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HOUSE BILL 2230

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Murray, Cooper, Wallace, Clibborn, Rockefeller, Simpson, Hudgins and Hankins

Read first time 03/26/2003. Referred to Committee on Transportation.

1 AN ACT Relating to deposit of fees into the multimodal  
2 transportation account; amending RCW 46.16.071, 46.20.293, and  
3 46.29.050; reenacting and amending RCW 46.52.130; providing an  
4 effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 46.16.071 and 1996 c 315 s 4 are each amended to read  
7 as follows:

8 (1) In addition to the fees set forth in RCW 46.16.070, there shall  
9 be paid and collected annually upon registration, a fee of one dollar  
10 for each truck, motor truck, truck tractor, road tractor, tractor, bus,  
11 auto stage, or for hire vehicle with seating capacity of more than six,  
12 notwithstanding the provisions of RCW 46.16.070.

13 (2) In addition to the fees set forth in RCW 46.16.085, there shall  
14 be paid and collected annually upon registration, a fee of one dollar  
15 for each trailer, semitrailer, and pole trailer, notwithstanding the  
16 provisions of RCW 46.16.085.

17 (3) The proceeds from the fees collected under subsections (1) and  
18 (2) of this section shall be deposited into the (~~highway safety fund~~)  
19 multimodal transportation account, except that for each vehicle

1 registered by a county auditor or agent to a county auditor under RCW  
2 46.01.140, the proceeds shall be credited to the current county expense  
3 fund.

4 **Sec. 2.** RCW 46.20.293 and 2002 c 352 s 15 are each amended to read  
5 as follows:

6 The department is authorized to provide juvenile courts with the  
7 department's record of traffic charges compiled under RCW 46.52.101 and  
8 13.50.200, against any minor upon the request of any state juvenile  
9 court or duly authorized officer of any juvenile court of this state.  
10 Further, the department is authorized to provide any juvenile court  
11 with any requested service which the department can reasonably perform  
12 which is not inconsistent with its legal authority which substantially  
13 aids juvenile courts in handling traffic cases and which promotes  
14 highway safety.

15 The department is authorized to furnish to the parent, parents, or  
16 guardian of any person under eighteen years of age who is not  
17 emancipated from such parent, parents, or guardian, the department  
18 records of traffic charges compiled against the person and shall  
19 collect for the copy a fee of five dollars (~~to be~~). Twenty-six  
20 percent of this fee must be deposited in the multimodal transportation  
21 account and the remainder deposited in the highway safety fund.

22 **Sec. 3.** RCW 46.29.050 and 2002 c 352 s 19 are each amended to read  
23 as follows:

24 (1) The department shall upon request furnish any person or his  
25 attorney a certified abstract of his driving record, which abstract  
26 shall include enumeration of any motor vehicle accidents in which such  
27 person has been involved. Such abstract shall (a) indicate the total  
28 number of vehicles involved, whether the vehicles were legally parked  
29 or moving, and whether the vehicles were occupied at the time of the  
30 accident; and (b) contain reference to any convictions of the person  
31 for violation of the motor vehicle laws as reported to the department,  
32 reference to any findings that the person has committed a traffic  
33 infraction which have been reported to the department, and a record of  
34 any vehicles registered in the name of the person. The department  
35 shall collect for each abstract the sum of five dollars(~~, which shall~~

1 be)). Twenty-six percent of this fee must be deposited in the  
2 multimodal transportation account and the remainder deposited in the  
3 highway safety fund.

4 (2) The department shall upon request furnish any person who may  
5 have been injured in person or property by any motor vehicle, with an  
6 abstract of all information of record in the department pertaining to  
7 the evidence of the ability of any driver or owner of any motor vehicle  
8 to respond in damages. The department shall collect for each abstract  
9 the sum of five dollars, which shall be deposited in the highway safety  
10 fund.

11 **Sec. 4.** RCW 46.52.130 and 2002 c 352 s 20 and 2002 c 221 s 1 are  
12 each reenacted and amended to read as follows:

13 (1) A certified abstract of the driving record shall be furnished  
14 only to:

15 (a) The individual named in the abstract;

16 (b) An employer or prospective employer or an agent acting on  
17 behalf of an employer or prospective employer;

18 (c) An employee or agent of a transit authority checking  
19 prospective volunteer vanpool drivers for insurance and risk management  
20 needs;

21 (d) The insurance carrier that has insurance in effect covering the  
22 employer or a prospective employer;

23 (e) The insurance carrier that has motor vehicle or life insurance  
24 in effect covering the named individual;

25 (f) The insurance carrier to which the named individual has  
26 applied;

27 (g) An alcohol/drug assessment or treatment agency approved by the  
28 department of social and health services, to which the named individual  
29 has applied or been assigned for evaluation or treatment; or

30 (h) City and county prosecuting attorneys.

31 (2) City attorneys and county prosecuting attorneys may provide the  
32 driving record to alcohol/drug assessment or treatment agencies  
33 approved by the department of social and health services to which the  
34 named individual has applied or been assigned for evaluation or  
35 treatment.

36 (3) The director, upon proper request, shall furnish a certified

1 abstract covering the period of not more than the last three years to  
2 insurance companies.

3 (4) Upon proper request, the director shall furnish a certified  
4 abstract covering a period of not more than the last five years to  
5 state approved alcohol/drug assessment or treatment agencies, except  
6 that the certified abstract shall also include records of alcohol-  
7 related offenses as defined in RCW 46.01.260(2) covering a period of  
8 not more than the last ten years.

9 (5) Upon proper request, a certified abstract of the full driving  
10 record maintained by the department shall be furnished to a city or  
11 county prosecuting attorney, to the individual named in the abstract,  
12 to an employer or prospective employer or an agent acting on behalf of  
13 an employer or prospective employer of the named individual, or to an  
14 employee or agent of a transit authority checking prospective volunteer  
15 vanpool drivers for insurance and risk management needs.

16 (6) The abstract, whenever possible, shall include:

17 (a) An enumeration of motor vehicle accidents in which the person  
18 was driving;

19 (b) The total number of vehicles involved;

20 (c) Whether the vehicles were legally parked or moving;

21 (d) Whether the vehicles were occupied at the time of the accident;

22 (e) Whether the accident resulted in any fatality;

23 (f) Any reported convictions, forfeitures of bail, or findings that  
24 an infraction was committed based upon a violation of any motor vehicle  
25 law;

26 (g) The status of the person's driving privilege in this state; and

27 (h) Any reports of failure to appear in response to a traffic  
28 citation or failure to respond to a notice of infraction served upon  
29 the named individual by an arresting officer.

30 (7) Certified abstracts furnished to prosecutors and alcohol/drug  
31 assessment or treatment agencies shall also indicate whether a recorded  
32 violation is an alcohol-related offense as defined in RCW 46.01.260(2)  
33 that was originally charged as one of the alcohol-related offenses  
34 designated in RCW 46.01.260(2)(b)(i).

35 (8) The abstract provided to the insurance company shall exclude  
36 any information, except that related to the commission of misdemeanors  
37 or felonies by the individual, pertaining to law enforcement officers  
38 or fire fighters as defined in RCW 41.26.030, or any officer of the

1 Washington state patrol, while driving official vehicles in the  
2 performance of occupational duty. The abstract provided to the  
3 insurance company shall include convictions for RCW 46.61.5249 and  
4 46.61.525 except that the abstract shall report them only as negligent  
5 driving without reference to whether they are for first or second  
6 degree negligent driving. The abstract provided to the insurance  
7 company shall exclude any deferred prosecution under RCW 10.05.060,  
8 except that if a person is removed from a deferred prosecution under  
9 RCW 10.05.090, the abstract shall show the deferred prosecution as well  
10 as the removal.

11 (9) The director shall collect for each abstract the sum of five  
12 dollars(~~(, which shall be)~~). Twenty-six percent of this fee must be  
13 deposited in the multimodal transportation account and the remainder  
14 deposited in the highway safety fund.

15 (10) Any insurance company or its agent receiving the certified  
16 abstract shall use it exclusively for its own underwriting purposes and  
17 shall not divulge any of the information contained in it to a third  
18 party. No policy of insurance may be canceled, nonrenewed, denied, or  
19 have the rate increased on the basis of such information unless the  
20 policyholder was determined to be at fault. No insurance company or  
21 its agent for underwriting purposes relating to the operation of  
22 commercial motor vehicles may use any information contained in the  
23 abstract relative to any person's operation of motor vehicles while not  
24 engaged in such employment, nor may any insurance company or its agent  
25 for underwriting purposes relating to the operation of noncommercial  
26 motor vehicles use any information contained in the abstract relative  
27 to any person's operation of commercial motor vehicles.

28 (11) Any employer or prospective employer or an agent acting on  
29 behalf of an employer or prospective employer receiving the certified  
30 abstract shall use it exclusively for his or her own purpose to  
31 determine whether the licensee should be permitted to operate a  
32 commercial vehicle or school bus upon the public highways of this state  
33 and shall not divulge any information contained in it to a third party.

34 (12) Any employee or agent of a transit authority receiving a  
35 certified abstract for its vanpool program shall use it exclusively for  
36 determining whether the volunteer licensee meets those insurance and  
37 risk management requirements necessary to drive a vanpool vehicle. The

1 transit authority may not divulge any information contained in the  
2 abstract to a third party.

3 (13) Any alcohol/drug assessment or treatment agency approved by  
4 the department of social and health services receiving the certified  
5 abstract shall use it exclusively for the purpose of assisting its  
6 employees in making a determination as to what level of treatment, if  
7 any, is appropriate. The agency, or any of its employees, shall not  
8 divulge any information contained in the abstract to a third party.

9 (14) Release of a certified abstract of the driving record of an  
10 employee or prospective employee requires a statement signed by: (a)  
11 The employee or prospective employee that authorizes the release of the  
12 record, and (b) the employer attesting that the information is  
13 necessary to determine whether the licensee should be employed to  
14 operate a commercial vehicle or school bus upon the public highways of  
15 this state. If the employer or prospective employer authorizes an  
16 agent to obtain this information on their behalf, this must be noted in  
17 the statement.

18 (15) Any negligent violation of this section is a gross  
19 misdemeanor.

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

21 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and takes effect  
24 July 1, 2003.

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