

of conservation districts who is serving that part of the state where the vacancy occurs, such term to continue only until district supervisors can fill the unexpired term by electing the commission member.

The director of the department of ecology, the director of the department of agriculture, the commissioner of public lands, the president of the Washington association of conservation districts, and the dean of the college of agriculture at Washington State University shall be ex officio members of the commission. An ex officio member of the commission shall hold office so long as he or she retains the office by virtue of which he or she is a member of the commission. Ex officio members may delegate their authority.

The commission may invite appropriate officers of cooperating organizations, state and federal agencies to serve as advisers to the conservation commission.

Passed the House February 18, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor April 23, 1987.

Filed in Office of Secretary of State April 23, 1987.

CHAPTER 181

[Substitute House Bill No. 415]

DRIVING ABSTRACTS AND RECORDS—ALCOHOL/DRUG ASSESSMENT OR TREATMENT AGENCIES

AN ACT Relating to driving records; amending RCW 46.52.130 and 46.63.020; and prescribing penalties.

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

Sec. 1. Section 27, chapter 21, Laws of 1961 ex. sess. as last amended by section 1, chapter 74, Laws of 1986 and RCW 46.52.130 are each amended to read as follows:

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 the 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 the named individual, or the insurance carrier to which the named individual has applied. Both parts shall be furnished to an alcohol/drug assessment or treatment agency approved by the department of social and health services, to which the named individual has applied or been assigned for evaluation or treatment. City attorneys and county prosecuting attorneys may provide both parts of the driving record to alcohol/drug assessment or treatment agencies approved by the department of social and health services to which the named individual has applied or

been assigned for evaluation or treatment. The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years(~~(, and)~~) to individuals, insurance companies, or employers, and covering a period of not more than the last five years to state approved alcohol/drug assessment or treatment agencies. The abstract, whenever possible, shall include an enumeration of motor vehicle accidents in which the person was driving; the total number of vehicles involved; whether the vehicles were legally parked or moving; whether the vehicles were occupied at the time of the accident; and any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law. The enumeration shall include any reports of failure to appear in response to a traffic citation or failure to respond to a notice of infraction served upon the named individual by an arresting officer.

The abstract provided to an insurance company shall have excluded from it any information pertaining to any occupational driver's license when the license 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 or finding of a traffic infraction involving a motor vehicle offense outside the scope of his principal employment, and who has during that 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 abstract the sum of three dollars and fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving the certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information contained in it to a third party. No policy of insurance may be canceled, nonrenewed, or denied on the basis of such information unless the policyholder was determined to be at fault. No insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles may 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 the 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 contained in it to a third party.

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

Any violation of this section is a gross misdemeanor.

Sec. 2. Section 3, chapter 186, Laws of 1986 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

- (1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;
- (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
- (3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;
- (4) RCW 46.10.130 relating to the operation of snowmobiles;
- (5) Chapter 46.12 RCW relating to certificates of ownership and registration;
- (6) RCW 46.16.010 relating to initial registration of motor vehicles;
- (7) RCW 46.16.160 relating to vehicle trip permits;
- (8) RCW 46.20.021 relating to driving without a valid driver's license;
- (9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;
- (10) RCW 46.20.342 relating to driving with a suspended or revoked license;
- (11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;
- (12) RCW 46.20.416 relating to driving while in a suspended or revoked status;
- (13) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;
- (14) Chapter 46.29 RCW relating to financial responsibility;

- (15) RCW 46.44.180 relating to operation of mobile home pilot vehicles;
- (16) RCW 46.48.175 relating to the transportation of dangerous articles;
- (17) RCW 46.52.010 relating to duty on striking an unattended car or other property;
- (18) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;
- (19) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;
- (20) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- (21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company ((and)), an employer, and an alcohol/drug assessment or treatment agency;
- (22) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;
- (23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- (24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- (25) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- (26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- (27) RCW 46.61.500 relating to reckless driving;
- (28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- (29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- (30) RCW 46.61.522 relating to vehicular assault;
- (31) RCW 46.61.525 relating to negligent driving;
- (32) RCW 46.61.530 relating to racing of vehicles on highways;
- (33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- (34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- (35) RCW 46.64.020 relating to nonappearance after a written promise;
- (36) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- (37) Chapter 46.65 RCW relating to habitual traffic offenders;
- (38) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(40) Chapter 46.80 RCW relating to motor vehicle wreckers;

(41) Chapter 46.82 RCW relating to driver's training schools.

Passed the House March 6, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor April 23, 1987.

Filed in Office of Secretary of State April 23, 1987.

CHAPTER 182

[Substitute House Bill No. 669]

UNCLAIMED BICYCLES HELD BY POLICE OR SHERIFF MAY BE DONATED TO NONPROFIT CHARITABLE ORGANIZATIONS

AN ACT Relating to unclaimed bicycles held by the police or sheriff; adding a new section to chapter 63.32 RCW; and adding a new section to chapter 63.40 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 63.32 RCW to read as follows:

In addition to any other method of disposition of unclaimed property provided under this chapter, the police authorities of a city or town may donate unclaimed bicycles, tricycles, and toys to nonprofit charitable organizations for use by needy persons.

NEW SECTION. Sec. 2. A new section is added to chapter 63.40 RCW to read as follows:

In addition to any other method of disposition of unclaimed property provided under this chapter, the county sheriff may donate unclaimed bicycles, tricycles, and toys to nonprofit charitable organizations for use by needy persons.

NEW SECTION. Sec. 3. If any provision of this 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 March 12, 1987.

Passed the Senate April 14, 1987.

Approved by the Governor April 23, 1987.

Filed in Office of Secretary of State April 23, 1987.