

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1409

Chapter 80, Laws of 2016

64th Legislature
2016 Regular Session

VESSEL OWNER INFORMATION--DISCLOSURE

EFFECTIVE DATE: 6/9/2016

Passed by the House February 10, 2016
Yeas 96 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2016
Yeas 43 Nays 3

BRAD OWEN

President of the Senate

Approved March 31, 2016 10:43 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1409** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 1, 2016

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1409

Passed Legislature - 2016 Regular Session

State of Washington 64th Legislature 2015 Regular Session

By Representatives Walkinshaw, Hayes, Clibborn, Hargrove, Fey,
Farrell, Zeiger, Orcutt, and Tarleton

Read first time 01/20/15. Referred to Committee on Transportation.

1 AN ACT Relating to the disclosure of vessel owner information;
2 amending RCW 46.12.630, 46.12.635, and 46.12.640; adding a new
3 section to chapter 88.02 RCW; and prescribing penalties.

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

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

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

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

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

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

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

39 (c) Any insurer or insurance support organization, a self-insured
40 entity, or its agents, employees, or contractors for use in

1 connection with claims investigation activities, antifraud
2 activities, rating, or underwriting;

3 (d) Any local governmental entity or its agents for use in
4 providing notice to owners of towed and impounded vehicles, or to any
5 law enforcement entity for use, as may be necessary, in locating the
6 owner of or otherwise dealing with a vessel that has become a hazard;

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

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

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

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

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

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

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

37 (i) The data security audits must demonstrate compliance with the
38 data security standards adopted by the office of the chief
39 information officer.

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

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

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

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

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

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

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

4 (c) The department must deposit any moneys collected under this
5 subsection to the department of licensing technology improvement and
6 data management account created in RCW 46.68.063.

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

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

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

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

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

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

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

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

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

25 (3) The disclosing entity shall retain the request for disclosure
26 for three years.

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

38 (b) Except as provided in (c) of this subsection, the only
39 information about the requesting party that the disclosing entity may
40 disclose in response to a request made by a vehicle or vessel owner

1 under (a) of this subsection is whether the requesting party was an
2 attorney or private investigator. The request by the vehicle or
3 vessel owner must be submitted to the disclosing entity within five
4 days of receipt of the original notice.

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

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

15 (6) This section shall not apply to requests for information by
16 governmental entities or requests that may be granted under any other
17 provision of this title expressly authorizing the disclosure of the
18 names or addresses of vehicle or vessel owners. Requests from law
19 enforcement officers for vessel record information must be granted.
20 The disclosure agreement with law enforcement entities must provide
21 that law enforcement may redisclose a vessel owner's name or address
22 when trying to locate the owner of or otherwise deal with a vessel
23 that has become a hazard.

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

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

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

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

34 (1) The department may review the activities of a person who
35 receives vehicle or vessel record information to ensure compliance
36 with the limitations imposed on the use of the information. The
37 department shall suspend or revoke for up to five years the privilege
38 of obtaining vehicle or vessel record information of a person found

1 to be in violation of (~~chapter 42.56 RCW,~~) this chapter(~~(7)~~) or a
2 disclosure agreement executed with the department.

3 (2) In addition to the penalty in subsection (1) of this section:

4 (a) The unauthorized disclosure of information from a department
5 vehicle or vessel record; or

6 (b) The use of a false representation to obtain information from
7 the department's vehicle or vessel records; or

8 (c) The use of information obtained from the department vehicle
9 or vessel records for a purpose other than what is stated in the
10 request for information or in the disclosure agreement executed with
11 the department; or

12 (d) The sale or other distribution of any vehicle or vessel owner
13 name or address to another person not disclosed in the request or
14 disclosure agreement

15 is a gross misdemeanor punishable by a fine not to exceed ten
16 thousand dollars, or by imprisonment in a county jail for up to three
17 hundred sixty-four days, or by both such fine and imprisonment for
18 each violation.

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

21 The disclosure of vessel owner records by the department of
22 licensing is governed under RCW 46.12.630, 46.12.635, and 46.12.640.

Passed by the House February 10, 2016.

Passed by the Senate March 2, 2016.

Approved by the Governor March 31, 2016.

Filed in Office of Secretary of State April 1, 2016.

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