SENATE BILL REPORT
ESHB 1439

As Passed Senate, March 26, 2025

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: Passed House: 3/4/25, 95-0.
Committee Activity: Transportation: 3/17/25 [DP].
Floor Activity: Passed Senate: 3/26/25, 49-0.

Brief Summary of Bill

- Modifies the timeline and process for written notices to a vehicle or vessel owner when their vehicle record was requested by a private investigator or attorney.
- Aligns odometer disclosure requirements at time of transfer of ownership of a vehicle with federal change.
- Specifies that no court may mask or otherwise defer imposition of a violation that would prevent a Commercial Driver License and Commercial Learners Permit holder's conviction from appearing on the driving record.
- Repeals the authority to issue honorary consul and foreign organization special license plates based on a a federal directive.
- Makes other changes to align with current practices and correct drafting errors.

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.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Liias, Chair; Lovick, Vice Chair; Ramos, Vice Chair; King, Ranking Member; Goehner, Assistant Ranking Member; Alvarado, Chapman, Christian, Cortes, Fortunato, Harris, Holy, Krishnadasan, Lovelett, MacEwen, Nobles, Shewmake, Valdez and Wilson, J..

Staff: Bryon Moore (786-7726)

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

One of the exceptions for the non-disclosure of a vehicle or vessel record relates to 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 a court 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, and whether it exceeds the mechanical limits of the odometer.

There are multiple exemptions to the odometer disclosure requirement at the time of transfer, including a motor vehicle that is ten 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 & Formal Hearing. When DOL proposes to suspend or revoke a person's driver's license or to impose terms of probation on the use of the license, 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, DOL's improvement analyst issues a finding as to whether the suspension, revocation, or probation will proceed. The written findings are required to be delivered by personal service or certified mail to the person involved within 15 days. The driver then has ten days to request a formal hearing. In addition, for a driver deemed a habitual traffic offender, DOL must notify the individual in writing by certified mail of the revocation of that person's license. The driver may request a formal hearing by submitting a written request within 15 days.

Unless agreed to otherwise, 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.

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) with the applicable endorsements for the vehicle that is being driven. Before issuing a CDL or a CLP, DOL is required to obtain driving record information from the following sources:

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

Within ten days of issuing a CDL or CLP, DOL must enter required driving record information in the federal 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. This is sometimes referred to 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. DOL is required to provide a driver's driving record abstract to certain entities for specified purposes. The driver record abstract fee is codified in two different statutes. In 2022, as part of the Move Ahead transportation package, the Legislature increased the fee by $2 in one of the statutes, but not the other. Therefore, the fee is $15 in one statute and $13 in the other.

Foreign Organization and Honorary Consul License Plates. 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. 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 individual states to cease the issuance of special license plates to honorary consular or foreign office representatives.

Summary of Bill: Vehicle or 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 instead the disclosing entity will 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.

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 until 2031, and then to a vehicle that is 20 years or older in 2031.

Driver Improvement Interview and Hearing. DOL may notify a person subject to potential driver's license suspension, revocation, or probation of the opportunity to request a formal hearing by electronic means. A hearing, if requested, may be conducted remotely. With the concurrence of the applicant or the licensee, a hearing may also be conducted in person in the county where the applicant or licensee resides.

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 to allow entering of that information in the federal 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 $2 increase in the driver record abstract fee is made consistent between the two statutes where the fee is codified.

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.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: No public hearing was held.

Persons Testifying: N/A

Persons Signed In To Testify But Not Testifying: N/A