
SENATE BILL 5343

State of Washington

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2017 Regular Session

By Senators Warnick and Takko

1 AN ACT Relating to notice sent by and certain release of
2 information affecting registered tow truck operators; and amending
3 RCW 46.55.110 and 46.52.130.

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

5 **Sec. 1.** RCW 46.55.110 and 2002 c 279 s 11 are each amended to
6 read as follows:

7 (1) When an unauthorized vehicle is impounded, the impounding
8 towing operator shall notify the legal and registered owners of the
9 impoundment of the unauthorized vehicle and the owners of any other
10 items of personal property registered or titled with the department.
11 The notification shall be sent by first-class mail within twenty-four
12 hours after the impoundment to the last known registered and legal
13 owners of the vehicle, and the owners of any other items of personal
14 property registered or titled with the department, as provided by the
15 law enforcement agency, and shall inform the owners of the identity
16 of the person or agency authorizing the impound. The notification
17 shall include the name of the impounding tow firm, its address, and
18 telephone number. The notice shall also include the location, time of
19 the impound, and by whose authority the vehicle was impounded. The
20 notice shall also include the written notice of the right of

1 redemption and opportunity for a hearing to contest the validity of
2 the impoundment pursuant to RCW 46.55.120.

3 (2) In addition, if a suspended license impound has been ordered,
4 the notice must state the length of the impound, the requirement of
5 the posting of a security deposit to ensure payment of the costs of
6 removal, towing, and storage, notification that if the security
7 deposit is not posted the vehicle will immediately be processed and
8 sold at auction as an abandoned vehicle, and the requirements set out
9 in RCW 46.55.120(1)((~~b~~)) (c) regarding the payment of the costs of
10 removal, towing, and storage as well as providing proof of
11 satisfaction of any penalties, fines, or forfeitures before
12 redemption. The notice must also state that the registered owner is
13 ineligible to purchase the vehicle at the abandoned vehicle auction,
14 if held.

15 (3) In the case of an abandoned vehicle, or other item of
16 personal property registered or titled with the department, within
17 twenty-four hours after receiving information on the legal and
18 registered owners from the department through the abandoned vehicle
19 report, the tow truck operator shall send by ((~~certified~~)) first-
20 class mail((~~, with return receipt requested,~~)) a notice of custody
21 and sale to the legal and registered owners and of the penalties for
22 the traffic infraction littering—abandoned vehicle.

23 (4) If the date on which a notice required by subsection (3) of
24 this section is to be mailed falls upon a Saturday, Sunday, or a
25 postal holiday, the notice may be mailed on the next day that is
26 neither a Saturday, Sunday, nor a postal holiday.

27 (5) No notices need be sent to the legal or registered owners of
28 an impounded vehicle or other item of personal property registered or
29 titled with the department, if the vehicle or personal property has
30 been redeemed.

31 **Sec. 2.** RCW 46.52.130 and 2015 2nd sp.s. c 3 s 12 are each
32 amended to read as follows:

33 Upon a proper request, the department may furnish an abstract of
34 a person's driving record as permitted under this section.

35 (1) **Contents of abstract of driving record.** An abstract of a
36 person's driving record, whenever possible, must include:

37 (a) An enumeration of motor vehicle accidents in which the person
38 was driving, including:

39 (i) The total number of vehicles involved;

- 1 (ii) Whether the vehicles were legally parked or moving;
2 (iii) Whether the vehicles were occupied at the time of the
3 accident; and
4 (iv) Whether the accident resulted in a fatality;
5 (b) Any reported convictions, forfeitures of bail, or findings
6 that an infraction was committed based upon a violation of any motor
7 vehicle law;
8 (c) The status of the person's driving privilege in this state;
9 and
10 (d) Any reports of failure to appear in response to a traffic
11 citation or failure to respond to a notice of infraction served upon
12 the named individual by an arresting officer.

13 (2) **Release of abstract of driving record.** An abstract of a
14 person's driving record may be furnished to the following persons or
15 entities:

16 (a) **Named individuals.** (i) An abstract of the full driving record
17 maintained by the department may be furnished to the individual named
18 in the abstract.

19 (ii) Nothing in this section prevents a court from providing a
20 copy of the driver's abstract to the individual named in the abstract
21 or that named individual's attorney, provided that the named
22 individual has a pending or open infraction or criminal case in that
23 court. A pending case includes criminal cases that have not reached a
24 disposition by plea, stipulation, trial, or amended charge. An open
25 infraction or criminal case includes cases on probation, payment
26 agreement or subject to, or in collections. Courts may charge a
27 reasonable fee for the production and copying of the abstract for the
28 individual.

29 (b) **Employers or prospective employers.** (i)(A) An abstract of the
30 full driving record maintained by the department may be furnished to
31 an employer or prospective employer or an agent acting on behalf of
32 an employer or prospective employer of the named individual for
33 purposes related to driving by the individual as a condition of
34 employment or otherwise at the direction of the employer.

35 (B) Release of an abstract of the driving record of an employee
36 or prospective employee requires a statement signed by: (I) The
37 employee or prospective employee that authorizes the release of the
38 record; and (II) the employer attesting that the information is
39 necessary for employment purposes related to driving by the
40 individual as a condition of employment or otherwise at the direction

1 of the employer. If the employer or prospective employer authorizes
2 an agent to obtain this information on their behalf, this must be
3 noted in the statement. The statement must also note that any
4 information contained in the abstract related to an adjudication that
5 is subject to a court order sealing the juvenile record of an
6 employee or prospective employee may not be used by the employer or
7 prospective employer, or an agent authorized to obtain this
8 information on their behalf, unless required by federal regulation or
9 law. The employer or prospective employer must afford the employee or
10 prospective employee an opportunity to demonstrate that an
11 adjudication contained in the abstract is subject to a court order
12 sealing the juvenile record.

13 (C) Upon request of the person named in the abstract provided
14 under this subsection, and upon that same person furnishing copies of
15 court records ruling that the person was not at fault in a motor
16 vehicle accident, the department must indicate on any abstract
17 provided under this subsection that the person was not at fault in
18 the motor vehicle accident.

19 (D) No employer or prospective employer, nor any agent of an
20 employer or prospective employer, may use information contained in
21 the abstract related to an adjudication that is subject to a court
22 order sealing the juvenile record of an employee or prospective
23 employee for any purpose unless required by federal regulation or
24 law. The employee or prospective employee must furnish a copy of the
25 court order sealing the juvenile record to the employer or
26 prospective employer, or the agent of the employer or prospective
27 employer, as may be required to ensure the application of this
28 subsection.

29 (ii) In addition to the methods described in (b)(i) of this
30 subsection, the director may enter into a contractual agreement with
31 an employer or its agent for the purpose of reviewing the driving
32 records of existing employees for changes to the record during
33 specified periods of time. The department shall establish a fee for
34 this service, which must be deposited in the highway safety fund. The
35 fee for this service must be set at a level that will not result in a
36 net revenue loss to the state. Any information provided under this
37 subsection must be treated in the same manner and is subject to the
38 same restrictions as driving record abstracts.

39 (c) **Volunteer organizations.** (i) An abstract of the full driving
40 record maintained by the department may be furnished to a volunteer

1 organization or an agent for a volunteer organization for which the
2 named individual has submitted an application for a position that
3 would require driving by the individual at the direction of the
4 volunteer organization.

5 (ii) Release of an abstract of the driving record of a
6 prospective volunteer requires a statement signed by: (A) The
7 prospective volunteer that authorizes the release of the record; and
8 (B) the volunteer organization attesting that the information is
9 necessary for purposes related to driving by the individual at the
10 direction of the volunteer organization. If the volunteer
11 organization authorizes an agent to obtain this information on their
12 behalf, this must be noted in the statement.

13 (d) **Transit authorities.** An abstract of the full driving record
14 maintained by the department may be furnished to an employee or agent
15 of a transit authority checking prospective volunteer vanpool drivers
16 for insurance and risk management needs.

17 (e) **Insurance carriers.** (i) An abstract of the driving record
18 maintained by the department covering the period of not more than the
19 last three years may be furnished to an insurance company or its
20 agent:

21 (A) That has motor vehicle or life insurance in effect covering
22 the named individual;

23 (B) To which the named individual has applied; or

24 (C) That has insurance in effect covering the employer or a
25 prospective employer of the named individual.

26 (ii) The abstract provided to the insurance company must:

27 (A) Not contain any information related to actions committed by
28 law enforcement officers or firefighters, as both terms are defined
29 in RCW 41.26.030, or by Washington state patrol officers, while
30 driving official vehicles in the performance of their occupational
31 duty, or by registered tow truck operators as defined in RCW
32 46.55.010 in the performance of their occupational duties. This does
33 not apply to any situation where the vehicle was used in the
34 commission of a misdemeanor or felony;

35 (B) Include convictions under RCW 46.61.5249 and 46.61.525,
36 except that the abstract must report the convictions only as
37 negligent driving without reference to whether they are for first or
38 second degree negligent driving; and

39 (C) Exclude any deferred prosecution under RCW 10.05.060, except
40 that if a person is removed from a deferred prosecution under RCW

1 10.05.090, the abstract must show the deferred prosecution as well as
2 the removal.

3 (iii) Any policy of insurance may not be canceled, nonrenewed,
4 denied, or have the rate increased on the basis of information
5 regarding an accident included in the abstract of a driving record,
6 unless the policyholder was determined to be at fault.

7 (iv) Any insurance company or its agent, for underwriting
8 purposes relating to the operation of commercial motor vehicles, may
9 not use any information contained in the abstract relative to any
10 person's operation of motor vehicles while not engaged in such
11 employment. Any insurance company or its agent, for underwriting
12 purposes relating to the operation of noncommercial motor vehicles,
13 may not use any information contained in the abstract relative to any
14 person's operation of commercial motor vehicles.

15 (v) The director may enter into a contractual agreement with an
16 insurance company or its agent for the limited purpose of reviewing
17 the driving records of existing policyholders for changes to the
18 record during specified periods of time. The department shall
19 establish a fee for this service, which must be deposited in the
20 highway safety fund. The fee for this service must be set at a level
21 that will not result in a net revenue loss to the state. Any
22 information provided under this subsection must be treated in the
23 same manner and is subject to the same restrictions as driving record
24 abstracts.

25 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
26 the driving record maintained by the department covering the period
27 of not more than the last five years may be furnished to an alcohol/
28 drug assessment or treatment agency approved by the department of
29 social and health services to which the named individual has applied
30 or been assigned for evaluation or treatment, for purposes of
31 assisting employees in making a determination as to what level of
32 treatment, if any, is appropriate, except that the abstract must:

33 (i) Also include records of alcohol-related offenses, as defined
34 in RCW 46.01.260(2), covering a period of not more than the last ten
35 years; and

36 (ii) Indicate whether an alcohol-related offense was originally
37 charged as a violation of either RCW 46.61.502 or 46.61.504.

38 (g) **Attorneys—City attorneys, county prosecuting attorneys, and**
39 **named individual's attorney of record.** An abstract of the full
40 driving record maintained by the department, including whether a

1 recorded violation is an alcohol-related offense, as defined in RCW
2 46.01.260(2), that was originally charged as a violation of either
3 RCW 46.61.502 or 46.61.504, may be furnished to city attorneys,
4 county prosecuting attorneys, or the named individual's attorney of
5 record. City attorneys, county prosecuting attorneys, or the named
6 individual's attorney of record may provide the driving record to
7 alcohol/drug assessment or treatment agencies approved by the
8 department of social and health services to which the named
9 individual has applied or been assigned for evaluation or treatment.

10 (h) **State colleges, universities, or agencies, or units of local**
11 **government.** An abstract of the full driving record maintained by the
12 department may be furnished to (i) state colleges, universities, or
13 agencies for employment and risk management purposes or (ii) units of
14 local government authorized to self-insure under RCW 48.62.031 for
15 employment and risk management purposes.

16 (i) **Superintendent of public instruction.** An abstract of the full
17 driving record maintained by the department may be furnished to the
18 superintendent of public instruction for review of public school bus
19 driver records. The superintendent or superintendent's designee may
20 discuss information on the driving record with an authorized
21 representative of the employing school district for employment and
22 risk management purposes.

23 (3) **Release to third parties prohibited.** Any person or entity
24 receiving an abstract of a person's driving record under subsection
25 (2)(b) through (i) of this section shall use the abstract exclusively
26 for his, her, or its own purposes or as otherwise expressly permitted
27 under this section, and shall not divulge any information contained
28 in the abstract to a third party.

29 (4) **Fee.** The director shall collect a thirteen dollar fee for
30 each abstract of a person's driving record furnished by the
31 department. Fifty percent of the fee must be deposited in the highway
32 safety fund, and fifty percent of the fee must be deposited according
33 to RCW 46.68.038.

34 (5) **Violation.** (a) Any negligent violation of this section is a
35 gross misdemeanor.

36 (b) Any intentional violation of this section is a class C
37 felony.

38 (6) Effective July 1, 2019, the contents of a driving abstract
39 pursuant to this section shall not include any information related to

1 sealed juvenile records unless that information is required by
2 federal law or regulation.

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