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SENATE BILL 5397

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State of Washington                      64th Legislature                      2015 Regular Session

By Senators Litzow, Hobbs, and King

Read first time 01/21/15. Referred to Committee on Transportation.

1            AN ACT Relating to the department of licensing disclosing certain  
2 transportation-related information; amending RCW 46.12.630,  
3 46.12.635, and 46.12.640; adding a new section to chapter 88.02 RCW;  
4 and prescribing penalties.

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

6            **Sec. 1.** RCW 46.12.630 and 2014 c 79 s 1 are each amended to read  
7 as follows:

8            (1) The department of licensing must furnish lists of registered  
9 and legal owners of: (a) Motor vehicles only for the purposes  
10 specified in this subsection (1)(a) to the manufacturers of motor  
11 vehicles or motor vehicle components, or their authorized agents, to  
12 enable those manufacturers to carry out the provisions of Titles I  
13 and IV of the anti car theft act of 1992, the automobile information  
14 disclosure act (15 U.S.C. Sec. 1231 et seq.), the clean air act (42  
15 U.S.C. Sec. 7401 et seq.), and 49 U.S.C. (~~S.~~) Secs. 30101-30183,  
16 30501-30505, and 32101-33118, as these acts existed on January 1,  
17 2014, or such subsequent date as may be provided by the department by  
18 rule, consistent with the purposes of this section. However, the  
19 department may only provide a vehicle or vehicle component  
20 manufacturer, or its authorized agent, lists of registered or legal  
21 owners who purchased or leased a vehicle manufactured by that

1 manufacturer or a vehicle containing a component manufactured by that  
2 component manufacturer. Manufacturers or authorized agents receiving  
3 information on behalf of one manufacturer must not disclose this  
4 information to any other third party that is not necessary to carry  
5 out the purposes of this section; and (b) vessels only for the  
6 purposes of this subsection (1)(b) to the manufacturers of vessels,  
7 or their authorized agents, to enable those manufacturers to carry  
8 out the provisions of 46 U.S.C. Sec. 4310 and any relevant code of  
9 federal regulation adopted by the United States coast guard, as these  
10 provisions and rules existed on January 1, 2015, or such subsequent  
11 date as may be provided by the department by rule, consistent with  
12 the purposes of this section.

13 (2) The department of licensing may furnish lists of registered  
14 and legal owners of motor vehicles or vessels, only to the entities  
15 and only for the purposes specified in this section, to:

16 (a) The manufacturers of motor vehicles or vessels, legitimate  
17 businesses as defined by the department in rule, or their authorized  
18 agents, for purposes of using lists of registered and legal owner  
19 information to conduct research activities and produce statistical  
20 reports, as long as the entity does not allow personal information  
21 received under this section to be published, redisclosed, or used to  
22 contact individuals. For purposes of this subsection (2)(a), the  
23 department of licensing may only provide the manufacturer of a motor  
24 vehicle or vessel, or the manufacturer of components contained in a  
25 motor vehicle or vessel, the lists of registered or legal owners who  
26 purchased or leased a vehicle or vessel manufactured by that  
27 manufacturer or a vehicle or vessel containing components  
28 manufactured by that component manufacturer;

29 (b) Any governmental agency of the United States or Canada, or  
30 political subdivisions thereof, to be used by it or by its authorized  
31 commercial agents or contractors only in connection with the  
32 enforcement of: (i) Motor vehicle or traffic laws by, or programs  
33 related to traffic safety of, that government agency; or (ii) the  
34 laws governing vessels, vessel operation, or vessel safety programs  
35 administered by that government agency or as otherwise provided by  
36 law. Only such parts of the list under (i) and (ii) of this  
37 subsection (2)(b) as are required for completion of the work required  
38 of the agent or contractor shall be provided to such agent or  
39 contractor;

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

5 (d) Any local governmental entity or its agents for use in  
6 providing notice to owners of towed and impounded vehicles, or to any  
7 law enforcement entity for use in locating the owner of a vessel that  
8 has become unmoored and is drifting or beached;

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

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

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

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

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

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

36 (a) A requirement that the department or its agent conduct both  
37 regular permissible use and data security audits subject to the  
38 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  
3 information 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  
7 requiring that any additional audits be performed. If the independent  
8 third-party audit is a data security audit and it meets both  
9 recognized national or international standards and the standards  
10 adopted by the office of the chief information officer pursuant to  
11 (a)(i) of this subsection, the department must accept the audit and  
12 the audit is deemed to satisfy the conditions set out in this  
13 subsection (4)(a). If the independent third-party audit is a  
14 permissible use audit and it meets recognized national or  
15 international standards, the department must accept the audit and the  
16 audit is deemed to satisfy the conditions set out in this subsection  
17 (4)(a); and

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

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

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

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

4 (iii) Beginning January 1, 2021, the department must collect a  
5 fee of two and one-half cents per individual registered or legal  
6 vehicle or vessel 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 RCW 46.68.063.

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

17 (7) If a list of registered and legal owners of motor vehicles or  
18 vessels is used for any purpose other than that authorized in this  
19 section, the manufacturer, governmental agency, commercial parking  
20 company, contractor, financial institution, insurer, insurance  
21 support organization, self-insured entity, legitimate business  
22 entity, toll facility operator, or any authorized agent or contractor  
23 responsible for the unauthorized disclosure or use will be denied  
24 further access to such information by 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,  
28 name, address (but not the five-digit zip code), telephone number, or  
29 medical or disability information. However, an individual's  
30 photograph, social security number, and any medical or disability-  
31 related information is considered highly restricted personal  
32 information and may not be released under this section.

33 **Sec. 2.** RCW 46.12.635 and 2013 c 232 s 1 are each amended to  
34 read as follows:

35 (1) Notwithstanding the provisions of chapter 42.56 RCW, the name  
36 or address of an individual vehicle or vessel owner shall not be  
37 released by the department, county auditor, or agency or firm  
38 authorized by the department except under the following  
39 circumstances:

1 (a) The requesting party is a business entity that requests the  
2 information for use in the course of business;

3 (b) The request is a written request that is signed by the person  
4 requesting disclosure that contains the full legal name and address  
5 of the requesting party, that specifies the purpose for which the  
6 information will be used; and

7 (c) The requesting party enters into a disclosure agreement with  
8 the department in which the party promises that the party will use  
9 the information only for the purpose stated in the request for the  
10 information; and that the party does not intend to use, or facilitate  
11 the use of, the information for the purpose of making any unsolicited  
12 business contact with a person named in the disclosed information.  
13 The term "unsolicited business contact" means a contact that is  
14 intended to result in, or promote, the sale of any goods or services  
15 to a person named in the disclosed information. The term does not  
16 apply to situations where the requesting party and such person have  
17 been involved in a business transaction prior to the date of the  
18 disclosure request and where the request is made in connection with  
19 the transaction.

20 (2) Where both a mailing address and residence address are  
21 recorded on the vehicle or vessel record and are different, only the  
22 mailing address will be disclosed. Both addresses will be disclosed  
23 in response to requests for disclosure from courts, law enforcement  
24 agencies, or government entities with enforcement, investigative, or  
25 taxing authority and only for use in the normal course of conducting  
26 their business.

27 (3) The disclosing entity shall retain the request for disclosure  
28 for three years.

29 (4)(a) Whenever the disclosing entity grants a request for  
30 information under this section by an attorney or private  
31 investigator, the disclosing entity shall provide notice to the  
32 vehicle or vessel owner, to whom the information applies, that the  
33 request has been granted. The notice must only include: (i) That the  
34 disclosing entity has disclosed the vehicle or vessel owner's name  
35 and address pursuant to a request made under this section; (ii) the  
36 date that the disclosure was made; and (iii) that the vehicle or  
37 vessel owner has five days from receipt of the notice to contact the  
38 disclosing entity to determine the occupation of the requesting  
39 party.

1 (b) Except as provided in (c) of this subsection, the only  
2 information about the requesting party that the disclosing entity may  
3 disclose in response to a request made by a vehicle or vessel owner  
4 under (a) of this subsection is whether the requesting party was an  
5 attorney or private investigator. The request by the vehicle or  
6 vessel owner must be submitted to the disclosing entity within five  
7 days of receipt of the original notice.

8 (c) In the case of a vehicle or vessel owner who submits to the  
9 disclosing entity a copy of a valid court order restricting another  
10 person from contacting the vehicle or vessel owner or his or her  
11 family or household member, the disclosing entity shall provide the  
12 vehicle or vessel owner with the name and address of the requesting  
13 party.

14 (5) Any person who is furnished vehicle or vessel owner  
15 information under this section shall be responsible for assuring that  
16 the information furnished is not used for a purpose contrary to the  
17 agreement between the person and the department.

18 (6) This section shall not apply to requests for information by  
19 governmental entities or requests that may be granted under any other  
20 provision of this title expressly authorizing the disclosure of the  
21 names or addresses of vehicle or vessel owners. Requests from law  
22 enforcement officers for vessel record information must be granted.

23 (7) The department shall disclose vessel records for any vessel  
24 owned by a governmental entity upon request.

25 (8) This section shall not apply to title history information  
26 under RCW 19.118.170.

27 ((+8)) (9) The department shall charge a fee of two dollars for  
28 each record returned pursuant to a request made by a business entity  
29 under subsection (1) of this section and deposit the fee into the  
30 highway safety account.

31 **Sec. 3.** RCW 46.12.640 and 2011 c 96 s 30 are each amended to  
32 read as follows:

33 (1) The department may review the activities of a person who  
34 receives vehicle or vessel record information to ensure compliance  
35 with the limitations imposed on the use of the information. The  
36 department shall suspend or revoke for up to five years the privilege  
37 of obtaining vehicle or vessel record information of a person found  
38 to be in violation of (~~chapter 42.56 RCW,~~) this chapter(~~(7)~~) or a  
39 disclosure agreement executed with the department.

1 (2) In addition to the penalty in subsection (1) of this section:  
2 (a) The unauthorized disclosure of information from a department  
3 vehicle or vessel record; or  
4 (b) The use of a false representation to obtain information from  
5 the department's vehicle or vessel records; or  
6 (c) The use of information obtained from the department vehicle  
7 or vessel records for a purpose other than what is stated in the  
8 request for information or in the disclosure agreement executed with  
9 the department; or  
10 (d) The sale or other distribution of any vehicle or vessel owner  
11 name or address to another person not disclosed in the request or  
12 disclosure agreement  
13 is a gross misdemeanor punishable by a fine not to exceed ten  
14 thousand dollars, or by imprisonment in a county jail for up to three  
15 hundred sixty-four days, or by both such fine and imprisonment for  
16 each violation.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 88.02  
18 RCW to read as follows:

19 The disclosure of vessel owner records by the department of  
20 licensing is governed under RCW 46.12.635 and 46.12.640.

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