

HOUSE BILL REPORT

SB 5347

As Passed House:

April 7, 2023

Title: An act relating to access to abstract driving records.

Brief Description: Concerning access to abstract driving records.

Sponsors: Senators Wagoner, Pedersen, Dhingra, Kuderer and Wilson, C..

Brief History:

Committee Activity:

Transportation: 3/9/23, 3/16/23 [DP].

Floor Activity:

Passed House: 4/7/23, 96-0.

Brief Summary of Bill

- Removes the limitation on the abstract of a driver's record (ADR) provided to an alcohol and drug assessment or treatment agency.
- States that courts may not charge production and copying fees for ADRs of indigent persons.
- Permits probation officers and probation clerks employed by a court to provide an ADR to a treatment agency.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 29 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Orcutt, Ramel, Ramos, Schmidt, Taylor, Volz, Walsh and Wylie.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Staff: Michael Hirsch (786-7195).

Background:

Abstract Driving Record.

The Department of Licensing (DOL) maintains a driving record on every person licensed to operate a motor vehicle in Washington. The abstract of a driver's record (ADR) contains information relating to a person's driving record which include: (1) accident information; (2) driving status; and (3) information about traffic citations.

The DOL may only release an ADR to the following persons and uses: (1) the individual named in the abstract; (2) employers or prospective employers relating to driving as a condition of employment; (3) volunteer organizations where driving is required; (4) transit authorities for prospective volunteer vanpool drivers; (5) insurance carriers for an individual covering the period of not more than the last three years; (6) state colleges, universities, agencies or units of local government authorized to self-insure for employment and risk management purposes; (7) the Office of Superintendent of Public Instruction for school bus drivers; (8) city attorneys, county prosecuting attorneys, and defendant attorneys; (9) state and federal agencies to carry out their functions; (10) transportation network companies; (11) state agencies or scientific research organizations for research purposes; and (13) alcohol and drug assessment or treatment agencies approved by the Department of Health (DOH). Release of this information by these entities to third parties is prohibited. A negligent violation of restrictions on the use of an ADR is a gross misdemeanor and an intentional violation, which is a class C felony.

Courts.

Courts are authorized to provide a copy of the ADR to the individual named in the abstract or their attorney when the individual has a pending or open infraction or criminal case in that court, including cases on probation. A \$15 driver abstract fee charged by the DOL in some instances is not collected on ADRs provided to courts. Courts may charge a fee for the production and copying of the abstract for the individual.

For the purposes of a court proceeding, an indigent person is defined as an impoverished person who, at any stage of a court proceeding, is: (1) receiving one or several types of public assistance; (2) involuntarily committed to a public mental health facility; (3) receiving an annual net income of 125 percent or less of the current federally established poverty level; or (4) unable to pay any amount for the retention of counsel.

Alcohol or Drug Assessment or Treatment Agencies.

The DOL may provide an individual's ADR for a period not more than the last five years to an alcohol or drug assessment or treatment agency approved by the DOH to which the individual has applied or been assigned for evaluation or treatment. The abstract must include alcohol related offenses for a period not more than the last 10 years and indicate whether the alcohol related offense was originally charged as a violation of either driving

under the influence of liquor or any drug or the physical control of a vehicle under the influence of liquor or any drug.

Summary of Bill:

The DOL may furnish the full ADR to approved alcohol and drug assessment or treatment agencies. The abstract must include all alcohol-related offenses.

Probation officers and probation clerks employed by a court may provide a copy of an individual's ADR to an alcohol or drug assessment or treatment agency for an individual who has applied for assessment or treatment.

A court may not charge the fees charged for the production and copying of an ADR if the court finds that the individual is an indigent person.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill makes it easier for people who need help, to get help in recovery by removing an outdated artificial limit on the ADR sent by the DOL for people who need substance use evaluation. Having the complete ADR helps to tailor the substance abuse treatment program. Allowing probation clerks and probation officers to forward the ADR to treatment providers helps the process move faster. An indigent person would not incur a cost.

(Opposed) None.

Persons Testifying: Senator Keith Wagoner, prime sponsor; and Kevin Ringus, District and Municipal Court Judges Association.

Persons Signed In To Testify But Not Testifying: None.