HOUSE BILL REPORT
ESHB 1439

As Passed Legislature

Title: An act relating to modifying motor vehicle and driver licensing laws to align with federal definitions, making technical corrections, and streamlining requirements.

Brief Description: Modifying motor vehicle and driver licensing laws to align with federal definitions, making technical corrections, and streamlining requirements.

Sponsors: House Committee on Transportation (originally sponsored by Representatives Bernbaum, Abell, Donaghy, Reed and Tharinger; by request of Department of Licensing).

Brief History:

Committee Activity:

Transportation: 1/30/25, 2/6/25 [DPS].

Floor Activity:

Passed House: 3/4/25, 95-0.
Passed Senate: 3/26/25, 49-0.
Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Makes technical changes to various provisions of the Revised Code of Washington.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 27 members: Representatives Fey, Chair; Bernbaum, Vice Chair; Donaghy, Vice Chair; Reed, Vice Chair; Barkis, Ranking Minority Member; Low, Assistant Ranking Minority Member; Mendoza, Assistant Ranking Minority Member; Schmidt, Assistant Ranking Minority Member; Bronoske, Dent, Duerr, Entenman, Griffey, Hunt, Klicker, Ley, Nance, Orcutt, Paul, Ramel, Richards, Stuebe, Taylor, Timmons, Volz, Wylie and Zahn.

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: Sandy Myer (786-7140).

Background:

Vehicle/Vessel Disclosure.
The name or address of a vehicle owner may not be released by the Department of Licensing (DOL), county authority, and data recipient, agency or firm authorized under the DOL, except in certain circumstances.

One exception to the disclosure is a request for information by an attorney or private investigator in the normal course of conducting their business. It is required that the disclosing entity provide notice to the vehicle or vessel owner that the request has been granted. Within five days of receipt of the original notice, the vehicle or vessel owner may contact the disclosing entity for information regarding the requesting party. Unless the vehicle or vessel owner possesses a court order that restricts another person from contacting the owner, the disclosing entity may provide only the occupation of the requesting party. If the owner is in possession of such an order, the disclosing entity must provide the name and address of the requesting party.

Odometer Disclosure Requirements.
When a vehicle title is transferred, the transfer is accompanied by an odometer disclosure statement. The statement must include several pieces of information such as: (1) the mileage at the time of transfer; (2) the date of the transfer; (3) the transferor's and transferee's name, address, and signature; (4) information that identifies the vehicle; and (5) whether the mileage is actual or an estimate. There are multiple exemptions to the odometer disclosure requirement at the time of transfer, including a motor vehicle that is 10 years old or older.

In 2021 the National Highway Traffic Safety Administration implemented a federal law requiring odometer disclosures for every transfer of vehicle ownership for the first 20 years of the vehicle, beginning with model year 2011 vehicles.

Driver Improvement Interview and Formal Hearing.
When the DOL proposes to suspend or revoke a person's driver's license or to impose terms of probation on the use of the license, the DOL must provide the person the opportunity for a driver improvement interview. In the interview, the person meets with a driver improvement analyst, who serves as a referee. The person may present evidence or arguments for the consideration of the DOL pertinent to the proposed suspension, revocation, or probation, but the interview is not a legal proceeding. Once the driver improvement interview concludes, the DOL's improvement analyst issues a finding as to whether the suspension, revocation, or probation will proceed. The written findings are to be delivered by personal service or by certified mail to the person involved within 15 days. The person receiving the notice can then request a formal hearing within 10 days. In addition, for a driver deemed a habitual traffic offender, the DOL must notify the individual

in writing by certified mail of the revocation of that person's license. The driver may request in writing, a formal hearing within 15 days.

The DOL is responsible for scheduling a formal hearing upon receiving the request as early as can be arranged in the county in which the applicant or licensee resides, unless agreed to otherwise.

Commercial Driver's Record Information.
To operate a commercial motor vehicle in Washington, a person must hold a Commercial Driver's License (CDL) or a Commercial Learner's Permit (CLP) issued by the DOL with the applicable endorsements for the vehicle that is being driven. Before issuing a CDL or a CLP, the DOL is required to obtain driving record information:

- through the CDL License Information System (CDLIS);
- through the National Driver Register;
- from the current state of Record; and
- from all states that the applicant was licensed in the last 10 years.

Within 10 days of issuing a CDL or CLP, the DOL must enter required driving record information in the CDLIS. The CDLIS is a nationwide computer system that ensures that each commercial driver has only one driver's license and one complete driving record.

Federal law prohibits states from taking an action, such as the deferral of imposition of judgment or the authorizing of an individual to enter a diversion program, that would prevent a CDL holder's conviction for any violation of a traffic law from appearing on the driving record. Such an action is known as "masking."

Washington law requires courts to report most types of diversions and alternative dispositions relating to traffic laws as traffic convictions.

Driver Record Abstract Fee.
The DOL is required to provide a driver's driving record abstract to certain entities for specified purposes and collect a fee, which is codified in two different statutes. In 2022 the Legislature increased the fee by $2 in one of the statutes, with the increment deposited to a new account, but did not increase the fee in the other.

Foreign Organization and Honorary Consul License Plates.
The DOL issues special vehicle license plates that may be used in lieu of standard plates. An honorary consul or office representative of any foreign government may apply for a special license plate for a motor vehicle owned or leased by the honorary consul or official representative. In addition, an officer of the Taipei Economic and Cultural Office may apply for a special license plate for a vehicle owned or leased by the officer.

In July 2024 the United States Office of Foreign Missions issued a directive to the DOL to cease issuing special license plates to honorary consulars or foreign office representatives.

Summary of Engrossed Substitute Bill:

Vehicle/Vessel Disclosure.
The requirement for a vehicle or vessel owner to respond to the disclosing entity within five days to obtain the occupation of the requesting party is eliminated, and the disclosing entity is required to send the occupational information with the original notice to the owner. All inquiries from a vehicle or vessel owner without a court order will be processed as a Public Records Request, effective October 1, 2025.

Odometer Disclosure Requirements.
The exemption of vehicles from the odometer disclosure requirement is modified to apply to a motor vehicle with a model year of 2010 or older, effective October 1, 2025. The exemption from odometer disclosure requirements applies to a vehicle that is 20 years or older, effective January 1, 2031.

Driver Improvement Interview and Hearing.
The DOL may notify a person by electronic means whose proposed driver's license is to be suspended, revoked, or subjected to probation of the opportunity to request a formal hearing. With the concurrence of the applicant or the licensee, a hearing may be conducted in person in the county where the applicant or licensee resides or remotely.

Commercial Driver's Record Information.
Every district court, municipal court, and clerk of the superior court is required to report a traffic conviction of a CDL or CLP holder in the CDLIS. No action may be taken to defer imposition of judgement, or allow entry into a diversion or alternative disposition program.

Driver Record Abstract Fee.
The provisions relating to the driver record abstract fee are made consistent with the changes enacted in 2022.

Foreign Organization and Honorary Consul License Plates.
The authority for an officer of the Taipei Economic and Cultural Office or an honorary consult or office representative of any foreign government to apply for a special license plate is repealed, effective October 1, 2025.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains multiple effective dates. Please see the bill.

Staff Summary of Public Testimony:

(In support) This bill is cleaning up technical changes that are needed by the DOL. The

DOL keeps tabs on federal laws and this bill is a reflection of current law changes. The bill aligns areas where Washington is out of line with federal laws.

(Opposed) None.

Persons Testifying: Representative Adam Bernbaum, prime sponsor; and Alejandro Sanchez, Department of Licensing.

Persons Signed In To Testify But Not Testifying: None.