

Attachment H
INSURANCE COMPANY
SUBSCRIBER CERTIFICATION OF USE
TO WASHINGTON STATE DEPARTMENT OF LICENSING (DEPARTMENT)

I hereby certify:

- A. That the insurance carrier or the agent of the insurance carrier designated below as SUBSCRIBER: (1) is the insurance carrier to which the named individual has applied for insurance; or (2) has insurance in effect covering the named individual.
- B. That SOFTECH INTERNATIONAL INC is acting as agent for SUBSCRIBER.
- C. That abstracts of driver records shall be used exclusively for our insurance underwriting purposes only, and that no information contained therein shall be divulged, sold, assigned, or otherwise transferred to any third person or party.
- D. That the information contained in the abstracts of driver records obtained from the DEPARTMENT shall be used in accordance with the requirements and in no way violate the provisions of RCW 46.52.130, attached in part for easy reference.

The SUBSCRIBER listed below agrees to, and shall, indemnify and hold harmless the State of Washington, Department of Licensing (Department), the Director of the DEPARTMENT and all of the DEPARTMENT employees from any and all suits at law or equity, and from any and all claims, demands or loss of any nature, including but not limited to all costs and attorney's fees, arising from any incorrect or improper disclosure of individual names or addresses under this "Certification of Use;" any defects in any of Subscriber's procedures followed or omitted or arising from the failure of SUBSCRIBER or its officers, employees, customers, contractors or agents to fulfill any of its obligations under this Contract; or arising in any manner from any negligent act or omission by SUBSCRIBER or its officers, employees, customers, contractors or agents.

I affirm that I am a representative authorized to bind the SUBSCRIBER below named.

 SUBSCRIBER

 Address

 Name (print)

 Title

 Signature

 Date

RCW 46.52.130**Abstract of driving record -- Access -- Fees -- Penalty.**

(1) A certified abstract of the driving record shall be furnished only to: (a) The individual named in the abstract; (d) The insurance carrier that has insurance in effect covering the employer or a prospective employer; (e) The insurance carrier that has motor vehicle or life insurance in effect covering the named individual; (f) The insurance carrier to which the named individual has applied, ...

(4) (a) The director, upon proper request, shall furnish a certified abstract covering the period of not more than the last three years to insurance companies. (b) The director may enter into a contractual agreement with an insurance company or its agent for the limited purpose of reviewing the driving records of existing policyholders for changes to the record during specified periods of time. The department shall establish a fee for this service, which must be deposited in the highway safety fund. The fee for this service must be set a level that will not result in a net revenue loss to the state. Any information provided under this subsection must be treated in the same manner and subject to the same restrictions as certified abstracts.

(7) The abstract, whenever possible, shall include: (a) An enumeration of motor vehicle accidents in which the person was driving; (b) The total number of vehicles involved; (c) Whether the vehicles were legally parked or moving; (d) Whether the vehicles were occupied at the time of the accident; (e) Whether the accident resulted in any fatality; (f) Any reported convictions, forfeitures of bail, or findings that an infraction was committed based upon a violation of any motor vehicle law; (g) The status of the person's driving privilege in this state; and (h) 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...

(9) The abstract provided to the insurance company shall exclude any information, except that related to the commission of misdemeanors or felonies by the individual, pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.030, or any officer of the Washington state patrol, while driving official vehicles in the performance of occupational duty. The abstract provided to the insurance company shall include convictions for RCW 46.61.5249 and 46.61.525 except that the abstract shall report them only as negligent driving without reference to whether they are for first or second degree negligent driving. The abstract provided to the insurance company shall exclude any deferred prosecution under RCW 10.05.060, except that if a person is removed from a deferred prosecution under RCW 10.05.090, the abstract shall show the deferred prosecution as well as the removal.

(10) The director shall collect for each abstract the sum of ten 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.

(11) 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, non-renewed, denied, or have the rate increased 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, nor may any insurance company or its agent for underwriting purposes while not engaged in such employment, nor may any insurance company or its agent for underwriting purposes relating to the operation of noncommercial motor vehicles use any information contained in the abstract relative to any person's operation of commercial motor vehicles.

(16) Any negligent violation of this section is a gross misdemeanor.

(17) Any intentional violation of this section is a class C felony.