

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1360

Chapter 99, Laws of 2019

66th Legislature
2019 Regular Session

DRIVING RECORD ABSTRACTS--VARIOUS PROVISIONS

EFFECTIVE DATE: July 28, 2019

Passed by the House March 8, 2019
Yeas 94 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 10, 2019
Yeas 46 Nays 0

KAREN KEISER

President of the Senate

Approved April 23, 2019 3:47 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1360** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 24, 2019

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1360

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Transportation (originally sponsored by Representatives Irwin and Fey)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to abstracts of driving records; and amending RCW
2 46.52.130.

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

4 **Sec. 1.** RCW 46.52.130 and 2017 c 43 s 2 are each amended to read
5 as follows:

6 Upon a proper request, the department may furnish an abstract of
7 a person's driving record as permitted under this section. For the
8 purposes of this section, an "agent" means a representative of an
9 authorized recipient that has contracted with the recipient to
10 request driving records on its behalf and insurance pools established
11 under RCW 48.62.031 of which the authorized recipient is a member.

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

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

16 (i) The total number of vehicles involved;

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

18 (iii) Whether the vehicles were occupied at the time of the
19 accident; and

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

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

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

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

9 (2) **Release of abstract of driving record.** Unless otherwise
10 required in this section, the release of an abstract does not require
11 a signed statement by the subject of the abstract. An abstract of a
12 person's driving record may be furnished to the following persons or
13 entities:

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

17 (ii) Nothing in this section prevents a court from providing a
18 copy of the driver's abstract to the individual named in the abstract
19 or that named individual's attorney, provided that the named
20 individual has a pending or open infraction or criminal case in that
21 court. A pending case includes criminal cases that have not reached a
22 disposition by plea, stipulation, trial, or amended charge. An open
23 infraction or criminal case includes cases on probation, payment
24 agreement or subject to, or in collections. Courts may charge a
25 reasonable fee for the production and copying of the abstract for the
26 individual.

27 (b) **Employers or prospective employers.** (i) (A) An abstract of the
28 full driving record maintained by the department may be furnished to
29 an employer or prospective employer or an agent acting on behalf of
30 an employer or prospective employer of the named individual for
31 purposes related to driving by the individual as a condition of
32 employment or otherwise at the direction of the employer.

33 (B) Release of an abstract of the driving record of an employee
34 or prospective employee requires a statement signed by: (I) The
35 employee or prospective employee that authorizes the release of the
36 record; and (II) the employer attesting that the information is
37 necessary for employment purposes related to driving by the
38 individual as a condition of employment or otherwise at the direction
39 of the employer. If the employer or prospective employer authorizes
40 an agent to obtain this information on their behalf, this must be

1 noted in the statement. The statement must also note that any
2 information contained in the abstract related to an adjudication that
3 is subject to a court order sealing the juvenile record of an
4 employee or prospective employee may not be used by the employer or
5 prospective employer, or an agent authorized to obtain this
6 information on their behalf, unless required by federal regulation or
7 law. The employer or prospective employer must afford the employee or
8 prospective employee an opportunity to demonstrate that an
9 adjudication contained in the abstract is subject to a court order
10 sealing the juvenile record.

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

17 (D) No employer or prospective employer, nor any agent of an
18 employer or prospective employer, may use information contained in
19 the abstract related to an adjudication that is subject to a court
20 order sealing the juvenile record of an employee or prospective
21 employee for any purpose unless required by federal regulation or
22 law. The employee or prospective employee must furnish a copy of the
23 court order sealing the juvenile record to the employer or
24 prospective employer, or the agent of the employer or prospective
25 employer, as may be required to ensure the application of this
26 subsection.

27 (ii) In addition to the methods described in (b)(i) of this
28 subsection, the director may enter into a contractual agreement with
29 an employer or its agent for the purpose of reviewing the driving
30 records of existing employees for changes to the record during
31 specified periods of time. The department shall establish a fee for
32 this service, which must be deposited in the highway safety fund. The
33 fee for this service must be set at a level that will not result in a
34 net revenue loss to the state. Any information provided under this
35 subsection must be treated in the same manner and is subject to the
36 same restrictions as driving record abstracts.

37 (c) **Volunteer organizations.** (i) An abstract of the full driving
38 record maintained by the department may be furnished to a volunteer
39 organization or an agent for a volunteer organization for which the
40 named individual has submitted an application for a position that

1 would require driving by the individual at the direction of the
2 volunteer organization.

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

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

15 The director may enter into a contractual agreement with a
16 transit authority or its agent for the purpose of reviewing the
17 driving records of existing vanpool drivers for changes to the record
18 during specified periods of time. The department shall establish a
19 fee for this service, which must be deposited in the highway safety
20 fund. The fee for this service must be set at a level that does not
21 result in a net revenue loss to the state. Any information provided
22 under this subsection must be treated in the same manner and is
23 subject to the same restrictions as driving record abstracts.

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

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

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

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

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

34 (A) Not contain any information related to actions committed by
35 law enforcement officers or firefighters, as both terms are defined
36 in RCW 41.26.030, or by Washington state patrol officers, while
37 driving official vehicles in the performance of their occupational
38 duty, or by registered tow truck operators as defined in RCW
39 46.55.010 in the performance of their occupational duties while at
40 the scene of a roadside impound or recovery so long as they are not

1 issued a citation. This does not apply to any situation where the
2 vehicle was used in the commission of a misdemeanor or felony;

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

7 (C) Exclude any deferred prosecution under RCW 10.05.060, except
8 that if a person is removed from a deferred prosecution under RCW
9 10.05.090, the abstract must show the deferred prosecution as well as
10 the removal.

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

15 (iv) Any insurance company or its agent, for underwriting
16 purposes relating to the operation of commercial motor vehicles, may
17 not use any information contained in the abstract relative to any
18 person's operation of motor vehicles while not engaged in such
19 employment. Any insurance company or its agent, for underwriting
20 purposes relating to the operation of noncommercial motor vehicles,
21 may not use any information contained in the abstract relative to any
22 person's operation of commercial motor vehicles.

23 (v) The director may enter into a contractual agreement with an
24 insurance company or its agent for the limited purpose of reviewing
25 the driving records of existing policyholders for changes to the
26 record during specified periods of time. The department shall
27 establish a fee for this service, which must be deposited in the
28 highway safety fund. The fee for this service must be set at a level
29 that will not result in a net revenue loss to the state. Any
30 information provided under this subsection must be treated in the
31 same manner and is subject to the same restrictions as driving record
32 abstracts.

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

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

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

6 (g) **Attorneys—City attorneys, county prosecuting attorneys, and
7 named individual's attorney of record.** An abstract of the full
8 driving record maintained by the department, including whether a
9 recorded violation is an alcohol-related offense, as defined in RCW
10 46.01.260(2), that was originally charged as a violation of either
11 RCW 46.61.502 or 46.61.504, may be furnished to city attorneys,
12 county prosecuting attorneys, or the named individual's attorney of
13 record. City attorneys, county prosecuting attorneys, or the named
14 individual's attorney of record may provide the driving record to
15 alcohol/drug assessment or treatment agencies approved by the
16 department of social and health services to which the named
17 individual has applied or been assigned for evaluation or treatment.

18 (h) **State colleges, universities, or agencies, or units of local
19 government.** An abstract of the full driving record maintained by the
20 department may be furnished to (i) state colleges, universities, or
21 agencies for employment and risk management purposes or (ii) units of
22 local government authorized to self-insure under RCW 48.62.031, or
23 their agents, for employment and risk management purposes. The
24 director may enter into a contractual agreement with a unit of local
25 government, or its agent, for the purpose of reviewing the driving
26 records of existing employees for changes to the record during
27 specified periods of time. The department shall establish a fee for
28 this service, which must be deposited in the highway safety fund. The
29 fee for this service must be set at a level that will not result in a
30 net revenue loss to the state. Any information provided under this
31 subsection must be treated in the same manner and is subject to the
32 same restrictions as driving record abstracts. "Unit of local
33 government" includes an insurance pool established under RCW
34 48.62.031.

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

1 representative of the employing school district for employment and
2 risk 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
8 in the abstract to a third party.

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

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

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

18 (6) Effective July 1, 2019, the contents of a driving abstract
19 pursuant to this section shall not include any information related to
20 sealed juvenile records unless that information is required by
21 federal law or regulation.

Passed by the House March 8, 2019.
Passed by the Senate April 10, 2019.
Approved by the Governor April 23, 2019.
Filed in Office of Secretary of State April 24, 2019.

--- END ---