

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 1704

52nd Legislature
1991 Regular Session

Passed by the House April 27, 1991
Yeas 96 Nays 2

**Speaker of the
House of Representatives**

Passed by the Senate April 27, 1991
Yeas 38 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1704** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

SUBSTITUTE HOUSE BILL 1704

AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Cooper, Betrozoff and R. Johnson; by request of Department of Licensing).

Read first time March 1, 1991.

1 AN ACT Relating to motor vehicles; amending RCW 82.36.040,
2 82.36.120, 82.38.090, 82.38.170, 46.87.070, 46.87.140, 46.16.319,
3 82.80.010, 82.36.010, 82.36.030, 82.38.150, 46.01.140, 46.01.270,
4 46.12.101, 46.16.220, 46.16.381, 46.16.390, 46.20.308, 46.30.020,
5 46.61.582, 46.61.583, 46.70.023, 35.58.273, 88.02.070, and 88.02.220;
6 reenacting and amending RCW 46.63.020 and 88.02.030; adding new
7 sections to chapter 82.36 RCW; adding a new section to chapter 46.87
8 RCW; adding a new section to chapter 82.42 RCW; adding a new section to
9 chapter 88.02 RCW; creating a new section; prescribing penalties;
10 providing an effective date; and declaring an emergency.

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

12 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.36 RCW
13 to read as follows:

14 (1) If the department determines that the tax reported by a motor
15 vehicle fuel distributor is deficient, the department shall assess the

1 deficiency on the basis of information available to it, and shall add
2 a penalty of two percent of the amount of the deficiency.

3 (2) If a distributor, whether licensed or not licensed as such,
4 fails, neglects, or refuses to file a motor vehicle fuel tax report the
5 department shall, on the basis of information available to it,
6 determine the tax liability of the distributor for the period during
7 which no report was filed. The department shall add the penalty
8 provided in subsection (1) of this section to the tax. An assessment
9 made by the department under this subsection or subsection (1) of this
10 section is presumed to be correct. In any case, where the validity of
11 the assessment is questioned, the burden is on the person who
12 challenges the assessment to establish by a fair preponderance of
13 evidence that it is erroneous or excessive, as the case may be.

14 (3) If a distributor files a false or fraudulent report with intent
15 to evade the tax imposed by this chapter, the department shall add to
16 the amount of deficiency a penalty equal to twenty-five percent of the
17 deficiency, in addition to the penalty provided in subsections (1) and
18 (2) of this section and all other penalties prescribed by law.

19 (4) Motor vehicle fuel tax, penalties, and interest payable under
20 this chapter bears interest at the rate of one percent per month, or
21 fraction thereof, from the first day of the calendar month after the
22 amount or any portion of it should have been paid until the date of
23 payment. If a distributor establishes by a fair preponderance of
24 evidence that the failure to pay the amount of tax due was attributable
25 to reasonable cause and was not intentional or willful, the department
26 may waive the penalty. The department may waive the interest when it
27 determines the cost of processing or collection of the interest exceeds
28 the amount of interest due.

29 (5) Except in the case of a fraudulent report, neglect or refusal
30 to make a report, or failure to pay or to pay the proper amount, the

1 department shall assess the deficiency under subsection (1) or (2) of
2 this section within three years from the last day of the succeeding
3 calendar month after the reporting period for which the amount is
4 proposed to be determined or within three years after the return is
5 filed, whichever period expires later.

6 (6) Except in the case of violations of filing a false or
7 fraudulent report, if the department deems mitigation of penalties and
8 interest to be reasonable and in the best interest of carrying out the
9 purpose of this chapter, it may mitigate such assessments upon whatever
10 terms the department deems proper, giving consideration to the degree
11 and extent of the lack of records and reporting errors. The department
12 may ascertain the facts regarding recordkeeping and payment penalties
13 in lieu of more elaborate proceedings under this chapter.

14 (7) A distributor against whom an assessment is made under
15 subsection (1) or (2) of this section may petition for a reassessment
16 within thirty days after service upon the distributor of notice of the
17 assessment. If the petition is not filed within the thirty-day period,
18 the amount of the assessment becomes final at the expiration of that
19 period.

20 If a petition for reassessment is filed within the thirty-day
21 period, the department shall reconsider the assessment and, if the
22 distributor has so requested in its petition, shall grant the
23 distributor an oral hearing and give the distributor twenty days'
24 notice of the time and place of the hearing. The department may
25 continue the hearing from time to time. The decision of the department
26 upon a petition for reassessment becomes final thirty days after
27 service of notice upon the distributor.

28 An assessment made by the department becomes due and payable when
29 it becomes final. If it is not paid to the department when due and

1 payable, the department shall add a penalty of ten percent of the
2 amount of the tax.

3 (8) In a suit brought to enforce the rights of the state under this
4 chapter, the assessment showing the amount of taxes, penalties,
5 interest, and cost unpaid to the state is prima facie evidence of the
6 facts as shown.

7 (9) A notice of assessment required by this section must be served
8 personally or by mail. If it is served by mail, service shall be made
9 by deposit of the notice in the United States mail, postage prepaid,
10 addressed to the distributor at the most current address furnished to
11 the department.

12 **Sec. 2.** RCW 82.36.040 and 1989 c 378 s 24 are each amended to read
13 as follows:

14 If payment of any tax due is not received by the due date, there
15 shall be assessed a penalty of two percent of the amount of the tax.
16 ~~((If any distributor establishes by a fair preponderance of evidence
17 that the distributor's failure to pay the amount of tax due by the due
18 date was attributable to reasonable cause and was not intentional or
19 willful, the department may waive the penalty imposed by this section.~~

20 ~~Any motor vehicle fuel tax, penalties, and interest payable under
21 the provisions of this chapter shall bear interest at the rate of one
22 percent per month, or fraction thereof, from the first day of the
23 calendar month after the close of the monthly period for which the
24 amount or any portion thereof should have been paid until the date of
25 payment. The department may waive the interest when the department
26 determines that the cost of processing the collection of the interest
27 exceeds the amount of interest due.~~

28 ~~In any suit brought to enforce the rights of the state under this
29 chapter, the certificate of the director showing the amount of taxes,~~

1 ~~penalties, interest and cost unpaid by any distributor and that the~~
2 ~~same are due and unpaid to the state shall be prima facie evidence of~~
3 ~~the facts as shown.))~~

4 **Sec. 3.** RCW 82.36.120 and 1961 c 15 s 82.36.120 are each amended
5 to read as follows:

6 ~~((In the event any))~~ If a distributor is delinquent in the payment
7 ~~of ((his excise tax hereunder, the director))~~ an obligation imposed
8 under this chapter, the department may give notice of the amount
9 ~~((thereof))~~ of the delinquency by registered or certified mail to all
10 persons having in their possession or under their control any credits
11 or other personal property belonging to such distributor, or owing any
12 debts to such distributor at the time of receipt by them of such
13 notice((, and thereafter the persons)). A person so notified shall
14 neither transfer nor make any other disposition of such credits,
15 ~~((other))~~ personal property, or debts((,)) until ((twenty days have
16 elapsed from and after receipt of such notice unless the director has
17 given his consent to a previous transfer,)) the department consents to
18 a transfer or other disposition. All persons so notified must, within
19 ~~((five))~~ twenty days after receipt of the notice, advise the
20 ~~((director))~~ department of any and all such credits, ~~((other))~~ personal
21 property, or debts in their possession, under their control or owing by
22 them, as the case may be, and shall deliver upon demand the credits,
23 personal property, or debts to the department or its duly authorized
24 representative to be applied to the indebtedness involved.

25 If a person fails to answer the notice within the time prescribed
26 by this section, it is lawful for the court, upon application of the
27 department and after the time to answer the notice has expired, to
28 render judgment by default against the person for the full amount

1 claimed by the department in the notice to withhold and deliver,
2 together with costs.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.36 RCW
4 to read as follows:

5 When an assessment becomes final in accordance with this chapter,
6 the department may file with the clerk of any county within the state
7 a warrant in the amount of the assessment of taxes, penalties,
8 interest, and a filing fee of five dollars. The clerk of the county in
9 which the warrant is filed shall immediately designate a superior court
10 cause number for the warrant, and the clerk shall cause to be entered
11 in the judgment docket under the superior court cause number assigned
12 to the warrant the name of the distributor mentioned in the warrant,
13 the amount of the tax, penalties, interest, and filing fee, and the
14 date when the warrant was filed. The aggregate amount of the warrant
15 as docketed becomes a lien upon the title to and interest in all real
16 and personal property of the named person against whom the warrant is
17 issued, the same as a judgment in a civil case duly docketed in the
18 office of the clerk. The warrant so docketed is sufficient to support
19 the issuance of writs of execution and writs of garnishment in favor of
20 the state in the manner provided by law in the case of a civil
21 judgment, wholly or partially unsatisfied. The clerk of the court is
22 entitled to a filing fee of five dollars.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.87 RCW
24 to read as follows:

25 Except in the case of violations of filing a false or fraudulent
26 application, if the department deems mitigation of penalties and
27 interest to be reasonable and in the best interests of carrying out the
28 purpose of this chapter, it may mitigate such assessments upon whatever

1 terms the department deems proper, giving consideration to the degree
2 and extent of the lack of records and reporting errors. The department
3 may ascertain the facts regarding recordkeeping and payment penalties
4 in lieu of more elaborate proceedings under this chapter.

5 **Sec. 6.** RCW 82.38.090 and 1990 c 250 s 84 are each amended to read
6 as follows:

7 It shall be unlawful for any person to act as a special fuel
8 dealer, a special fuel supplier or a special fuel user in this state
9 unless such person is the holder of an uncanceled special fuel
10 dealer's, a special fuel supplier's or a special fuel user's license
11 issued to him by the department. A special fuel supplier's license
12 authorizes a person to sell special fuel without collecting the special
13 fuel tax to other suppliers and dealers holding valid special fuel
14 licenses.

15 A special fuel dealer's license authorizes a person to deliver
16 previously untaxed special fuel into the fuel supply tanks of motor
17 vehicles, collect the special fuel tax on behalf of the state at the
18 time of delivery, and remit the taxes collected to the state as
19 provided herein. A licensed special fuel dealer may also deliver
20 untaxed special fuel into bulk storage facilities of a licensed special
21 fuel user without collecting the special fuel tax. Special fuel
22 dealers and suppliers, when making deliveries of special fuel into bulk
23 storage to any person not holding a valid special fuel license must
24 collect the special fuel tax at time of delivery, unless the person to
25 whom the delivery is made is specifically exempted from the tax as
26 provided herein.

27 A special fuel user's license authorizes a person to purchase
28 special fuel into bulk storage for use in motor vehicles either on or
29 off the public highways of this state without payment of the special

1 fuel tax at time of purchase. Holders of special fuel licenses are all
2 subject to the bonding, reporting, tax payment, and record-keeping
3 provisions of this chapter. All purchases of special fuel by a
4 licensed special fuel user directly into the fuel supply tank of a
5 motor vehicle are subject to the special fuel tax at time of purchase
6 unless the purchase is made from an unattended keylock metered pump,
7 cardtrol, or such similar dispensing devices. Persons utilizing
8 special fuel for heating purposes only are not required to be licensed.

9 Special fuel users operating motor vehicles in interstate commerce
10 having two axles and a gross vehicle weight or registered gross vehicle
11 weight not exceeding twenty-six thousand pounds are not required to be
12 licensed. Special fuel users operating motor vehicles in interstate
13 commerce having two axles and a gross vehicle weight or registered
14 gross vehicle weight exceeding twenty-six thousand pounds, or having
15 three or more axles regardless of weight, or a combination of vehicles,
16 when the combination exceeds twenty-six thousand pounds gross vehicle
17 weight, must comply with the licensing and reporting requirements of
18 this chapter. A copy of the license must be carried in each motor
19 vehicle entering this state from another state or province.

20 **Sec. 7.** RCW 82.38.170 and 1987 c 174 s 6 are each amended to read
21 as follows:

22 (1) If any special fuel dealer or special fuel user fails to pay
23 any taxes collected or due the state of Washington by said dealer or
24 user within the time prescribed by RCW 82.38.150 and 82.38.160, said
25 dealer or user shall pay in addition to such tax a penalty of ten
26 percent of the amount thereof.

27 (2) If it be determined by the department that the tax reported by
28 any special fuel dealer or special fuel user is deficient it shall
29 proceed to assess the deficiency on the basis of information available

1 to it and there shall be added to this deficiency a penalty of ten
2 percent of the amount of the deficiency.

3 (3) If any special fuel dealer or special fuel user, whether or not
4 he or she is licensed as such, fails, neglects, or refuses to file a
5 special fuel tax report, the department shall, on the basis of
6 information available to it, determine the tax liability of the special
7 fuel dealer or the special fuel user for the period during which no
8 report was filed, and to the tax as thus determined, the department
9 shall add the penalty and interest provided in subsection (2) of this
10 section. An assessment made by the department pursuant to this
11 subsection or to subsection (2) of this section shall be presumed to be
12 correct, and in any case where the validity of the assessment is drawn
13 in question, the burden shall be on the person who challenges the
14 assessment to establish by a fair preponderance of the evidence that it
15 is erroneous or excessive as the case may be.

16 (4) If any special fuel dealer or special fuel user shall establish
17 by a fair preponderance of evidence that his or her failure to file a
18 report or pay the proper amount of tax within the time prescribed was
19 due to reasonable cause and was not intentional or willful, the
20 department may waive the penalty prescribed in subsections (1), (2),
21 and (3) of this section.

22 (5) If any special fuel dealer or special fuel user shall file a
23 false or fraudulent report with intent to evade the tax imposed by this
24 chapter, there shall be added to the amount of deficiency determined by
25 the department a penalty equal to twenty-five percent of the
26 deficiency, in addition to the penalty provided in subsection (2) of
27 this section and all other penalties prescribed by law.

28 (6) Any fuel tax, penalties, and interest payable under this
29 chapter shall bear interest at the rate of one percent per month, or
30 fraction thereof, from the first day of the calendar month after the

1 amount or any portion thereof should have been paid until the date of
2 payment: PROVIDED, That the department may waive the interest when it
3 determines that the cost of processing the collection of the interest
4 exceeds the amount of interest due.

5 (7) Except in the case of violations of filing a false or
6 fraudulent report, if the department deems mitigation of penalties and
7 interest to be reasonable and in the best interests of carrying out the
8 purpose of this chapter, it may mitigate such assessments upon whatever
9 terms the department deems proper, giving consideration to the degree
10 and extent of the lack of records and reporting errors. The department
11 may ascertain the facts regarding recordkeeping and payment penalties
12 in lieu of more elaborate proceedings under this chapter.

13 (8) Except in the case of a fraudulent report or of neglect or
14 refusal to make a report, every deficiency shall be assessed under
15 subsection (2) of this section within three years from the twenty-fifth
16 day of the next succeeding calendar month following the reporting
17 period for which the amount is proposed to be determined or within
18 three years after the return is filed, whichever period expires the
19 later.

20 ((+8)) (9) Any special fuel dealer or special fuel user against
21 whom an assessment is made under the provisions of subsections (2) or
22 (3) of this section may petition for a reassessment thereof within
23 thirty days after service upon the special fuel dealer or special fuel
24 user of notice thereof. If such petition is not filed within such
25 thirty day period, the amount of the assessment becomes final at the
26 expiration thereof.

27 If a petition for reassessment is filed within the thirty day
28 period, the department shall reconsider the assessment and, if the
29 special fuel dealer or special fuel user has so requested in his or her
30 petition, shall grant such special fuel dealer or special fuel user an

1 oral hearing and give the special fuel dealer or special fuel user ten
2 days' notice of the time and place thereof. The department may
3 continue the hearing from time to time. The decision of the department
4 upon a petition for reassessment shall become final thirty days after
5 service upon the special fuel dealer or special fuel user of notice
6 thereof.

7 Every assessment made by the department shall become due and
8 payable at the time it becomes final and if not paid to the department
9 when due and payable, there shall be added thereto a penalty of ten
10 percent of the amount of the tax.

11 ~~((9))~~ (10) Any notice of assessment required by this section
12 shall be served personally or by mail; if by mail, service shall be
13 made by depositing such notice in the United States mail, postage
14 prepaid addressed to the special fuel dealer or special fuel user at
15 his or her address as the same appears in the records of the
16 department.

17 ~~((10))~~ (11) Any licensee who has had their special fuel user
18 license, special fuel dealer license, special fuel supplier license, or
19 combination thereof revoked shall pay a one hundred dollar penalty
20 prior to the issuance of a new license.

21 ~~((11))~~ (12) Any person who, upon audit or investigation by the
22 department, is found to have not paid special fuel taxes as required by
23 this chapter shall be subject to cancellation of all vehicle
24 registrations for vehicles utilizing special fuel as a means of
25 propulsion. Any unexpired Washington tonnage on the vehicles in
26 question may be transferred to a purchaser of the vehicles upon
27 application to the department who shall hold such tonnage in its
28 custody until a sale of the vehicle is made or the tonnage has expired.

1 NEW SECTION. **Sec. 8.** A new section is added to chapter 82.42 RCW
2 to read as follows:

3 Except in the case of violations of filing a false or fraudulent
4 report, if the department deems mitigation of penalties and interest to
5 be reasonable and in the best interests of carrying out the purpose of
6 this chapter, it may mitigate such assessments upon whatever terms the
7 department deems proper, giving consideration to the degree and extent
8 of the lack of records and reporting errors. The department may
9 ascertain the facts regarding recordkeeping and payment penalties in
10 lieu of more elaborate proceedings under this chapter.

11 **Sec. 9.** RCW 46.87.070 and 1990 c 42 s 112 are each amended to read
12 as follows:

13 (1) Washington-based trailers, semitrailers, converter gears
14 (auxiliary axles), or pole trailers shall be ~~((fully))~~ licensed in this
15 state under the provisions of chapter 46.16 RCW except as herein
16 provided. If these vehicles are being operated in jurisdictions that
17 require the registration of such vehicles, the applicable vehicles may
18 be considered as apportionable or commercial vehicles for the purpose
19 of registration in those jurisdictions and this state. ~~((The prorate
20 percentage for which registration fees and taxes were paid to such
21 jurisdictions for each nonmotor vehicle of the fleet may be credited
22 toward the one hundred percent of registration fees and taxes due this
23 state for full licensing of each such vehicle.))~~

24 (2) Trailers, semitrailers, converter gears (auxiliary axles), and
25 pole trailers which are properly based in jurisdictions other than
26 Washington, and which display currently registered license plates from
27 such jurisdictions will be granted vehicle license reciprocity in this
28 state without the need of further vehicle license registration. If
29 converter gears (auxiliary axles) or pole trailers are not required to

1 be licensed separately by a member jurisdiction, such vehicles may be
2 operated in this state without displaying a current base license plate.

3 **Sec. 10.** RCW 46.87.140 and 1990 c 42 s 114 are each amended to
4 read as follows:

5 (1) Any owner engaged in interstate operations of one or more
6 fleets of apportionable or commercial vehicles may, in lieu of
7 registration of the vehicles under chapter 46.16 RCW, register and
8 license the vehicles of each fleet under this chapter by filing a
9 proportional registration application for each fleet with the
10 department. The nonmotor vehicles of Washington-based fleets which are
11 operated in IRP jurisdictions that require registration of such
12 vehicles may be proportionally registered for operation in those
13 jurisdictions as herein provided. The application shall contain the
14 following information and such other information pertinent to vehicle
15 registration as the department may require:

16 (a) A description and identification of each vehicle of the fleet.
17 Motor vehicles and nonpower units shall be placed in separate fleets.

18 (b) If registering under the provisions of the IRP, the registrant
19 shall also indicate member jurisdictions in which registration is
20 desired and furnish such other information as those member
21 jurisdictions require.

22 (c) An original or renewal application shall also be accompanied by
23 a mileage schedule for each fleet.

24 (2) Each application shall, at the time and in the manner required
25 by the department, be supported by payment of a fee computed as
26 follows:

27 (a) Divide the in-jurisdiction miles by the total miles and carry
28 the answer to the nearest thousandth of a percent (three places beyond

1 the decimal, e.g. 10.543%). This factor is known as the prorate
2 percentage.

3 (b) Determine the total proratable fees and taxes required for each
4 vehicle in the fleet for which registration is requested, based on the
5 regular annual fees and taxes or applicable fees and taxes for the
6 unexpired portion of the registration year under the laws of each
7 jurisdiction for which fees or taxes are to be calculated.

8 Washington-based (~~(nonpower)~~) nonmotor vehicles shall normally be
9 fully licensed(~~(, by paying full registration fees and taxes, in this~~
10 ~~state)~~) under the provisions of chapter 46.16 RCW. If these vehicles
11 are being operated in jurisdictions that require the registration of
12 such vehicles, the applicable vehicles may be considered as
13 apportionable vehicles for the purpose of registration in those
14 jurisdictions and this state. The prorate percentage for which
15 registration fees and taxes were paid to such jurisdictions may be
16 credited toward the one hundred percent of registration fees and taxes
17 due this state for full licensing. Applicable fees and taxes for
18 vehicles of Washington-based fleets are those prescribed under RCW
19 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable.

20 (c) Multiply the total, proratable fees or taxes for each motor
21 vehicle by the prorate percentage applicable to the desired
22 jurisdiction and round the results to the nearest cent. Fees and taxes
23 for nonmotor vehicles being prorated will be calculated as indicated in
24 (b) of this subsection.

25 (d) Add the total fees and taxes determined in (~~(subsection~~
26 ~~(2))~~)(c) of this (~~(section)~~) subsection for each vehicle to the
27 nonproratable fees required under the laws of the jurisdiction for
28 which fees are being calculated. Nonproratable fees required for
29 vehicles of Washington-based fleets are the administrative fee required

1 by RCW 82.38.075, if applicable, and the vehicle transaction fee
2 pursuant to the provisions of RCW 46.87.130.

3 (e) Add the total fees and taxes determined in ~~((subsection~~
4 ~~(2))~~(d) of this ~~((section))~~ subsection for each vehicle listed on the
5 application. Assuming the fees and taxes calculated were for
6 Washington, this would be the amount due and payable for the
7 application under the provisions of the Western Compact. Under the
8 provisions of the IRP, the amount due and payable for the application
9 would be the sum of the fees and taxes referred to in ~~((subsection~~
10 ~~(2))~~(d) of this ~~((section))~~ subsection, calculated for each member
11 jurisdiction in which registration of the fleet is desired.

12 (3) All assessments for proportional registration fees are due and
13 payable in United States funds on the date presented or mailed to the
14 registrant at the address listed in the proportional registration
15 records of the department. The registrant may petition for
16 reassessment of the fees or taxes due under this section within thirty
17 days of the date of original service as provided for in this chapter.

18 **Sec. 11.** RCW 46.16.319 and 1990 c 250 s 6 are each amended to read
19 as follows:

20 (1) The department shall issue upon payment of a fee and proof from
21 an honorably discharged veteran, veterans with honorable military
22 service, or military personnel on active duty in the armed service, a
23 remembrance emblem depicting a tribute or message and the American
24 flag.

25 (2) Veterans and military personnel who served in our nation's wars
26 and conflicts can, upon request and payment of a fee and proof of
27 service, receive a remembrance emblem depicting the campaign ribbon
28 ~~((the veteran was))~~ they were awarded. ~~((Only))~~ The following campaign
29 ribbon remembrance emblems will be available: World War I victory

1 medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle
2 East campaign medal, WWII; American campaign medal, WWII; Korean
3 service medal; Vietnam service medal; Armed Forces Expeditionary, after
4 1958. The director may adopt additional campaign ribbon remembrance
5 emblems by rule.

6 (3) The remembrance emblem will be displayed upon vehicle license
7 plates in the manner prescribed by the department.

8 (4) A veteran or military personnel requesting a remembrance emblem
9 from the department shall provide a copy of his or her discharge papers
10 (DD-214) or military orders indicating their military status and
11 campaign ribbon awarded along with payment of the fee. A veteran or
12 military personnel requesting a remembrance emblem must be a legal or
13 registered owner of the vehicle on which remembrance emblems are to be
14 displayed.

15 **Sec. 12.** RCW 82.80.010 and 1990 c 42 s 201 are each amended to
16 read as follows:

17 (1) Subject to the conditions of this section, any county may levy,
18 by approval of its legislative body and a majority of the registered
19 voters of the county voting on the proposition at a general or special
20 election, additional excise taxes equal to ten percent of the state-
21 wide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of
22 motor vehicle fuel as defined in RCW 82.36.010(2) and on each gallon of
23 special fuel as defined in RCW 82.38.020(5)~~((, per gallon or one~~
24 ~~hundred cubic feet of compressed natural gas measured at standard~~
25 ~~temperature and pressure))~~ sold within the boundaries of the county.
26 Vehicles paying an annual license fee under RCW 82.38.075 are exempt
27 from the county fuel excise tax. An election held under this section
28 must be held not more than twelve months before the date on which the
29 proposed tax is to be levied. The ballot setting forth the proposition

1 shall state the tax rate that is proposed. The county's authority to
2 levy additional excise taxes under this section includes the
3 incorporated and unincorporated areas of the county. The additional
4 excise taxes are subject to the same exceptions and rights of refund as
5 applicable to other motor vehicle fuel and special fuel excise taxes
6 levied under chapters 82.36 and 82.38 RCW. The proposed tax shall not
7 be levied less than one month from the date the election results are
8 certified by the county election officer. The commencement date for
9 the levy of any tax under this section shall be the first day of
10 January, April, July, or October.

11 (2) Every person subject to the tax shall pay, in addition to any
12 other taxes provided by law, an additional excise tax to the director
13 of licensing at the rate levied by a county exercising its authority
14 under this section.

15 (3) The state treasurer shall distribute monthly to the levying
16 county and cities contained therein the proceeds of the additional
17 excise taxes collected under this section, after the deductions for
18 payments and expenditures as provided in RCW 46.68.090 (1) (~~(a)~~ and
19 ~~(b)~~) and (2) and under the conditions and limitations provided in RCW
20 82.80.080.

21 (4) The proceeds of the additional excise taxes levied under this
22 section shall be used strictly for transportation purposes in
23 accordance with RCW 82.80.070.

24 (5) The department of licensing shall administer and collect the
25 county fuel taxes. The department shall deduct a percentage amount, as
26 provided by contract, for administrative, collection, refund, and audit
27 expenses incurred. The remaining proceeds shall be remitted to the
28 custody of the state treasurer for monthly distribution under RCW
29 82.80.080.

1 **Sec. 13.** RCW 82.36.010 and 1990 c 250 s 79 are each amended to
2 read as follows:

3 For the purposes of this chapter:

4 (1) "Motor vehicle" means every vehicle that is in itself a self-
5 propelled unit, equipped with solid rubber, hollow-cushion rubber, or
6 pneumatic rubber tires and capable of being moved or operated upon a
7 public highway, except motor vehicles used as motive power for or in
8 conjunction with farm implements and machines or implements of
9 husbandry;

10 (2) "Motor vehicle fuel" means gasoline or any other inflammable
11 gas or liquid, by whatsoever name such gasoline, gas, or liquid may be
12 known or sold, the chief use of which is as fuel for the propulsion of
13 motor vehicles or motorboats;

14 (3) "Distributor" means every person who refines, manufactures,
15 produces, or compounds motor vehicle fuel and sells, distributes, or in
16 any manner uses it in this state; also every person engaged in business
17 as a bona fide wholesale merchant dealing in motor vehicle fuel who
18 either acquires it within the state from any person refining it within
19 or importing it into the state, on which the tax has not been paid, or
20 imports it into this state and sells, distributes, or in any manner
21 uses it in this state. For the purposes of liability for a county fuel
22 tax, "distributor" has that meaning defined in the county ordinance
23 imposing the tax;

24 (4) "Service station" means a place operated for the purpose of
25 delivering motor vehicle fuel into the fuel tanks of motor vehicles;

26 (5) "Department" means the department of licensing;

27 (6) "Director" means the director of licensing;

28 (7) "Dealer" means any person engaged in the retail sale of liquid
29 motor vehicle fuels;

1 (8) "Person" means every natural person, firm, partnership,
2 association, or private or public corporation;

3 (9) "Highway" means every way or place open to the use of the
4 public, as a matter of right, for purposes of vehicular travel;

5 (10) "Broker" means every person, other than a distributor, engaged
6 in business as a broker, jobber, or wholesale merchant dealing in motor
7 vehicle fuel or other petroleum products used or usable in propelling
8 motor vehicles, or in other petroleum products which may be used in
9 blending, compounding, or manufacturing of motor vehicle fuel;

10 (11) "Producer" means every person, other than a distributor,
11 engaged in the business of producing motor vehicle fuel or other
12 petroleum products used in, or which may be used in, the blending,
13 compounding, or manufacturing of motor vehicle fuel;

14 (12) "Distribution" means all withdrawals of motor vehicle fuel for
15 delivery to others, to retail service stations, or to unlicensed bulk
16 storage plants;

17 (13) "Bulk storage plant" means, pursuant to the licensing
18 provisions of RCW 82.36.070, any plant, under the control of the
19 distributor, used for the storage of motor vehicle fuel to which no
20 retail outlets are directly connected by pipe lines;

21 (14) "Marine fuel dealer" means any person engaged in the retail
22 sale of liquid motor vehicle fuel whose place of business and or sale
23 outlet is located upon a navigable waterway;

24 ~~((15) "Aggregate motor vehicle fuel tax revenues" means the amount~~
25 ~~of excise taxes to be paid by distributors, retailers, and users~~
26 ~~pursuant to chapters 82.36, 82.37, and 82.38 RCW for any designated~~
27 ~~fiscal period, whether or not such amounts are actually received by the~~
28 ~~department of licensing. The phrase does not include fines or~~
29 ~~penalties assessed for violations;~~

30 ~~(16) "Fiscal year" means a twelve month period ending June 30th;~~

1 ~~(17)~~ "State personal income" means the dollar amount published as
2 total personal income of persons in the state for the calendar year by
3 the United States department of commerce or its successor agency;

4 ~~(18)~~ "State personal income ratio" for any calendar year means that
5 ratio expressed in percentage terms that is the sum of one hundred
6 percent, plus seventy percent of the percentage increase or decrease in
7 state personal income for the calendar year under consideration as
8 compared to state personal income for the immediately preceding
9 calendar year;

10 ~~(19)~~ "Motor vehicle fund revenue" means all state taxes, fees, and
11 penalties deposited in the motor vehicle fund and all other state
12 revenue required by statute to be deposited in the motor vehicle fund,
13 but does not include (a) moneys derived from nonfuel tax sources which
14 are deposited directly in the several accounts, (b) interest deposited
15 directly in the several accounts within the motor vehicle fund, (c)
16 federal funds, (d) proceeds from the sale of bonds, or (e)
17 reimbursements to the motor vehicle fund for services performed by the
18 department of transportation for others;

19 ~~(20))~~ (15) "Alcohol" means alcohol that is produced from renewable
20 resources;

21 ~~((21))~~ (16) "Electronic funds transfer" means any transfer of
22 funds, other than a transaction originated by check, draft, or similar
23 paper instrument, which is initiated through an electronic terminal,
24 telephonic instrument, or computer or magnetic tape so as to order,
25 instruct, or authorize a financial institution to debit or credit an
26 account.

27 **Sec. 14.** RCW 82.36.030 and 1990 c 42 s 202 are each amended to
28 read as follows:

1 Every distributor shall on or before the twenty-fifth day of each
2 calendar month file, on forms furnished by the director, a statement
3 signed by the distributor or his authorized agent showing the total
4 number of gallons of motor vehicle fuel sold, distributed, or used by
5 such distributor within this state during the preceding calendar month
6 and, for counties within which an additional excise tax on motor
7 vehicle fuel has been levied by that jurisdiction under RCW 82.80.010,
8 showing the total number of gallons of motor vehicle fuel sold,
9 distributed (~~(and sold to dealers)~~), or used by the distributor (~~(for~~
10 ~~sale)~~) within the boundaries of the county during the preceding
11 calendar month.

12 If any distributor fails to file such report, the director shall
13 proceed forthwith to determine from the best available sources, the
14 amount of motor vehicle fuel sold, distributed, or used by such
15 distributor for the unreported period, and said determination shall be
16 presumed to be correct for that period until proved by competent
17 evidence to be otherwise. The director shall immediately assess the
18 excise tax in the amount so determined, adding thereto a penalty of ten
19 percent for failure to report. Such penalty shall be cumulative of
20 other penalties herein provided. All statements filed with the
21 director, as required in this section, shall be public records.

22 If any distributor establishes by a fair preponderance of evidence
23 that his or her failure to file a report by the due date was
24 attributable to reasonable cause and was not intentional or willful,
25 the department may waive the penalty imposed by this section.

26 **Sec. 15.** RCW 82.38.150 and 1990 c 42 s 203 are each amended to
27 read as follows:

28 For the purpose of determining the amount of liability for the tax
29 herein imposed each special fuel dealer and each special fuel user

1 shall file tax reports with the department, on forms prescribed by the
2 department. Special fuel dealers shall file the reports at the
3 intervals as shown in the following schedule:

| 4 | Estimated Yearly | |
|---|------------------|---------------------|
| 5 | Tax Liability | Reporting Frequency |
| 6 | \$ 0 - \$100 | Yearly |
| 7 | \$101 - 250 | Semi-yearly |
| 8 | \$251 - 499 | Quarterly |
| 9 | \$500 and over | Monthly |

10 Special fuel users whose estimated yearly tax liability is two
11 hundred fifty dollars or less, shall file a report yearly, and special
12 fuel users whose estimated yearly tax liability is more than two
13 hundred fifty dollars, shall file reports quarterly.

14 The department shall establish the reporting frequency for each
15 applicant at the time the special fuel license is issued. If it
16 becomes apparent that any special fuel licensee is not reporting in
17 accordance with the above schedule, the department shall change the
18 licensee's reporting frequency by giving thirty days' notice to the
19 licensee by mail to his address of record. A report shall be filed
20 with the department even though no special fuel was used, or tax is
21 due, for the reporting period. Each tax report shall contain a
22 declaration by the person making the same, to the effect that the
23 statements contained therein are true and are made under penalties of
24 perjury, which declaration shall have the same force and effect as a
25 verification of the report and is in lieu of such verification. The
26 report shall show such information as the department may reasonably
27 require for the proper administration and enforcement of this chapter:
28 PROVIDED, That if a special fuel dealer or special fuel user is also a

1 special fuel supplier at a location where special fuel is delivered
2 into the supply tank of a motor vehicle, and if separate storage is
3 provided thereat from which special fuel is delivered or placed into
4 fuel supply tanks of motor vehicles, the tax report to the department
5 need not include inventory control data covering bulk storage from
6 which wholesale distribution of special fuel is made. For counties
7 within which an additional excise tax on special fuel has been levied
8 by that jurisdiction under RCW 82.80.010, the report must show the
9 quantities of special fuel sold, distributed (~~(and sold)~~), or withdrawn
10 from bulk storage by the reporting dealer or user within the county's
11 boundaries and the tax liability from its levy. The special fuel
12 dealer or special fuel user shall file the report on or before the
13 twenty-fifth day of the next succeeding calendar month following the
14 period to which it relates.

15 Subject to the written approval of the department, tax reports may
16 cover a period ending on a day other than the last day of the calendar
17 month. Taxpayers granted approval to file reports in this manner will
18 file such reports on or before the twenty-fifth day following the end
19 of the reporting period. No change to this reporting period will be
20 made without the written authorization of the department.

21 If the final filing date falls on a Saturday, Sunday, or legal
22 holiday the next secular or business day shall be the final filing
23 date. Such reports shall be considered filed or received on the date
24 shown by the post office cancellation mark stamped upon an envelope
25 containing such report properly addressed to the department, or on the
26 date it was mailed if proof satisfactory to the department is available
27 to establish the date it was mailed.

28 The department, if it deems it necessary in order to insure payment
29 of the tax imposed by this chapter, or to facilitate the administration
30 of this chapter, has the authority to require the filing of reports and

1 tax remittances at shorter intervals than one month if, in its opinion,
2 an existing bond has become insufficient.

3 The department may permit any special fuel user whose sole use of
4 special fuel is in motor vehicles or equipment exempt from tax as
5 provided in RCW 82.38.075 and RCW 82.38.080 (1), (2), (3), (8), and
6 (9), in lieu of the reports required in this section, to submit reports
7 annually or as requested by the department, in such form as the
8 department may require.

9 A special fuel user whose sole use of special fuel is for purposes
10 other than the propulsion of motor vehicles upon the public highways of
11 this state shall not be required to submit the reports required in this
12 section.

13 **Sec. 16.** RCW 46.01.140 and 1990 c 250 s 89 are each amended to
14 read as follows:

15 (1) The county auditor, if appointed by the director of licensing
16 shall carry out the provisions of this title relating to the licensing
17 of vehicles and the issuance of vehicle license number plates under the
18 direction and supervision of the director and may with the approval of
19 the director appoint assistants as special deputies and subagents to
20 accept applications and collect fees for vehicle licenses and transfers
21 and to deliver vehicle license number plates.

22 (2) At any time any application is made to the director, the county
23 auditor, or other agent pursuant to any law dealing with licenses,
24 registration, or the right to operate any vehicle upon the public
25 highways of this state, excluding applicants already paying such fee
26 under RCW 46.16.070 or 46.16.085, the applicant shall pay to the
27 director, county auditor, or other agent a fee of two dollars for each
28 application in addition to any other fees required by law. Applicants
29 for certificates of ownership, including applicants paying fees under

1 RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor,
2 or other agent a fee of three dollars in addition to any other fees
3 required by law. These (~~additional~~) fees, if paid to the county
4 auditor as agent of the director, or if paid to (~~an agent~~) a subagent
5 of the county auditor, shall be paid to the county treasurer in the
6 same manner as other fees collected by the county auditor and credited
7 to the county current expense fund. If the fee is paid to another
8 agent of the director, the fee shall be used by the agent to defray his
9 or her expenses in handling the application(~~(: PROVIDED, That an agent~~
10 ~~of the county auditor)~~).

11 (3) A subagent is entitled to an additional service charge of two
12 dollars. However, from July 1, 1991, through June 30, 1992, subagents
13 shall collect a service fee of (a) five dollars and fifty cents for
14 changes in a certificate of ownership, with or without registration
15 renewal, or verification of record and preparation of an affidavit of
16 lost title other than at the time of the title application or transfer
17 and (b) two dollars and twenty-five cents for registration renewal
18 only, issuing a transit permit, or any other service under this
19 section.

20 (~~(+3)~~) (4) If the fee is collected by the state patrol as agent
21 for the director, the fee so collected shall be certified to the state
22 treasurer and deposited to the credit of the state patrol highway
23 account. If the fee is collected by the department of transportation
24 as agent for the director, the fee shall be certified to the state
25 treasurer and deposited to the credit of the motor vehicle fund. All
26 such fees collected by the director or branches of his office shall be
27 certified to the state treasurer and deposited to the credit of the
28 highway safety fund.

1 **Sec. 18.** RCW 46.01.270 and 1967 c 32 s 4 are each amended to read
2 as follows:

3 The county auditor may destroy applications for vehicle
4 licenses(~~(7)~~) and any copies of vehicle licenses issued(~~(7, applications~~
5 ~~for vehicle driver's licenses, and copies of issued vehicle driver's~~
6 ~~licenses, if any there be,)~~) after such records (~~(shall)~~) have been on
7 file in (~~(his)~~) the auditor's office for a period of (~~(three years)~~)
8 eighteen months, unless otherwise directed by the director.

9 **Sec. 19.** RCW 46.12.101 and 1990 c 238 s 4 are each amended to read
10 as follows:

11 A transfer of ownership in a motor vehicle is perfected by
12 compliance with the requirements of this section.

13 (1) If an owner transfers his or her interest in a vehicle, other
14 than by the creation, deletion, or change of a security interest, the
15 owner shall, at the time of the delivery of the vehicle, execute an
16 assignment to the transferee and provide an odometer disclosure
17 statement under RCW 46.12.124 on the certificate of ownership or as the
18 department otherwise prescribes, and cause the certificate and
19 assignment to be transmitted to the transferee. Within five days,
20 excluding Saturdays, Sundays, and state and federal holidays, the owner
21 shall notify the department in writing, on the appropriate form, of the
22 date of the sale or transfer (~~(giving the date thereof)~~), the name and
23 address of the owner and of the transferee, and such description of the
24 vehicle, including the vehicle identification number, the license plate
25 number, or both, as may be required in the appropriate form provided
26 for that purpose by the department.

27 (2) The requirements of subsection (1) of this section to provide
28 an odometer disclosure statement apply to the transfer of vehicles held
29 for lease when transferred to a lessee and then to the lessor at the

1 end of the leasehold and to vehicles held in a fleet when transferred
2 to a purchaser.

3 (3) Except as provided in RCW 46.12.120 the transferee shall within
4 fifteen days after delivery to the transferee of the vehicle, execute
5 the application for a new certificate of ownership in the same space
6 provided therefor on the certificate or as the department prescribes,
7 and cause the certificates and application to be transmitted to the
8 department.

9 (4) Upon request of the owner or transferee, a secured party in
10 possession of the certificate of ownership shall, unless the transfer
11 was a breach of its security agreement, either deliver the certificate
12 to the transferee for transmission to the department or, when the
13 secured party receives the owner's assignment from the transferee, it
14 shall transmit the transferee's application for a new certificate, the
15 existing certificate, and the required fee to the department.
16 Compliance with this section does not affect the rights of the secured
17 party.

18 (5) If a security interest is reserved or created at the time of
19 the transfer, the certificate of ownership shall be retained by or
20 delivered to the person who becomes the secured party, and the parties
21 shall comply with the provisions of RCW 46.12.170.

22 (6) If the purchaser or transferee fails or neglects to make
23 application to transfer the certificate of ownership and license
24 registration within fifteen days after the date of delivery of the
25 vehicle, he or she shall on making application for transfer be assessed
26 a twenty-five dollar penalty on the sixteenth day and two dollars
27 additional for each day thereafter, but not to exceed one hundred
28 dollars. The director may by rule establish conditions under which the
29 penalty will not be assessed when an application for transfer is
30 delayed for reasons beyond the control of the purchaser. Conditions

1 for not assessing the penalty may be established for but not limited to
2 delays caused by:

3 (a) The department requesting additional supporting documents;

4 (b) Extended hospitalization or illness of the purchaser;

5 (c) Failure of a legal owner to release his or her interest;

6 (d) Failure, negligence, or nonperformance of the department,
7 auditor, or subagent.

8 Failure or neglect to make application to transfer the certificate
9 of ownership and license registration within forty-five days after the
10 date of delivery of the vehicle is a misdemeanor.

11 (7) Upon receipt of an application for reissue or replacement of a
12 certificate of ownership and transfer of license registration,
13 accompanied by the endorsed certificate of ownership or other
14 documentary evidence as is deemed necessary, the department shall, if
15 the application is in order and if all provisions relating to the
16 certificate of ownership and license registration have been complied
17 with, issue new certificates of title and license registration as in
18 the case of an original issue and shall transmit the fees together with
19 an itemized detailed report to the state treasurer, to be deposited in
20 the motor vehicle fund.

21 (8) Once each quarter the department shall report to the department
22 of revenue a list of those vehicles for which a seller's report has
23 been received but no transfer of title has taken place.

24 **Sec. 20.** RCW 46.16.220 and 1975 1st ex.s. c 118 s 9 are each
25 amended to read as follows:

26 Vehicle licenses and vehicle license number plates may be renewed
27 for the subsequent registration year on and after the forty-fifth day
28 prior to the end of the current registration year and must be used and
29 displayed from the date of issue or from the day of the expiration of

1 the preceding registration year, whichever date is later(~~(: PROVIDED,~~
2 ~~That in no case shall a citation be issued for nonregistration prior to~~
3 ~~the first day of the month following the calendar month in which~~
4 ~~vehicle licenses and vehicle license number plates are to be renewed))).~~

5 **Sec. 21.** RCW 46.16.381 and 1990 c 24 s 1 are each amended to read
6 as follows:

7 (1) The director shall grant special parking privileges to any
8 person who has a disability that limits or impairs the ability to walk
9 and meets one of the following criteria, as determined by a licensed
10 physician:

11 (a) (~~Loss of both lower limbs~~) Cannot walk two hundred feet
12 without stopping to rest;

13 (b) (~~Loss of normal or full use of the lower limbs to sufficiently~~
14 ~~constitute a severe disability~~) Is severely limited in ability to walk
15 due to arthritic, neurological, or orthopedic condition;

16 (c) Is so severely disabled, that the person cannot (~~move~~) walk
17 without the (~~aid of crutches or a wheelchair~~) use of or assistance
18 from a brace, cane, another person, prosthetic device, wheelchair, or
19 other assistive device;

20 (d) (~~Loss of both hands~~) Uses portable oxygen;

21 (e) (~~Suffers from~~) Is restricted by lung disease to such an
22 extent that forced expiratory respiratory volume, when measured by
23 spirometry is less than one liter per second or the arterial oxygen
24 tension is less than sixty mm/hg on room air at rest;

25 (f) Impairment by cardiovascular disease or cardiac condition to
26 the extent that the person's functional limitations are classified as
27 class III or IV under standards accepted by the American Heart
28 Association; or

1 (g) Has a disability resulting from an acute sensitivity to
2 automobile emissions which limits or impairs the ability to walk. The
3 personal physician of the applicant shall document that the disability
4 is comparable in severity to the others listed in this subsection.

5 (2) Persons ~~((with))~~ who qualify for special parking privileges are
6 entitled to receive from the department of licensing ~~((both a special
7 card to be left in a vehicle in a conspicuous place and, for one motor
8 vehicle only, a decal to be attached to the vehicle in a conspicuous
9 place designated by the director))~~ a removable windshield placard
10 bearing the international symbol of access. The department shall
11 design the placard to be displayed when the vehicle is parked by
12 suspending it from the rearview mirror, or in the absence of a rearview
13 mirror the card may be displayed on the dashboard of any vehicle used
14 to transport the disabled person. Instead of ((the decal and)) regular
15 motor vehicle license plates, ((the)) disabled persons are entitled to
16 receive ((a)) special license ~~((plate. The card, decal, and special
17 license plate shall be designed to show distinguishing marks, letters,
18 or numerals indicating that the vehicle is being used to transport a
19 disabled person.))~~ plates bearing the international symbol of access
20 for one vehicle registered in the disabled person's name. Disabled
21 persons who are not issued the special license plates are entitled to
22 receive a second special placard. Persons who have been issued the
23 parking privileges and who are using a vehicle((s)) or are riding in a
24 vehicle displaying the special license ((plate, card, or decal shall be
25 permitted to)) plates or placard may park in places ((otherwise))
26 reserved for ((physically)) mobility disabled persons. The director
27 shall ((also)) adopt rules providing for the issuance of special
28 ((cards)) placards and license plates to public transportation
29 authorities, nursing homes licensed under chapter 18.51 RCW, senior
30 citizen centers, and private nonprofit agencies as defined in chapter

1 24.03 RCW that regularly transport disabled persons who have been
2 determined eligible for special parking privileges provided under this
3 section. The ~~((special card shall be displayed in a vehicle operated
4 when actually transporting the disabled persons))~~ director may issue
5 special license plates for a vehicle registered in the name of the
6 public transportation authority, nursing home, senior citizen center,
7 or private nonprofit agency if the vehicle is primarily used to
8 transport persons with disabilities described in this section. Public
9 transportation authorities, nursing homes, senior citizen centers, and
10 private nonprofit agencies are responsible for insuring that the
11 special ~~((cards))~~ placards and license plates are not used improperly
12 and are responsible for all fines and penalties for improper use.

13 (3) Whenever the disabled person transfers or assigns his or her
14 interest in the vehicle, the special ~~((decals or))~~ license plates shall
15 be removed from the motor vehicle. ~~((The person shall immediately
16 surrender the decal to the director together with a notice of the
17 transfer of interest in the vehicle. If another vehicle is acquired
18 by, or for the primary use of, the disabled person, a new decal shall
19 be issued by the director.))~~ If another vehicle is acquired by the
20 disabled person and the vehicle owner qualifies for a special plate
21 ~~((is used))~~, the plate shall be attached to the vehicle, and the
22 director shall be immediately notified of the transfer of the plate. If
23 another vehicle is not acquired by the disabled person, the removed
24 plate shall be immediately ~~((forwarded))~~ surrendered to the director
25 ~~((to be reissued later upon payment of the regular registration fee)).~~

26 (4) The special license plate shall be renewed in the same manner
27 and at the time required for the renewal of regular motor vehicle
28 license plates under this chapter. No special license plate may be
29 issued to a person who is temporarily disabled. A person who ~~((is
30 permanently disabled under this section shall be issued a permanent~~

1 ~~card. A person who is temporarily disabled under this section shall~~)
2 has a condition expected to improve within six months may be issued a
3 temporary ((~~card which~~)) placard for a period not to exceed six months.
4 The director may issue a second temporary placard during that period if
5 requested by the person who is temporarily disabled. If the condition
6 exists after six months a new temporary placard shall be issued upon
7 receipt of a new certification from the disabled person's physician.
8 The parking placard of a disabled person shall be renewed, when
9 required by the director, by satisfactory proof of the right to
10 continued use of the ((~~card~~)) privileges.

11 (5) Additional fees shall not be charged for the issuance of the
12 special ((~~card and decal, and, at the time the vehicle is originally~~
13 ~~licensed in this state,~~)) placards. No additional fee may be charged
14 for the issuance of the special license plates except the regular motor
15 vehicle registration fee and any other fees and taxes required to be
16 paid upon ((~~initial~~)) registration of a motor vehicle.

17 (6) Any unauthorized use of the special ((~~card, the decal,~~))
18 placard or the special license plate is a ((~~traffic infraction~~))
19 misdemeanor.

20 (7) It is a traffic infraction, with a monetary penalty of not less
21 than fifteen and not more than fifty dollars for any person to park a
22 vehicle in a parking place provided on private property without charge
23 or on public property reserved for physically disabled persons without
24 a special license plate((~~, card, or decal~~)) or placard. If a person is
25 charged with a violation, the person shall not be determined to have
26 committed an infraction if the person produces in court or before the
27 court appearance the special license plate((~~, card, or decal~~)) or
28 placard required under this section ((~~or demonstrates that the person~~
29 ~~was entitled to the special license plate, card, or decal~~)).

1 (8) It is a misdemeanor for any person to willfully obtain a
2 special (~~decals~~) license plate(~~or card~~) or placard in a manner
3 other than that established under this section.

4 **Sec. 22.** RCW 46.16.390 and 1984 c 51 s 1 are each amended to read
5 as follows:

6 A special license plate(~~or card~~) or card(~~or decal~~) issued by
7 another state or country that indicates an occupant of the vehicle is
8 disabled, entitles the vehicle on or in which it is displayed and being
9 used to transport the disabled person to lawfully park in a parking
10 place reserved for physically disabled persons pursuant to chapter
11 70.92 RCW or authority implemental thereof.

12 **Sec. 23.** RCW 46.20.308 and 1989 c 337 s 8 are each amended to read
13 as follows:

14 (1) Any person who operates a motor vehicle within this state is
15 deemed to have given consent, subject to the provisions of RCW
16 46.61.506, to a test or tests of his or her breath or blood for the
17 purpose of determining the alcoholic content of his or her breath or
18 blood if arrested for any offense where, at the time of the arrest, the
19 arresting officer has reasonable grounds to believe the person had been
20 driving or was in actual physical control of a motor vehicle while
21 under the influence of intoxicating liquor.

22 (2) The test or tests of breath shall be administered at the
23 direction of a law enforcement officer having reasonable grounds to
24 believe the person to have been driving or in actual physical control
25 of a motor vehicle within this state while under the influence of
26 intoxicating liquor. However, in those instances where: (a) The
27 person is incapable due to physical injury, physical incapacity, or
28 other physical limitation, of providing a breath sample; or (b) as a

1 result of a traffic accident the person is being treated for a medical
2 condition in a hospital, clinic, doctor's office, or other similar
3 facility in which a breath testing instrument is not present, a blood
4 test shall be administered by a qualified person as provided in RCW
5 46.61.506(4). The officer shall inform the person of his or her right
6 to refuse the breath or blood test, and of his or her right to have
7 additional tests administered by any qualified person of his or her
8 choosing as provided in RCW 46.61.506. The officer shall warn the
9 driver that (a) his or her privilege to drive will be revoked or denied
10 if he or she refuses to submit to the test, and (b) that his or her
11 refusal to take the test may be used in a criminal trial.

12 (3) Except as provided in this section, the test administered shall
13 be of the breath only. If an individual is unconscious or is under
14 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
15 or vehicular assault as provided in RCW 46.61.522, or if an individual
16 is under arrest for the crime of driving while under the influence of
17 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
18 results from an accident in which another person has been injured and
19 there is a reasonable likelihood that such other person may die as a
20 result of injuries sustained in the accident, a breath or blood test
21 may be administered without the consent of the individual so arrested.

22 (4) Any person who is dead, unconscious, or who is otherwise in a
23 condition rendering him or her incapable of refusal, shall be deemed
24 not to have withdrawn the consent provided by subsection (1) of this
25 section and the test or tests may be administered, subject to the
26 provisions of RCW 46.61.506, and the person shall be deemed to have
27 received the warnings required under subsection (2) of this section.

28 (5) If, following his or her arrest and receipt of warnings under
29 subsection (2) of this section, the person arrested refuses upon the
30 request of a law enforcement officer to submit to a test or tests of

1 his or her breath or blood, no test shall be given except as authorized
2 under subsection (3) or (4) of this section.

3 (6) The department of licensing, upon the receipt of a sworn report
4 of the law enforcement officer that the officer had reasonable grounds
5 to believe the arrested person had been driving or was in actual
6 physical control of a motor vehicle within this state while under the
7 influence of intoxicating liquor and that the person had refused to
8 submit to the test or tests upon the request of the law enforcement
9 officer after being informed that refusal would result in the
10 revocation of the person's privilege to drive, shall revoke the
11 person's license or permit to drive or any nonresident operating
12 privilege.

13 (7) Upon revoking the license or permit to drive or the nonresident
14 operating privilege of any person, the department shall immediately
15 notify the person involved in writing by personal service or by
16 certified mail of its decision and the grounds therefor, and of the
17 person's right to a hearing, specifying the steps he or she must take
18 to obtain a hearing. Within fifteen days after the notice has been
19 given, the person may, in writing, request a formal hearing. Upon
20 receipt of such request, the department shall afford the person an
21 opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332.
22 The hearing shall be conducted in the county of the arrest. For the
23 purposes of this section, the scope of such hearing shall cover the
24 issues of whether a law enforcement officer had reasonable grounds to
25 believe the person had been driving or was in actual physical control
26 of a motor vehicle within this state while under the influence of
27 intoxicating liquor, whether the person was placed under arrest, and
28 whether the person refused to submit to the test or tests upon request
29 of the officer after having been informed that such refusal would
30 result in the revocation of the person's privilege to drive. The

1 department shall order that the revocation either be rescinded or
2 sustained. Any decision by the department revoking a person's driving
3 privilege shall be stayed and shall not take effect while a formal
4 hearing is pending as provided in this section or during the pendency
5 of a subsequent appeal to superior court so long as there is no
6 conviction for a moving violation or no finding that the person has
7 committed a traffic infraction that is a moving violation during
8 pendency of the hearing and appeal.

9 (8) If the revocation is sustained after such a hearing, the person
10 whose license, privilege, or permit is revoked has the right to file a
11 petition in the superior court of the county of arrest to review the
12 final order of revocation by the department in the manner provided in
13 RCW 46.20.334.

14 (9) The department shall rescind the revocation of a person's
15 driving privilege under this section upon notification from the court
16 of record that, for the incident upon which the department based its
17 administrative action:

18 (a)(i) The officer's grounds for believing that the person had been
19 driving or was in actual physical control of a motor vehicle while
20 under the influence of intoxicating liquor were based solely on a
21 nonalcohol or nondrug-related medical condition or (ii) the person's
22 refusal or inability to submit to a breath test was based solely on a
23 nonalcohol or nondrug-related medical condition; and

24 (b) The person has been found not guilty of driving or being in
25 actual physical control of a motor vehicle within this state while
26 under the influence of intoxicating liquor or any drug including any
27 drug prescribed for the medical condition. Upon notification from the
28 court of record of a not guilty finding, the department shall expunge
29 the implied consent violation from the person's driving record.

1 (10) When it has been finally determined under the procedures of
2 this section that a nonresident's privilege to operate a motor vehicle
3 in this state has been revoked, the department shall give information
4 in writing of the action taken to the motor vehicle administrator of
5 the state of the person's residence and of any state in which he or she
6 has a license.

7 **Sec. 24.** RCW 46.30.020 and 1989 c 353 s 2 are each amended to read
8 as follows:

9 (1) No person may operate a motor vehicle subject to registration
10 under chapter 46.16 RCW in this state unless the person is insured
11 under a motor vehicle liability policy with liability limits of at
12 least the amounts provided in RCW 46.29.090, is self-insured as
13 provided in RCW 46.29.630, is covered by a certificate of deposit in
14 conformance with RCW 46.29.550, or is covered by a liability bond of at
15 least the amounts provided in RCW 46.29.090.

16 (2) A violation of this section constitutes a traffic infraction
17 punishable by a fine of two hundred and fifty dollars unless a court
18 determines that in the interest of justice the fine should be reduced.
19 In lieu of the fine, a court may permit the defendant to perform
20 community service designated by the court.

21 (3) If a person cited for a violation of this section appears in
22 person before the court and provides written evidence that at the time
23 the person was cited, he or she was in compliance with this section,
24 the citation shall be dismissed. In lieu of personal appearance, a
25 person cited for a violation of this section may, before the date
26 scheduled for the person's appearance before the court, submit by mail
27 to the court written evidence that at the time the person was cited, he
28 or she was in compliance with this section, in which case the citation
29 shall be dismissed.

1 (4) The provisions of this chapter shall not govern:

2 (a) The operation of a motor vehicle registered under RCW
3 (~~46.16.310 or 46.16.315~~) 46.16.305(1), governed by RCW 46.16.020, or
4 registered with the Washington utilities and transportation commission
5 as common or contract carriers; or

6 (b) The operation of a motorcycle as defined in RCW 46.04.330, a
7 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined
8 in RCW 46.04.304.

9 (5) RCW 46.29.490 shall not be deemed to govern all motor vehicle
10 liability policies required by this chapter but only those certified
11 for the purposes stated in chapter 46.29 RCW.

12 **Sec. 25.** RCW 46.61.582 and 1984 c 154 s 5 are each amended to read
13 as follows:

14 Any person who meets the criteria for special parking privileges
15 under RCW 46.16.381 shall be allowed free of charge to park a vehicle
16 being used to transport that person for unlimited periods of time in
17 parking zones or areas including zones or areas with parking meters
18 which are otherwise restricted as to the length of time parking is
19 permitted. This section does not apply to those zones or areas in
20 which the stopping, parking, or standing of all vehicles is prohibited
21 or which are reserved for special types of vehicles. The person shall
22 obtain and display a special (~~card, decal,~~) placard or license plate
23 under RCW 46.16.381 to be eligible for the privileges under this
24 section.

25 **Sec. 26.** RCW 46.61.583 and 1984 c 51 s 2 are each amended to read
26 as follows:

27 A special license plate(~~)~~) or card(~~(, or decal)~~) issued by
28 another state or country that indicates an occupant of the vehicle is

1 disabled, entitles the vehicle on or in which it is displayed and being
2 used to transport the disabled person to the same overtime parking
3 privileges granted under this chapter to a vehicle with a similar
4 special license plate((~~7~~)) or card((~~7~~ or ~~decal~~)) issued by this state.

5 **Sec. 27.** RCW 46.63.020 and 1990 c 250 s 59 and 1990 c 95 s 3 are
6 each reenacted and amended to read as follows:

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

15 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
16 vehicle while under the influence of intoxicating liquor or a
17 controlled substance;

18 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

19 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
20 while under the influence of intoxicating liquor or narcotics or habit-
21 forming drugs or in a manner endangering the person of another;

22 (4) RCW 46.10.130 relating to the operation of snowmobiles;

23 (5) Chapter 46.12 RCW relating to certificates of ownership and
24 registration;

25 (6) RCW 46.16.010 relating to initial registration of motor
26 vehicles;

27 (7) RCW 46.16.011 relating to permitting unauthorized persons to
28 drive;

29 (8) RCW 46.16.160 relating to vehicle trip permits;

1 (9) RCW 46.16.381(6) or (8) relating to unauthorized use or
2 acquisition of a special ((~~decal,~~) placard or license plate((~~, or~~
3 ~~card~~)) for disabled persons' parking;
4 (10) RCW 46.20.021 relating to driving without a valid driver's
5 license;
6 (11) RCW 46.20.336 relating to the unlawful possession and use of
7 a driver's license;
8 (12) RCW 46.20.342 relating to driving with a suspended or revoked
9 license or status;
10 (13) RCW 46.20.410 relating to the violation of restrictions of an
11 occupational driver's license;
12 (14) RCW 46.20.420 relating to the operation of a motor vehicle
13 with a suspended or revoked license;
14 (15) RCW 46.20.750 relating to assisting another person to start a
15 vehicle equipped with an ignition interlock device;
16 (16) RCW 46.25.170 relating to commercial driver's licenses;
17 (17) Chapter 46.29 RCW relating to financial responsibility;
18 (18) RCW 46.30.040 relating to providing false evidence of
19 financial responsibility;
20 (19) RCW 46.37.435 relating to wrongful installation of
21 sunscreening material;
22 (20) RCW 46.44.180 relating to operation of mobile home pilot
23 vehicles;
24 (21) RCW 46.48.175 relating to the transportation of dangerous
25 articles;
26 (22) RCW 46.52.010 relating to duty on striking an unattended car
27 or other property;
28 (23) RCW 46.52.020 relating to duty in case of injury to or death
29 of a person or damage to an attended vehicle;

1 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,
2 and appraisers;

3 (25) RCW 46.52.100 relating to driving under the influence of
4 liquor or drugs;

5 (26) RCW 46.52.130 relating to confidentiality of the driving
6 record to be furnished to an insurance company, an employer, and an
7 alcohol/drug assessment or treatment agency;

8 (27) RCW 46.55.020 relating to engaging in the activities of a
9 registered tow truck operator without a registration certificate;

10 (28) RCW 46.55.035 relating to prohibited practices by tow truck
11 operators;

12 (29) RCW 46.61.015 relating to obedience to police officers,
13 flagmen, or fire fighters;

14 (30) RCW 46.61.020 relating to refusal to give information to or
15 cooperate with an officer;

16 (31) RCW 46.61.022 relating to failure to stop and give
17 identification to an officer;

18 (32) RCW 46.61.024 relating to attempting to elude pursuing police
19 vehicles;

20 (33) RCW 46.61.500 relating to reckless driving;

21 (34) RCW 46.61.502 and 46.61.504 relating to persons under the
22 influence of intoxicating liquor or drugs;

23 (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

24 (36) RCW 46.61.522 relating to vehicular assault;

25 (37) RCW 46.61.525 relating to negligent driving;

26 (38) RCW 46.61.530 relating to racing of vehicles on highways;

27 (39) RCW 46.61.685 relating to leaving children in an unattended
28 vehicle with the motor running;

29 (40) RCW 46.64.010 relating to unlawful cancellation of or attempt
30 to cancel a traffic citation;

1 (41) RCW 46.64.020 relating to nonappearance after a written
2 promise;

3 (42) RCW 46.64.048 relating to attempting, aiding, abetting,
4 coercing, and committing crimes;

5 (43) Chapter 46.65 RCW relating to habitual traffic offenders;

6 (44) Chapter 46.70 RCW relating to unfair motor vehicle business
7 practices, except where that chapter provides for the assessment of
8 monetary penalties of a civil nature;

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

11 (46) Chapter 46.80 RCW relating to motor vehicle wreckers;

12 (47) Chapter 46.82 RCW relating to driver's training schools;

13 (48) RCW 46.87.260 relating to alteration or forgery of a cab card,
14 letter of authority, or other temporary authority issued under chapter
15 46.87 RCW;

16 (49) RCW 46.87.290 relating to operation of an unregistered or
17 unlicensed vehicle under chapter 46.87 RCW.

18 **Sec. 28.** RCW 46.70.023 and 1989 c 301 s 2 are each amended to read
19 as follows:

20 (1) An "established place of business" requires a permanent,
21 enclosed commercial building located within the state of Washington
22 easily accessible at all reasonable times. An established place of
23 business shall have an improved display area of not less than three
24 thousand square feet in or immediately adjoining the building, or a
25 display area large enough to display six or more vehicles of the type
26 the dealer is licensed to sell, whichever area is larger. The business
27 of a vehicle dealer, including the display and repair of vehicles, may
28 be lawfully carried on at an established place of business in
29 accordance with the terms of all applicable building code, zoning, and

1 other land-use regulatory ordinances. The dealer shall keep the
2 building open to the public so that they may contact the vehicle dealer
3 or the dealer's salespersons at all reasonable times. The books,
4 records, and files necessary to conduct the business shall be kept and
5 maintained at that place. The established place of business shall
6 display an exterior sign with the (~~business~~) business name and nature
7 of the business, such as auto sales, permanently affixed to the land or
8 building, with letters clearly visible to the major avenue of traffic.
9 In no event may a room or rooms in a hotel, rooming house, or apartment
10 house building or part of a single or multiple-unit dwelling house be
11 considered an "established place of business" unless the ground floor
12 of such a dwelling is devoted principally to and occupied for
13 commercial purposes and the dealer offices are located on the ground
14 floor. A mobile office or mobile home may be used as an office if it
15 is connected to utilities and is set up in accordance with state law.
16 This subsection does not apply to auction companies that do not own
17 vehicle inventory or sell vehicles from an auction yard.

18 (2) An auction company shall have office facilities within the
19 state. The books, records, and files necessary to conduct the business
20 shall be maintained at the office facilities. All storage facilities
21 for inventory shall be listed with the department, and shall meet local
22 zoning and land use ordinances. An auction company shall maintain a
23 telecommunications system.

24 (3) Auction companies shall post their vehicle dealer license at
25 each auction where vehicles are offered, and shall provide the
26 department with the address of the auction at least three days before
27 the auction.

28 (4) If a dealer maintains a place of business at more than one
29 location or under more than one name in this state, he or she shall
30 designate one location as the principal place of business of the firm,

1 one name as the principal name of the firm, and all other locations or
2 names as subagencies. A subagency license is required for each and
3 every subagency: PROVIDED, That the department may grant an exception
4 to the subagency requirement in the specific instance where a licensed
5 (~~new motor vehicle~~) dealer is unable to locate their used vehicle
6 sales facilities adjacent to or at the established place of business.
7 This exception shall be granted and defined under the promulgation of
8 rules consistent with the Administrative Procedure Act.

9 (5) All vehicle dealers shall maintain ownership or leasehold
10 throughout the license year of the real property from which they do
11 business. The dealer shall provide the department with evidence of
12 ownership or leasehold whenever the ownership changes or the lease is
13 terminated.

14 (6) A subagency shall comply with all requirements of an
15 established place of business, except that auction companies shall
16 comply with the requirements in subsection (2) of this section.

17 (7) A temporary subagency shall meet all local zoning and building
18 codes for the type of merchandising being conducted. The dealer
19 license certificate shall be posted at the location. No other
20 requirements of an established place of business apply to a temporary
21 subagency. Auction companies are not required to obtain a temporary
22 subagency license.

23 (8) A wholesale vehicle dealer shall have office facilities in a
24 commercial building within this state, and all storage facilities for
25 inventory shall be listed with the department, and shall meet local
26 zoning and land use ordinances. A wholesale vehicle dealer shall
27 maintain a telecommunications system. An exterior sign visible from
28 the nearest street shall identify the business name and the nature of
29 business. A wholesale dealer need not maintain a display area as
30 required in this section. When two or more vehicle dealer businesses

1 share a location, all records, office facilities, and inventory, if
2 any, must be physically segregated and clearly identified.

3 (9) A retail vehicle dealer shall be open during normal business
4 hours, maintain office and display facilities in a commercially zoned
5 location or in a location complying with all applicable building and
6 land use ordinances, and maintain a business telephone listing in the
7 local directory. When two or more vehicle dealer businesses share a
8 location, all records, office facilities, and inventory shall be
9 physically segregated and clearly identified.

10 (10) A listing dealer need not have a display area if the dealer
11 does not physically maintain any vehicles for display.

12 (11) A subagency license is not required for a mobile home dealer
13 to display an on-site display model, a consigned mobile home not
14 relocated from its site, or a repossessed mobile home if sales are
15 handled from a principal place of business or subagency. A mobile home
16 dealer shall identify on-site display models, repossessed mobile homes,
17 and those consigned at their sites with a sign that includes the
18 dealer's name and telephone number.

19 (12) Every vehicle dealer shall advise the department of the
20 location of each and every place of business of the firm and the name
21 or names under which the firm is doing business at such location or
22 locations. If any name or location is changed, the dealer shall notify
23 the department of such change within ten days. The license issued by
24 the department shall reflect the name and location of the firm and
25 shall be posted in a conspicuous place at that location by the dealer.

26 (13) A vehicle dealer's license shall upon the death or incapacity
27 of an individual vehicle dealer authorize the personal representative
28 of such dealer, subject to payment of license fees, to continue the
29 business for a period of six months from the date of the death or
30 incapacity.

1 **Sec. 29.** RCW 35.58.273 and 1990 c 42 s 316 are each amended to
2 read as follows:

3 (1) Through June 30, 1992, any municipality within a class AA
4 county, or within a class A county contiguous to a class AA county, or
5 within a second class county contiguous to a class A county that is
6 contiguous to a class AA county is authorized to levy and collect a
7 special excise tax not exceeding .7824 percent and beginning July 1,
8 1992, .725 percent on the (~~fair market~~) value, as determined under
9 chapter 82.44 RCW, of every motor vehicle owned by a resident of such
10 municipality for the privilege of using such motor vehicle provided
11 that in no event shall the tax be less than one dollar and, subject to
12 RCW 82.44.150 (~~(5) and (6)~~) (3) and (4), the amount of such tax shall
13 be credited against the amount of the excise tax levied by the state
14 under RCW 82.44.020.

15 (2) Through June 30, 1992, any other municipality is authorized to
16 levy and collect a special excise tax not exceeding .815 percent, and
17 beginning July 1, 1992, .725 percent on the (~~fair market~~) value, as
18 determined under chapter 82.44 RCW, of every motor vehicle owned by a
19 resident of such municipality for the privilege of using such motor
20 vehicle provided that in no event shall the tax be less than one dollar
21 and, subject to RCW 82.44.150 (3) and (4), the amount of such tax shall
22 be credited against the amount of the excise tax levied by the state
23 under RCW 82.44.020. Before utilization of any excise tax moneys
24 collected under authorization of this section for acquisition of right
25 of way or construction of a mass transit facility on a separate right
26 of way the municipality shall adopt rules affording the public an
27 opportunity for "corridor public hearings" and "design public hearings"
28 as herein defined, which rule shall provide in detail the procedures
29 necessary for public participation in the following instances: (a)
30 prior to adoption of location and design plans having a substantial

1 social, economic or environmental effect upon the locality upon which
2 they are to be constructed or (b) on such mass rapid transit systems
3 operating on a separate right of way whenever a substantial change is
4 proposed relating to location or design in the adopted plan. In
5 adopting rules the municipality shall adhere to the provisions of the
6 Administrative Procedure Act.

7 (3) A "corridor public hearing" is a public hearing that: (a) is
8 held before the municipality is committed to a specific mass transit
9 route proposal, and before a route location is established; (b) is held
10 to afford an opportunity for participation by those interested in the
11 determination of the need for, and the location of, the mass rapid
12 transit system; (c) provides a public forum that affords a full
13 opportunity for presenting views on the mass rapid transit system route
14 location, and the social, economic and environmental effects on that
15 location and alternate locations: PROVIDED, That such hearing shall
16 not be deemed to be necessary before adoption of an overall mass rapid
17 transit system plan by a vote of the electorate of the municipality.

18 (4) A "design public hearing" is a public hearing that: (a) is
19 held after the location is established but before the design is
20 adopted; and (b) is held to afford an opportunity for participation by
21 those interested in the determination of major design features of the
22 mass rapid transit system; and (c) provides a public forum to afford a
23 full opportunity for presenting views on the mass rapid transit system
24 design, and the social, economic, environmental effects of that design
25 and alternate designs.

26 **Sec. 30.** RCW 88.02.030 and 1989 c 393 s 13 and 1989 c 102 s 1 are
27 each reenacted and amended to read as follows:

28 Vessel registration is required under this chapter except for the
29 following:

1 (1) Military or public vessels of the United States, except
2 recreational-type public vessels;

3 (2) Vessels owned by a state or subdivision thereof, used
4 principally for governmental purposes and clearly identifiable as such;

5 (3) Vessels either (a) registered or numbered under the laws of a
6 country other than the United States; or (b) having a valid United
7 States customs service cruising license issued pursuant to 19 C.F.R.
8 Sec. 4.94;

9 (4) ~~Vessels ((owned by a resident of another state if the vessel is
10 registered in accordance with the laws of the state in which the owner
11 resides, but only to the extent that a similar exemption or privilege
12 is granted under the laws of that state for vessels registered in this
13 state:— PROVIDED, That any vessel which is validly registered in
14 another state and which is physically located in this state for a
15 period of more than sixty days is subject to registration under this
16 chapter))~~ that have been issued a valid number under federal law or by
17 an approved issuing authority of the state of principal operation.
18 However, a vessel that is validly registered in another state but that
19 is removed to this state for principal use is subject to registration
20 under this chapter. The issuing authority for this state shall
21 recognize the validity of the numbers previously issued for a period of
22 sixty days after arrival in this state;

23 (5) Vessels owned by a resident of another state if the vessel is
24 located upon the waters of this state exclusively for repairs or
25 reconstruction, or any testing related to the repair or reconstruction
26 conducted in this state if an employee of the repair facility is on
27 board the vessel during any testing: PROVIDED, That any vessel owned
28 by a resident of another state is located upon the waters of this state
29 exclusively for repairs, reconstruction or testing for a period longer
30 than sixty days, that the nonresident shall file an affidavit with the

1 department of revenue verifying the vessel is located upon the waters
2 of this state for repair, reconstruction or testing and shall continue
3 to file such affidavit every sixty days thereafter, while the vessel is
4 located upon the waters of this state exclusively for repairs,
5 reconstruction or testing;

6 (6) Vessels equipped with propulsion machinery of less than ten
7 horsepower that:

8 (a) Are owned by the owner of a vessel for which a valid vessel
9 number has been issued;

10 (b) Display the number of that numbered vessel followed by the
11 suffix "1" in the manner prescribed by the department; and

12 (c) Are used as a tender for direct transportation between that
13 vessel and the shore and for no other purpose;

14 (7) Vessels under sixteen feet in overall length which have no
15 propulsion machinery of any type or which are not used on waters
16 subject to the jurisdiction of the United States or on the high seas
17 beyond the territorial seas for vessels owned in the United States and
18 are powered by propulsion machinery of ten or less horsepower;

19 (8) Vessels with no propulsion machinery of any type for which the
20 primary mode of propulsion is human power;

21 (9) Vessels which are temporarily in this state undergoing repair
22 or alteration;

23 (10) Vessels primarily engaged in commerce which have or are
24 required to have a valid marine document as a vessel of the United
25 States. Commercial vessels which the department of revenue determines
26 have the external appearance of vessels which would otherwise be
27 required to register under this chapter, must display decals issued
28 annually by the department of revenue that indicate the vessel's exempt
29 status; and

1 (11) Vessels primarily engaged in commerce which are owned by a
2 resident of a country other than the United States.

3 **Sec. 31.** RCW 88.02.070 and 1985 c 258 s 4 are each amended to read
4 as follows:

5 (1) The department shall provide for the issuance of vessel
6 certificates of title. Applications for certificates may be made
7 through the agents appointed under RCW 88.02.040. The fee for a vessel
8 certificate of title is five dollars. Fees for vessel certificates of
9 title shall be deposited in the general fund. Security interests in
10 vessels subject to the requirements of this chapter and attaching after
11 July 1, 1983, shall be perfected only by indication upon the vessel's
12 title certificate. The provisions of chapters 46.12 and 46.16 RCW
13 relating to motor vehicle certificates of registration, titles,
14 certificate issuance, ownership transfer, and perfection of security
15 interests, and other provisions which may be applied to vessels subject
16 to this chapter, may be so applied by rule of the department if they
17 are not inconsistent with this chapter.

18 (2) Whenever a vessel is to be registered for the first time as
19 required by this chapter, except for a vessel having a valid marine
20 document as a vessel of the United States, application shall be made at
21 the same time for a certificate of title. Any person who purchases or
22 otherwise obtains majority ownership of any vessel subject to the
23 provisions of this chapter, except for a vessel having a valid marine
24 document as a vessel of the United States, shall within fifteen days
25 thereof apply for a new certificate of title which shows the vessel's
26 change of ownership.

27 (3) Security interests may be released or acted upon as provided by
28 the law under which they arose or were perfected. No new security
29 interest or renewal or extension of an existing security interest is

1 affected except as provided under the terms of this chapter and RCW
2 46.12.095.

3 (4) Notice shall be given to the issuing authority by the owner
4 indicated on the certificate of registration within fifteen days of the
5 occurrence of any of the following: ~~((Transfer of any part or all of
6 the ownership of a vessel registered under this chapter;))~~ Any change
7 of address of owner; destruction, loss, abandonment, theft, or recovery
8 of the vessel; or loss or destruction of a valid certificate of
9 registration on the vessel.

10 (5) Within five days, excluding Saturdays, Sundays, and state and
11 federal holidays, the owner shall notify the department in writing, on
12 the appropriate form, of the date of the sale or transfer, the name and
13 address of the owner and of the transferee, and such description of the
14 vessel, including the hull identification number, the vessel decal
15 number, or both, as may be required by the department.

16 NEW SECTION. Sec. 32. A new section is added to chapter 88.02 RCW
17 to read as follows:

18 (1) The department may issue confidential vessel registration for
19 law enforcement purposes only to units of local government and to
20 agencies of the federal government.

21 (2) The department shall limit confidential vessel registrations
22 owned or operated by the state of Washington or by any officer or
23 employee thereof, to confidential, investigative, or undercover work of
24 state law enforcement agencies.

25 (3) The director may adopt rules governing applications for and the
26 use of confidential vessel registrations by law enforcement and other
27 public agencies.

1 **Sec. 33.** RCW 88.02.220 and 1987 c 149 s 11 are each amended to
2 read as follows:

3 A vessel dealer who receives cash or a negotiable instrument (~~from~~
4 ~~a purchaser before delivery of the vessel~~) of deposit in excess of one
5 thousand dollars, or a deposit of any amount that will be held for more
6 than fourteen calendar days, shall place the funds in a separate trust
7 account.

8 (1) The cash or negotiable instrument must be set aside immediately
9 upon receipt for the trust account, or endorsed to such a trust account
10 immediately upon receipt.

11 (2) The cash or negotiable instrument must be deposited in the
12 trust account by the close of banking hours on the day following the
13 receipt.

14 (3) After delivery of the purchaser's vessel the vessel dealer
15 shall remove the deposited funds from the trust account.

16 (4) The dealer shall not commingle the purchaser's funds with any
17 other funds at any time.

18 (5) The funds shall remain in the trust account until the delivery
19 of the purchased vessel. However, (~~for the purpose of manufacturing~~
20 ~~a vessel that does not already exist, and~~) upon written agreement from
21 the purchaser, the vessel dealer may remove and release trust funds
22 before delivery.

23 NEW SECTION. **Sec. 34.** Sections 16 and 17 of this act are
24 necessary for the immediate preservation of the public peace, health,
25 or safety, or support of the state government and its existing public
26 institutions, and shall take effect July 1, 1991.