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**SUBSTITUTE HOUSE BILL 1697**

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**State of Washington                      63rd Legislature                      2013 Regular Session**

**By** House Government Operations & Elections (originally sponsored by Representative Hunt)

READ FIRST TIME 02/22/13.

1            AN ACT Relating to exempting from disclosure and copying valuable  
2 commercial information in records pertaining to solid waste collection  
3 companies in possession of the Washington utilities and transportation  
4 commission; amending RCW 42.56.330; and adding a new section to chapter  
5 81.77 RCW.

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

7            NEW SECTION.    **Sec. 1.** A new section is added to chapter 81.77 RCW  
8 to read as follows:

9            The following records that solid waste collection companies file  
10 with the commission under the authority granted by this chapter and  
11 chapters 81.04 and 81.16 RCW, and that the commission uses for  
12 reviewing the rates of solid waste collection companies, are exempt  
13 from disclosure under the public records act, chapter 42.56 RCW:

14            (1) Records of activities that are not subject to commission rate  
15 regulation; and

16            (2) Records of affiliated interests, as defined in RCW 81.16.010.

17            **Sec. 2.** RCW 42.56.330 and 2012 c 68 s 4 are each amended to read  
18 as follows:

1 The following information relating to public utilities and  
2 transportation is exempt from disclosure under this chapter:

3 (1) Records filed with the utilities and transportation commission  
4 or attorney general under RCW 80.04.095 that a court has determined are  
5 confidential under RCW 80.04.095;

6 (2) The residential addresses and residential telephone numbers of  
7 the customers of a public utility contained in the records or lists  
8 held by the public utility of which they are customers, except that  
9 this information may be released to the division of child support or  
10 the agency or firm providing child support enforcement for another  
11 state under Title IV-D of the federal social security act, for the  
12 establishment, enforcement, or modification of a support order;

13 (3) The names, residential addresses, residential telephone  
14 numbers, and other individually identifiable records held by an agency  
15 in relation to a vanpool, carpool, or other ride-sharing program or  
16 service; however, these records may be disclosed to other persons who  
17 apply for ride-matching services and who need that information in order  
18 to identify potential riders or drivers with whom to share rides;

19 (4) The personally identifying information of current or former  
20 participants or applicants in a paratransit or other transit service  
21 operated for the benefit of persons with disabilities or elderly  
22 persons;

23 (5) The personally identifying information of persons who acquire  
24 and use transit passes or other fare payment media including, but not  
25 limited to, stored value smart cards and magnetic strip cards, except  
26 that an agency may disclose personally identifying information to a  
27 person, employer, educational institution, or other entity that is  
28 responsible, in whole or in part, for payment of the cost of acquiring  
29 or using a transit pass or other fare payment media for the purpose of  
30 preventing fraud, or to the news media when reporting on public  
31 transportation or public safety. As used in this subsection,  
32 "personally identifying information" includes acquisition or use  
33 information pertaining to a specific, individual transit pass or fare  
34 payment media.

35 (a) Information regarding the acquisition or use of transit passes  
36 or fare payment media may be disclosed in aggregate form if the data  
37 does not contain any personally identifying information.

1 (b) Personally identifying information may be released to law  
2 enforcement agencies if the request is accompanied by a court order;

3 (6) Any information obtained by governmental agencies that is  
4 collected by the use of a motor carrier intelligent transportation  
5 system or any comparable information equipment attached to a truck,  
6 tractor, or trailer; however, the information may be given to other  
7 governmental agencies or the owners of the truck, tractor, or trailer  
8 from which the information is obtained. As used in this subsection,  
9 "motor carrier" has the same definition as provided in RCW 81.80.010;

10 (7) The personally identifying information of persons who acquire  
11 and use transponders or other technology to facilitate payment of  
12 tolls. This information may be disclosed in aggregate form as long as  
13 the data does not contain any personally identifying information. For  
14 these purposes aggregate data may include the census tract of the  
15 account holder as long as any individual personally identifying  
16 information is not released. Personally identifying information may be  
17 released to law enforcement agencies only for toll enforcement  
18 purposes. Personally identifying information may be released to law  
19 enforcement agencies for other purposes only if the request is  
20 accompanied by a court order; (~~and~~)

21 (8) The personally identifying information of persons who acquire  
22 and use a driver's license or identicard that includes a radio  
23 frequency identification chip or similar technology to facilitate  
24 border crossing. This information may be disclosed in aggregate form  
25 as long as the data does not contain any personally identifying  
26 information. Personally identifying information may be released to law  
27 enforcement agencies only for United States customs and border  
28 protection enforcement purposes. Personally identifying information  
29 may be released to law enforcement agencies for other purposes only if  
30 the request is accompanied by a court order; and

31 (9) Records filed with the utilities and transportation commission  
32 by a solid waste collection company in the context of a tariff filing  
33 under chapter 81.04, 81.06, or 81.77 RCW, when such documents:

34 (a) Concern activities of the solid waste collection company that  
35 are not subject to rate regulation by the commission; or

36 (b) Are documents of affiliated interests.

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