CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE HOUSE BILL 1439

Chapter 23, Laws of 2025

69th Legislature 2025 Regular Session

MOTOR VEHICLE AND DRIVER LICENSING—VARIOUS PROVISIONS

EFFECTIVE DATE: October 1, 2025—Except for section 5, which takes effect January 1, 2031.

Passed by the House March 4, 2025 CERTIFICATE Yeas 95 Nays 0 I, Bernard Dean, Chief Clerk of the House of Representatives of the LAURIE JINKINS State of Washington, do hereby certify that the attached is Speaker of the House of ENGROSSED SUBSTITUTE HOUSE BILL Representatives 1439 as passed by the House of Representatives and the Senate on the dates hereon set forth. Passed by the Senate March 26, 2025 Yeas 49 Nays 0 BERNARD DEAN Chief Clerk DENNY HECK President of the Senate Approved April 7, 2025 11:23 AM FILED April 7, 2025

BOB FERGUSON

Secretary of State State of Washington

Governor of the State of Washington

ENGROSSED SUBSTITUTE HOUSE BILL 1439

Passed Legislature - 2025 Regular Session

State of Washington 69th Legislature 2025 Regular Session

By House Transportation (originally sponsored by Representatives Bernbaum, Abell, Donaghy, Reed, and Tharinger; by request of Department of Licensing)

READ FIRST TIME 02/12/25.

- AN ACT Relating to modifying motor vehicle and driver licensing laws to align with federal definitions, making technical corrections, and streamlining requirements; amending RCW 46.04.480, 46.04.580, 46.12.635, 46.12.665, 46.12.665, 46.20.285, 46.20.2892, 46.20.328, 46.20.329, 46.25.082, 46.29.050, 46.65.060, and 46.65.065; repealing RCW 46.18.240 and 46.18.250; providing effective dates; and providing an expiration date.
- 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:
- 9 **Sec. 1.** RCW 46.04.480 and 2007 c 419 s 4 are each amended to 10 read as follows:
- "Revoke," in all its forms, means the invalidation for a period
- 12 of one ((calendar)) year and thereafter until reissue. However, under
- 13 the provisions of RCW 46.20.285, 46.20.311, 46.20.265, or 46.61.5055,
- 14 and chapters 46.32 and 46.65 RCW, the invalidation may last for a
- 15 period other than one ((calendar)) year.
- 16 **Sec. 2.** RCW 46.04.580 and 1994 c 275 s 28 are each amended to read as follows:
- "Suspend," in all its forms and unless a different period is
- 19 specified, means invalidation for any period less than one
- 20 ((calendar)) year and thereafter until reinstatement.

Sec. 3. RCW 46.12.635 and 2021 c 93 s 6 are each amended to read 2 as follows:

- (1) Notwithstanding the provisions of chapter 42.56 RCW, the name or address of an individual vehicle or vessel owner shall not be released by the department, county auditor, data recipient, subrecipient, or agency or firm authorized by the department except under the following circumstances:
- (a) The requesting party is a business entity that requests the information for use as defined by the department in rule, and in the course of business;
- (b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and
- (c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.
- (2) Where both a mailing address and residence address are recorded on the vehicle or vessel record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.
- 35 (3) The disclosing entity shall retain the request for disclosure 36 for three years.
 - (4) (a) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle or vessel owner, to whom the information applies, that the

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request has been granted. The notice must only include: (i) That the disclosing entity has disclosed the vehicle or vessel owner's name and address pursuant to a request made under this section; (ii) the date that the disclosure was made; and (iii) ((that the vehicle or vessel owner has five days from receipt of the notice to contact the disclosing entity to determine the occupation of the requesting party.

- (b) Except as provided in (c) of this subsection, the only information about the requesting party that the disclosing entity may disclose in response to a request made by a vehicle or vessel owner under (a) of this subsection is whether the requesting party was an attorney or private investigator. The request by the vehicle or vessel owner must be submitted to the disclosing entity within five days of receipt of the original notice)) the occupation of the requesting party.
- (((c))) <u>(b)</u> In the case of a vehicle or vessel owner who submits to the disclosing entity a copy of a valid court order restricting another person from contacting the vehicle or vessel owner or his or her family or household member, the disclosing entity shall provide the vehicle or vessel owner with the name and address of the requesting party. All inquiries from a vehicle or vessel owner, without a court order, will be treated and processed as a request for public record as required in chapter 42.56 RCW.
- (5) Any person who is furnished vehicle or vessel owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.
- (6) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle or vessel owners. Requests from law enforcement officers for vessel record information must be granted. The disclosure agreement with law enforcement entities must provide that law enforcement may redisclose a vessel owner's name or address when trying to locate the owner of or otherwise deal with a vessel that has become a hazard.
- 37 (7) The department shall disclose vessel records for any vessel 38 owned by a governmental entity upon request.
- 39 (8) This section shall not apply to title history information 40 under RCW 19.118.170.

- 1 (9) The department shall charge a fee of ((two dollars)) \$2 for 2 each record returned pursuant to a request made by a business entity 3 under subsection (1) of this section and deposit the fee into the 4 highway safety fund.
- (10) The department, county auditor, or agency or firm authorized 5 by the department shall not release the name, any address, vehicle 6 7 make, vehicle model, vehicle year, vehicle identification number, vessel make and model, vessel model year, hull identification number, 8 vessel document number, vessel registration number, vessel decal 9 number, or license plate number associated with an individual vehicle 10 11 or vessel owner who is a participant in the address confidentiality program under chapter 40.24 RCW except as allowed in subsection (6) 12 of this section and RCW 40.24.075. 13
- 14 **Sec. 4.** RCW 46.12.665 and 2010 c 161 s 312 are each amended to 15 read as follows:
 - (1) The department, county auditor or other agent, or subagent appointed by the director shall require a written odometer disclosure statement with every application for a certificate of title for a motor vehicle. The odometer disclosure statement must be on either the certificate of title or on a separate form approved by the department. A secure odometer disclosure statement is required if the certificate of title was issued after April 30, 1990. Odometer disclosure statements must include, at a minimum, the following:
 - (a) The miles shown on the odometer at the time of transfer of ownership, but not to include tenths of miles;
 - (b) The date of transfer of ownership;

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- 27 (c) The transferor's printed name, current address, and 28 signature;
- 29 (d) The transferee's printed name, current address, and 30 signature;
- 31 (e) The identity of the motor vehicle, including its make, model, 32 year, body type, and vehicle identification number;
- 33 (f) Information that the odometer statement is required by the 34 federal truth in mileage act of 1986 and that failure to complete the 35 odometer statement or providing false information may result in fines 36 or imprisonment, or both; and
- 37 (g) One of the following statements:
- 38 (i) The mileage shown is actual to the best of transferor's 39 knowledge;

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- 1 (ii) The odometer reading exceeds the mechanical limits of the 2 odometer to the best of the transferor's knowledge; or
 - (iii) The odometer reading is not the actual mileage.

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If the odometer reading is under ((one hundred thousand)) 100,000 miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is ((one hundred thousand)) 100,000 miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.

- (2) The transferee and the transferor shall each sign the odometer disclosure statement. Only one registered owner is required to complete the odometer disclosure statement for the transferee, and only one owner is required to complete the odometer disclosure statement for the transferor. When applicable, both the business name and a company representative's name must be shown on the odometer disclosure statement when the registered owner is a business or the transferee represents a company, or both.
- (3) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.
- 22 (4) The following vehicles are not subject to odometer disclosure 23 requirements at the time of ownership transfer:
 - (a) A motor vehicle having a declared gross vehicle weight of more than ((sixteen thousand)) 16,000 pounds;
 - (b) A vehicle that is not self-propelled;
- 27 (c) A motor vehicle that ((is ten years old)) has a model year of 28 2010 or older;
- 29 (d) A motor vehicle sold directly by a manufacturer to a federal 30 agency in conformity with contract specifications; or
 - (e) A new motor vehicle before its first retail sale.
- 32 (5) The requirements of this section also apply to the transfer 33 of a motor vehicle held:
- 34 (a) For lease when transferred to a lessee and then to the lessor 35 at the end of the leasehold; and
- 36 (b) In a fleet when transferred to a purchaser.
- 37 **Sec. 5.** RCW 46.12.665 and 2010 c 161 s 312 are each amended to 38 read as follows:

- (1) The department, county auditor or other agent, or subagent appointed by the director shall require a written odometer disclosure statement with every application for a certificate of title for a motor vehicle. The odometer disclosure statement must be on either the certificate of title or on a separate form approved by the department. A secure odometer disclosure statement is required if the certificate of title was issued after April 30, 1990. Odometer disclosure statements must include, at a minimum, the following:
- 9 (a) The miles shown on the odometer at the time of transfer of ownership, but not to include tenths of miles;
 - (b) The date of transfer of ownership;

- 12 (c) The transferor's printed name, current address, and 13 signature;
- 14 (d) The transferee's printed name, current address, and 15 signature;
- 16 (e) The identity of the motor vehicle, including its make, model, 17 year, body type, and vehicle identification number;
 - (f) Information that the odometer statement is required by the federal truth in mileage act of 1986 and that failure to complete the odometer statement or providing false information may result in fines or imprisonment, or both; and
 - (g) One of the following statements:
- 23 (i) The mileage shown is actual to the best of transferor's knowledge;
 - (ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or
 - (iii) The odometer reading is not the actual mileage.
 - If the odometer reading is under ((one hundred thousand)) 100,000 miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is ((one hundred thousand)) 100,000 miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.
 - (2) The transferee and the transferor shall each sign the odometer disclosure statement. Only one registered owner is required to complete the odometer disclosure statement for the transferee, and only one owner is required to complete the odometer disclosure statement for the transferor. When applicable, both the business name and a company representative's name must be shown on the odometer

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- disclosure statement when the registered owner is a business or the transferee represents a company, or both.
- 3 (3) The transferee shall return a signed copy of the odometer 4 disclosure statement to the transferor at the time of transfer of 5 ownership.
- 6 (4) The following vehicles are not subject to odometer disclosure 7 requirements at the time of ownership transfer:
- 8 (a) A motor vehicle having a declared gross vehicle weight of 9 more than ((sixteen thousand)) 16,000 pounds;
 - (b) A vehicle that is not self-propelled;

- (c) A motor vehicle that is ((ten)) 20 years old or older;
- 12 (d) A motor vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or
 - (e) A new motor vehicle before its first retail sale.
- 15 (5) The requirements of this section also apply to the transfer of a motor vehicle held:
- 17 (a) For lease when transferred to a lessee and then to the lessor 18 at the end of the leasehold; and
- 19 (b) In a fleet when transferred to a purchaser.
- 20 **Sec. 6.** RCW 46.20.285 and 2020 c 16 s 1 are each amended to read 21 as follows:
- The department shall revoke the license of any driver for the period of one ((calendar)) year unless otherwise provided in this section, upon receiving a record of the driver's conviction of any of the following offenses, when the conviction has become final:
- 26 (1) For vehicular homicide the period of revocation shall be two 27 years. The revocation period shall be tolled during any period of 28 total confinement for the offense;
- 29 (2) Vehicular assault. The revocation period shall be tolled 30 during any period of total confinement for the offense;
- 31 (3) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree ((which)) that renders the driver incapable of 34 safely driving a motor vehicle, for the period prescribed in RCW 46.61.5055;
- 36 (4) Any felony where the sentencing court determines that in the 37 commission of the offense a motor vehicle was used in a manner that 38 endangered persons or property;

(5) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another or resulting in damage to a vehicle that is driven or attended by another;

- (6) Perjury or the making of a false affidavit or statement under oath to the department under ((Title 46 RCW)) this title or under any other law relating to the ownership or operation of motor vehicles;
- (7) Reckless driving upon a showing by the department's records that the conviction is the third such conviction for the driver within a period of two years.
- **Sec. 7.** RCW 46.20.2892 and 2021 c 240 s 7 are each amended to 13 read as follows:
 - (1) Whenever the official records of the department show that a person has committed a traffic infraction for a moving violation on three or more occasions within a one-year period, or on four or more occasions within a two-year period, the department must suspend the license of the driver for a period of 60 days and establish a period of probation for one ((ealendar)) year to begin when the suspension ends. Prior to reinstatement of a license, the person must complete a safe driving course as recommended by the department. During the period of probation, the person must not be convicted of any additional traffic infractions for moving violations. Any traffic infraction for a moving violation committed during the period of probation shall result in an additional 30-day suspension to run consecutively with any suspension already being served.
 - (2) When a person has committed a traffic infraction for a moving violation on two occasions within a one-year period or three occasions within a two-year period, the department shall send the person a notice that an additional infraction will result in suspension of the person's license for a period of 60 days.
- 32 (3) The department may not charge a reissue fee at the end of the 33 term of suspension under this section.
- 34 (4) For purposes of this section, multiple traffic infractions 35 issued during or as the result of a single traffic stop constitute 36 one occasion.
- **Sec. 8.** RCW 46.20.328 and 1979 c 61 s 11 are each amended to 38 read as follows:

Upon the conclusion of a driver improvement interview, the department's referee shall make findings on the matter under consideration and shall notify the person involved in writing ((by personal service of the findings)). Such findings may be served on a party via electronic distribution, with a party's agreement. The referee's findings shall be final unless the person involved is notified to the contrary ((by personal service or by certified mail)) within ((fifteen)) 15 days. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days, request a formal hearing.

Sec. 9. RCW 46.20.329 and 1982 c 189 s 4 are each amended to read as follows:

Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing, including a remote hearing or an in-person hearing in the county where the applicant or licensee resides, with the concurrence of the applicant or the licensee, as early as may be arranged ((in the county where the applicant or licensee resides)), and shall give ((ten)) 10 days' notice of the hearing to the applicant or licensee((, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived)).

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: PROVIDED, That this stay shall be effective only so long as there is no conviction of a moving violation or a finding that the person has committed a traffic infraction ((which)) that is a moving violation during pendency of hearing and appeal: PROVIDED FURTHER, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted ((by the director or)) by a person or persons appointed by the director from among the employees of the department.

- **Sec. 10.** RCW 46.25.082 and 2013 c 224 s 10 are each amended to read as follows:
 - (1) (a) Before issuing a CDL or CLP, the department must obtain driving record information:
 - (i) Through the commercial driver's license information system;
 - (ii) Through the national driver register;

- (iii) From the current state of record; and
- 8 (iv) From all states where the applicant was previously licensed 9 over the last ((ten)) 10 years to drive any type of motor vehicle.
 - (b) A driving record check under (a)(iv) of this subsection need only be performed once at the time of initial issuance of a CDL or CLP, provided a notation is made on the driver's record confirming that the driving record check has been made and noting the date it was completed.
 - (2) Within ((ten)) 10 days after issuing a CDL or CLP, the department must notify the commercial driver's license information system of the information required under 49 C.F.R. Sec. 383.73 as it existed on July 8, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section and provide all information required to ensure identification of the person.
 - (3) Every district court, municipal court, and clerk of a superior court shall report a traffic conviction of a CDL or CLP holder so that the conviction may be posted to the record in the commercial driver's license information system. No state, county, or municipal official or employee may take any action to mask, defer imposition of judgment, or allow entry into a diversion or alternative disposition program.
- **Sec. 11.** RCW 46.29.050 and 2012 c 74 s 5 are each amended to 30 read as follows:
 - (1) The department shall upon request furnish any person or his or her attorney a certified abstract of his or her driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall (a) indicate the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether the vehicles were occupied at the time of the accident; and (b) contain reference to any convictions of the person for violation of the motor vehicle laws as reported to the department, reference to any findings that the

- person has committed a traffic infraction which have been reported to the department, and a record of any vehicles registered in the name of the person. The department shall collect for each abstract the ((sum of thirteen dollars, fifty percent of which shall be deposited in the highway safety fund and fifty percent of which must be deposited according to RCW 46.68.038)) fee required in RCW 46.52.130(5).
- (2) The department shall upon request furnish any person who may 8 have been injured in person or property by any motor vehicle, with an 9 abstract of all information of record in the department pertaining to 10 11 the evidence of the ability of any driver or owner of any motor 12 vehicle to respond in damages. The department shall collect for each 13 abstract the ((sum of thirteen dollars, fifty percent of which shall 14 be deposited in the highway safety fund and fifty percent of which 15 must be deposited according to RCW 46.68.038)) fee required in RCW 16 46.52.130(5).
 - **Sec. 12.** RCW 46.65.060 and 1999 c 274 s 7 are each amended to read as follows:

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If the department finds that such person is not an habitual offender under this chapter, the proceeding shall be dismissed, but if the department finds that such person is an habitual offender, the department shall revoke the operator's license for a period of seven years: PROVIDED, That the department may stay the date of the revocation if it finds that the traffic offenses upon which it is based were caused by or are the result of alcoholism and/or drug addiction as evaluated by a program approved by the department of ((social and health services)) health, and that since his or her last offense he or she has undertaken and followed a course of treatment for alcoholism and/or drug treatment in a program approved by the department of ((social and health services)) health; such stay shall be subject to terms and conditions as are deemed reasonable by the department. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1) or violation of any of the terms or conditions of the original stay order, the stay shall be removed and the department shall revoke the operator's license for a period of seven years.

Sec. 13. RCW 46.65.065 and 1989 c 337 s 10 are each amended to read as follows:

- (1) Whenever a person's driving record, as maintained by the department, brings him or her within the definition of an habitual traffic offender, as defined in RCW 46.65.020, the department shall forthwith notify the person of the revocation in writing ((by certified mail)) at his or her address of record as maintained by the department. If the person is a nonresident of this state, notice shall be sent to the person's last known address. Notices of revocation shall inform the recipient thereof of his or her right to a formal hearing and specify the steps which must be taken in order to obtain a hearing. Within ((fifteen)) 15 days after the notice has been given, the person may, in writing, request a formal hearing. If such a request is not made within the prescribed time the right to a hearing is waived. A request for a hearing stays the effectiveness of the revocation.
 - (2) Upon receipt of a request for a hearing, the department shall schedule a hearing ((in the county in which the person making the request resides, and if [the] person is a nonresident of this state, the hearing shall be held in Thurston county. The department)), including a remote hearing, and shall give at least ((ten days)) 10 days' notice of the hearing to the person.
 - (3) The scope of the hearings provided by this section is limited to the issues of whether the certified transcripts or abstracts of the convictions, as maintained by the department, show that the requisite number of violations have been accumulated within the prescribed period of time as set forth in RCW 46.65.020 and whether the terms and conditions for granting stays, as provided in RCW 46.65.060, have been met.
- (4) Upon receipt of the hearing officer's decision, an aggrieved party may appeal to the superior court of the county in which he or she resides, or, in the case of a nonresident of this state, in the superior court of Thurston county, for review of the revocation. Notice of appeal must be filed within ((thirty)) 30 days after receipt of the hearing officer's decision or the right to appeal is waived. Review by the court shall be de novo and without a jury.
- 37 (5) The filing of a notice of appeal does not stay the effective 38 date of the revocation.

- 1 <u>NEW SECTION.</u> **Sec. 14.** The following acts or parts of acts are 2 each repealed:
- 3 (1) RCW 46.18.240 (Foreign organization license plates) and 2010
- 4 c 161 s 620; and
- 5 (2) RCW 46.18.250 (Honorary consul special license plates) and
- 6 2010 c 161 s 622.
- 7 NEW SECTION. Sec. 15. Section 4 of this act expires January 1,
- 8 2031.
- 9 <u>NEW SECTION.</u> **Sec. 16.** Section 5 of this act takes effect
- 10 January 1, 2031.
- 11 <u>NEW SECTION.</u> **Sec. 17.** Sections 1 through 4 and 6 through 14 of
- 12 this act take effect October 1, 2025.

Passed by the House March 4, 2025. Passed by the Senate March 26, 2025. Approved by the Governor April 7, 2025. Filed in Office of Secretary of State April 7, 2025.

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