

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5467

Chapter 79, Laws of 2014

63rd Legislature
2014 Regular Session

DEPARTMENT OF LICENSING--VEHICLE OWNER LISTS

EFFECTIVE DATE: 06/12/14

Passed by the Senate March 11, 2014
YEAS 40 NAYS 6

BRAD OWEN

President of the Senate

Passed by the House March 6, 2014
YEAS 94 NAYS 3

FRANK CHOPP

Speaker of the House of Representatives

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5467** as passed by the Senate and the House of Representatives on the dates hereon set forth.

HUNTER G. GOODMAN

Secretary

Approved March 27, 2014, 10:21 a.m.

FILED

March 27, 2014

JAY INSLEE

Governor of the State of Washington

Secretary of State
State of Washington

SUBSTITUTE SENATE BILL 5467

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington

63rd Legislature

2014 Regular Session

By Senate Transportation (originally sponsored by Senators King, Eide, Litzow, and Harper)

READ FIRST TIME 02/07/14.

1 AN ACT Relating to vehicle owner list furnishment requirements;
2 amending RCW 46.12.630; and adding a new section to chapter 46.68 RCW.

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

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

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

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

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

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

1 (b) During fiscal year 2014, an entity that is an authorized agent
2 of a motor vehicle manufacturer,)) Titles I and IV of the anti car
3 theft act of 1992, the automobile information disclosure act (15 U.S.C.
4 Sec. 1231 et seq.), the clean air act (42 U.S.C. Sec. 7401 et seq.),
5 and 49 U.S.C.S. Secs. 30101-30183, 30501-30505, and 32101-33118, as
6 these acts existed on January 1, 2014, or such subsequent date as may
7 be provided by the department by rule, consistent with the purposes of
8 this section. However, the department may only provide a vehicle or
9 vehicle component manufacturer, or its authorized agent, lists of
10 registered or legal owners who purchased or leased a vehicle
11 manufactured by that manufacturer or a vehicle containing a component
12 manufactured by that component manufacturer. Manufacturers or
13 authorized agents receiving information on behalf of one manufacturer
14 must not disclose this information to any other third party that is not
15 necessary to carry out the purposes of this section.

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

19 (a) The manufacturers of motor vehicles, legitimate businesses as
20 defined by the department in rule, or their authorized agents, for
21 purposes of using lists of registered and legal owner information to
22 conduct research activities and produce statistical reports, as long as
23 the entity does not allow personal information received under this
24 section to be published, redislosed, or used to contact individuals.
25 ((The department must charge an amount sufficient to cover the full
26 cost of providing the data requested under this subsection (1)(b).
27 Full cost of providing the data includes the information technology,
28 administrative, and contract oversight costs)) For purposes of this
29 subsection (2)(a), the department of licensing may only provide the
30 manufacturer of a motor vehicle, or the manufacturer of components
31 contained in a motor vehicle, the lists of registered or legal owners
32 who purchased or leased a vehicle manufactured by that manufacturer or
33 a vehicle containing components manufactured by that component
34 manufacturer;

35 ((+2))) (b) Any governmental agency of the United States or Canada,
36 or political subdivisions thereof, to be used by it or by its
37 authorized commercial agents or contractors only in connection with the
38 enforcement of motor vehicle or traffic laws by, or programs related to

1 traffic safety of, that government agency. Only such parts of the list
2 as are required for completion of the work required of the agent or
3 contractor shall be provided to such agent or contractor;

4 ((+3)) (c) Any insurer or insurance support organization, a self-
5 insured entity, or its agents, employees, or contractors for use in
6 connection with claims investigation activities, antifraud activities,
7 rating, or underwriting;

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

10 (e) A government agency, commercial parking company, or its agents
11 requiring the names and addresses of registered owners to notify them
12 of outstanding parking violations. Subject to the disclosure agreement
13 provisions of RCW 46.12.635 and the requirements of Executive Order 97-
14 01, the department may provide only the parts of the list that are
15 required for completion of the work required of the company;

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

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

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

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

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

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

1 (i) The data security audits must demonstrate compliance with the
2 data security standards adopted by the office of the chief information
3 officer.

4 (ii) When determining whether to conduct an audit under this
5 subsection, the department must first take into consideration any
6 independent third-party audit a data recipient has had before requiring
7 that any additional audits be performed. If the independent third-
8 party audit is a data security audit and it meets both recognized
9 national or international standards and the standards adopted by the
10 office of the chief information officer pursuant to (a)(i) of this
11 subsection, the department must accept the audit and the audit is
12 deemed to satisfy the conditions set out in this subsection (4)(a). If
13 the independent third-party audit is a permissible use audit and it
14 meets recognized national or international standards, the department
15 must accept the audit and the audit is deemed to satisfy the conditions
16 set out in this subsection (4)(a); and

17 (b) A provision that the cost of the audits performed pursuant to
18 this subsection must be borne by the data recipient. A new data
19 recipient must bear the initial cost to set up a system to disburse the
20 data to the data recipient.

21 (5)(a) Beginning January 1, 2015, the department must collect a fee
22 of ten dollars per one thousand individual registered or legal owners
23 included on a list requested by a private entity under subsection (1)
24 or (2) of this section. Beginning January 1, 2016, the department must
25 collect a fee of twenty dollars per one thousand individual registered
26 or legal vehicle owners included on a list requested by a private
27 entity under subsection (1) or (2) of this section. Beginning January
28 1, 2021, the department must collect a fee of twenty-five dollars per
29 one thousand individual registered or legal owners included on a list
30 requested by a private entity under subsection (1) or (2) of this
31 section. The department must prorate the fee when the request is for
32 less than a full one thousand records.

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

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

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

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

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

10 (6) Where both a mailing address and residence address are recorded
11 on the vehicle record and are different, only the mailing address will
12 be disclosed. Both addresses will be disclosed in response to requests
13 for disclosure from courts, law enforcement agencies, or government
14 entities with enforcement, investigative, or taxing authority and only
15 for use in the normal course of conducting their business.

16 (7) If a list of registered and legal owners of motor vehicles is
17 used for any purpose other than that authorized in this section, the
18 manufacturer, governmental agency, commercial parking company,
19 ((authorized agent,)) contractor, financial institution, insurer,
20 insurance support organization, self-insured entity, legitimate
21 business entity, toll facility operator, or ((their)) any authorized
22 agent((s)) or contractor((s)) responsible for the unauthorized
23 disclosure or use will be denied further access to such information by
24 the department of licensing.

25 (8) For purposes of this section, "personal information" means
26 information that identifies an individual, including an individual's
27 photograph, social security number, driver identification number, name,
28 address (but not the five-digit zip code), telephone number, or medical
29 or disability information. However, an individual's photograph, social
30 security number, and any medical or disability-related information is
31 considered highly restricted personal information and may not be
32 released under this section.

33 **NEW SECTION. Sec. 2.** A new section is added to chapter 46.68 RCW
34 to read as follows:

35 The department of licensing technology improvement and data
36 management account is created in the highway safety fund. All receipts
37 from fees collected under RCW 46.12.630(5) must be deposited into the

1 account. Expenditures from the account may be used only for
2 investments in technology and data management at the department.
3 Moneys in the account may be spent only after appropriation.

Passed by the Senate March 11, 2014.

Passed by the House March 6, 2014.

Approved by the Governor March 27, 2014.

Filed in Office of Secretary of State March 27, 2014.