

REVISED Propose to allow redaction for Driver's License Numbers

(amending RCW 42.56.230(5))

By Ramsey Ramerman

Proposed amendment to RCW 42.56.230(5)*

(5) Drivers' License Numbers, ~~C~~credit card numbers, debit card numbers, electronic check numbers, card expiration dates, or bank or other financial account numbers, except when disclosure is expressly required by or governed by other law;

**The prior proposal would have amended RCW 42.56.230(7), but based on witness suggestions, this has been revised to amend .230(5), which is more logical.*

Currently, Federal Law limits the disclosure of information ~~on state driver's licenses and contained in~~ obtained from** DoL databases. 18 USC §2721 to §2725. State court rules also mandate that litigants redact driver's license numbers from any court filing. General Rule 31(e)(1)(C). Most jurisdictions currently redact driver's license numbers from documents like police reports either based on the federal law or privacy under RCW 42.56.240(1). This amendment therefore will not result in a dramatic change in practice but will simply eliminate any possible ambiguity and prevent needless litigation.

***After the November meeting, AAG Danielson and I discussed the scope of the application of the federal law and she argued that it only applied to information that originated out of DoL, but did not apply when information was taken directly off a drivers' license. After further review, I agree that this interpretation is supported by the language in the statute. Therefore, the federal law may not apply in a variety to situations.*