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HOUSE BILL 1995

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State of Washington                      52nd Legislature                      1991 Regular Session

By Representatives R. Fisher, Jones, Wood, R. Meyers, Horn, Wilson, Mielke and Miller.

Read first time February 18, 1991.      Referred to Committee on Transportation.

1            AN ACT Relating to license exemptions for certain specialized,  
2 nonpowered vehicle equipment; amending RCW 46.16.010, 46.16.030,  
3 46.16.085, 46.87.020, and 46.87.070; and repealing RCW 46.16.083.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5            **Sec. 1.** RCW 46.16.010 and 1989 c 192 s 2 are each amended to read  
6 as follows:

7            (1) It is unlawful for a person to operate any vehicle over and  
8 along a public highway of this state without first having obtained and  
9 having in full force and effect a current and proper vehicle license  
10 and display vehicle license number plates therefor as by this chapter  
11 provided. Failure to make initial registration before operation on the  
12 highways of this state is a misdemeanor, and any person convicted  
13 thereof shall be punished by a fine of no less than three hundred  
14 thirty dollars, no part of which may be suspended or deferred. Failure

1 to renew an expired registration before operation on the highways of  
2 this state is a traffic infraction.

3 (2) The licensing of a motor vehicle in another state by a resident  
4 of this state, as defined in RCW 46.16.028, with willful intent to  
5 evade the payment of any tax or license fee imposed in connection with  
6 registration, is a gross misdemeanor punishable as follows:

7 (a) For a first offense, up to one year in the county jail and a  
8 fine equal to twice the amount of delinquent taxes and fees, no part of  
9 which may be suspended or deferred;

10 (b) For a second or subsequent offense, up to one year in the  
11 county jail and a fine equal to three times the amount of delinquent  
12 taxes and fees, no part of which may be suspended or deferred.

13 (3) These provisions shall not apply to farm vehicle as defined in  
14 RCW 46.04.181 if operated within a radius of fifteen miles of the farm  
15 where principally used or garaged, farm tractors and farm implements  
16 including trailers designed as cook or bunk houses used exclusively for  
17 animal herding temporarily operating or drawn upon the public highways,  
18 and trailers used exclusively to transport farm implements from one  
19 farm to another during the daylight hours or at night when such  
20 equipment has lights that comply with the law: PROVIDED FURTHER, That  
21 these provisions shall not apply to spray or fertilizer applicator rigs  
22 designed and used exclusively for spraying or fertilization in the  
23 conduct of agricultural operations and not primarily for the purpose of  
24 transportation, and nurse rigs or equipment auxiliary to the use of and  
25 designed or modified for the fueling, repairing or loading of spray and  
26 fertilizer applicator rigs and not used, designed or modified primarily  
27 for the purpose of transportation: PROVIDED FURTHER, That these  
28 provisions shall not apply to fork lifts operated during daylight hours  
29 on public highways adjacent to and within five hundred feet of the

1 warehouses which they serve: PROVIDED FURTHER, That these provisions  
2 shall not apply to equipment defined as follows:

3 "Special highway construction equipment" is any vehicle which is  
4 designed and used primarily for grading of highways, paving of  
5 highways, earth moving, and other construction work on highways and  
6 which is not designed or used primarily for the transportation of  
7 persons or property on a public highway and which is only incidentally  
8 operated or moved over the highway. It includes, but is not limited  
9 to, road construction and maintenance machinery so designed and used  
10 such as portable air compressors, air drills, asphalt spreaders,  
11 bituminous mixers, bucket loaders, track laying tractors, ditchers,  
12 leveling graders, finishing machines, motor graders, paving mixers,  
13 road rollers, scarifiers, earth moving scrapers and carryalls, lighting  
14 plants, welders, pumps, power shovels and draglines, self-propelled and  
15 tractor-drawn earth moving equipment and machinery, including dump  
16 trucks and tractor-dump trailer combinations which either (1) are in  
17 excess of the legal width or (2) which, because of their length, height  
18 or unladen weight, may not be moved on a public highway without the  
19 permit specified in RCW 46.44.090 and which are not operated laden  
20 except within the boundaries of the project limits as defined by the  
21 contract, and other similar types of construction equipment, or (3)  
22 which are driven or moved upon a public highway only for the purpose of  
23 crossing such highway from one property to another, provided such  
24 movement does not exceed five hundred feet and the vehicle is equipped  
25 with wheels or pads which will not damage the roadway surface.

26 Exclusions:

27 "Special highway construction equipment" does not include any of  
28 the following:

29 Dump trucks originally designed to comply with the legal size and  
30 weight provisions of this code notwithstanding any subsequent

1 modification which would require a permit, as specified in RCW  
2 46.44.090, to operate such vehicles on a public highway, including  
3 trailers, truck-mounted transit mixers, cranes and shovels, or other  
4 vehicles designed for the transportation of persons or property to  
5 which machinery has been attached.

6 (4) The following vehicles, whether operated solo or in  
7 combination, are exempt from license registration and displaying  
8 license plates as required by this chapter:

9 (a) A converter gear used to convert a semitrailer into a trailer  
10 or a two-axle truck or tractor into a three or more axle truck or  
11 tractor or used in any other manner to increase the number of axles of  
12 a vehicle. Converter gear includes an auxiliary axle, booster axle,  
13 dolly, and jeep axle.

14 (b) A tow dolly that is used for towing a motor vehicle behind  
15 another motor vehicle. The front or rear wheels of the towed vehicle  
16 are secured to and rest on the tow dolly that is attached to the towing  
17 vehicle by a tow bar.

18 **Sec. 2.** RCW 46.16.030 and 1990 c 42 s 110 are each amended to read  
19 as follows:

20 Except as is herein provided for foreign businesses, the provisions  
21 relative to the licensing of vehicles and display of vehicle license  
22 number plates and license registration certificates shall not apply to  
23 any vehicles owned by nonresidents of this state if the owner thereof  
24 has complied with the law requiring the licensing of vehicles in the  
25 names of the owners thereof in force in the state, foreign country,  
26 territory or federal district of his or her residence; and the vehicle  
27 license number plate showing the initial or abbreviation of the name of  
28 such state, foreign country, territory or federal district, is  
29 displayed on such vehicle substantially as is provided therefor in this

1 state. The provisions of this section shall be operative as to a  
2 vehicle owned by a nonresident of this state only to the extent that  
3 under the laws of the state, foreign country, territory or federal  
4 district of his or her residence, like exemptions and privileges are  
5 granted to vehicles duly licensed under the laws of and owned by  
6 residents of this state. If under the laws of such state, foreign  
7 country, territory or federal district, vehicles owned by residents of  
8 this state, operating upon the highways of such state, foreign country,  
9 territory or federal district, are required to pay the license fee and  
10 carry the vehicle license number plates of such state, foreign country,  
11 territory or federal district, the vehicles owned by residents of such  
12 state, foreign country, territory or federal district, and operating  
13 upon the highways of this state, shall comply with the provisions of  
14 this state relating to the licensing of vehicles. Foreign businesses  
15 owning, maintaining, or operating places of business in this state and  
16 using vehicles in connection with such places of business, shall comply  
17 with the provisions relating to the licensing of vehicles insofar as  
18 vehicles used in connection with such places of business are concerned.  
19 Under provisions of the international registration plan, the nonmotor  
20 vehicles of member and nonmember jurisdictions which are properly based  
21 and licensed in such jurisdictions are granted reciprocity in this  
22 state as provided in RCW 46.87.070(2). ~~((Converter gears (auxiliary  
23 axles) that are properly based in jurisdictions that do not register or  
24 provide license plates for such vehicles may be operated in this state  
25 without the need for registration or the display of license plates as  
26 applicable.))~~ The director is empowered to make and enforce rules and  
27 regulations for the licensing of nonresident vehicles upon a reciprocal  
28 basis and with respect to any character or class of operation.

1       **Sec. 3.** RCW 46.16.085 and 1989 c 156 s 2 are each amended to read  
2 as follows:

3       In lieu of all other licensing fees, an annual license fee of  
4 thirty-six dollars shall be collected in addition to the excise tax  
5 prescribed in chapter 82.44 RCW for: (1) Each trailer and semitrailer  
6 not subject to the license fee under RCW 46.16.065 or the capacity fees  
7 under RCW 46.16.080; (2) every pole trailer(~~(; (3) every converter gear~~  
8 ~~or auxiliary axle not licensed as a combination under the provisions of~~  
9 ~~RCW 46.16.083))~~). The proceeds from this fee shall be distributed in  
10 accordance with RCW 46.68.035. This section does not pertain to travel  
11 trailers or personal use trailers that are not used for commercial  
12 purposes or owned by commercial enterprises.

13       **Sec. 4.** RCW 46.87.020 and 1990 c 42 s 111 are each amended to read  
14 as follows:

15       Terms used in this chapter have the meaning given to them in the  
16 International Registration Plan (IRP), the Uniform Vehicle  
17 Registration, Proration, and Reciprocity Agreement (Western Compact),  
18 chapter 46.04 RCW, or as otherwise defined in this section.  
19 Definitions given to terms by the IRP and the Western Compact, as  
20 applicable, shall prevail unless given a different meaning in this  
21 chapter or in rules adopted under authority of this chapter.

22       (1) "Apportionable vehicle" has the meaning given by the IRP,  
23 except that it does not include vehicles with a declared gross weight  
24 of twelve thousand pounds or less. Apportionable vehicles include  
25 trucks, tractors, truck tractors, road tractors, and buses, each as  
26 separate and licensable vehicles. For IRP jurisdictions that require  
27 the registration of nonmotor vehicles, this term may include  
28 (~~(converter gears (auxiliary axles),)~~) trailers, semitrailers, and pole  
29 trailers as applicable, each as separate and licensable vehicles.

1 (2) "Cab card" is a certificate of registration issued for a  
2 vehicle by the registering jurisdiction under the Western Compact.  
3 Under the IRP, it is a certificate of registration issued by the base  
4 jurisdiction for a vehicle upon which is disclosed the jurisdictions  
5 and registered gross weights in such jurisdictions for which the  
6 vehicle is registered.

7 (3) "Commercial vehicle" is a term used by the Western Compact and  
8 means any vehicle, except recreational vehicles, vehicles displaying  
9 restricted plates, and government owned or leased vehicles, that is  
10 operated and registered in more than one jurisdiction and is used or  
11 maintained for the transportation of persons for hire, compensation, or  
12 profit, or is designed, used, or maintained primarily for the  
13 transportation of property and:

14 (a) Is a motor vehicle having a declared gross weight in excess of  
15 twenty-six thousand pounds; or

16 (b) Is a motor vehicle having three or more axles with a declared  
17 gross weight in excess of twelve thousand pounds; or

18 (c) Is a motor vehicle, trailer, pole trailer, (~~converter gear~~  
19 ~~{auxiliary axle},~~) or semitrailer used in combination when the gross  
20 weight or declared gross weight of the combination exceeds twenty-six  
21 thousand pounds combined gross weight. The nonmotor vehicles mentioned  
22 are only applicable to those jurisdictions requiring the registration  
23 of such vehicles.

24 Although a two-axle motor vehicle, trailer, pole trailer,  
25 semitrailer, (~~converter gear {auxiliary axle},~~) or any combination of  
26 such vehicles with an actual or declared gross weight or declared  
27 combined gross weight exceeding twelve thousand pounds but not more  
28 than twenty-six thousand is not considered to be a commercial vehicle,  
29 at the option of the owner, such vehicles may be considered as  
30 "commercial vehicles" for the purpose of proportional registration.

1 The nonmotor vehicles mentioned are only applicable to those  
2 jurisdictions requiring the registration of such vehicles.

3 Commercial vehicles include trucks, tractors, truck tractors, road  
4 tractors, and buses. (~~Converter gears (auxiliary axles),~~) Trailers,  
5 pole trailers, and semitrailers, will also be considered as commercial  
6 vehicles for those jurisdictions who require registration of such  
7 vehicles.

8 (4) "Credentials" means cab cards, apportioned plates (for  
9 Washington-based fleets), and validation tabs issued for proportionally  
10 registered vehicles.

11 (5) "Declared combined gross weight" means the total unladen weight  
12 of any combination of vehicles plus the weight of the maximum load to  
13 be carried on the combination of vehicles as set by the registrant in  
14 the application pursuant to chapter 46.44 RCW and for which  
15 registration fees have been or are to be paid.

16 (6) "Declared gross weight" means the total unladen weight of any  
17 vehicle plus the weight of the maximum load to be carried on the  
18 vehicle as set by the registrant in the application pursuant to chapter  
19 46.44 RCW and for which registration fees have been or are to be paid.  
20 In the case of a bus, auto stage, or a passenger-carrying for hire  
21 vehicle with a seating capacity of more than six, the declared gross  
22 weight shall be determined by multiplying the average load factor of  
23 one hundred and fifty pounds by the number of seats in the vehicle,  
24 including the driver's seat, and add this amount to the unladen weight  
25 of the vehicle. If the resultant gross weight is not listed in RCW  
26 46.16.070, it will be increased to the next higher gross weight so  
27 listed pursuant to chapter 46.44 RCW.

28 (7) "Department" means the department of licensing.

29 (8) "Fleet" means one or more commercial vehicles in the Western  
30 Compact and one or more apportionable vehicles in the IRP.

1 (9) "In-jurisdiction miles" means the total miles accumulated in a  
2 jurisdiction during the preceding year by vehicles of the fleet while  
3 they were a part of the fleet.

4 (10) "IRP" means the International Registration Plan.

5 (11) "Jurisdiction" means and includes a state, territory or  
6 possession of the United States, the District of Columbia, the  
7 Commonwealth of Puerto Rico, a foreign county, and a state or province  
8 of a foreign country.

9 (12) "Owner" means a person or business firm who holds the legal  
10 title to a vehicle, or if a vehicle is the subject of an agreement for  
11 its conditional sale with the right of purchase upon performance of the  
12 conditions stated in the agreement and with an immediate right of  
13 possession vested in the conditional vendee, or if a vehicle is subject  
14 to a lease, contract, or other legal arrangement vesting right of  
15 possession or control, for security or otherwise, or if a mortgagor of  
16 a vehicle is entitled to possession, then the owner is deemed to be the  
17 person or business firm in whom is vested right of possession or  
18 control.

19 (13) "Preceding year" means the period of twelve consecutive months  
20 immediately prior to July 1st of the year immediately preceding the  
21 commencement of the registration or license year for which proportional  
22 registration is sought.

23 (14) "Properly registered," as applied to the place of registration  
24 under the provisions of the Western Compact, means:

25 (a) In the case of a commercial vehicle, the jurisdiction in which  
26 it is registered if the commercial enterprise in which the vehicle is  
27 used has a place of business therein, and, if the vehicle is most  
28 frequently dispatched, garaged, serviced, maintained, operated, or  
29 otherwise controlled in or from that place of business, and the vehicle  
30 has been assigned to that place of business; or

1 (b) In the case of a commercial vehicle, the jurisdiction where,  
2 because of an agreement or arrangement between two or more  
3 jurisdictions, or pursuant to a declaration, the vehicle has been  
4 registered as required by that jurisdiction.

5 In case of doubt or dispute as to the proper place of registration  
6 of a commercial vehicle, the department shall make the final  
7 determination, but in making such determination, may confer with  
8 departments of the other jurisdictions affected.

9 (15) "Prorate percentage" is the factor that is applied to the  
10 total proratable fees and taxes to determine the apportionable or  
11 prorate fees required for registration in a particular jurisdiction.  
12 It is determined by dividing the in-jurisdiction miles for a particular  
13 jurisdiction by the total miles. This term is synonymous with the term  
14 "mileage percentage."

15 (16) "Registrant" means a person, business firm, or corporation in  
16 whose name or names a vehicle or fleet of vehicles is registered.

17 (17) "Registration year" means the twelve-month period during which  
18 the registration plates issued by the base jurisdiction are valid  
19 according to the laws of the base jurisdiction. The "registration  
20 year" for Washington is the period from January 1st through December  
21 31st of each calendar year.

22 (18) "Total miles" means the total number of miles accumulated in  
23 all jurisdictions during the preceding year by all vehicles of the  
24 fleet while they were a part of the fleet. Mileage accumulated by  
25 vehicles of the fleet that did not engage in interstate operations is  
26 not included in the fleet miles.

27 (19) "Western Compact" means the Uniform Vehicle Registration,  
28 Proration, and Reciprocity Agreement.

1       **Sec. 5.** RCW 46.87.070 and 1990 c 42 s 112 are each amended to read  
2 as follows:

3       (1) Washington-based trailers, semitrailers, (~~converter gears~~  
4 ~~(auxiliary axles)~~,)) or pole trailers shall be fully licensed in this  
5 state except as herein provided. If these vehicles are being operated  
6 in jurisdictions that require the registration of such vehicles, the  
7 applicable vehicles may be considered as apportionable or commercial  
8 vehicles for the purpose of registration in those jurisdictions. The  
9 prorated percentage for which registration fees and taxes were paid to  
10 such jurisdictions for each nonmotor vehicle of the fleet may be  
11 credited toward the one hundred percent of registration fees and taxes  
12 due this state for full licensing of each such vehicle.

13       (2) Trailers, semitrailers, (~~converter gears (auxiliary axles)~~,))  
14 and pole trailers which are properly based in jurisdictions other than  
15 Washington, and which display currently registered license plates from  
16 such jurisdictions will be granted vehicle license reciprocity in this  
17 state without the need of further vehicle license registration. If  
18 (~~converter gears (auxiliary axles) or~~) pole trailers are not required  
19 to be licensed separately by a member jurisdiction, such vehicles may  
20 be operated in this state without displaying a current base license  
21 plate.

22       NEW SECTION.   **Sec. 6.**       RCW 46.16.083 and 1986 c 18 s 7, 1969  
23 ex.s. c 170 s 4, & 1961 c 12 s 46.16.083 are each repealed.