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SENATE BILL 6647

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State of Washington

59th Legislature

2006 Regular Session

By Senator Fairley

Read first time 01/18/2006. Referred to Committee on Financial Institutions, Housing & Consumer Protection.

1 AN ACT Relating to manufactured/mobile homes; amending RCW  
2 59.20.250; reenacting and amending RCW 42.17.310; adding a new section  
3 to chapter 42.56 RCW; adding a new chapter to Title 59 RCW; providing  
4 an effective date; providing an expiration date; and declaring an  
5 emergency.

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

7 NEW SECTION. **Sec. 1.** The definitions in this section apply  
8 throughout this chapter unless the context requires otherwise.

9 (1) "Department" means the department of community, trade, and  
10 economic development.

11 (2) "Director" means the director of the department of community,  
12 trade, and economic development.

13 (3) "Mobile home park" or "manufactured housing community" means  
14 any real property that is rented or held out for rent to others for the  
15 placement of two or more mobile homes, manufactured homes, park models,  
16 or recreational vehicles for the primary purpose of production of  
17 income, except when the real property is rented or held out for rent  
18 for seasonal recreational purposes only and is not used for year-round  
19 occupancy.

1 (4) "Landlord" or "park owner" means the owner of a mobile home  
2 park or a manufactured housing community and includes the agents of the  
3 landlord.

4 (5) "Mobile home lot" means a portion of a mobile home park or  
5 manufactured housing community designated as the location of one mobile  
6 home, manufactured home, or park model and its accessory buildings, and  
7 intended for the exclusive use as a primary residence by the occupants  
8 of that mobile home, manufactured home, or park model.

9 (6) "Tenant" or "homeowner" means any person, except a transient,  
10 who rents or occupies a mobile home lot.

11 (7) "Owner" means one or more persons, jointly or severally, in  
12 whom is vested:

13 (a) All or part of the legal title to the real property; or

14 (b) All or part of the beneficial ownership, and a right to present  
15 use and enjoyment of the real property.

16 (8) "Park model" means a recreational vehicle intended for  
17 permanent or semipermanent installation and is used as a primary  
18 residence.

19 (9) "Recreational vehicle" means a travel trailer, motor home,  
20 truck camper, or camping trailer that is primarily used as a primary  
21 residence located in a mobile home park or manufactured housing  
22 community.

23 (10) "Unfair practice" means any act that would constitute an  
24 unfair or deceptive act or practice under chapter 19.86 RCW.

25 (11) "Complainant" means a landlord, park owner, tenant, or  
26 homeowner, who has a complaint alleging an unfair practice or violation  
27 of chapter 59.20 RCW.

28 (12) "Respondent" means a landlord, park owner, tenant, or  
29 homeowner, alleged to have committed an unfair practice or violation of  
30 chapter 59.20 RCW.

31 NEW SECTION. **Sec. 2.** Landlords and park owners may participate in  
32 voluntary training offered by the department. The department is  
33 required to develop and implement a voluntary training program for  
34 landlords and park owners that must include at a minimum: Information  
35 on the applicable state statutes and regulations relating to mobile  
36 homes and manufactured communities, as well as information on

1 developing and improving basic communication and dispute resolution  
2 skills.

3 NEW SECTION. **Sec. 3.** The department must continually maintain and  
4 update a data base, in which the following information is contained at  
5 a minimum:

- 6 (1) The number of complaints received;
- 7 (2) The nature and extent of the complaints received; and
- 8 (3) Complaint investigation outcomes.

9 NEW SECTION. **Sec. 4.** The director or individuals acting on the  
10 director's behalf are immune from suit in any action, civil or  
11 criminal, based upon any disciplinary actions or other official acts  
12 performed in the course of their duties under this chapter, except  
13 their intentional or willful misconduct.

14 NEW SECTION. **Sec. 5.** (1) In order to provide general assistance  
15 to mobile home resident organizations, park owners, landlords, and  
16 tenants, the department shall establish an office of manufactured  
17 housing to serve as the coordinating office within state government for  
18 matters relating to mobile homes or manufactured housing.

19 This office shall provide an ombudsman service to mobile home park  
20 owners and mobile home tenants with respect to problems and disputes  
21 between park owners and park residents and provide technical assistance  
22 to resident organizations or persons in the process of forming a  
23 resident organization under chapter 59.22 RCW. The office shall keep  
24 records of its activities in this area.

25 (2) The office shall perform all the consumer complaint and related  
26 functions of the state administrative agency that are required for  
27 purposes of complying with this chapter and the regulations established  
28 by the federal department of housing and urban development for  
29 manufactured housing, including the preparation and submission of the  
30 state administrative plan.

31 (3) The office shall administer the mobile home relocation  
32 assistance program established in chapter 59.21 RCW, including  
33 verifying the eligibility of tenants for relocation assistance.

1       **Sec. 6.** RCW 59.20.250 and 1984 c 58 s 12 are each amended to read  
2 as follows:

3       (1) The landlord and tenant may agree in writing to submit any  
4 dispute arising under this chapter or under the terms, conditions, or  
5 performance of the rental agreement to mediation by ((an independent))  
6 a mediator, who is: (a) With a dispute resolution center under chapter  
7 7.75 RCW; or (b) a neutral third party ((or to settle the dispute  
8 through industry mediation procedures)) approved by the department.  
9 The parties may agree to submit any dispute to mediation before  
10 exercising their right to arbitration under RCW 59.20.260.

11       (2) For the purposes of this section, "mediator" means an  
12 individual who conducts a mediation.

13       (3) For the purposes of this section, "mediation" means a process  
14 in which a mediator facilitates communication and negotiation between  
15 parties to assist them in reaching a voluntary agreement regarding  
16 their dispute.

17       NEW SECTION. **Sec. 7.** A new section is added to chapter 42.56 RCW  
18 to read as follows:

19       The following personal information is exempt from public inspection  
20 and copying under this chapter: All office records and files collected  
21 by the office of manufactured housing within the department of  
22 community, trade, and economic development, pursuant to the office of  
23 manufactured housing's ombudsman complaint resolution program under  
24 chapter 59.-- RCW (sections 1 through 5 of this act) and RCW 59.20.250,  
25 which contain identifying or personal information about the complainant  
26 or the respondent.

27       **Sec. 8.** RCW 42.17.310 and 2005 c 424 s 16, 2005 c 349 s 1, 2005 c  
28 312 s 6, 2005 c 284 s 1, 2005 c 172 s 13, and 2005 c 33 s 4 are each  
29 reenacted and amended to read as follows:

30       (1) The following are exempt from public inspection and copying:

31       (a) Personal information in any files maintained for students in  
32 public schools, patients or clients of public institutions or public  
33 health agencies, or welfare recipients.

34       (b) Personal information in files maintained for employees,  
35 appointees, or elected officials of any public agency to the extent  
36 that disclosure would violate their right to privacy.

1 (c) Information required of any taxpayer in connection with the  
2 assessment or collection of any tax if the disclosure of the  
3 information to other persons would (i) be prohibited to such persons by  
4 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the  
5 taxpayer's right to privacy or result in unfair competitive  
6 disadvantage to the taxpayer.

7 (d) Specific intelligence information and specific investigative  
8 records compiled by investigative, law enforcement, and penology  
9 agencies, and state agencies vested with the responsibility to  
10 discipline members of any profession, the nondisclosure of which is  
11 essential to effective law enforcement or for the protection of any  
12 person's right to privacy.

13 (e) Information revealing the identity of persons who are witnesses  
14 to or victims of crime or who file complaints with investigative, law  
15 enforcement, or penology agencies, other than the public disclosure  
16 commission, if disclosure would endanger any person's life, physical  
17 safety, or property. If at the time a complaint is filed the  
18 complainant, victim or witness indicates a desire for disclosure or  
19 nondisclosure, such desire shall govern. However, all complaints filed  
20 with the public disclosure commission about any elected official or  
21 candidate for public office must be made in writing and signed by the  
22 complainant under oath.

23 (f) Test questions, scoring keys, and other examination data used  
24 to administer a license, employment, or academic examination.

25 (g) Except as provided by chapter 8.26 RCW, the contents of real  
26 estate appraisals, made for or by any agency relative to the  
27 acquisition or sale of property, until the project or prospective sale  
28 is abandoned or until such time as all of the property has been  
29 acquired or the property to which the sale appraisal relates is sold,  
30 but in no event shall disclosure be denied for more than three years  
31 after the appraisal.

32 (h) Valuable formulae, designs, drawings, computer source code or  
33 object code, and research data obtained by any agency within five years  
34 of the request for disclosure when disclosure would produce private  
35 gain and public loss.

36 (i) Preliminary drafts, notes, recommendations, and intra-agency  
37 memorandums in which opinions are expressed or policies formulated or

1 recommended except that a specific record shall not be exempt when  
2 publicly cited by an agency in connection with any agency action.

3 (j) Records which are relevant to a controversy to which an agency  
4 is a party but which records would not be available to another party  
5 under the rules of pretrial discovery for causes pending in the  
6 superior courts.

7 (k) Records, maps, or other information identifying the location of  
8 archaeological sites in order to avoid the looting or depredation of  
9 such sites.

10 (l) Any library record, the primary purpose of which is to maintain  
11 control of library materials, or to gain access to information, which  
12 discloses or could be used to disclose the identity of a library user.

13 (m) Financial information supplied by or on behalf of a person,  
14 firm, or corporation for the purpose of qualifying to submit a bid or  
15 proposal for (i) a ferry system construction or repair contract as  
16 required by RCW 47.60.680 through 47.60.750 or (ii) highway  
17 construction or improvement as required by RCW 47.28.070.

18 (n) Railroad company contracts filed prior to July 28, 1991, with  
19 the utilities and transportation commission under RCW 81.34.070, except  
20 that the summaries of the contracts are open to public inspection and  
21 copying as otherwise provided by this chapter.

22 (o) Financial and commercial information and records supplied by  
23 private persons pertaining to export services provided pursuant to  
24 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to  
25 export projects pursuant to RCW 43.23.035.

26 (p) Financial disclosures filed by private vocational schools under  
27 chapters 28B.85 and 28C.10 RCW.

28 (q) Records filed with the utilities and transportation commission  
29 or attorney general under RCW 80.04.095 that a court has determined are  
30 confidential under RCW 80.04.095.

31 (r) Financial and commercial information and records supplied by  
32 businesses or individuals during application for loans or program  
33 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,  
34 or during application for economic development loans or program  
35 services provided by any local agency.

36 (s) Membership lists or lists of members or owners of interests of  
37 units in timeshare projects, subdivisions, camping resorts,

1 condominiums, land developments, or common-interest communities  
2 affiliated with such projects, regulated by the department of  
3 licensing, in the files or possession of the department.

4 (t) All applications for public employment, including the names of  
5 applicants, resumes, and other related materials submitted with respect  
6 to an applicant.

7 (u) The residential addresses, residential telephone numbers,  
8 personal wireless telephone numbers, personal electronic mail  
9 addresses, Social Security numbers, and emergency contact information  
10 of employees or volunteers of a public agency, and the names, dates of  
11 birth, residential addresses, residential telephone numbers, personal  
12 wireless telephone numbers, personal electronic mail addresses, Social  
13 Security numbers, and emergency contact information of dependents of  
14 employees or volunteers of a public agency, which are held by any  
15 public agency in personnel records, public employment related records,  
16 or volunteer rosters, or are included in any mailing list of employees  
17 or volunteers of any public agency. For purposes of this subsection,  
18 "employees" includes independent provider home care workers as defined  
19 in RCW 74.39A.240.

20 (v) The residential addresses and residential telephone numbers of  
21 the customers of a public utility contained in the records or lists  
22 held by the public utility of which they are customers, except that  
23 this information may be released to the division of child support or  
24 the agency or firm providing child support enforcement for another  
25 state under Title IV-D of the federal social security act, for the  
26 establishment, enforcement, or modification of a support order.

27 (w)(i) The federal social security number of individuals governed  
28 under chapter 18.130 RCW maintained in the files of the department of  
29 health, except this exemption does not apply to requests made directly  
30 to the department from federal, state, and local agencies of  
31 government, and national and state licensing, credentialing,  
32 investigatory, disciplinary, and examination organizations; (ii) the  
33 current residential address and current residential telephone number of  
34 a health care provider governed under chapter 18.130 RCW maintained in  
35 the files of the department, if the provider requests that this  
36 information be withheld from public inspection and copying, and  
37 provides to the department an accurate alternate or business address  
38 and business telephone number. On or after January 1, 1995, the

1 current residential address and residential telephone number of a  
2 health care provider governed under RCW 18.130.040 maintained in the  
3 files of the department shall automatically be withheld from public  
4 inspection and copying unless the provider specifically requests the  
5 information be released, and except as provided for under RCW  
6 42.17.260(9).

7 (x) Information obtained by the board of pharmacy as provided in  
8 RCW 69.45.090.

9 (y) Information obtained by the board of pharmacy or the department  
10 of health and its representatives as provided in RCW 69.41.044,  
11 69.41.280, and 18.64.420.

12 (z) Financial information, business plans, examination reports, and  
13 any information produced or obtained in evaluating or examining a  
14 business and industrial development corporation organized or seeking  
15 certification under chapter 31.24 RCW.

16 (aa) Financial and commercial information supplied to the state  
17 investment board by any person when the information relates to the  
18 investment of public trust or retirement funds and when disclosure  
19 would result in loss to such funds or in private loss to the providers  
20 of this information.

21 (bb) Financial and valuable trade information under RCW 51.36.120.

22 (cc) Client records maintained by an agency that is a domestic  
23 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape  
24 crisis center as defined in RCW 70.125.030.

25 (dd) Information that identifies a person who, while an agency  
26 employee: (i) Seeks advice, under an informal process established by  
27 the employing agency, in order to ascertain his or her rights in  
28 connection with a possible unfair practice under chapter 49.60 RCW  
29 against the person; and (ii) requests his or her identity or any  
30 identifying information not be disclosed.

31 (ee) Investigative records compiled by an employing agency  
32 conducting a current investigation of a possible unfair practice under  
33 chapter 49.60 RCW or of a possible violation of other federal, state,  
34 or local laws prohibiting discrimination in employment.

35 (ff) Business related information protected from public inspection  
36 and copying under RCW 15.86.110.

37 (gg) Financial, commercial, operations, and technical and research

1 information and data submitted to or obtained by the clean Washington  
2 center in applications for, or delivery of, program services under  
3 chapter 70.95H RCW.

4 (hh) Information and documents created specifically for, and  
5 collected and maintained by, a quality improvement committee pursuant  
6 to RCW 43.70.510 or 70.41.200, by a peer review committee under RCW  
7 4.24.250, or by a quality assurance committee pursuant to RCW 74.42.640  
8 or 18.20.390, regardless of which agency is in possession of the  
9 information and documents.

10 (ii) Personal information in files maintained in a data base  
11 created under RCW 43.07.360.

12 (jj) Financial and commercial information requested by the public  
13 stadium authority from any person or organization that leases or uses  
14 the stadium and exhibition center as defined in RCW 36.102.010.

15 (kk) Names of individuals residing in emergency or transitional  
16 housing that are furnished to the department of revenue or a county  
17 assessor in order to substantiate a claim for property tax exemption  
18 under RCW 84.36.043.

19 (ll) The names, residential addresses, residential telephone  
20 numbers, and other individually identifiable records held by an agency  
21 in relation to a vanpool, carpool, or other ride-sharing program or  
22 service. However, these records may be disclosed to other persons who  
23 apply for ride-matching services and who need that information in order  
24 to identify potential riders or drivers with whom to share rides.

25 (mm) The personally identifying information of current or former  
26 participants or applicants in a paratransit or other transit service  
27 operated for the benefit of persons with disabilities or elderly  
28 persons.

29 (nn) The personally identifying information of persons who acquire  
30 and use transit passes and other fare payment media including, but not  
31 limited to, stored value smart cards and magnetic strip cards, except  
32 that an agency may disclose this information to a person, employer,  
33 educational institution, or other entity that is responsible, in whole  
34 or in part, for payment of the cost of acquiring or using a transit  
35 pass or other fare payment media, or to the news media when reporting  
36 on public transportation or public safety. This information may also  
37 be disclosed at the agency's discretion to governmental agencies or  
38 groups concerned with public transportation or public safety.

1 (oo) Proprietary financial and commercial information that the  
2 submitting entity, with review by the department of health,  
3 specifically identifies at the time it is submitted and that is  
4 provided to or obtained by the department of health in connection with  
5 an application for, or the supervision of, an antitrust exemption  
6 sought by the submitting entity under RCW 43.72.310. If a request for  
7 such information is received, the submitting entity must be notified of  
8 the request. Within ten business days of receipt of the notice, the  
9 submitting entity shall provide a written statement of the continuing  
10 need for confidentiality, which shall be provided to the requester.  
11 Upon receipt of such notice, the department of health shall continue to  
12 treat information designated under this section as exempt from  
13 disclosure. If the requester initiates an action to compel disclosure  
14 under this chapter, the submitting entity must be joined as a party to  
15 demonstrate the continuing need for confidentiality.

16 (pp) Records maintained by the board of industrial insurance  
17 appeals that are related to appeals of crime victims' compensation  
18 claims filed with the board under RCW 7.68.110.

19 (qq) Financial and commercial information supplied by or on behalf  
20 of a person, firm, corporation, or entity under chapter 28B.95 RCW  
21 relating to the purchase or sale of tuition units and contracts for the  
22 purchase of multiple tuition units.

23 (rr) Any records of investigative reports prepared by any state,  
24 county, municipal, or other law enforcement agency pertaining to sex  
25 offenses contained in chapter 9A.44 RCW or sexually violent offenses as  
26 defined in RCW 71.09.020, which have been transferred to the Washington  
27 association of sheriffs and police chiefs for permanent electronic  
28 retention and retrieval pursuant to RCW 40.14.070(2)(b).

29 (ss) Credit card numbers, debit card numbers, electronic check  
30 numbers, card expiration dates, or bank or other financial account  
31 numbers, except when disclosure is expressly required by or governed by  
32 other law.

33 (tt) Financial information, including but not limited to account  
34 numbers and values, and other identification numbers supplied by or on  
35 behalf of a person, firm, corporation, limited liability company,  
36 partnership, or other entity related to an application for a horse  
37 racing license submitted pursuant to RCW 67.16.260(1)(b), liquor  
38 license, gambling license, or lottery retail license.

1 (uu) Records maintained by the employment security department and  
2 subject to chapter 50.13 RCW if provided to another individual or  
3 organization for operational, research, or evaluation purposes.

4 (vv) Individually identifiable information received by the work  
5 force training and education coordinating board for research or  
6 evaluation purposes.

7 (ww) Those portions of records assembled, prepared, or maintained  
8 to prevent, mitigate, or respond to criminal terrorist acts, which are  
9 acts that significantly disrupt the conduct of government or of the  
10 general civilian population of the state or the United States and that  
11 manifest an extreme indifference to human life, the public disclosure  
12 of which would have a substantial likelihood of threatening public  
13 safety, consisting of:

14 (i) Specific and unique vulnerability assessments or specific and  
15 unique response or deployment plans, including compiled underlying data  
16 collected in preparation of or essential to the assessments, or to the  
17 response or deployment plans; and

18 (ii) Records not subject to public disclosure under federal law  
19 that are shared by federal or international agencies, and information  
20 prepared from national security briefings provided to state or local  
21 government officials related to domestic preparedness for acts of  
22 terrorism.

23 (xx) Commercial fishing catch data from logbooks required to be  
24 provided to the department of fish and wildlife under RCW 77.12.047,  
25 when the data identifies specific catch location, timing, or  
26 methodology and the release of which would result in unfair competitive  
27 disadvantage to the commercial fisher providing the catch data.  
28 However, this information may be released to government agencies  
29 concerned with the management of fish and wildlife resources.

30 (yy) Sensitive wildlife data obtained by the department of fish and  
31 wildlife. However, sensitive wildlife data may be released to  
32 government agencies concerned with the management of fish and wildlife  
33 resources. Sensitive wildlife data includes:

34 (i) The nesting sites or specific locations of endangered species  
35 designated under RCW 77.12.020, or threatened or sensitive species  
36 classified by rule of the department of fish and wildlife;

37 (ii) Radio frequencies used in, or locational data generated by,  
38 telemetry studies; or

1 (iii) Other location data that could compromise the viability of a  
2 specific fish or wildlife population, and where at least one of the  
3 following criteria are met:

4 (A) The species has a known commercial or black market value;

5 (B) There is a history of malicious take of that species; or

6 (C) There is a known demand to visit, take, or disturb, and the  
7 species behavior or ecology renders it especially vulnerable or the  
8 species has an extremely limited distribution and concentration.

9 (zz) The personally identifying information of persons who acquire  
10 recreational licenses under RCW 77.32.010 or commercial licenses under  
11 chapter 77.65 or 77.70 RCW, except name, address of contact used by the  
12 department, and type of license, endorsement, or tag. However, the  
13 department of fish and wildlife may disclose personally identifying  
14 information to:

15 (i) Government agencies concerned with the management of fish and  
16 wildlife resources;

17 (ii) The department of social and health services, child support  
18 division, and to the department of licensing in order to implement RCW  
19 77.32.014 and 46.20.291; and

20 (iii) Law enforcement agencies for the purpose of firearm  
21 possession enforcement under RCW 9.41.040.

22 (aaa)(i) Discharge papers of a veteran of the armed forces of the  
23 United States filed at the office of the county auditor before July 1,  
24 2002, that have not been commingled with other recorded documents.  
25 These records will be available only to the veteran, the veteran's next  
26 of kin, a deceased veteran's properly appointed personal representative  
27 or executor, a person holding that veteran's general power of attorney,  
28 or to anyone else designated in writing by that veteran to receive the  
29 records.

30 (ii) Discharge papers of a veteran of the armed forces of the  
31 United States filed at the office of the county auditor before July 1,  
32 2002, that have been commingled with other records, if the veteran has  
33 recorded a "request for exemption from public disclosure of discharge  
34 papers" with the county auditor. If such a request has been recorded,  
35 these records may be released only to the veteran filing the papers,  
36 the veteran's next of kin, a deceased veteran's properly appointed  
37 personal representative or executor, a person holding the veteran's

1 general power of attorney, or anyone else designated in writing by the  
2 veteran to receive the records.

3 (iii) Discharge papers of a veteran filed at the office of the  
4 county auditor after June 30, 2002, are not public records, but will be  
5 available only to the veteran, the veteran's next of kin, a deceased  
6 veteran's properly appointed personal representative or executor, a  
7 person holding the veteran's general power of attorney, or anyone else  
8 designated in writing by the veteran to receive the records.

9 (iv) For the purposes of this subsection (1)(aaa), next of kin of  
10 deceased veterans have the same rights to full access to the record.  
11 Next of kin are the veteran's widow or widower who has not remarried,  
12 son, daughter, father, mother, brother, and sister.

13 (bbb) Those portions of records containing specific and unique  
14 vulnerability assessments or specific and unique emergency and escape  
15 response plans at a city, county, or state adult or juvenile  
16 correctional facility, the public disclosure of which would have a  
17 substantial likelihood of threatening the security of a city, county,  
18 or state adult or juvenile correctional facility or any individual's  
19 safety.

20 (ccc) Information compiled by school districts or schools in the  
21 development of their comprehensive safe school plans pursuant to RCW  
22 28A.320.125, to the extent that they identify specific vulnerabilities  
23 of school districts and each individual school.

24 (ddd) Information regarding the infrastructure and security of  
25 computer and telecommunications networks, consisting of security  
26 passwords, security access codes and programs, access codes for secure  
27 software applications, security and service recovery plans, security  
28 risk assessments, and security test results to the extent that they  
29 identify specific system vulnerabilities.

30 (eee) Information obtained and exempted or withheld from public  
31 inspection by the health care authority under RCW 41.05.026, whether  
32 retained by the authority, transferred to another state purchased  
33 health care program by the authority, or transferred by the authority  
34 to a technical review committee created to facilitate the development,  
35 acquisition, or implementation of state purchased health care under  
36 chapter 41.05 RCW.

37 (fff) Proprietary data, trade secrets, or other information that  
38 relates to: (i) A vendor's unique methods of conducting business; (ii)

1 data unique to the product or services of the vendor; or (iii)  
2 determining prices or rates to be charged for services, submitted by  
3 any vendor to the department of social and health services for purposes  
4 of the development, acquisition, or implementation of state purchased  
5 health care as defined in RCW 41.05.011.

6 (ggg) The personally identifying information of persons who acquire  
7 and use transponders or other technology to facilitate payment of  
8 tolls. This information may be disclosed in aggregate form as long as  
9 the data does not contain any personally identifying information. For  
10 these purposes aggregate data may include the census tract of the  
11 account holder as long as any individual personally identifying  
12 information is not released. Personally identifying information may be  
13 released to law enforcement agencies only for toll enforcement  
14 purposes. Personally identifying information may be released to law  
15 enforcement agencies for other purposes only if the request is  
16 accompanied by a court order.

17 (hhh) Financial, commercial, operations, and technical and research  
18 information and data submitted to or obtained by the life sciences  
19 discovery fund authority in applications for, or delivery of, grants  
20 under chapter 43.350 RCW, to the extent that such information, if  
21 revealed, would reasonably be expected to result in private loss to the  
22 providers of this information.

23 (iii) Records of mediation communications that are privileged under  
24 chapter 7.07 RCW.

25 (jjj) All office records and files collected by the office of  
26 manufactured housing within the department of community, trade, and  
27 economic development, pursuant to the office of manufactured housing's  
28 ombudsman complaint resolution program under chapter 59.-- RCW  
29 (sections 1 through 5 of this act) and RCW 59.20.250, which contain  
30 identifying or personal information about the complainant or  
31 respondent.

32 (2) Except for information described in subsection (1)(c)(i) of  
33 this section and confidential income data exempted from public  
34 inspection pursuant to RCW 84.40.020, the exemptions of this section  
35 are inapplicable to the extent that information, the disclosure of  
36 which would violate personal privacy or vital governmental interests,  
37 can be deleted from the specific records sought. No exemption may be

1 construed to permit the nondisclosure of statistical information not  
2 descriptive of any readily identifiable person or persons.

3 (3) Inspection or copying of any specific records exempt under the  
4 provisions of this section may be permitted if the superior court in  
5 the county in which the record is maintained finds, after a hearing  
6 with notice thereof to every person in interest and the agency, that  
7 the exemption of such records is clearly unnecessary to protect any  
8 individual's right of privacy or any vital governmental function.

9 (4) Agency responses refusing, in whole or in part, inspection of  
10 any public record shall include a statement of the specific exemption  
11 authorizing the withholding of the record (or part) and a brief  
12 explanation of how the exemption applies to the record withheld.

13 NEW SECTION. **Sec. 9.** Sections 1 through 5 of this act constitute  
14 a new chapter in Title 59 RCW.

15 NEW SECTION. **Sec. 10.** Section 7 of this act takes effect July 1,  
16 2006.

17 NEW SECTION. **Sec. 11.** Section 8 of this act expires July 1, 2006.

18 NEW SECTION. **Sec. 12.** Except for section 7 of this act, this act  
19 is necessary for the immediate preservation of the public peace,  
20 health, or safety, or support of the state government and its existing  
21 public institutions, and takes effect immediately.

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