

CERTIFICATION OF ENROLLMENT

**SENATE BILL 5347**

68th Legislature  
2023 Regular Session

Passed by the Senate February 22,  
2023

Yeas 49 Nays 0

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**President of the Senate**

Passed by the House April 7, 2023

Yeas 96 Nays 0

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**Speaker of the House of  
Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5347** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SENATE BILL 5347**

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Passed Legislature - 2023 Regular Session

**State of Washington**                      **68th Legislature**                      **2023 Regular Session**

**By** Senators Wagoner, Pedersen, Dhingra, Kuderer, and C. Wilson

Read first time 01/12/23. Referred to Committee on Law & Justice.

1            AN ACT Relating to access to abstract driving records; and  
2 amending RCW 46.52.130.

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

4            **Sec. 1.** RCW 46.52.130 and 2022 c 182 s 206 are each amended to  
5 read as follows:

6            Upon a proper request, the department may only furnish  
7 information contained in an abstract of a person's driving record as  
8 permitted under this section.

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

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

13            (i) The total number of vehicles involved;

14            (ii) Whether the vehicles were legally parked or moving;

15            (iii) Whether the vehicles were occupied at the time of the  
16 accident; and

17            (iv) Whether the accident resulted in a fatality;

18            (b) Any reported convictions, forfeitures of bail, or findings  
19 that an infraction was committed based upon a violation of any motor  
20 vehicle law;

1 (c) The status of the person's driving privilege in this state;  
2 and

3 (d) Any reports of failure to appear in response to a traffic  
4 citation or failure to respond to a notice of infraction served upon  
5 the named individual by an arresting officer.

6 (2) **Release of abstract of driving record.** Unless otherwise  
7 required in this section, the release of an abstract does not require  
8 a signed statement by the subject of the abstract. An abstract of a  
9 person's driving record may be furnished to the following persons or  
10 entities:

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

14 (ii) Nothing in this section prevents a court from providing a  
15 copy of the driver's abstract to the individual named in the abstract  
16 or that named individual's attorney, provided that the named  
17 individual has a pending or open infraction or criminal case in that  
18 court. A pending case includes criminal cases that have not reached a  
19 disposition by plea, stipulation, trial, or amended charge. An open  
20 infraction or criminal case includes cases on probation, payment  
21 agreement or subject to, or in collections. A probation clerk or  
22 probation officer employed by the court may also provide a copy of  
23 the driver's abstract to a treatment agency in accordance with (f) of  
24 this subsection. Courts may charge a reasonable fee for the  
25 production and copying of the abstract for the individual unless the  
26 person is indigent as defined in RCW 10.101.010.

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

33 (ii) The department may provide employers or their agents a  
34 three-year insurance carrier driving record of existing employees  
35 only for the purposes of sharing the driving record with its  
36 insurance carrier for underwriting. Employers may not provide the  
37 employees' full driving records to its insurance carrier.

38 (iii) An abstract of the full driving record maintained by the  
39 department may be furnished to an employer or prospective employer or  
40 the agent(s) acting on behalf of an employer or prospective employer

1 of the named individual for purposes unrelated to driving by the  
2 individual when a driving record is required by federal or state law,  
3 or the employee or prospective employee will be handling heavy  
4 equipment or machinery.

5 (iv) Release of an abstract of the driving record of an employee  
6 or prospective employee requires a statement signed by: (A) The  
7 employee or prospective employee that authorizes the release of the  
8 record; and (B) the employer attesting that the information is  
9 necessary for employment purposes related to driving by the  
10 individual as a condition of employment or otherwise at the direction  
11 of the employer. If the employer or prospective employer authorizes  
12 agents to obtain this information on their behalf, this must be noted  
13 in the statement. The statement must also note that any information  
14 contained in the abstract related to an adjudication that is subject  
15 to a court order sealing the juvenile record of an employee or  
16 prospective employee may not be used by the employer or prospective  
17 employer, or an agent authorized to obtain this information on their  
18 behalf, unless required by federal regulation or law. The employer or  
19 prospective employer must afford the employee or prospective employee  
20 an opportunity to demonstrate that an adjudication contained in the  
21 abstract is subject to a court order sealing the juvenile record.

22 (v) Upon request of the person named in the abstract provided  
23 under this subsection, and upon that same person furnishing copies of  
24 court records ruling that the person was not at fault in a motor  
25 vehicle accident, the department must indicate on any abstract  
26 provided under this subsection that the person was not at fault in  
27 the motor vehicle accident.

28 (vi) No employer or prospective employer, nor any agents of an  
29 employer or prospective employer, may use information contained in  
30 the abstract related to an adjudication that is subject to a court  
31 order sealing the juvenile record of an employee or prospective  
32 employee for any purpose unless required by federal regulation or  
33 law. The employee or prospective employee must furnish a copy of the  
34 court order sealing the juvenile record to the employer or  
35 prospective employer, or the agents of the employer or prospective  
36 employer, as may be required to ensure the application of this  
37 subsection.

38 (c) **Volunteer organizations.** (i) An abstract of the full driving  
39 record maintained by the department may be furnished to a volunteer  
40 organization or an agent for a volunteer organization for which the

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

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

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

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

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

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

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

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

26 (A) Not contain any information related to actions committed by  
27 law enforcement officers or firefighters, as both terms are defined  
28 in RCW 41.26.030, or by Washington state patrol officers, while  
29 driving official vehicles in the performance of their occupational  
30 duty, or by registered tow truck operators as defined in RCW  
31 46.55.010 in the performance of their occupational duties while at  
32 the scene of a roadside impound or recovery so long as they are not  
33 issued a citation. This does not apply to any situation where the  
34 vehicle was used in the 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 agents, 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 agents, 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. For the purposes of  
15 this subsection, "commercial motor vehicle" has the same meaning as  
16 in RCW 46.25.010(6).

17 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of  
18 the full driving record maintained by the department (~~covering the~~  
19 ~~period of not more than the last five years~~) may be furnished to an  
20 alcohol/drug assessment or treatment agency approved by the  
21 department of health to which the named individual has applied or  
22 been assigned for evaluation or treatment, for purposes of assisting  
23 employees in making a determination as to what level of treatment, if  
24 any, is appropriate, (~~except that~~) and the abstract must:

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

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

30 (g) **Attorneys—City attorneys, county prosecuting attorneys, and**  
31 **named individual's attorney of record.** An abstract of the full  
32 driving record maintained by the department, including whether a  
33 recorded violation is an alcohol-related offense, as defined in RCW  
34 46.01.260(2), that was originally charged as a violation of either  
35 RCW 46.61.502 or 46.61.504, may be furnished to city attorneys,  
36 county prosecuting attorneys, or the named individual's attorney of  
37 record. City attorneys, county prosecuting attorneys, or the named  
38 individual's attorney of record may provide the driving record to  
39 alcohol/drug assessment or treatment agencies approved by the

1 department of social and health services to which the named  
2 individual has applied or been assigned for evaluation or treatment.

3 (h) **State colleges, universities, or agencies, or units of local**  
4 **government.** An abstract of the full driving record maintained by the  
5 department may be furnished to (i) state colleges, universities, or  
6 agencies for employment and risk management purposes or (ii) units of  
7 local government authorized to self-insure under RCW 48.62.031, or  
8 their agents, for employment and risk management purposes. "Unit of  
9 local government" includes an insurance pool established under RCW  
10 48.62.031.

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

18 (ii) The superintendent of public instruction is exempt from  
19 paying the fees related to the reviewing of records and the fee  
20 required in subsection (5) of this section.

21 (j) **State and federal agencies.** An abstract of the driving record  
22 maintained by the department may be furnished to state and federal  
23 agencies, or their agents, in carrying out its functions.

24 (k) **Transportation network companies.** An abstract of the full  
25 driving record maintained by the department may be furnished to a  
26 transportation network company or its agents acting on its behalf of  
27 the named individual for purposes related to driving by the  
28 individual as a condition of being a contracted driver.

29 (l) **Research.** (i) The department may furnish driving record data  
30 to state agencies and bona fide scientific research organizations.  
31 The department may require review and approval by an institutional  
32 review board. For the purposes of this subsection, "research" means a  
33 planned and systematic sociological, psychological, epidemiological,  
34 biomedical, or other scientific investigation carried out by a state  
35 agency, or by a scientific research professional associated with a  
36 bona fide scientific research organization with an objective to  
37 contribute to scientific knowledge, the solution of social and health  
38 problems, or the evaluation of public benefit and service programs.  
39 This definition excludes methods of record analysis and data

1 collection that are subjective, do not permit replication, and are  
2 not designed to yield reliable and valid results.

3 (ii) The state agency, or a scientific research professional  
4 associated with a bona fide scientific research organization, are  
5 exempt from paying the fees related to the reviewing of records and  
6 the fee required in subsection (5) of this section. However, the  
7 department may charge a cost-recovery fee for the actual cost of  
8 providing the data.

9 (3) **Reviewing of driving records.** (a) In addition to the methods  
10 described herein, the director may enter into a contractual agreement  
11 for the purpose of reviewing the driving records of existing  
12 employees for changes to the record during specified periods of time.  
13 The department shall establish a fee for this service, which must be  
14 deposited in the highway safety fund. The fee for this service must  
15 be set at a level that does not result in a net revenue loss to the  
16 state. Any information provided under this subsection must be treated  
17 in the same manner and is subject to the same restrictions as driving  
18 record abstracts.

19 (b) The department may provide reviewing services to the  
20 following entities:

21 (i) Employers for existing employees, or their agents;

22 (ii) Transit authorities for current vanpool drivers, or their  
23 agents;

24 (iii) Insurance carriers for current policyholders, or their  
25 agents;

26 (iv) State colleges, universities, or agencies, or units of local  
27 government, or their agents;

28 (v) The office of the superintendent of public instruction for  
29 school bus drivers statewide; and

30 (vi) Transportation network companies, or their agents.

31 (4) **Release to third parties prohibited.** (a) Any person or entity  
32 receiving an abstract of a person's driving record under subsection  
33 (2)(b) through (1) of this section shall use the abstract exclusively  
34 for his, her, or its own purposes or as otherwise expressly permitted  
35 under this section, and shall not divulge any information contained  
36 in the abstract to a third party.

37 (b) The following release of records to third parties are hereby  
38 authorized:

39 (i) Employers may divulge driving records to regulatory bodies,  
40 as defined by the department by rule, such as the United States



1 department of transportation and the federal motor carrier safety  
2 administration.

3 (ii) Employers may divulge a three-year driving record to their  
4 insurance carrier for underwriting purposes.

5 (iii) Employers may divulge driving records to contracted motor  
6 carrier consultants for the purposes of ensuring driver compliance  
7 and risk management.

8 (5) **Fees.** (a) The director shall collect a \$15 fee for each  
9 abstract of a person's driving record furnished by the department.  
10 After depositing \$2 of the driver's abstract fee in the move ahead WA  
11 flexible account created in RCW 46.68.520, the remainder shall be  
12 distributed as follows:

13 (i) Fifty percent must be deposited in the highway safety fund;  
14 and

15 (ii) Fifty percent must be deposited according to RCW 46.68.038.

16 (b) Beginning July 1, 2029, the director shall collect an  
17 additional \$2 fee for each abstract of a person's driving record  
18 furnished by the department. The \$2 additional driver's abstract fee  
19 must be deposited in the move ahead WA flexible account created in  
20 RCW 46.68.520.

21 (c) City attorneys and county prosecuting attorneys are exempt  
22 from paying the fees specified in (a) and (b) of this subsection for  
23 an abstract of a person's driving record furnished by the department  
24 for use in criminal proceedings.

25 (6) **Violation.** (a) Any negligent violation of this section is a  
26 gross misdemeanor.

27 (b) Any intentional violation of this section is a class C  
28 felony.

29 (7) Effective July 1, 2019, the contents of a driving abstract  
30 pursuant to this section shall not include any information related to  
31 sealed juvenile records unless that information is required by  
32 federal law or regulation.

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