

EHB 2373 - H AMD 960

By Representative Clibborn

ADOPTED 01/30/2008

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.52.130 and 2007 c 424 s 3 are each amended to read
4 as follows:

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

7 (a) The individual named in the abstract;

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

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

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

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

21 (f) The insurance carrier to which the named individual has
22 applied;

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

26 (h) City and county prosecuting attorneys.

27 (2) City attorneys and county prosecuting attorneys may provide the
28 driving record to alcohol/drug assessment or treatment agencies
29 approved by the department of social and health services to which the

1 named individual has applied or been assigned for evaluation or
2 treatment.

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

6 (b) The director may enter into a contractual agreement with an
7 insurance company or its agent for the limited purpose of reviewing the
8 driving records of existing policyholders for changes to the record
9 during specified periods of time. The department shall establish a fee
10 for this service, which must be deposited in the highway safety fund.
11 The fee for this service must be set at a level that will not result in
12 a net revenue loss to the state. Any information provided under this
13 subsection must be treated in the same manner and subject to the same
14 restrictions as certified abstracts.

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

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

32 (6) Upon proper request, the director shall furnish at no charge,
33 a complete certified abstract of the full driving record maintained by
34 the department to a school district for current or prospective school
35 bus drivers. The department shall also immediately notify the
36 superintendent of public instruction if a public school bus driver has
37 had a new moving violation, or any court or departmental action has
38 entered on his or her driving record.

1 (7) The abstract, whenever possible, shall include:

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

4 (b) The total number of vehicles involved;

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

6 (d) Whether the vehicles were occupied at the time of the accident;

7 (e) Whether the accident resulted in any fatality;

8 (f) Any reported convictions, forfeitures of bail, or findings that
9 an infraction was committed based upon a violation of any motor vehicle
10 law;

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

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

15 ~~((7))~~ (8) Certified abstracts furnished to prosecutors and
16 alcohol/drug assessment or treatment agencies shall also indicate
17 whether a recorded violation is an alcohol-related offense as defined
18 in RCW 46.01.260(2) that was originally charged as one of the alcohol-
19 related offenses designated in RCW 46.01.260(2)(b)(i).

20 ~~((8))~~ (9) The abstract provided to the insurance company shall
21 exclude any information, except that related to the commission of
22 misdemeanors or felonies by the individual, pertaining to law
23 enforcement officers or firefighters as defined in RCW 41.26.030, or
24 any officer of the Washington state patrol, while driving official
25 vehicles in the performance of occupational duty. The abstract
26 provided to the insurance company shall include convictions for RCW
27 46.61.5249 and 46.61.525 except that the abstract shall report them
28 only as negligent driving without reference to whether they are for
29 first or second degree negligent driving. The abstract provided to the
30 insurance company shall exclude any deferred prosecution under RCW
31 10.05.060, except that if a person is removed from a deferred
32 prosecution under RCW 10.05.090, the abstract shall show the deferred
33 prosecution as well as the removal.

34 ~~((9))~~ (10) The director shall collect for each abstract the sum
35 of ten dollars, fifty percent of which shall be deposited in the
36 highway safety fund and fifty percent of which must be deposited
37 according to RCW 46.68.038.

1 ~~((10))~~ (11) Any insurance company or its agent receiving the
2 certified abstract shall use it exclusively for its own underwriting
3 purposes and shall not divulge any of the information contained in it
4 to a third party. No policy of insurance may be canceled, nonrenewed,
5 denied, or have the rate increased on the basis of such information
6 unless the policyholder was determined to be at fault. No insurance
7 company or its agent for underwriting purposes relating to the
8 operation of commercial motor vehicles may use any information
9 contained in the abstract relative to any person's operation of motor
10 vehicles while not engaged in such employment, nor may any insurance
11 company or its agent for underwriting purposes relating to the
12 operation of noncommercial motor vehicles use any information contained
13 in the abstract relative to any person's operation of commercial motor
14 vehicles.

15 ~~((11))~~ (12) Any employer or prospective employer or an agent
16 acting on behalf of an employer or prospective employer, or a volunteer
17 organization for which the named individual has submitted an
18 application for a position that could require the transportation of
19 children under eighteen years of age, adults over sixty-five years of
20 age, or persons with physical or mental disabilities, receiving the
21 certified abstract shall use it exclusively for his or her own purpose
22 to determine whether the licensee should be permitted to operate a
23 commercial vehicle or school bus, or operate a vehicle for a volunteer
24 organization for purposes of transporting children under eighteen years
25 of age, adults over sixty-five years of age, or persons with physical
26 or mental disabilities, upon the public highways of this state and
27 shall not divulge any information contained in it to a third party.

28 ~~((12))~~ (13) Any employee or agent of a transit authority
29 receiving a certified abstract for its vanpool program shall use it
30 exclusively for determining whether the volunteer licensee meets those
31 insurance and risk management requirements necessary to drive a vanpool
32 vehicle. The transit authority may not divulge any information
33 contained in the abstract to a third party.

34 ~~((13))~~ (14) Any alcohol/drug assessment or treatment agency
35 approved by the department of social and health services receiving the
36 certified abstract shall use it exclusively for the purpose of
37 assisting its employees in making a determination as to what level of

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

4 ((+14+)) (15) Release of a certified abstract of the driving record
5 of an employee, prospective employee, or prospective volunteer requires
6 a statement signed by: (a) The employee, prospective employee, or
7 prospective volunteer that authorizes the release of the record, and
8 (b) the employer or volunteer organization attesting that the
9 information is necessary to determine whether the licensee should be
10 employed to operate a commercial vehicle or school bus, or operate a
11 vehicle for a volunteer organization for purposes of transporting
12 children under eighteen years of age, adults over sixty-five years of
13 age, or persons with physical or mental disabilities, upon the public
14 highways of this state. If the employer or prospective employer
15 authorizes an agent to obtain this information on their behalf, this
16 must be noted in the statement.

17 ((+15+)) (16) Any negligent violation of this section is a gross
18 misdemeanor.

19 ((+16+)) (17) Any intentional violation of this section is a class
20 C felony."

21 Correct the title.

EFFECT: Removes the emergency clause and conforms the bill to the
current underlying code, which was revised in 2007.

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