

Sec. 55. Section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530 are each amended to read as follows:

(1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

~~((c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.))~~

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields and protective helmets ~~((required in this section))~~. The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved.

Sec. 56. Section 10, chapter 232, Laws of 1967 and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

~~((No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained.))~~

NEW SECTION. Sec. 57. If any provision of this 1977 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

Passed the House June 11, 1977.

Passed the Senate June 9, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 356

[Substitute House Bill No. 1132]

### MOTOR VEHICLE OPERATORS—DRIVING RECORDS—ABSTRACTS

AN ACT Relating to motor vehicle operators; amending section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120; amending section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 140, Laws of 1977 1st ex. sess. and RCW 46.52.130; and adding a new section to chapter 48.30 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 46.52.120, chapter 12, Laws of 1961 as amended by section 62, chapter 32, Laws of 1967 and RCW 46.52.120 are each amended to read as follows:

It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. The case record shall be maintained in two parts. One part shall be the employment driving record of the person which shall include all motor vehicle accidents in which the person is involved while the person is driving a commercial motor vehicle as an employee of another and all convictions of the person for violation of the motor vehicle laws while the person is driving a commercial motor vehicle as an employee of another. The other part shall include all other accidents and convictions. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law.

Sec. 2. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 140, Laws of 1977 1st ex. sess. and RCW 46.52.130 are each amended to read as follows:

~~((The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who drive commercial motor vehicles or school buses a certified abstract of the driving record of any person;))~~ Any request for a certified abstract must specify which part is requested, and only the part requested shall be furnished. The employment driving record part shall be furnished only to the individual named in the abstract, an employer, the insurance carrier that has insurance in effect covering such employer, or a prospective employer. The other part shall be furnished only to the individual named in the abstract, the insurance carrier that has insurance in effect covering such named individual, or the insurance carrier to which such named individual has applied. The director, upon proper request, shall furnish a certified abstract covering ((α) the period of not more than three years last past, and such abstract whenever possible, ((which abstract)) shall include an enumeration of motor vehicle accidents in which such person ((has been)) was involved((-Such abstract shall indicate)); the total number of vehicles

involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. ~~((In addition thereto the director shall furnish such record to the person whose driving record is involved; upon such person's request.))~~

The abstract herein provided to ~~((the))~~ an insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom. The abstract provided to the insurance company shall also exclude any information pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty during an emergency situation if the chief of the officer's or fire fighter's department certifies on the accident report that the actions of the officer or fire fighter were reasonable under the circumstances as they existed at the time of the accident.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: PROVIDED, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: PROVIDED FURTHER, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 3. There is added to chapter 48.30 RCW a new section to read as follows:

When an individual applies for a policy of casualty insurance providing either automobile liability coverage, uninsured motorist coverage, automobile medical payments coverage, or automobile physical damage coverage on an individually owned passenger vehicle or a renewal of such policy, an insurer shall not consider the applicant's commercial motor vehicle employment driving record in determining whether the policy will be issued or renewed or in determining the rates for the policy. An insurer shall not cancel such policy or discriminate in regard to other terms or conditions of the policy based upon the applicant's commercial motor vehicle employment driving record.

"Employment driving record" means that record maintained by the director pertaining to motor vehicle accidents or convictions for violation of motor vehicle laws while the applicant is driving a commercial motor vehicle as an employee of another.

Passed the House June 15, 1977.

Passed the Senate June 11, 1977.

Approved by the Governor July 1, 1977.

Filed in Office of Secretary of State July 1, 1977.

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## CHAPTER 357

[Substitute House Bill No. 1120]

### WATER RIGHTS ADJUDICATION

AN ACT Relating to water rights; amending section 15, chapter 117, Laws of 1917 and RCW 90.03.120; amending section 16, chapter 117, Laws of 1917 as amended by section 1, chapter 122, Laws of 1929 and RCW 90.03.130; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 15, chapter 117, Laws of 1917 and RCW 90.03.120 are each amended to read as follows:

Upon the filing of the statement and map as provided in RCW 90.03.110 the judge of such superior court shall make an order directing summons to be issued, and fixing the return day thereof, which shall be not less than sixty nor more than ninety days, after the making of such order: PROVIDED, That for good cause, the court, at the request of the supervisor, may modify said time period. A summons shall thereupon be issued out of said superior court, signed and attested by the clerk thereof, in the name of the state of Washington, as plaintiff, against all known persons claiming the right to divert the water involved and also all persons unknown claiming the right to divert the water involved, which said summons shall contain a brief statement of the objects and purpose of the proceedings and shall require the defendants to appear on the return day thereof, and make and file a statement of claim to, or interest in, the water involved and a statement that unless they appear at the time and place fixed and assert such right, judgment will be entered determining their rights according to the evidence: PROVIDED, HOWEVER, That any persons claiming the right to the use of water by virtue of a contract with claimant to the right to divert the same, shall not be necessary parties to the proceeding.

Sec. 2. Section 16, chapter 117, Laws of 1917 as amended by section 1, chapter 122, Laws of 1929 and RCW 90.03.130 are each amended to read as follows:

Service of said summons shall be made in the same manner and with the same force and effect as service of summons in civil actions commenced in the superior courts of the state: PROVIDED, That for good cause, the court, at the request of the supervisor, may authorize service of summons to be made by certified mail, with acknowledgment of receipt of summons executed by defendant required, as an alternative to personal service. If the defendants, or either of them, cannot be found within the state of Washington, of which the return of the sheriff of the county in which the proceeding is pending shall be prima facie evidence, upon the filing of an