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**SUBSTITUTE SENATE BILL 5868**

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**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Highways & Transportation (originally sponsored by Senators Brown, West, Sheahan and Kohl-Welles)

READ FIRST TIME 03/07/03.

1 AN ACT Relating to driving abstracts of prospective volunteers; and  
2 reenacting 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 2002 c 352 s 20 and 2002 c 221 s 1 are  
5 each reenacted and amended to read as follows:

6 (1) A certified abstract of the driving record shall be furnished  
7 only to:

8 (a) The individual named in the abstract;

9 (b) An employer or prospective employer or an agent acting on  
10 behalf of an employer or prospective employer, or a volunteer  
11 organization for which the named individual has submitted an  
12 application for a position that could require the transportation of  
13 children under eighteen years of age, adults over sixty-five years of  
14 age, or physically or mentally disabled persons;

15 (c) An employee or agent of a transit authority checking  
16 prospective volunteer vanpool drivers for insurance and risk management  
17 needs;

18 (d) The insurance carrier that has insurance in effect covering the  
19 employer or a prospective employer;

1 (e) The insurance carrier that has motor vehicle or life insurance  
2 in effect covering the named individual;

3 (f) The insurance carrier to which the named individual has  
4 applied;

5 (g) An alcohol/drug assessment or treatment agency approved by the  
6 department of social and health services, to which the named individual  
7 has applied or been assigned for evaluation or treatment; or

8 (h) City and county prosecuting attorneys.

9 (2) City attorneys and county prosecuting attorneys may provide the  
10 driving record to alcohol/drug assessment or treatment agencies  
11 approved by the department of social and health services to which the  
12 named individual has applied or been assigned for evaluation or  
13 treatment.

14 (3) The director, upon proper request, shall furnish a certified  
15 abstract covering the period of not more than the last three years to  
16 insurance companies.

17 (4) Upon proper request, the director shall furnish a certified  
18 abstract covering a period of not more than the last five years to  
19 state approved alcohol/drug assessment or treatment agencies, except  
20 that the certified abstract shall also include records of alcohol-  
21 related offenses as defined in RCW 46.01.260(2) covering a period of  
22 not more than the last ten years.

23 (5) Upon proper request, a certified abstract of the full driving  
24 record maintained by the department shall be furnished to a city or  
25 county prosecuting attorney, to the individual named in the abstract,  
26 to an employer or prospective employer or an agent acting on behalf of  
27 an employer or prospective employer of the named individual, or to a  
28 volunteer organization for which the named individual has submitted an  
29 application for a position that could require the transportation of  
30 children under eighteen years of age, adults over sixty-five years of  
31 age, or physically or mentally disabled persons, or to an employee or  
32 agent of a transit authority checking prospective volunteer vanpool  
33 drivers for insurance and risk management needs.

34 (6) The abstract, whenever possible, shall include:

35 (a) An enumeration of motor vehicle accidents in which the person  
36 was driving;

37 (b) The total number of vehicles involved;

38 (c) Whether the vehicles were legally parked or moving;

1 (d) Whether the vehicles were occupied at the time of the accident;  
2 (e) Whether the accident resulted in any fatality;  
3 (f) Any reported convictions, forfeitures of bail, or findings that  
4 an infraction was committed based upon a violation of any motor vehicle  
5 law;

6 (g) The status of the person's driving privilege in this state; and

7 (h) Any reports of failure to appear in response to a traffic  
8 citation or failure to respond to a notice of infraction served upon  
9 the named individual by an arresting officer.

10 (7) Certified abstracts furnished to prosecutors and alcohol/drug  
11 assessment or treatment agencies shall also indicate whether a recorded  
12 violation is an alcohol-related offense as defined in RCW 46.01.260(2)  
13 that was originally charged as one of the alcohol-related offenses  
14 designated in RCW 46.01.260(2)(b)(i).

15 (8) The abstract provided to the insurance company shall exclude  
16 any information, except that related to the commission of misdemeanors  
17 or felonies by the individual, pertaining to law enforcement officers  
18 or fire fighters as defined in RCW 41.26.030, or any officer of the  
19 Washington state patrol, while driving official vehicles in the  
20 performance of occupational duty. The abstract provided to the  
21 insurance company shall include convictions for RCW 46.61.5249 and  
22 46.61.525 except that the abstract shall report them only as negligent  
23 driving without reference to whether they are for first or second  
24 degree negligent driving. The abstract provided to the insurance  
25 company shall exclude any deferred prosecution under RCW 10.05.060,  
26 except that if a person is removed from a deferred prosecution under  
27 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
28 as the removal.

29 (9) The director shall collect for each abstract the sum of five  
30 dollars, which shall be deposited in the highway safety fund.

31 (10) Any insurance company or its agent receiving the certified  
32 abstract shall use it exclusively for its own underwriting purposes and  
33 shall not divulge any of the information contained in it to a third  
34 party. No policy of insurance may be canceled, nonrenewed, denied, or  
35 have the rate increased on the basis of such information unless the  
36 policyholder was determined to be at fault. No insurance company or  
37 its agent for underwriting purposes relating to the operation of  
38 commercial motor vehicles may use any information contained in the

1 abstract relative to any person's operation of motor vehicles while not  
2 engaged in such employment, nor may any insurance company or its agent  
3 for underwriting purposes relating to the operation of noncommercial  
4 motor vehicles use any information contained in the abstract relative  
5 to any person's operation of commercial motor vehicles.

6 (11) Any employer or prospective employer or an agent acting on  
7 behalf of an employer or prospective employer, or a volunteer  
8 organization for which the named individual has submitted an  
9 application for a position that could require the transportation of  
10 children under eighteen years of age, adults over sixty-five years of  
11 age, or physically or mentally disabled persons, receiving the  
12 certified abstract shall use it exclusively for his or her own purpose  
13 to determine whether the licensee should be permitted to operate a  
14 commercial vehicle or school bus, or operate a vehicle for a volunteer  
15 organization for purposes of transporting children under eighteen years  
16 of age, adults over sixty-five years of age, or physically or mentally  
17 disabled persons, upon the public highways of this state and shall not  
18 divulge any information contained in it to a third party.

19 (12) Any employee or agent of a transit authority receiving a  
20 certified abstract for its vanpool program shall use it exclusively for  
21 determining whether the volunteer licensee meets those insurance and  
22 risk management requirements necessary to drive a vanpool vehicle. The  
23 transit authority may not divulge any information contained in the  
24 abstract to a third party.

25 (13) Any alcohol/drug assessment or treatment agency approved by  
26 the department of social and health services receiving the certified  
27 abstract shall use it exclusively for the purpose of assisting its  
28 employees in making a determination as to what level of treatment, if  
29 any, is appropriate. The agency, or any of its employees, shall not  
30 divulge any information contained in the abstract to a third party.

31 (14) Release of a certified abstract of the driving record of an  
32 employee ~~((or))~~, prospective employee, or prospective volunteer  
33 requires a statement signed by: (a) The employee ~~((or))~~, prospective  
34 employee, or prospective volunteer that authorizes the release of the  
35 record, and (b) the employer or volunteer organization attesting that  
36 the information is necessary to determine whether the licensee should  
37 be employed to operate a commercial vehicle or school bus, or operate  
38 a vehicle for a volunteer organization for purposes of transporting

1 children under eighteen years of age, adults over sixty-five years of  
2 age, or physically or mentally disabled persons, upon the public  
3 highways of this state. If the employer or prospective employer  
4 authorizes an agent to obtain this information on their behalf, this  
5 must be noted in the statement.

6 (15) Any negligent violation of this section is a gross  
7 misdemeanor.

8 (16) Any intentional violation of this section is a class C felony.

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