

HOUSE BILL REPORT

EHB 1251

As Passed House:

March 5, 2009

Title: An act relating to the release of certified abstracts of full driving records.

Brief Description: Addressing the release of certified abstracts of full driving records.

Sponsors: Representatives Shea, Goodman, Ross, O'Brien, Rodne, Simpson and Kelley.

Brief History:

Committee Activity:

Judiciary: 1/28/09, 1/29/09 [DP].

Floor Activity

Passed House: 3/5/09, 95-2.

Brief Summary of Engrossed Bill

- Requires the DOL to maintain records of driving under the influence convictions permanently.
- Allows a court to provide a copy of a person's abstract to the person if he or she has a pending case before the court for a suspended license violation or has an infraction or criminal case in that court that has resulted in the suspension of the person's driver's license.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 11 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby, Roberts, Ross and Warnick.

Staff: Trudes Tango (786-7384)

Background:

The Department of Licensing (DOL) maintains a driving record of every person licensed to operate a motor vehicle in Washington. A copy of a record is called an abstract of driving record, and it contains information pertaining to the person's driving, including:

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- a list of accidents in which the person was driving and whether the accident resulted in a fatality;
- 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. Abstracts may only be released to specified persons upon request, including:

- the individual named in the abstract;
- certain employers or prospective employers;
- a transit authority checking prospective vanpool drivers;
- specified insurance companies;
- an alcohol/drug assessment or treatment agency approved by the Department of Social and Health Services; and
- city and county prosecuting attorneys.

A full abstract may be released to the individual named in the abstract, an employer or prospective employer, or a city or county prosecuting attorney. Certain requesters are allowed to receive partial abstracts, meaning driving records that date back a limited number of years.

State-approved alcohol/drug assessment or treatment agencies receive an abstract covering a period of not more than five years, plus any records of alcohol-related driving offenses for a period of not more than 10 years.

Information may only be used for specific purposes depending on who requests the abstract. 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.

Persons requesting the abstract, other than the individual named in the abstract, may not give any information contained in the abstract to a third party unless authorized. Prosecutors are authorized to provide the abstract to state-approved alcohol/drug assessment or treatment agencies.

The DOL may destroy certain records, such as applications for drivers' licenses, if they have been microfilmed or are older than five years. However, the DOL must keep convictions for vehicular homicide and vehicular assault permanently on file. Convictions for driving under the influence of intoxicating liquor or drugs must be kept for 15 years from the date of the conviction.

Summary of Engrossed Bill:

A court may provide a copy of a person's abstract if the person has a pending case before the court for a suspended license violation or an open infraction or criminal case that has resulted in the suspension of a person's driver's license. An open infraction or criminal case includes

cases on probation or subject to a payment agreement or in collections. Courts may charge a reasonable fee for producing and copying the abstract for the person.

The DOL must keep records of convictions for driving under the influence of intoxicating liquor or drugs permanently.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill streamlines the process by allowing courts to give a copy of the defendant's driving record to the defendant and allowing drug and alcohol treatment agencies to get complete information on the person's driving record. Often times, the only place a defendant can get a copy of his or her abstract is in court. Defendants will be able to see in their abstracts in which courts they have unpaid tickets, making it easier for them to settle those tickets and get their licenses back. Treatment agencies conduct evaluations and create treatment plans to be used by the courts for deferred prosecution or sentencing. The courts support allowing treatment agencies to have a more complete history of the person's record.

(Opposed) None.

Persons Testifying: Representative Shea, prime sponsor; and Michael Lambo, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.