

HOUSE BILL REPORT

SB 6885

As Passed House:

March 5, 2008

Title: An act relating to abstracts of driving records.

Brief Description: Expanding the list of persons and entities that may acquire driving record abstracts for certain purposes.

Sponsors: By Senators King and Swecker.

Brief History:

Committee Activity:

Transportation: 2/26/08 [DP].

Floor Activity:

Passed House: 3/5/08, 95-1.

Brief Summary of Bill

- Allows state colleges, universities, agencies for employment and risk management purposes, and units of local government that are authorized to self-insure, to receive driving record abstracts.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 23 members: Representatives Clibborn, Chair; Flannigan, Vice Chair; Ericksen, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Appleton, Dickerson, Eddy, Herrera, Hudgins, Jarrett, Kristiansen, Loomis, Rodne, Rolfes, Sells, Smith, Springer, Takko, Upthegrove, Wallace, Warnick, Williams and Wood.

Staff: David Munnecke (786-7315).

Background:

The Director of the Department of Licensing (DOL) maintains a case record on every person licensed to operate a motor vehicle in Washington. These case records or abstracts contain information relating to a person's driving record, including:

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- a list of motor vehicle accidents in which the person was driving;
- whether any of the motor vehicle accidents resulted in a fatality;
- any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law;
- the status of the person's driving privilege in this state; and
- any reports of failure to appear in response to a traffic citation or failure to respond to a notice of an infraction.

Washington law restricts the distribution and use of abstracts. Certified abstracts may only be released to specified persons, including:

- the individual named in the abstract;
- an employer or prospective employer;
- a transit authority checking prospective vanpool drivers;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services (DSHS); and
- city and county prosecuting attorneys.

A full abstract may be released to the individual named in the abstract, an employer or agent, prospective employer or agent, or a city or county prosecuting attorney. A partial abstract may be released to specified insurance companies and alcohol/drug assessment or treatment agencies approved by the DSHS.

Information may only be used for specific purposes, depending on who requests the abstract. For example, an abstract provided to an insurance company may only be used for its own underwriting purposes. In addition, an abstract provided to an employer may only be used to determine whether the individual named in the abstract should be permitted to operate a commercial vehicle or school bus. Furthermore, an abstract provided to an alcohol/drug assessment or treatment agency may only be used to assist its employees in determining the appropriate level of treatment.

Abstracts for employees, prospective employees, volunteers, or prospective volunteers must be accompanied by: (1) a release from the individual; and (2) an attestation from the employer or volunteer organization that the information is necessary to determine whether the individual should be employed to operate a commercial vehicle or school bus, or operate a vehicle for a volunteer organization to transport children, the elderly, or disabled persons.

Washington and many local governments self-insure for property and liability risks, including liabilities that may arise from the use of government-owned vehicles.

Summary of Bill:

The list of those to whom the Director of the DOL may furnish a driving record abstract is expanded to include state colleges, universities, agencies for employment and risk management purposes, and units of local government that are authorized to self-insure.

These added entities are not required to furnish an attestation that the information is necessary to determine whether the licensee would be employed to operate a commercial vehicle or school bus, or an employee's signature authorizing release of the abstract.

Appropriation: None.

Fiscal Note: Requested on February 25, 2008.

Effective Date: The bill takes effect on August 1, 2008.

Staff Summary of Public Testimony:

(In support) This bill is exactly the same as House Bill 3262. It would allow risk pools to look at employees' driving records for risk management purposes and would also improve public safety.

(Opposed) None.

Persons Testifying: Julie Murray, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.