))~~ the report to the chief
23 of the Washington state patrol at Olympia, Washington~~((, and the second~~
24 ~~copy of such report to be forwarded to))~~. The Washington state patrol
25 shall give the department of licensing ((at Olympia, Washington)) full
26 access to the report.

27 (3) Any law enforcement officer who investigates an accident for
28 which a driver's report is required under subsection (1) of this
29 section shall submit an investigator's report as required by RCW
30 46.52.070.

31 (4) The chief of the Washington state patrol may require any driver
32 of any vehicle involved in an accident, of which report must be made as
33 provided in this section, to file supplemental reports whenever the
34 original report in his opinion is insufficient, and may likewise
35 require witnesses of any such accident to render reports. For this
36 purpose, the chief of the Washington state patrol shall prepare and,

1 upon request, supply to any police department, coroner, sheriff, and
2 any other suitable agency or individual, sample forms of accident
3 reports required hereunder, which reports shall be upon a form devised
4 by the chief of the Washington state patrol and shall call for
5 sufficiently detailed information to disclose all material facts with
6 reference to the accident to be reported thereon, including the
7 location, the cause, the conditions then existing, the persons and
8 vehicles involved, the insurance information required under RCW
9 46.30.030, personal injury or death, if any, the amounts of property
10 damage claimed, the total number of vehicles involved, whether the
11 vehicles were legally parked, legally standing, or moving, and whether
12 such vehicles were occupied at the time of the accident. Every
13 required accident report shall be made on a form prescribed by the
14 chief of the Washington state patrol and each authority charged with
15 the duty of receiving such reports shall provide sufficient report
16 forms in compliance with the form devised. The report forms shall be
17 designated so as to provide that a copy may be retained by the
18 reporting person.

19 (5) The chief of the Washington state patrol shall adopt rules
20 establishing the accident-reporting threshold for property damage
21 accidents. Beginning October 1, 1987, the accident-reporting threshold
22 for property damage accidents shall be five hundred dollars. The
23 accident-reporting threshold for property damage accidents shall be
24 revised when necessary, but not more frequently than every two years.
25 The revisions shall only be for the purpose of recognizing economic
26 changes as reflected by an inflationary index recommended by the office
27 of financial management. The revisions shall be guided by the change
28 in the index for the time period since the last revision.

29 **Sec. 2.** RCW 46.52.130 and 1994 c 275 s 16 are each amended to read
30 as follows:

31 A certified abstract of the driving record shall be furnished only
32 to the individual named in the abstract, an employer or prospective
33 employer or an agent acting on behalf of an employer or prospective
34 employer, the insurance carrier that has insurance in effect covering
35 the employer or a prospective employer, the insurance carrier that has
36 insurance in effect covering the named individual, the insurance
37 carrier to which the named individual has applied, an alcohol/drug
38 assessment or treatment agency approved by the department of social and

1 health services, to which the named individual has applied or been
2 assigned for evaluation or treatment, or city and county prosecuting
3 attorneys. City attorneys and county prosecuting attorneys may provide
4 the driving record to alcohol/drug assessment or treatment agencies
5 approved by the department of social and health services to which the
6 named individual has applied or been assigned for evaluation or
7 treatment. The director, upon proper request, shall furnish a
8 certified abstract covering the period of not more than the last three
9 years to insurance companies. Upon proper request, the director shall
10 furnish a certified abstract covering a period of not more than the
11 last five years to state approved alcohol/drug assessment or treatment
12 agencies, except that the certified abstract shall also include records
13 of alcohol-related offenses as defined in RCW 46.01.260(2) covering a
14 period of not more than the last ten years. Upon proper request, a
15 certified abstract of the full driving record maintained by the
16 department shall be furnished to a city or county prosecuting attorney,
17 to the individual named in the abstract or to an employer or
18 prospective employer or an agent acting on behalf of an employer or
19 prospective employer of the named individual. The abstract, whenever
20 possible, shall include an enumeration of motor vehicle accidents in
21 which the person was driving; the total number of vehicles involved;
22 whether the vehicles were legally parked or moving; whether the
23 vehicles were occupied at the time of the accident; any reported
24 convictions, forfeitures of bail, or findings that an infraction was
25 committed based upon a violation of any motor vehicle law; and the
26 status of the person's driving privilege in this state. The
27 enumeration shall include any reports of failure to appear in response
28 to a traffic citation or failure to respond to a notice of infraction
29 served upon the named individual by an arresting officer. Certified
30 abstracts furnished to prosecutors and alcohol/drug assessment or
31 treatment agencies shall also indicate whether a recorded violation is
32 an alcohol-related offense as defined in RCW 46.01.260(2) that was
33 originally charged as one of the alcohol-related offenses designated in
34 RCW 46.01.260(2)(a)(i).

35 The abstract provided to the insurance company shall exclude any
36 information, except that related to the commission of misdemeanors or
37 felonies by the individual, pertaining to law enforcement officers or
38 fire fighters as defined in RCW 41.26.030, or any officer of the
39 Washington state patrol, while driving official vehicles in the

1 performance of occupational duty. The abstract provided to the
2 insurance company shall exclude any deferred prosecution under RCW
3 10.05.060, except that if a person is removed from a deferred
4 prosecution under RCW 10.05.090, the abstract shall show the deferred
5 prosecution as well as the removal.

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

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

22 Any employer or prospective employer or an agent acting on behalf
23 of an employer or prospective employer receiving the certified abstract
24 shall use it exclusively for his or her 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
31 employees in making a determination as to what level of treatment, if
32 any, is appropriate. The agency, or any of its employees, shall not
33 divulge any information contained in the abstract to a third party.

34 Release of a certified abstract of the driving record of an
35 employee or prospective employee requires a statement signed by: (1)
36 The employee or prospective employee that authorizes the release of the
37 record, and (2) the employer attesting that the information is
38 necessary to determine whether the licensee should be employed to
39 operate a commercial vehicle or school bus upon the public highways of

1 this state. If the employer or prospective employer authorizes an
2 agent to obtain this information on their behalf, this must be noted in
3 the statement.

4 Any violation of this section is a gross misdemeanor.

5 NEW SECTION. **Sec. 3.** This act takes effect July 1, 1996."

6 **SHB 1964** - S COMM AMD
7 By Committee on Transportation

8 ADOPTED 2/29/96

9 In line 1 of the title, after "reports;" strike the remainder of
10 the title and insert "amending RCW 46.52.030 and 46.52.130; and
11 providing an effective date."

--- END ---