
SENATE BILL 5704

State of Washington 62nd Legislature 2011 Regular Session

By Senators Swecker, Eide, and Shin

Read first time 02/08/11. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle subagent services and fees; amending RCW
2 46.04.574, 46.04.575, 46.20.117, 46.20.181, 46.20.200, and 46.52.130;
3 and reenacting and amending RCW 46.20.120.

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

5 **Sec. 1.** RCW 46.04.574 and 2010 c 161 s 149 are each amended to
6 read as follows:

7 "Subagency" means the licensing office in which (1) vehicle title
8 and registration functions, (2) driver's license and identicard
9 renewal, replacement, and address changes, and (3) the disclosure of
10 driving record abstracts are carried out by a subagent.

11 **Sec. 2.** RCW 46.04.575 and 2010 c 161 s 150 are each amended to
12 read as follows:

13 "Subagent" means a person or governmental entity recommended by a
14 county auditor or other agent and who is appointed by the director to
15 provide (1) vehicle registration and certificate of title services, (2)
16 driver's license and identicard renewal, replacement, and address
17 change services, and (3) driving record abstract disclosure services
18 under contract with the county auditor or other agent.

1 **Sec. 3.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
2 read as follows:

3 (1) **Issuance.** The department shall issue an identicard, containing
4 a picture, if the applicant:

5 (a) Does not hold a valid Washington driver's license;

6 (b) Proves his or her identity as required by RCW 46.20.035; and

7 (c) Pays the required fee. The fee is twenty dollars unless an
8 applicant is a recipient of continuing public assistance grants under
9 Title 74 RCW, who is referred in writing by the secretary of social and
10 health services. For those persons the fee must be the actual cost of
11 production of the identicard.

12 (2) **Design and term.** The identicard must:

13 (a) Be distinctly designed so that it will not be confused with the
14 official driver's license; and

15 (b) Expire on the fifth anniversary of the applicant's birthdate
16 after issuance.

17 (3)(a) **Renewal.** An application for identicard renewal may be
18 submitted by means of:

19 ((+a)) (i) Personal appearance before the department or a
20 subagent; or

21 ((+b)) (ii) Mail or electronic commerce, if permitted by rule of
22 the department and if the applicant did not renew his or her identicard
23 by mail or by electronic commerce when it last expired. However, the
24 department may accept an application for renewal of an identicard
25 submitted by means of mail or electronic commerce only if specific
26 authority and funding is provided for this purpose by June 30, 2004, in
27 the omnibus transportation appropriations act.

28 An identicard may not be renewed by mail or by electronic commerce
29 unless the renewal issued by the department includes a photograph of
30 the identicard holder.

31 (b) A subagent who renews an identicard under this subsection shall
32 collect and retain an additional five dollar fee.

33 (4) **Cancellation.** The department may cancel an identicard if the
34 holder of the identicard used the card or allowed others to use the
35 card in violation of RCW 46.20.0921.

36 **Sec. 4.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
37 each reenacted and amended to read as follows:

1 An applicant for a new or renewed driver's license must
2 successfully pass a driver licensing examination to qualify for a
3 driver's license. The department shall give examinations at places and
4 times reasonably available to the people of this state.

5 (1) **Waiver.** The department may waive:

6 (a) All or any part of the examination of any person applying for
7 the renewal of a driver's license unless the department determines that
8 the applicant is not qualified to hold a driver's license under this
9 title; or

10 (b) All or any part of the examination involving operating a motor
11 vehicle if the applicant:

12 (i) Surrenders a valid driver's license issued by the person's
13 previous home state; or

14 (ii) Provides for verification a valid driver's license issued by
15 a foreign driver licensing jurisdiction with which the department has
16 an informal agreement under RCW 46.20.125; and

17 (iii) Is otherwise qualified to be licensed.

18 (2) **Fee.** Each applicant for a new license must pay an examination
19 fee of twenty dollars.

20 (a) The examination fee is in addition to the fee charged for
21 issuance of the license.

22 (b) "New license" means a license issued to a driver:

23 (i) Who has not been previously licensed in this state; or

24 (ii) Whose last previous Washington license has been expired for
25 more than five years.

26 (3)(a) An application for driver's license renewal may be submitted
27 by means of:

28 ~~((+a))~~ (i) Personal appearance before the department or a
29 subagent; or

30 ~~((+b))~~ (ii) Mail or electronic commerce, if permitted by rule of
31 the department and if the applicant did not renew his or her license by
32 mail or by electronic commerce when it last expired. However, the
33 department may accept an application for renewal of a driver's license
34 submitted by means of mail or electronic commerce only if specific
35 authority and funding is provided for this purpose by June 30, 2004, in
36 the omnibus transportation appropriations act.

37 (b) A subagent who renews a driver's license under this section
38 shall collect and retain an additional five dollar fee.

1 (4) A person whose license expired or will expire while he or she
2 is living outside the state, may:

3 (a) Apply to the department to extend the validity of his or her
4 license for no more than twelve months. If the person establishes to
5 the department's satisfaction that he or she is unable to return to
6 Washington before the date his or her license expires, the department
7 shall extend the person's license. The department may grant
8 consecutive extensions, but in no event may the cumulative total of
9 extensions exceed twelve months. An extension granted under this
10 section does not change the expiration date of the license for purposes
11 of RCW 46.20.181. The department shall charge a fee of five dollars
12 for each license extension;

13 (b) Apply to the department to renew his or her license by mail or,
14 if permitted by rule of the department, by electronic commerce even if
15 subsection (3)((~~b~~)) (a)(ii) of this section would not otherwise allow
16 renewal by that means. If the person establishes to the department's
17 satisfaction that he or she is unable to return to Washington within
18 twelve months of the date that his or her license expires, the
19 department shall renew the person's license by mail or, if permitted by
20 rule of the department, by electronic commerce.

21 (5) If a qualified person submits an application for renewal under
22 subsection (3)((~~b~~)) (a)(ii) or (4)(b) of this section, he or she is
23 not required to pass an examination nor provide an updated photograph.
24 A license renewed by mail or by electronic commerce that does not
25 include a photograph of the licensee must be labeled "not valid for
26 identification purposes."

27 **Sec. 5.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (4) of this section, every
30 driver's license expires on the fifth anniversary of the licensee's
31 birthdate following the issuance of the license.

32 (2) A person may renew his or her driver's license on or before the
33 expiration date by submitting an application as prescribed by the
34 department and paying a fee of twenty-five dollars. This twenty-five
35 dollar fee includes the fee for the required photograph. A person may
36 also renew his or her driver's license on or before the expiration date

1 by submitting an application as prescribed by the department to a
2 subagent. A subagent who renews a driver's license under this section
3 shall collect and retain an additional five dollar fee.

4 (3) A person renewing his or her driver's license more than sixty
5 days after the license has expired shall pay a penalty fee of ten
6 dollars in addition to the renewal fee, unless his or her license
7 expired when:

8 (a) The person was outside the state and he or she renews the
9 license within sixty days after returning to this state; or

10 (b) The person was incapacitated and he or she renews the license
11 within sixty days after the termination of the incapacity.

12 (4) During the period from July 1, 2000, to July 1, 2006, the
13 department may issue or renew a driver's license for a period other
14 than five years, or may extend by mail a license that has already been
15 issued, in order to evenly distribute, as nearly as possible, the
16 yearly renewal rate of licensed drivers. The fee for a driver's
17 license issued or renewed for a period other than five years, or that
18 has been extended by mail, is five dollars for each year that the
19 license is issued, renewed, or extended. The department may adopt any
20 rules as are necessary to carry out this subsection.

21 **Sec. 6.** RCW 46.20.200 and 2002 c 352 s 14 are each amended to read
22 as follows:

23 (1) If an instruction permit, identicard, or a driver's license is
24 lost or destroyed, the person to whom it was issued may obtain a
25 duplicate of it upon furnishing proof of such fact satisfactory to the
26 department and payment of a fee of fifteen dollars to the department.

27 (2) A replacement permit, identicard, or driver's license may be
28 obtained to change or correct material information upon payment of a
29 fee of ten dollars to the department and surrender of the permit,
30 identicard, or driver's license being replaced. A replacement
31 identicard or driver's license may be obtained to change or correct
32 material information upon payment of the ten dollar fee to a subagent
33 and surrender of the identicard or driver's license being replaced. A
34 subagent who replaces an identicard or a driver's license under this
35 subsection shall collect and retain an additional five dollar fee.

1 **Sec. 7.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read
2 as follows:

3 Upon a proper request, the department or a subagent may furnish an
4 abstract of a person's driving record as permitted under this section.

5 (1) **Contents of abstract of driving record.** An abstract of a
6 person's driving record, whenever possible, must include:

7 (a) An enumeration of motor vehicle accidents in which the person
8 was driving, including:

9 (i) The total number of vehicles involved;

10 (ii) Whether the vehicles were legally parked or moving;

11 (iii) Whether the vehicles were occupied at the time of the
12 accident; and

13 (iv) Whether the accident resulted in a fatality;

14 (b) Any reported convictions, forfeitures of bail, or findings that
15 an infraction was committed based upon a violation of any motor vehicle
16 law;

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

18 (d) Any reports of failure to appear in response to a traffic
19 citation or failure to respond to a notice of infraction served upon
20 the named individual by an arresting officer.

21 (2) **Release of abstract of driving record.** An abstract of a
22 person's driving record may be furnished to the following persons or
23 entities:

24 (a) **Named individuals.** (i) An abstract of the full driving record
25 maintained by the department may be furnished to the individual named
26 in the abstract.

27 (ii) Nothing in this section prevents a court from providing a copy
28 of the driver's abstract to the individual named in the abstract,
29 provided that the named individual has a pending or open infraction or
30 criminal case in that court. A pending case includes criminal cases
31 that have not reached a disposition by plea, stipulation, trial, or
32 amended charge. An open infraction or criminal case includes cases on
33 probation, payment agreement or subject to, or in collections. Courts
34 may charge a reasonable fee for the production and copying of the
35 abstract for the individual.

36 (b) **Employers or prospective employers.** (i) An abstract of the
37 full driving record maintained by the department may be furnished to an
38 employer or prospective employer or an agent acting on behalf of an

1 employer or prospective employer of the named individual for purposes
2 related to driving by the individual as a condition of employment or
3 otherwise at the direction of the employer.

4 (ii) Release of an abstract of the driving record of an employee or
5 prospective employee requires a statement signed by: (A) The employee
6 or prospective employee that authorizes the release of the record; and
7 (B) the employer attesting that the information is necessary for
8 employment purposes related to driving by the individual as a condition
9 of employment or otherwise at the direction of the employer. If the
10 employer or prospective employer authorizes an agent to obtain this
11 information on their behalf, this must be noted in the statement.

12 (iii) Upon request of the person named in the abstract provided
13 under this subsection, and upon that same person furnishing copies of
14 court records ruling that the person was not at fault in a motor
15 vehicle accident, the department must indicate on any abstract provided
16 under this subsection that the person was not at fault in the motor
17 vehicle accident.

18 (c) **Volunteer organizations.** (i) An abstract of the full driving
19 record maintained by the department may be furnished to a volunteer
20 organization or an agent for a volunteer organization for which the
21 named individual has submitted an application for a position that would
22 require driving by the individual at the direction of the volunteer
23 organization.

24 (ii) Release of an abstract of the driving record of a prospective
25 volunteer requires a statement signed by: (A) The prospective
26 volunteer that authorizes the release of the record; and (B) the
27 volunteer organization attesting that the information is necessary for
28 purposes related to driving by the individual at the direction of the
29 volunteer organization. If the volunteer organization authorizes an
30 agent to obtain this information on their behalf, this must be noted in
31 the statement.

32 (d) **Transit authorities.** An abstract of the full driving record
33 maintained by the department may be furnished to an employee or agent
34 of a transit authority checking prospective volunteer vanpool drivers
35 for insurance and risk management needs.

36 (e) **Insurance carriers.** (i) An abstract of the driving record
37 maintained by the department covering the period of not more than the
38 last three years may be furnished to an insurance company or its agent:

1 (A) That has motor vehicle or life insurance in effect covering the
2 named individual;

3 (B) To which the named individual has applied; or

4 (C) That has insurance in effect covering the employer or a
5 prospective employer of the named individual.

6 (ii) The abstract provided to the insurance company must:

7 (A) Not contain any information related to actions committed by law
8 enforcement officers or firefighters, as both terms are defined in RCW
9 41.26.030, or by Washington state patrol officers, while driving
10 official vehicles in the performance of their occupational duty. This
11 does not apply to any situation where the vehicle was used in the
12 commission of a misdemeanor or felony;

13 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except
14 that the abstract must report the convictions only as negligent driving
15 without reference to whether they are for first or second degree
16 negligent driving; and

17 (C) Exclude any deferred prosecution under RCW 10.05.060, except
18 that if a person is removed from a deferred prosecution under RCW
19 10.05.090, the abstract must show the deferred prosecution as well as
20 the removal.

21 (iii) Any policy of insurance may not be canceled, nonrenewed,
22 denied, or have the rate increased on the basis of information
23 regarding an accident included in the abstract of a driving record,
24 unless the policyholder was determined to be at fault.

25 (iv) Any insurance company or its agent, for underwriting purposes
26 relating to the operation of commercial motor vehicles, may not use any
27 information contained in the abstract relative to any person's
28 operation of motor vehicles while not engaged in such employment. Any
29 insurance company or its agent, for underwriting purposes relating to
30 the operation of noncommercial motor vehicles, may not use any
31 information contained in the abstract relative to any person's
32 operation of commercial motor vehicles.

33 (v) The director may enter into a contractual agreement with an
34 insurance company or its agent for the limited purpose of reviewing the
35 driving records of existing policyholders for changes to the record
36 during specified periods of time. The department shall establish a fee
37 for this service, which must be deposited in the highway safety fund.
38 The fee for this service must be set at a level that will not result in

1 a net revenue loss to the state. Any information provided under this
2 subsection must be treated in the same manner and is subject to the
3 same restrictions as driving record abstracts.

4 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
5 the driving record maintained by the department covering the period of
6 not more than the last five years may be furnished to an alcohol/drug
7 assessment or treatment agency approved by the department of social and
8 health services to which the named individual has applied or been
9 assigned for evaluation or treatment, for purposes of assisting
10 employees in making a determination as to what level of treatment, if
11 any, is appropriate, except that the abstract must:

12 (i) Also include records of alcohol-related offenses, as defined in
13 RCW 46.01.260(2), covering a period of not more than the last ten
14 years; and

15 (ii) Indicate whether an alcohol-related offense was originally
16 charged as a violation of either RCW 46.61.502 or 46.61.504.

17 (g) **City attorneys and county prosecuting attorneys.** An abstract
18 of the full driving record maintained by the department, including
19 whether a recorded violation is an alcohol-related offense, as defined
20 in RCW 46.01.260(2), that was originally charged as a violation of
21 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys
22 or county prosecuting attorneys. City attorneys and county prosecuting
23 attorneys may provide the driving record to alcohol/drug assessment or
24 treatment agencies approved by the department of social and health
25 services to which the named individual has applied or been assigned for
26 evaluation or treatment.

27 (h) **State colleges, universities, or agencies, or units of local**
28 **government.** An abstract of the full driving record maintained by the
29 department may be furnished to (i) state colleges, universities, or
30 agencies for employment and risk management purposes or (ii) units of
31 local government authorized to self-insure under RCW 48.62.031 for
32 employment and risk management purposes.

33 (i) **Superintendent of public instruction.** An abstract of the full
34 driving record maintained by the department may be furnished to the
35 superintendent of public instruction for review of public school bus
36 driver records. The superintendent or superintendent's designee may
37 discuss information on the driving record with an authorized

1 representative of the employing school district for employment and risk
2 management purposes.

3 (3) **Release to third parties prohibited.** Any person or entity
4 receiving an abstract of a person's driving record under subsection
5 (2)(b) through (i) of this section shall use the abstract exclusively
6 for his, her, or its own purposes or as otherwise expressly permitted
7 under this section, and shall not divulge any information contained in
8 the abstract to a third party.

9 (4) **Fee.** The director shall collect a ten((-))dollar fee for each
10 abstract of a person's driving record furnished by the department.
11 Fifty percent of the fee must be deposited in the highway safety fund,
12 and fifty percent of the fee must be deposited according to RCW
13 46.68.038. A subagent shall collect and retain an additional five
14 dollar fee for each abstract of a person's driving record furnished by
15 the subagent.

16 (5) **Violation.** (a) Any negligent violation of this section is a
17 gross misdemeanor.

18 (b) Any intentional violation of this section is a class C felony.

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