

**SSB 5467 - H AMD 886**

By Representative Clibborn

ADOPTED 03/06/2014

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

3 "Sec. 1. RCW 46.12.630 and 2013 c 306 s 702 are each amended to  
4 read as follows:

5 ~~((In addition to any other authority which it may have,))~~ (1) The  
6 department of licensing ((may)) must furnish lists of registered and  
7 legal owners of motor vehicles only for the purposes specified in this  
8 ~~((section))~~ subsection to((+

9 ~~(1)(a))~~ the manufacturers of motor vehicles or motor vehicle  
10 components, or their authorized agents, to ((be used+

11 ~~(i) To))~~ enable those manufacturers to carry out the provisions of  
12 ~~((the national traffic and motor vehicle safety act of 1966 (15 U.S.C.~~  
13 ~~Sec. 1382-1418), including amendments or additions thereto, respecting~~  
14 ~~safety related defects in motor vehicles; or~~

15 ~~(ii) During the 2011-2013 fiscal biennium, in research activities,~~  
16 ~~and in producing statistical reports, as long as the personal~~  
17 ~~information is not published, redisclosed, or used to contact~~  
18 ~~individuals; or~~

19 ~~(b) During fiscal year 2014, an entity that is an authorized agent~~  
20 ~~of a motor vehicle manufacturer,))~~ Titles I and IV of the anti car  
21 theft act of 1992, the automobile information disclosure act (15 U.S.C.  
22 Sec. 1231 et seq.), the clean air act (42 U.S.C. Sec. 7401 et seq.),  
23 and 49 U.S.C.S. Secs. 30101-30183, 30501-30505, and 32101-33118, as  
24 these acts existed on January 1, 2014, or such subsequent date as may  
25 be provided by the department by rule, consistent with the purposes of  
26 this section. However, the department may only provide a vehicle or  
27 vehicle component manufacturer, or its authorized agent, lists of  
28 registered or legal owners who purchased or leased a vehicle  
29 manufactured by that manufacturer or a vehicle containing a component  
30 manufactured by that component manufacturer. Manufacturers or

1 authorized agents receiving information on behalf of one manufacturer  
2 must not disclose this information to any other third party that is not  
3 necessary to carry out the purposes of this section.

4 (2) The department of licensing may furnish lists of registered and  
5 legal owners of motor vehicles, only to the entities and only for the  
6 purposes specified in this section, to:

7 (a) The manufacturers of motor vehicles, legitimate businesses as  
8 defined by the department in rule, or their authorized agents, for  
9 purposes of using lists of registered and legal owner information to  
10 conduct research activities and produce statistical reports, as long as  
11 the entity does not allow personal information received under this  
12 section to be published, redisclosed, or used to contact individuals.  
13 ~~((The department must charge an amount sufficient to cover the full~~  
14 ~~cost of providing the data requested under this subsection (1)(b).~~  
15 ~~Full cost of providing the data includes the information technology,~~  
16 ~~administrative, and contract oversight costs)) For purposes of this~~  
17 subsection (2)(a), the department of licensing may only provide the  
18 manufacturer of a motor vehicle, or the manufacturer of components  
19 contained in a motor vehicle, the lists of registered or legal owners  
20 who purchased or leased a vehicle manufactured by that manufacturer or  
21 a vehicle containing components manufactured by that component  
22 manufacturer;

23 ~~((+2))~~ (b) Any governmental agency of the United States or Canada,  
24 or political subdivisions thereof, to be used by it or by its  
25 authorized commercial agents or contractors only in connection with the  
26 enforcement of motor vehicle or traffic laws by, or programs related to  
27 traffic safety of, that government agency. Only such parts of the list  
28 as are required for completion of the work required of the agent or  
29 contractor shall be provided to such agent or contractor;

30 ~~((+3))~~ (c) Any insurer or insurance support organization, a self-  
31 insured entity, or its agents, employees, or contractors for use in  
32 connection with claims investigation activities, antifraud activities,  
33 rating, or underwriting;

34 (d) Any local governmental entity or its agents for use in  
35 providing notice to owners of towed and impounded vehicles;

36 (e) A government agency, commercial parking company, or its agents  
37 requiring the names and addresses of registered owners to notify them  
38 of outstanding parking violations. Subject to the disclosure agreement

1 provisions of RCW 46.12.635 and the requirements of Executive Order 97-  
2 01, the department may provide only the parts of the list that are  
3 required for completion of the work required of the company;

4 ~~((+4))~~ (f) An authorized agent or contractor of the department, to  
5 be used only in connection with providing motor vehicle excise tax,  
6 licensing, title, and registration information to motor vehicle  
7 dealers;

8 ~~((+5))~~ (g) Any business regularly making loans to other persons to  
9 finance the purchase of motor vehicles, to be used to assist the person  
10 requesting the list to determine ownership of specific vehicles for the  
11 purpose of determining whether or not to provide such financing; or

12 ~~((+6))~~ (h) A company or its agents operating a toll facility under  
13 chapter 47.46 RCW or other applicable authority requiring the names,  
14 addresses, and vehicle information of motor vehicle registered owners  
15 to identify toll violators.

16 (3) Personal information received by an entity listed in subsection  
17 (1) or (2) of this section may not be released for direct marketing  
18 purposes.

19 (4) Prior to the release of any lists of vehicle owners under  
20 subsection (1) or (2) of this section, the department must enter into  
21 a contract with the entity authorized to receive the data. The  
22 contract must include:

23 (a) A requirement that the department or its agent conduct both  
24 regular permissible use and data security audits subject to the  
25 following conditions and limitations:

26 (i) The data security audits must demonstrate compliance with the  
27 data security standards adopted by the office of the chief information  
28 officer.

29 (ii) When determining whether to conduct an audit under this  
30 subsection, the department must first take into consideration any  
31 independent third-party audit a data recipient has had before requiring  
32 that any additional audits be performed. If the independent third-  
33 party audit is a data security audit and it meets both recognized  
34 national or international standards and the standards adopted by the  
35 office of the chief information officer pursuant to (a)(i) of this  
36 subsection, the department must accept the audit and the audit is  
37 deemed to satisfy the conditions set out in this subsection (4)(a). If  
38 the independent third-party audit is a permissible use audit and it

1 meets recognized national or international standards, the department  
2 must accept the audit and the audit is deemed to satisfy the conditions  
3 set out in this subsection (4)(a); and

4 (b) A provision that the cost of the audits performed pursuant to  
5 this subsection must be borne by the data recipient. A new data  
6 recipient must bear the initial cost to set up a system to disburse the  
7 data to the data recipient.

8 (5)(a) Beginning January 1, 2015, the department must collect a fee  
9 of ten dollars per one thousand individual registered or legal owners  
10 included on a list requested by a private entity under subsection (1)  
11 or (2) of this section. Beginning January 1, 2016, the department must  
12 collect a fee of twenty dollars per one thousand individual registered  
13 or legal vehicle owners included on a list requested by a private  
14 entity under subsection (1) or (2) of this section. Beginning January  
15 1, 2021, the department must collect a fee of twenty-five dollars per  
16 one thousand individual registered or legal owners included on a list  
17 requested by a private entity under subsection (1) or (2) of this  
18 section. The department must prorate the fee when the request is for  
19 less than a full one thousand records.

20 (b) In lieu of the fee specified in (a) of this subsection, if the  
21 request requires a daily, weekly, monthly, or other regular update of  
22 those vehicle records that have changed:

23 (i) Beginning January 1, 2015, the department must collect a fee of  
24 one cent per individual registered or legal vehicle owner record  
25 provided to the private entity;

26 (ii) Beginning January 1, 2016, the department must collect a fee  
27 of two cents per individual registered or legal vehicle owner record  
28 provided to the private entity;

29 (iii) Beginning January 1, 2021, the department must collect a fee  
30 of two and one-half cents per individual registered or legal vehicle  
31 owner record provided to the private entity.

32 (c) The department must deposit any moneys collected under this  
33 subsection to the department of licensing technology improvement and  
34 data management account created in section 2 of this act.

35 (6) Where both a mailing address and residence address are recorded  
36 on the vehicle record and are different, only the mailing address will  
37 be disclosed. Both addresses will be disclosed in response to requests

1 for disclosure from courts, law enforcement agencies, or government  
2 entities with enforcement, investigative, or taxing authority and only  
3 for use in the normal course of conducting their business.

4 (7) If a list of registered and legal owners of motor vehicles is  
5 used for any purpose other than that authorized in this section, the  
6 manufacturer, governmental agency, commercial parking company,  
7 ~~((authorized agent,))~~ contractor, financial institution, insurer,  
8 insurance support organization, self-insured entity, legitimate  
9 business entity, toll facility operator, or ~~((their))~~ any authorized  
10 agent~~((s))~~ or contractor~~((s))~~ responsible for the unauthorized  
11 disclosure or use will be denied further access to such information by  
12 the department of licensing.

13 (8) For purposes of this section, "personal information" means  
14 information that identifies an individual, including an individual's  
15 photograph, social security number, driver identification number, name,  
16 address (but not the five-digit zip code), telephone number, or medical  
17 or disability information. However, an individual's photograph, social  
18 security number, and any medical or disability-related information is  
19 considered highly restricted personal information and may not be  
20 released under this section.

21 NEW SECTION. Sec. 2. A new section is added to chapter 46.68 RCW  
22 to read as follows:

23 The department of licensing technology improvement and data  
24 management account is created in the highway safety fund. All receipts  
25 from fees collected under RCW 46.12.630(5) must be deposited into the  
26 account. Expenditures from the account may be used only for  
27 investments in technology and data management at the department.  
28 Moneys in the account may be spent only after appropriation."

29 Correct the title.

EFFECT: Adds manufacturers of motor vehicle components to receive  
lists of registered and legal owners of motor vehicles to carry out the  
provisions required in federal code.

Clarifies that the department of licensing (DOL) may only provide  
a vehicle or vehicle component manufacturer, or its authorized agent,

lists of registered or legal owners who purchased or leased a vehicle manufactured by that manufacturer or a vehicle containing a component manufactured by that component manufacturer. Manufacturers or authorized agents must not disclose this information to any other third party.

Clarifies that DOL may furnish lists of registered and legal owners of motor vehicles to manufacturers of motor vehicles, legitimate businesses, as defined by DOL, or authorized agents to conduct research activities, and produce statistical reports. DOL can only provide the manufacturer of a motor vehicle, or the manufacturer of components contained in a motor vehicle, the lists of registered or legal owners who purchased or leased a vehicle manufactured by that vehicle manufacturer or containing components manufactured by that component manufacturer.

Beginning January 1, 2021, DOL must collect a fee of twenty-five dollars per one thousand individual registered or legal owners included on a list requested by a private entity. DOL must prorate the fee when the request is for less than a full one thousand records.

Beginning January 1, 2021, if the request requires a daily, weekly, monthly, or other regular update of vehicle records that have changed, DOL must collect a fee of two and one-half cents per individual registered or legal vehicle owner record provided to the private entity.

Specifies that an individual's photograph, social security number, and any medical or disability-related information is considered highly restricted personal information and may not be released.

Provides the department of licensing the authority to define "legitimate businesses" in rule. Clarifies that companies that are already set up to receive data do not pay system set-up charges.

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