

CERTIFICATION OF ENROLLMENT

SENATE BILL 6379

61st Legislature
2010 Regular Session

Passed by the Senate March 6, 2010
YEAS 48 NAYS 0

President of the Senate

Passed by the House March 2, 2010
YEAS 96 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6379** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6379

AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By Senators Swecker, Hatfield, Marr, Haugen, Berkey, Ranker, Sheldon,
and Kauffman

Read first time 01/13/10. Referred to Committee on Transportation.

1 AN ACT Relating to streamlining and making technical corrections to
2 vehicle and vessel registration and title provisions; amending RCW
3 46.04.125, 46.04.3815, 46.04.670, 46.01.011, 46.01.110, 46.01.130,
4 46.01.140, 46.01.230, 46.01.235, 46.01.260, 46.01.270, 46.01.310,
5 46.08.066, 46.08.150, 46.09.020, 46.09.030, 46.09.040, 46.09.050,
6 46.09.070, 46.09.080, 46.09.115, 46.09.240, 46.09.280, 46.10.010,
7 46.10.020, 46.10.030, 46.10.040, 46.10.043, 46.10.050, 46.10.055,
8 46.10.060, 46.10.070, 46.10.220, 46.12.010, 46.12.030, 46.12.047,
9 46.12.050, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.103,
10 46.12.124, 46.12.130, 46.12.151, 46.12.160, 46.12.170, 46.12.181,
11 46.12.190, 46.12.210, 46.12.250, 46.12.280, 46.12.290, 46.12.420,
12 46.12.440, 46.16.004, 46.16.006, 46.16.010, 46.16.015, 46.16.020,
13 46.16.022, 46.16.025, 46.16.028, 46.16.029, 46.16.030, 46.16.040,
14 46.16.045, 46.16.047, 46.16.048, 46.16.068, 46.16.070, 46.16.076,
15 46.16.086, 46.16.090, 46.16.125, 46.16.160, 46.16.162, 46.16.210,
16 46.16.212, 46.16.216, 46.16.225, 46.16.260, 46.16.265, 46.16.460,
17 46.16.500, 46.16.700, 46.16.705, 46.16.715, 46.16.725, 46.16.735,
18 46.16.745, 46.16.755, 46.16.765, 46.16.775, 46.16.690, 46.16.301,
19 46.16.324, 46.16.335, 46.16.390, 46.68.010, 46.68.020, 46.68.030,
20 46.68.035, 46.68.220, 46.16.685, 46.09.110, 46.10.075, 35.95A.090,
21 35.95A.130, 81.104.160, 82.12.045, 82.12.0254, 82.36.280, 82.44.015,

1 82.44.035, 82.44.060, 82.44.065, 82.44.090, 82.44.100, 82.44.120,
2 82.80.130, 82.80.140, 88.02.010, 88.02.035, 88.02.055, 88.02.110,
3 88.02.118, 88.02.200, 88.02.120, 88.02.070, 88.02.180, 88.02.075,
4 88.02.020, 88.02.030, 88.02.050, 88.02.050, 88.02.052, 88.02.250,
5 88.02.260, 88.02.040, 88.02.045, 88.02.053, 88.02.060, 88.02.230,
6 88.02.078, 88.02.188, 88.02.112, 88.02.115, 88.02.189, 88.02.220,
7 88.02.210, 88.02.023, 88.02.184, 88.02.125, 82.49.010, 82.49.030,
8 82.49.065, 19.116.050, 28B.10.890, 29A.04.037, 35A.46.010, 41.04.007,
9 43.60A.140, 46.01.030, 46.01.040, 46.01.160, 46.01.320, 46.08.010,
10 46.08.150, 46.20.025, 46.29.605, 46.30.020, 46.32.100, 46.44.0941,
11 46.44.170, 46.55.105, 46.55.140, 46.55.240, 46.61.581, 46.61.582,
12 46.63.020, 46.63.160, 46.63.170, 46.68.080, 46.68.250, 46.70.011,
13 46.70.051, 46.70.101, 46.70.122, 46.70.124, 46.70.135, 46.72.060,
14 46.80.010, 46.80.090, 46.87.010, 46.87.020, 46.87.030, 46.87.140,
15 46.87.220, 47.10.704, 47.68.255, 48.22.110, 59.21.050, 62A.9A-311,
16 63.14.130, 65.20.020, 65.20.040, 68.64.010, 68.64.210, 70.168.040,
17 73.04.115, 77.12.471, 79.100.100, 79A.05.059, 79A.05.065, 79A.05.215,
18 82.08.0264, 82.44.010, 84.37.070, and 84.38.100; reenacting and
19 amending RCW 46.09.170, 82.38.100, 46.55.113, 46.70.180, 59.22.020, and
20 63.14.010; adding new sections to chapter 46.04 RCW; adding a new
21 section to chapter 46.01 RCW; adding new sections to chapter 46.09 RCW;
22 adding new sections to chapter 46.10 RCW; adding new sections to
23 chapter 46.12 RCW; adding new sections to chapter 46.16 RCW; adding new
24 sections to chapter 46.17 RCW; adding new sections to chapter 46.68
25 RCW; adding a new section to chapter 82.44 RCW; adding new sections to
26 chapter 88.02 RCW; adding a new section to chapter 47.06 RCW; adding a
27 new section to chapter 81.24 RCW; adding new chapters to Title 46 RCW;
28 creating a new section; recodifying RCW 46.09.010, 46.09.020,
29 46.09.080, 46.09.140, 46.09.180, 46.09.200, 46.09.250, 46.09.280,
30 46.09.030, 46.09.040, 46.09.050, 46.09.070, 46.09.115, 46.09.117,
31 46.09.120, 46.09.130, 46.09.190, 46.09.150, 46.09.165, 46.09.170,
32 46.09.240, 46.10.010, 46.10.020, 46.10.140, 46.10.180, 46.10.185,
33 46.10.200, 46.10.210, 46.10.220, 46.10.030, 46.10.040, 46.10.043,
34 46.10.050, 46.10.060, 46.10.070, 46.10.055, 46.10.090, 46.10.100,
35 46.10.110, 46.10.120, 46.10.130, 46.10.190, 46.10.150, 46.10.160,
36 46.10.170, 46.12.010, 46.12.030, 46.12.047, 46.12.050, 46.12.070,
37 46.12.080, 46.12.160, 46.12.181, 46.12.190, 46.12.370, 46.12.380,
38 46.12.390, 46.12.101, 46.12.102, 46.12.103, 46.12.124, 46.12.130,

1 46.12.151, 46.12.170, 46.12.280, 46.12.290, 46.12.420, 46.12.430,
2 46.12.440, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340,
3 46.12.350, 46.12.210, 46.12.250, 46.16.004, 46.16.006, 46.16.010,
4 46.16.015, 46.16.020, 46.16.022, 46.16.028, 46.16.029, 46.16.030,
5 46.16.040, 46.16.073, 46.16.076, 46.16.210, 46.16.212, 46.16.216,
6 46.16.225, 46.16.260, 46.16.265, 46.16.276, 46.16.280, 46.16.295,
7 46.16.327, 46.16.332, 46.16.045, 46.16.047, 46.16.048, 46.16.160,
8 46.16.162, 46.16.460, 46.16.025, 46.16.068, 46.16.070, 46.16.086,
9 46.16.090, 46.16.615, 46.16.011, 46.16.012, 46.16.140, 46.16.145,
10 46.16.180, 46.16.500, 46.16.309, 46.16.314, 46.16.335, 46.16.390,
11 46.16.700, 46.16.705, 46.16.715, 46.16.725, 46.16.690, 46.16.735,
12 46.16.745, 46.16.755, 46.16.765, 46.16.775, 46.16.301, 46.16.319,
13 46.16.324, 46.09.110, 46.10.075, 46.16.685, 88.02.010, 88.02.035,
14 88.02.055, 88.02.110, 88.02.118, 88.02.200, 88.02.070, 88.02.075,
15 88.02.120, 88.02.180, 88.02.020, 88.02.030, 88.02.050, 88.02.052,
16 88.02.250, 88.02.260, 88.02.040, 88.02.045, 88.02.053, 88.02.023,
17 88.02.060, 88.02.078, 88.02.112, 88.02.115, 88.02.125, 88.02.184,
18 88.02.188, 88.02.189, 88.02.210, 88.02.220, 88.02.230, and 46.16.125;
19 decodifying RCW 46.16.450; repealing RCW 46.09.085, 46.10.080,
20 46.12.005, 46.12.020, 46.12.040, 46.12.042, 46.12.045, 46.12.055,
21 46.12.060, 46.12.075, 46.12.095, 46.12.105, 46.12.200, 46.12.215,
22 46.12.220, 46.12.230, 46.12.240, 46.12.260, 46.12.270, 46.12.450,
23 46.12.500, 46.12.510, 46.16.0105, 46.16.016, 46.16.017, 46.16.023,
24 46.16.035, 46.16.0621, 46.16.063, 46.16.071, 46.16.079, 46.16.085,
25 46.16.088, 46.16.111, 46.16.121, 46.16.135, 46.16.150, 46.16.200,
26 46.16.220, 46.16.230, 46.16.233, 46.16.235, 46.16.237, 46.16.240,
27 46.16.270, 46.16.280, 46.16.290, 46.16.295, 46.16.305, 46.16.307,
28 46.16.30901, 46.16.30902, 46.16.30903, 46.16.30904, 46.16.30905,
29 46.16.30906, 46.16.30907, 46.16.30908, 46.16.30909, 46.16.30910,
30 46.16.30911, 46.16.30912, 46.16.30913, 46.16.30914, 46.16.30915,
31 46.16.30916, 46.16.30917, 46.16.30918, 46.16.30919, 46.16.30920,
32 46.16.30921, 46.16.30923, 46.16.30924, 46.16.30925, 46.16.30926,
33 46.16.30927, 46.16.30928, 46.16.30929, 46.16.313, 46.16.316, 46.16.333,
34 46.16.335, 46.16.340, 46.16.350, 46.16.371, 46.16.374, 46.16.376,
35 46.16.381, 46.16.385, 46.16.470, 46.16.480, 46.16.490, 46.16.505,
36 46.16.560, 46.16.565, 46.16.570, 46.16.575, 46.16.580, 46.16.585,
37 46.16.590, 46.16.595, 46.16.600, 46.16.601, 46.16.605, 46.16.606,
38 46.16.630, 46.16.640, 46.16.670, 46.16.680, 46.17.010, 46.17.020,

1 88.02.025, 88.02.028, 88.02.090, 88.02.100, 88.02.130, 88.02.140,
2 88.02.150, 88.02.160, 88.02.170, 88.02.190, 88.02.235, 88.02.270,
3 46.04.144, 46.32.090, 46.88.010, 59.21.055, 59.22.080, 59.22.085,
4 64.44.045, and 73.04.110; prescribing penalties; providing effective
5 dates; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** This act is intended to streamline and make
8 technical amendments to certain codified statutes that deal with
9 vehicle and vessel registration and title. Any statutory changes made
10 by this act should be interpreted as technical in nature and not be
11 interpreted to have any substantive policy or legal implications.

12 **PART I. DEFINITIONS**

13 NEW SECTION. **Sec. 101.** A new section is added to chapter 46.04
14 RCW to read as follows:

15 "Affidavit of loss" means a written statement confirming that the
16 certificate of title, registration certificate, gross weight license,
17 validation tab, or decal has been lost, stolen, destroyed, or
18 mutilated. The statement must be in a form prescribed by the director.

19 NEW SECTION. **Sec. 102.** A new section is added to chapter 46.04
20 RCW to read as follows:

21 "Agent," for the purposes of entering into the standard contract
22 required under RCW 46.01.140(1), means any county auditor or other
23 individual, government, or business entity other than a subagent that
24 is appointed to carry out vehicle registration and certificate of title
25 functions for the department.

26 NEW SECTION. **Sec. 103.** A new section is added to chapter 46.04
27 RCW to read as follows:

28 "Amateur radio operator license plates" means special license
29 plates displaying amateur radio call letters assigned by the federal
30 communications commission.

1 NEW SECTION. **Sec. 104.** A new section is added to chapter 46.04
2 RCW to read as follows:

3 "Armed forces license plate collection" means the collection of six
4 separate license plate designs issued under section 612 of this act.
5 Each license plate design displays a symbol representing one of the
6 five branches of the armed forces, and one representing the national
7 guard.

8 NEW SECTION. **Sec. 105.** A new section is added to chapter 46.04
9 RCW to read as follows:

10 "Baseball stadium license plate" means special license plates
11 commemorating the construction of a baseball stadium as defined in RCW
12 82.14.0485.

13 NEW SECTION. **Sec. 106.** A new section is added to chapter 46.04
14 RCW to read as follows:

15 "Business day" means Monday through Friday and excludes Saturday,
16 Sunday, and state and federal holidays.

17 NEW SECTION. **Sec. 107.** A new section is added to chapter 46.04
18 RCW to read as follows:

19 "Cab and chassis" means an incomplete vehicle manufactured and sold
20 with only a cab, frame, and running gear.

21 **Sec. 108.** RCW 46.04.125 and 1996 c 225 s 2 are each amended to
22 read as follows:

23 "Collector" means the owner of one or more vehicles described in
24 (~~RCW 46.16.305(1)~~) section 617(1) of this act who collects,
25 purchases, acquires, trades, or disposes of the vehicle or parts of it,
26 for his or her personal use, in order to preserve, restore, and
27 maintain the vehicle for hobby or historical purposes.

28 NEW SECTION. **Sec. 109.** A new section is added to chapter 46.04
29 RCW to read as follows:

30 "Collector vehicle license plate" means a special license plate
31 that may be assigned to a vehicle that is more than thirty years old.

1 NEW SECTION. **Sec. 110.** A new section is added to chapter 46.04
2 RCW to read as follows:

3 "Commercial trailer" means a trailer that is principally used to
4 transport commodities, merchandise, produce, freight, or animals.

5 NEW SECTION. **Sec. 111.** A new section is added to chapter 46.04
6 RCW to read as follows:

7 "Confidential license plates" and "undercover license plates" mean
8 standard issue license plates assigned to vehicles owned or operated by
9 public agencies. These license plates are used as specifically
10 authorized under RCW 46.08.066.

11 NEW SECTION. **Sec. 112.** A new section is added to chapter 46.04
12 RCW to read as follows:

13 "Converter gear" means an auxiliary axle, booster axle, dolly, or
14 jeep axle.

15 NEW SECTION. **Sec. 113.** A new section is added to chapter 46.04
16 RCW to read as follows:

17 "Disabled American veteran license plates" means special license
18 plates issued to a veteran, as defined in RCW 41.04.007, who meets the
19 requirements provided in section 619 of this act.

20 NEW SECTION. **Sec. 114.** A new section is added to chapter 46.04
21 RCW to read as follows:

22 "Empty scale weight" means the weight of a vehicle as it stands
23 without a load.

24 NEW SECTION. **Sec. 115.** A new section is added to chapter 46.04
25 RCW to read as follows:

26 "Endangered wildlife license plates" means special license plates
27 that display a symbol or artwork symbolizing endangered wildlife in
28 Washington state.

29 NEW SECTION. **Sec. 116.** A new section is added to chapter 46.04
30 RCW to read as follows:

31 "Fixed load vehicle" means a commercial vehicle that has a
32 structure or machinery permanently attached such as, but not limited

1 to, an air compressor, a bunk house, a conveyor, a cook house, a donkey
2 engine, a hoist, a rock crusher, a tool house, or a well drilling
3 machine. Fixed load vehicles are not capable of carrying any
4 additional load other than the structure or machinery permanently
5 attached.

6 NEW SECTION. **Sec. 117.** A new section is added to chapter 46.04
7 RCW to read as follows:

8 "Former prisoner of war license plates" means special license
9 plates that may be issued to former prisoners of war as authorized
10 under section 619 of this act.

11 NEW SECTION. **Sec. 118.** A new section is added to chapter 46.04
12 RCW to read as follows:

13 "Gross vehicle weight rating" means the value specified by the
14 manufacturer as the maximum load weight of a single vehicle.

15 NEW SECTION. **Sec. 119.** A new section is added to chapter 46.04
16 RCW to read as follows:

17 "Helping kids speak license plates" means special license plates
18 that commemorate an organization that supports programs that provide
19 free diagnostic and therapeutic services to children who have a severe
20 delay in language or speech development.

21 NEW SECTION. **Sec. 120.** A new section is added to chapter 46.04
22 RCW to read as follows:

23 "Horseless carriage license plate" is a special license plate that
24 may be assigned to a vehicle that is more than forty years old.

25 NEW SECTION. **Sec. 121.** A new section is added to chapter 46.04
26 RCW to read as follows:

27 "Hybrid motor vehicle" means a motor vehicle that uses multiple
28 power sources or fuel types for propulsion and meets the federal
29 definition of a hybrid motor vehicle.

30 NEW SECTION. **Sec. 122.** A new section is added to chapter 46.04
31 RCW to read as follows:

1 "Light truck" means a motor vehicle manufactured as a truck with a
2 declared gross weight of twelve thousand pounds or less.

3 NEW SECTION. **Sec. 123.** A new section is added to chapter 46.04
4 RCW to read as follows:

5 "Market value threshold amount" means an amount set by rule by the
6 department that is used to determine, together with the age of the
7 vehicle, whether vehicle certificates of title for vehicles aged six
8 years through twenty years should be identified as having been
9 previously destroyed or reported as an insurance total loss.

10 NEW SECTION. **Sec. 124.** A new section is added to chapter 46.04
11 RCW to read as follows:

12 "Military affiliate radio system license plates" means special
13 license plates displaying official military affiliate radio system call
14 letters assigned by the United States department of defense.

15 NEW SECTION. **Sec. 125.** A new section is added to chapter 46.04
16 RCW to read as follows:

17 "Natural person" means a human being.

18 NEW SECTION. **Sec. 126.** A new section is added to chapter 46.04
19 RCW to read as follows:

20 "New motor vehicle" means any motor vehicle that (1) is
21 self-propelled and is required to be registered and titled under this
22 title, (2) has not been previously titled to a retail purchaser or
23 lessee, and (3) is not a used vehicle as defined under RCW 46.04.660.

24 NEW SECTION. **Sec. 127.** A new section is added to chapter 46.04
25 RCW to read as follows:

26 "Off-road vehicle" or "ORV" means a nonstreet registered vehicle
27 when used for recreational purposes on nonhighway roads, trails, or a
28 variety of other natural terrain. "Off-road vehicle" or "ORV"
29 includes, but is not limited to, all-terrain vehicles, motorcycles,
30 four-wheel drive vehicles, and dune buggies.

31 NEW SECTION. **Sec. 128.** A new section is added to chapter 46.04
32 RCW to read as follows:

1 "ORV registration" means a registration certificate or decal issued
2 under the laws of this state pertaining to the registration of off-road
3 vehicles under chapter 46.09 RCW.

4 NEW SECTION. **Sec. 129.** A new section is added to chapter 46.04
5 RCW to read as follows:

6 "Ownership in doubt" means that a vehicle or vessel owner is unable
7 to obtain satisfactory evidence of ownership or releases of interest
8 and is permitted to apply for a three-year registration period without
9 a certificate of title or a three-year period with a bond covering the
10 certificate of title.

11 **Sec. 130.** RCW 46.04.3815 and 1996 c 225 s 3 are each amended to
12 read as follows:

13 "Parts car" means a motor vehicle that is owned by a collector to
14 furnish parts for restoration or maintenance of a vehicle described in
15 ((RCW 46.16.305(1))) section 617(1) of this act, thus enabling a
16 collector to preserve, restore, and maintain such a vehicle.

17 NEW SECTION. **Sec. 131.** A new section is added to chapter 46.04
18 RCW to read as follows:

19 "Personalized license plates" means license plates that display the
20 license plate number assigned to the vehicle or camper for which the
21 license plate number was issued in a combination of letters or numbers,
22 or both, requested by the owner of the vehicle or camper in accordance
23 with chapter 46.... RCW (the new chapter created in section 1224 of
24 this act).

25 NEW SECTION. **Sec. 132.** A new section is added to chapter 46.04
26 RCW to read as follows:

27 "Private use single-axle trailer" means a trailer owned by a
28 natural person and used for the private noncommercial use of the owner.

29 NEW SECTION. **Sec. 133.** A new section is added to chapter 46.04
30 RCW to read as follows:

31 "Purple heart license plates" means special license plates that may
32 be assigned to a motor vehicle to recipients of the Purple Heart medal
33 or to another qualified person.

1 NEW SECTION. **Sec. 134.** A new section is added to chapter 46.04
2 RCW to read as follows:

3 "Registration" means the registration certificate or license plates
4 issued under the laws of this state pertaining to the registration of
5 vehicles.

6 NEW SECTION. **Sec. 135.** A new section is added to chapter 46.04
7 RCW to read as follows:

8 "Renewal notice" means the notice to renew a vehicle registration
9 sent to the registered owner by the department.

10 NEW SECTION. **Sec. 136.** A new section is added to chapter 46.04
11 RCW to read as follows:

12 "Report of sale" means a document or electronic record transaction
13 that when properly completed and filed protects the seller of a vehicle
14 from certain criminal and civil liabilities arising from use of the
15 vehicle by another person after the vehicle has been sold or a change
16 in ownership has occurred.

17 NEW SECTION. **Sec. 137.** A new section is added to chapter 46.04
18 RCW to read as follows:

19 "Ride share license plates" means special license plates issued for
20 motor vehicles that are used primarily for commuter ride sharing as
21 defined in RCW 46.74.010.

22 NEW SECTION. **Sec. 138.** A new section is added to chapter 46.04
23 RCW to read as follows:

24 "Salvage vehicle" means a vehicle whose certificate of title has
25 been surrendered to the department under RCW 46.12.070 (as recodified
26 by this act) due to the vehicle's destruction or declaration as a total
27 loss or for which there is documentation indicating that the vehicle
28 has been declared salvage or has been damaged to the extent that the
29 owner, an insurer, or other person acting on behalf of the owner, has
30 determined that the cost of parts and labor plus the salvage value has
31 made it uneconomical to repair the vehicle. "Salvage vehicle" does not
32 include a motor vehicle having a model year designation of a calendar
33 year that is at least six years before the calendar year in which the
34 vehicle was wrecked, destroyed, or damaged, unless, after June 13,

1 2002, and immediately before the vehicle was wrecked, destroyed, or
2 damaged, the vehicle had a retail fair market value of at least the
3 then market value threshold amount and has a model year designation of
4 a calendar year not more than twenty years before the calendar year in
5 which the vehicle was wrecked, destroyed, or damaged.

6 NEW SECTION. **Sec. 139.** A new section is added to chapter 46.04
7 RCW to read as follows:

8 "Scale weight" means the weight of a vehicle without a load.

9 NEW SECTION. **Sec. 140.** A new section is added to chapter 46.04
10 RCW to read as follows:

11 "Secured party" has the same meaning as in RCW 62A.1-201.

12 NEW SECTION. **Sec. 141.** A new section is added to chapter 46.04
13 RCW to read as follows:

14 "Security interest" has the same meaning as in RCW 62A.1-201.

15 NEW SECTION. **Sec. 142.** A new section is added to chapter 46.04
16 RCW to read as follows:

17 "Share the road license plates" means special license plates
18 displaying a symbol or artwork recognizing an organization that
19 promotes bicycle safety and awareness education. Share the road
20 license plates commemorate the life of Cooper Jones.

21 NEW SECTION. **Sec. 143.** A new section is added to chapter 46.04
22 RCW to read as follows:

23 "Ski & ride Washington license plates" means special license plates
24 displaying a symbol or artwork recognizing the Washington snowsports
25 industry.

26 NEW SECTION. **Sec. 144.** A new section is added to chapter 46.04
27 RCW to read as follows:

28 (1) "Special highway construction equipment" means any vehicle that
29 is (a) designed and used primarily for the grading of highways, the
30 paving of highways, earth moving, and other construction work on
31 highways, (b) not designed or used primarily to transport persons or

1 property on a public highway, and (c) only incidentally operated or
2 moved over the highway.

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

22 NEW SECTION. **Sec. 145.** A new section is added to chapter 46.04
23 RCW to read as follows:

24 "Snowmobile" means a self-propelled vehicle that is capable of
25 traveling over snow or ice that (1) utilizes as its means of propulsion
26 an endless belt tread or cleats, or any combination of these or other
27 similar means of contact with the surface upon which it is operated,
28 (2) is steered wholly or in part by skis or sled type runners, and (3)
29 is not otherwise registered as, or subject to, the motor vehicle excise
30 tax in the state of Washington.

31 NEW SECTION. **Sec. 146.** A new section is added to chapter 46.04
32 RCW to read as follows:

33 "Sport utility vehicle" means a high performance motor vehicle
34 weighing six thousand pounds or less, designed to carry ten passengers
35 or less or designated as a sport utility vehicle by the manufacturer.

1 NEW SECTION. **Sec. 147.** A new section is added to chapter 46.04
2 RCW to read as follows:

3 "Square dancer license plates" means special license plates
4 displaying a symbol of square dancers.

5 NEW SECTION. **Sec. 148.** A new section is added to chapter 46.04
6 RCW to read as follows:

7 "Standard issue license plates" means license plates that are held
8 for general issue, and does not mean personalized license plates or any
9 other special license plate.

10 NEW SECTION. **Sec. 149.** A new section is added to chapter 46.04
11 RCW to read as follows:

12 "Subagency" means the licensing office in which vehicle title and
13 registration functions are carried out by a subagent.

14 NEW SECTION. **Sec. 150.** A new section is added to chapter 46.04
15 RCW to read as follows:

16 "Subagent" means a person or governmental entity recommended by a
17 county auditor or other agent and who is appointed by the director to
18 provide vehicle registration and certificate of title services under
19 contract with the county auditor or other agent.

20 NEW SECTION. **Sec. 151.** A new section is added to chapter 46.04
21 RCW to read as follows:

22 "Tab" or "license tab" means a sticker issued by the department and
23 affixed to the rear license plate to identify the vehicle license
24 expiration month and year for a specific vehicle.

25 NEW SECTION. **Sec. 152.** A new section is added to chapter 46.04
26 RCW to read as follows:

27 "Total loss vehicle" means a vehicle that has been reported to the
28 department as destroyed by an insurance company, self-insurer, or the
29 vehicle owner or the owner's authorized representative.

30 NEW SECTION. **Sec. 153.** A new section is added to chapter 46.04
31 RCW to read as follows:

32 "Tow dolly" means a trailer equipped with between one and three

1 axles designed to connect to a tow bar on the rear of a motor vehicle
2 that is used to tow another vehicle. The front or rear wheels of the
3 towed vehicle are secured to and rest on the tow dolly.

4 NEW SECTION. **Sec. 154.** A new section is added to chapter 46.04
5 RCW to read as follows:

6 "Transit permit" means a document that authorizes a person to
7 operate a vehicle on a public highway of this state solely for the
8 purpose of obtaining the necessary documentation to complete and apply
9 for a Washington certificate of title or vehicle registration.
10 Unlimited use of the vehicle is prohibited when operated under a
11 transit permit.

12 **Sec. 155.** RCW 46.04.670 and 2003 c 141 s 6 are each amended to
13 read as follows:

14 "Vehicle" includes every device capable of being moved upon a
15 public highway and in, upon, or by which any persons or property is or
16 may be transported or drawn upon a public highway, including bicycles.
17 (~~The term~~) "Vehicle" does not include power wheelchairs or devices
18 other than bicycles moved by human or animal power or used exclusively
19 upon stationary rails or tracks. Mopeds (~~shall~~) are not (~~be~~)
20 considered vehicles or motor vehicles for the purposes of chapter 46.70
21 RCW. Bicycles (~~shall~~) are not (~~be~~) considered vehicles for the
22 purposes of chapter 46.12, 46.16, or 46.70 RCW or RCW 82.12.045.
23 Electric personal assistive mobility devices are not considered
24 vehicles or motor vehicles for the purposes of chapter 46.12, 46.16,
25 46.29, 46.37, or 46.70 RCW.

26 NEW SECTION. **Sec. 156.** A new section is added to chapter 46.04
27 RCW to read as follows:

28 "Vehicle license fee" means a fee collected by the state of
29 Washington as a license fee, as that term is construed in Article II,
30 section 40 of the state Constitution, for the act of registering a
31 vehicle under chapter 46.16 RCW. "Vehicle license fee" does not
32 include license plate fees, or taxes and fees collected by the
33 department for other jurisdictions.

1 NEW SECTION. **Sec. 157.** A new section is added to chapter 46.04
2 RCW to read as follows:
3 "Vintage snowmobile" means a snowmobile manufactured at least
4 thirty years ago.

5 NEW SECTION. **Sec. 158.** A new section is added to chapter 46.04
6 RCW to read as follows:
7 "Washington state parks license plates" means special license
8 plates displaying a symbol or artwork recognizing Washington state
9 parks as premier destinations of uncommon quality that preserve
10 significant natural, cultural, historical, and recreational resources.

11 NEW SECTION. **Sec. 159.** A new section is added to chapter 46.04
12 RCW to read as follows:
13 "Washington's wildlife license plate collection" means the
14 collection of three separate license plate designs. Each license plate
15 design displays a distinct symbol or artwork, to include bear, deer,
16 and elk, recognizing the wildlife of Washington.

17 NEW SECTION. **Sec. 160.** A new section is added to chapter 46.04
18 RCW to read as follows:
19 "We love our pets license plates" means special license plates
20 displaying a symbol or artwork recognizing an organization that assists
21 local member agencies of the federation of animal welfare and control
22 agencies to promote and perform spay or neuter surgery on Washington
23 state pets in order to reduce pet overpopulation.

24 NEW SECTION. **Sec. 161.** A new section is added to chapter 46.04
25 RCW to read as follows:
26 "Wild on Washington license plates" means special license plates
27 that display a symbol or artwork symbolizing wildlife viewing in
28 Washington state.

29 **PART II. GENERAL PROVISIONS AND NONHIGHWAY VEHICLES**

30 **Sec. 201.** RCW 46.01.011 and 1994 c 92 s 500 are each amended to
31 read as follows:

32 The legislature finds that the department of licensing administers

1 laws relating to the licensing and regulation of professions,
2 businesses, (~~gambling,~~) and other activities in addition to
3 administering laws relating to the licensing and regulation of vehicles
4 and vehicle operators, dealers, and manufacturers. The laws
5 administered by the department have the common denominator of licensing
6 and regulation and are directed toward protecting and enhancing the
7 well-being of the residents of the state.

8 **Sec. 202.** RCW 46.01.110 and 1995 c 403 s 108 are each amended to
9 read as follows:

10 The director (~~of licensing is hereby authorized to~~) may adopt and
11 enforce (~~such reasonable rules as may be consistent with and~~
12 ~~necessary~~) rules to carry out (~~the~~) provisions (~~relating~~) related
13 to vehicle (~~licenses~~) registrations, certificates of (~~ownership and~~
14 ~~license registration and drivers' licenses not in conflict with the~~
15 ~~provisions of Title 46 RCW: PROVIDED, That the director of licensing~~
16 ~~may not adopt rules after July 23, 1995, that are based~~) title, and
17 drivers' licenses. These rules must not be based:

18 (1) Solely on a section of law stating a statute's intent or
19 purpose(~~τ~~);

20 (2) On the enabling provisions of the statute establishing the
21 agency(~~τ~~); or

22 (3) On any combination of (~~such provisions, for statutory~~
23 authority to adopt any rule)) subsections (1) and (2) of this section.

24 **Sec. 203.** RCW 46.01.130 and 2009 c 169 s 1 are each amended to
25 read as follows:

26 (~~(1) The department of licensing shall have the general~~
27 ~~supervision)) The director:~~

28 (1) Shall supervise and control (~~of~~) the issuing of vehicle
29 (~~licenses~~) certificates of title, vehicle registrations, and vehicle
30 license (~~number~~) plates, and (~~shall have~~) has the full power to do
31 all things necessary and proper to carry out the provisions of the law
32 relating to the (~~licensing~~) registration of vehicles; (~~the director~~
33 ~~shall have the power to~~)

34 (2) May appoint and employ deputies, assistants (~~and~~),
35 representatives, and (~~such clerks as may be required from time to~~
36 ~~time, and to provide for their operation~~) clerks;

1 (3) May establish branch offices in different parts of the state~~((~~
2 ~~and the director shall have the power to))~~;

3 (4) May appoint ~~((the))~~ county auditors ~~((of the several counties~~
4 ~~as the director's agents for the licensing of vehicles.~~

5 ~~(2)(a) The director)~~ in Washington state or, in the absence of a
6 county auditor, the department or an official of county government as
7 agents for applications for and the issuance of vehicle certificates of
8 title and vehicle registrations; and

9 (5)(a) Shall investigate the conviction records and pending charges
10 of any current employee of or prospective employee being considered for
11 any position with the department that has or will have:

12 (i) The ability to create or modify records of applicants for
13 enhanced drivers' licenses and identicards issued under RCW 46.20.202;
14 and

15 (ii) The ability to issue enhanced drivers' licenses and
16 identicards under RCW 46.20.202.

17 (b) The investigation consists of a background check as authorized
18 under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau
19 of investigation. The background check must be conducted through the
20 Washington state patrol criminal identification section and may include
21 a national check from the federal bureau of investigation, which is
22 through the submission of fingerprints. The director shall use the
23 information solely to determine the character, suitability, and
24 competence of current or prospective employees subject to this section.

25 (c) The director shall investigate the conviction records and
26 pending charges of an employee subject to this subsection every five
27 years.

28 (d) Criminal justice agencies shall provide the director with
29 information that they may possess and that the director may require
30 solely to determine the employment suitability of current or
31 prospective employees subject to this section.

32 **Sec. 204.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to
33 read as follows:

34 ~~((1) The county auditor, if appointed by the director of licensing~~
35 ~~shall carry out the provisions of this title relating to the licensing~~
36 ~~of vehicles and the issuance of vehicle license number plates under the~~
37 ~~direction and supervision of the director and may with the approval of~~

1 ~~the director appoint assistants as special deputies and recommend~~
2 ~~subagents to accept applications and collect fees for vehicle licenses~~
3 ~~and transfers and to deliver vehicle license number plates.~~

4 ~~(2) A county auditor appointed by the director may request that the~~
5 ~~director appoint subagencies within the county.~~

6 ~~(a) Upon authorization of the director, the auditor shall use an~~
7 ~~open competitive process including, but not limited to, a written~~
8 ~~business proposal and oral interview to determine the qualifications of~~
9 ~~all interested applicants.~~

10 ~~(b) A subagent may recommend a successor who is either the~~
11 ~~subagent's sibling, spouse, or child, or a subagency employee, as long~~
12 ~~as the recommended successor participates in the open, competitive~~
13 ~~process used to select an applicant. In making successor~~
14 ~~recommendation and appointment determinations, the following provisions~~
15 ~~apply:~~

16 ~~(i) If a subagency is held by a partnership or corporate entity,~~
17 ~~the nomination must be submitted on behalf of, and agreed to by, all~~
18 ~~partners or corporate officers.~~

19 ~~(ii) No subagent may receive any direct or indirect compensation or~~
20 ~~remuneration from any party or entity in recognition of a successor~~
21 ~~nomination. A subagent may not receive any financial benefit from the~~
22 ~~transfer or termination of an appointment.~~

23 ~~(iii) (a) and (b) of this subsection are intended to assist in the~~
24 ~~efficient transfer of appointments in order to minimize public~~
25 ~~inconvenience. They do not create a proprietary or property interest~~
26 ~~in the appointment.~~

27 ~~(c) The auditor shall submit all proposals to the director, and~~
28 ~~shall recommend the appointment of one or more subagents who have~~
29 ~~applied through the open competitive process. The auditor shall~~
30 ~~include in his or her recommendation to the director, not only the name~~
31 ~~of the successor who is a relative or employee, if applicable and if~~
32 ~~otherwise qualified, but also the name of one other applicant who is~~
33 ~~qualified and was chosen through the open competitive process. The~~
34 ~~director has final appointment authority.~~

35 ~~(3)(a) A county auditor who is appointed as an agent by the~~
36 ~~department shall enter into a standard contract provided by the~~
37 ~~director, developed with the advice of the title and registration~~
38 ~~advisory committee.~~

1 ~~(b) A subagent appointed under subsection (2) of this section shall~~
2 ~~enter into a standard contract with the county auditor, developed with~~
3 ~~the advice of the title and registration advisory committee. The~~
4 ~~director shall provide the standard contract to county auditors.~~

5 ~~(c) The contracts provided for in (a) and (b) of this subsection~~
6 ~~must contain at a minimum provisions that:~~

7 ~~(i) Describe the responsibilities, and where applicable, the~~
8 ~~liability, of each party relating to the service expectations and~~
9 ~~levels, equipment to be supplied by the department, and equipment~~
10 ~~maintenance;~~

11 ~~(ii) Require the specific type of insurance or bonds so that the~~
12 ~~state is protected against any loss of collected motor vehicle tax~~
13 ~~revenues or loss of equipment;~~

14 ~~(iii) Specify the amount of training that will be provided by the~~
15 ~~state, the county auditor, or subagents;~~

16 ~~(iv) Describe allowable costs that may be charged to vehicle~~
17 ~~licensing activities as provided for in (d) of this subsection;~~

18 ~~(v) Describe the causes and procedures for termination of the~~
19 ~~contract, which may include mediation and binding arbitration.~~

20 ~~(d) The department shall develop procedures that will standardize~~
21 ~~and prescribe allowable costs that may be assigned to vehicle licensing~~
22 ~~and vessel registration and title activities performed by county~~
23 ~~auditors.~~

24 ~~(e) The contracts may include any provision that the director deems~~
25 ~~necessary to ensure acceptable service and the full collection of~~
26 ~~vehicle and vessel tax revenues.~~

27 ~~(f) The director may waive any provisions of the contract deemed~~
28 ~~necessary in order to ensure that readily accessible service is~~
29 ~~provided to the citizens of the state.~~

30 ~~(4)(a) At any time any application is made to the director, the~~
31 ~~county auditor, or other agent pursuant to any law dealing with~~
32 ~~licenses, registration, or the right to operate any vehicle or vessel~~
33 ~~upon the public highways or waters of this state, excluding applicants~~
34 ~~already paying such fee under RCW 46.16.070 or 46.16.085, the applicant~~
35 ~~shall pay to the director, county auditor, or other agent a fee of~~
36 ~~three dollars for each application in addition to any other fees~~
37 ~~required by law.~~

1 ~~(b) Counties that do not cover the expenses of vehicle licensing~~
2 ~~and vessel registration and title activities may submit to the~~
3 ~~department a request for cost coverage moneys. The request must be~~
4 ~~submitted on a form developed by the department. The department shall~~
5 ~~develop procedures to verify whether a request is reasonable. Payment~~
6 ~~shall be made on requests found to be allowable from the licensing~~
7 ~~services account.~~

8 ~~(c) Applicants for certificates of ownership, including applicants~~
9 ~~paying fees under RCW 46.16.070 or 46.16.085, shall pay to the~~
10 ~~director, county auditor, or other agent a fee of four dollars in~~
11 ~~addition to any other fees required by law.~~

12 ~~(d) The fees under (a) and (c) of this subsection, if paid to the~~
13 ~~county auditor as agent of the director, or if paid to a subagent of~~
14 ~~the county auditor, shall be paid to the county treasurer in the same~~
15 ~~manner as other fees collected by the county auditor and credited to~~
16 ~~the county current expense fund. If the fee is paid to another agent~~
17 ~~of the director, the fee shall be used by the agent to defray his or~~
18 ~~her expenses in handling the application.~~

19 ~~(e) Applicants required to pay the three-dollar fee established~~
20 ~~under (a) of this subsection, must pay an additional seventy five~~
21 ~~cents, which must be collected and remitted to the state treasurer and~~
22 ~~distributed as follows:~~

23 ~~(i) Fifty cents must be deposited into the department of licensing~~
24 ~~services account of the motor vehicle fund and must be used for agent~~
25 ~~and subagent support, which is to include but not be limited to the~~
26 ~~replacement of department owned equipment in the possession of agents~~
27 ~~and subagents.~~

28 ~~(ii) Twenty five cents must be deposited into the license plate~~
29 ~~technology account created under RCW 46.16.685.~~

30 ~~(5) A subagent shall collect a service fee of (a) ten dollars for~~
31 ~~changes in a certificate of ownership, with or without registration~~
32 ~~renewal, or verification of record and preparation of an affidavit of~~
33 ~~lost title other than at the time of the title application or transfer~~
34 ~~and (b) four dollars for registration renewal only, issuing a transit~~
35 ~~permit, or any other service under this section.~~

36 ~~(6) If the fee is collected by the state patrol as agent for the~~
37 ~~director, the fee so collected shall be certified to the state~~
38 ~~treasurer and deposited to the credit of the state patrol highway~~

1 ~~account. If the fee is collected by the department of transportation~~
2 ~~as agent for the director, the fee shall be certified to the state~~
3 ~~treasurer and deposited to the credit of the motor vehicle fund. All~~
4 ~~such fees collected by the director or branches of his office shall be~~
5 ~~certified to the state treasurer and deposited to the credit of the~~
6 ~~highway safety fund.~~

7 ~~(7) Any county revenues that exceed the cost of providing vehicle~~
8 ~~licensing and vessel registration and title activities in a county,~~
9 ~~calculated in accordance with the procedures in subsection (3)(d) of~~
10 ~~this section, shall be expended as determined by the county legislative~~
11 ~~authority during the process established by law for adoption of county~~
12 ~~budgets.~~

13 ~~(8) The director may adopt rules to implement this section.)~~

14 (1) **County auditor/agent duties.** A county auditor or other agent
15 appointed by the director shall:

16 (a) Enter into a standard contract provided by the director, as
17 developed in consultation with the advice of the title and registration
18 advisory committee;

19 (b) Provide all services authorized by the director for vehicle
20 certificates of title and vehicle registration applications and
21 issuance under the direction and supervision of the director including,
22 but not limited to:

23 (i) Processing reports of sale;

24 (ii) Processing transitional ownership transactions;

25 (iii) Processing mail-in vehicle registration renewals until
26 directed otherwise by legislative authority;

27 (iv) Issuing registrations and temporary ORV use permits for
28 off-road vehicles as required under chapter 46.09 RCW;

29 (v) Issuing registrations for snowmobiles as required under chapter
30 46.10 RCW; and

31 (vi) Collecting fees and taxes as required.

32 (2) **County auditor/agent assistants and subagents.** A county
33 auditor or other agent appointed by the director may, with approval of
34 the director:

35 (a) Appoint assistants as special deputies to accept applications
36 for vehicle certificates of title and to issue vehicle registrations;
37 and

1 (b) Recommend and request that the director appoint subagencies
2 within the county to accept applications for vehicle certificates of
3 title and vehicle registration application issuance.

4 (3) **Appointing subagents.** A county auditor or other agent
5 appointed by the director who requests a subagency shall, with approval
6 of the director:

7 (a) Use an open competitive process including, but not limited to,
8 a written business proposal and oral interview to determine the
9 qualifications of all interested applicants; and

10 (b) Submit all proposals to the director with a recommendation for
11 appointment of one or more subagents who have applied through the open
12 competitive process. If a qualified successor who is an existing
13 subagent's sibling, spouse, or child, or a subagency employee has
14 applied, the county auditor shall provide the name of the qualified
15 successor and the name of one other applicant who is qualified and was
16 chosen through the open competitive process.

17 (4) **Subagent duties.** A subagent appointed by the director shall:

18 (a) Enter into a standard contract with the county auditor or agent
19 provided by the director, as developed in consultation with the title
20 and registration advisory committee; and

21 (b) Provide all services authorized by the director for vehicle
22 certificates of title and vehicle registration applications and
23 issuance under the direction and supervision of the county auditor or
24 agent and the director including, but not limited to:

25 (i) Processing reports of sale;

26 (ii) Processing transitional ownership transactions;

27 (iii) Mailing out vehicle registrations and replacement plates to
28 internet payment option customers until directed otherwise by
29 legislative authority;

30 (iv) Issuing registrations and temporary ORV use permits for
31 off-road vehicles as required under chapter 46.09 RCW;

32 (v) Issuing registrations for snowmobiles as required under chapter
33 46.10 RCW; and

34 (vi) Collecting fees and taxes as required.

35 (5) **Subagent successorship.** A subagent appointed by the director
36 who no longer wants his or her appointment may recommend a successor
37 who is the subagent's sibling, spouse, or child, or a subagency
38 employee. The recommended successor must participate in the open

1 competitive process used to select an applicant. In making successor
2 recommendations and appointment determinations, the following
3 provisions apply:

4 (a) If a subagency is held by a partnership or corporate entity,
5 the nomination must be submitted on behalf of, and agreed to by, all
6 partners or corporate officers;

7 (b) A subagent may not receive any direct or indirect compensation
8 or remuneration from any party or entity in recognition of a successor
9 nomination. A subagent may not receive any financial benefit from the
10 transfer or termination of an appointment; and

11 (c) The appointment of a successor is intended to assist in the
12 efficient transfer of appointments to minimize public inconvenience.
13 The appointment of a successor does not create a proprietary or
14 property interest in the appointment.

15 (6) **Standard contracts.** The standard contracts provided by the
16 director in this section may include provisions that the director deems
17 necessary to ensure that readily accessible and acceptable service is
18 provided to the citizens of the state, including the full collection of
19 fees and taxes. The standard contracts must include provisions that:

20 (a) Describe responsibilities and liabilities of each party related
21 to service expectations and levels;

22 (b) Describe the equipment to be supplied by the department and
23 equipment maintenance;

24 (c) Require specific types of insurance or bonds, or both, to
25 protect the state against any loss of collected revenue or loss of
26 equipment;

27 (d) Specify the amount of training that will be provided by each of
28 the parties;

29 (e) Describe allowable costs that may be charged for vehicle
30 registration activities as described in subsection (7) of this section;
31 and

32 (f) Describe causes and procedures for termination of the contract,
33 which may include mediation and binding arbitration.

34 (7) **County auditor/agent cost reimbursement.** A county auditor or
35 other agent appointed by the director who does not cover expenses for
36 services provided by the standard contract may submit to the department
37 a request for cost-coverage moneys. The request must be submitted on
38 a form developed by the department. The department shall develop

1 procedures to standardize and identify allowable costs and to verify
2 whether a request is reasonable. Payment must be made on those
3 requests found to be allowable from the licensing services account.

4 (8) **County auditor/agent revenue disbursement.** County revenues
5 that exceed the cost of providing services described in the standard
6 contract, calculated in accordance with the procedures in subsection
7 (7) of this section, must be expended as determined by the county
8 legislative authority during the process established by law for
9 adoption of county budgets.

10 (9) **Appointment authority.** The director has final appointment
11 authority for county auditors or other agents or subagents.

12 (10) **Rules.** The director may adopt rules to implement this
13 section.

14 **Sec. 205.** RCW 46.01.230 and 2003 c 369 s 1 are each amended to
15 read as follows:

16 ~~((1) The department of licensing is authorized to accept checks~~
17 ~~and money orders for payment of drivers' licenses, certificates of~~
18 ~~ownership and registration, motor vehicle excise taxes, gross weight~~
19 ~~fees, and other fees and taxes collected by the department, in~~
20 ~~accordance with regulations adopted by the director. The director's~~
21 ~~regulations shall duly provide for the public's convenience consistent~~
22 ~~with sound business practice and shall encourage the annual renewal of~~
23 ~~vehicle registrations by mail to the department, authorizing checks and~~
24 ~~money orders for payment. Such regulations shall contain provisions~~
25 ~~for cancellation of any registrations, licenses, or permits paid for by~~
26 ~~checks or money orders which are not duly paid and for the necessary~~
27 ~~accounting procedures in such cases: PROVIDED, That any bona fide~~
28 ~~purchaser for value of a vehicle shall not be liable or responsible for~~
29 ~~any prior uncollected taxes and fees paid, pursuant to this section, by~~
30 ~~a check which has subsequently been dishonored: AND PROVIDED FURTHER,~~
31 ~~That no transfer of ownership of a vehicle may be denied to a bona fide~~
32 ~~purchaser for value of a vehicle if there are outstanding uncollected~~
33 ~~fees or taxes for which a predecessor paid, pursuant to this section,~~
34 ~~by check which has subsequently been dishonored nor shall the new owner~~
35 ~~be required to pay any fee for replacement vehicle license number~~
36 ~~plates that may be required pursuant to RCW 46.16.270 as now or~~
37 ~~hereafter amended.~~

1 ~~(2) It is a traffic infraction to fail to surrender within ten days~~
2 ~~to the department or any authorized agent of the department any~~
3 ~~certificate, license, or permit after being notified that such~~
4 ~~certificate, license, or permit has been canceled pursuant to this~~
5 ~~section. Notice of cancellation may be accomplished by sending a~~
6 ~~notice by first class mail using the last known address in department~~
7 ~~records for the holder of the certificate, license, or permit, and~~
8 ~~recording the transmittal on an affidavit of first class mail.~~

9 ~~(3) Whenever registrations, licenses, or permits have been paid for~~
10 ~~by checks that have been dishonored by nonacceptance or nonpayment, a~~
11 ~~reasonable handling fee may be assessed for each such instrument.~~
12 ~~Notwithstanding provisions of any other laws, county auditors, agents,~~
13 ~~and subagents, appointed or approved by the director pursuant to RCW~~
14 ~~46.01.140, may collect restitution, and where they have collected~~
15 ~~restitution may retain the reasonable handling fee. The amount of the~~
16 ~~reasonable handling fee may be set by rule by the director.~~

17 ~~(4) In those counties where the county auditor has been appointed~~
18 ~~an agent of the director under RCW 46.01.140, the auditor shall~~
19 ~~continue to process mail in registration renewals until directed~~
20 ~~otherwise by legislative authority. Subagents appointed by the~~
21 ~~director under RCW 46.01.140 have the same authority to mail out~~
22 ~~registrations and replacement plates to Internet payment option~~
23 ~~customers as the agents until directed otherwise by legislative~~
24 ~~authority. The department shall provide separate statements giving~~
25 ~~notice to Internet payment option customers that: (a) A subagent~~
26 ~~service fee, as provided in RCW 46.01.140(5)(b), will be collected by~~
27 ~~a subagent office for providing mail and pick-up services; and (b) a~~
28 ~~filing fee will be collected on all transactions listed under RCW~~
29 ~~46.01.140(4)(a). The statement must include the amount of the fee and~~
30 ~~be published on the department's Internet web site on the page that~~
31 ~~lists each department, county auditor, and subagent office, eligible to~~
32 ~~provide mail or pick-up services for registration renewals and~~
33 ~~replacement plates. The statements must be published below each office~~
34 ~~listed.)~~

35 (1) The department may accept checks and money orders for the
36 payment of drivers' licenses, certificates of title and vehicle
37 registrations, vehicle excise taxes, gross weight fees, and other fees
38 and taxes collected by the department. Whenever registrations,

1 licenses, or permits have been paid for by checks or money orders that
2 have been dishonored by nonacceptance or nonpayment, the department
3 shall:

4 (a) Cancel the registration, license, or permit;

5 (b) Send a notice of cancellation by first-class mail using the
6 last known address in department records for the holder of the
7 certificate, license, or permit, and complete an affidavit of first-
8 class mail; and

9 (c) Assess a handling fee, set by rule.

10 (2) It is a traffic infraction to fail to surrender a certificate
11 of title, registration certificate, or permit to the department or to
12 an authorized agent within ten days of being notified that the
13 certificate, registration, or permit has been cancelled.

14 (3) County auditors, agents, and subagents appointed by the
15 director may collect restitution for dishonored checks and money orders
16 and keep the handling fee.

17 (4) A person who has recently acquired a vehicle by purchase,
18 exchange, gift, lease, inheritance, or legal action is not liable or
19 responsible for the payment of uncollected fees and taxes that were
20 paid for by a predecessor's check or money order that was subsequently
21 dishonored. The department may not deny an application to transfer
22 ownership for the uncollected amount.

23 (5) The director may adopt rules to implement this section. The
24 rules must provide for the public's convenience consistent with sound
25 business practice and encourage annual renewal of vehicle registrations
26 by mail, authorizing checks and money orders for payment.

27 NEW SECTION. Sec. 206. A new section is added to chapter 46.01
28 RCW to read as follows:

29 (1) The department shall provide on its internet payment option web
30 site:

31 (a) That a filing fee will be collected on all transactions subject
32 to a filing fee;

33 (b) That a subagent service fee will be collected by a subagent
34 office for mail or pick-up licensing services; and

35 (c) The amount of the filing and subagent service fees.

36 (2) The filing and subagent service fees must be shown below each
37 office listed.

1 **Sec. 207.** RCW 46.01.235 and 2004 c 249 s 9 are each amended to
2 read as follows:

3 The department may adopt necessary rules and procedures to allow
4 use of credit and debit cards for payment of fees and excise taxes to
5 the department and its agents or subagents related to the licensing of
6 drivers, the issuance of ~~identcards~~, and vehicle and vessel
7 (~~titling~~) certificates of title and registration. The department may
8 establish a convenience fee to be paid by the credit or debit card user
9 whenever a credit or debit card is chosen as the payment method. The
10 fee must be sufficient to offset the charges imposed on the department
11 and its agents and subagents by credit and debit card companies. In no
12 event may the use of credit or debit cards authorized by this section
13 create a loss of revenue to the state.

14 The use of a personal credit card does not rely upon the credit of
15 the state as prohibited by Article VIII, section 5 of the state
16 Constitution.

17 **Sec. 208.** RCW 46.01.260 and 2009 c 276 s 2 are each amended to
18 read as follows:

19 (1) Except as provided in subsection (2) of this section, the
20 director(~~(, in his or her discretion,)~~) may destroy applications for
21 vehicle (~~licenses~~) registrations, copies of vehicle (~~licenses~~)
22 registrations issued, applications for drivers' licenses, copies of
23 issued drivers' licenses, certificates of title and registration or
24 other documents, and records or supporting papers on file in (~~his or~~
25 ~~her office which~~) the department that have been microfilmed or
26 photographed or are more than five years old. (~~If the~~) The director
27 may destroy applications for vehicle (~~licenses~~) registrations that
28 are renewal applications(~~(, the director may destroy such~~
29 ~~applications)~~) when the computer record (~~thereof~~) of the applications
30 has been updated.

31 (2)(a) The director shall not destroy records of convictions or
32 adjudications of RCW 46.61.502, 46.61.504, 46.61.520, and 46.61.522, or
33 records of deferred prosecutions granted under RCW 10.05.120 and shall
34 maintain such records permanently on file.

35 (b) The director shall not, within fifteen years from the date of
36 conviction or adjudication, destroy records if the offense was
37 originally charged as one of the offenses designated in (a) of this

1 subsection, convictions or adjudications of the following offenses:
2 RCW 46.61.500 or 46.61.5249 or any other violation that was originally
3 charged as one of the offenses designated in (a) of this subsection.

4 (c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject
5 to this subsection shall be considered "alcohol-related" offenses.

6 **Sec. 209.** RCW 46.01.270 and 1991 c 339 s 18 are each amended to
7 read as follows:

8 ((The)) A county auditor or other agent appointed by the director
9 may destroy applications for vehicle ((licenses)) registrations and any
10 copies of vehicle ((licenses)) registrations or other records issued
11 after ((such)) those records have been on file in the county auditor's
12 or other agent's office for a period of eighteen months, unless
13 otherwise directed by the director.

14 **Sec. 210.** RCW 46.01.310 and 1987 c 302 s 3 are each amended to
15 read as follows:

16 No civil suit or action may ever be commenced or prosecuted against
17 the director, the state of Washington, any county auditor or other
18 agents appointed by the director, ((or against)) any other government
19 officer or entity, or against any other person, by reason of any act
20 done or omitted to be done in connection with the titling((
21 licensing)) or registration of vehicles or vessels while administering
22 duties and responsibilities imposed on the director or as an agent of
23 the director ((of licensing)), or as ((an agent)) a subagent of an
24 agent of the director ((of licensing, pursuant to RCW 46.01.140.
25 However)). This section does not bar the state of Washington or the
26 director ((of licensing)) from bringing any action, whether civil or
27 criminal, against any ((such)) agent, nor shall it bar a county auditor
28 or other agent of the director from bringing an action against ((his or
29 her)) the agent.

30 **Sec. 211.** RCW 46.08.066 and 1986 c 158 s 20 are each amended to
31 read as follows:

32 (1) ((Except as provided in subsection (3) of this section,)) The
33 department ((of licensing is authorized to)) may issue confidential
34 ((motor vehicle)) license plates to:

1 (a) Units of local government and ((to)) agencies of the federal
2 government for law enforcement purposes only;

3 (b) Any state official elected on a statewide basis for use on
4 official business. Only one set of confidential license plates may be
5 issued to these elected officials;

6 (c) Any other public officer or public employee for the personal
7 security of the officer or employee when recommended by the chief of
8 the Washington state patrol. These confidential license plates may
9 only be used on an unmarked publicly owned or controlled vehicle of the
10 employing government agency for the conduct of official business for
11 the period of time that the personal security of the state official,
12 public officer, or other public employee may require; and

13 (d) The office of the state treasurer. These confidential license
14 plates may only be used on an unmarked state owned or controlled
15 vehicle when required for the safe transportation of either state funds
16 or negotiable securities to or from the office of the state treasurer.

17 ~~((Except as provided in subsections (3) and (4) of this~~
18 ~~section)) The use of confidential license plates on other vehicles
19 owned or operated by the state of Washington by any officer or employee
20 ~~((thereof, shall be)) of the state is limited to confidential,~~
21 investigative, or undercover work of state law enforcement agencies,
22 confidential public health work, and confidential public assistance
23 fraud or support investigations.~~

24 ~~((Any state official elected on a statewide basis shall be~~
25 ~~provided on request with one set of confidential plates for use on~~
26 ~~official business. When necessary for the personal security of any~~
27 ~~other public officer, or public employee, the chief of the Washington~~
28 ~~state patrol may recommend that the director issue confidential plates~~
29 ~~for use on an unmarked publicly owned or controlled vehicle of the~~
30 ~~appropriate governmental unit for the conduct of official business for~~
31 ~~the period of time that the personal security of such state official,~~
32 ~~public officer, or other public employee may require. The office of~~
33 ~~the state treasurer may use an unmarked state owned or controlled~~
34 ~~vehicle with confidential plates where required for the safe~~
35 ~~transportation of either state funds or negotiable securities to or~~
36 ~~from the office of the state treasurer.~~

37 ~~(4))~~ The director ~~((of licensing))~~ may ~~((issue))~~ adopt rules ~~((and~~

1 ~~regulations))~~ governing applications for, and the use of, (~~such~~)
2 confidential license plates (~~by law enforcement and other public~~
3 ~~agencies~~)).

4 **Sec. 212.** RCW 46.08.150 and 1995 c 384 s 2 are each amended to
5 read as follows:

6 The director of general administration shall have power to devise
7 and promulgate rules and regulations for the control of vehicular and
8 pedestrian traffic and the parking of motor vehicles on the state
9 capitol grounds. However, the monetary penalty for parking a motor
10 vehicle without a valid special license plate or placard in a parking
11 place reserved for (~~physically disabled~~) persons with physical
12 disabilities shall be the same as provided in (~~RCW 46.16.381~~) section
13 706 of this act. Such rules and regulations shall be promulgated by
14 publication in one issue of a newspaper published at the state capitol
15 and shall be given such further publicity as the director may deem
16 proper.

17 **Sec. 213.** RCW 46.09.020 and 2007 c 241 s 13 are each amended to
18 read as follows:

19 The definitions in this section apply throughout this chapter
20 unless the context clearly requires otherwise.

21 (1) "Advisory committee" means the nonhighway and off-road vehicle
22 activities advisory committee established in RCW 46.09.280 (as
23 recodified by this act).

24 (2) "Board" means the recreation and conservation funding board
25 established in RCW 79A.25.110.

26 (3) "Dealer" means a person, partnership, association, or
27 corporation engaged in the business of selling off-road vehicles at
28 wholesale or retail in this state.

29 (4) (~~"Department" means the department of licensing.~~

30 ~~+5~~) "Highway," for the purpose of this chapter only, means the
31 entire width between the boundary lines of every roadway publicly
32 maintained by the state department of transportation or any county or
33 city with funding from the motor vehicle fund. A highway is generally
34 capable of travel by a conventional two-wheel drive passenger
35 automobile during most of the year and in use by such vehicles.

1 ~~((6)) "Motorized vehicle" means a vehicle that derives motive power~~
2 ~~from an internal combustion engine.~~

3 ~~(7))~~ (5) "Nonhighway road" means any road owned or managed by a
4 public agency or any private road for which the owner has granted an
5 easement for public use for which appropriations from the motor vehicle
6 fund were not used for (a) original construction or reconstruction in
7 the last twenty-five years; or (b) maintenance in the last four years.

8 ~~((8))~~ (6) "Nonhighway road recreation facilities" means
9 recreational facilities that are adjacent to, or accessed by, a
10 nonhighway road and intended primarily for nonhighway road recreational
11 users.

12 ~~((9))~~ (7) "Nonhighway road recreational user" means a person
13 whose purpose for consuming fuel on a nonhighway road or off-road is
14 primarily for nonhighway road recreational purposes, including, but not
15 limited to, hunting, fishing, camping, sightseeing, wildlife viewing,
16 picnicking, driving for pleasure, kayaking/canoeing, and gathering
17 berries, firewood, mushrooms, and other natural products.

18 ~~((10))~~ (8) "Nonhighway vehicle" means any motorized vehicle
19 including an ORV when used for recreational purposes on nonhighway
20 roads, trails, or a variety of other natural terrain.

21 Nonhighway vehicle does not include:

22 (a) Any vehicle designed primarily for travel on, over, or in the
23 water;

24 (b) Snowmobiles or any military vehicles; or

25 (c) Any vehicle eligible for a motor vehicle fuel tax exemption or
26 rebate under chapter 82.36 RCW while an exemption or rebate is claimed.
27 This exemption includes but is not limited to farm, construction, and
28 logging vehicles.

29 ~~((11))~~ (9) "Nonmotorized recreational facilities" means
30 recreational trails and facilities that are adjacent to, or accessed
31 by, a nonhighway road and intended primarily for nonmotorized
32 recreational users.

33 ~~((12))~~ (10) "Nonmotorized recreational user" means a person whose
34 purpose for consuming fuel on a nonhighway road or off-road is
35 primarily for nonmotorized recreational purposes including, but not
36 limited to, walking, hiking, backpacking, climbing, cross-country
37 skiing, snowshoeing, mountain biking, horseback riding, and pack animal
38 activities.

1 ~~((13) "Off road vehicle" or "ORV" means any nonstreet licensed~~
2 ~~vehicle when used for recreational purposes on nonhighway roads,~~
3 ~~trails, or a variety of other natural terrain. Such vehicles include,~~
4 ~~but are not limited to, all terrain vehicles, motorcycles, four-wheel~~
5 ~~drive vehicles, and dune buggies.~~

6 ~~(14) "Operator" means each person who operates, or is in physical~~
7 ~~control of, any nonhighway vehicle.~~

8 ~~(15))~~ (11) "Organized competitive event" means any competition,
9 advertised in advance through written notice to organized clubs or
10 published in local newspapers, sponsored by recognized clubs, and
11 conducted at a predetermined time and place.

12 ~~((16))~~ (12) "ORV recreation facilities" include, but are not
13 limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and
14 ORV use areas, designated for ORV use by the managing authority that
15 are intended primarily for ORV recreational users.

16 ~~((17))~~ (13) "ORV recreational user" means a person whose purpose
17 for consuming fuel on nonhighway roads or off-road is primarily for ORV
18 recreational purposes, including but not limited to riding an all-
19 terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or
20 dune buggy.

21 ~~((18))~~ (14) "ORV sports park" means a facility designed to
22 accommodate competitive ORV recreational uses including, but not
23 limited to, motocross racing, four-wheel drive competitions, and flat
24 track racing. Use of ORV sports parks can be competitive or
25 noncompetitive in nature.

26 ~~((19))~~ (15) "ORV trail" means a multiple-use corridor designated
27 by the managing authority and maintained for recreational use by
28 motorized vehicles.

29 ~~((20) "ORV use permit" means a permit issued for operation of an~~
30 ~~off-road vehicle under this chapter.~~

31 ~~(21) "Owner" means the person other than the lienholder, having an~~
32 ~~interest in or title to a nonhighway vehicle, and entitled to the use~~
33 ~~or possession thereof.~~

34 ~~(22) "Person" means any individual, firm, partnership, association,~~
35 ~~or corporation.))~~

36 NEW SECTION. **Sec. 214.** A new section is added to chapter 46.09

1 RCW under the subchapter heading "general provisions" to read as
2 follows:

3 The department shall issue a certificate of title to the owner of
4 an off-road vehicle. The owner shall pay the fee established under
5 section 508 of this act. Issuance of the certificate of title does not
6 qualify the vehicle for registration under chapter 46.16 RCW.

7 **Sec. 215.** RCW 46.09.030 and 1990 c 250 s 23 are each amended to
8 read as follows:

9 The department shall (~~provide for the issuance of use permits for~~
10 ~~off-road vehicles and may appoint agents for collecting fees and~~
11 ~~issuing permits. The department shall charge each applicant for~~
12 ~~registration the actual cost of the decal. The department shall make~~
13 ~~available replacement decals for a fee equivalent to the actual cost of~~
14 ~~the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the~~
15 ~~issuance of use permits for off-road vehicles as they do to the~~
16 ~~issuance of vehicle licenses, the appointment of agents and the~~
17 ~~collection of application fees)):~~

18 (1) Issue registrations and temporary ORV use permits for off-road
19 vehicles;

20 (2) Issue decals for off-road vehicles. The decals serve the same
21 function as license plates for vehicles registered under chapter 46.16
22 RCW; and

23 (3) Charge a fee for each decal covering the actual cost of the
24 decal.

25 **Sec. 216.** RCW 46.09.040 and 1977 ex.s. c 220 s 3 are each amended
26 to read as follows:

27 Except as provided in this chapter, ((no)) a person shall not
28 operate ((any)) an off-road vehicle within this state ((after January
29 1, 1978,)) unless the off-road vehicle has been assigned an ORV
30 registration or temporary ORV use permit and displays ((a current ORV
31 tag in accordance with the provisions of this chapter: PROVIDED, That
32 registration and display of an unexpired ATV use permit shall be deemed
33 to have complied with this section)) current decals and tabs as
34 required under this chapter.

1 **Sec. 217.** RCW 46.09.050 and 2004 c 105 s 9 are each amended to
2 read as follows:

3 ORV ~~((use permits))~~ registrations and ~~((ORV tags shall be))~~ decals
4 are required under ~~((the provisions of))~~ this chapter except for the
5 following:

6 (1) Off-road vehicles owned and operated by the United States,
7 another state, or a political subdivision ~~((thereof))~~ of the United
8 States or another state.

9 (2) Off-road vehicles owned and operated by this state, ~~((or by~~
10 ~~any))~~ a municipality, or a political subdivision ~~((thereof))~~ of this
11 state or the municipality.

12 (3) Off-road vehicles operated on agricultural lands owned or
13 leased by the ~~((ORV))~~ off-road vehicle owner or operator.

14 (4) Off-road vehicles owned by a resident of another state that
15 have a valid ORV use permit or vehicle ~~((license))~~ registration issued
16 in accordance with the laws of the other state. This exemption ~~((shall~~
17 ~~apply))~~ applies only to the extent that a similar exemption or
18 privilege is granted under the laws of that state.

19 (5) Off-road vehicles while being used for search and rescue
20 purposes under the authority or direction of an appropriate search and
21 rescue or law enforcement agency.

22 (6) Vehicles ~~((which are licensed pursuant to))~~ registered under
23 chapter 46.16 RCW or, in the case of nonresidents, vehicles ~~((which~~
24 ~~are))~~ validly ~~((licensed))~~ registered for operation over public
25 highways in the jurisdiction of the owner's residence.

26 **Sec. 218.** RCW 46.09.070 and 2004 c 106 s 1 are each amended to
27 read as follows:

28 ~~((1) Application for annual or temporary ORV use permits shall be~~
29 ~~made to the department or its authorized agent in such manner and upon~~
30 ~~such forms as the department shall prescribe and shall state the name~~
31 ~~and address of each owner of the off road vehicle.~~

32 ~~(2) An application for an annual permit shall be signed by at least~~
33 ~~one owner, and shall be accompanied by a fee of eighteen dollars. Upon~~
34 ~~receipt of the annual permit application and the application fee, the~~
35 ~~off road vehicle shall be assigned a use permit number tag or decal,~~
36 ~~which shall be affixed to the off road vehicle in a manner prescribed~~
37 ~~by the department. The annual permit is valid for a period of one year~~

1 ~~and is renewable each year in such manner as the department may~~
2 ~~prescribe for an additional period of one year upon payment of a~~
3 ~~renewal fee of eighteen dollars.~~

4 ~~Any person acquiring an off-road vehicle for which an annual permit~~
5 ~~has been issued who desires to continue to use the permit must, within~~
6 ~~fifteen days of the acquisition of the off-road vehicle, make~~
7 ~~application to the department or its authorized agent for transfer of~~
8 ~~the permit, and the application shall be accompanied by a transfer fee~~
9 ~~of five dollars.~~

10 ~~(3) A temporary use permit is valid for sixty days. Application~~
11 ~~for a temporary permit shall be accompanied by a fee of seven dollars.~~
12 ~~The permit shall be carried on the vehicle at all times during its~~
13 ~~operation in the state.~~

14 ~~(4) Except as provided in RCW 46.09.050, any out-of-state operator~~
15 ~~of an off-road vehicle shall, when operating in this state, comply with~~
16 ~~this chapter, and if an ORV use permit is required under this chapter,~~
17 ~~the operator shall obtain an annual or temporary permit and tag.))~~

18 (1) The application for an original ORV registration has the same
19 requirements as described for original vehicle registrations in RCW
20 46.16.040 (as recodified by this act) and must be accompanied by the
21 annual off-road vehicle license fee required under section 531 of this
22 act, in addition to any other fees or taxes due for the application.

23 (2) The application for renewal of an ORV registration has the same
24 requirements as described for the renewal of vehicle registrations in
25 RCW 46.16.210 (as recodified by this act) and must be accompanied by
26 the annual off-road vehicle license fee required under section 531 of
27 this act, in addition to any other fees or taxes due for the
28 application.

29 (3) The annual ORV registration is valid for one year and may be
30 renewed each subsequent year as prescribed by the department.

31 (4) A person who acquires an off-road vehicle that has an ORV
32 registration must:

33 (a) Apply to the department, county auditor or other agent, or
34 subagent appointed by the director for a transfer of the ORV
35 registration within fifteen days of taking possession of the off-road
36 vehicle; and

37 (b) Pay the ORV registration transfer fee required under section

1 536 of this act, in addition to any other fees or taxes due at the time
2 of application.

3 (5) The department shall issue an ORV registration, decals, and
4 tabs upon receipt of:

5 (a) A properly completed application for an original ORV
6 registration; and

7 (b) The payment of all fees and taxes due at the time of
8 application.

9 (6) The ORV registration must be carried on the vehicle for which
10 it was issued at all times during its operation in this state.

11 (7) Off-road vehicle decals must be affixed to the off-road vehicle
12 in a manner prescribed by the department.

13 (8) Unless exempt under RCW 46.09.050 (as recodified by this act),
14 any out-of-state operator of an off-road vehicle, when operating in
15 this state, must comply with this chapter. If an ORV registration is
16 required under this chapter, the out-of-state operator must obtain an
17 ORV registration and decal or a temporary ORV use permit.

18 NEW SECTION. Sec. 219. A new section is added to chapter 46.09
19 RCW under the subchapter heading "use permits" to read as follows:

20 (1) The application for a temporary ORV use permit must be made by
21 the owner or the owner's authorized representative to the department,
22 county auditor or other agent, or subagent appointed by the director on
23 a form furnished or approved by the department. The application must
24 contain:

25 (a) The name and address of each owner of the off-road vehicle; and

26 (b) Other information that the department may require.

27 (2) The owner or the owner's authorized representative shall sign
28 the application for a temporary ORV use permit.

29 (3) The application for a temporary ORV use permit must be
30 accompanied by the temporary ORV use permit fee required under section
31 535 of this act, in addition to any other fees or taxes due for the
32 application.

33 (4) A temporary ORV use permit:

34 (a) Is valid for sixty days; and

35 (b) Must be carried on the vehicle for which it was issued at all
36 times during its operation in this state.

1 **Sec. 220.** RCW 46.09.080 and 1990 c 250 s 24 are each amended to
2 read as follows:

3 (1) Each dealer of off-road vehicles in this state (~~who does not~~
4 ~~have a current "dealer's plate" for vehicle use pursuant to chapter~~
5 ~~46.70 RCW~~) shall obtain either a miscellaneous vehicle dealer license
6 as defined in RCW 46.70.011 or an ((ORV)) off-road vehicle dealer
7 ((permit)) license from the department in ((such)) a manner ((and upon
8 ~~such forms as)) prescribed by the department ((shall prescribe)).~~ Upon
9 receipt of an application for an ((ORV)) off-road vehicle dealer
10 ((permit)) license and the fee described under subsection (2) of this
11 section, the dealer ((shall be registered)) is licensed and an ((ORV))
12 off-road vehicle dealer ((permit)) license number must be assigned.

13 (2) The annual fee for ((ORV)) an off-road vehicle dealer ((permits
14 ~~shall be)) license is~~ twenty-five dollars ((per year)), which covers
15 all of the off-road vehicles owned by a dealer and not rented. Off-
16 road vehicles rented on a regular, commercial basis by a dealer
17 ((shall)) must have separate ((use permits)) registrations.

18 (3) Upon the issuance of an ((ORV)) off-road vehicle dealer
19 ((permit)) license, each dealer may purchase, at a cost to be
20 determined by the department, ((ORV)) off-road vehicle dealer
21 ((number)) license plates of a size and color to be determined by the
22 department~~((, that))~~. The off-road vehicle dealer license plates must
23 contain the off-road vehicle dealer ((ORV permit)) license number
24 assigned to the dealer. Each off-road vehicle operated by a dealer,
25 dealer representative, or prospective customer for the purposes of
26 testing or demonstration shall display ((such number)) dealer license
27 plates assigned ((pursuant to the dealer permit provisions in chapter
28 ~~46.70 RCW or this section, in a manner prescribed))~~ by the department.

29 (4) ((No)) A dealer, dealer representative, or prospective customer
30 ((shall use such number)) may only use dealer license plates for ((any
31 ~~purpose other than))~~ the purposes prescribed in subsection (3) of this
32 section.

33 (5) ((ORV)) Off-road vehicle dealer ((permit)) license numbers
34 ((shall be)) are nontransferable.

35 (6) It is unlawful for any dealer to sell any off-road vehicle at
36 wholesale or retail or to test or demonstrate any off-road vehicle
37 within the state unless ((he has a motor vehicle dealers' license
38 ~~pursuant to chapter 46.70 RCW or an ORV dealer permit number in~~

1 ~~accordance with~~) the dealer has either a miscellaneous vehicle dealer
2 license as defined in RCW 46.70.011 or an off-road vehicle dealer
3 license as required under this section.

4 (7) When an ((ORV)) off-road vehicle is sold by a dealer, the
5 dealer shall apply for a certificate of title in the purchaser's name
6 within fifteen days following the sale.

7 (8) Except as provided in RCW 46.09.050, it is unlawful for any
8 dealer to sell at retail an off-road vehicle without registration
9 required in RCW 46.09.040.

10 **Sec. 221.** RCW 46.09.115 and 2006 c 212 s 2 are each amended to
11 read as follows:

12 (1) Except as otherwise provided in this section, it is lawful to
13 operate an off-road vehicle upon:

14 (a) A nonhighway road and in parking areas serving designated off-
15 road vehicle areas if the state, federal, local, or private authority
16 responsible for the management of the nonhighway road authorizes the
17 use of off-road vehicles; and

18 (b) A street, road, or highway as authorized under RCW 46.09.180
19 (as recodified by this act).

20 (2) Operations of an off-road vehicle on a nonhighway road, or on
21 a street, road, or highway as authorized under RCW 46.09.180 (as
22 recodified by this act), under this section is exempt from
23 ~~((licensing))~~ registration requirements of chapter 46.16 RCW
24 ~~((46.16.010))~~ and vehicle lighting and equipment requirements of
25 chapter 46.37 RCW.

26 (3) It is unlawful to operate an off-road vehicle upon a private
27 nonhighway road if the road owner has not authorized the use of off-
28 road vehicles.

29 (4) Nothing in this section authorizes trespass on private
30 property.

31 (5) The provisions of RCW 4.24.210(5) shall apply to public
32 landowners who allow members of the public to use public facilities
33 accessed by a highway, street, or nonhighway road for recreational off-
34 road vehicle use.

35 **Sec. 222.** RCW 46.09.170 and 2009 c 564 s 944 and 2009 c 187 s 2
36 are each reenacted and amended to read as follows:

1 (1) From time to time, but at least once each year, the state
2 treasurer shall refund from the motor vehicle fund one percent of the
3 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
4 based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle
5 fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per
6 gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007;
7 (c) twenty-one cents per gallon of motor vehicle fuel from July 1,
8 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor
9 vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-
10 three cents per gallon of motor vehicle fuel beginning July 1, 2011,
11 and thereafter, less proper deductions for refunds and costs of
12 collection as provided in RCW 46.68.090.

13 (2) The treasurer shall place these funds in the general fund as
14 follows:

15 (a) Thirty-six percent shall be credited to the ORV and nonhighway
16 vehicle account and administered by the department of natural resources
17 solely for acquisition, planning, development, maintenance, and
18 management of ORV, nonmotorized, and nonhighway road recreation
19 facilities, and information programs and maintenance of nonhighway
20 roads;

21 (b) Three and one-half percent shall be credited to the ORV and
22 nonhighway vehicle account and administered by the department of fish
23 and wildlife solely for the acquisition, planning, development,
24 maintenance, and management of ORV, nonmotorized, and nonhighway road
25 recreation facilities and the maintenance of nonhighway roads;

26 (c) Two percent shall be credited to the ORV and nonhighway vehicle
27 account and administered by the parks and recreation commission solely
28 for the acquisition, planning, development, maintenance, and management
29 of ORV, nonmotorized, and nonhighway road recreation facilities; and

30 (d) Fifty-eight and one-half percent shall be credited to the
31 nonhighway and off-road vehicle activities program account to be
32 administered by the board for planning, acquisition, development,
33 maintenance, and management of ORV, nonmotorized, and nonhighway road
34 recreation facilities and for education, information, and law
35 enforcement programs. The funds under this subsection shall be
36 expended in accordance with the following limitations:

37 (i) Not more than thirty percent may be expended for education,
38 information, and law enforcement programs under this chapter;

1 (ii) Not less than seventy percent may be expended for ORV,
2 nonmotorized, and nonhighway road recreation facilities. Except as
3 provided in (d)(iii) of this subsection, of this amount:

4 (A) Not less than thirty percent, together with the funds the board
5 receives under RCW 46.09.110 (as recodified by this act), may be
6 expended for ORV recreation facilities;

7 (B) Not less than thirty percent may be expended for nonmotorized
8 recreation facilities. Funds expended under this subsection
9 (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation
10 facilities funds; and

11 (C) Not less than thirty percent may be expended for nonhighway
12 road recreation facilities;

13 (iii) The board may waive the minimum percentage cited in (d)(ii)
14 of this subsection due to insufficient requests for funds or projects
15 that score low in the board's project evaluation. Funds remaining
16 after such a waiver must be allocated in accordance with board policy.

17 (3) On a yearly basis an agency may not, except as provided in RCW
18 46.09.110 (as recodified by this act), expend more than ten percent of
19 the funds it receives under this chapter for general administration
20 expenses incurred in carrying out this chapter.

21 (4) During the 2009-2011 fiscal biennium, the legislature may
22 appropriate such amounts as reflect the excess fund balance in the NOVA
23 account to the department of natural resources to install consistent
24 off-road vehicle signage at department-managed recreation sites, and to
25 implement the recreation opportunities on department-managed lands in
26 the Reiter block and Ahtanum state forest, and to the state parks and
27 recreation commission for maintenance and operation of parks and to
28 improve accessibility for boaters and off-road vehicle users. This
29 appropriation is not required to follow the specific distribution
30 specified in subsection (2) of this section.

31 **Sec. 223.** RCW 46.09.240 and 2007 c 241 s 17 are each amended to
32 read as follows:

33 (1) After deducting administrative expenses and the expense of any
34 programs conducted under this chapter, the board shall, at least once
35 each year, distribute the funds it receives under RCW 46.09.110 and
36 46.09.170 (as recodified by this act) to state agencies, counties,
37 municipalities, federal agencies, nonprofit ((ORV)) off-road vehicle

1 organizations, and Indian tribes. Funds distributed under this section
2 to nonprofit ((ORV)) off-road vehicle organizations may be spent only
3 on projects or activities that benefit ((ORV)) off-road vehicle
4 recreation on lands once publicly owned that come into private
5 ownership in a federally approved land exchange completed between
6 January 1, 1998, and January 1, 2005.

7 (2) The board shall adopt rules governing applications for funds
8 administered by the recreation and conservation office under this
9 chapter and shall determine the amount of money distributed to each
10 applicant. Agencies receiving funds under this chapter for capital
11 purposes shall consider the possibility of contracting with the state
12 parks and recreation commission, the department of natural resources,
13 or other federal, state, and local agencies to employ the youth
14 development and conservation corps or other youth crews in completing
15 the project.

16 (3) The board shall require each applicant for acquisition or
17 development funds under this section to comply with the requirements of
18 either the state environmental policy act, chapter 43.21C RCW, or the
19 national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

20 **Sec. 224.** RCW 46.09.280 and 2007 c 241 s 19 are each amended to
21 read as follows:

22 (1) The board shall establish the nonhighway and off-road vehicle
23 activities advisory committee to provide advice regarding the
24 administration of this chapter. The committee consists of governmental
25 representatives, land managers, and a proportional representation of
26 persons with recreational experience in areas identified in the most
27 recent fuel use study, including but not limited to people with ((ORV))
28 off-road vehicle, hiking, equestrian, mountain biking, hunting,
29 fishing, and wildlife viewing experience.

30 (2) After the advisory committee has made recommendations regarding
31 the expenditure of the fuel tax revenue portion of the nonhighway and
32 off-road vehicle account moneys, the advisory committee's ((ORV)) off-
33 road vehicle and mountain biking recreationists, governmental
34 representatives, and land managers will make recommendations regarding
35 the expenditure of funds received under RCW 46.09.110 (as recodified by
36 this act).

1 (3) At least once a year, the board, the department of natural
2 resources, the department of fish and wildlife, and the state parks and
3 recreation commission shall report to the nonhighway and off-road
4 vehicle activities advisory committee on the expenditures of funds
5 received under RCW 46.09.110 and 46.09.170 (as recodified by this act)
6 and must proactively seek the advisory committee's advice regarding
7 proposed expenditures.

8 (4) The advisory committee shall advise these agencies regarding
9 the allocation of funds received under RCW 46.09.170 (as recodified by
10 this act) to ensure that overall expenditures reflect consideration of
11 the results of the most recent fuel use study.

12 **Sec. 225.** RCW 46.10.010 and 2005 c 235 s 1 are each amended to
13 read as follows:

14 ~~((As used in this chapter the words and phrases in this section~~
15 ~~shall have the designated meanings unless a different meaning is~~
16 ~~expressly provided or the context otherwise clearly indicated.~~

17 ~~(1) "Person" shall mean any individual, firm, partnership,~~
18 ~~association, or corporation.~~

19 ~~(2) "Snowmobile" shall mean any self-propelled vehicle capable of~~
20 ~~traveling over snow or ice, which utilizes as its means of propulsion~~
21 ~~an endless belt tread, or cleats, or any combination of these or other~~
22 ~~similar means of contact with the surface upon which it is operated,~~
23 ~~and which is steered wholly or in part by skis or sled type runners,~~
24 ~~and which is not otherwise registered as, or subject to the motor~~
25 ~~vehicle excise tax in the state of Washington.~~

26 ~~(3) "Vintage snowmobile" means a snowmobile manufactured at least~~
27 ~~thirty years ago.~~

28 ~~(4))~~ The following definitions apply throughout this chapter
29 unless the context clearly requires otherwise.

30 (1) "All terrain vehicle" ((shall)) means any self-propelled
31 vehicle other than a snowmobile, capable of cross-country travel on or
32 immediately over land, water, snow, ice, marsh, swampland, and other
33 natural terrain, including, but not limited to, four-wheel vehicles,
34 amphibious vehicles, ground effect or air cushion vehicles, and any
35 other means of land transportation deriving motive power from any
36 source other than muscle or wind; except any vehicle designed primarily

1 for travel on, over, or in the water, farm vehicles, or any military or
2 law enforcement vehicles.

3 ~~((5) "Owner" shall mean the person, other than a lienholder,~~
4 ~~having the property in or title to a snowmobile or all terrain vehicle,~~
5 ~~and entitled to the use or possession thereof.~~

6 ~~(6) "Operator" means each person who operates, or is in physical~~
7 ~~control of, any snowmobile or all terrain vehicle.~~

8 ~~(7))~~ (2) "Public roadway" ~~((shall))~~ means the entire width of the
9 right-of-way of any road or street designed and ordinarily used for
10 travel or parking of motor vehicles, which is controlled by a public
11 authority other than the Washington state department of transportation,
12 and which is open as a matter of right to the general public for
13 ordinary vehicular traffic.

14 ~~((8))~~ (3) "Highway~~((s))~~" ~~((shall))~~ means the entire width of the
15 right-of-way of ~~((all))~~ a primary and secondary state highway~~((s))~~,
16 including ~~((all))~~ any portion~~((s))~~ of the interstate highway system.

17 ~~((9))~~ (4) "Dealer" means a person, partnership, association, or
18 corporation engaged in the business of selling snowmobiles or all
19 terrain vehicles at wholesale or retail in this state.

20 ~~((10) "Department" shall mean the department of licensing.~~

21 ~~(11) "Director" shall mean the director of the department of~~
22 ~~licensing.~~

23 ~~(12))~~ (5) "Commission" ~~((shall))~~ means the Washington state parks
24 and recreation commission.

25 ~~((13))~~ (6) "Hunt" ~~((shall))~~ means any effort to kill, injure,
26 capture, or disturb a wild animal or wild bird.

27 ~~((14))~~ (7) "Committee" means the Washington state parks and
28 recreation commission snowmobile advisory committee.

29 **Sec. 226.** RCW 46.10.020 and 2008 c 52 s 1 are each amended to read
30 as follows:

31 (1) Except as provided in this chapter, a person may not operate
32 ~~((any))~~ a snowmobile within this state unless ~~((such))~~ the snowmobile
33 has been registered ~~((in accordance with the provisions of))~~ as
34 required under this chapter.

35 (2) ~~((A registration number shall))~~ Snowmobile decals must be
36 assigned, without the payment of a fee, to snowmobiles owned by the
37 state of Washington or its political subdivisions~~((, and the assigned~~

1 ~~registration number shall~~). The snowmobile decals must be displayed
2 upon each snowmobile in ((such manner as provided by)) accordance with
3 rules adopted by the department.

4 **Sec. 227.** RCW 46.10.030 and 1986 c 16 s 1 are each amended to read
5 as follows:

6 ((No)) Registration ((shall be)) is not required under ((the
7 ~~provisions of~~)) this chapter for the following ((described))
8 snowmobiles:

9 (1) Snowmobiles owned and operated by the United States, another
10 state, or a political subdivision thereof.

11 (2) A snowmobile owned by a resident of another state or Canadian
12 province if that snowmobile is registered ((in accordance with)) under
13 the laws of the state or province in which its owner resides((, but
14 only to the extent that a similar exemption or privilege is granted
15 under the laws of that state or province for snowmobiles registered in
16 this state: PROVIDED, That)). This exemption applies only to the
17 extent that a similar exemption or privilege is granted under the laws
18 of that state or province. Any snowmobile ((which)) that is validly
19 registered in another state or province and ((which)) that is
20 physically located in this state for a period of more than fifteen
21 consecutive days ((shall be)) is subject to registration under ((the
22 provisions of)) this chapter.

23 **Sec. 228.** RCW 46.10.040 and 2008 c 52 s 2 are each amended to read
24 as follows:

25 ~~((1) Application for registration shall be made to the department~~
26 ~~in the manner and upon forms the department prescribes, and shall state~~
27 ~~the name and address of each owner of the snowmobile to be registered,~~
28 ~~and shall be signed by at least one such owner, and shall be~~
29 ~~accompanied by an annual registration fee as described in (a) of this~~
30 ~~subsection.~~

31 ~~(a) The annual registration fee for snowmobiles manufactured less~~
32 ~~than thirty years is thirty dollars. The annual registration fee for~~
33 ~~vintage snowmobiles is twelve dollars. The department shall design, in~~
34 ~~cooperation with the commission, a distinct registration decal which~~
35 ~~shall be issued to vintage snowmobiles upon payment of the annual~~
36 ~~registration fee.~~

1 ~~(b) Upon receipt of the application and the application fee, the~~
2 ~~snowmobile shall be registered and a registration number assigned,~~
3 ~~which shall be affixed to the snowmobile in a manner provided in RCW~~
4 ~~46.10.070.~~

5 ~~(2) The registration provided in this section shall be valid for a~~
6 ~~period of one year. At the end of the period of registration, every~~
7 ~~owner of a snowmobile in this state shall renew his or her registration~~
8 ~~in the manner the department prescribes, for an additional period of~~
9 ~~one year, upon payment of the annual registration fee.~~

10 ~~(3) Any person acquiring a snowmobile already validly registered~~
11 ~~under the provisions of this chapter must, within ten days of the~~
12 ~~acquisition or purchase of the snowmobile, make application to the~~
13 ~~department for transfer of the registration, and the application shall~~
14 ~~be accompanied by a transfer fee of five dollars.~~

15 ~~(4) A snowmobile owned by a resident of another state or Canadian~~
16 ~~province where registration is not required by law may be issued a~~
17 ~~nonresident registration permit valid for not more than sixty days.~~
18 ~~Application for the permit shall state the name and address of each~~
19 ~~owner of the snowmobile to be registered and shall be signed by at~~
20 ~~least one owner and shall be accompanied by a registration fee of five~~
21 ~~dollars. The registration permit shall be carried on the vehicle at~~
22 ~~all times during its operation in this state.~~

23 ~~(5) The registration fees provided in this section shall be in lieu~~
24 ~~of any personal property or excise tax heretofore imposed on~~
25 ~~snowmobiles by this state or any political subdivision thereof, and no~~
26 ~~city, county, or other municipality, and no state agency shall~~
27 ~~hereafter impose any other registration or license fee on any~~
28 ~~snowmobile in this state.~~

29 ~~(6) The department shall make available a pair of uniform decals~~
30 ~~consistent with the provisions of RCW 46.10.070. In addition to the~~
31 ~~registration fee provided in this section the department shall charge~~
32 ~~each applicant for registration the actual cost of the decal. The~~
33 ~~department shall make available replacement decals for a fee equivalent~~
34 ~~to the actual cost of the decals.))~~

35 (1) The application for an original snowmobile registration has the
36 same requirements as described for original vehicle registrations in
37 RCW 46.16.040 (as recodified by this act) and must be accompanied by

1 the annual snowmobile registration fee required under section 531 of
2 this act, in addition to any other fees and taxes due at the time of
3 application.

4 (2) The application for renewal of a snowmobile registration has
5 the same requirements as described for the renewal of vehicle
6 registrations in RCW 46.16.210 (as recodified by this act) and must be
7 accompanied by the annual snowmobile registration fee required under
8 section 531 of this act, in addition to any other fees or taxes due at
9 the time of application.

10 (3) The snowmobile registration is valid for one year and must be
11 renewed each year thereafter as determined by the department.

12 (4) A person who acquires a snowmobile that has a valid snowmobile
13 registration must:

14 (a) Apply to the department, county auditor or other agent, or
15 subagent appointed by the director for a transfer of the snowmobile
16 registration within ten days of taking possession of the snowmobile;
17 and

18 (b) Pay the snowmobile registration transfer fee required under
19 section 537 of this act, in addition to any other fees or taxes due at
20 the time of application.

21 (5) The department shall issue a snowmobile registration and
22 snowmobile decals upon receipt of:

23 (a) A properly completed application for an original snowmobile
24 registration; and

25 (b) The payment of all fees and taxes due at the time of
26 application.

27 (6) The snowmobile registration must be carried on the vehicle for
28 which it was issued at all times during its operation in this state.

29 (7) Snowmobile decals must be affixed to the snowmobile as provided
30 in RCW 46.10.070 (as recodified by this act).

31 (8) Snowmobile registration fees provided in this section and in
32 section 531 of this act are in lieu of any personal property or excise
33 tax imposed on snowmobiles by this state or any political subdivision.
34 A state agency, city, county, or other municipality may not impose
35 other registration fees on a snowmobile in this state.

36 NEW SECTION. Sec. 229. A new section is added to chapter 46.10

1 RCW under the subchapter heading "registration and permits" to read as
2 follows:

3 (1) The application for a nonresident temporary snowmobile permit
4 must be made by the snowmobile owner or the owner's authorized
5 representative to the department, county auditor or other agent, or
6 subagent appointed by the director on a form furnished or approved by
7 the department. The application must contain:

- 8 (a) The name and address of each owner of the snowmobile; and
9 (b) Other information the department may require.

10 (2) The snowmobile owner or the owner's authorized representative
11 shall sign the application for a nonresident temporary snowmobile
12 permit.

13 (3) The application for a nonresident temporary snowmobile permit
14 must be accompanied by the nonresident temporary snowmobile permit fee
15 required under section 535 of this act, in addition to any other fees
16 or taxes due at the time of application.

17 (4) Nonresident temporary snowmobile permits:

- 18 (a) Are available for snowmobiles owned by residents of another
19 state or Canadian province where registration is not required by law;
20 (b) Are valid for not more than sixty days; and
21 (c) Must be carried on the snowmobile at all times during its
22 operation in this state.

23 **Sec. 230.** RCW 46.10.043 and 1982 c 17 s 3 are each amended to read
24 as follows:

25 ~~((Each snowmobile dealer registered pursuant to the provisions of
26 RCW 46.10.050 shall register the snowmobile or, in the event the
27 snowmobile is currently registered, transfer the registration to the
28 new owner prior to delivering the snowmobile to that new owner
29 subsequent to the sale thereof by the dealer. Applications for
30 registration and transfer of registration of snowmobiles shall be made
31 to agents of the department authorized as such in accordance with RCW
32 46.01.140 and 46.01.150 as now or hereafter amended.~~

33 ~~All registrations for snowmobiles must be valid for the current
34 registration period prior to the transfer of any registration,
35 including assignment to a dealer. Upon the sale of a snowmobile by a
36 dealer, the dealer may issue a temporary registration as provided by
37 rules adopted by the department.))~~

1 A snowmobile registration must be valid for the current
2 registration period before transfer of the registration, including
3 assignment to a dealer.

4 **Sec. 231.** RCW 46.10.050 and 1990 c 250 s 26 are each amended to
5 read as follows:

6 (1) Each dealer of snowmobiles in this state shall ~~((register~~
7 ~~with))~~ obtain a snowmobile dealer license from the department in
8 ~~((such))~~ a manner ~~((and upon such forms as))~~ prescribed by the
9 department ~~((shall prescribe))~~. Upon receipt of an application for a
10 snowmobile dealer's ~~((application for registration))~~ license and the
11 ~~((registration))~~ fee provided ~~((for))~~ in subsection (2) of this
12 section, ~~((such))~~ the dealer ~~((shall be registered))~~ is licensed and a
13 ~~((registration))~~ snowmobile dealer license number must be assigned.

14 (2) The ~~((registration))~~ annual license fee for a snowmobile
15 dealer ~~((s shall be))~~ is twenty-five dollars ~~((per year, and such fee~~
16 ~~shall))~~, which covers all of the snowmobiles offered by a dealer for
17 sale and not rented on a regular, commercial basis ~~((:—PROVIDED,~~
18 ~~That))~~. Snowmobiles rented on a regular commercial basis by a
19 snowmobile dealer ~~((shall))~~ must be registered separately under ~~((the~~
20 ~~provisions of))~~ RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070 ~~((as~~
21 ~~recodified by this act))~~.

22 (3) Upon ~~((registration each dealer))~~ the issuance of a snowmobile
23 dealer license, a snowmobile dealer may purchase, at a cost to be
24 determined by the department, snowmobile dealer ~~((number))~~ license
25 plates of a size and color to be determined by the department ~~((, which~~
26 ~~shall))~~. The snowmobile dealer license plates must contain the
27 ~~((registration))~~ snowmobile license number assigned to ~~((that))~~ the
28 dealer. Each snowmobile operated by a dealer, dealer representative,
29 or prospective customer for the purposes of demonstration or testing
30 shall display ~~((such number))~~ snowmobile dealer license plates in a
31 clearly visible manner.

32 (4) ~~((No person other than))~~ Only a dealer, dealer representative,
33 or prospective customer ~~((shall))~~ may display a snowmobile dealer
34 ~~((number))~~ plate, and ~~((no))~~ only a dealer, dealer representative, or
35 prospective customer ~~((shall))~~ may use a snowmobile dealer's ~~((number))~~
36 license plate for ~~((any purpose other than))~~ the purposes described in
37 subsection (3) of this section.

1 (5) Snowmobile dealer (~~(registration numbers)~~) licenses are
2 nontransferable.

3 (6) It is unlawful for any snowmobile dealer to sell (~~(any)~~) a
4 snowmobile at wholesale or retail, or to test or demonstrate any
5 snowmobile, within the state, unless (~~(registered in accordance with~~
6 ~~the provisions of this section)~~) the dealer has a snowmobile dealer
7 license as required under this section.

8 (7) When a snowmobile is sold by a snowmobile dealer, the dealer:

9 (a) Shall apply for licensing in the purchaser's name within
10 fifteen days following the sale; and

11 (b) May issue a temporary license as provided by rules adopted by
12 the department.

13 **Sec. 232.** RCW 46.10.055 and 1982 c 17 s 4 are each amended to read
14 as follows:

15 The director may by order deny, suspend, or revoke the
16 (~~(registration)~~) license of any snowmobile dealer or, in lieu thereof
17 or in addition thereto, may by order assess monetary civil penalties
18 not to exceed five hundred dollars per violation, if the director finds
19 that the order is in the public interest and that the applicant or
20 (~~(registrant)~~) licensee, or any partner, officer, director, or owner of
21 ten percent of the assets of the firm, or any employee or agent:

22 (1) Has failed to comply with the applicable provisions of this
23 chapter or any rules adopted under this chapter; or

24 (2) Has failed to pay any monetary civil penalty assessed by the
25 director under this section within ten days after the assessment
26 becomes final.

27 **Sec. 233.** RCW 46.10.060 and 1971 ex.s. c 29 s 6 are each amended
28 to read as follows:

29 (~~(The registration number)~~) (1) Snowmobile decals assigned to a
30 snowmobile in this state at the time of its original registration
31 (~~(shall)~~) must remain with that snowmobile until the (~~(vehicle)~~)
32 snowmobile is destroyed, abandoned, or permanently removed from this
33 state, or until changed or terminated by the department.

34 (2) The department shall (~~(, upon assignment of such registration~~
35 ~~number,)~~) issue and deliver to the snowmobile owner (~~(a certificate~~
36 ~~of)~~) upon proper application:

1 (a) A registration certificate, in ((such)) a form as prescribed by
2 the department ((shall prescribe)). The ((certificate of))
3 registration ((shall)) certificate is not ((be)) valid unless it is
4 signed by the person who signed the application for registration((-

5 At the time of the original registration, and at the time of each
6 subsequent renewal thereof, the department shall issue to the
7 registrant a date tag or tags indicating the validity of the current
8 registration and the expiration date thereof, which validating date,
9 tag, or tags shall)); and

10 (b) License tabs showing the current expiration of the snowmobile
11 registration. The license tabs must be affixed to the snowmobile ((in
12 such manner)) as prescribed by the department ((may prescribe.
13 Notwithstanding the fact that a snowmobile has been assigned a
14 registration number, it shall not be considered as validly registered
15 within the meaning of this section unless a validating date tag and
16 current registration certificate has been issued)).

17 (3) A snowmobile is not properly registered unless license tabs and
18 a current registration certificate have been issued.

19 **Sec. 234.** RCW 46.10.070 and 1973 1st ex.s. c 128 s 2 are each
20 amended to read as follows:

21 ((The registration number)) (1) Snowmobile decals assigned to each
22 snowmobile ((shall)) must be:

23 (a) Permanently affixed to and displayed upon each snowmobile ((in
24 such manner)) as provided by rules adopted by the department((7)); and
25 ((shall be))

26 (b) Maintained in a legible condition((; except)).

27 (2) Dealer number license plates as provided for in RCW 46.10.050
28 (as recodified by this act) may be temporarily affixed.

29 (3) The department shall make available a pair of identical
30 snowmobile decals consistent with subsection (1) of this section. The
31 decals serve the same function as license plates for vehicles
32 registered under chapter 46.16 RCW. The department shall charge each
33 applicant for an original registration the actual cost of the
34 snowmobile decal. The department shall make available replacement
35 snowmobile decals for a fee equivalent to the actual cost of the
36 snowmobile decals.

1 **Sec. 235.** RCW 46.10.220 and 1994 c 264 s 38 are each amended to
2 read as follows:

3 (1) There is created in the Washington state parks and recreation
4 commission a snowmobile advisory committee to advise the commission
5 regarding the administration of this chapter.

6 (2) The purpose of the committee is to assist and advise the
7 commission in the planned development of snowmobile facilities and
8 programs.

9 (3) The committee shall consist of:

10 (a) Six interested snowmobilers, appointed by the commission; each
11 such member shall be a resident of one of the six geographical areas
12 throughout this state where snowmobile activity occurs, as defined by
13 the commission;

14 (b) Three representatives of the nonsnowmobiling public, appointed
15 by the commission; and

16 (c) One representative of the department of natural resources, one
17 representative of the department of fish and wildlife, and one
18 representative of the Washington state association of counties; each of
19 whom shall be appointed by the director of such department or
20 association.

21 (4) Terms of the members appointed under subsection (3)(a) and (b)
22 of this section shall commence on October 1st of the year of
23 appointment and shall be for three years or until a successor is
24 appointed, except in the case of appointments to fill vacancies which
25 shall be for the remainder of the unexpired term: PROVIDED, That the
26 first such members shall be appointed for terms as follows: Three
27 members shall be appointed for one year, three members shall be
28 appointed for two years, and three members shall be appointed for three
29 years.

30 (5) Members of the committee shall be reimbursed for travel
31 expenses as provided in RCW 43.03.050 and 43.03.060. Expenditures
32 under this subsection shall be from the snowmobile account created by
33 RCW 46.10.075 (as recodified by this act).

34 (6) The committee may meet at times and places fixed by the
35 committee. The committee shall meet not less than twice each year and
36 additionally as required by the committee chairman or by majority vote
37 of the committee. One of the meetings shall be coincident with a
38 meeting of the commission at which the committee shall provide a report

1 to the commission. The chairman of the committee shall be chosen under
2 procedures adopted by the committee from those members appointed under
3 subsection (3)(a) and (b) of this section.

4 (7) The Washington state parks and recreation commission shall
5 serve as recording secretary to the committee. A representative of the
6 department of licensing shall serve as an ex officio member of the
7 committee and shall be notified of all meetings of the committee. The
8 recording secretary and the ex officio member shall be nonvoting
9 members.

10 (8) The committee shall adopt procedures to govern its proceedings.

11 NEW SECTION. **Sec. 236.** The following acts or parts of acts are
12 each repealed:

13 (1) RCW 46.09.085 (Selling ORV without use permit) and 2004 c 105
14 s 10; and

15 (2) RCW 46.10.080 (Distribution of snowmobile registration fees,
16 civil penalties, and fuel tax moneys) and 1982 c 17 s 7, 1979 ex.s. c
17 182 s 8, 1975 1st ex.s. c 181 s 2, 1973 1st ex.s. c 128 s 3, 1972 ex.s.
18 c 153 s 22, & 1971 ex.s. c 29 s 8.

19 **PART III. CERTIFICATES OF TITLE**

20 **Sec. 301.** RCW 46.12.010 and 1997 c 241 s 3 are each amended to
21 read as follows:

22 ~~((It shall be unlawful for any person to operate any vehicle in
23 this state under a certificate of license registration of this state
24 without securing and having in full force and effect a certificate of
25 ownership therefor that contains the name of the registered owner
26 exactly as it appears on the certificate of license registration and it
27 shall further be unlawful for any person to sell or transfer any
28 vehicle without complying with all the provisions of this chapter
29 relating to certificates of ownership and license registration of
30 vehicles:— PROVIDED, No certificate of title need be obtained for a
31 vehicle owned by a manufacturer or dealer and held for sale, even
32 though incidentally moved on the highway or used for purposes of
33 testing and demonstration, or a vehicle used by a manufacturer solely
34 for testing:— PROVIDED, That a security interest in a vehicle held as
35 inventory by a manufacturer or dealer shall be perfected in accordance~~

1 with RCW 62A.9-302(1) and no endorsement on the certificate of title
2 shall be necessary for perfection: AND PROVIDED FURTHER, That nothing
3 in this title shall be construed to prevent any person entitled thereto
4 from securing a certificate of ownership upon a vehicle without
5 securing a certificate of license registration and vehicle license
6 plates, when, in the judgment of the director of licensing, it is
7 proper to do so.))

8 (1) A person shall not:

9 (a) Operate a vehicle in this state with a registration certificate
10 issued by the department without having a certificate of title for the
11 vehicle that contains the name of the registered owner exactly as it
12 appears on the registration certificate; or

13 (b) Sell or transfer a vehicle without complying with the
14 provisions of this chapter relating to certificates of title and
15 vehicle registration.

16 (2) A certificate of title does not need to be obtained for a
17 vehicle owned by a manufacturer or dealer and held for sale, even
18 though incidentally moved on the highway or used for purposes of
19 testing and demonstration, or for a vehicle used by a manufacturer or
20 dealer solely for testing. A security interest in a vehicle held as
21 inventory by a manufacturer or dealer must be perfected as described in
22 chapter 62A.9A RCW. An endorsement is not required on certificates of
23 title held by a manufacturer or dealer to perfect the security
24 interest. A certificate of title may be issued for any vehicle without
25 the vehicle needing to be registered.

26 **Sec. 302.** RCW 46.12.030 and 2007 c 420 s 1 are each amended to
27 read as follows:

28 ~~((1) The application for a certificate of ownership shall be upon~~
29 ~~a form furnished or approved by the department and shall contain:~~

30 ~~(a) A full description of the vehicle, which shall contain the~~
31 ~~proper vehicle identification number, the number of miles indicated on~~
32 ~~the odometer at the time of delivery of the vehicle, and any~~
33 ~~distinguishing marks of identification;~~

34 ~~(b) The name and address of the person who is to be the registered~~
35 ~~owner of the vehicle and, if the vehicle is subject to a security~~
36 ~~interest, the name and address of the secured party;~~

37 ~~(c) Such other information as the department may require.~~

1 ~~(2) The department may in any instance, in addition to the~~
2 ~~information required on the application, require additional information~~
3 ~~and a physical examination of the vehicle or of any class of vehicles,~~
4 ~~or either.~~

5 ~~(3)(a) A physical examination of the vehicle is mandatory if (i) it~~
6 ~~has been rebuilt after surrender of the certificate of ownership to the~~
7 ~~department under RCW 46.12.070 due to the vehicle's destruction or~~
8 ~~declaration as a total loss and (ii) it is not retained by the~~
9 ~~registered owner at the time of the vehicle's destruction or~~
10 ~~declaration as a total loss. The inspection must verify that the~~
11 ~~vehicle identification number is genuine and agrees with the number~~
12 ~~shown on the title and registration certificate. The inspection must~~
13 ~~be made by a member of the Washington state patrol or other person~~
14 ~~authorized by the department to make such inspections.~~

15 ~~(b)(i) A physical examination of the vehicle is mandatory if the~~
16 ~~vehicle was declared totaled or salvage under the laws of this state,~~
17 ~~or the vehicle is presented with documents from another state showing~~
18 ~~the vehicle was totaled or salvage and has not been reissued a valid~~
19 ~~registration from that state after the declaration of total loss or~~
20 ~~salvage.~~

21 ~~(ii) The inspection must verify that the vehicle identification~~
22 ~~number is genuine and agrees with the number shown on the original~~
23 ~~documents supporting the vehicle purchase or ownership.~~

24 ~~(iii) A Washington state patrol VIN specialist must ensure that all~~
25 ~~major component parts used for the reconstruction of a salvage or~~
26 ~~rebuildable vehicle were obtained legally. Original invoices for new~~
27 ~~and used parts must be from a vendor that is registered with the~~
28 ~~department of revenue for the collection of retail sales or use taxes~~
29 ~~or comparable agency in the jurisdiction where the major component~~
30 ~~parts were purchased. The invoices must include the name and address~~
31 ~~of the business, a description of the part or parts sold, the date of~~
32 ~~sale, and the amount of sale to include all taxes paid unless exempted~~
33 ~~by the department of revenue or comparable agency in the jurisdiction~~
34 ~~where the major component parts were purchased. Original invoices for~~
35 ~~used parts must be from a vehicle wrecker licensed under chapter 46.80~~
36 ~~RCW or a comparable business in the jurisdiction outside Washington~~
37 ~~state where the major component part was purchased. If the parts or~~
38 ~~components were purchased from a private individual, the private~~

1 individual must have title to the vehicle the parts were taken from,
2 except as provided by RCW 46.04.3815, and the bill of sale for the
3 parts must be notarized. The bills of sale must include the names and
4 addresses of the sellers and purchasers, a description of the vehicle,
5 the part or parts being sold, including the make, model, year, and
6 identification or serial number, that date of sale, and the purchase
7 price of the vehicle or part or parts. If the presenter is unable to
8 provide an acceptable release of interest or proof of ownership for a
9 vehicle or major component part as described above, an inspection must
10 be completed for ownership in doubt purposes as prescribed by WAC 308-
11 56A-210.

12 (iv) A vehicle presented for inspection must have all damaged major
13 component parts replaced or repaired to meet RCW and WAC requirements
14 before inspection of the salvage vehicle by the Washington state
15 patrol.

16 (4) To the extent that the Washington state patrol has a backlog of
17 vehicle inspections that it is to perform under this section, chapter
18 420, Laws of 2007 shall not be construed to reduce the vehicle
19 inspection workload of the Washington state patrol.

20 (5) Rebuilt or salvage vehicles licensed in Washington must meet
21 the requirements found under chapter 46.37 RCW to be driven upon public
22 roadways.

23 (6) The application shall be subscribed by the person applying to
24 be the registered owner and be sworn to by that applicant in the manner
25 described by RCW 9A.72.085. The department shall retain the
26 application in either the original, computer, or photostatic form.))

27 (1) The application for a certificate of title of a vehicle must be
28 made by the owner or owner's representative to the department, county
29 auditor or other agent, or subagent appointed by the director on a form
30 furnished or approved by the department and must contain:

31 (a) A description of the vehicle, including make, model, vehicle
32 identification number, type of body, and the odometer reading at the
33 time of delivery of the vehicle;

34 (b) The name and address of the person who is to be the registered
35 owner of the vehicle and, if the vehicle is subject to a security
36 interest, the name and address of the secured party; and

37 (c) Other information the department may require.

1 (2) The department may require additional information and a
2 physical examination of the vehicle or of any class of vehicles, or
3 either.

4 (3) The application for a certificate of title must be signed by
5 the person applying to be the registered owner and be sworn to by that
6 person in the manner described under RCW 9A.72.085. The department
7 shall keep the application in the original, computer, or photostatic
8 form.

9 (4) The application for an original certificate of title must be
10 accompanied by:

11 (a) A draft, money order, certified bank check, or cash for all
12 fees and taxes due for the application for certificate of title; and

13 (b) The most recent certificate of title or other satisfactory
14 evidence of ownership.

15 (5) Once issued, a certificate of title is not subject to renewal.

16 NEW SECTION. Sec. 303. A new section is added to chapter 46.12
17 RCW under the subchapter heading "general provisions" to read as
18 follows:

19 (1)(a) Before accepting an application for a certificate of title,
20 the department, county auditor or other agent, or subagent appointed by
21 the director shall require an applicant to provide a certificate of
22 vehicle inspection completed by the Washington state patrol or other
23 authorized inspector if the vehicle:

24 (i) Was declared a total loss or salvage vehicle under the laws of
25 this state;

26 (ii) Has been rebuilt after the certificate of title was returned
27 to the department under RCW 46.12.070 (as recodified by this act) and
28 the vehicle was not kept by the registered owner at the time of the
29 vehicle's destruction or declaration as a total loss; or

30 (iii) Is presented with documents from another state showing that
31 the vehicle was a total loss or salvage vehicle and has not been
32 reissued a valid registration certificate from that state after the
33 declaration of total loss or salvage.

34 (b) A vehicle presented for inspection must have all damaged major
35 component parts replaced or repaired to meet all requirements in law
36 and rule before the Washington state patrol will inspect the vehicle.

1 The inspection must verify that the vehicle identification number is
2 genuine and agrees with the number shown on the certificate of title
3 and registration certificate.

4 (c) A Washington state patrol vehicle identification number
5 specialist must ensure that all major component parts used for the
6 reconstruction of a salvage or rebuilt vehicle were obtained legally,
7 and must securely attach a marking at the driver's door latch pillar
8 indicating the vehicle was previously destroyed or declared a total
9 loss. It is a class C felony for a person to remove the marking
10 indicating that the vehicle was previously destroyed or declared a
11 total loss.

12 (2) A person presenting a vehicle for inspection under subsection
13 (1) of this section must provide original invoices for new and used
14 parts from:

15 (a) A vendor that is registered with the department of revenue or
16 a comparable agency in the jurisdiction where the major component parts
17 were purchased for the collection of retail sales or use taxes. The
18 invoices must include:

- 19 (i) The name and address of the business;
- 20 (ii) A description of the part or parts sold;
- 21 (iii) The date of sale; and
- 22 (iv) The amount of sale to include all taxes paid unless exempted
23 by the department of revenue or a comparable agency in the jurisdiction
24 where the major component parts were purchased;

25 (b) A vehicle wrecker licensed under chapter 46.80 RCW or a
26 comparable business in the jurisdiction outside Washington state where
27 the major component part was purchased; and

28 (c) Private individuals. The private individual must have the
29 certificate of title to the vehicle where the parts were taken from
30 unless the parts were obtained from a parts car, as defined in RCW
31 46.04.3815, owned by a collector. Bills of sale for parts must be
32 notarized and include:

- 33 (i) The names and addresses of the sellers and purchasers;
- 34 (ii) A description of the vehicle and the part or parts being sold,
35 including the make, model, year, and identification or serial number;
- 36 (iii) The date of sale; and
- 37 (iv) The purchase price of the vehicle part or parts.

1 (3) A person presenting a vehicle for inspection under this section
2 who is unable to provide an acceptable release of interest or proof of
3 ownership for a vehicle or major component part as described in this
4 section shall apply for an ownership in doubt application described in
5 RCW 46.12.151 (as recodified by this act).

6 (4)(a) Before accepting an application for a certificate of title,
7 the department, county auditor or other agent, or subagent appointed by
8 the director shall require an applicant to provide a certificate of
9 vehicle inspection completed by the Washington state patrol or other
10 authorized inspector when the application is for a vehicle being titled
11 for the first time as:

12 (i) Assembled;

13 (ii) Glider kit;

14 (iii) Homemade;

15 (iv) Kit vehicle;

16 (v) Street rod; or

17 (vi) Subject to ownership in doubt under RCW 46.12.151 (as
18 recodified by this act).

19 (b) The inspection must verify that the vehicle identification
20 number is genuine and agrees with the number shown on the certificate
21 of title and registration certificate.

22 (5)(a) Before accepting an application for a certificate of title,
23 the department, county auditor or other agent, or subagent appointed by
24 the director shall require an applicant to provide a certificate of
25 vehicle inspection completed by the Washington state patrol when the
26 application is for a vehicle with a vehicle identification number that
27 has been:

28 (i) Altered;

29 (ii) Defaced;

30 (iii) Obliterated;

31 (iv) Omitted;

32 (v) Removed; or

33 (vi) Otherwise absent.

34 (b) The application must include payment of the fee required in
35 section 515 of this act.

36 (c) The Washington state patrol shall assign a new vehicle
37 identification number to the vehicle and place or stamp the new number
38 in a conspicuous position on the vehicle.

1 (d) The department shall use the new vehicle identification number
2 assigned by the Washington state patrol as the official vehicle
3 identification number assigned to the vehicle.

4 (6) The department may adopt rules as necessary to implement this
5 section.

6 **Sec. 304.** RCW 46.12.047 and 2002 c 246 s 1 are each amended to
7 read as follows:

8 The department shall institute software and systems modifications
9 to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles
10 as part of the application for a certificate of title transaction.
11 During the stolen vehicle search, if the information obtained indicates
12 the vehicle is stolen, ~~((that information))~~ the department shall ~~((be))~~
13 immediately ~~((reported))~~ report that the vehicle is stolen to the
14 Washington state patrol and the applicant ~~((shall))~~ must not be issued
15 a certificate of ~~((ownership))~~ title for the vehicle. Vehicles for
16 which the stolen vehicle check is negative ~~((shall))~~ must be issued a
17 certificate of ~~((ownership))~~ title if the department is satisfied that
18 all other requirements have been met.

19 **Sec. 305.** RCW 46.12.050 and 1996 c 26 s 2 are each amended to read
20 as follows:

21 ~~((The department, if satisfied from the statements upon the
22 application that the applicant is the legal owner of the vehicle or
23 otherwise entitled to have a certificate of ownership thereof in the
24 applicant's name, shall issue an appropriate electronic record of
25 ownership or a written certificate of ownership, over the director's
26 signature, authenticated by seal, and if required, a new written
27 certificate of license registration if certificate of license
28 registration is required.~~

29 ~~The certificates of ownership and the certificates of license
30 registration shall contain upon the face thereof, the date of
31 application, the registration number assigned to the registered owner
32 and to the vehicle, the name and address of the registered owner and
33 legal owner, the vehicle identification number, and such other
34 description of the vehicle and facts as the department shall require,
35 and in addition thereto, if the vehicle described in such certificates~~

1 ~~shall have ever been licensed and operated as an exempt vehicle or a~~
2 ~~taxicab, or if it has been rebuilt after becoming a salvage vehicle,~~
3 ~~such fact shall be clearly shown thereon.~~

4 ~~All certificates of ownership of motor vehicles issued after April~~
5 ~~30, 1990, shall reflect the odometer reading as provided by the~~
6 ~~odometer disclosure statement submitted with the title application~~
7 ~~involving a transfer of ownership.~~

8 ~~A blank space shall be provided on the face of the certificate of~~
9 ~~license registration for the signature of the registered owner.~~

10 ~~Upon issuance of the certificate of license registration and~~
11 ~~certificate of ownership and upon any reissue thereof, the department~~
12 ~~shall deliver the certificate of license registration to the registered~~
13 ~~owner and the certificate of ownership to the legal owner, or both to~~
14 ~~the person who is both the registered owner and legal owner.))~~

15 (1) The department shall issue an electronic record of ownership or
16 a written certificate of title if the department is satisfied from the
17 statements on the application that the applicant is the legal owner of
18 the vehicle or otherwise entitled to have a certificate of title in the
19 applicant's name.

20 (2) Each certificate of title issued by the department must
21 contain:

22 (a) The date of application;

23 (b) The certificate of title number assigned to the vehicle;

24 (c) The name and address of the registered owner and legal owner;

25 (d) The vehicle identification number;

26 (e) The mileage reading, if required, as provided by the odometer
27 disclosure statement submitted with the application involving a
28 transfer of ownership;

29 (f) A notation that the recorded mileage is actual, not actual, or
30 exceeds mechanical limits;

31 (g) A blank space on the face of the certificate of title for the
32 signature of the registered owner;

33 (h) Information on whether the vehicle was ever registered and
34 operated as an exempt vehicle or taxicab;

35 (i) A brand conspicuously shown across its front if indicating that
36 the vehicle has been rebuilt after becoming a salvage vehicle;

37 (j) The director's signature and the seal of the department; and

1 (k) Any other description of the vehicle and facts the department
2 may require.

3 (3) The department shall deliver the registration certificate to
4 the registered owner and the certificate of title to the legal owner,
5 or both to the person who is both the registered owner and legal owner.

6 **Sec. 306.** RCW 46.12.070 and 2003 c 53 s 235 are each amended to
7 read as follows:

8 ~~((1) Upon the destruction of any vehicle issued a certificate of~~
9 ~~ownership under this chapter or a license registration under chapter~~
10 ~~46.16 RCW, the registered owner and the legal owner shall forthwith and~~
11 ~~within fifteen days thereafter forward and surrender the certificate to~~
12 ~~the department, together with a statement of the reason for the~~
13 ~~surrender and the date and place of destruction. Failure to notify the~~
14 ~~department or the possession by any person of any such certificate for~~
15 ~~a vehicle so destroyed, after fifteen days following its destruction,~~
16 ~~is prima facie evidence of violation of the provisions of this chapter~~
17 ~~and constitutes a gross misdemeanor.~~

18 ~~(2) Any insurance company settling an insurance claim on a vehicle~~
19 ~~that has been issued a certificate of ownership under this chapter or~~
20 ~~a certificate of license registration under chapter 46.16 RCW as a~~
21 ~~total loss, less salvage value, shall notify the department thereof~~
22 ~~within fifteen days after the settlement of the claim. Notification~~
23 ~~shall be provided regardless of where or in what jurisdiction the total~~
24 ~~loss occurred.~~

25 ~~(3) For a motor vehicle having a model year designation at least~~
26 ~~six years before the calendar year of destruction, the notification to~~
27 ~~the department must include a statement of whether the retail fair~~
28 ~~market value of the motor vehicle immediately before the destruction~~
29 ~~was at least the then market value threshold amount as defined in RCW~~
30 ~~46.12.005.))~~

31 (1)(a) The registered owner or legal owner shall:

32 (i) Report the destruction of the vehicle issued a certificate of
33 title or registration certificate to the department within fifteen days
34 of its destruction; and

35 (ii) Submit the certificate of title or affidavit in lieu of title
36 marked "DESTROYED." The registered owner's name, address, and the date

1 of destruction must be clearly shown on the certificate of title or
2 affidavit in lieu of title.

3 (b) It is a gross misdemeanor to fail to notify the department and
4 be in possession of a certificate of title of a destroyed vehicle on
5 the sixteenth day after the vehicle is destroyed and each day
6 thereafter.

7 (2) The insurance company or self-insurer shall report the
8 destruction or total loss of vehicles issued a certificate of title or
9 registration certificate to the department within fifteen days after
10 the settlement claim. The report must be submitted regardless of where
11 or in what jurisdiction the total loss occurred. An insurer shall
12 report total loss vehicles to the department in any of the following
13 manners:

14 (a) Electronically through the department's online reporting
15 system. An insurer choosing this option must immediately destroy
16 ownership documents after filing the electronic report;

17 (b) Submitting the certificate of title or affidavit in lieu of
18 title marked "DESTROYED." The insurer's name, address, and the date of
19 loss must be clearly shown on the certificate of title or affidavit in
20 lieu of title; or

21 (c) Submitting a properly completed total loss claim settlement
22 form provided by the department.

23 (3) The registered owner, legal owner, or insurer reporting the
24 destruction or total loss of a motor vehicle six years old or older
25 must include a statement on whether the fair market value of the motor
26 vehicle immediately before its destruction was at least equal to the
27 market value threshold. The age of the motor vehicle is determined by
28 subtracting the model year from the current calendar year.

29 (4) Beginning January 1, 2011, the market value threshold is six
30 thousand seven hundred ninety dollars or a greater amount as set by
31 rule of the department. The department shall:

32 (a) Increase the market value threshold amount:

33 (i) When the consumer price index for all urban consumers, compiled
34 by the bureau of labor statistics, United States department of labor,
35 or its successor, for the west region, in the expenditure category
36 "used cars and trucks," shows an annual average increase over the
37 previous year;

1 (ii) By the same percentage increase of the annual average shown in
2 the consumer price index; and

3 (iii) On July 1st of the year immediately following the year with
4 the increase of the annual average;

5 (b) Round each increase of the market value threshold to the
6 nearest ten dollars;

7 (c) Not increase the market value threshold amount if the amount of
8 the increase would be less than fifty dollars; and

9 (d) Carry forward any unmade increases to succeeding years until
10 the cumulative increase is at least fifty dollars.

11 **Sec. 307.** RCW 46.12.080 and 2002 c 352 s 4 are each amended to
12 read as follows:

13 ~~((Any person holding the certificate of ownership for a motorcycle~~
14 ~~or any vehicle registered by its motor number in which there has been~~
15 ~~installed a new or different motor than that with which it was issued~~
16 ~~certificates of ownership and license registration shall forthwith and~~
17 ~~within five days after such installation forward and surrender such~~
18 ~~certificates to the department, together with an application for issue~~
19 ~~of corrected certificates of ownership and license registration and a~~
20 ~~fee of five dollars, and a statement of the disposition of the former~~
21 ~~motor. The possession by any person of any such certificates for such~~
22 ~~vehicle in which a new or different motor has been installed, after~~
23 ~~five days following such installation, shall be prima facie evidence of~~
24 ~~a violation of the provisions of this chapter and shall constitute a~~
25 ~~misdemeanor.))~~

26 (1) A person shall apply for a new certificate of title for any
27 motor vehicle registered by its motor number when:

28 (a) A new or different motor has been installed; and

29 (b) The most recent certificate of title issued for the motor
30 vehicle has recorded on it the previous motor number.

31 (2) The application for a new certificate of title required in
32 subsection (1) of this section must:

33 (a) Be made within five days after installation of the new motor;

34 (b) Be made by the owner or owner's authorized representative to
35 the department, county auditor or other agent, or subagent;

36 (c) Require the most recent certificate of title to be returned to
37 the department;

1 (d) Include a statement of the disposition of the former motor; and
2 (e) Include the fee required under section 508 of this act in
3 addition to any other fee or tax required by law.

4 (3) A person who possesses a certificate of title that shows the
5 previous motor number for a motor vehicle in which a new or different
6 motor has been installed, after five days following the installation of
7 the new motor, is in violation of this chapter. A violation of this
8 section constitutes a misdemeanor.

9 NEW SECTION. Sec. 308. A new section is added to chapter 46.12
10 RCW under the subchapter heading "general provisions" to read as
11 follows:

12 (1) A local health officer may notify the department that a vehicle
13 has been:

14 (a) Declared unfit and prohibited from use as authorized in chapter
15 64.44 RCW if the vehicle has become contaminated as defined in RCW
16 64.44.010;

17 (b) Satisfactorily decontaminated and retested according to the
18 written work plan approved by the local health officer.

19 (2) The department shall brand vehicle records and certificates of
20 title when it receives the notification from a local health officer as
21 provided in subsection (1) of this section.

22 (3) A person is guilty of a gross misdemeanor if he or she
23 advertises for sale or sells a vehicle that has been declared unfit and
24 prohibited from use by a local health officer if:

25 (a) The person has knowledge that the local health officer has
26 issued an order declaring the vehicle unfit and prohibiting its use; or

27 (b) A notification has been placed on the certificate of title
28 under subsection (2) of this section that the vehicle has been declared
29 unfit and prohibited from use.

30 (4) A person may advertise or sell a vehicle if a release for reuse
31 document has been issued by a local health officer under chapter 64.44
32 RCW or a notification has been placed on the certificate of title under
33 subsection (2) of this section that the vehicle has been decontaminated
34 and released for reuse.

35 **Sec. 309.** RCW 46.12.101 and 2008 c 316 s 1 are each amended to
36 read as follows:

1 ~~((A transfer of ownership in a motor vehicle is perfected by~~
2 ~~compliance with the requirements of this section.~~

3 ~~(1)(a) If an owner transfers his or her interest in a vehicle,~~
4 ~~other than by the creation, deletion, or change of a security interest,~~
5 ~~the owner shall, at the time of the delivery of the vehicle, execute an~~
6 ~~assignment to the transferee and provide an odometer disclosure~~
7 ~~statement under RCW 46.12.124 on the certificate of ownership or as the~~
8 ~~department otherwise prescribes, and cause the certificate and~~
9 ~~assignment to be transmitted to the transferee. The owner shall notify~~
10 ~~the department or its agents or subagents, in writing, on the~~
11 ~~appropriate form, of the date of the sale or transfer, the name and~~
12 ~~address of the owner and of the transferee, the transferee's driver's~~
13 ~~license number if available, and such description of the vehicle,~~
14 ~~including the vehicle identification number, as may be required in the~~
15 ~~appropriate form provided or approved for that purpose by the~~
16 ~~department. The report of sale will be deemed properly filed if all~~
17 ~~information required in this section is provided on the form and~~
18 ~~includes a department authorized notation that the document was~~
19 ~~received by the department, its agents, or subagents on or before the~~
20 ~~fifth day after the sale of the vehicle, excluding Saturdays, Sundays,~~
21 ~~and state and federal holidays. Agents and subagents shall immediately~~
22 ~~electronically transmit the seller's report of sale to the department.~~
23 ~~Reports of sale processed and recorded by the department's agents or~~
24 ~~subagents may be subject to fees as specified in RCW 46.01.140 (4)(a)~~
25 ~~or (5)(b). By January 1, 2003, the department shall create a system~~
26 ~~enabling the seller of a vehicle to transmit the report of sale~~
27 ~~electronically. The system created by the department must immediately~~
28 ~~indicate on the department's vehicle record that a seller's report of~~
29 ~~sale has been filed.~~

30 ~~(b) By January 1, 2008, the department shall provide instructions~~
31 ~~on release of interest forms that allow the seller of a vehicle to~~
32 ~~release his or her interest in a vehicle at the same time a financial~~
33 ~~institution, as defined in RCW 30.22.040, releases its lien on the~~
34 ~~vehicle.~~

35 ~~(2) The requirements of subsection (1) of this section to provide~~
36 ~~an odometer disclosure statement apply to the transfer of vehicles held~~
37 ~~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 46.70.122 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 accompanied by a fee of five dollars in addition to any~~
9 ~~other fees required.~~

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

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

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

34 ~~(a) The department requesting additional supporting documents;~~

35 ~~(b) Extended hospitalization or illness of the purchaser;~~

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

37 ~~(d) Failure, negligence, or nonperformance of the department,~~
38 ~~auditor, or subagent;~~

1 ~~(e) The transferee had no knowledge of the filing of the vehicle~~
2 ~~report of sale and signs an affidavit to the fact.~~

3 ~~Failure or neglect to make application to transfer the certificate~~
4 ~~of ownership and license registration within forty five days after the~~
5 ~~date of delivery of the vehicle is a misdemeanor and a continuing~~
6 ~~offense for each day during which the purchaser or transferee does not~~
7 ~~make application to transfer the certificate of ownership and license~~
8 ~~registration. Despite the continuing nature of this offense, it shall~~
9 ~~be considered a single offense, regardless of the number of days that~~
10 ~~have elapsed following the forty five day time period.~~

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.~~

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

23 (1) **Releasing interest.** An owner releasing interest in a vehicle
24 shall:

25 (a) Sign the release of interest section provided on the
26 certificate of title or on a release of interest document or form
27 approved by the department;

28 (b) Give the certificate of title or most recent evidence of
29 ownership to the person gaining the interest in the vehicle;

30 (c) Give the person gaining interest in the vehicle an odometer
31 disclosure statement if one is required; and

32 (d) Report the vehicle sold as provided in subsection (2) of this
33 section.

34 (2) **Report of sale.** An owner shall notify the department, county
35 auditor or other agent, or subagent appointed by the director in
36 writing within five business days after a vehicle is or has been:

37 (a) Sold;

38 (b) Given as a gift to another person;

1 (c) Traded, either privately or to a dealership;

2 (d) Donated to charity;

3 (e) Turned over to an insurance company or wrecking yard; or

4 (f) Disposed of.

5 (3) **Report of sale properly filed.** A report of sale is properly
6 filed if it is received by the department, county auditor or other
7 agent, or subagent appointed by the director within five business days
8 after the date of sale or transfer and it includes:

9 (a) The date of sale or transfer;

10 (b) The owner's name and address;

11 (c) The name and address of the person acquiring the vehicle;

12 (d) The vehicle identification number and license plate number;

13 (e) A date or stamp by the department showing it was received on or
14 before the fifth business day after the date of sale or transfer; and

15 (f) Payment of the fees required under section 505 of this act if
16 the report of sale is processed by a county auditor or other agent or
17 subagent appointed by the director.

18 (4) **Report of sale - administration.** The department shall:

19 (a) Provide or approve reports of sale forms;

20 (b) Provide a system enabling an owner to submit reports of sale
21 electronically;

22 (c) Immediately update the department's vehicle record when a
23 report of sale has been filed;

24 (d) Provide instructions on release of interest forms that allow
25 the seller of a vehicle to release their interest in a vehicle at the
26 same time a financial institution, as defined in RCW 30.22.040,
27 releases its lien on the vehicle; and

28 (e) Send a report to the department of revenue that lists vehicles
29 for which a report of sale has been received but no transfer of
30 ownership has taken place. The department shall send the report once
31 each quarter.

32 (5)(a) **Transferring ownership.** A person who has recently acquired
33 a vehicle by purchase, exchange, gift, lease, inheritance, or legal
34 action shall apply to the department, county auditor or other agent, or
35 subagent appointed by the director for a new certificate of title
36 within fifteen days of delivery of the vehicle. A secured party who
37 has possession of the certificate of title shall either:

1 (i) Apply for a new certificate of title on behalf of the owner and
2 pay the fee required under section 508 of this act; or

3 (ii) Provide all required documents to the owner, as long as the
4 transfer was not a breach of its security agreement, to allow the owner
5 to apply for a new certificate of title.

6 (b) Compliance with this subsection does not affect the rights of
7 the secured party.

8 (6) **Certificate of title delivered to secured party.** The
9 certificate of title must be kept by or delivered to the person who
10 becomes the secured party when a security interest is reserved or
11 created at the time of the transfer of ownership. The parties must
12 comply with RCW 46.12.170 (as recodified by this act).

13 (7) **Penalty for late transfer.** A person who has recently acquired
14 a motor vehicle by purchase, exchange, gift, lease, inheritance, or
15 legal action who does not apply for a new certificate of title within
16 fifteen calendar days of delivery of the vehicle is charged a penalty,
17 as described in section 512 of this act, when applying for a new
18 certificate of title. It is a misdemeanor to fail or neglect to apply
19 for a transfer of ownership within forty-five days after delivery of
20 the vehicle. The misdemeanor is a single continuing offense for each
21 day that passes regardless of the number of days that have elapsed
22 following the forty-five day time period.

23 (8) **Penalty for late transfer - exceptions.** The penalty is not
24 charged if the delay in application is due to at least one of the
25 following:

26 (a) The department requests additional supporting documents;

27 (b) The department, county auditor or other agent, or subagent
28 fails to perform or is neglectful;

29 (c) The owner is prevented from applying due to an illness or
30 extended hospitalization;

31 (d) The legal owner fails or neglects to release interest;

32 (e) The owner did not know of the filing of a report of sale by the
33 previous owner and signs an affidavit to the fact; or

34 (f) The department finds other conditions exist that adequately
35 explain the delay.

36 (9) **Review and issue.** The department shall review applications for
37 certificates of title and issue certificates of title when it has

1 determined that all applicable provisions of law have been complied
2 with.

3 (10) Rules. The department may adopt rules as necessary to
4 implement this section.

5 **Sec. 310.** RCW 46.12.102 and 2006 c 291 s 3 are each amended to
6 read as follows:

7 ~~((1) An owner who has made a bona fide sale or transfer of a~~
8 ~~vehicle and has delivered possession of it to a purchaser shall not by~~
9 ~~reason of any of the provisions of this title be deemed the owner of~~
10 ~~the vehicle so as to be subject to civil liability or criminal~~
11 ~~liability for the operation of the vehicle thereafter by another person~~
12 ~~when the owner has also fulfilled both of the following requirements:~~

13 ~~(a) When the owner has made proper endorsement and delivery of the~~
14 ~~certificate of ownership and has delivered the certificate of~~
15 ~~registration as provided in this chapter;~~

16 ~~(b) When the owner has delivered to the department either a~~
17 ~~properly filed report of sale that includes all of the information~~
18 ~~required in RCW 46.12.101(1) and is delivered to the department within~~
19 ~~five days of the sale of the vehicle excluding Saturdays, Sundays, and~~
20 ~~state and federal holidays, or appropriate documents for registration~~
21 ~~of the vehicle pursuant to the sale or transfer.~~

22 ~~(2) An owner who has made a bona fide sale or transfer of a~~
23 ~~vehicle, has delivered possession of it to a purchaser, and has~~
24 ~~fulfilled the requirements of subsection (1)(a) and (b) of this section~~
25 ~~is relieved of liability and liability is transferred to the purchaser~~
26 ~~of the vehicle, for any traffic violation under this title, whether~~
27 ~~designated as a traffic infraction or classified as a criminal offense,~~
28 ~~that occurs after the date of the sale or transfer that is based on the~~
29 ~~vehicle's identification, including, but not limited to, parking~~
30 ~~infractions, high occupancy toll lane violations, and violations~~
31 ~~recorded by automated traffic safety cameras.~~

32 ~~(3) When a registered tow truck operator submits an abandoned~~
33 ~~vehicle report to the department for a vehicle sold at an abandoned~~
34 ~~vehicle auction, any previous owner is relieved of civil or criminal~~
35 ~~liability for the operation of the vehicle from the date of sale~~
36 ~~thereafter, and liability is transferred to the purchaser of the~~
37 ~~vehicle as listed on the abandoned vehicle report.~~

1 ~~(4) When a transferee had no knowledge of the filing of the vehicle~~
2 ~~report of sale, he or she is relieved of civil or criminal liability~~
3 ~~for the operation of the vehicle, and liability is transferred to the~~
4 ~~seller shown on the report of sale.)~~)

5 (1) An owner is relieved of civil or criminal liability for the
6 operation of a vehicle by another person when the owner has:

7 (a) Made a bona fide sale or transfer of a vehicle;

8 (b) Delivered possession of the vehicle to the person acquiring
9 ownership;

10 (c) Released interest in the vehicle and provided the certificate
11 of title and registration certificate to the person acquiring
12 ownership; and

13 (d) Filed a report of sale that meets all the requirements in RCW
14 46.12.101(2) (as recodified by this act).

15 (2) A person acquiring a vehicle assumes civil or criminal
16 liability for any traffic violation under this title, whether
17 designated as a traffic infraction or classified as a criminal offense,
18 that occurs after the date of sale or transfer of ownership based on
19 the vehicle's identification including, but not limited to:

20 (a) Parking infractions;

21 (b) High occupancy toll lane violations; and

22 (c) Violations recorded by automated traffic safety cameras.

23 (3) A person shown as the buyer of a vehicle on an abandoned
24 vehicle report submitted to the department by a registered tow truck
25 operator assumes liability for the vehicle. Any previous owner is
26 relieved of civil or criminal liability for the operation of the
27 vehicle from the date of sale.

28 (4) A person who had no knowledge of the filing of the report of
29 sale is relieved of civil or criminal liability for the operation of
30 the vehicle. Liability is then transferred to the seller shown on the
31 report of sale.

32 **Sec. 311.** RCW 46.12.103 and 2000 c 250 s 9A-823 are each amended
33 to read as follows:

34 (1) ~~((The purpose of))~~ A transitional ownership record ((is to)):

35 (a) Enables a security interest in a motor vehicle to be perfected
36 in a timely manner when the certificate of ((ownership)) title is not
37 available at the time the security interest is created((, and to));

1 (b) Provides for timely notification to security interest holders
2 under chapter 46.55 RCW(~~(-~~

3 ~~(2) A transitional ownership record~~); and

4 (c) Is only acceptable as an ownership record for motor vehicles
5 currently stored on the department's computer system and if the
6 certificate of (~~ownership~~) title or other authorized proof of
7 ownership for the motor vehicle is not in the possession of the selling
8 vehicle dealer or new security interest holder (~~(at the time)~~) when the
9 transitional ownership record is submitted to the department.

10 (~~(3)~~) (2) A person shall submit the transitional ownership record
11 to the department or to (~~any of its~~) the county auditor or other
12 agents or subagents. (~~Agents and subagents shall immediately~~
13 ~~electronically transmit the transitional ownership records to the~~
14 ~~department. A transitional ownership document processed and recorded~~
15 ~~by an agent or subagent may be subject to fees as specified in RCW~~
16 ~~46.01.140 (4)(a) or (5)(b).~~

17 ~~(4) "~~) (3) A transitional ownership record(~~" means a record~~
18 ~~containing~~) must contain all of the following information:

19 (a) The date of sale;

20 (b) The name and address of each owner of the vehicle;

21 (c) The name and address of each security interest holder;

22 (d) The priorities of interest if there are multiple security
23 interest holders(~~(, the priorities of interest if)~~) and the security
24 interest holders do not jointly hold a single security interest;

25 (e) The vehicle identification number, the license plate number, if
26 any, the year, make, and model of the vehicle;

27 (f) The name of the selling dealer or security interest holder who
28 is submitting the transitional ownership record; and

29 (g) The transferee's driver's license number, if available.

30 (~~(5)~~) (4) The report of sale form (~~prescribed~~) provided or
31 approved by the department under RCW 46.12.101 (as recodified by this
32 act) may be used by a vehicle dealer as the transitional ownership
33 record.

34 (~~(6) Compliance with~~) (5) A security interest is perfected in a
35 motor vehicle on the date the department receives the transitional
36 ownership record when:

37 (a) The requirements of this section (~~shall result in perfection~~

1 of a security interest in the vehicle as of the date the department
2 receives the transitional ownership record)) have been met; and

3 (b) Any required fees ((required under subsection (3) of this
4 section.)) have been paid.

5 (6)(a) The selling dealer or new security interest holder shall
6 submit to the department, within ten days of receipt of the certificate
7 of ((ownership)) title for the vehicle, ((or of)) written confirmation
8 that only an electronic record of ownership exists or that the
9 certificate of ((ownership)) title has been lost or destroyed((, the
10 selling dealer or new security interest holder shall promptly submit
11 the same to the department together)) with:

12 (i) An application for a new certificate of ((ownership)) title
13 containing the name and address of the secured party ((and tender));
14 and

15 (ii) Payment of the required fees as provided in ((RCW
16 46.12.095(1). In the event)) section 507 of this act.

17 (b) A security interest becomes unperfected when a secured party
18 fails to submit an application for a certificate of title within the
19 ten-day time period provided in this subsection (6), ((its security
20 interest shall become unperfected,)) unless the security interest is
21 perfected otherwise.

22 **Sec. 312.** RCW 46.12.124 and 1990 c 238 s 6 are each amended to
23 read as follows:

24 (1) The department, county auditor or other agent, or subagent
25 appointed by the director shall require ((an)) a written odometer
26 disclosure statement ((to accompany)) with every application for a
27 certificate of ((ownership, unless specifically exempted)) title for a
28 motor vehicle. The odometer disclosure statement must be on either the
29 certificate of title or on a separate form approved by the department.
30 A secure odometer disclosure statement is required if the certificate
31 of ((ownership)) title was issued after April 30, 1990((, a secure
32 odometer statement is required, unless specifically exempted)).
33 ((The)) Odometer disclosure statements ((shall)) must include, at a
34 minimum, the following:

35 (a) The miles shown on the odometer at the time of transfer of
36 ownership, but not to include tenths of miles;

37 (b) The date of transfer of ownership;

- 1 (c) The transferor's printed name, current address, and signature;
2 (d) The transferee's printed name, current address, and signature;
3 (e) The identity of the motor vehicle, including its make, model,
4 year, body type, and vehicle identification number;
5 (f) Information that the odometer statement is required by the
6 federal truth in mileage act of 1986 and that failure to complete the
7 odometer statement or providing false information may result in fines
8 or imprisonment, or both; and

9 (g) One of the following statements:

10 (i) The mileage ((reflected)) shown is actual to the best of
11 transferor's knowledge;

12 (ii) The odometer reading exceeds the mechanical limits of the
13 odometer to the best of the transferor's knowledge; or

14 (iii) The odometer reading is not the actual mileage((÷)).

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

21 ~~(d) A complete description of the vehicle, including the:~~

22 ~~(i) Model year;~~

23 ~~(ii) Make;~~

24 ~~(iii) Series and body type (model);~~

25 ~~(iv) Vehicle identification number;~~

26 ~~(v) License plate number and state (optional);~~

27 ~~(e) The name, address, and signature of the transferor, in~~
28 ~~accordance with the following conditions:~~

29 ~~(i))).~~

30 (2) The transferee and the transferor shall each sign the odometer
31 disclosure statement. Only one registered owner is required to
32 complete the odometer disclosure statement((÷

33 ~~(ii) When the registered owner is a business))~~ for the transferee,
34 and only one owner is required to complete the odometer disclosure
35 statement for the transferor. When applicable, both the business name
36 and a company representative's name must be shown on the odometer
37 disclosure statement((÷

1 ~~(f) The name and address of the transferee and the transferee's~~
2 ~~signature to acknowledge the transferor's information. If the~~
3 ~~transferee represents a company, both the company name and the agent's~~
4 ~~name must be shown on the odometer disclosure statement;~~

5 ~~(g) A statement that the notice is required by the federal Truth in~~
6 ~~Mileage Act of 1986; and~~

7 ~~(h) A statement that failure to complete the odometer disclosure~~
8 ~~statement or providing false information may result in fines or~~
9 ~~imprisonment or both.~~

10 ~~(2))~~ when the registered owner is a business or the transferee
11 represents a company, or both.

12 (3) The transferee shall return a signed copy of the odometer
13 disclosure statement to the transferor at the time of transfer of
14 ownership.

15 ~~((3))~~ (4) The following vehicles are not subject to ~~((the))~~
16 odometer disclosure requirements at the time of ownership transfer:

17 (a) A motor vehicle having a declared gross vehicle weight of more
18 than sixteen thousand pounds;

19 (b) A vehicle that is not self-propelled;

20 (c) A motor vehicle that is ten years old or older;

21 (d) A motor vehicle sold directly by a manufacturer to a federal
22 agency in conformity with contract specifications; or

23 (e) A new motor vehicle before its first retail sale.

24 (5) The requirements of this section also apply to the transfer of
25 a motor vehicle held:

26 (a) For lease when transferred to a lessee and then to the lessor
27 at the end of the leasehold; and

28 (b) In a fleet when transferred to a purchaser.

29 **Sec. 313.** RCW 46.12.130 and 1967 c 140 s 3 are each amended to
30 read as follows:

31 (1) The department shall file and index certificates of
32 ~~((ownership))~~ title when assigned and returned to the department,
33 together with ~~((subsequently assigned reissues thereof, shall be~~
34 ~~retained by the department and appropriately filed and indexed))~~
35 subsequent transactions so that at all times it will be possible to
36 trace ownership to the vehicle designated ~~((therein*))~~ on each
37 certificate of title.

1 ~~((1) If the)~~ (2)(a) A person who acquires an interest ~~((of an~~
2 ~~owner))~~ in a vehicle ~~((passes to another))~~, other than by voluntary
3 transfer, ~~((the transferee shall, except as provided in subsection (3)~~
4 ~~of this section, promptly))~~ shall within fifteen days mail or deliver
5 to the department, county auditor or other agent, or subagent appointed
6 by the director:

7 (i) The last certificate of ~~((ownership))~~ title if available~~((,))~~;

8 (ii) Proof of transfer~~((, and his))~~; and

9 (iii) An application for a new certificate ~~((in the form the~~
10 ~~department prescribes))~~ of title.

11 ~~((2) If the interest of the owner is terminated or the)~~ (b) This
12 subsection shall not apply to transactions described in subsection (4)
13 of this section.

14 (3) A secured party named in the certificate of title who
15 repossesses a vehicle ~~((is sold))~~ under a security agreement ~~((by a~~
16 ~~secured party named in the certificate of ownership, the transferee))~~
17 shall ~~((promptly))~~ within fifteen days mail or deliver to the
18 department, county auditor or other agent, or subagent appointed by the
19 director:

20 (a) The last certificate of ~~((ownership, his))~~ title;

21 (b) An application for a new certificate ~~((in the form the~~
22 ~~department prescribes,))~~ of title; and

23 (c) An affidavit made by or on the behalf of the secured party that
24 the vehicle was repossessed and that the interest of the owner was
25 lawfully terminated or sold ~~((pursuant to))~~ under the terms of the
26 security agreement.

27 ~~((3) If the)~~ (4) A secured party ~~((succeeds to the interest of~~
28 ~~the owner and))~~ named in the certificate of title who holds the vehicle
29 for resale~~((, he need not secure))~~ is not required to apply for a new
30 certificate of ~~((ownership but, upon transfer to another person,))~~
31 title. When the vehicle is sold, the secured party shall promptly mail
32 or deliver to the ~~((transferee))~~ buyer or to the department, county
33 auditor or other agent, or subagent appointed by the director:

34 (a) The certificate~~((, affidavit and))~~ of title;

35 (b) An affidavit made by or on the behalf of the secured party that
36 the vehicle was repossessed and that the interest of the owner was
37 lawfully terminated or sold under the terms of the security agreement;
38 and

1 (c) Any other documents (~~((and articles))~~) required to be sent to
2 the department by the (~~(transferee)~~) buyer.

3 **Sec. 314.** RCW 46.12.151 and 1990 c 250 s 30 are each amended to
4 read as follows:

5 (~~(If the department is not satisfied as to the ownership of the~~
6 ~~vehicle or that there are no undisclosed security interests in it, the~~
7 ~~department may register the vehicle but shall either:~~

8 ~~(1) Withhold issuance of a certificate of ownership for a period of~~
9 ~~three years or until the applicant presents documents reasonably~~
10 ~~sufficient to satisfy the department as to the applicant's ownership of~~
11 ~~the vehicle and that there are no undisclosed security interests in it;~~
12 ~~or~~

13 ~~(2) As a condition of issuing a certificate of ownership, require~~
14 ~~the applicant to file with the department a bond for a period of three~~
15 ~~years in the form prescribed by the department and executed by the~~
16 ~~applicant. The bond shall be in an amount equal to one and one half~~
17 ~~times the value of the vehicle as determined by the department and~~
18 ~~conditioned to indemnify any prior owner and secured party and any~~
19 ~~subsequent purchaser of the vehicle or person acquiring any security~~
20 ~~interest in it, and their respective successors in interest, against~~
21 ~~any expense, loss or damage, including reasonable attorney's fees, by~~
22 ~~reason of the issuance of the certificate of ownership of the vehicle~~
23 ~~or on account of any defect in or undisclosed security interest upon~~
24 ~~the right, title and interest of the applicant in and to the vehicle.~~
25 ~~Any such interested person has a right of action to recover on the bond~~
26 ~~for any breach of its conditions, but the aggregate liability of the~~
27 ~~surety to all persons shall not exceed the amount of the bond. At the~~
28 ~~end of three years or prior thereto if the vehicle is no longer~~
29 ~~registered in this state or when satisfactory evidence of ownership is~~
30 ~~surrendered to the department, the owner may apply to the department~~
31 ~~for a replacement certificate of ownership without reference to the~~
32 ~~bond.))~~

33 (1) The department, county auditor or other agent, or subagent
34 appointed by the director may register a vehicle and withhold issuance
35 of a certificate of title or require a bond as a condition of issuing
36 a certificate of title if the department is not satisfied:

37 (a) As to the ownership of the vehicle; or

1 (b) That there are no undisclosed security interests in the
2 vehicle.

3 (2) A person who is unable to provide satisfactory evidence of
4 ownership may:

5 (a) Apply for ownership in doubt and receive either a:

6 (i) Registration without a certificate of title for a three-year
7 period; or

8 (ii) A bonded certificate of title with or without registration as
9 described in subsection (3) of this section; or

10 (b) Petition any district court or superior court of any county in
11 this state to receive a judgment awarding ownership of the vehicle.

12 (3) A person who is either required by the department, county
13 auditor or other agent, or subagent appointed by the director to file
14 a bond or wants a certificate of title for a vehicle when ownership is
15 in doubt shall file the bond for a three-year period. The bond must:

16 (a) Be in the form approved by the department;

17 (b) Be in an amount equal to one and one-half times the value of
18 the vehicle as determined by the department;

19 (c) Be signed by the applicant and the bonding agent; and

20 (d) Offer protection to any previous owner, secured party, future
21 purchaser, or their successors against any expense, loss, or damage,
22 including reasonable attorneys' fees.

23 (4) A person who has or has held an interest in the vehicle may,
24 during the three-year ownership in doubt period, petition any district
25 court or superior court of any county in this state to receive a
26 judgment either awarding ownership of the vehicle or be compensated for
27 any expense, loss, or damage, including reasonable attorneys' fees.
28 The total claim must not be more than the amount of the bond if a bond
29 has been filed with the department.

30 (5) A person who has applied for ownership in doubt may apply for
31 a certificate of title at any time during the three-year ownership in
32 doubt period when satisfactory evidence of ownership becomes available.
33 At the end of the three-year ownership in doubt period, the owner must
34 apply to the department, county auditor or other agent, or subagent
35 appointed by the director for a certificate of title. The new
36 certificate of title will not include reference to the bond if a bond
37 was filed with the department.

1 (6) A person applying for ownership in doubt must have acquired the
2 vehicle by purchase, exchange, gift, lease, or inheritance from the
3 owner of record or interim owner.

4 (7) Ownership in doubt does not apply to:

5 (a) Unauthorized vehicles, as defined in RCW 46.55.010;

6 (b) Abandoned vehicles, as defined in RCW 46.55.010;

7 (c) Snowmobiles, as defined in section 145 of this act; or

8 (d) Washington vehicle dealer sales, as defined in RCW 46.70.011.

9 **Sec. 315.** RCW 46.12.160 and 1994 c 262 s 5 are each amended to
10 read as follows:

11 ~~((If))~~ (1) The department may refuse to issue or may cancel a
12 certificate of title at any time if the department determines ~~((at any~~
13 ~~time))~~ that an applicant for a certificate of ~~((ownership or for a~~
14 ~~certificate of license registration for a vehicle is not entitled~~
15 ~~thereto, the department may refuse to issue such certificate or to~~
16 ~~license the vehicle and may, for like reason, after notice, and in the~~
17 ~~exercise of discretion, cancel license registration already acquired or~~
18 ~~any outstanding certificate of ownership))~~ title is not entitled to a
19 certificate of title. Notice of cancellation may be accomplished by
20 sending a notice by first-class mail using the last known address in
21 department records for the registered or legal ~~((vehicle))~~ owner or
22 owners, and ~~((recording the transmittal on))~~ completing an affidavit of
23 first-class mail. It ~~((shall then be))~~ is unlawful for any person to
24 remove, drive, or operate the vehicle until a proper certificate of
25 ~~((ownership or license registration))~~ title has been issued~~((, and))~~.
26 Any person removing, driving, or operating ~~((such))~~ a vehicle after the
27 refusal to issue or cancellation of the ~~((department to issue))~~
28 certificate~~((s or the revocation thereof shall be))~~ of title is guilty
29 of a gross misdemeanor.

30 (2)(a) The suspension of, revocation of, cancellation of, or
31 refusal to issue a certificate of title or vehicle registration
32 provided for in chapters 46.12 and 46.16 RCW by the director is
33 conclusive unless the person whose registration or certificate is
34 suspended, revoked, canceled, or refused appeals to the superior court
35 of Thurston county or the person's county of residence.

36 (b) Notice of appeal must be filed within ten days after receipt of
37 the notice of suspension, revocation, cancellation, or refusal. Upon

1 the filing of the notice of appeal, the court shall issue an order to
2 the director to show cause why the registration should not be granted
3 or reinstated and return the order not less than ten days after the
4 date of service of the notice to the director. Service must be in the
5 manner as prescribed for the service of a summons and complaint in
6 other civil actions.

7 (c) Upon the hearing on the order to show cause, the court shall
8 hear evidence concerning matters with reference to the suspension,
9 revocation, cancellation, or refusal of the registration or certificate
10 and enter judgment either affirming or setting aside the suspension,
11 revocation, cancellation, or refusal.

12 **Sec. 316.** RCW 46.12.170 and 2007 c 96 s 2 are each amended to read
13 as follows:

14 ~~((1) If, after a certificate of ownership is issued, a security~~
15 ~~interest is granted on the vehicle described therein, the registered~~
16 ~~owner or secured party shall, within ten days thereafter, present an~~
17 ~~application to the department, to which shall be attached the~~
18 ~~certificate of ownership last issued covering the vehicle, or such~~
19 ~~other documentation as may be required by the department, which~~
20 ~~application shall be upon a form approved by the department and shall~~
21 ~~be accompanied by a fee of five dollars in addition to all other fees.~~
22 ~~The department, if satisfied that there should be a reissue of the~~
23 ~~certificate, shall note such change upon the vehicle records and issue~~
24 ~~to the secured party a new certificate of ownership.~~

25 ~~(2) Whenever there is no outstanding secured obligation and no~~
26 ~~commitment to make advances and incur obligations or otherwise give~~
27 ~~value, the secured party must either:~~

28 ~~(a) Assign the certificate of ownership to the debtor or the~~
29 ~~debtor's assignee or transferee, and transmit the certificate to the~~
30 ~~department with an accompanying fee of five dollars in addition to all~~
31 ~~other fees; or~~

32 ~~(b) Assign the certificate of ownership to the debtor's assignee or~~
33 ~~transferee together with the debtor's or debtor's assignee's release of~~
34 ~~interest.~~

35 ~~(3) Upon receipt of the certificate of ownership and the debtor's~~
36 ~~release of interest and required fees as provided in subsection (2)(a)~~

1 of this section, the department shall issue a new certificate of
2 ownership and transmit it to the registered owner.

3 (4) ~~If the affected secured party fails to either assign the
4 certificate of ownership to the debtor or the debtor's assignee or
5 transferee or transmit the certificate of ownership to the department
6 within ten days after proper demand, that secured party shall be liable
7 to the debtor or the debtor's assignee or transferee for one hundred
8 dollars, and in addition for any loss caused to the debtor or the
9 debtor's assignee or transferee by such failure.)~~)

10 (1) A security interest in a vehicle other than one held as
11 inventory by a manufacturer or a dealer and for which a certificate of
12 title is required is perfected only by:

13 (a) Complying with the requirements of RCW 46.12.103 (as recodified
14 by this act) or this section;

15 (b) Receipt by the department, county auditor or other agent, or
16 subagent appointed by the director of:

17 (i) The existing certificate of title, if any;

18 (ii) An application for a certificate of title containing the name
19 and address of the secured party; and

20 (iii) Payment of the required fees.

21 (2) A security interest is perfected when it is created if the
22 secured party's name and address appear on the most recently issued
23 certificate of title or, if not, it is created when the department,
24 county auditor or other agent, or subagent appointed by the director
25 receives the certificate of title or an application for a certificate
26 of title and the fees required in subsection (1) of this section.

27 (3) If a vehicle is subject to a security interest when brought
28 into this state, perfection of the security interest is determined by
29 the law of the jurisdiction where the vehicle was when the security
30 interest was attached, subject to the following:

31 (a) The security interest continues perfected in this state if the
32 name of the secured party is shown on the existing certificate of title
33 issued by that jurisdiction. The name of the secured party must be
34 shown on the certificate of title issued for the vehicle by this state.
35 The security interest continues perfected in this state when the
36 department issues the certificate of title.

37 (b) If the security interest was not perfected under the law of the
38 jurisdiction where the vehicle was when the security interest was

1 attached, it may be perfected in this state. Perfection begins when
2 the department receives the information and fees required in subsection
3 (1) of this section.

4 (4)(a) After a certificate of title has been issued, the registered
5 owner or secured party must apply to the department, county auditor or
6 other agent, or subagent appointed by the director for a new
7 certificate of title when a security interest is granted on a vehicle.
8 Within ten days after creating a security agreement, the registered
9 owner or secured party must submit:

10 (i) An application for a certificate of title;

11 (ii) The certificate of title last issued for the vehicle, or other
12 documentation required by the department; and

13 (iii) The fee required in section 508 of this act.

14 (b) If satisfied that a certificate of title should be reissued,
15 the department shall change the vehicle record and issue a new
16 certificate of title to the secured party.

17 (5) A secured party shall release the security interest when the
18 conditions within the security agreement have been met and there is no
19 further secured obligation. The secured party must either:

20 (a) Assign the certificate of title to the registered owner or the
21 registered owner's designee and send the certificate of title to the
22 department, county auditor or other agent, or subagent appointed by the
23 director with the fee required in section 508 of this act; or

24 (b) Assign the certificate of title to the person acquiring the
25 vehicle from the registered owner with the registered owner's release
26 of interest.

27 (6) The department shall issue a new certificate of title to the
28 registered owner when the department receives the release of interest
29 and required fees as provided in subsection (5)(a) of this section.

30 (7) A secured party is liable for one hundred dollars payable to
31 the registered owner or person acquiring the vehicle from the
32 registered owner when:

33 (a) The secured party fails to either assign the certificate of
34 title to the registered owner or to the person acquiring the vehicle
35 from the registered owner or apply for a new certificate of title; and

36 (b) The failure of the secured party to act as described in (a) of
37 this subsection results in a loss to the registered owner or person
38 acquiring the vehicle from the registered owner.

1 **Sec. 317.** RCW 46.12.181 and 2002 c 352 s 6 are each amended to
2 read as follows:

3 A legal owner or the legal owner's authorized representative may
4 apply for a duplicate certificate of title if a certificate of
5 ((ownership)) title is lost, stolen, mutilated, or destroyed, or
6 becomes illegible((, the first priority secured party or, if none, the
7 owner or legal representative of the owner named in the certificate, as
8 shown by the records of the department, shall promptly make application
9 for and may obtain a duplicate upon tender of five dollars in addition
10 to all other fees and upon furnishing information satisfactory to the
11 department)). The application for a duplicate certificate of title
12 must include information required by the department and be accompanied
13 by the fee required in section 508 of this act. The duplicate
14 certificate of ((ownership shall)) title must contain the ((legend))
15 word, "duplicate." It ((shall)) must be provided to the first priority
16 secured party named in it or, if none, to the legal owner.

17 A person recovering ((an original)) a certificate of ((ownership))
18 title for which a duplicate has been issued shall promptly
19 ((surrender)) return the ((original)) certificate of title that has
20 been recovered to the department.

21 **Sec. 318.** RCW 46.12.190 and 1961 c 12 s 46.12.190 are each amended
22 to read as follows:

23 ((The person, firm, copartnership, association or corporation to
24 whom a certificate of ownership shall have been issued shall)) A person
25 shown as the legal owner on a certificate of title which has a
26 different person shown as the registered owner does not ((thereby))
27 incur liability ((or be)) and is not responsible for damage((, or
28 otherwise,)) or any liability resulting from any act or contract made
29 by the registered owner or by any other person acting for, or by or
30 under the authority of ((such)), the registered owner.

31 **Sec. 319.** RCW 46.12.210 and 2003 c 53 s 236 are each amended to
32 read as follows:

33 ((Any)) (1) A person ((who)) is guilty of a class B felony if the
34 person:

35 (a) Knowingly makes any false statement of a material fact, either

1 ~~((in his or her))~~ on an application for ((the)) a certificate of
2 ~~((ownership))~~ title or in any ~~((assignment thereof, or who with intent~~
3 ~~to procure))~~ transfer of a certificate of title;

4 (b) Intentionally acquires or ((pass)) passes ownership ((to)) of
5 a vehicle which ~~((he or she))~~ that person knows or has reason to
6 believe has been stolen~~((,))~~;

7 (c) Receives or transfers possession of ((the same)) a stolen
8 vehicle from or to another ~~((or who has in his or her possession))~~
9 person;

10 (d) Possesses any vehicle which ((he or she)) that person knows or
11 has reason to believe has been stolen~~((, and who is not an officer of~~
12 ~~the law engaged at the time in the performance of his or her duty as~~
13 ~~such officer, is guilty of a class B felony and upon conviction~~
14 ~~shall))~~;

15 (e) Alters or forges or causes the alteration or forgery of:

16 (i) A certificate of title or registration certificate issued by
17 the department;

18 (ii) An assignment of a certificate of title or registration
19 certificate; or

20 (iii) A release or notice of release of an encumbrance referred to
21 on a certificate of title or registration certificate; or

22 (f) Holds or uses a certificate of title, registration certificate,
23 assignment, release, or notice of release, knowing that it has been
24 altered or forged.

25 (2) A person convicted of violating subsection (1) of this section
26 must be punished by a fine of not more than five thousand dollars or by
27 imprisonment for not more than ten years, or both such fine and
28 imprisonment. This ~~((provision shall))~~ subsection does not exclude any
29 other offenses or penalties prescribed by any existing or future law
30 for the larceny or unauthorized taking of a ~~((motor))~~ vehicle.

31 (3) It is a class C felony for a person to sell or convey a vehicle
32 certificate of title except in conjunction with the sale or transfer of
33 the vehicle for which the certificate was originally issued.

34 (4) This section does not apply to an officer of the law engaged at
35 the time in the performance of official authorized law enforcement
36 activities.

1 **Sec. 320.** RCW 46.12.250 and 1969 ex.s. c 125 s 1 are each amended
2 to read as follows:

3 ~~((It shall be unlawful for any person under the age of eighteen to
4 be the registered or legal owner of any motor vehicle: PROVIDED, That
5 RCW 46.12.250 through 46.12.270 shall not apply to any person who is on
6 active duty in the United States armed forces nor to any minor who is
7 in effect emancipated: PROVIDED further, That RCW 46.12.250 through
8 46.12.270 shall not apply to any person who is the registered owner of
9 a motor vehicle prior to August 11, 1969 or who became the registered
10 or legal owner of a motor vehicle while a nonresident of this state.))~~

11 (1) A person under the age of eighteen may not be the registered or
12 legal owner of a motor vehicle unless the:

13 (a) Motor vehicle was previously registered in the person's name in
14 another jurisdiction while a resident of that jurisdiction;

15 (b) Person is on active military duty with the United States armed
16 forces; or

17 (c) Person is, in effect, emancipated.

18 (2) It is unlawful for any person to convey, sell, or transfer the
19 ownership of any motor vehicle to a person under the age of eighteen.
20 This subsection does not apply to a vehicle dealer properly licensed
21 under chapter 46.70 RCW if the minor provides the dealer with a
22 certified copy of an original birth certificate showing that the minor
23 is over eighteen years of age. The vehicle dealer shall submit the
24 certified copy of the original birth certificate with an application
25 for certificate of title to the department, county auditor or other
26 agent, or subagent appointed by the director.

27 (3) A person is guilty of a misdemeanor punishable by a fine of not
28 more than two hundred fifty dollars or by imprisonment in a county jail
29 for not more than ninety days if that person with actual notice of the
30 prohibition:

31 (a) Gives, sells, or transfers the ownership of a motor vehicle to
32 a person under the age of eighteen;

33 (b) Is a registered or legal owner of a motor vehicle in violation
34 of subsection (1) of this section; or

35 (c) Transfers, sells, or encumbers an interest in a motor vehicle
36 in violation of RCW 46.61.5058.

1 **Sec. 321.** RCW 46.12.280 and 1979 c 158 s 136 are each amended to
2 read as follows:

3 ~~((The provisions of chapter 46.12 RCW concerning the registration
4 and titling of vehicles, and the perfection of security interests
5 therein shall apply to campers, as defined in RCW 46.04.085. In
6 addition, the director of licensing shall have the power to adopt such
7 rules and regulations he deems necessary to implement the registration
8 and titling of campers and the perfection of security interests
9 therein.))~~

10 A camper is considered a vehicle for the purposes of certificates
11 of title, perfection of security interests, and registrations. The
12 director may adopt rules to implement this section.

13 **Sec. 322.** RCW 46.12.290 and 2005 c 399 s 4 are each amended to
14 read as follows:

15 ~~((1) The provisions of chapter 46.12 RCW insofar as they are not
16 inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess.
17 or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED,
18 That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to
19 mobile or manufactured homes.~~

20 ~~(2) In order to transfer ownership of a mobile home, all registered
21 owners of record must sign the title certificate releasing their
22 ownership. If the mobile home was manufactured before June 15, 1976,
23 the registered owner must sign an affidavit in the form prescribed by
24 the department of licensing that notice was provided to the purchaser
25 of the mobile home that failure of the mobile home to meet federal
26 housing and urban development standards or failure of the mobile home
27 to meet a fire and safety inspection by the department of labor and
28 industries may result in denial by a local jurisdiction of a permit to
29 site the mobile home.~~

30 ~~(3) The director of licensing shall have the power to adopt such
31 rules as necessary to implement the provisions of this chapter relating
32 to mobile homes.))~~

33 (1) Titling options. An owner of a manufactured home shall
34 establish ownership in the manufactured home by either:

35 (a) Applying for a certificate of title as required under this
36 chapter; or

37 (b) Eliminating the certificate of title under chapter 65.20 RCW.

1 (2) **Exemption.** This section does not apply to a manufactured home
2 held for resale by a dealer or manufacturer.

3 (3) **Transferring ownership.** A registered owner of record must sign
4 the certificate of title releasing the owner's interest when
5 transferring ownership of a manufactured home. If the mobile home was
6 manufactured before June 15, 1976, the registered owner must sign an
7 affidavit on a form approved by the department. The affidavit must
8 state that the purchaser was notified that failure of the mobile home
9 to meet federal housing and urban development standards or failure of
10 the mobile home to meet a fire and safety inspection by the department
11 of labor and industries may result in denial by a local jurisdiction of
12 a permit to site the mobile home.

13 (4) **Evidence of taxes paid.** Before accepting an application for a
14 certificate of title for a manufactured home, the department, county
15 auditor or other agent, or subagent appointed by the director shall
16 require the applicant to provide evidence that any taxes due on the
17 sale of the manufactured home under chapters 82.45 and 84.52 RCW have
18 been paid. Acceptable evidence includes a copy of:

19 (a) The real estate excise tax affidavit that has been stamped by
20 the county treasurer; or

21 (b) A treasurer certificate that is prepared by the treasurer of
22 the county in which a used manufactured home is located and that states
23 that all property taxes due upon the used manufactured home being sold
24 have been satisfied.

25 (5) **County assessor notification.** The department shall notify the
26 county assessor of the county where the manufactured home is located
27 when ownership of a manufactured home is transferred. The notification
28 must include the name and address of the former owner and the new
29 owner.

30 (6) **Title elimination.** The certificate of title for a manufactured
31 home may be eliminated or not issued when the manufactured home is
32 registered under chapter 65.20 RCW. If the certificate of title is
33 eliminated or not issued, the application must be recorded in the
34 county property records of the county where the real property to which
35 the home is affixed is located. All vehicle license fees and taxes
36 applicable to manufactured homes under this chapter are due and must be
37 collected before recording the ownership with the county auditor.

1 (7) Rules. The department may adopt rules as necessary to
2 implement this section.

3 **Sec. 323.** RCW 46.12.420 and 1996 c 225 s 6 are each amended to
4 read as follows:

5 ~~((The state patrol shall inspect a street rod vehicle and assign a
6 vehicle identification number in accordance with this chapter.))~~

7 A street rod vehicle ~~((shall be titled))~~ must:

8 (1) Be recorded in department records as the make and year of the
9 vehicle as originally manufactured~~((The title shall be))~~; and

10 (2) Have the certificate of title branded with the designation
11 "street rod."

12 **Sec. 324.** RCW 46.12.440 and 2009 c 284 s 1 are each amended to
13 read as follows:

14 ~~((The following procedures must be followed when applying for a
15 certificate of ownership for a kit vehicle:~~

16 ~~(1) The vehicle identification number (VIN) of a new vehicle kit
17 and of a body kit will be taken from the manufacturer's certificate of
18 origin belonging to that vehicle. If the VIN is not available, the
19 Washington state patrol shall assign a VIN at the time of inspection.~~

20 ~~(2) The department shall use the model year of a manufactured new
21 vehicle kit and manufactured body kit as the year reflected on the
22 manufacturer's certificate of origin.~~

23 ~~(3) The make shall be listed as "KITV," and the series and body
24 designation must describe a discrete vehicle model.~~

25 ~~(4) Except for kit vehicles licensed under RCW 46.16.680(5), kit
26 vehicles must comply with chapter 204-10 WAC.))~~

27 (1) A person who applies for an original certificate of title for
28 a kit vehicle shall provide:

29 (a) The manufacturer's certificate of origin or an equivalent
30 document if the kit vehicle is a new manufactured vehicle kit or body
31 kit;

32 (b) The certificate of title or a certified copy or equivalent
33 document for the frame;

34 (c) Proof of ownership for all major parts used in the construction
35 of the vehicle. Major parts include the frame, engine, axles,

1 transmission, and any other parts that carry vehicle identification
2 numbers;

3 (d) Bills of sale or invoices for all major components used in the
4 construction of the vehicle. The bills of sale must be notarized
5 unless the vendor is registered with the department of revenue for the
6 collection of retail sales or use tax and must include:

7 (i) The names and addresses of the seller and purchaser;

8 (ii) A description of the vehicle or part being sold, including the
9 make, model, and identification or serial number or the yard number if
10 from a wrecking yard;

11 (iii) The date of sale; and

12 (iv) The purchase price of the vehicle or part;

13 (e) A certificate of vehicle inspection completed by the Washington
14 state patrol or other authorized inspector verifying the vehicle
15 identification number, and year and make when applicable. A Washington
16 state patrol vehicle identification number inspector must ensure that
17 all parts are documented by certificates of title, notarized bills of
18 sale, or business receipts, such as those obtained from a wrecking yard
19 purchase;

20 (f) A completed declaration of value form to determine the value
21 for excise tax purposes if the purchase cost and year is unknown or
22 incomplete;

23 (g) Payment of use tax on the frame and all component parts used,
24 unless proof of payment of the sales or use tax is submitted; and

25 (h) An odometer disclosure statement on all originals and transfers
26 of certificates of title for kit vehicles under ten years old, unless
27 otherwise exempt by law.

28 (2) If the frame from a donor vehicle is used and the remainder of
29 the donor vehicle is to be sold or destroyed, the certificate of title
30 is required as an ownership document to the buyer. The department may
31 make a certified copy of the certificate of title for documentation of
32 the frame for this transaction.

33 (3) When accepting an application for an original certificate of
34 title for a kit vehicle, the department, county auditor or other agent,
35 or subagent appointed by the director shall:

36 (a) Use the vehicle identification number provided on the
37 manufacturer's certificate of origin. If the vehicle identification

1 number is not available, the Washington state patrol shall assign a
2 vehicle identification number at the time of inspection;

3 (b) Use the actual model year provided on the manufacturer's
4 certificate of origin as the model year. This is not the model year of
5 the vehicle being replicated;

6 (c) Record the make as "KITV";

7 (d) Record in the series and body designation a discrete vehicle
8 model; and

9 (e) Assign a use class identifying the actual use of the vehicle,
10 such as a passenger car or truck.

11 (4) A kit vehicle may be registered under section 617 of this act
12 as a street rod vehicle if the vehicle is manufactured to have the same
13 appearance as a similar vehicle manufactured before 1949. Kit vehicles
14 must comply with chapter 204-10 WAC unless the kit vehicle is
15 registered under section 617 of this act.

16 (5) A kit vehicle is exempt from the welding requirements under WAC
17 204-10-022(8) if, upon application for a certificate of ((ownership))
18 title, the owner furnishes documentation from the manufacturer of the
19 vehicle frame that informs the owner that the welding on the frame was
20 not completed by a certified welder and that the structural strength of
21 the frame has not been certified by an engineer as meeting the
22 applicable federal motor vehicle safety standards set under 49 C.F.R.
23 Sec. 571.201, 571.214, 571.216, and 571.220 through 571.224, and the
24 applicable SAE standards.

25 ~~((5) The application for the certificate of ownership must be~~
26 ~~accompanied by the following documents:~~

27 ~~(a) For a manufactured new vehicle kit, the manufacturer's~~
28 ~~certificate of origin or equivalent document;~~

29 ~~(b)(i) For a manufactured body kit, the manufacturer's certificate~~
30 ~~of origin or equivalent document; (ii) for the frame, the title or a~~
31 ~~certified copy or equivalent document;~~

32 ~~(c) Bills of sale or invoices for all major components used in the~~
33 ~~construction of the vehicle. The bills of sale must be notarized~~
34 ~~unless the vendor is registered with the department of revenue for the~~
35 ~~collection of retail sales or use tax. The bills of sale must include~~
36 ~~the names and addresses of the seller and purchaser, a description of~~
37 ~~the vehicle or part being sold, including the make, model, and~~

1 ~~identification or serial number, the date of sale, and the purchase~~
2 ~~price of the vehicle or part;~~

3 ~~(d) A statement as defined in WAC 308-56A-150 by an authorized~~
4 ~~inspector of the Washington state patrol or other person authorized by~~
5 ~~the department of licensing verifying the vehicle identification~~
6 ~~number, and year and make when applicable;~~

7 ~~(e) A completed declaration of value form (TD 420-737) to determine~~
8 ~~the value for excise tax if the purchase cost and year is unknown or~~
9 ~~incomplete.~~

10 ~~(6) A Washington state patrol VIN inspector must ensure that all~~
11 ~~parts are documented by titles, notarized bills of sale, or business~~
12 ~~receipts such as obtained from a wrecking yard purchase. The bills of~~
13 ~~sale must contain the VIN of the vehicle the parts came from, or the~~
14 ~~yard number if from a wrecking yard.~~

15 ~~(7))~~ (6) The department may not deny a certificate of
16 ~~((ownership))~~ title to an applicant who completes the requisite
17 application, complies with this section, and pays the requisite titling
18 fees and taxes.

19 NEW SECTION. **Sec. 325.** The following acts or parts of acts are
20 each repealed:

21 (1) RCW 46.12.005 (Definitions) and 2002 c 245 s 1, 1996 c 26 s 1,
22 & 1967 c 140 s 5;

23 (2) RCW 46.12.020 (Prerequisite to issuance of vehicle license and
24 plates) and 1989 c 337 s 22;

25 (3) RCW 46.12.040 (Certificate of ownership--Fees) and 2007 c 420
26 s 2, 2004 c 200 s 1, 2002 c 352 s 3, 2001 c 125 s 2, 1990 c 238 s 2,
27 1989 c 110 s 1, 1975 1st ex.s. c 138 s 1, 1974 ex.s. c 128 s 2, & 1961
28 c 12 s 46.12.040;

29 (4) RCW 46.12.042 (Emergency medical services fee) and 1997 c 331
30 s 5;

31 (5) RCW 46.12.045 (Off-road vehicles, certificate of ownership for
32 title purposes only) and 1986 c 186 s 4;

33 (6) RCW 46.12.055 (Certificate of ownership--Manufactured homes)
34 and 1989 c 343 s 19;

35 (7) RCW 46.12.060 (Procedure when identification number altered or
36 obliterated) and 2001 c 125 s 4, 1975 c 25 s 10, 1974 ex.s. c 36 s 1,
37 & 1961 c 12 s 46.12.060;

- 1 (8) RCW 46.12.075 (Rebuilt vehicles) and 1996 c 26 s 3 & 1995 c 256
2 s 24;
- 3 (9) RCW 46.12.095 (Requirements for perfecting security interest)
4 and 2000 c 250 s 9A-822, 1998 c 203 s 10, 1969 ex.s. c 170 s 16, & 1967
5 c 140 s 6;
- 6 (10) RCW 46.12.105 (Transfer of ownership of mobile home, county
7 assessor notified--Evidence of taxes paid) and 1979 ex.s. c 266 s 5,
8 1979 c 158 s 133, & 1971 ex.s. c 231 s 13;
- 9 (11) RCW 46.12.200 (State or director not liable for acts in
10 administering chapter) and 1979 c 158 s 134, 1967 c 32 s 11, & 1961 c
11 12 s 46.12.200;
- 12 (12) RCW 46.12.215 (Unlawful sale of certificate of ownership) and
13 1995 c 256 s 1;
- 14 (13) RCW 46.12.220 (Alteration or forgery--Penalty) and 2003 c 53
15 s 237, 1967 c 32 s 12, & 1961 c 12 s 46.12.220;
- 16 (14) RCW 46.12.230 (Permit to licensed wrecker to junk vehicle--
17 fee) and 1975 c 25 s 14, 1967 c 32 s 13, & 1961 c 12 s 46.12.230;
- 18 (15) RCW 46.12.240 (Appeals to superior court from suspension,
19 revocation, cancellation, or refusal of license or certificate) and
20 1987 c 388 s 8, 1965 ex.s. c 121 s 42, & 1961 c 12 s 46.20.340;
- 21 (16) RCW 46.12.260 (Sale or transfer of motor vehicle ownership to
22 person under eighteen prohibited) and 1979 c 158 s 135 & 1969 ex.s. c
23 125 s 2;
- 24 (17) RCW 46.12.270 (Penalty for violation of RCW 46.12.250 or
25 46.12.260) and 1994 c 139 s 2, 1993 c 487 s 6, & 1969 ex.s. c 125 s 3;
- 26 (18) RCW 46.12.450 (Kit vehicles--Issuance of certificate of
27 ownership or registration) and 1996 c 225 s 9;
- 28 (19) RCW 46.12.500 (Commercial vehicle--Compliance statement) and
29 1999 c 351 s 4; and
- 30 (20) RCW 46.12.510 (Donations for organ donation awareness) and
31 2008 c 139 s 26 & 2003 c 94 s 6.

32 **PART IV. REGISTRATION CERTIFICATES**

33 **Sec. 401.** RCW 46.16.004 and 2007 c 419 s 3 are each amended to
34 read as follows:

35 For the purposes of this chapter unless the context clearly
36 requires otherwise:

1 (1) "Commercial motor vehicle," for the purposes of requiring a
2 department of transportation number, means the same as defined in RCW
3 46.25.010(6), or a motor vehicle used in commerce when the motor
4 vehicle: (a) Has a gross vehicle weight rating of 11,794 kilograms or
5 more (26,001 pounds or more) inclusive of a towed unit of a gross
6 vehicle weight rating of more than 4,536 kilograms (10,000 pounds or
7 more); (b) has a gross vehicle weight rating of 11,794 kilograms or
8 more (26,001 pounds or more); or (c) is used in the transportation of
9 hazardous materials, as defined in RCW 46.25.010(13);

10 (~~(2) ("Department" means the department of licensing;~~
11 ~~(3))~~) "Department of transportation number" means a department of
12 transportation number from the federal motor carrier safety
13 administration;

14 (~~(4)~~) (3) "Interstate commercial motor vehicle" means a
15 commercial vehicle that operates in more than one state;

16 (~~(5)~~) (4) "Intrastate commercial motor vehicle" means a
17 commercial vehicle that operates exclusively within the state of
18 Washington;

19 (~~(6)~~) (5) "Motor carrier" means a person or entity who has been
20 issued a department of transportation number and who owns a commercial
21 motor vehicle;

22 (6) "Registration year" means the effective period of a vehicle
23 registration issued by the department. A registration year begins at
24 12:01 a.m. on the date of the calendar year designated by the
25 department and ends at 12:00 a.m. the same day the following year
26 unless otherwise specified;

27 (7) "Renewal notice" means the notice to renew a vehicle
28 registration sent to the registered owner by the department.

29 **Sec. 402.** RCW 46.16.006 and 2009 c 159 s 1 are each amended to
30 read as follows:

31 (~~(1) (The term "registration year" for the purposes of chapters~~
32 ~~46.16, 82.44, and 82.50 RCW means the effective period of a vehicle~~
33 ~~license issued by the department. Such year commences at 12:01 a.m. on~~
34 ~~the date of the calendar year designated by the department and ends at~~
35 ~~12:01 a.m. on the same date of the next succeeding calendar year.~~

36 ~~(a) If a vehicle license previously issued in this state has~~
37 ~~expired and is renewed with a different registered owner, a new~~

1 ~~registration year is deemed to commence upon the date the expired~~
2 ~~license is renewed in order that the renewed license be useable for a~~
3 ~~full twelve-month period.~~

4 ~~(b) A new registration year is deemed to commence upon the date the~~
5 ~~expired license is renewed in order that the renewed license be useable~~
6 ~~for a full twelve months when))~~

7 The department, county auditor or other agent, or subagent
8 appointed by the director shall assign a new registration year to a
9 vehicle if:

10 (a) The Washington state vehicle registration has expired and
11 registered ownership to the vehicle is being transferred. The renewed
12 license is valid for a full twelve-month period unless a specific
13 expiration date is required by law, rule, or program; or

14 (b) The Washington vehicle registration has expired and the
15 registered owner:

16 (i) Is a member of the United States armed forces;

17 (ii) Was stationed outside of Washington under military orders
18 during the prior vehicle registration year; and

19 (iii) Provides the department a copy of the military orders.

20 (2) Each registration year may be divided into twelve registration
21 months. Each registration month (~~commences on the day numerically~~
22 ~~corresponding to the day of the calendar month on which the~~
23 ~~registration year begins, and terminates on the numerically~~
24 ~~corresponding day of the next succeeding calendar month)) begins at
25 12:01 a.m. on a day of the month assigned by the department and ends at
26 12:00 a.m. on the same day the following month.~~

27 (3) (~~Where the term "last day of the month" is used in chapters~~
28 ~~46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar~~
29 ~~month it means the last day of such calendar month or months~~
30 ~~irrespective of the numerical designation of that day.~~

31 ~~(4) If))~~ A registration period extends through the end of the next
32 business day when the final day of a registration year or month falls
33 on a Saturday, Sunday, or legal holiday(, such period extends through
34 the end of the next business day)).

35 **Sec. 403.** RCW 46.16.010 and 2007 c 242 s 2 are each amended to
36 read as follows:

1 (1) Vehicles must be registered as required by this chapter and
2 must display license plates or decals assigned by the department.

3 (2) It is unlawful for a person to operate any vehicle (~~over and~~
4 ~~along~~) on a public highway of this state without (~~first having~~
5 ~~obtained and~~) having in full force and effect a current and proper
6 vehicle (~~license~~) registration and (~~display vehicle~~) displaying
7 license (~~number~~) plates (~~therefor as by this chapter provided~~) on
8 the vehicle.

9 (~~2~~) (3) Vehicle license plates or registration certificates,
10 whether original issues or duplicates, may not be issued or furnished
11 by the department until the applicant makes satisfactory application
12 for a certificate of title or presents satisfactory evidence that a
13 certificate of title covering the vehicle has been previously issued.

14 (4) Failure to make initial registration before (~~operation~~)
15 operating a vehicle on the public highways of this state is a traffic
16 infraction(~~, and any~~). A person committing this infraction shall pay
17 a penalty of five hundred twenty-nine dollars, (~~no part of~~) which may
18 not be suspended (~~or~~), deferred, or reduced.

19 (~~3~~) (5) Failure to renew an expired registration before
20 (~~operation~~) operating a vehicle on the public highways of this state
21 is a traffic infraction.

22 (~~4 The licensing of~~) (6) It is a gross misdemeanor for a
23 resident, as identified in RCW 46.16.028 (as recodified by this act),
24 to register a vehicle in another state (~~by a resident of this state,~~
25 ~~as defined in RCW 46.16.028~~), evading the payment of any tax or
26 vehicle license fee imposed in connection with registration(~~, and~~). It
27 is (~~a gross misdemeanor~~) punishable as follows:

28 (a) For a first offense, up to one year in the county jail and
29 payment of a fine of five hundred twenty-nine dollars plus twice the
30 amount of delinquent taxes and fees, no part of which may be suspended
31 or deferred;

32 (b) For a second or subsequent offense, up to one year in the
33 county jail and payment of a fine of five hundred twenty-nine dollars
34 plus four times the amount of delinquent taxes and fees, no part of
35 which may be suspended or deferred;

36 (c) For fines levied under (b) of this subsection, an amount equal
37 to the avoided taxes and fees owed will be deposited in the vehicle
38 licensing fraud account created in the state treasury;

1 (d) The avoided taxes and fees shall be deposited and distributed
2 in the same manner as if the taxes and fees were properly paid in a
3 timely fashion.

4 ~~((5) These provisions shall not apply to the following vehicles:~~

5 ~~(a) Motorized foot scooters;~~

6 ~~(b) Electric-assisted bicycles;~~

7 ~~(c) Off-road vehicles operating on nonhighway roads under RCW
8 46.09.115;~~

9 ~~(d) Farm vehicles if operated within a radius of fifteen miles of
10 the farm where principally used or garaged, farm tractors and farm
11 implements including trailers designed as cook or bunk houses used
12 exclusively for animal herding temporarily operating or drawn upon the
13 public highways, and trailers used exclusively to transport farm
14 implements from one farm to another during the daylight hours or at
15 night when such equipment has lights that comply with the law;~~

16 ~~(e) Spray or fertilizer applicator rigs designed and used
17 exclusively for spraying or fertilization in the conduct of
18 agricultural operations and not primarily for the purpose of
19 transportation, and nurse rigs or equipment auxiliary to the use of and
20 designed or modified for the fueling, repairing, or loading of spray
21 and fertilizer applicator rigs and not used, designed, or modified
22 primarily for the purpose of transportation;~~

23 ~~(f) Fork lifts operated during daylight hours on public highways
24 adjacent to and within five hundred feet of the warehouses which they
25 serve: PROVIDED FURTHER, That these provisions shall not apply to
26 vehicles used by the state parks and recreation commission exclusively
27 for park maintenance and operations upon public highways within state
28 parks;~~

29 ~~(g) "Trams" used for transporting persons to and from facilities
30 related to the horse racing industry as regulated in chapter 67.16 RCW,
31 as long as the public right-of-way routes over which the trams operate
32 are not more than one mile from end to end, the public rights-of-way
33 over which the tram operates have an average daily traffic of not more
34 than 15,000 vehicles per day, and the activity is in conformity with
35 federal law. The operator must be a licensed driver and at least
36 eighteen years old. For the purposes of this section, "tram" also
37 means a vehicle, or combination of vehicles linked together with a~~

1 single mode of propulsion, used to transport persons from one location
2 to another;

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

27 Exclusions:

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

30 Dump trucks originally designed to comply with the legal size and
31 weight provisions of this code notwithstanding any subsequent
32 modification which would require a permit, as specified in RCW
33 46.44.090, to operate such vehicles on a public highway, including
34 trailers, truck mounted transit mixers, cranes and shovels, or other
35 vehicles designed for the transportation of persons or property to
36 which machinery has been attached.

37 (6) The following vehicles, whether operated solo or in

1 combination, are exempt from license registration and displaying
2 license plates as required by this chapter:

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

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

12 (c) An off-road vehicle operated on a street, road, or highway as
13 authorized under RCW 46.09.180.

14 (7)(a) A motor vehicle subject to initial or renewal registration
15 under this section shall not be registered to a natural person unless
16 the person at time of application:

17 (i) Presents an unexpired Washington state driver's license; or

18 (ii) Certifies that he or she is:

19 (A) A Washington resident who does not operate a motor vehicle on
20 public roads; or

21 (B) Exempt from the requirement to obtain a Washington state
22 driver's license under RCW 46.20.025.

23 (b) For shared or joint ownership, the department will set up
24 procedures to verify that all owners meet the requirements of this
25 subsection.

26 (c) A person falsifying residency is guilty of a gross misdemeanor
27 punishable only by a fine of five hundred twenty-nine dollars.

28 (d) The department may adopt rules necessary to implement this
29 subsection, including rules under which a natural person applying for
30 registration may be exempt from the requirements of this subsection
31 where the person provides evidence satisfactory to the department that
32 he or she has a valid and compelling reason for not being able to meet
33 the requirements of this subsection.

34 (8)) (7) A vehicle with an expired registration of more than
35 forty-five days parked on a public street may be impounded by a police
36 officer under RCW 46.55.113(2).

1 NEW SECTION. **Sec. 404.** A new section is added to chapter 46.16
2 RCW under the subchapter heading "general provisions" to read as
3 follows:

4 The following vehicles are not required to be registered under this
5 chapter:

6 (1) Converter gears used to convert a semitrailer into a trailer or
7 a two-axle truck or tractor into a three or more axle truck or tractor
8 or used in any other manner to increase the number of axles of a
9 vehicle;

10 (2) Electric-assisted bicycles;

11 (3)(a) Farm implements, tractors, trailers, and other farm vehicles
12 (i) operated within a radius of fifteen miles of the farm where it is
13 principally used or garaged, including trailers designed as cook or
14 bunk houses, (ii) used exclusively for animal herding, and (iii)
15 temporarily operating or drawn upon the public highways, and (b)
16 trailers used exclusively to transport farm implements from one farm to
17 another during daylight hours or at night when the trailer is equipped
18 with lights that comply with applicable law;

19 (4) Forklifts operated during daylight hours on public highways
20 adjacent to and within five hundred feet of the warehouses they serve;

21 (5) Motor vehicles operated solely within a national recreation
22 area that is not accessible by a state highway, including motorcycles,
23 motor homes, passenger cars, and sport utility vehicles. This
24 exemption applies only after initial registration;

25 (6) Motorized foot scooters;

26 (7) Nurse rigs or equipment auxiliary for the use of and designed
27 or modified for the fueling, repairing, or loading of spray and
28 fertilizer applicator rigs and not used, designed, or modified
29 primarily for the purpose of transportation;

30 (8) Off-road vehicles operated on a street, road, or highway as
31 authorized under RCW 46.09.180 (as recodified by this act), or
32 nonhighway roads under RCW 46.09.115 (as recodified by this act);

33 (9) Special highway construction equipment;

34 (10) Dump trucks and tractor-dump trailer combinations that are:

35 (a) Designed and used primarily for construction work on highways;

36 (b) Not designed or used primarily for the transportation of
37 persons or property on a public highway; and

38 (c) Only incidentally operated or moved over the highways;

1 (11) Spray or fertilizer applicator rigs designed and used
2 exclusively for spraying or fertilization in the conduct of
3 agricultural operations and not primarily for the purpose of
4 transportation;

5 (12) Tow dollies;

6 (13) Trams used for transporting persons to and from facilities
7 related to the horse racing industry as regulated in chapter 67.16 RCW,
8 as long as the public right-of-way routes over which the trams operate
9 are not more than one mile from end to end, the public rights-of-way
10 over which the tram operates have average daily traffic of not more
11 than fifteen thousand vehicles per day, and the activity is in
12 conformity with federal law. The operator must be a licensed driver
13 and at least eighteen years old. For the purposes of this section,
14 "tram" also means a vehicle, or combination of vehicles linked together
15 with a single mode of propulsion, used to transport persons from one
16 location to another; and

17 (14) Vehicles used by the state parks and recreation commission
18 exclusively for park maintenance and operations upon public highways
19 within state parks.

20 NEW SECTION. **Sec. 405.** A new section is added to chapter 46.16
21 RCW under the subchapter heading "general provisions" to read as
22 follows:

23 (1) The department, county auditor or other agent, or subagent
24 appointed by the director shall not issue an initial or renewal
25 registration certificate for a motor vehicle to a natural person under
26 this chapter unless the natural person at time of application:

27 (a) Presents an unexpired Washington state driver's license; or

28 (b) Certifies that he or she is:

29 (i) A Washington state resident who does not operate a motor
30 vehicle on public roads; or

31 (ii) Exempt from the requirement to obtain a Washington state
32 driver's license under RCW 46.20.025.

33 (2) The department must set up procedures to verify that all owners
34 meet the requirements of this section.

35 (3) A person falsifying residency is guilty of a gross misdemeanor
36 punishable only by a fine of five hundred twenty-nine dollars.

1 (4) The department may adopt rules necessary to implement this
2 section, including rules under which a natural person applying for
3 registration may be exempt from the requirements of this section if the
4 person provides evidence satisfactory to the department that he or she
5 has a valid and compelling reason for not being able to meet the
6 requirements of this section.

7 **Sec. 406.** RCW 46.16.015 and 2002 c 24 s 1 are each amended to read
8 as follows:

9 (1) ~~((Neither))~~ The department ((of licensing nor its agents)),
10 county auditor or other agent, or subagent appointed by the director
11 may not issue or renew a motor vehicle ~~((license for any vehicle))~~
12 registration or change the registered owner of a ~~((licensed))~~
13 registered vehicle~~((,))~~ for any motor vehicle ~~((that is))~~ required to
14 be inspected under chapter 70.120 RCW, unless the application for
15 issuance or renewal is: (a) Accompanied by a valid certificate of
16 compliance or a valid certificate of acceptance issued ~~((pursuant to))~~
17 as required under chapter 70.120 RCW; or (b) ~~((exempted from this~~
18 ~~requirement pursuant to))~~ exempt, as described in subsection (2) of
19 this section. The certificates must have a date of validation
20 ~~((which))~~ that is within ~~((six))~~ twelve months of the ~~((date of~~
21 ~~application for the vehicle license or license))~~ assigned registration
22 renewal date. Certificates for fleet or owner tested diesel vehicles
23 may have a date of validation ~~((which))~~ that is within twelve months of
24 the assigned ~~((license))~~ registration renewal date.

25 (2) ~~((Subsection (1) of this section does not apply to the~~
26 ~~following vehicles:~~

27 ~~((a) New motor vehicles whose equitable or legal title has never~~
28 ~~been transferred to a person who in good faith purchases the vehicle~~
29 ~~for purposes other than resale;~~

30 ~~((b) Motor vehicles with a model year of 1967 or earlier;~~

31 ~~((c) Motor vehicles that use propulsion units powered exclusively by~~
32 ~~electricity;~~

33 ~~((d) Motor vehicles fueled by propane, compressed natural gas, or~~
34 ~~liquid petroleum gas, unless it is determined that federal sanctions~~
35 ~~will be imposed as a result of this exemption;~~

36 ~~((e))~~ The following motor vehicles are exempt from emission test
37 requirements:

1 (a) Motor vehicles that are less than five years old or more than
2 twenty-five years old;

3 (b) Motor vehicles that are a 2009 model year or newer;

4 (c) Motor vehicles powered exclusively by electricity, propane,
5 compressed natural gas, or liquid petroleum gas;

6 (d) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles
7 as defined in RCW 46.04.332;

8 ~~((f))~~ (e) Farm vehicles as defined in RCW 46.04.181;

9 ~~((g))~~ (f) Used vehicles (which) that are offered for sale by a
10 motor vehicle dealer licensed under chapter 46.70 RCW;

11 ~~((h))~~ (g) Classes of motor vehicles exempted by the director of
12 the department of ecology; and

13 ~~((i) Collector cars as identified by the department of licensing~~
14 ~~under RCW 46.16.305(1));~~

15 ~~(j) Beginning January 1, 2000, vehicles that are less than five~~
16 ~~years old or more than twenty five years old; or~~

17 ~~(k))~~ (h) Hybrid motor vehicles that obtain a rating by the
18 environmental protection agency of at least fifty miles per gallon of
19 gas during city driving. For purposes of this section, a hybrid motor
20 vehicle is one that uses propulsion units powered by both electricity
21 and gas.

22 ~~((The provisions of (a) of this subsection may not be construed as~~
23 ~~exempting from the provisions of subsection (1) of this section~~
24 ~~applications for the renewal of licenses for motor vehicles that are or~~
25 ~~have been leased.))~~

26 (3) The department of ecology shall provide information to motor
27 vehicle owners:

28 (a) Regarding the boundaries of emission contributing areas and
29 restrictions established under this section that apply to vehicles
30 registered in such areas(~~(. In addition the department of ecology~~
31 shall provide information to motor vehicle owners)); and

32 (b) On the relationship between motor vehicles and air pollution
33 and steps motor vehicle owners should take to reduce motor vehicle
34 related air pollution. (~~The department of licensing shall send to all~~
35 registered motor vehicle owners affected by the emission testing
36 program notice that they must have an emission test to renew their
37 registration.))

38 (4) The department of licensing shall:

1 (a) Notify all registered motor vehicle owners affected by the
2 emission testing program that they must have an emission test to renew
3 their registration;

4 (b) Adopt rules implementing and enforcing this section, except for
5 subsection (2)(e) of this section, as specified in chapter 34.05 RCW.

6 (5) A motor vehicle may not be registered, leased, rented, or sold
7 for use in the state, starting with the model year as provided in RCW
8 70.120A.010, unless the vehicle:

9 (a) Has seven thousand five hundred miles or more; or

10 (b)(i) Is consistent with the vehicle emission standards and carbon
11 dioxide equivalent emission standards adopted by the department of
12 ecology; and

13 (ii) Has a California certification label for all emission
14 standards, and carbon dioxide equivalent emission standards necessary
15 to meet fleet average requirements.

16 (6) The department of licensing, in consultation with the
17 department of ecology, may adopt rules necessary to implement this
18 section and may provide for reasonable exemptions to these
19 requirements. The department of ecology may exempt public safety
20 vehicles from meeting the standards where the department finds that
21 vehicles necessary to meet the needs of public safety agencies are not
22 otherwise reasonably available.

23 **Sec. 407.** RCW 46.16.020 and 1986 c 30 s 1 are each amended to read
24 as follows:

25 (1) The following vehicles are exempt from the payment of vehicle
26 license fees:

27 (a) Any vehicle owned, rented, or leased by the state of
28 Washington, or by any county, city, town, school district, or other
29 political subdivision of the state of Washington and used exclusively
30 by them(~~, and all~~));

31 (b) Vehicles owned or leased with an option to purchase by the
32 United States government, or by the government of foreign countries, or
33 by international bodies to which the United States government is a
34 signatory by treaty(~~, or~~));

35 (c) Vehicles owned or leased by the governing body of an Indian
36 tribe located within this state and recognized as a governmental entity
37 by the United States department of the interior, and used exclusively

1 in its ~~((or their))~~ service ~~((shall be exempt from the payment of~~
2 ~~license fees for the licensing thereof as in this chapter provided:~~
3 ~~PROVIDED, HOWEVER, That such vehicles, except those))~~;

4 (d) Any bus or vehicle owned and operated by a private school or
5 schools meeting the requirements of RCW 28A.195.010 and used by that
6 school or schools primarily to transport children to and from school or
7 to transport children in connection with school activities. A
8 registration issued by the department for these buses or vehicles is
9 exempt from the motor vehicle excise tax provided in chapter 82.44 RCW;

10 (e) Vehicles owned and used exclusively by the United States
11 government and ~~((which))~~ are clearly identified by ~~((clearly~~
12 ~~exhibited))~~ displaying registration numbers or license plates assigned
13 by ~~((an instrumentality of that))~~ the United States government~~((, shall~~
14 ~~be))~~ if the vehicle is registered ~~((as prescribed for the license~~
15 ~~registration of other vehicles and shall))~~ and displays ~~((the vehicle))~~
16 license ~~((number))~~ plates assigned to it by the United States
17 government; and

18 (f) Except for payment of the license plate fee required under
19 section 517 of this act, vehicles owned and used exclusively by the
20 United States government and are clearly identified by displaying
21 registration numbers of license plates assigned by the state of
22 Washington if the vehicle is registered and displays license plates
23 assigned to it by the state of Washington.

24 (2) The department shall assign a license plate or plates to each
25 vehicle or may assign a block of license plates to an agency or
26 political subdivision for further assignment by the agency or political
27 subdivision to individual vehicles registered to it ~~((pursuant to this~~
28 ~~section))~~. The agency, political subdivision, or Indian tribe, except
29 a foreign government or international body, shall pay ~~((a))~~ the fee
30 ~~((of two dollars))~~ required in section 517 of this act for the license
31 plate or plates for each vehicle.

32 (3) An Indian tribe located within this state and recognized as a
33 governmental entity by the United States department of the interior is
34 not entitled to ~~((license and))~~ register any tribal government service
35 vehicle under this section if that tribe itself ~~((licenses or))~~
36 registers any tribal government service vehicles under tribal law.

37 ~~((No))~~ (4) A vehicle ~~((license))~~ registration or license ~~((number))~~
38 plates ~~((shall))~~ may not be issued to any ~~((such))~~ vehicle under ~~((the~~

1 ~~provisions of~~) this section for the transportation of school children
2 unless ~~((and until such))~~ the vehicle ~~((shall have))~~ has been first
3 ~~((personally))~~ inspected by the director or the director's ~~((duly))~~
4 authorized representative.

5 **Sec. 408.** RCW 46.16.022 and 1986 c 30 s 2 are each amended to read
6 as follows:

7 (1) The provisions of this chapter relating to ~~((licensing of))~~
8 registering vehicles by this state, including the display of
9 ~~((vehicle))~~ license ~~((number))~~ plates and ~~((license))~~ registration
10 certificates, do not apply to vehicles owned or leased by the governing
11 body of an Indian tribe located within this state and recognized as a
12 governmental entity by the United States department of the interior~~((~~
13 ~~only when))~~ if:

14 (a) The vehicle is used exclusively in tribal government service;
15 ~~((and))~~

16 (b) The vehicle has been ~~((licensed and))~~ registered under a law
17 adopted by ~~((such))~~ the tribal government; ~~((and))~~

18 (c) ~~((Vehicle))~~ License ~~((number))~~ plates issued by the tribe
19 showing the initial or abbreviation of the name of the tribe are
20 displayed on the vehicle ~~((substantially as provided therefor))~~ as
21 required in this state; ~~((and))~~

22 (d) The tribe has not elected to receive ~~((any))~~ Washington state
23 license plates for tribal government service vehicles ~~((pursuant to))~~
24 as authorized in RCW 46.16.020 (as recodified by this act); and

25 (e) If required by the department, the tribe provides the
26 department with vehicle description and ownership information similar
27 to that required for vehicles registered in this state, which may
28 include the model year, make, model series, body type, type of power
29 ~~((gasoline, diesel, or other), VIN)),~~ vehicle identification number,
30 and the license plate number assigned to each government service
31 vehicle ~~((licensed))~~ registered by that tribe.

32 (2) ~~((The provisions of))~~ This section ~~((are operative as to a~~
33 ~~vehicle owned or leased by an Indian tribe located within this state~~
34 ~~and used exclusively in tribal government service only to the extent~~
35 ~~that under))~~ applies only if the laws of the tribe ~~((like))~~:

36 (a) Allow similar exemptions and privileges ~~((are granted))~~ to all

1 vehicles (~~duly licensed~~) registered under the laws of this state
2 (~~for operation of such vehicles~~) on all tribal roads within the
3 tribe's reservation(~~(. If under the laws of the tribe,)~~); and
4 (b) Do not require persons operating vehicles (~~licensed~~)
5 registered by this state (~~are required~~) to pay a (~~license or~~)
6 registration fee or to carry or display (~~vehicle~~) license (~~number~~)
7 plates or a registration certificate issued by the tribe(~~(, the tribal~~
8 ~~government shall comply with the provisions of this state's laws~~
9 ~~relating to the licensing and registration of vehicles operating on the~~
10 ~~highways of this state)~~).

11 **Sec. 409.** RCW 46.16.025 and 1979 c 158 s 139 are each amended to
12 read as follows:

13 (~~Before any "farm vehicle", as defined in RCW 46.04.181, shall~~
14 ~~operate on or move along a public highway, there shall be displayed~~
15 ~~upon it in a conspicuous manner a decal or other device, as may be~~
16 ~~prescribed by the director of licensing and issued by the department of~~
17 ~~licensing, which shall describe in some manner the vehicle and identify~~
18 ~~it as a vehicle exempt from the licensing requirements of this chapter.~~
19 ~~Application for such identifying devices shall be made to the~~
20 ~~department on a form furnished for that purpose by the director. Such~~
21 ~~application shall be made by the owner or lessee of the vehicle, or his~~
22 ~~duly authorized agent over the signature of such owner or agent, and he~~
23 ~~shall certify that the statements therein are true to the best of his~~
24 ~~knowledge. The application must show:~~

- 25 (1) ~~The name and address of the owner of the vehicle;~~
- 26 (2) ~~The trade name of the vehicle, model, year, type of body, the~~
27 ~~motor number or the identification number thereof if such vehicle be a~~
28 ~~motor vehicle, or the serial number thereof if such vehicle be a~~
29 ~~trailer;~~
- 30 (3) ~~The purpose for which said vehicle is to be principally used;~~
- 31 (4) ~~Such other information as shall be required upon such~~
32 ~~application by the director; and~~
- 33 (5) ~~Place where farm vehicle is principally used or garaged.~~

34 A fee of five dollars shall be charged for and submitted with such
35 application for an identification decal as in this section provided as
36 to each farm vehicle which fee shall be deposited in the motor vehicle
37 fund and distributed proportionately as otherwise provided for vehicle

1 ~~license fees under RCW 46.68.030. Only one application need be made as~~
2 ~~to each such vehicle, and the status as an exempt vehicle shall~~
3 ~~continue until suspended or revoked for misuse, or when such vehicle no~~
4 ~~longer is used as a farm vehicle.))~~

5 (1) A farmer shall apply to the department, county auditor or other
6 agent, or subagent appointed by the director for a farm exempt decal
7 for a farm vehicle if the farm vehicle is exempt under section 404(3)
8 of this act. The farm exempt decal:

9 (a) Allows the farm vehicle to be operated within a radius of
10 fifteen miles of the farm where it is principally used or garaged;

11 (b) Must be displayed on the farm vehicle so that it is clearly
12 visible from outside of the farm vehicle; and

13 (c) Must identify that the farm vehicle is exempt from the
14 registration requirements of this chapter.

15 (2) A farmer or the farmer's representative must apply for a farm
16 exempt decal on a form furnished or approved by the department. The
17 application must show:

18 (a) The name and address of the person who is the owner of the
19 vehicle;

20 (b) A full description of the vehicle, including its make, model,
21 year, the motor number or the vehicle identification number if the
22 vehicle is a motor vehicle, or the serial number if the vehicle is a
23 trailer;

24 (c) The purpose for which the vehicle is principally used;

25 (d) The place where the farm vehicle is principally used or
26 garaged; and

27 (e) Other information as required by the department upon
28 application.

29 (3) The department, county auditor or other agent, or subagent
30 appointed by the director shall collect the fee required under section
31 526 of this act when issuing a farm exempt decal.

32 (4) A farm exempt decal may not be renewed. The status as an
33 exempt vehicle continues until suspended or revoked for misuse, or when
34 the vehicle is no longer used as a farm vehicle.

35 (5) The department may adopt rules to implement this section.

36 **Sec. 410.** RCW 46.16.028 and 1997 c 59 s 7 are each amended to read
37 as follows:

1 (1) For the purposes of vehicle (~~license~~) registration, a
2 resident is a person who manifests an intent to live or be located in
3 this state on more than a temporary or transient basis. Evidence of
4 residency includes, but is not limited to:

5 (a) Becoming a registered voter in this state; (~~or~~)

6 (b) Receiving benefits under one of the Washington public
7 assistance programs; or

8 (c) Declaring (~~that he or she is a resident~~) residency for the
9 purpose of obtaining a state license or tuition fees at resident rates.

10 (2) (~~The term~~) A natural person may be a resident of this state
11 even though that person has or claims residency or domicile in another
12 state or intends to leave this state at some future time. A natural
13 person is presumed a resident if the natural person meets at least two
14 of the following conditions:

15 (a) Maintains a residence in this state for personal use;

16 (b) Has a Washington state driver's license or a Washington state
17 resident hunting or fishing license;

18 (c) Uses a Washington state address for federal income tax or state
19 tax purposes;

20 (d) Has previously maintained a residence in this state for
21 personal use and has not established a permanent residence outside the
22 state of Washington, such as a person who retires and lives in a motor
23 home or vessel that is not permanently attached to any property;

24 (e) Claims this state as his or her residence for obtaining
25 eligibility to hold a public office or for judicial actions;

26 (f) Is a custodial parent with a child attending public schools in
27 this state.

28 (3) "Washington public assistance programs," as referred to in
29 subsection (1)(b) of this section, includes only public assistance
30 programs for which more than fifty percent of the combined costs of
31 benefits and administration are paid from state funds. (~~Programs~~
32 ~~which are not included within the term~~) "Washington public assistance
33 programs" (~~pursuant to the above criteria~~) does not include(~~, but~~
34 ~~are not limited to~~): The food stamp program under the federal food
35 stamp act of 1964; programs under the child nutrition act of 1966, 42
36 U.S.C. Secs. 1771 through 1788; and temporary assistance for needy
37 families.

1 ~~vehicle owned by a nonresident of this state only to the extent that~~
2 ~~under the laws of the state, foreign country, territory or federal~~
3 ~~district of his or her residence, like))~~

4 (2) This section applies only if the laws of the state, foreign
5 country, territory, or federal district of the nonresident's residence
6 allow similar exemptions and privileges ~~((are granted))~~ to vehicles
7 ~~((duly licensed))~~ registered under the laws of ~~((and owned by residents~~
8 ~~of this state. If under the laws of such))~~ the foreign state,
9 ~~((foreign))~~ country, territory, or federal district ~~((, vehicles owned~~
10 ~~by residents of this state, operating upon the highways of such state,~~
11 ~~foreign country, territory or federal district, are required to pay the~~
12 ~~license fee and carry the vehicle license number plates of such state,~~
13 ~~foreign country, territory or federal district, the vehicles owned by~~
14 ~~residents of such state, foreign country, territory or federal~~
15 ~~district, and operating upon the highways of this state, shall comply~~
16 ~~with the provisions of this state relating to the licensing of~~
17 ~~vehicles)).~~

18 (3) Foreign businesses owning, maintaining, or operating places of
19 business in this state and using vehicles in connection with ((such))
20 those places of business ~~((,))~~ shall comply with ~~((the provisions~~
21 ~~relating to the licensing of vehicles insofar as vehicles used in~~
22 ~~connection with such places of business are concerned))~~ this chapter.
23 Under provisions of the international registration plan, the nonmotor
24 vehicles of member and nonmember jurisdictions ~~((which))~~ that are
25 properly based and ~~((licensed))~~ registered in such jurisdictions ~~((are~~
26 ~~granted))~~ have reciprocity in this state as provided in RCW
27 46.87.070 ~~((+2))~~.

28 (4) The director ((is empowered to make)) may adopt and enforce
29 rules ((and regulations)) for the ((licensing)) registration of
30 nonresident vehicles ((upon)) on a reciprocal basis and with respect to
31 any character or class of operation.

32 **Sec. 413.** RCW 46.16.040 and 1987 c 244 s 2 are each amended to
33 read as follows:

34 ~~((Application for original vehicle license shall be made on [a]~~
35 ~~form furnished for the purpose by the department. Such application~~
36 ~~shall be made by the owner of the vehicle or duly authorized agent over~~

1 the signature of such owner or agent, and the applicant shall certify
2 that the statements therein are true to the best of the applicant's
3 knowledge. The application must show:

4 (1) Name and address of the owner of the vehicle and, if the
5 vehicle is subject to a security agreement, the name and address of the
6 secured party;

7 (2) Trade name of the vehicle, model, year, type of body, the
8 identification number thereof;

9 (3) The power to be used whether electric, steam, gas or other
10 power;

11 (4) The purpose for which said vehicle is to be used and the nature
12 of the license required;

13 (5) The licensed gross weight for such vehicle which in the case of
14 for hire vehicles and auto stages with seating capacity of more than
15 six shall be the adult seating capacity thereof, including the
16 operator, as provided for in RCW 46.16.111. In the case of motor
17 trucks, tractors, and truck tractors, the licensed gross weight shall
18 be the gross weight declared by the applicant pursuant to the
19 provisions of RCW 46.16.111;

20 (6) The unladen weight of such vehicle, if it be a motor truck or
21 trailer, which shall be the shipping weight thereof as given by the
22 manufacturer thereof unless another weight is shown by weight slip
23 verified by a certified weighmaster, which slip shall be attached to
24 the original application;

25 (7) Such other information as shall be required upon such
26 application by the department.))

27 (1) An owner or the owner's authorized representative must apply
28 for an original vehicle registration to the department, county auditor
29 or other agent, or subagent appointed by the director on a form
30 furnished by the department. The application must contain:

31 (a) A description of the vehicle, including its make, model,
32 vehicle identification number, type of body, and power to be used;

33 (b) The name and address of the person who is the registered owner
34 of the vehicle and, if the vehicle is subject to a security interest,
35 the name and address of the secured party;

36 (c) The purpose for which the vehicle is to be used;

37 (d) The licensed gross weight for the vehicle, which is:

1 (i) The adult seating capacity, including the operator, as provided
2 for in RCW 46.16.070(1) (as recodified by this act) if the vehicle will
3 be operated as a for hire vehicle or auto stage and has a seating
4 capacity of more than six; or

5 (ii) The gross weight declared by the applicant as required in RCW
6 46.16.070(2) (as recodified by this act) if the vehicle will be
7 operated as a motor truck, tractor, or truck tractor;

8 (e) The empty scale weight of the vehicle; and

9 (f) Other information that the department may require.

10 (2) The registered owner or the registered owner's authorized
11 representative shall sign the application for an original vehicle
12 registration and certify that the statements on the application are
13 true to the best of the applicant's knowledge.

14 (3) The application for an original vehicle registration must be
15 accompanied by a draft, money order, certified bank check, or cash for
16 all fees and taxes due for the application for an original vehicle
17 registration.

18 NEW SECTION. Sec. 414. A new section is added to chapter 46.16
19 RCW under the subchapter heading "general provisions" to read as
20 follows:

21 (1) The department may refuse to issue or may cancel a registration
22 at any time when the department determines that an applicant for
23 registration is not entitled to one. Notice of cancellation may be
24 accomplished by sending a notice by first-class mail using the last
25 known address in department records for the registered or legal owner
26 or owners, and completing an affidavit of first-class mail. It is
27 unlawful for any person to remove, drive, or operate the vehicle until
28 a proper registration certificate has been issued. A person removing,
29 driving, or operating a vehicle after the refusal to issue or
30 cancellation of the registration is guilty of a gross misdemeanor.

31 (2) The suspension, revocation, cancellation, or refusal by the
32 director of a registration certificate provided under this chapter is
33 conclusive unless the person whose registration or certificate is
34 suspended, revoked, canceled, or refused appeals to the superior court
35 of Thurston county or the person's county of residence.

36 (a) Notice of appeal must be filed within ten days after receipt of
37 the notice of suspension, revocation, cancellation, or refusal. Upon

1 the filing of the notice of appeal, the court shall issue an order to
2 the director to show cause why the registration should not be granted
3 or reinstated and return the order not less than ten days after the
4 date of service to the director. Service must be in the same manner as
5 prescribed for the service of a summons and complaint in other civil
6 actions.

7 (b) Upon the hearing on the order to show cause, the court shall
8 hear evidence concerning matters with reference to the suspension,
9 revocation, cancellation, or refusal of the registration and shall
10 enter judgment either affirming or setting aside the suspension,
11 revocation, cancellation, or refusal.

12 **Sec. 415.** RCW 46.16.045 and 2008 c 51 s 1 are each amended to read
13 as follows:

14 ~~(1) ((The department in its discretion may grant a temporary permit
15 to operate a vehicle for which application for registration has been
16 made, where such application is accompanied by the proper fee pending
17 action upon said application by the department.~~

18 ~~(2))~~ The department may authorize vehicle dealers properly
19 licensed ~~((pursuant to))~~ under chapters 46.09, 46.10, and 46.70 RCW to
20 issue temporary permits to operate vehicles under ~~((such))~~ rules ~~((and
21 regulations as))~~ adopted by the department ~~((deems appropriate))~~.

22 ~~((3))~~ (2) The ((fee)) department, county auditor or other agent,
23 or subagent appointed by the director shall collect the fee required
24 under section 535(1)(a) of this act for each temporary permit
25 application ((distributed)) sold to an authorized vehicle dealer
26 ((shall be fifteen dollars, five dollars of which shall be credited to
27 the payment of registration fees at the time application for
28 registration is made. The remainder shall be deposited to the state
29 patrol highway account)).

30 ~~((4))~~ (3) The payment of ((the registration)) vehicle license
31 fees to an authorized dealer is considered payment to the state of
32 Washington.

33 ~~((5) By July 1, 2009,))~~ (4) The department shall provide access to
34 a secure system that allows temporary permits issued by vehicle dealers
35 properly licensed ~~((pursuant to))~~ under chapters 46.09, 46.10, and
36 46.70 RCW to be generated and printed on demand. By July 1, 2011, all
37 such permits must be generated using the designated system.

1 **Sec. 416.** RCW 46.16.047 and 1961 c 12 s 46.16.047 are each amended
2 to read as follows:

3 ~~((Forms for such temporary permits shall be prescribed and
4 furnished by the department. Temporary permits shall bear consecutive
5 numbers, shall show the name and address of the applicant, trade name
6 of the vehicle, model, year, type of body, identification number and
7 date of application, and shall be such as may be affixed to the vehicle
8 at the time of issuance, and remain on such vehicle only during the
9 period of such registration and until the receipt of permanent license
10 plates. The application shall be registered in the office of the
11 person issuing the permit and shall be forwarded by him to the
12 department each day together with the fee accompanying it.~~

13 ~~A fee of fifty cents shall be charged by the person authorized to
14 issue such permit which shall be accounted for in the same manner as
15 the other fees collected by such officers, provided that such fees
16 collected by county auditors or their agents shall be paid to the
17 county treasurer in the same manner as other fees collected by the
18 county auditor and credited to the county current expense fund.))~~

19 (1) The department, county auditor or other agent, or subagent
20 appointed by the director may grant a temporary permit to operate a
21 vehicle for which an application for registration has been made. The
22 application for a temporary permit must be made by the owner or the
23 owner's representative to the department, county auditor or other
24 agent, or subagent appointed by the director on a form furnished by the
25 department and must contain:

26 (a) A full description of the vehicle, including its make, model,
27 vehicle identification number, and type of body;

28 (b) The name and address of the applicant;

29 (c) The date of application; and

30 (d) Other information that the department may require.

31 (2) Temporary permits must:

32 (a) Be consecutively numbered;

33 (b) Be displayed where it is visible from outside of the vehicle,
34 such as on the inside left side of the rear window; and

35 (c) Remain on the vehicle only until the receipt of permanent
36 license plates.

37 (3) The application must be accompanied by the fee required under
38 section 535(1)(b) of this act.

1 **Sec. 417.** RCW 46.16.048 and 1977 c 25 s 2 are each amended to read
2 as follows:

3 The department (~~(in its discretion)~~) may issue a temporary letter
4 of authority authorizing the movement of an (~~(unlicensed)~~) unregistered
5 vehicle or the temporary (~~(usage)~~) use of a special plate for the
6 purpose of promoting or participating in an event such as a parade,
7 pageant, fair, convention, or other special community activity. The
8 letter of authority may not be issued to or used by anyone for personal
9 gain, but public identification of the sponsor or owner of the donated
10 vehicle shall not be considered to be personal gain.

11 **Sec. 418.** RCW 46.16.068 and 1998 c 321 s 32 are each amended to
12 read as follows:

13 (~~(Trailing units which are subject to RCW 82.44.020(4) shall, upon~~
14 ~~application, be issued a permanent license plate that is valid until~~
15 ~~the vehicle is sold, permanently removed from the state, or otherwise~~
16 ~~disposed of by the registered owner. The fee for this license plate is~~
17 ~~thirty six dollars. Upon the sale, permanent removal from the state,~~
18 ~~or other disposition of a trailing unit bearing a permanent license~~
19 ~~plate the registered owner is required to return the license plate and~~
20 ~~registration certificate to the department. Violations of this section~~
21 ~~or misuse of a permanent license plate may subject the registered owner~~
22 ~~to prosecution or denial, or both, of future permanent registration of~~
23 ~~any trailing units. This section does not apply to any trailing units~~
24 ~~subject to the annual excise taxes prescribed in RCW 82.44.020. The~~
25 ~~department is authorized to adopt rules to implement this section for~~
26 ~~leased vehicles and other applications as necessary.))~~

27 (1) Trailers that are towed in combination with a truck, motor
28 truck, truck tractor, road tractor, or tractor and used to transport
29 loads in excess of forty thousand pounds combined gross weight may be
30 issued a permanent license plate and registration. The permanent
31 license plate and registration is valid until the trailer is sold,
32 permanently removed from the state, or otherwise disposed of by the
33 registered owner. The owner of the trailer shall:

34 (a) Apply for the permanent license plate and registration with the
35 department, county auditor or other agent, or subagent;

36 (b) Pay the combination trailer license plate fee required under

1 section 516 of this act in addition to any other fee or taxes due by
2 law; and

3 (c) Return the license plate and registration certificate to the
4 department if the trailer is sold, permanently removed from the state,
5 or otherwise disposed of.

6 (2) The permanent license plate and registration authorized in
7 subsection (1) of this section may not be issued to trailers that haul
8 logs.

9 (3) A violation of this section or misuse of a permanent license
10 plate may subject the registered owner to prosecution or denial, or
11 both, of future permanent registration of any trailer.

12 (4) The department may adopt rules to implement this section for
13 leased vehicles and other applications as necessary.

14 **Sec. 419.** RCW 46.16.070 and 2005 c 314 s 204 are each amended to
15 read as follows:

16 ~~((1) In lieu of all other vehicle licensing fees, unless~~
17 ~~specifically exempt, and in addition to the mileage fees prescribed for~~
18 ~~buses and stages in RCW 46.16.125, there shall be paid and collected~~
19 ~~annually for each truck, motor truck, truck tractor, road tractor,~~
20 ~~tractor, bus, auto stage, or for hire vehicle with seating capacity of~~
21 ~~more than six, based upon the declared combined gross weight or~~
22 ~~declared gross weight under chapter 46.44 RCW, the following licensing~~
23 ~~fees by weight:~~

	WEIGHT	SCHEDULE A	SCHEDULE B
24			
25	4,000 lbs.....	\$ 40.00.....	\$ 40.00
26	6,000 lbs.....	\$ 50.00.....	\$ 50.00
27	8,000 lbs.....	\$ 60.00.....	\$ 60.00
28	10,000 lbs.....	\$ 62.00.....	\$ 62.00
29	12,000 lbs.....	\$ 79.00.....	\$ 79.00
30	14,000 lbs.....	\$ 90.00.....	\$ 90.00
31	16,000 lbs.....	\$ 102.00.....	\$ 102.00
32	18,000 lbs.....	\$ 154.00.....	\$ 154.00
33	20,000 lbs.....	\$ 171.00.....	\$ 171.00
34	22,000 lbs.....	\$ 185.00.....	\$ 185.00
35	24,000 lbs.....	\$ 200.00.....	\$ 200.00
36	26,000 lbs.....	\$ 211.00.....	\$ 211.00
37	28,000 lbs.....	\$ 249.00.....	\$ 249.00

1	30,000 lbs.....	\$ 287.00.....	\$ 287.00
2	32,000 lbs.....	\$ 346.00.....	\$ 346.00
3	34,000 lbs.....	\$ 368.00.....	\$ 368.00
4	36,000 lbs.....	\$ 399.00.....	\$ 399.00
5	38,000 lbs.....	\$ 438.00.....	\$ 438.00
6	40,000 lbs.....	\$ 501.00.....	\$ 501.00
7	42,000 lbs.....	\$ 521.00.....	\$ 611.00
8	44,000 lbs.....	\$ 532.00.....	\$ 622.00
9	46,000 lbs.....	\$ 572.00.....	\$ 662.00
10	48,000 lbs.....	\$ 596.00.....	\$ 686.00
11	50,000 lbs.....	\$ 647.00.....	\$ 737.00
12	52,000 lbs.....	\$ 680.00.....	\$ 770.00
13	54,000 lbs.....	\$ 734.00.....	\$ 824.00
14	56,000 lbs.....	\$ 775.00.....	\$ 865.00
15	58,000 lbs.....	\$ 806.00.....	\$ 896.00
16	60,000 lbs.....	\$ 859.00.....	\$ 949.00
17	62,000 lbs.....	\$ 921.00.....	\$ 1,011.00
18	64,000 lbs.....	\$ 941.00.....	\$ 1,031.00
19	66,000 lbs.....	\$ 1,048.00.....	\$ 1,138.00
20	68,000 lbs.....	\$ 1,093.00.....	\$ 1,183.00
21	70,000 lbs.....	\$ 1,177.00.....	\$ 1,267.00
22	72,000 lbs.....	\$ 1,259.00.....	\$ 1,349.00
23	74,000 lbs.....	\$ 1,368.00.....	\$ 1,458.00
24	76,000 lbs.....	\$ 1,478.00.....	\$ 1,568.00
25	78,000 lbs.....	\$ 1,614.00.....	\$ 1,704.00
26	80,000 lbs.....	\$ 1,742.00.....	\$ 1,832.00
27	82,000 lbs.....	\$ 1,863.00.....	\$ 1,953.00
28	84,000 lbs.....	\$ 1,983.00.....	\$ 2,073.00
29	86,000 lbs.....	\$ 2,104.00.....	\$ 2,194.00
30	88,000 lbs.....	\$ 2,225.00.....	\$ 2,315.00
31	90,000 lbs.....	\$ 2,346.00.....	\$ 2,436.00
32	92,000 lbs.....	\$ 2,466.00.....	\$ 2,556.00
33	94,000 lbs.....	\$ 2,587.00.....	\$ 2,677.00
34	96,000 lbs.....	\$ 2,708.00.....	\$ 2,798.00
35	98,000 lbs.....	\$ 2,829.00.....	\$ 2,919.00
36	100,000 lbs.....	\$ 2,949.00.....	\$ 3,039.00
37	102,000 lbs.....	\$ 3,070.00.....	\$ 3,160.00
38	104,000 lbs.....	\$ 3,191.00.....	\$ 3,281.00
39	105,500 lbs.....	\$ 3,312.00.....	\$ 3,402.00

40 (~~Schedule A applies to vehicles either used exclusively for~~
41 ~~hauling logs or that do not tow trailers. Schedule B applies to~~
42 ~~vehicles that tow trailers and are not covered under Schedule A.~~

1 ~~Every truck, motor truck, truck tractor, and tractor exceeding~~
2 ~~6,000 pounds empty scale weight registered under chapter 46.16, 46.87,~~
3 ~~or 46.88 RCW shall be licensed for not less than one hundred fifty~~
4 ~~percent of its empty weight unless the amount would be in excess of the~~
5 ~~legal limits prescribed for such a vehicle in RCW 46.44.041 or~~
6 ~~46.44.042, in which event the vehicle shall be licensed for the maximum~~
7 ~~weight authorized for such a vehicle or unless the vehicle is used only~~
8 ~~for the purpose of transporting any well drilling machine, air~~
9 ~~compressor, rock crusher, conveyor, hoist, donkey engine, cook house,~~
10 ~~tool house, bunk house, or similar machine or structure attached to or~~
11 ~~made a part of such vehicle.~~

12 ~~The following provisions apply when increasing gross or combined~~
13 ~~gross weight for a vehicle licensed under this section:~~

14 ~~(a) The new license fee will be one twelfth of the fee listed above~~
15 ~~for the new gross weight, multiplied by the number of months remaining~~
16 ~~in the period for which licensing fees have been paid, including the~~
17 ~~month in which the new gross weight is effective.~~

18 ~~(b) Upon surrender of the current certificate of registration or~~
19 ~~cab card, the new licensing fees due shall be reduced by the amount of~~
20 ~~the licensing fees previously paid for the same period for which new~~
21 ~~fees are being charged.~~

22 ~~(2) The proceeds from the fees collected under subsection (1) of~~
23 ~~this section shall be distributed in accordance with RCW 46.68.035.~~

24 ~~(3) In lieu of the gross weight fee under subsection (1) of this~~
25 ~~section, farm vehicles may be licensed upon payment of the fee in~~
26 ~~effect under subsection (1) of this section on May 1, 2005. In order~~
27 ~~to qualify for the reduced fee under this subsection, the farm vehicle~~
28 ~~must be exempt from property taxes in accordance with RCW 84.36.630.~~
29 ~~The applicant must submit copies of the forms required under RCW~~
30 ~~84.36.630. The application for the reduced fee under this subsection~~
31 ~~shall require the applicant to attest that the vehicle shall be used~~
32 ~~primarily for farming purposes. The department shall provide licensing~~
33 ~~agents and subagents with a schedule of the appropriate licensing fees~~
34 ~~for farm vehicles.)~~

35 (1) Auto stage, bus, for hire vehicle - more than six seats. The
36 declared gross weight for an auto stage, bus, or for hire vehicle,
37 except taxicabs, with a seating capacity of more than six is determined
38 by:

1 (a) Multiplying the number of seats, including the driver, times
2 one hundred fifty pounds per seat;

3 (b) Adding the scale weight to the product derived in (a) of this
4 subsection; and

5 (c) Locating the sum derived in (b) of this subsection in the
6 registration fee based on declared gross weight table provided in
7 section 530 of this act and rounding up to the next greater weight.

8 (2) **Motor truck, road tractor, truck, truck tractor - sufficient**
9 **declared gross weight required.** The declared gross weight for a motor
10 truck, road tractor, truck, or truck tractor must have a sufficient
11 declared gross weight, as required under chapter 46.44 RCW, to cover:

12 (a) Its empty scale weight plus the maximum load it will carry; and

13 (b) The empty scale weight of any trailer it will tow and the
14 maximum load that the trailer will carry. The declared gross weight of
15 the motor vehicle does not need to include the trailer if:

16 (i) The empty scale weight of the trailer and the maximum load the
17 trailer will carry does not exceed four thousand pounds; or

18 (ii) The trailer is for personal use, such as a horse trailer,
19 travel trailer, or utility trailer.

20 (3) **Motor truck, road tractor, truck, and truck tractor - exceeding**
21 **six thousand pounds empty scale weight.** Every truck, motor truck,
22 truck tractor, and tractor exceeding six thousand pounds empty scale
23 weight registered under chapter 46.16 or 46.87 RCW must be licensed for
24 not less than one hundred fifty percent of its empty weight unless:

25 (a) The amount would exceed the legal limits described in RCW
26 46.44.041 or 46.44.042, in which event the vehicle must be licensed for
27 the maximum weight authorized for the vehicle; or

28 (b) The vehicle is a fixed load vehicle.

29 (4) **Increasing declared gross weight.** The following provisions
30 apply when increasing declared gross weight for a motor vehicle
31 licensed under this section:

32 (a) The declared gross weight must be increased to the end of the
33 current registration year when the declared gross weight remains at
34 12,000 pounds or less.

35 (b) For motor vehicles increasing to a declared gross weight of
36 14,000 pounds or more, the declared gross weight must be increased, at
37 a minimum, to the expiration of the current declared gross weight
38 license.

1 (c) The new license fee is one-twelfth of the annual license fee
2 listed in section 530 of this act for each of the number of months
3 remaining in the registration period. The department shall:

4 (i) Apply credit to any gross weight license fees already paid for
5 the full months remaining in the registration period;

6 (ii) Charge the monthly declared gross weight license fee required
7 under section 532 of this act, in addition to any other fees or taxes
8 due; and

9 (iii) Not apply credit to monthly declared gross weight license
10 fees already used.

11 (d) (c) of this subsection does not apply to motor vehicles
12 described in (a) of this subsection.

13 (e) Upon surrender of the current registration certificate or cab
14 card, credit must be applied as described in (c) of this subsection.

15 (5) **Monthly license--Authorized.** The annual license fees required
16 in section 530 of this act for any motor vehicle or combination of
17 vehicles having a declared gross weight of twelve thousand one pounds
18 or more may be paid for any full registration month or months at one-
19 twelfth of the annual license fee plus the monthly declared gross
20 weight license fee required in section 532 of this act. This sum must
21 be multiplied by the number of full months for which the fees are paid
22 if for less than a full year.

23 (6) **Monthly license--Penalty.** Operation of a vehicle registered
24 under subsection (5) of this section by any person upon the public
25 highways after the expiration of the monthly license is a traffic
26 infraction. The person shall pay a license fee for the vehicle
27 involved covering an entire registration year's operation, less the
28 fees for any registration month or months of the registration year
29 already paid. If, within five days, a license fee for a full
30 registration year has not been paid as required, the Washington state
31 patrol, county sheriff, or city police shall impound the vehicle until
32 the fees have been paid.

33 (7) **Camper, school bus--Exemptions.** (a) The weight of a camper
34 must not be included when determining declared gross weight.

35 (b) Motor vehicles used for the transportation of school children
36 or teachers to and from school and other school activities are exempt
37 from subsection (1) of this section and the seating capacity fee

1 provided in section 529 of this act. If the motor vehicle is used for
2 any other purpose, it must be appropriately registered as required
3 under this chapter.

4 (8) **Credit for unused license fee.** A registered owner of a motor
5 vehicle with a declared gross weight of more than twelve thousand
6 pounds may obtain credit for the unused portion of the license fee paid
7 or transfer the credit to a new owner under the following conditions:

8 (a) The motor vehicle must have been recently sold or transferred
9 to another owner, is no longer in the possession of the owner, or is
10 reported destroyed under RCW 46.12.070 (as recodified by this act);

11 (b) The available credit must be fifteen dollars or more;

12 (c) Credit will be given for any unused months of the declared
13 gross weight license already purchased at the rate of one-twelfth for
14 each full or partial month of registration;

15 (d) Credit only applies to license fees due under section 530 of
16 this act for the registration year for which it was purchased;

17 (e) Credit as used in this section may not be refunded.

18 **Sec. 420.** RCW 46.16.076 and 2009 c 512 s 1 are each amended to
19 read as follows:

20 ~~((1)(a) Except as otherwise provided in this section, the~~
21 ~~department shall collect from the owners of vehicles registered under~~
22 ~~RCW 46.16.0621 and vehicles licensed under RCW 46.16.070 with a~~
23 ~~declared gross weight of ten thousand pounds or less a voluntary~~
24 ~~donation of five dollars at the time of initial or renewal~~
25 ~~registration. The donation must be deposited in the state parks~~
26 ~~renewal and stewardship account established in RCW 79A.05.215 to be~~
27 ~~used for the operation and maintenance of state parks.~~

28 ~~(b) The donation required under this section may not be collected~~
29 ~~from any vehicle owner actively opting not to participate in the~~
30 ~~donation program. The department shall ensure that the opt-out~~
31 ~~donation under this section shall be clear, visible, and prominently~~
32 ~~displayed in both paper and online vehicle registration renewals.~~
33 ~~Notification of intent to not participate in the donation program must~~
34 ~~be provided annually at the time of vehicle registration renewal.~~

35 ~~(2) This section applies to registrations due or to become due on~~
36 ~~or after September 1, 2009.)~~

1 (1) The department, county auditor or other agent, or subagent
2 appointed by the director shall provide an opportunity for a vehicle
3 owner to make a voluntary donation as provided in this section when
4 applying for an initial or renewal vehicle registration.

5 (2)(a) A vehicle owner who registers a vehicle under this chapter
6 may donate one dollar or more to the organ and tissue donation
7 awareness account to promote the donation of organs and tissues under
8 the uniform anatomical gift act as described in chapter 68.64 RCW. The
9 donation of one or more dollars is voluntary and may be refused by the
10 vehicle owner.

11 (b) The department, county auditor or other agent, or subagent
12 appointed by the director shall:

13 (i) Ask a vehicle owner applying for a vehicle registration if the
14 owner would like to donate one dollar or more;

15 (ii) Inform a vehicle owner of the option for organ and tissue
16 donations as required under RCW 46.20.113; and

17 (iii) Make information booklets or other informational material
18 available regarding the importance of organ and tissue donations to
19 vehicle owners.

20 (c) All reasonable costs associated with the creation of the
21 donation program created under this section must be paid proportionally
22 or by another agreement by a participating Washington state organ
23 procurement organization established for organ and tissue donation
24 awareness purposes by the Washington state organ procurement
25 organizations. For the purposes of this section, "reasonable costs"
26 and "Washington state organ procurement organization" have the same
27 meaning as in RCW 68.64.010.

28 (3) The department shall collect from a vehicle owner who pays a
29 vehicle license fee under section 531(1) (a), (d), (e), (g), (h), (j),
30 (n), (o), or (q) of this act or who registers a vehicle under RCW
31 46.16.070 (as recodified by this act) with a declared gross weight of
32 ten thousand pounds or less a voluntary donation of five dollars. The
33 donation may not be collected from any vehicle owner actively opting
34 not to participate in the donation program. The department shall
35 ensure that the opt-out donation under this section is clear, visible,
36 and prominently displayed in both paper and online vehicle registration
37 renewals. Notification of intent to not participate in the donation
38 program must be provided annually at the time of vehicle registration

1 renewal. The donation must be deposited in the state parks renewal and
2 stewardship account established in RCW 79A.05.215 to be used for the
3 operation and maintenance of state parks.

4 **Sec. 421.** RCW 46.16.086 and 2006 c 337 s 2 are each amended to
5 read as follows:

6 ~~((In lieu of the license tab fees provided in RCW 46.16.0621,~~
7 ~~private use single-axle trailers of two thousand pounds scale weight or~~
8 ~~less may be licensed upon the payment of a license fee in the sum of~~
9 ~~fifteen dollars, but only if)) Private use single-axle trailers of two
10 thousand pounds scale weight or less may qualify for a reduced vehicle
11 license fee described in section 531(1)(k) of this act. To qualify for
12 the reduced vehicle license fee:~~

13 (1) The trailer ~~((is))~~ must be operated upon public highways~~((--))~~;

14 (2) The vehicle license fee must be collected annually for each
15 registration year or fraction of a registration year~~((--This reduced~~
16 license fee applies only to)); and

17 (3) The trailer~~((s))~~ must be operated for personal use of the
18 owner~~((s,))~~ and not ~~((trailers))~~ held for rental to the public or used
19 in any commercial or business endeavor. ~~((The proceeds from the fees~~
20 collected under this section shall be distributed in accordance with
21 RCW 46.68.035(2).))

22 NEW SECTION. **Sec. 422.** A new section is added to chapter 46.16
23 RCW under the subchapter heading "general provisions" to read as
24 follows:

25 (1) **Design.** All license plates may be obtained by the director
26 from the metal working plant of a state correctional facility or from
27 any source in accordance with existing state of Washington purchasing
28 procedures. License plates:

29 (a) May vary in background, color, and design;

30 (b) Must be legible and clearly identifiable as a Washington state
31 license plate;

32 (c) Must designate the name of the state of Washington without
33 abbreviation;

34 (d) Must be treated with fully reflectorized materials designed to
35 increase visibility and legibility at night;

1 (e) Must be of a size and color and show the registration period as
2 determined by the director; and

3 (f) May display a symbol or artwork approved by the special license
4 plate review board and the legislature.

5 (2) **Exceptions to reflectorized materials.** License plates issued
6 before January 1, 1968, are not required to be treated with
7 reflectorized materials.

8 (3) **Dealer license plates.** License plates issued to a dealer must
9 contain an indication that the license plates have been issued to a
10 vehicle dealer.

11 (4)(a) **Furnished.** The director shall furnish to all persons making
12 satisfactory application for a vehicle registration:

13 (i) Two identical license plates each containing the license plate
14 number; or

15 (ii) One license plate if the vehicle is a trailer, semitrailer,
16 camper, moped, collector vehicle, horseless carriage, or motorcycle.

17 (b) The director may adopt types of license plates to be used as
18 long as the license plates are legible.

19 (5)(a) **Display.** License plates must be:

20 (i) Attached conspicuously at the front and rear of each vehicle if
21 two license plates have been issued;

22 (ii) Attached to the rear of the vehicle if one license plate has
23 been issued;

24 (iii) Kept clean and be able to be plainly seen and read at all
25 times; and

26 (iv) Attached in a horizontal position at a distance of not more
27 than four feet from the ground.

28 (b) The Washington state patrol may grant exceptions to this
29 subsection if the body construction of the vehicle makes compliance
30 with this section impossible.

31 (6) **Change of license classification.** A person who has altered a
32 vehicle that makes the current license plate or plates invalid for the
33 vehicle's use shall:

34 (a) Surrender the current license plate or plates to the
35 department, county auditor or other agent, or subagent appointed by the
36 director;

37 (b) Apply for a new license plate or plates; and

1 (c) Pay a change of classification fee required under section 523
2 of this act.

3 (7) **Unlawful acts.** It is unlawful to:

4 (a) Display a license plate or plates on the front or rear of any
5 vehicle that were not issued by the director for the vehicle;

6 (b) Display a license plate or plates on any vehicle that have been
7 changed, altered, or disfigured, or have become illegible;

8 (c) Use holders, frames, or other materials that change, alter, or
9 make a license plate or plates illegible. License plate frames may be
10 used on license plates only if the frames do not obscure license tabs
11 or identifying letters or numbers on the plates and the license plates
12 can be plainly seen and read at all times;

13 (d) Operate a vehicle unless a valid license plate or plates are
14 attached as required under this section;

15 (e) Transfer a license plate or plates issued under this chapter
16 between two or more vehicles without first making application to
17 transfer the license plates. A violation of this subsection (7)(e) is
18 a traffic infraction subject to a fine not to exceed five hundred
19 dollars. Any law enforcement agency that determines that a license
20 plate or plates have been transferred between two or more vehicles
21 shall confiscate the license plate or plates and return them to the
22 department for nullification along with full details of the reasons for
23 confiscation. Each vehicle identified in the transfer will be issued
24 a new license plate or plates upon application by the owner or owners
25 and the payment of full fees and taxes; or

26 (f) Fail, neglect, or refuse to endorse the registration
27 certificate and deliver the license plate or plates to the purchaser or
28 transferee of the vehicle, except as authorized under this section.

29 (8) **Transfer.** (a) Standard issue license plates follow the vehicle
30 when ownership of the vehicle changes unless the registered owner
31 wishes to retain the license plates and transfer them to a replacement
32 vehicle of the same use. A registered owner wishing to keep standard
33 issue license plates shall pay the license plate transfer fee required
34 under section 518(1)(c) of this act when applying for license plate
35 transfer.

36 (b) Special license plates may be treated in the same manner as
37 described in (a) of this subsection unless otherwise limited by law.

1 (c) License plates issued to the state or any county, city, town,
2 school district, or other political subdivision entitled to exemption
3 as provided by law may be treated in the same manner as described in
4 (a) of this subsection.

5 (9) **Replacement.** (a) An owner or the owner's authorized
6 representative shall apply for a replacement license plate or plates if
7 the current license plate or plates assigned to the vehicle have been
8 lost, defaced, or destroyed, or if one or both plates have become so
9 illegible or are in such a condition as to be difficult to distinguish.
10 An owner or the owner's authorized representative may apply for a
11 replacement license plate or plates at any time the owner chooses.

12 (b) The application for a replacement license plate or plates must:

13 (i) Be on a form furnished or approved by the director; and

14 (ii) Be accompanied by the fee required under section 518(1)(a) of
15 this act.

16 (c) The department shall not require the payment of any fee to
17 replace a license plate or plates for vehicles owned, rented, or leased
18 by foreign countries or international bodies to which the United States
19 government is a signatory by treaty.

20 (10)(a) **Periodic replacement.** License plates must be replaced
21 periodically to ensure maximum legibility and reflectivity. The
22 department shall:

23 (i) Use empirical studies documenting the longevity of the
24 reflective materials used to make license plates;

25 (ii) Determine how frequently license plates must be replaced; and

26 (iii) Offer to owners the option of retaining the current license
27 plate number when obtaining replacement license plates for the fee
28 required in section 518(1)(b) of this act.

29 (b) Commercial motor vehicles with a gross weight in excess of
30 twenty-six thousand pounds are exempt from periodic license plate
31 replacement.

32 (11) **Periodic replacement--exceptions.** The following license
33 plates are not required to be periodically replaced as required in
34 subsection (10) of this section:

35 (a) Horseless carriage license plates issued under section 623 of
36 this act before January 1, 1987;

37 (b) Congressional Medal of Honor license plates issued under
38 section 618 of this act;

1 (c) License plates for commercial motor vehicles with a gross
2 weight greater than twenty-six thousand pounds.

3 (12) **Rules.** The department may adopt rules to implement this
4 section.

5 (13) **Tabs or emblems.** The director may issue tabs or emblems to be
6 attached to license plates or elsewhere on the vehicle to signify
7 initial registration and renewals. Renewals become effective when tabs
8 or emblems have been issued and properly displayed on license plates.

9 **Sec. 423.** RCW 46.16.090 and 1989 c 156 s 3 are each amended to
10 read as follows:

11 ~~((Motor trucks, truck tractors, and tractors may be specially
12 licensed based on the declared gross weight thereof for the various
13 amounts set forth in the schedule provided in RCW 46.16.070 less
14 twenty-three dollars; divide the difference by two and add twenty-three
15 dollars, when such vehicles are owned and operated by farmers, but only
16 if the following condition or conditions exist:~~

17 ~~(1) When such vehicles are to be used for the transportation of the
18 farmer's own farm, orchard, or dairy products, or the farmer's own
19 private sector cultured aquatic products as defined in RCW 15.85.020,
20 from point of production to market or warehouse, and of supplies to be
21 used on the farmer's farm. Fish other than those that are such private
22 sector cultured aquatic products and forestry products are not
23 considered as farm products; and/or~~

24 ~~(2) When such vehicles are to be used for the infrequent or
25 seasonal transportation by one farmer for another farmer in the
26 farmer's neighborhood of products of the farm, orchard, dairy, or
27 aquatic farm owned by the other farmer from point of production to
28 market or warehouse, or supplies to be used on the other farm, but only
29 if transportation for another farmer is for compensation other than
30 money. Farmers shall be permitted an allowance of an additional eight
31 thousand pounds, within the legal limits, on such vehicles, when used
32 in the transportation of the farmer's own farm machinery between the
33 farmer's own farm or farms and for a distance of not more than thirty-
34 five miles from the farmer's farm or farms.~~

35 ~~The department shall prepare a special form of application to be
36 used by farmers applying for licenses under this section, which form
37 shall contain a statement to the effect that the vehicle concerned will~~

1 ~~be used subject to the limitations of this section. The department~~
2 ~~shall prepare special insignia which shall be placed upon all such~~
3 ~~vehicles to indicate that the vehicle is specially licensed, or may, in~~
4 ~~its discretion, substitute a special license plate for such vehicle for~~
5 ~~such designation.~~

6 ~~Operation of such a specially licensed vehicle in transportation~~
7 ~~upon public highways in violation of the limitations of this section is~~
8 ~~a traffic infraction.))~~

9 (1) Motor trucks, truck tractors, and tractors owned and operated
10 by farmers may receive a reduction in gross weight license fees as
11 described in section 527 of this act only if the vehicle is used
12 exclusively to transport:

13 (a) The farmer's own farm, orchard, dairy, or private sector
14 cultured aquatic products as defined in RCW 15.85.020, from point of
15 production to market or warehouse. Fish other than private sector
16 cultured aquatic products or forestry products are not considered farm
17 products;

18 (b) Supplies used on the farmer's farm; or

19 (c) Products owned by the farm as listed in (a) of this subsection
20 for another farmer in the neighborhood on a seasonal or infrequent
21 basis. This may only be for compensation other than money.

22 (2) Farm vehicles that meet the requirements provided in subsection
23 (1)(a) through (c) of this section may receive a reduction in gross
24 weight license fees if the farm is exempt from property taxes under RCW
25 84.36.630. The reduction is the reduced gross weight license fee
26 provided in section 527 of this act. To qualify for the additional
27 gross weight license fee reduction, the farmer must submit copies of
28 the forms as required under RCW 84.36.630.

29 (3) An additional eight thousand pounds gross weight within the
30 legal limits on farm vehicles may be used if the farmer is transporting
31 the farmer's own farm machinery between the farmer's own farm or farms
32 and for a distance of not more than thirty-five miles.

33 (4) The application for a reduced gross weight license fee must be
34 made by the farmer or the farmer's authorized representative to the
35 department, county auditor or other agent, or subagent appointed by the
36 director on a form furnished or approved by the department and must
37 contain a statement that the vehicle will be used subject to the
38 limitations of this section.

1 (5) The department, county auditor or other agent, or subagent
2 appointed by the director shall issue a unique series of license tabs
3 for farm vehicles registered under this section. Farm tabs must be
4 placed on all farm vehicles registered under this section to indicate
5 that the vehicle is registered as a farm vehicle. The department may
6 substitute a special license plate for farm vehicles.

7 (6) It is a traffic infraction to operate a farm vehicle registered
8 under this section on the public highways in violation of the
9 limitations of this section.

10 **Sec. 424.** RCW 46.16.125 and 1997 c 215 s 2 are each amended to
11 read as follows:

12 In addition to the license fees required ((by)) under section 530
13 of this act for registering vehicles under RCW 46.16.070 (as recodified
14 by this act), operators of auto stages with seating capacity over six
15 shall pay, at the time they file gross earning returns with the
16 utilities and transportation commission, the sum of fifteen cents for
17 each one hundred vehicle miles operated by each auto stage over the
18 public highways of this state. However, in the case of each auto stage
19 propelled by steam, electricity, natural gas, diesel oil, butane, or
20 propane, the payment required in this section is twenty cents per one
21 hundred miles of such operation. The commission shall transmit all
22 sums so collected to the state treasurer, who shall deposit the same in
23 the motor vehicle fund. Any person failing to make any payment
24 required by this section is subject to a penalty of one hundred percent
25 of the payment due in this section, in addition to any penalty provided
26 for failure to submit a report. Any penalties so collected shall be
27 credited to the public service revolving fund.

28 **Sec. 425.** RCW 46.16.160 and 2007 c 419 s 6 are each amended to
29 read as follows:

30 ~~((1) The owner of a vehicle which under reciprocal relations with~~
31 ~~another jurisdiction would be required to obtain a license registration~~
32 ~~in this state or an unlicensed vehicle which would be required to~~
33 ~~obtain a license registration for operation on public highways of this~~
34 ~~state may, as an alternative to such license registration, secure and~~
35 ~~operate such vehicle under authority of a trip permit issued by this~~
36 ~~state in lieu of a Washington certificate of license registration, and~~

1 licensed gross weight if applicable. The licensed gross weight may not
2 exceed eighty thousand pounds for a combination of vehicles nor forty
3 thousand pounds for a single unit vehicle with three or more axles.
4 Trip permits are required for movement of mobile homes or park model
5 trailers and may only be issued if property taxes are paid in full.
6 For the purpose of this section, a vehicle is considered unlicensed if
7 the licensed gross weight currently in effect for the vehicle or
8 combination of vehicles is not adequate for the load being carried.
9 Vehicles registered under RCW 46.16.135 shall not be operated under
10 authority of trip permits in lieu of further registration within the
11 same registration year.

12 (2) Each trip permit shall authorize the operation of a single
13 vehicle at the maximum legal weight limit for such vehicle for a period
14 of three consecutive days commencing with the day of first use. No
15 more than three such permits may be used for any one vehicle in any
16 period of thirty consecutive days, except that in the case of a
17 recreational vehicle as defined in RCW 43.22.335, no more than two trip
18 permits may be used for any one vehicle in a one-year period. Every
19 permit shall identify, as the department may require, the vehicle for
20 which it is issued and shall be completed in its entirety and signed by
21 the operator before operation of the vehicle on the public highways of
22 this state. Correction of data on the permit such as dates, license
23 number, or vehicle identification number invalidates the permit. The
24 trip permit shall be displayed on the vehicle to which it is issued as
25 prescribed by the department.

26 (3) Vehicles operating under authority of trip permits are subject
27 to all laws, rules, and regulations affecting the operation of like
28 vehicles in this state.

29 (4) Prorate operators operating commercial vehicles on trip permits
30 in Washington shall retain the customer copy of such permit for four
31 years.

32 (5) Trip permits may be obtained from field offices of the
33 department of transportation, department of licensing, or other agents
34 appointed by the department. The fee for each trip permit is twenty
35 dollars. Five dollars from every twenty-dollar trip permit fee shall
36 be deposited into the state patrol highway account and must be used for
37 commercial motor vehicle inspections. For each permit issued, the fee
38 includes a filing fee as provided by RCW 46.01.140 and an excise tax of

1 one dollar. The remaining portion of the trip permit fee must be
2 deposited to the credit of the motor vehicle fund as an administrative
3 fee. If the filing fee amount of three dollars as prescribed in RCW
4 46.01.140 is increased or decreased after July 1, 2002, the
5 administrative fee must be increased or decreased by the same amount so
6 that the total trip permit would be adjusted equally to compensate.
7 These fees and taxes are in lieu of all other vehicle license fees and
8 taxes. No exchange, credits, or refunds may be given for trip permits
9 after they have been purchased.

10 (6) The department may appoint county auditors or businesses as
11 agents for the purpose of selling trip permits to the public. County
12 auditors or businesses so appointed may retain the filing fee collected
13 for each trip permit to defray expenses incurred in handling and
14 selling the permits.

15 (7) Commercial motor vehicles that are owned by a motor carrier
16 subject to RCW 46.32.080, must not be operated on trip permits
17 authorized by RCW 46.16.160 or 46.16.162 if the motor carrier's
18 department of transportation number has been placed out of service by
19 the Washington state patrol. A violation of or a failure to comply
20 with this subsection is a gross misdemeanor, subject to a minimum
21 monetary penalty of two thousand five hundred dollars for the first
22 violation and five thousand dollars for each subsequent violation.

23 (8) Except as provided in subsection (7) of this section, a
24 violation of or a failure to comply with any provision of this section
25 is a gross misdemeanor.

26 (9) The department of licensing may adopt rules as it deems
27 necessary to administer this section.

28 (10) A surcharge of five dollars is imposed on the issuance of trip
29 permits. The portion of the surcharge paid by motor carriers must be
30 deposited in the motor vehicle fund for the purpose of supporting
31 vehicle weigh stations, weigh-in-motion programs, and the commercial
32 vehicle information systems and networks program. The remaining
33 portion of the surcharge must be deposited in the motor vehicle fund
34 for the purpose of supporting congestion relief programs. All other
35 administrative fees and excise taxes collected under the provisions of
36 this chapter shall be forwarded by the department with proper
37 identifying detailed report to the state treasurer who shall deposit
38 the administrative fees to the credit of the motor vehicle fund and the

1 ~~excise taxes to the credit of the general fund. Filing fees will be~~
2 ~~forwarded and reported to the state treasurer by the department as~~
3 ~~prescribed in RCW 46.01.140-))~~

4 (1)(a) A vehicle owner may operate an unregistered vehicle on
5 public highways under the authority of a trip permit issued by this
6 state. For purposes of trip permits, a vehicle is considered
7 unregistered if:

8 (i) Under reciprocal relations with another jurisdiction, the owner
9 would be required to register the vehicle in this state;

10 (ii) The license tabs have expired; or

11 (iii) The current gross weight license is insufficient for the load
12 being carried. The licensed gross weight may not exceed eighty
13 thousand pounds for a combination of vehicles or forty thousand pounds
14 for a single unit vehicle with three or more axles.

15 (b) Trip permits are required to move mobile homes or park model
16 trailers and may only be issued if property taxes are paid in full.

17 (2) Trip permits may not be:

18 (a) Issued to vehicles registered under RCW 46.16.070(5) (as
19 recodified by this act) in lieu of further registration within the same
20 registration year; or

21 (b) Used for commercial motor vehicles owned by a motor carrier
22 subject to RCW 46.32.080 if the motor carrier's department of
23 transportation number has been placed out of service by the Washington
24 state patrol. A violation of or a failure to comply with this
25 subsection is a gross misdemeanor, subject to a minimum monetary
26 penalty of two thousand five hundred dollars for the first violation
27 and five thousand dollars for each subsequent violation.

28 (3)(a) Each trip permit authorizes the operation of a single
29 vehicle at the maximum legal weight limit for the vehicle for a period
30 of three consecutive days beginning with the day of first use. No more
31 than three trip permits may be used for any one vehicle in any thirty
32 consecutive day period. No more than two trip permits may be used for
33 any one recreational vehicle, as defined in RCW 43.22.335, in a one-
34 year period. Every trip permit must:

35 (i) Identify the vehicle for which it is issued;

36 (ii) Be completed in its entirety;

37 (iii) Be signed by the operator before operation of the vehicle on
38 the public highways of this state;

1 (iv) Not be altered or corrected. Altering or correcting data on
2 the trip permit invalidates the trip permit; and

3 (v) Be displayed on the vehicle for which it is issued as required
4 by the department.

5 (b) Vehicles operating under the authority of trip permits are
6 subject to all laws, rules, and regulations affecting the operation of
7 similar vehicles in this state.

8 (4) Prorate operators operating commercial vehicles on trip permits
9 in Washington shall retain the customer copy of each permit for four
10 years.

11 (5) Trip permits may be obtained from field offices of the
12 department of transportation, department of licensing, county auditors
13 or other agents, and subagents appointed by the department for the fee
14 provided in section 535(1)(h) of this act. Exchanges, credits, or
15 refunds may not be given for trip permits after they have been
16 purchased.

17 (6) Except as provided in subsection (2)(b) of this section, a
18 violation of or a failure to comply with this section is a gross
19 misdemeanor.

20 (7) The department may adopt rules necessary to administer this
21 section.

22 **Sec. 426.** RCW 46.16.162 and 2009 c 452 s 1 are each amended to
23 read as follows:

24 (1) The owner of a farm vehicle (~~(licensed)~~) registered under RCW
25 46.16.090 purchasing a monthly (~~(license)~~) registration under RCW
26 (~~(46.16.135)~~) 46.16.070(5) (as recodified by this act) may(~~(, as an~~
27 ~~alternative to the)) operate the farm vehicle under the authority of a~~
28 farm vehicle trip permit if:

29 (a) There is less than one full month remaining in the first
30 (~~(partial)~~) month of the (~~(license)~~) registration(~~(, secure and operate~~
31 ~~the vehicle under authority of a farm vehicle trip permit issued by~~
32 this state)); or

33 (b) A previously issued monthly registration has expired.

34 (2) A vehicle operating under the authority of a farm vehicle trip
35 permit is subject to all laws and rules affecting the operation of
36 similar vehicles in this state. The licensed gross weight of a vehicle

1 operating under a farm vehicle trip permit may not exceed eighty
2 thousand pounds for a combination of vehicles (~~((nor))~~) or forty thousand
3 pounds for a single unit vehicle with three or more axles.

4 ~~((2) If a monthly license previously issued has expired, the owner
5 of a farm vehicle may, as an alternative to purchasing a full monthly
6 license, secure and operate the vehicle under authority of a farm
7 vehicle trip permit issued by this state. The licensed gross weight
8 may not exceed eighty thousand pounds for a combination of vehicles nor
9 forty thousand pounds for a single unit vehicle with three or more
10 axles.))~~

11 (3) Each farm vehicle trip permit (~~((shall))~~) authorizes the
12 operation of a single vehicle at the maximum legal weight limit for the
13 vehicle for thirty days, (~~((commencing))~~) beginning with the day of first
14 use. No more than four (~~((such))~~) farm vehicle trip permits may be used
15 for any one vehicle in any twelve-month period. Every farm vehicle
16 trip permit (~~((shall))~~) must:

17 (a) Identify(~~((, as the department may require,))~~) the vehicle for
18 which it is issued (~~((and shall))~~);

19 (b) Be completed in its entirety (~~((and))~~);

20 (c) Be signed by the operator before operation of the vehicle on
21 the public highways of this state(~~((, Correction of data on the permit
22 such as dates, license number, or vehicle identification number))~~);

23 (d) Not be altered or corrected. Altering or correcting data on
24 the farm vehicle trip permit invalidates the permit(~~((, The farm
25 vehicle trip permit shall))~~); and

26 (e) Be displayed on the vehicle to which it is issued as
27 (~~((prescribed))~~) required by the department.

28 (4) ~~((Vehicles operating under authority of farm vehicle trip
29 permits are subject to all laws, rules, and regulations affecting the
30 operation of like vehicles in this state.~~

31 ~~((5))~~) Farm vehicle trip permits may be obtained from the department
32 (~~((of licensing))~~), county auditors or other agents (~~((and))~~), or subagents
33 appointed by the (~~((department))~~) director for the fee provided in
34 section 535(1)(c) of this act. (~~((The fee for each farm vehicle trip
35 permit is six dollars and twenty five cents. Farm vehicle trip permits
36 sold by the department's agents or subagents are subject to fees
37 specified in RCW 46.01.140 (4)(a), (5)(b), or (6).~~

1 ~~(6) The proceeds from farm vehicle trip permits received by the~~
2 ~~director shall be forwarded to the state treasurer to be distributed as~~
3 ~~provided in RCW 46.68.035(2).~~

4 ~~(7) No~~) Exchanges, credits, or refunds may not be given for farm
5 vehicle trip permits after they have been purchased.

6 ~~((8))~~ (5) The department ~~((of licensing))~~ may adopt rules as it
7 deems necessary to administer this section.

8 NEW SECTION. Sec. 427. A new section is added to chapter 46.16
9 RCW under the subchapter heading "permits and uses" to read as follows:

10 The owner of a commercial vehicle properly registered in another
11 state may apply to the department, county auditor or other agent, or
12 subagent appointed by the director for an out-of-state commercial
13 vehicle intrastate permit when operating the commercial vehicle in
14 Washington state for periods less than one year. The permit may be
15 issued for a thirty, sixty, or ninety-day period. For each thirty-day
16 period, the cost of each permit is one-twelfth of the fees required
17 under chapter 82.44 RCW if the vehicle is subject to locally imposed
18 motor vehicle excise taxes and (1) under section 530(1) of this act if
19 the vehicle is a motor vehicle or (2) under section 531(1)(c) of this
20 act if the vehicle is a commercial trailer.

21 **Sec. 428.** RCW 46.16.210 and 2001 c 206 s 1 are each amended to
22 read as follows:

23 ~~((1) Upon receipt of the application and proper fee for original~~
24 ~~vehicle license, the director shall make a recheck of the application~~
25 ~~and in the event that there is any error in the application it may be~~
26 ~~returned to the county auditor or other agent to effectively secure the~~
27 ~~correction of such error, who shall return the same corrected to the~~
28 ~~director.~~

29 ~~(2) Application for the renewal of a vehicle license shall be made~~
30 ~~to the director or his agents, including county auditors, by the~~
31 ~~registered owner on a form prescribed by the director. The application~~
32 ~~must be accompanied by the payment of such license fees and excise tax~~
33 ~~as may be required by law. Such application shall be handled in the~~
34 ~~same manner and the fees transmitted to the state treasurer in the same~~
35 ~~manner as in the case of an original application. Any such application~~

1 ~~which upon validation becomes a renewal certificate need not have~~
2 ~~entered upon it the name of the lien holder, if any, of the vehicle~~
3 ~~concerned.~~

4 ~~(3) Persons expecting to be out of the state during the normal~~
5 ~~renewal period of a vehicle license may secure renewal of such vehicle~~
6 ~~license and have license plates or tabs preissued by making application~~
7 ~~to the director or his agents upon forms prescribed by the director.~~
8 ~~The application must be accompanied by such license fees, and excise~~
9 ~~tax as may be required by law.~~

10 ~~(4) Application for the annual renewal of a vehicle license number~~
11 ~~plate to the director or the director's agents shall not be required~~
12 ~~for those vehicles owned, rented, or leased by the state of Washington,~~
13 ~~or by any county, city, town, school district, or other political~~
14 ~~subdivision of the state of Washington or a governing body of an Indian~~
15 ~~tribe located within this state and recognized as a governmental entity~~
16 ~~by the United States department of the interior.))~~

17 (1) A registered owner or the registered owner's authorized
18 representative must apply for a renewal vehicle registration to the
19 department, county auditor or other agent, or subagent appointed by the
20 director on a form approved by the director. The application for a
21 renewal vehicle registration must be accompanied by a draft, money
22 order, certified bank check, or cash for all fees and taxes required by
23 law for the application for a renewal vehicle registration.

24 (2) An application and the fees and taxes for a renewal vehicle
25 registration must be handled in the same manner as an original vehicle
26 registration application. The registration does not need to show the
27 name of the lien holder when the application for renewal vehicle
28 registration becomes the renewal registration upon validation.

29 (3) A person expecting to be out of state during the normal renewal
30 period of a vehicle registration may renew a vehicle registration and
31 have license plates or tabs preissued by applying for a renewal as
32 described in subsection (1) of this section. A vehicle registration
33 may be renewed for the subsequent registration year up to eighteen
34 months before the current expiration date and must be displayed from
35 the date of issue or from the day of the expiration of the current
36 registration year, whichever date is later.

37 (4) An application for a renewal vehicle registration is not
38 required for those vehicles owned, rented, or leased by:

1 (a) The state of Washington, or by any county, city, town, school
2 district, or other political subdivision of the state of Washington; or

3 (b) A governing body of an Indian tribe located within this state
4 and recognized as a governmental entity by the United States department
5 of the interior.

6 **Sec. 429.** RCW 46.16.212 and 1989 c 353 s 10 are each amended to
7 read as follows:

8 The department ~~((of licensing))~~ shall notify ~~((the public))~~ motor
9 vehicle owners of the liability insurance requirements ~~((of))~~ described
10 in RCW 46.30.020 through 46.30.040 at the time of ~~((new))~~ issuance of
11 an original motor vehicle registration and when the department sends a
12 motor vehicle registration renewal notice.

13 **Sec. 430.** RCW 46.16.216 and 2004 c 231 s 4 are each amended to
14 read as follows:

15 ~~((1) To renew a vehicle license, an applicant shall satisfy all~~
16 ~~listed standing, stopping, and parking violations, and other~~
17 ~~infractions issued under RCW 46.63.030(1)(d) for the vehicle incurred~~
18 ~~while the vehicle was registered in the applicant's name and forwarded~~
19 ~~to the department pursuant to RCW 46.20.270(3). For the purposes of~~
20 ~~this section, "listed" standing, stopping, and parking violations, and~~
21 ~~other infractions issued under RCW 46.63.030(1)(d) include only those~~
22 ~~violations for which notice has been received from state or local~~
23 ~~agencies or courts by the department one hundred twenty days or more~~
24 ~~before the date the vehicle license expires and that are placed on the~~
25 ~~records of the department. Notice of such violations received by the~~
26 ~~department later than one hundred twenty days before that date that are~~
27 ~~not satisfied shall be considered by the department in connection with~~
28 ~~any applications for license renewal in any subsequent license year.~~
29 ~~The renewal application may be processed by the department or its~~
30 ~~agents only if the applicant:~~

31 ~~(a) Presents a preprinted renewal application showing no listed~~
32 ~~standing, stopping, or parking violations, or other infractions issued~~
33 ~~under RCW 46.63.030(1)(d), or in the absence of such presentation, the~~
34 ~~agent verifies the information that would be contained on the~~
35 ~~preprinted renewal application; or~~

1 ~~(b) If listed standing, stopping, or parking violations, or other~~
2 ~~infractions issued under RCW 46.63.030(1)(d) exist, presents proof of~~
3 ~~payment and pays a fifteen dollar surcharge.~~

4 ~~(2) The surcharge shall be allocated as follows:~~

5 ~~(a) Ten dollars shall be deposited in the motor vehicle fund to be~~
6 ~~used exclusively for the administrative costs of the department of~~
7 ~~licensing; and~~

8 ~~(b) Five dollars shall be retained by the agent handling the~~
9 ~~renewal application to be used by the agent for the administration of~~
10 ~~this section.~~

11 ~~(3) If there is a change in the registered owner of the vehicle,~~
12 ~~the department shall forward the information regarding the change to~~
13 ~~the state or local charging jurisdiction and release any hold on the~~
14 ~~renewal of the vehicle license resulting from parking violations or~~
15 ~~other infractions issued under RCW 46.63.030(1)(d) incurred while the~~
16 ~~certificate of license registration was in a previous registered~~
17 ~~owner's name.~~

18 ~~(4) The department shall send to all registered owners of vehicles~~
19 ~~who have been reported to have outstanding listed parking violations or~~
20 ~~other infractions issued under RCW 46.63.030(1)(d), at the time of~~
21 ~~renewal, a statement setting out the dates and jurisdictions in which~~
22 ~~the violations occurred as well as the amounts of unpaid fines and~~
23 ~~penalties relating to them and the surcharge to be collected.))~~

24 (1) Each court and government agency located in this state having
25 jurisdiction over standing, stopping, and parking violations, the use
26 of a photo enforcement system under RCW 46.63.160, and the use of
27 automated traffic safety cameras under RCW 46.63.170 may forward to the
28 department any outstanding:

29 (a) Standing, stopping, and parking violations;

30 (b) Photo enforcement infractions issued under RCW 46.63.030(1)(d);
31 and

32 (c) Automated traffic safety camera infractions issued under RCW
33 46.63.030(1)(e).

34 (2) Violations and infractions described in subsection (1) of this
35 section must be reported to the department in the manner described in
36 RCW 46.20.270(3).

37 (3) The department shall:

1 (a) Record the violations and infractions on the matching vehicle
2 records; and

3 (b) Send notice approximately one hundred twenty days in advance of
4 the current vehicle registration expiration date to the registered
5 owner listing the dates and jurisdictions in which the violations
6 occurred, the amounts of unpaid fines and penalties, and the surcharge
7 to be collected. Only those violations and infractions received by the
8 department one hundred twenty days or more before the current vehicle
9 registration expiration date will be included in the notice.
10 Violations and infractions received by the department later than one
11 hundred twenty days before the current vehicle registration expiration
12 date that are not satisfied will be delayed until the next vehicle
13 registration expiration date.

14 (4) The department, county auditor or other agent, or subagent
15 appointed by the director shall not renew a vehicle registration if
16 there are any outstanding standing, stopping, and parking violations,
17 and other infractions issued under RCW 46.63.030(1)(d) for the vehicle
18 unless:

19 (a) The outstanding, standing, or parking violations were received
20 by the department within one hundred twenty days before the current
21 vehicle registration expiration;

22 (b) There is a change in registered ownership; or

23 (c) The registered owner presents proof of payment of each
24 violation and infraction provided in this section and the registered
25 owner pays the surcharge required under section 504 of this act.

26 (5) The department shall:

27 (a) Forward a change in registered ownership information to the
28 court or government agency who reported the outstanding violations or
29 infractions; and

30 (b) Remove the outstanding violations and infractions from the
31 vehicle record.

32 **Sec. 431.** RCW 46.16.225 and 1986 c 18 s 15 are each amended to
33 read as follows:

34 ~~((Notwithstanding any provision of law to the contrary,))~~ The
35 department may by rule extend or ~~((diminish))~~ reduce vehicle
36 ~~((license))~~ registration periods for the purpose of staggering renewal
37 periods. ~~((Such extension or diminishment of a vehicle license~~

1 ~~registration period shall be by rule of the department adopted in~~
2 ~~accordance with the provisions of chapter 34.05 RCW.))~~ The rules may
3 ~~((provide for the omission of))~~ exclude any classes or classifications
4 of vehicles from the staggered renewal system and may provide for the
5 gradual introduction of classes or classifications of vehicles into the
6 system. The rules shall provide for the collection of proportionately
7 increased or decreased vehicle license ~~((registration))~~ fees and of
8 excise or property taxes required to be paid at the time of
9 registration.

10 It is the intent of the legislature that there shall be neither a
11 significant net gain nor loss of revenue to the state general fund or
12 the motor vehicle fund as the result of implementing and maintaining a
13 staggered vehicle registration system.

14 **Sec. 432.** RCW 46.16.260 and 1986 c 18 s 16 are each amended to
15 read as follows:

16 (1) A registration certificate ~~((of license registration to be~~
17 ~~valid must have endorsed thereon the signature of))~~ must be:

18 (a) Signed by the registered owner, or ~~((+))~~if a firm or
19 corporation, the signature of one of its officers or other ~~((duly))~~
20 authorized agent ~~((+ and must be))~~, to be valid;

21 (b) Carried in the vehicle for which it is issued ~~((, at all times~~
22 ~~in the manner prescribed by the department))~~; and

23 (c) Provided to law enforcement and the department by the operator
24 of the vehicle upon demand.

25 (2) It ~~((shall be))~~ is unlawful for any person to operate or
26 ~~((have))~~ be in ~~((his))~~ possession of a vehicle without carrying
27 ~~((thereon such certificate of license))~~ a registration certificate for
28 the vehicle. Any person in charge of ~~((such))~~ a vehicle shall, upon
29 demand of any of the local authorities or of any police officer or of
30 any representative of the department, permit an inspection of ~~((such~~
31 ~~certificate of license))~~ the vehicle registration certificate. This
32 section does not apply to a vehicle for which ~~((annual renewal of its~~
33 ~~license plates))~~ registration is not required to be renewed annually
34 and ~~((which))~~ is a publicly owned vehicle marked ~~((in accordance with~~
35 ~~the provisions of))~~ as required under RCW 46.08.065.

1 **Sec. 433.** RCW 46.16.265 and 1997 c 241 s 6 are each amended to
2 read as follows:

3 A registered owner or the registered owner's authorized
4 representative shall promptly apply for a duplicate registration
5 certificate if a registration certificate ((of license registration))
6 is lost, stolen, mutilated, or destroyed, or becomes illegible((, the
7 registered owner or owners, as shown by the records of the department,
8 shall promptly make application for and may obtain a duplicate upon
9 tender of one dollar and twenty five cents in addition to all other
10 fees and upon furnishing information satisfactory to the department)).
11 The application for a duplicate registration certificate must include
12 information required by the department and be accompanied by the fee
13 required in section 525 of this act. The duplicate ((of the license))
14 registration ((shall)) certificate must contain the ((legend)) word,
15 "duplicate."

16 A person recovering ((an original)) a registration certificate ((of
17 license registration)) for which a duplicate has been issued shall
18 promptly ((surrender)) return the ((original)) recovered registration
19 certificate to the department.

20 NEW SECTION. Sec. 434. A new section is added to chapter 46.16
21 RCW under the subchapter heading "general provisions" to read as
22 follows:

23 The registration certificate for a commercial vehicle must include
24 a statement that the owner or person operating a commercial vehicle
25 must be in compliance with the requirements of the United States
26 department of transportation federal motor carrier safety regulations
27 contained in 49 C.F.R. Part 382.

28 **Sec. 435.** RCW 46.16.460 and 1979 c 158 s 141 are each amended to
29 read as follows:

30 ((Upon the payment of a fee of ten dollars therefor, the department
31 of licensing shall issue a temporary motor vehicle license for a motor
32 vehicle in this state for a period of forty five days when such motor
33 vehicle has been or is being purchased by a nonresident member of the
34 armed forces of the United States and an application, accompanied with
35 prepayment of required fees, for out of state registration has been
36 made by the purchaser.))

1 (1) A nonresident member of the armed forces of the United States
2 may apply to the department, county auditor or other agent, or subagent
3 appointed by the director for a temporary permit for a recently
4 purchased motor vehicle. The permit:

5 (a) Allows the motor vehicle to be used in Washington state while
6 the owner applies for out-of-state registration;

7 (b) Is valid for forty-five days; and

8 (c) Must be carried on the motor vehicle so that it is clearly
9 visible from outside of the motor vehicle.

10 (2) A person applying for the forty-five day permit provided in
11 subsection (1) of this section is not subject to sales and use taxes or
12 motor vehicle excise taxes during or after the forty-five day period of
13 the permit unless the motor vehicle is:

14 (a) Still in Washington state after the forty-five day period of
15 the permit; or

16 (b) Returned to Washington state within one year after the forty-
17 five day permit has expired.

18 (3) The department, county auditor or other agent, or subagent
19 appointed by the director shall collect the fee required under section
20 535(1)(d) of this act when issuing the forty-five day permit described
21 in this section.

22 (4) The department shall adopt rules to implement this section.
23 Those rules may require proof that the nonresident member of the armed
24 forces of the United States qualifies for the forty-five day permit
25 before the permit may be issued.

26 **Sec. 436.** RCW 46.16.500 and 1980 c 104 s 3 are each amended to
27 read as follows:

28 ~~((Whenever an))~~ Both a person operating a vehicle with the express
29 or implied permission of the owner and the owner of the vehicle are
30 responsible for any act or omission that is declared ((to be)) unlawful
31 in this chapter ((46.16 RCW, if the operator of the vehicle is not the
32 owner or lessee of such vehicle, but is so operating or moving the
33 vehicle with the express or implied permission of the owner or lessee,
34 then the operator and/or owner or lessee are both subject to the
35 provisions of this chapter with the primary responsibility to be that
36 of the owner or lessee)). The primary responsibility is the owner's.

1 If the person operating the vehicle at the time of the unlawful act
2 or omission is not the owner (~~(or lessee)~~) of the vehicle, (~~(such~~
3 ~~person is fully authorized to)~~) the operator may accept the citation
4 and execute the promise to appear on behalf of the owner (~~(or lessee)~~).

5 NEW SECTION. **Sec. 437.** A new section is added to chapter 46.16
6 RCW under the subchapter heading "specific vehicles" to read as
7 follows:

8 This chapter applies to the following:

9 (1) Campers are considered vehicles for the purposes of vehicle
10 registration and license plate display, except for campers held as part
11 of a manufacturer's or dealer's inventory that:

- 12 (a) Are unoccupied at all times;
- 13 (b) Have been issued a dated demonstration permit that is valid for
14 no more than seventy-two hours. The permit must be carried in the
15 vehicle on which the camper is mounted; and
- 16 (c) Are mounted on a properly registered vehicle.

17 (2) Mopeds are considered vehicles for the purposes of vehicle
18 registration and license plate display. Mopeds are exempt from
19 personal property taxes and vehicle excise taxes imposed under chapter
20 82.44 RCW.

21 (3) Wheelchair conveyances are considered vehicles for the purposes
22 of vehicle registration and license plate display. Wheelchair
23 conveyances that do not meet braking equipment requirements described
24 in RCW 46.37.340 must be registered as mopeds.

25 NEW SECTION. **Sec. 438.** The following acts or parts of acts are
26 each repealed:

27 (1) RCW 46.16.0105 (Exemption--Vehicles in national recreation
28 areas) and 2005 c 79 s 1;

29 (2) RCW 46.16.016 (Emission control inspections--Rules for
30 licensing requirements) and 1979 ex.s. c 163 s 15;

31 (3) RCW 46.16.017 (Emission standards--Compliance required to
32 register, lease, rent, or sell vehicles--Exemptions) and 2005 c 295 s
33 7;

34 (4) RCW 46.16.023 (Ride-sharing vehicles--Special plates--Gross
35 misdemeanor) and 2004 c 223 s 2, 1993 c 488 s 5, & 1987 c 175 s 2;

1 (5) RCW 46.16.035 (Exemptions--Private school buses) and 1990 c 33
2 s 584 & 1980 c 88 s 1;
3 (6) RCW 46.16.0621 (License fee) and 2003 c 1 s 2, 2002 c 352 s 7,
4 & 2000 1st sp.s. c 1 s 1;
5 (7) RCW 46.16.063 (Additional fee for recreational vehicles) and
6 1996 c 237 s 1 & 1980 c 60 s 2;
7 (8) RCW 46.16.071 (Additional fees) and 1996 c 315 s 4;
8 (9) RCW 46.16.079 (Fixed load motor vehicle equipped for lifting or
9 towing--Capacity fee in addition to and in lieu) and 1986 c 18 s 5,
10 1975 c 25 s 16, & 1963 c 18 s 1;
11 (10) RCW 46.16.085 (Commercial trailers, pole trailers--Fee in
12 lieu) and 1991 c 163 s 3, 1989 c 156 s 2, 1987 c 244 s 4, 1986 c 18 s
13 8, & 1985 c 380 s 16;
14 (11) RCW 46.16.088 (Transfer of license plates--Penalty) and 1986
15 c 18 s 9 & 1985 c 380 s 17;
16 (12) RCW 46.16.111 (Gross weight, how computed) and 1987 c 244 s 5,
17 1986 c 18 s 11, 1971 ex.s. c 231 s 1, 1969 ex.s. c 170 s 6, & 1967
18 ex.s. c 83 s 57;
19 (13) RCW 46.16.121 (Seating capacity fees on stages, for hire
20 vehicles) and 1967 ex.s. c 83 s 58;
21 (14) RCW 46.16.135 (Monthly license fee--Penalty) and 1986 c 18 s
22 12, 1985 c 380 s 19, 1979 ex.s. c 136 s 46, 1979 c 134 s 1, 1975-'76
23 2nd ex.s. c 64 s 3, 1975 1st ex.s. c 118 s 6, 1969 ex.s. c 170 s 7, &
24 1961 c 12 s 46.16.135;
25 (15) RCW 46.16.150 (School buses exempt from load and seat capacity
26 fees) and 1961 c 12 s 46.16.150;
27 (16) RCW 46.16.200 (Applications to agents--Transmittal to
28 director) and 1961 c 12 s 46.16.200;
29 (17) RCW 46.16.220 (Time of renewal of licenses--Duration) and 1997
30 c 241 s 9, 1991 c 339 s 20, 1975 1st ex.s. c 118 s 9, 1969 ex.s. c 170
31 s 9, & 1961 c 12 s 46.16.220;
32 (18) RCW 46.16.230 (License plates furnished) and 1992 c 7 s 41,
33 1975 c 25 s 19, & 1961 c 12 s 46.16.230;
34 (19) RCW 46.16.233 (Standard background--Periodic replacement--
35 Retention of current plate number) and 2003 c 361 s 501, 2003 c 196 s
36 401, 2000 c 37 s 1, & 1997 c 291 s 2;
37 (20) RCW 46.16.235 (State name not abbreviated) and 1965 ex.s. c 78
38 s 2;

1 (21) RCW 46.16.237 (Reflectorized materials--Fee) and 2005 c 314 s
2 301, 1987 c 52 s 1, & 1967 ex.s. c 145 s 60;
3 (22) RCW 46.16.240 (Attachment of plates to vehicles--Violations
4 enumerated) and 2006 c 326 s 1;
5 (23) RCW 46.16.270 (Replacement of plates--Fee) and 2005 c 314 s
6 302, 1997 c 291 s 3, 1990 c 250 s 32, & 1987 c 178 s 2;
7 (24) RCW 46.16.280 (Sale, loss, or destruction of commercial
8 vehicle--Credit for unused fee--Change in license classification) and
9 1987 c 244 s 7, 1986 c 18 s 17, 1967 c 32 s 20, & 1961 c 12 s
10 46.16.280;
11 (25) RCW 46.16.290 (Disposition of license plates, certificate on
12 vehicle transfer) and 2004 c 223 s 3, 1997 c 291 s 4, 1986 c 18 s 18,
13 1983 c 27 s 2, & 1961 c 12 s 46.16.290;
14 (26) RCW 46.16.295 (Returned plates--Reuse) and 2003 c 359 s 1;
15 (27) RCW 46.16.305 (Special license plates--Continuance of earlier
16 issues--Conditions for current issues) and 2008 c 72 s 1;
17 (28) RCW 46.16.307 (Collectors' vehicles--Use restrictions) and
18 1996 c 225 s 11;
19 (29) RCW 46.16.30901 (Professional firefighters and paramedics
20 plate) and 2004 c 35 s 1;
21 (30) RCW 46.16.30902 (Washington State Council of Firefighters
22 benevolent fund) and 2004 c 35 s 4;
23 (31) RCW 46.16.30903 (Helping Kids Speak plate) and 2004 c 48 s 1;
24 (32) RCW 46.16.30904 ("Helping Kids Speak" account) and 2004 c 48
25 s 4;
26 (33) RCW 46.16.30905 (Law enforcement memorial plate) and 2004 c
27 221 s 1;
28 (34)RCW 46.16.30906 (Law enforcement memorial account) and 2004 c
29 221 s 4;
30 (35) RCW 46.16.30907 (Washington's Wildlife plate collection) and
31 2005 c 42 s 1;
32 (36) RCW 46.16.30908 (Washington's Wildlife license plate
33 collection--Definition) and 2005 c 42 s 2;
34 (37) RCW 46.16.30909 (Washington state parks and recreation
35 commission plate) and 2005 c 44 s 1;
36 (38) RCW 46.16.30910 (Washington state parks and recreation
37 commission special license plate--Definition) and 2005 c 44 s 2;

1 (39) RCW 46.16.30911 ("Washington Lighthouses" plate) and 2005 c 48
2 s 1;
3 (40) RCW 46.16.30912 (Lighthouse environmental programs account)
4 and 2005 c 48 s 4;
5 (41) RCW 46.16.30913 ("Keep Kids Safe" plate) and 2005 c 53 s 1;
6 (42) RCW 46.16.30914 ("We love our pets" plate) and 2005 c 71 s 1;
7 (43) RCW 46.16.30915 (We love our pets account) and 2005 c 71 s 4;
8 (44) RCW 46.16.30916 (Gonzaga University alumni association plate)
9 and 2005 c 85 s 1;
10 (45) RCW 46.16.30917 (Gonzaga University alumni association
11 account) and 2005 c 85 s 4;
12 (46) RCW 46.16.30918 ("Washington's National Park Fund" plate) and
13 2005 c 177 s 1;
14 (47) RCW 46.16.30919 ("Washington's National Park Fund" account)
15 and 2005 c 177 s 4;
16 (48) RCW 46.16.30920 (Armed forces plate collection) and 2008 c 183
17 s 1 & 2005 c 216 s 1;
18 (49) RCW 46.16.30921 (Armed forces license plate collection--
19 Definition--No free issuance) and 2008 c 183 s 2 & 2005 c 216 s 2;
20 (50) RCW 46.16.30923 ("Ski & Ride Washington" account) and 2005 c
21 220 s 4;
22 (51) RCW 46.16.30924 (Wild On Washington plate) and 2005 c 224 s 1;
23 (52) RCW 46.16.30925 (Wild On Washington license plates--
24 Definition) and 2005 c 224 s 2;
25 (53) RCW 46.16.30926 (Endangered Wildlife plate) and 2005 c 225 s
26 1;
27 (54) RCW 46.16.30927 (Endangered Wildlife license plates--
28 Definition) and 2005 c 225 s 2;
29 (55) RCW 46.16.30928 ("Share the Road" plate) and 2005 c 426 s 1;
30 (56) RCW 46.16.30929 ("Share the Road" account) and 2005 c 426 s 4;
31 (57) RCW 46.16.313 (Special license plates--Fees) and 2005 c 426 s
32 3, 2005 c 225 s 3, 2005 c 224 s 3, 2005 c 220 s 3, 2005 c 216 s 3, 2005
33 c 177 s 3, 2005 c 85 s 3, 2005 c 71 s 3, 2005 c 53 s 3, 2005 c 48 s 3,
34 2005 c 44 s 3, & 2005 c 42 s 3;
35 (58) RCW 46.16.316 (Special license plates--Transfer of vehicle--
36 Replacement plates) and 2005 c 210 s 2;
37 (59) RCW 46.16.333 (Cooper Jones emblems) and 2005 c 426 s 5 & 2002
38 c 264 s 3;

1 (60) RCW 46.16.335 (Special license plates and emblems--Rules) and
2 1990 c 250 s 10;

3 (61) RCW 46.16.340 (Amateur radio operator plates--Information
4 furnished to various agencies) and 1995 c 391 s 8, 1986 c 266 s 49,
5 1985 c 7 s 112, 1974 ex.s. c 171 s 43, 1967 c 32 s 23, & 1961 c 12 s
6 46.16.340;

7 (62) RCW 46.16.350 (Amateur radio operator plates--Expiration or
8 revocation of radio license--Penalty) and 1997 c 291 s 11, 1990 c 250
9 s 11, 1979 ex.s. c 136 s 49, 1967 c 32 s 24, & 1961 c 12 s 46.16.350;

10 (63) RCW 46.16.371 (Special plates for honorary consul, foreign
11 government representative) and 1987 c 237 s 1;

12 (64) RCW 46.16.374 (Taipei Economic and Cultural Office--Special
13 plates) and 2001 c 64 s 5 & 1996 c 139 s 1;

14 (65) RCW 46.16.376 (Taipei Economic and Cultural Office--Fee
15 exemption) and 1996 c 139 s 2;

16 (66) RCW 46.16.381 (Special parking for persons with disabilities--
17 Penalties--Enforcement--Definition) and 2007 c 262 s 1, 2007 c 44 s 1,
18 2006 c 357 s 2, 2005 c 390 s 2, 2004 c 222 s 2, 2003 c 371 s 1, 2002 c
19 175 s 33, 2001 c 67 s 1, 1999 c 136 s 1, 1998 c 294 s 1, 1995 c 384 s
20 1, 1994 c 194 s 6, 1993 c 106 s 1, 1992 c 148 s 1, 1991 c 339 s 21,
21 1990 c 24 s 1, 1986 c 96 s 1, & 1984 c 154 s 2;

22 (67) RCW 46.16.385 (Versions of special plates for persons with
23 disabilities) and 2005 c 390 s 3, 2005 c 210 s 3, & 2004 c 222 s 1;

24 (68) RCW 46.16.470 (Temporary license--Display) and 1967 c 202 s 5;

25 (69) RCW 46.16.480 (Nonresident members of armed forces--Exemption
26 from sales, use, or motor vehicle excise taxes--Extent of exemption)
27 and 1967 c 202 s 6;

28 (70) RCW 46.16.490 (Nonresident members of armed forces--Rules and
29 regulations--Proof) and 1979 c 158 s 142 & 1967 c 202 s 7;

30 (71) RCW 46.16.505 (Campers--License and plates--Application--Fee)
31 and 1975 1st ex.s. c 118 s 11, 1975 c 41 s 1, & 1971 ex.s. c 231 s 7;

32 (72) RCW 46.16.560 (Personalized license plates--Defined) and 1975
33 c 59 s 1 & 1973 1st ex.s. c 200 s 2;

34 (73) RCW 46.16.565 (Personalized license plates--Application) and
35 1985 c 173 s 1, 1983 c 27 s 4, 1975 c 59 s 2, & 1973 1st ex.s. c 200 s
36 3;

37 (74) RCW 46.16.570 (Personalized license plates--Design) and 2005

1 c 210 s 4, 1986 c 108 s 1, 1983 1st ex.s. c 24 s 1, 1975 c 59 s 3, &
2 1973 1st ex.s. c 200 s 4;
3 (75) RCW 46.16.575 (Personalized license plates--Issuance to
4 registered owner only) and 1973 1st ex.s. c 200 s 5;
5 (76) RCW 46.16.580 (Personalized license plates--Application
6 requirements) and 1973 1st ex.s. c 200 s 6;
7 (77) RCW 46.16.585 (Personalized license plates--Fees--Renewal--
8 Penalty) and 1979 ex.s. c 136 s 51, 1975 c 59 s 4, & 1973 1st ex.s. c
9 200 s 7;
10 (78) RCW 46.16.590 (Personalized license plates--Transfer fees) and
11 2004 c 223 s 5, 1975 c 59 s 5, & 1973 1st ex.s. c 200 s 8;
12 (79) RCW 46.16.595 (Personalized license plates--Transfer or
13 surrender upon sale or release of vehicle--Penalty) and 1979 ex.s. c
14 136 s 52, 1975 c 59 s 6, & 1973 1st ex.s. c 200 s 9;
15 (80) RCW 46.16.600 (Personalized license plates--Rules and
16 regulations) and 2005 c 210 s 5, 1979 c 158 s 143, & 1973 1st ex.s. c
17 200 s 10;
18 (81) RCW 46.16.601 (Personalized special plates) and 2005 c 210 s
19 1;
20 (82) RCW 46.16.605 (Personalized license plates--Disposition of
21 fees--Costs) and 1988 c 36 s 27, 1983 1st ex.s. c 24 s 2, 1983 c 3 s
22 118, 1979 c 158 s 144, & 1973 1st ex.s. c 200 s 11;
23 (83) RCW 46.16.606 (Personalized license plates--Additional fee)
24 and 2007 c 246 s 2 & 1991 sp.s. c 7 s 13;
25 (84) RCW 46.16.630 (Moped registration) and 2002 c 352 s 9, 1997 c
26 241 s 11, & 1979 ex.s. c 213 s 5;
27 (85) RCW 46.16.640 (Wheelchair conveyances) and 1983 c 200 s 2;
28 (86) RCW 46.16.670 (Boat trailers--Fee for freshwater aquatic weeds
29 account) and 1991 c 302 s 3;
30 (87) RCW 46.16.680 (Kit vehicles) and 2009 c 284 s 2 & 1996 c 225
31 s 10;
32 (88) RCW 46.17.010 (Vehicle weight fee--Motor vehicles, except
33 motor homes) and 2006 c 337 s 9 & 2005 c 314 s 201; and
34 (89) RCW 46.17.020 (Vehicle weight fee--Motor homes) and 2005 c 314
35 s 202.

36 **PART V. FEES**

1 **A. FILING AND SERVICE FEES**

2 NEW SECTION. **Sec. 501.** A new section is added to chapter 46.17
3 RCW to read as follows:

4 (1) A person who applies for a vehicle registration or for any
5 other right to operate a vehicle on the highways of this state shall
6 pay a three dollar filing fee in addition to any other fees and taxes
7 required by law.

8 (2) A person who applies for a certificate of title shall pay a
9 four dollar filing fee in addition to any other fees and taxes required
10 by law.

11 (3) The filing fees established in this section must be distributed
12 under section 819 of this act.

13 NEW SECTION. **Sec. 502.** A new section is added to chapter 46.17
14 RCW to read as follows:

15 (1) A person who applies for a vehicle registration or for any
16 other right to operate a vehicle on the highways of this state shall
17 pay a twenty-five cent license plate technology fee in addition to any
18 other fees and taxes required by law. The license plate technology fee
19 must be distributed under RCW 46.16.685 (as recodified by this act).

20 (2) A vehicle registered under RCW 46.16.070 (as recodified by this
21 act) or section 527 of this act is not subject to the license plate
22 technology fee.

23 NEW SECTION. **Sec. 503.** A new section is added to chapter 46.17
24 RCW to read as follows:

25 (1) A person who applies for a vehicle registration or for any
26 other right to operate a vehicle on the highways of this state shall
27 pay a fifty cent license service fee in addition to any other fees and
28 taxes required by law. The license service fee must be distributed
29 under RCW 46.68.220.

30 (2) A vehicle registered under RCW 46.16.070 (as recodified by this
31 act) or section 527 of this act is not subject to the license service
32 fee.

33 NEW SECTION. **Sec. 504.** A new section is added to chapter 46.17
34 RCW to read as follows:

35 The department, county auditor or other agent, or subagent

1 appointed by the director shall require a person who applies for a
2 vehicle registration for a vehicle subject to RCW 46.16.216 (as
3 recodified by this act) to pay a fifteen dollar parking ticket
4 surcharge. The fifteen dollar surcharge must be distributed under
5 section 816 of this act.

6 NEW SECTION. **Sec. 505.** A new section is added to chapter 46.17
7 RCW to read as follows:

8 Before accepting a report of sale filed under RCW 46.12.101(2) (as
9 recodified by this act), the county auditor or other agent or subagent
10 appointed by the director shall require the applicant to pay:

11 (1) The filing fee under section 501(1) of this act, the license
12 plate technology fee under section 502 of this act, and the license
13 service fee under section 503 of this act to the county auditor or
14 other agent; and

15 (2) The subagent service fee under section 506(2) of this act to
16 the subagent.

17 NEW SECTION. **Sec. 506.** A new section is added to chapter 46.17
18 RCW to read as follows:

19 A subagent appointed by the director shall collect a service fee
20 of:

21 (1) Ten dollars for changes in a certificate of title, with or
22 without registration renewal, or for verification of record and
23 preparation of an affidavit of lost title other than at the time of the
24 certificate of title application or transfer; and

25 (2) Four dollars for a registration renewal, issuing a transit
26 permit, or any other service under this section.

27 NEW SECTION. **Sec. 507.** A new section is added to chapter 46.17
28 RCW to read as follows:

29 Before accepting a transitional ownership record filed under RCW
30 46.12.103 (as recodified by this act), the county auditor or other
31 agent or subagent appointed by the director shall require the applicant
32 to pay:

33 (1) The filing fee under section 501(1) of this act, the license
34 plate technology fee under section 502 of this act, and the license

1 service fee under section 503 of this act to the county auditor or
2 other agent; and

3 (2) The subagent service fee under section 506(2) of this act to
4 the subagent.

5 **B. CERTIFICATE OF TITLE FEES**

6 NEW SECTION. **Sec. 508.** A new section is added to chapter 46.17
7 RCW to read as follows:

8 Before accepting an application for a certificate of title as
9 required in this title, the department, county auditor or other agent,
10 or subagent appointed by the director shall require the applicant to
11 pay a five dollar application fee in addition to any other fees and
12 taxes required by law. The certificate of title application fee must
13 be distributed under RCW 46.68.020.

14 NEW SECTION. **Sec. 509.** A new section is added to chapter 46.17
15 RCW to read as follows:

16 (1) Before accepting an application for a certificate of title for
17 a motor vehicle as required in this title, the department, county
18 auditor or other agent, or subagent appointed by the director shall
19 require the applicant to pay a six dollar and fifty cent emergency
20 medical services fee for the following transactions:

21 (a) All retail sales or leases of any new or used motor vehicles;
22 and

23 (b) Original and transfer certificate of title transactions.

24 (2) The emergency medical services fee:

25 (a) Is not considered a violation of RCW 46.70.180(2);

26 (b) Does not apply to motor vehicles declared a total loss by an
27 insurer or self-insurer unless an application for certificate of title
28 is made to the department, county auditor or other agent, or subagent
29 appointed by the director after the declaration of total loss; and

30 (c) Must be distributed under section 820 of this act.

31 NEW SECTION. **Sec. 510.** A new section is added to chapter 46.17
32 RCW to read as follows:

33 Before accepting an application for a transfer of certificate of
34 title for a new or used manufactured home as required in this title and

1 chapter 65.20 RCW, the department, county auditor or other agent, or
2 subagent appointed by the director shall require the applicant to pay
3 a fifteen dollar fee in addition to any other fees and taxes required
4 by law. The fifteen dollar fee must be forwarded to the state
5 treasurer, who shall deposit the fee in the manufactured housing
6 account created in RCW 59.22.070.

7 NEW SECTION. **Sec. 511.** A new section is added to chapter 46.17
8 RCW to read as follows:

9 (1) Before accepting an application for a certificate of title for
10 an original or transfer manufactured home transaction as required in
11 this title or chapter 65.20 RCW, the department, county auditor or
12 other agent, or subagent appointed by the director shall require the
13 applicant to pay a one hundred dollar fee in addition to any other fees
14 and taxes required by law if the manufactured home:

15 (a) Is located in a mobile home park;

16 (b) Is one year old or older;

17 (c) Is new or ownership changes, excluding changes that involve
18 adding or deleting spouse or domestic partner coregistered owners or
19 legal owners; and

20 (d) Sales price is five thousand dollars or more.

21 (2) The one hundred dollar fee must be forwarded to the state
22 treasurer, who shall deposit the fee in the mobile home park relocation
23 fund created in RCW 59.21.050.

24 (3) The department and the state treasurer may adopt rules
25 necessary to carry out this section.

26 NEW SECTION. **Sec. 512.** A new section is added to chapter 46.17
27 RCW to read as follows:

28 The penalty for a late transfer under RCW 46.12.101(7) (as
29 recodified by this act) is twenty-five dollars assessed on the
30 sixteenth day after the date of delivery and two dollars for each
31 additional day thereafter, but the total penalty must not exceed one
32 hundred dollars. The penalty must be distributed under RCW 46.68.020.

33 NEW SECTION. **Sec. 513.** A new section is added to chapter 46.17
34 RCW to read as follows:

35 Before accepting an application for a certificate of title for a

1 vehicle previously registered in any other state or country, the
2 department, county auditor or other agent, or subagent appointed by the
3 director shall require the applicant to pay a fee of fifteen dollars.
4 The fifteen dollar fee must be distributed under RCW 46.68.020.

5 NEW SECTION. **Sec. 514.** A new section is added to chapter 46.17
6 RCW to read as follows:

7 Before accepting an application for a certificate of title, the
8 department, county auditor or other agent, or subagent appointed by the
9 director shall require an applicant to pay a sixty-five dollar
10 inspection fee if an inspection of the vehicle was completed by the
11 Washington state patrol. The inspection fee must be distributed under
12 RCW 46.68.020.

13 NEW SECTION. **Sec. 515.** A new section is added to chapter 46.17
14 RCW to read as follows:

15 Before accepting an application for a certificate of title, the
16 department, county auditor or other agent, or subagent appointed by the
17 director shall require an applicant to pay a five dollar vehicle
18 identification number reassignment fee if the Washington state patrol
19 has reassigned an identification number as authorized under section 303
20 of this act. The reassignment fee must be deposited in the motor
21 vehicle fund created in RCW 46.68.070.

22 **C. LICENSE PLATE FEES**

23 NEW SECTION. **Sec. 516.** A new section is added to chapter 46.17
24 RCW to read as follows:

25 Before accepting an application for a combination trailer license
26 plate authorized under RCW 46.16.068 (as recodified by this act), the
27 department, county auditor or other agent, or subagent appointed by the
28 director shall require an applicant to pay a thirty-six dollar license
29 plate fee. The thirty-six dollar license plate fee must be deposited
30 and distributed under RCW 46.68.035.

31 NEW SECTION. **Sec. 517.** A new section is added to chapter 46.17
32 RCW to read as follows:

33 State agencies, political subdivisions, Indian tribes, and the

1 United States government, except foreign governments or international
2 bodies, shall pay a fee of two dollars for a license plate or plates
3 for each vehicle when the department assigns license plates for further
4 assignment by the entity.

5 NEW SECTION. **Sec. 518.** A new section is added to chapter 46.17
6 RCW to read as follows:

7 (1) In addition to all other fees and taxes required by law, the
8 department, county auditor or other agent, or subagent appointed by the
9 director shall charge:

10 (a) The following license plate fees for each license plate, unless
11 the owner or type of vehicle is exempt from payment:

12	FEE TYPE	FEE	DISTRIBUTION
13	Reflectivity	\$ 2.00	RCW 46.68.070
14	Replacement	\$ 10.00	RCW 46.68.070
15	Replacement,	\$ 2.00	RCW 46.68.070
16	motorcycle		

17 (b) A license plate retention fee, as required under section
18 422(10)(a)(iii) of this act, of twenty dollars if the owner wishes to
19 retain the current license plate number upon license plate replacement,
20 unless the owner or type of vehicle is exempt from payment. The twenty
21 dollar fee must be deposited in the multimodal transportation account
22 created in RCW 47.66.070.

23 (c) A ten dollar license plate transfer fee, as required under
24 section 422(8)(a) of this act, when transferring standard issue license
25 plates from one vehicle to another, unless the owner or type of vehicle
26 is exempt from payment. The ten dollar license plate transfer fee must
27 be deposited in the motor vehicle fund created in RCW 46.68.070.

28 (d) Former prisoner of war license plates, as described in section
29 619 of this act, may be transferred to a replacement vehicle upon
30 payment of a five dollar license plate fee, in addition to any other
31 fee required by law.

32 (2) The department may, upon request, provide license plates that
33 have been used and returned to the department to individuals for
34 nonvehicular use. The department may charge a fee of up to five

1 dollars per license plate to cover costs or recovery for postage and
2 handling. The department may waive the fee for license plates used in
3 educational projects and may, by rule, provide standards for the fee
4 waiver and restrictions on the number of license plates provided to any
5 one person. The fee must be deposited in the motor vehicle fund
6 created in RCW 46.68.070.

7 NEW SECTION. **Sec. 519.** A new section is added to chapter 46.17
8 RCW to read as follows:

9 Before accepting an application for a replacement license tab, the
10 department, county auditor or other agent, or subagent appointed by the
11 director shall charge a one dollar fee for each pair of tabs or
12 windshield emblem. The license tab or windshield emblem replacement
13 fee must be deposited in the motor vehicle fund created in RCW
14 46.68.070.

15 NEW SECTION. **Sec. 520.** A new section is added to chapter 46.17
16 RCW to read as follows:

17 In addition to all fees and taxes required to be paid upon
18 application for a vehicle registration under chapter 46.16 RCW, the
19 holder of a personalized license plate shall pay an initial fee of
20 forty-two dollars and thirty-two dollars for each renewal. The
21 personalized license plate fee must be distributed as provided in
22 section 821 of this act.

23 NEW SECTION. **Sec. 521.** A new section is added to chapter 46.17
24 RCW to read as follows:

25 (1) In addition to all fees and taxes required to be paid upon
26 application for a vehicle registration in chapter 46.16 RCW, the holder
27 of a special license plate shall pay the appropriate special license
28 plate fee as listed in this section.

29	PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
30	(a) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
31	(b) Armed forces	\$ 40.00	\$ 30.00	Section 810 of this act
32	(c) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this
33				section

1	(d) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
2	(e) Collegiate	\$ 40.00	\$ 30.00	Section 811 of this act
3	(f) Endangered wildlife	\$ 40.00	\$ 30.00	Section 810 of this act
4	(g) Gonzaga University	\$ 40.00	\$ 30.00	Section 809 of this act
5	alumni			
6	(h) Helping kids speak	\$ 40.00	\$ 30.00	Section 809 of this act
7	(i) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
8	(j) Keep kids safe	\$ 45.00	\$ 30.00	Section 810 of this act
9	(k) Law enforcement	\$ 40.00	\$ 30.00	Section 809 of this act
10	memorial			
11	(l) Military affiliate radio	\$ 5.00	N/A	RCW 46.68.070
12	system			
13	(m) Professional firefighters	\$ 40.00	\$ 30.00	Section 809 of this act
14	and paramedics			
15	(n) Ride share	\$ 25.00	N/A	RCW 46.68.030
16	(o) Share the road	\$ 40.00	\$ 30.00	Section 809 of this act
17	(p) Ski and ride Washington	\$ 40.00	\$ 30.00	Section 809 of this act
18	(q) Square dancer	\$ 40.00	N/A	RCW 46.68.070
19	(r) Washington lighthouses	\$ 40.00	\$ 30.00	Section 809 of this act
20	(s) Washington state parks	\$ 40.00	\$ 30.00	Section 810 of this act
21	(t) Washington's national	\$ 40.00	\$ 30.00	Section 809 of this act
22	parks			
23	(u) Washington's wildlife	\$ 40.00	\$ 30.00	Section 810 of this act
24	collection			
25	(v) We love our pets	\$ 40.00	\$ 30.00	Section 809 of this act
26	(w) Wild on Washington	\$ 40.00	\$ 30.00	Section 810 of this act

27 (2) After deducting administration and collection expenses for the
28 sale of baseball stadium license plates, the remaining proceeds must be
29 distributed to a county for the purpose of paying the principal and
30 interest payments on bonds issued by the county to construct a baseball
31 stadium, as defined in RCW 82.14.0485, including reasonably necessary
32 preconstruction costs, while the taxes are being collected under RCW
33 82.14.360. After this date, the state treasurer shall credit the funds
34 to the state general fund.

35 **D. VEHICLE LICENSE FEES**

1 NEW SECTION. **Sec. 522.** A new section is added to chapter 46.17
2 RCW to read as follows:

3 Before accepting an application for a vehicle registration for a
4 boat trailer, the department, county auditor or other agent, or
5 subagent appointed by the director shall require the applicant to pay
6 a three dollar aquatic weed fee in addition to any other fees and taxes
7 required by law. The three dollar fee must be deposited in the
8 freshwater aquatic weeds account created in RCW 43.21A.650.

9 NEW SECTION. **Sec. 523.** A new section is added to chapter 46.17
10 RCW to read as follows:

11 Before accepting an application for a change of class as required
12 under section 422(6) of this act, the department, county auditor or
13 other agent, or subagent appointed by the director shall require the
14 applicant to pay a one dollar fee. The one dollar fee must be
15 deposited in the motor vehicle fund created in RCW 46.68.070.

16 NEW SECTION. **Sec. 524.** A new section is added to chapter 46.17
17 RCW to read as follows:

18 (1) Before accepting an application for a motor vehicle base plated
19 in the state of Washington that is subject to highway inspections and
20 compliance reviews under RCW 46.32.080 or the international
21 registration plan if base plated in a foreign jurisdiction, the
22 department, county auditor or other agent, or subagent appointed by the
23 director shall require the applicant to pay a sixteen dollar commercial
24 vehicle safety enforcement fee in addition to any other fees and taxes
25 required by law. The sixteen dollar fee:

26 (a) Must be apportioned for those vehicles operating interstate and
27 registered under the international registration plan;

28 (b) Does not apply to trailers; and

29 (c) Is not refundable when the motor vehicle is no longer subject
30 to RCW 46.32.080.

31 (2) The department may deduct an amount equal to the cost of
32 administering the program. All remaining fees must be deposited with
33 the state treasurer and credited to the state patrol highway account of
34 the motor vehicle fund created in RCW 46.68.070.

1 NEW SECTION. **Sec. 525.** A new section is added to chapter 46.17
2 RCW to read as follows:

3 Before accepting an application for a duplicate registration as
4 required under RCW 46.16.265 (as recodified by this act), the
5 department, county auditor or other agent, or subagent appointed by the
6 director shall require the applicant to pay a one dollar and twenty-
7 five cent fee in addition to any other fees and taxes required by law.
8 The one dollar and twenty-five cent fee must be deposited in the motor
9 vehicle fund created in RCW 46.68.070.

10 NEW SECTION. **Sec. 526.** A new section is added to chapter 46.17
11 RCW to read as follows:

12 Before accepting an application for a farm exempt decal as required
13 under RCW 46.16.025 (as recodified by this act), the department, county
14 auditor or other agent, or subagent appointed by the director shall
15 require the applicant to pay a five dollar fee in addition to any other
16 fees and taxes required by law. The five dollar fee must be deposited
17 in the motor vehicle fund created in RCW 46.68.070.

18 NEW SECTION. **Sec. 527.** A new section is added to chapter 46.17
19 RCW to read as follows:

20 (1) In lieu of the vehicle license fee required under section 531
21 of this act and before accepting an application for a vehicle
22 registration for farm vehicles described in RCW 46.16.090 (as
23 recodified by this act), the department, county auditor or other agent,
24 or subagent appointed by the director shall require the applicant,
25 unless specifically exempt, to pay the following farm vehicle reduced
26 gross weight license fee by weight:

27	WEIGHT	SCHEDULE A	SCHEDULE B
28	4,000 pounds	\$24.50	\$24.50
29	6,000 pounds	\$24.50	\$24.50
30	8,000 pounds	\$24.50	\$24.50
31	10,000 pounds	\$40.50	\$40.50
32	12,000 pounds	\$49.00	\$49.00
33	14,000 pounds	\$54.50	\$54.50
34	16,000 pounds	\$60.50	\$60.50

1	18,000 pounds	\$86.50	\$86.50
2	20,000 pounds	\$95.00	\$95.00
3	22,000 pounds	\$102.00	\$102.00
4	24,000 pounds	\$109.50	\$109.50
5	26,000 pounds	\$115.00	\$115.00
6	28,000 pounds	\$134.00	\$134.00
7	30,000 pounds	\$153.00	\$153.00
8	32,000 pounds	\$182.50	\$182.50
9	34,000 pounds	\$193.50	\$193.50
10	36,000 pounds	\$209.00	\$209.00
11	38,000 pounds	\$228.50	\$228.50
12	40,000 pounds	\$260.00	\$260.00
13	42,000 pounds	\$270.00	\$315.00
14	44,000 pounds	\$275.50	\$320.50
15	46,000 pounds	\$295.50	\$340.50
16	48,000 pounds	\$307.50	\$352.50
17	50,000 pounds	\$333.00	\$378.00
18	52,000 pounds	\$349.50	\$394.50
19	54,000 pounds	\$376.50	\$421.50
20	56,000 pounds	\$397.00	\$442.00
21	58,000 pounds	\$412.50	\$457.50
22	60,000 pounds	\$439.00	\$484.00
23	62,000 pounds	\$470.00	\$515.00
24	64,000 pounds	\$480.00	\$525.00
25	66,000 pounds	\$533.50	\$578.50
26	68,000 pounds	\$556.00	\$601.00
27	70,000 pounds	\$598.00	\$643.00
28	72,000 pounds	\$639.00	\$684.00
29	74,000 pounds	\$693.50	\$738.50
30	76,000 pounds	\$748.50	\$793.50
31	78,000 pounds	\$816.50	\$861.50
32	80,000 pounds	\$880.50	\$925.50
33	82,000 pounds	\$941.00	\$986.00
34	84,000 pounds	\$1,001.00	\$1,046.00
35	86,000 pounds	\$1,061.50	\$1,106.50
36	88,000 pounds	\$1,122.00	\$1,167.00
37	90,000 pounds	\$1,182.50	\$1,127.50

1	92,000 pounds	\$1,242.50	\$1,287.50
2	94,000 pounds	\$1,303.00	\$1,348.00
3	96,000 pounds	\$1,363.50	\$1,408.50
4	98,000 pounds	\$1,424.00	\$1,469.00
5	100,00 pounds	\$1,484.00	\$1,529.00
6	102,000 pounds	\$1,544.50	\$1,589.50
7	104,000 pounds	\$1,605.00	\$1,650.00
8	105,500 pounds	\$1,665.50	\$1,710.50

9 (2) Schedule A applies to vehicles either used exclusively for
10 hauling logs or that do not tow trailers. Schedule B applies to
11 vehicles that tow trailers and are not covered under Schedule A.

12 (3) If the resultant gross weight is not listed in the table
13 provided in subsection (1) of this section, it must be increased to the
14 next higher weight.

15 (4) The farm vehicle reduced gross weight license fees provided in
16 subsection (1) of this section are in addition to the filing fee
17 required under section 501 of this act and any other fee or tax
18 required by law.

19 (5) The farm vehicle reduced gross weight license fee as provided
20 in subsection (1) of this section must be distributed under RCW
21 46.68.030.

22 NEW SECTION. **Sec. 528.** A new section is added to chapter 46.17
23 RCW to read as follows:

24 Before accepting an application for a fixed load motor vehicle
25 registration, the department, county auditor or other agent, or
26 subagent appointed by the director shall require an applicant to pay:

27 (1) The license fee based on declared gross weight as provided in
28 section 530 of this act. The declared gross weight must be equal to
29 the scale weight of the motor vehicle, rounded up to the next higher
30 amount in the schedule provided in section 530 of this act, up to the
31 legal limit provided in chapter 46.44 RCW; or

32 (2) A twenty-five dollar capacity fee if the vehicle is equipped
33 for lifting or towing any abandoned, disabled, or impounded vehicle or
34 parts of vehicles. The twenty-five dollar capacity fee is in lieu of
35 the license fee based on declared gross weight as provided in section
36 530 of this act and must be deposited under RCW 46.68.030.

1	34,000 pounds	\$ 366.00	\$ 366.00
2	36,000 pounds	\$ 397.00	\$ 397.00
3	40,000 pounds	\$ 499.00	\$ 499.00
4	42,000 pounds	\$ 519.00	\$ 609.00
5	44,000 pounds	\$ 530.00	\$ 620.00
6	46,000 pounds	\$ 570.00	\$ 660.00
7	48,000 pounds	\$ 594.00	\$ 684.00
8	50,000 pounds	\$ 645.00	\$ 735.00
9	52,000 pounds	\$ 678.00	\$ 768.00
10	54,000 pounds	\$ 732.00	\$ 822.00
11	56,000 pounds	\$ 773.00	\$ 863.00
12	58,000 pounds	\$ 804.00	\$ 894.00
13	60,000 pounds	\$ 857.00	\$ 947.00
14	62,000 pounds	\$ 919.00	\$ 1,009.00
15	64,000 pounds	\$ 939.00	\$ 1,029.00
16	66,000 pounds	\$ 1,046.00	\$ 1,136.00
17	68,000 pounds	\$ 1,091.00	\$ 1,181.00
18	70,000 pounds	\$ 1,175.00	\$ 1,265.00
19	72,000 pounds	\$ 1,257.00	\$ 1,347.00
20	74,000 pounds	\$ 1,366.00	\$ 1,456.00
21	76,000 pounds	\$ 1,476.00	\$ 1,566.00
22	78,000 pounds	\$ 1,612.00	\$ 1,702.00
23	80,000 pounds	\$ 1,740.00	\$ 1,830.00
24	82,000 pounds	\$ 1,861.00	\$ 1,951.00
25	84,000 pounds	\$ 1,981.00	\$ 2,071.00
26	86,000 pounds	\$ 2,102.00	\$ 2,192.00
27	88,000 pounds	\$ 2,223.00	\$ 2,313.00
28	90,000 pounds	\$ 2,344.00	\$ 2,434.00
29	92,000 pounds	\$ 2,464.00	\$ 2,554.00
30	94,000 pounds	\$ 2,585.00	\$ 2,675.00
31	96,000 pounds	\$ 2,706.00	\$ 2,796.00
32	98,000 pounds	\$ 2,827.00	\$ 2,917.00
33	100,000 pounds	\$ 2,947.00	\$ 3,037.00
34	102,000 pounds	\$ 3,068.00	\$ 3,158.00
35	104,000 pounds	\$ 3,189.00	\$ 3,279.00
36	105,500 pounds	\$ 3,310.00	\$ 3,400.00

1 (2) Schedule A applies to vehicles either used exclusively for
2 hauling logs or that do not tow trailers. Schedule B applies to
3 vehicles that tow trailers and are not covered under Schedule A.

4 (3) If the resultant gross weight is not listed in the table
5 provided in subsection (1) of this section, it must be increased to the
6 next higher weight.

7 (4) The license fees provided in subsection (1) of this section are
8 in addition to the filing fee required under section 501 of this act
9 and any other fee or tax required by law.

10 (5) The license fee based on declared gross weight as provided in
11 subsection (1) of this section must be distributed under RCW 46.68.035.

12 NEW SECTION. **Sec. 531.** A new section is added to chapter 46.17
13 RCW to read as follows:

14 (1) Before accepting an application for a vehicle registration, the
15 department, county auditor or other agent, or subagent appointed by the
16 director shall require the applicant, unless specifically exempt, to
17 pay the following vehicle license fee by vehicle type:

18	VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
19	(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
20	(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
21	(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
22	(d) For hire vehicle, six seats	\$ 30.00	\$ 30.00	RCW 46.68.030
23	or less			
24	(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
25	(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
26	(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
27	(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
28	(i) Off-road vehicle	\$ 18.00	\$ 18.00	Section 822 of this act
29	(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
30	(k) Private use single-axle	\$ 15.00	\$ 15.00	RCW 46.68.035(2)
31	trailer			
32	(l) Snowmobile	\$ 30.00	\$ 30.00	Section 823 of this act
33	(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	Section 823 of this act
34	(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
35	(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030

1	(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
2	(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030

3 (2) The vehicle license fee required in subsection (1) of this
4 section is in addition to the filing fee required under section 501 of
5 this act, and any other fee or tax required by law.

6 NEW SECTION. **Sec. 532.** A new section is added to chapter 46.17
7 RCW to read as follows:

8 A person applying for a monthly declared gross weight license as
9 authorized in RCW 46.16.070 (as recodified by this act) shall pay an
10 additional two dollars for each month of the declared gross weight
11 license, plus an additional two dollars. These two dollar fees must be
12 deposited in the motor vehicle fund created in RCW 46.68.070.

13 NEW SECTION. **Sec. 533.** A new section is added to chapter 46.17
14 RCW to read as follows:

15 (1) A person applying for a motor vehicle registration and paying
16 the vehicle license fee required in section 531(1)(a), (d), (e), (h),
17 (j), (n), and (o) of this act shall pay a motor vehicle weight fee in
18 addition to all other fees and taxes required by law. The motor
19 vehicle weight fee:

- 20 (a) Must be based on the motor vehicle scale weight;
- 21 (b) Is the difference determined by subtracting the vehicle license
22 fee required in section 531 of this act from the license fee in
23 Schedule B of section 530 of this act, plus two dollars; and
- 24 (c) Must be distributed under section 813 of this act.

25 (2) A person applying for a motor home vehicle registration shall,
26 in lieu of the motor vehicle weight fee required in subsection (1) of
27 this section, pay a motor home vehicle weight fee of seventy-five
28 dollars in addition to all other fees and taxes required by law. The
29 motor home vehicle weight fee must be distributed under section 813 of
30 this act.

31 (3) The department shall:

- 32 (a) Rely on motor vehicle empty scale weights provided by vehicle
33 manufacturers, or other sources defined by the department, to determine
34 the weight of each motor vehicle; and

1 (b) Adopt rules for determining weight for vehicles without
2 manufacturer empty scale weights.

3 NEW SECTION. **Sec. 534.** A new section is added to chapter 46.17
4 RCW to read as follows:

5 (1) Before accepting an application for registration for a
6 recreational vehicle, the department, county auditor or other agent, or
7 subagent appointed by the director shall require an applicant to pay a
8 three dollar fee in addition to any other fees and taxes required by
9 law. The recreational vehicle sanitary disposal fee must be deposited
10 in the RV account created in RCW 46.68.170.

11 (2) For the purposes of this section, "recreational vehicle" means
12 a camper, motor home, or travel trailer.

13 **E. PERMIT AND TRANSFER FEES**

14 NEW SECTION. **Sec. 535.** A new section is added to chapter 46.17
15 RCW to read as follows:

16 (1) Before accepting an application for one of the following
17 permits, the department, county auditor or other agent, or subagent
18 appointed by the director shall require the applicant to pay the
19 following permit fee by permit type in addition to any other fee or tax
20 required by law:

21 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
22 (a) Dealer temporary	\$15.00	RCW 46.16.045 (as 23 recodified by this act)	RCW 46.68.030
24 (b) Department temporary	\$.50	RCW 46.16.047 (as 25 recodified by this act)	Section 814 of this act
26 (c) Farm vehicle trip	\$6.25	RCW 46.16.162 (as 27 recodified by this act)	RCW 46.68.035
28 (d) Nonresident military	\$10.00	RCW 46.16.460 (as 29 recodified by this act)	RCW 46.68.070
30 (e) Nonresident temporary snowmobile	\$5.00	Section 229 of this act	Section 823 of this act
31 (f) Special fuel trip	\$25.00	RCW 82.38.100	Section 817 of this act
32 (g) Temporary ORV use	\$7.00	Section 219 of this act	Section 822 of this act

1 (h) Vehicle trip \$25.00 RCW 46.16.160 (as Section 815 of this act
2 recodified by this act)

3 (2) Permit fees as provided in subsection (1) of this section are
4 in addition to the filing fee required under section 501 of this act,
5 except an additional filing fee may not be charged for:

- 6 (a) Dealer temporary permits;
- 7 (b) Special fuel trip permits; and
- 8 (c) Vehicle trip permits.

9 (3) Five dollars of the fifteen dollar dealer temporary permit fee
10 provided in subsection (1)(a) of this section must be credited to the
11 payment of vehicle license fees at the time application for
12 registration is made. The remainder must be deposited to the state
13 patrol highway account created in RCW 46.68.030.

14 (4) A surcharge of five dollars must be collected when issuing a
15 special fuel trip permit or vehicle trip permit as provided in
16 subsection (1) of this section and must be distributed as follows:

- 17 (a) Under section 817 of this act for special fuel trip permits;
18 and
- 19 (b) Under section 815 of this act for vehicle trip permits.

20 NEW SECTION. **Sec. 536.** A new section is added to chapter 46.17
21 RCW to read as follows:

22 Before accepting an application for a transfer of an off-road
23 vehicle registration as required under RCW 46.09.070 (as recodified by
24 this act), the department, county auditor or other agent, or subagent
25 appointed by the director shall require the applicant to pay a five
26 dollar off-road vehicle registration transfer fee. The five dollar
27 off-road vehicle registration transfer fee must be distributed under
28 RCW 46.68.020.

29 NEW SECTION. **Sec. 537.** A new section is added to chapter 46.17
30 RCW to read as follows:

31 Before accepting an application for a transfer of a snowmobile
32 registration as required under RCW 46.10.040 (as recodified by this
33 act), the department, county auditor or other agent, or subagent
34 appointed by the director shall require the applicant to pay a five

1 dollar snowmobile registration transfer fee. The five dollar
2 snowmobile registration transfer fee must be distributed under RCW
3 46.10.075 (as recodified by this act).

4 **PART VI. SPECIAL LICENSE PLATES**

5 **A. REVIEW BOARD**

6 **Sec. 601.** RCW 46.16.700 and 2003 c 196 s 1 are each amended to
7 read as follows:

8 The legislature has seen an increase in the demand from constituent
9 groups seeking recognition and funding through the establishment of
10 commemorative or special license plates. The high cost of implementing
11 a new special license plate series coupled with the uncertainty of the
12 state's ability to recoup its costs((~~7~~)) has led the legislature to
13 delay the implementation of new special license plates. In order to
14 address these issues, it is the intent of the legislature to create a
15 mechanism that will allow for the evaluation of special license plate
16 requests and establish a funding policy that will alleviate the
17 financial burden currently placed on the state. Using these two
18 strategies, the legislature will be better equipped to efficiently
19 process special license plate legislation.

20 **Sec. 602.** RCW 46.16.705 and 2005 c 319 s 117 are each amended to
21 read as follows:

22 (1) The special license plate review board is created.

23 (2) The board will consist of seven members: One member appointed
24 by the governor ((~~and~~)) who will serve as chair of the board; four
25 members of the legislature, one from each caucus of the house of
26 representatives and the senate; a department of licensing
27 representative appointed by the director; and a Washington state patrol
28 representative appointed by the chief.

29 (3) Members shall serve terms of four years, except that four of
30 the members initially appointed will be appointed for terms of two
31 years. ((~~No~~)) A member may not be appointed for more than three
32 consecutive terms.

33 (4) The respective appointing authority may remove members from the
34 board before the expiration of their terms only for cause based upon a
35 determination of incapacity, incompetence, neglect of duty, or

1 malfeasance in office as ordered by the Thurston county superior court,
2 upon petition and show cause proceedings brought for that purpose in
3 that court and directed to the board member in question.

4 **Sec. 603.** RCW 46.16.715 and 2005 c 319 s 118 are each amended to
5 read as follows:

6 (1) The board shall meet periodically at the call of the chair, but
7 must meet at least (~~one-time~~) once each year within ninety days
8 before an upcoming regular session of the legislature. The board may
9 adopt its own rules and may establish its own procedures. It shall act
10 collectively in harmony with recorded resolutions or motions adopted by
11 a majority vote of the members, and it must have a quorum present to
12 take a vote on a special license plate application.

13 (2) The board will be compensated from the general appropriation
14 for the department (~~of licensing~~) in accordance with RCW 43.03.250.
15 Each board member will be compensated in accordance with RCW 43.03.250
16 and reimbursed for actual necessary traveling and other expenses in
17 going to, attending, and returning from meetings of the board or that
18 are incurred in the discharge of duties requested by the chair.
19 However, (~~in no event may~~) a board member may not be compensated in
20 any year for more than one hundred twenty days, except the chair may be
21 compensated for not more than one hundred fifty days. Service on the
22 board does not qualify as a service credit for the purposes of a public
23 retirement system.

24 (3) The board shall keep proper records and is subject to audit by
25 the state auditor or other auditing entities.

26 (4) The department (~~of licensing~~) shall provide administrative
27 support to the board, which must include at least the following:

28 (a) Provide general staffing to meet the administrative needs of
29 the board;

30 (b) Report to the board on the reimbursement status of any new
31 special license plate series for which the state had to pay the start-
32 up costs;

33 (c) Process special license plate applications and confirm that the
34 sponsoring organization has submitted all required documentation. If
35 an incomplete application is received, the department must return it to
36 the sponsoring organization; and

1 (d) Compile the annual financial reports submitted by sponsoring
2 organizations with active special license plate series and present
3 those reports to the board for review and approval.

4 **Sec. 604.** RCW 46.16.725 and 2009 c 470 s 710 are each amended to
5 read as follows:

6 (1) The creation of the board does not in any way preclude the
7 authority of the legislature to independently propose and enact special
8 license plate legislation.

9 (2) The board must review and either approve or reject special
10 license plate applications submitted by sponsoring organizations.

11 (3) Duties of the board include but are not limited to the
12 following:

13 (a) Review and approve the annual financial reports submitted by
14 sponsoring organizations with active special license plate series and
15 present those annual financial reports to the senate and house
16 transportation committees;

17 (b) Report annually to the senate and house of representatives
18 transportation committees on the special license plate applications
19 that were considered by the board;

20 (c) Issue approval and rejection notification letters to sponsoring
21 organizations, the department, the chairs of the senate and house of
22 representatives transportation committees, and the legislative sponsors
23 identified in each application. The letters must be issued within
24 seven days of making a determination on the status of an application;

25 (d) Review annually the number of plates sold for each special
26 license plate series created after January 1, 2003. The board may
27 submit a recommendation to discontinue a special plate series to the
28 chairs of the senate and house of representatives transportation
29 committees; and

30 (e) Provide policy guidance and directions to the department
31 concerning the adoption of rules necessary to limit the number of
32 special license plates ~~((that))~~ for which an organization or a
33 governmental entity may apply ~~((for))~~.

34 (4) Except as provided in ~~((chapter 72, Laws of 2008))~~ section 621
35 of this act, in order to assess the effects and impact of the
36 proliferation of special license plates, the legislature declares a
37 temporary moratorium on the issuance of any additional plates until

1 July 1, 2011. During this period of time, the special license plate
2 review board created in RCW 46.16.705 (as recodified by this act) and
3 the department (~~(of licensing)~~) are prohibited from accepting,
4 reviewing, processing, or approving any applications. Additionally,
5 (~~(no)~~) a special license plate may not be enacted by the legislature
6 during the moratorium, unless the proposed license plate has been
7 approved by the board before February 15, 2005.

8 **B. REQUIREMENTS AND PROCEDURES**

9 **Sec. 605.** RCW 46.16.735 and 2004 c 222 s 3 are each amended to
10 read as follows:

11 (1) For an organization to qualify for a special license plate
12 under the special license plate approval program created in (~~RCW~~
13 ~~46.16.705 through 46.16.765~~) this chapter, the sponsoring organization
14 must submit documentation in conjunction with the application to the
15 department that verifies(~~(+~~

16 ~~(a))~~) that the organization is:

17 (a) A nonprofit organization, as defined in 26 U.S.C. Sec.
18 501(c)(3). The department may request a copy of an Internal Revenue
19 Service ruling to verify an organization's nonprofit status; and

20 ~~(b) ((That the organization is))~~ Located in Washington state and
21 has registered as a charitable organization with the secretary of
22 state's office as required by law.

23 (2) For a governmental body to qualify for a special license plate
24 under the special license plate approval program created in (~~RCW~~
25 ~~46.16.705 through 46.16.765~~) this chapter, a governmental body must
26 be:

27 (a) A political subdivision(~~(7)~~) including, but not limited to, any
28 county, city, town, municipal corporation, or special purpose taxing
29 district that has the express permission of the political subdivision's
30 executive body to sponsor a special license plate;

31 (b) A federally recognized tribal government that has received the
32 approval of the executive body of that government to sponsor a special
33 license plate;

34 (c) A state agency that has received approval from the director of
35 the agency or the department head; or

1 (d) A community or technical college that has the express
2 permission of the college's board of trustees to sponsor a special
3 license plate.

4 **Sec. 606.** RCW 46.16.745 and 2005 c 210 s 8 are each amended to
5 read as follows:

6 (1) A sponsoring organization meeting the requirements of RCW
7 46.16.735 (as recodified by this act), applying for the creation of a
8 special license plate to the special license plate review board must,
9 on an application supplied by the department, provide the minimum
10 application requirements in subsection (2) of this section.

11 (2) The sponsoring organization shall:

12 (a) Submit prepayment of all start-up costs associated with the
13 creation and implementation of the special license plate in an amount
14 determined by the department. The department shall place this money
15 into the special license plate applicant trust account created under
16 ((RCW 46.16.755(4))) section 808 of this act;

17 (b) Provide a proposed license plate design;

18 (c) Provide a marketing strategy outlining short and long-term
19 marketing plans for each special license plate and a financial analysis
20 outlining the anticipated revenue and the planned expenditures of the
21 revenues derived from the sale of the special license plate;

22 (d) Provide a signature of a legislative sponsor and proposed
23 legislation creating the special license plate;

24 (e) Provide proof of organizational qualifications as determined by
25 the department as provided for in RCW 46.16.735 (as recodified by this
26 act);

27 (f) Provide signature sheets that include signatures from
28 individuals who intend to purchase the special license plate and the
29 number of plates each individual intends to purchase. The sheets must
30 reflect a minimum of three thousand five hundred intended purchases of
31 the special license plate.

32 (3) After an application is approved by the special license plate
33 review board, the application need not be reviewed again by the board
34 for a period of three years.

35 **Sec. 607.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to
36 read as follows:

1 (1)~~((a))~~ Revenues generated from the sale of special license
2 plates for those sponsoring organizations who used the application
3 process in RCW 46.16.745~~((3))~~ (as recodified by this act) must be
4 deposited into the motor vehicle ~~((account))~~ fund created in RCW
5 46.68.070 until the department determines that the state's
6 implementation costs have been fully reimbursed. ~~((The department~~
7 ~~shall apply the application fee required under RCW 46.16.745(3)(a)~~
8 ~~towards those costs.~~

9 ~~(b))~~ (2) When it is determined that the state has been fully
10 reimbursed the department must notify the house of representatives and
11 senate transportation committees, the sponsoring organization, and the
12 state treasurer, and ~~((commence the distribution of))~~ begin
13 distributing the revenue as otherwise provided by law.

14 ~~((2))~~ (3) If reimbursement does not occur within two years from
15 the date the special license plate is first offered for sale to the
16 public, the special license plate series must be placed in probationary
17 status for a period of one year from that date. If the state is still
18 not fully reimbursed for its implementation costs after the one-year
19 probation, the special license plate series must be discontinued
20 immediately. Special license plates issued before discontinuation are
21 valid until replaced under ~~((RCW 46.16.233))~~ section 422(10) of this
22 act.

23 ~~((3))~~ (4) The special license plate applicant trust account is
24 created in the custody of the state treasurer. All receipts from
25 special license plate applicants~~((, except the application fee as~~
26 ~~provided in RCW 46.16.745(3),))~~ must be deposited into the account.
27 Only the director of the department or the director's designee may
28 authorize disbursements from the account. The account is not subject
29 to the allotment procedures under chapter 43.88 RCW, nor is an
30 appropriation required for disbursements.

31 ~~((4))~~ (5) The department shall:

32 (a) Provide the special license plate applicant with a written
33 receipt for the payment~~((-~~

34 ~~(5) The department shall))~~; and

35 (b) Maintain a record of each special license plate applicant trust
36 account deposit~~((,))~~ including, but not limited to, the name and
37 address of each special license plate applicant whose funds are being
38 deposited, the amount paid, and the date of the deposit.

1 (6) After the department receives written notice that the special
2 license plate applicant's application has been(~~(+~~

3 ~~(a))~~) approved by the legislature, the director shall request that
4 the money be transferred to the motor vehicle (~~(account;~~

5 ~~(b))~~) fund created in RCW 46.68.070.

6 (7) After the department receives written notice that the special
7 license plate applicant's application has been denied by the special
8 license plate review board or the legislature, the director shall
9 provide a refund to the applicant within thirty days(~~(+or~~

10 ~~(e))~~).

11 (8) After the department receives written notice that the special
12 license plate applicant's application has been withdrawn by the special
13 license plate applicant, the director shall provide a refund to the
14 applicant within thirty days.

15 **Sec. 608.** RCW 46.16.765 and 2003 c 196 s 303 are each amended to
16 read as follows:

17 (1) Within thirty days of legislative enactment of a new special
18 license plate series for a qualifying organization meeting the
19 requirements of RCW 46.16.735(1) (as recodified by this act), the
20 department shall enter into a written agreement with the organization
21 that sponsored the special license plate. The agreement must identify
22 the services to be performed by the sponsoring organization. The
23 agreement must be consistent with all applicable state law and include
24 the following provision:

25 "No portion of any funds disbursed under the agreement may be used,
26 directly or indirectly, for any of the following purposes:

27 (a) Attempting to influence: (i) The passage or defeat of
28 legislation by the legislature of the state of Washington, by a county,
29 city, town, or other political subdivision of the state of Washington,
30 or by the Congress; or (ii) the adoption or rejection of a rule,
31 standard, rate, or other legislative enactment of a state agency;

32 (b) Making contributions reportable under chapter 42.17 RCW; or

33 (c) Providing a: (i) Gift; (ii) honoraria; or (iii) travel,
34 lodging, meals, or entertainment to a public officer or employee."

35 (2) The sponsoring organization must submit an annual financial
36 report by September 30th of each year to the department detailing
37 actual revenues and expenditures of the revenues received from sales of

1 the special license plate. Consistent with the agreement under
2 subsection (1) of this section, the sponsoring organization must expend
3 the revenues generated from the sale of the special license plate
4 series for the benefit of the public, and it must be spent within this
5 state. Disbursement of the revenue generated from the sale of the
6 special license plate to the sponsoring organization is contingent upon
7 the organization meeting all reporting and review requirements as
8 required by the department.

9 (3) If the sponsoring organization ceases to exist or the purpose
10 of the special license plate series ceases to exist, revenues generated
11 from the sale of the special license plates must be deposited into the
12 motor vehicle (~~account~~) fund created in RCW 46.68.070.

13 (4) A sponsoring organization may not seek to redesign its special
14 license plate series until (~~all of~~) the entire inventory is sold or
15 purchased by the organization itself. All costs for the redesign of a
16 special license plate series must be paid by the sponsoring
17 organization.

18 **Sec. 609.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to
19 read as follows:

20 (1) A special license plate series created by the legislature after
21 January 1, 2004, that has not been reviewed and approved by the special
22 license plate review board is subject to the following requirements:

23 (a) The organization sponsoring the license plate series shall,
24 within thirty days of enactment of the legislation creating the special
25 license plate series, submit prepayment of all start-up costs
26 associated with the creation and implementation of the special license
27 plate in an amount determined by the department. The prepayment will
28 be credited to the motor vehicle fund created in RCW 46.68.070. The
29 creation and implementation of the special license plate series may not
30 (~~commence~~) begin until payment is received by the department.

31 (b) If the sponsoring organization is not able to meet the
32 prepayment requirements in (a) of this subsection and can demonstrate
33 this fact to the satisfaction of the department, the revenues generated
34 from the sale of the special license plates must be deposited in the
35 motor vehicle (~~account~~) fund created in RCW 46.68.070 until the
36 department determines that the state's portion of the implementation
37 costs have been fully reimbursed. When it (~~is~~) has determined that

1 the state has been fully reimbursed, the department must notify the
2 treasurer to commence distribution of the revenue according to
3 statutory provisions.

4 (c) The sponsoring organization must provide a proposed special
5 license plate design to the department within thirty days of enactment
6 of the legislation creating the special license plate series.

7 (2) The state must be reimbursed for its portion of the
8 implementation costs within two years from the date the new special
9 license plate series goes on sale to the public. If the reimbursement
10 does not occur within the two-year time frame, the special license
11 plate series must be placed in probationary status for a period of one
12 year from that date. If the state is still not fully reimbursed for
13 its implementation costs after the one-year probation, the special
14 license plate series must be discontinued immediately. Those special
15 license plates issued before discontinuation are valid until replaced
16 under ((RCW 46.16.233)) section 422(10) of this act.

17 (3) If the sponsoring organization ceases to exist or the purpose
18 of the special license plate series ceases to exist, revenues generated
19 from the sale of the special license plates must be deposited into the
20 motor vehicle ((account)) fund created in RCW 46.68.070.

21 (4) A sponsoring organization may not seek to redesign ((their))
22 its special license plate series until ((all of)) the entire existing
23 inventory is sold or purchased by the organization itself. All costs
24 for the redesign of a special license plate series must be paid by the
25 sponsoring organization.

26 **Sec. 610.** RCW 46.16.690 and 2005 c 210 s 6 are each amended to
27 read as follows:

28 The department shall offer special license plate design services to
29 organizations that are sponsoring a new special license plate series
30 ((or are)) and organizations seeking to redesign the appearance of an
31 existing special license plate series that they sponsored. In
32 providing this service, the department must work with the requesting
33 organization in determining the specific qualities of the new special
34 license plate design and must provide full design services to the
35 organization. The department shall collect from the requesting
36 organization a fee of two hundred dollars for providing special license
37 plate design services. This fee includes one original special license

1 plate design and up to five additional renditions of the original
2 design. If the organization requests the department to provide further
3 renditions, in addition to the five renditions provided for under the
4 original fee, the department shall collect an additional fee of one
5 hundred dollars per rendition. All revenue collected under this
6 section must be deposited into the multimodal transportation account
7 created in RCW 47.66.070.

8 **C. PLATE TYPES, DECALS, AND EMBLEMS**

9 NEW SECTION. **Sec. 611.** (1) The legislature recognizes that the
10 special license plate review board established in RCW 46.16.705 (as
11 recodified by this act) reviews and approves applications for special
12 license plate series.

13 (2) Special license plate series reviewed and approved by the
14 special license plate review board:

15 (a) May be issued in lieu of standard issue or personalized license
16 plates for vehicles required to display one and two license plates
17 unless otherwise specified;

18 (b) Must be issued under terms and conditions established by the
19 department;

20 (c) Must not be issued for vehicles registered under chapter 46.87
21 RCW; and

22 (d) Must display a symbol or artwork approved by the special
23 license plate review board.

24 (3) The special license plate review board approves, and the
25 department shall issue, the following special license plates:

LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
Armed forces collection	Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard.
Endangered wildlife	Displays a symbol or artwork, approved by the special license plate review board and the legislature.

1	Gonzaga University alumni	Recognizes the Gonzaga University alumni association.
2	Helping kids speak	Recognizes an organization that supports programs that
3		provide no-cost speech pathology programs to children.
4	Keep kids safe	Recognizes efforts to prevent child abuse and neglect.
5	Law enforcement memorial	Honors law enforcement officers in Washington killed in
6		the line of duty.
7	Professional firefighters and paramedics	Recognizes professional firefighters and paramedics who
8		are members of the Washington state council of
9		firefighters.
10	Share the road	Recognizes an organization that promotes bicycle safety
11		and awareness education.
12	Ski & ride Washington	Recognizes the Washington snowsports industry.
13	Washington lighthouses	Recognizes an organization that supports selected
14		Washington state lighthouses and provides environmental
15		education programs.
16	Washington state parks	Recognizes Washington state parks as premier destinations
17		of uncommon quality that preserve significant natural,
18		cultural, historical, and recreational resources.
19	Washington's national park fund	Builds awareness of Washington's national parks and
20		supports priority park programs and projects in
21		Washington's national parks, such as enhancing visitor
22		experience, promoting volunteerism, engaging
23		communities, and providing educational opportunities
24		related to Washington's national parks.
25	Washington's wildlife collection	Recognizes Washington's wildlife.
26	We love our pets	Recognizes an organization that assists local member
27		agencies of the federation of animal welfare and control
28		agencies to promote and perform spay/neuter surgery on
29		Washington state pets to reduce pet overpopulation.
30	Wild on Washington	Symbolizes wildlife viewing in Washington state.

31 (4) Applicants for initial and renewal professional firefighters
32 and paramedics special license plates must show proof eligibility by
33 providing a certificate of current membership from the Washington state
34 council of firefighters.

35 NEW SECTION. **Sec. 612.** (1) A registered owner may apply to the

1 department for special armed forces license plates for motor vehicles
2 representing the following:

- 3 (a) Air force;
- 4 (b) Army;
- 5 (c) Coast guard;
- 6 (d) Marine corps;
- 7 (e) National guard; or
- 8 (f) Navy.

9 (2) Armed forces license plates may be purchased by:

- 10 (a) Active duty military personnel;
- 11 (b) Families of veterans and service members;
- 12 (c) Members of the national guard;
- 13 (d) Reservists; or
- 14 (e) Veterans, as defined in RCW 41.04.007.

15 (3) A person who applies for special armed forces license plates
16 shall provide:

- 17 (a) DD-214 or discharge papers if the applicant is a veteran;
- 18 (b) A military identification card or retired military
19 identification card; or
- 20 (c) A declaration of fact attesting to the applicant's eligibility
21 as required under this section.

22 (4) For the purposes of this section:

- 23 (a) "Child" includes stepchild, adopted child, foster child,
24 grandchild, or son or daughter-in-law.
- 25 (b) "Family" or "families" includes an individual's spouse, child,
26 parent, sibling, aunt, uncle, or cousin.
- 27 (c) "Parent" includes stepparent, grandparent, or in-laws.
- 28 (d) "Sibling" includes brother, half brother, stepbrother, sister,
29 half sister, stepsister, or brother or sister-in-law.

30 (5) Armed forces license plates are not free of charge to disabled
31 veterans, former prisoners of war, or spouses or domestic partners of
32 deceased former prisoners of war under section 619 of this act.

33 NEW SECTION. **Sec. 613.** (1) The department must make available,
34 upon request by a purchaser of special armed forces license plates, at
35 no additional cost, a decal indicating the purchaser's military status.
36 The list of available decals must include, but is not limited to:

- 37 (a) Active duty;

- 1 (b) Disabled veteran;
- 2 (c) Reservist;
- 3 (d) Retiree;
- 4 (e) Veteran; or
- 5 (f) Other decals established in cooperation with the department of
- 6 veterans affairs.

7 (2) Armed forces decals must be made available only for standard
8 six-inch by twelve-inch license plates. The department may specify
9 where the decal may be placed on the license plate.

10 (3) The department of veterans affairs must enter into an agreement
11 with the department to reimburse the department for the costs
12 associated with providing military status decals described in this
13 section.

14 **Sec. 614.** RCW 46.16.301 and 1997 c 291 s 5 are each amended to
15 read as follows:

16 The department shall create, design, and issue a special baseball
17 stadium license plate that may be used in lieu of (~~regular~~) standard
18 issue or personalized license plates for motor vehicles required to
19 display two (~~motor-vehicle~~) license plates, excluding vehicles
20 registered under chapter 46.87 RCW, upon terms and conditions
21 established by the department. The special license plates (~~shall~~)
22 commemorate the construction of a baseball stadium, as defined in RCW
23 82.14.0485. The department shall also issue to each recipient of a
24 special baseball stadium license plate a certificate of participation
25 in the construction of the baseball stadium.

26 **Sec. 615.** RCW 46.16.324 and 1994 c 194 s 3 are each amended to
27 read as follows:

28 (~~Effective January 1, 1995,~~) A state university, regional
29 university, or state college as defined in RCW 28B.10.016 may apply to
30 the department, in a form (~~prescribed~~) approved by the
31 department(~~)~~ and request the department to issue a series of
32 collegiate license plates, for display on motor vehicles, depicting the
33 name and mascot or symbol of the college or university, as submitted
34 and approved for use by the requesting institution.

1 NEW SECTION. **Sec. 616.** (1) A registered owner may apply to the
2 department for special license plates showing the official amateur
3 radio call letters assigned by the federal communications commission.
4 The amateur radio operator must:

5 (a) Provide a copy of the current valid federal communications
6 commission amateur radio license;

7 (b) Pay the amateur radio license plate fee required under section
8 521(1)(a) of this act, in addition to any other fees and taxes due; and

9 (c) Be recorded as the registered owner of the vehicle on which the
10 amateur radio license plates will be displayed.

11 (2) Amateur radio license plates must be issued only for motor
12 vehicles owned by persons who have a valid official radio operator
13 license issued by the federal communications commission.

14 (3) The department shall not issue or may refuse to issue amateur
15 radio license plates that display the consecutive letters "WSP."

16 (4) A person who has been issued amateur radio operator license
17 plates as provided in this section must:

18 (a) Notify the department within thirty days after the federal
19 communications commission license assigned is canceled or expires, and
20 return the amateur radio license plates; and

21 (b) Provide a copy of the renewed federal communications commission
22 license to the department after it is renewed.

23 (5) Amateur radio license plates may be transferred from one motor
24 vehicle to another motor vehicle owned by the amateur radio operator
25 upon application to the department, county auditor or other agent, or
26 subagent appointed by the director.

27 (6) Facilities of official amateur radio stations may be utilized
28 to the fullest extent in the work of governmental agencies. The
29 director shall furnish the state military department, the department of
30 commerce, the Washington state patrol, and all county sheriffs a list
31 of the names, addresses, and license plate or official amateur radio
32 call letters of each person possessing the amateur radio license
33 plates.

34 (7) Failure to return the amateur radio license plates as required
35 under subsection (4) of this section is a traffic infraction.

36 NEW SECTION. **Sec. 617.** (1) A registered owner may apply to the
37 department, county auditor or other agent, or subagent appointed by the

1 director for a collector vehicle license plate for a motor vehicle that
2 is at least thirty years old. The motor vehicle must be operated
3 primarily as a collector vehicle and be in good running order. The
4 applicant for the collector vehicle license plate shall:

5 (a) Purchase a registration for the motor vehicle as required under
6 chapters 46.16 and 46.17 RCW; and

7 (b) Pay the special license plate fee established under section
8 521(1)(d) of this act, in addition to any other fees or taxes required
9 by law.

10 (2) A person applying for a collector vehicle license plate may:

11 (a) Receive a collector vehicle license plate assigned by the
12 department; or

13 (b) Provide a Washington state issued license plate designated for
14 general use in the year of the vehicle's manufacture.

15 (3) Collector vehicle license plates:

16 (a) Are valid for the life of the motor vehicle;

17 (b) Are not required to be renewed; and

18 (c) Must be displayed on the rear of the motor vehicle.

19 (4) A collector vehicle registered under this section may only be
20 used for participation in club activities, exhibitions, tours, parades,
21 and occasional pleasure driving.

22 (5) Collector vehicle license plates may be transferred from one
23 motor vehicle to another motor vehicle described in subsection (1) of
24 this section upon application to the department, county auditor or
25 other agent, or subagent appointed by the director.

26 NEW SECTION. **Sec. 618.** (1) A registered owner who has been
27 awarded the Congressional Medal of Honor may apply to the department
28 for special license plates for use on a passenger vehicle. The
29 Congressional Medal of Honor recipient must:

30 (a) Provide proof from the Washington state department of veterans
31 affairs showing receipt of the medal; and

32 (b) Be recorded as the registered owner of the vehicle on which the
33 Congressional Medal of Honor license plates will be displayed.

34 (2) Congressional Medal of Honor license plates must be issued:

35 (a) Only for a personal passenger motor vehicle owned by persons
36 who have received the Congressional Medal of Honor; and

1 (b) Without payment of vehicle license fees, license plate fees,
2 and motor vehicle excise taxes.

3 (3) Congressional Medal of Honor license plates must be replaced,
4 free of charge, if the license plates become lost, stolen, damaged,
5 defaced, or destroyed.

6 (4) Congressional Medal of Honor license plates may be transferred,
7 free of charge, from one motor vehicle to another motor vehicle owned
8 by the Congressional Medal of Honor recipient upon application to the
9 department, county auditor or other agent, or subagent appointed by the
10 director.

11 NEW SECTION. **Sec. 619.** (1) A registered owner who is a veteran,
12 as defined in RCW 41.04.007, may apply to the department for disabled
13 American veteran or former prisoner of war license plates, for use on
14 one personal use motor vehicle. The veteran must be recorded as the
15 registered owner of the vehicle on which the disabled American veteran
16 or former prisoner of war license plates will be displayed and:

17 (a) Provide certification from the veterans administration or the
18 military service from which the veteran was discharged that the veteran
19 has a service-connected disability rating;

20 (b) Have lost the use of both hands or one foot;

21 (c) Have been captured and incarcerated by an enemy of the United
22 States during a period of war with the United States and have received
23 a prisoner of war medal;

24 (d) Have become blind in both eyes as the result of military
25 service; or

26 (e) Be rated by the veterans administration or the military service
27 from which the veteran was discharged and be receiving service-
28 connected compensation at the one hundred percent rate that is expected
29 to exist for more than one year.

30 (2) The special license plates under this section must:

31 (a) Display distinguishing marks, letters, or numerals indicating
32 that the registered owner is a disabled American veteran or former
33 prisoner of war; and

34 (b) Be issued for one personal use vehicle without the payment of
35 any vehicle license fees, license plate fees, or excise taxes.

36 (3) A registered owner who is a veteran, as defined in RCW
37 41.04.007, may, in lieu of applying for the special license plates

1 under this section, apply for regular issue or any qualifying special
2 license plate and receive the full benefit of the vehicle license fee
3 and excise tax exemption provided in subsection (2)(b) of this section.

4 (4) The department may periodically verify the one hundred percent
5 rate as described in subsection (1)(e) of this section.

6 (5) A veteran who has been issued disabled American veteran or
7 former prisoner of war license plates under this section before July 1,
8 1983, continues to be eligible for the vehicle license fee and excise
9 tax exemption described in subsection (2)(b) of this section.

10 (6) Disabled American veteran and former prisoner of war license
11 plates may be transferred from one motor vehicle to another motor
12 vehicle owned by the veteran upon application to the department, county
13 auditor or other agent, or subagent appointed by the director.

14 (7) For the purposes of this section:

15 (a) "Blind" means the definition of "blind" used by the state of
16 Washington in determining eligibility for financial assistance to the
17 blind under Title 74 RCW; and

18 (b) "Special license plates" does not include any plate from the
19 armed forces license plate collection established in section 611(3) of
20 this act.

21 (8) Any unauthorized use of a special license plate under this
22 section is a gross misdemeanor.

23 NEW SECTION. **Sec. 620.** (1) A registered owner who is an officer
24 of the Taipei economic and cultural office may apply to the department
25 for special license plates for a motor vehicle owned or leased by the
26 officer. The special license plates must:

27 (a) Be issued for passenger vehicles having a manufacturer's rated
28 carrying capacity of one ton or less;

29 (b) Show the words "Foreign Organization";

30 (c) Be in a distinguishing color and a separate numerical series;

31 (d) Be returned to the department when no longer in use or when the
32 owner or lessee is relieved of his or her duties as a representative of
33 the recognized foreign organization; and

34 (e) Be removed from the vehicle when the officer of the Taipei
35 economic and cultural office transfers or assigns the interest or
36 certificate of title in the motor vehicle for which the special license
37 plates were issued.

1 (2) Motor vehicles described in subsection (1) of this section are
2 exempt from the vehicle license fees under section 531 of this act.

3 (3) Foreign organization license plates may be transferred from one
4 motor vehicle to another motor vehicle owned by the officer as
5 described in subsection (1) of this section upon application to the
6 department, county auditor or other agent, or subagent appointed by the
7 director.

8 (4) The Taipei economic and cultural office shall bear the entire
9 cost of production of the special license plates described in
10 subsection (1) of this section.

11 NEW SECTION. **Sec. 621.** (1) A registered owner who is the mother
12 or father of a member of the United States armed forces who died while
13 in service to his or her country, or as a result of his or her service,
14 may apply to the department for special gold star license plates for
15 use on a motor vehicle. The registered owner must:

16 (a) Be a resident of this state;

17 (b) Provide certification from the Washington state department of
18 veterans affairs that the registered owner qualifies for the special
19 license plate under this section;

20 (c) Be recorded as the registered owner of the motor vehicle on
21 which the gold star license plates will be displayed; and

22 (d) Pay all fees and taxes required by law for registering the
23 motor vehicle.

24 (2) Gold star license plates must be issued:

25 (a) Only for motor vehicles owned by qualifying applicants; and

26 (b) Without payment of any license plate fee.

27 (3) Gold star license plates must be replaced, free of charge, if
28 the license plates become lost, stolen, damaged, defaced, or destroyed.

29 (4) Gold star license plates may be transferred from one motor
30 vehicle to another motor vehicle owned by the mother or father, as
31 described in subsection (1) of this section, upon application to the
32 department, county auditor or other agent, or subagent appointed by the
33 director.

34 NEW SECTION. **Sec. 622.** (1) A registered owner who is an honorary
35 consul or official representative of any foreign government may apply
36 to the department for special license plates for a motor vehicle owned

1 or leased by the honorary consul or official representative. The
2 honorary consul or official representative must be a citizen of the
3 United States, pay all required vehicle license fees and taxes, and
4 either (a) provide a copy of the honorary consul identification card or
5 (b) show the exequatur issued by the United States department of state.

6 (2) The special honorary consul license plates must be:

7 (a) A distinguishing color and separate numerical series;

8 (b) Returned to the department when no longer in use or when the
9 honorary consul or official representative is relieved of his or her
10 official duties; and

11 (c) Removed from the vehicle when the honorary consul or official
12 representative transfers or assigns the interest or certificate of
13 title in the motor vehicle for which the special license plates were
14 issued.

15 (3) The special honorary consul license plates may be transferred
16 to a replacement vehicle. The honorary consul or official
17 representative shall immediately notify the department of the transfer
18 of the special license plates.

19 NEW SECTION. **Sec. 623.** (1) A registered owner may apply to the
20 department, county auditor or other agent, or subagent appointed by the
21 director for a horseless carriage license plate for a motor vehicle
22 that is at least forty years old. The motor vehicle must be operated
23 primarily as a collector vehicle and be in good running order. The
24 applicant for the horseless carriage license plate shall:

25 (a) Purchase a registration for the motor vehicle as required under
26 chapters 46.16 and 46.17 RCW; and

27 (b) Pay the special license plate fee established under section
28 521(1)(i) of this act, in addition to any other fees or taxes required
29 by law.

30 (2) Horseless carriage license plates:

31 (a) Are valid for the life of the motor vehicle;

32 (b) Are not required to be renewed;

33 (c) Are not transferrable to any other motor vehicle; and

34 (d) Must be displayed on the rear of the motor vehicle.

35 NEW SECTION. **Sec. 624.** (1) A registered owner who has a valid

1 military affiliate radio system station license may apply to the
2 department for special license plates for use on only one motor vehicle
3 owned by the qualified applicant. The applicant must:

4 (a) Be a resident of this state;

5 (b) Provide a copy of the current official military affiliate radio
6 system station license authorized by the department of defense and
7 issued by the United States army, air force, navy, or marine corps;

8 (c) Be recorded as the registered owner of the motor vehicle on
9 which the military affiliate radio system license plates will be
10 displayed; and

11 (d) Pay the military affiliate radio system license plate fee
12 required under section 521(1)(1) of this act, in addition to any other
13 fees or taxes required by law.

14 (2) A person who has been issued military affiliate radio system
15 license plates as provided in this section must:

16 (a) Notify the department if the military affiliate radio system
17 station license assigned is canceled or expires; and

18 (b) Provide a copy of the renewed military affiliate radio system
19 station license to the department when it is renewed.

20 (3) Military affiliate radio system license plates:

21 (a) Are not available for motorcycles; and

22 (b) May be transferred from one motor vehicle to another motor
23 vehicle owned by the military affiliate radio system operator upon
24 application to the department, county auditor or other agent, or
25 subagent appointed by the director.

26 NEW SECTION. **Sec. 625.** (1) A registered owner who has survived
27 the attack on Pearl Harbor on December 7, 1941, may apply to the
28 department for special license plates for use on only one motor vehicle
29 owned by the qualified applicant. The applicant must:

30 (a) Be a resident of this state;

31 (b) Have been a member of the United States armed forces on
32 December 7, 1941;

33 (c) Have been on station on December 7, 1941, between the hours of
34 7:55 a.m. and 9:45 a.m. Hawaii time at Pearl Harbor, the island of
35 Oahu, or offshore at a distance not to exceed three miles;

36 (d) Have received an honorable discharge from the United States
37 armed forces;

1 (e) Provide certification by a Washington state chapter of the
2 Pearl Harbor survivors association showing that qualifications in (c)
3 of this subsection have been met;

4 (f) Be recorded as the registered owner of the vehicle on which the
5 Pearl Harbor survivor license plates will be displayed; and

6 (g) Pay all fees and taxes required by law for registering the
7 motor vehicle.

8 (2) Pearl Harbor survivor license plates must be issued without the
9 payment of any license plate fee.

10 (3) Pearl Harbor survivor license plates must be replaced, free of
11 charge, if the license plates have become lost, stolen, damaged,
12 defaced, or destroyed.

13 (4) Pearl Harbor survivor license plates may be issued to the
14 surviving spouse or domestic partner of a Pearl Harbor survivor who met
15 the requirements in subsection (1) of this section. The surviving
16 spouse or domestic partner must be a resident of this state. If the
17 surviving spouse remarries or the surviving domestic partner marries or
18 enters into a new domestic partnership, he or she must return the
19 special plates to the department within fifteen days and apply for
20 regular license plates or another type of special license plate.

21 (5) Pearl Harbor survivor license plates may be transferred from
22 one motor vehicle to another motor vehicle owned by the Pearl Harbor
23 survivor or the surviving spouse or domestic partner as described in
24 subsection (4) of this section upon application to the department,
25 county auditor or other agent, or subagent appointed by the director.

26 NEW SECTION. **Sec. 626.** (1) A registered owner may apply to the
27 department for a personalized license plate for any vehicle required to
28 display one or two vehicle license plates, excluding vehicles
29 registered under chapter 46.87 RCW, upon terms and conditions
30 established by the department. The application for personalized
31 license plates must contain the combination of letters or numbers, or
32 both, requested by the registered owner.

33 (2) Personalized license plates must:

34 (a) Be the same design as standard issue license plates;

35 (b) Consist of numbers or letters or any combination of numbers or
36 letters;

1 (c) Not exceed seven positions unless proposed by the department
2 and approved by the Washington state patrol; and

3 (d) Not contain less than one character.

4 (3) A person who purchased personalized license plates containing
5 three letters and three digits on or between the dates of August 9,
6 1971, and November 6, 1973, is not required to pay the additional
7 annual renewal fee described in section 520 of this act.

8 (4) The department shall not issue or may refuse to issue
9 personalized license plates that:

10 (a) Duplicate or conflict with an existing or projected vehicle
11 license plate series or other numbering systems for records kept by the
12 department; or

13 (b) May carry connotations offensive to good taste and decency or
14 which would be misleading.

15 (5) Personalized license plates must be issued only to the
16 registered owner of the vehicle on which they are to be displayed. The
17 registered owner must:

18 (a) Pay the personalized license plate fee required under section
19 520 of this act, in addition to any other fee or taxes due;

20 (b) Renew personalized license plates annually, regardless of
21 whether or not the vehicle on which the personalized license plates are
22 displayed will be driven on the public highways;

23 (c) Surrender personalized license plates that have not been
24 renewed to the department. The failure to surrender expired
25 personalized license plates is a traffic infraction; and

26 (d) Immediately report to the department when personalized license
27 plates have been transferred to another vehicle or another owner.

28 (6) The department may establish rules as necessary to carry out
29 this section including, but not limited to, identifying the maximum
30 number of positions on personalized license plates for motorcycles.

31 NEW SECTION. **Sec. 627.** (1) A registered owner may purchase
32 personalized license plates with a special license plate background for
33 any vehicle required to display one or two vehicle license plates,
34 excluding:

35 (a) Amateur radio license plates;

36 (b) Collector vehicle license plates;

37 (c) Disabled American veteran license plates;

1 (d) Former prisoner of war license plates;
2 (e) Horseless carriage license plates;
3 (f) Congressional Medal of Honor license plates;
4 (g) Military affiliate radio system license plates;
5 (h) Pearl Harbor survivor license plates;
6 (i) Restored license plates; and
7 (j) Vehicles registered under chapter 46.87 RCW.
8 (2) Personalized special license plates issued under this section
9 must:
10 (a) Consist of numbers or letters or any combination of numbers or
11 letters;
12 (b) Not exceed seven characters; and
13 (c) Not contain less than one character.
14 (3) The department may not issue or may refuse to issue
15 personalized special license plates that:
16 (a) Duplicate or conflict with existing or projected vehicle
17 license plate series or other numbering systems for records kept by the
18 department; or
19 (b) May carry connotations offensive to good taste and decency or
20 which would be misleading.
21 (4) Personalized special license plates must be issued only to the
22 registered owner of the vehicle on which they are to be displayed. The
23 registered owner must:
24 (a) Pay both the personalized license plate fee required under
25 section 520 of this act and the special license plate fee required
26 under the applicable special license plate provision, in addition to
27 any other fee or taxes due. License plate fees must be distributed as
28 provided in chapter 46.68 RCW;
29 (b) Renew personalized special license plates annually, regardless
30 of whether or not the vehicle on which the personalized special license
31 plates are displayed will be driven on the public highways;
32 (c) Surrender personalized special license plates that have not
33 been renewed to the department. The failure to surrender expired
34 personalized special license plates is a traffic infraction; and
35 (d) Immediately report to the department when personalized special
36 license plates have been transferred to another vehicle or another
37 owner.

1 (5) The department may establish rules as necessary to carry out
2 this section including, but not limited to, identifying the maximum
3 number of positions on personalized special license plates for
4 motorcycles.

5 NEW SECTION. **Sec. 628.** (1) A registered owner who has been
6 awarded a Purple Heart medal by any branch of the United States armed
7 forces, including the merchant marines and the women's air forces
8 service pilots may apply to the department for special license plates
9 for use on only one motor vehicle owned by the qualified applicant.
10 The applicant must:

11 (a) Be a resident of this state;

12 (b) Have been wounded during one of this nation's wars or conflicts
13 identified in RCW 41.04.005;

14 (c) Have received an honorable discharge from the United States
15 armed forces;

16 (d) Provide a copy of the armed forces document showing the
17 recipient was awarded the Purple Heart medal;

18 (e) Be recorded as the registered owner of the vehicle on which the
19 Purple Heart survivor license plates will be displayed; and

20 (f) Pay all fees and taxes required by law for registering the
21 motor vehicle.

22 (2) Purple Heart license plates must be issued without the payment
23 of any special license plate fee.

24 (3) Purple Heart license plates may be issued to the surviving
25 spouse or domestic partner of a Purple Heart recipient who met the
26 requirements in subsection (1) of this section. The surviving spouse
27 or domestic partner must be a resident of this state. If the surviving
28 spouse remarries or the surviving domestic partner marries or enters
29 into a new domestic partnership, he or she must return the special
30 plates to the department within fifteen days and apply for regular
31 license plates or another type of special license plate.

32 (4) Purple Heart license plates may be transferred from one motor
33 vehicle to another motor vehicle owned by the Purple Heart recipient or
34 the surviving spouse or domestic partner as described in subsection (3)
35 of this section upon application to the department, county auditor or
36 other agent, or subagent appointed by the director.

1 (j) Is restricted by a form of porphyria to the extent that the
2 applicant would significantly benefit from a decrease in exposure to
3 light.

4 (2) The disability must be determined by either:

5 (a) A licensed physician;

6 (b) An advanced registered nurse practitioner licensed under
7 chapter 18.79 RCW; or

8 (c) A physician assistant licensed under chapter 18.71A or 18.57A
9 RCW.

10 (3) The application for special parking privileges for persons with
11 disabilities must contain:

12 (a) The following statement immediately below the physician's,
13 advanced registered nurse practitioner's, or physician assistant's
14 signature: "A parking permit for a person with disabilities may be
15 issued only for a medical necessity that severely affects mobility or
16 involves acute sensitivity to light (section 701 of this act).
17 Knowingly providing false information on this application is a gross
18 misdemeanor. The penalty is up to one year in jail and a fine of up to
19 \$5,000 or both"; and

20 (b) Other information as required by the department.

21 (4) A natural person who has a disability described in subsection
22 (1) of this section and is expected to improve within six months may be
23 issued a temporary placard for a period not to exceed six months. If
24 the disability exists after six months, a new temporary placard must be
25 issued upon receipt of a new application with certification from the
26 person's physician. Special license plates for persons with
27 disabilities may not be issued to a person with a temporary disability.

28 (5) A natural person who qualifies for special parking privileges
29 under this section must receive an identification card showing the name
30 and date of birth of the person to whom the parking privilege has been
31 issued and the serial number of the placard.

32 (6) A natural person who qualifies for permanent special parking
33 privileges under this section may receive one of the following:

34 (a) Up to two parking placards;

35 (b) One set of special license plates for persons with disabilities
36 if the person with the disability is the registered owner of the
37 vehicle on which the license plates will be displayed;

1 (c) One parking placard and one set of special license plates for
2 persons with disabilities if the person with the disability is the
3 registered owner of the vehicle on which the license plates will be
4 displayed; or

5 (d) One special parking year tab for persons with disabilities and
6 one parking placard.

7 (7) Parking placards and identification cards described in this
8 section must be issued free of charge.

9 (8) The parking placard and identification card must be immediately
10 returned to the department upon the placard holder's death.

11 NEW SECTION. **Sec. 702.** (1) The following organizations may apply
12 for special parking privileges:

13 (a) Public transportation authorities;

14 (b) Nursing homes licensed under chapter 18.51 RCW;

15 (c) Boarding homes licensed under chapter 18.20 RCW;

16 (d) Senior citizen centers;

17 (e) Private nonprofit corporations, as defined in RCW 24.03.005;
18 and

19 (f) Cabulance companies that regularly transport persons with
20 disabilities who have been determined eligible for special parking
21 privileges under this section and who are registered with the
22 department under chapter 46.72 RCW.

23 (2) An organization that qualifies for special parking privileges
24 may receive, upon application, parking license plates or placards, or
25 both, for persons with disabilities as defined by the department.

26 (3) Public transportation authorities, nursing homes, boarding
27 homes, senior citizen centers, private nonprofit corporations, and
28 cabulance services are responsible for ensuring that the special
29 placards and license plates are not used improperly and are responsible
30 for all fines and penalties for improper use.

31 (4) The department shall adopt rules to determine organization
32 eligibility.

33 NEW SECTION. **Sec. 703.** (1) Parking privileges for persons with
34 disabilities must be renewed at least every five years, as required by
35 the director, by satisfactory proof of the right to continued use of
36 the privileges.

1 (2) The department shall match and purge its database of parking
2 permits issued to persons with disabilities with available death record
3 information at least every twelve months.

4 (3) The department shall adopt rules to administer the parking
5 privileges for persons with disabilities program.

6 NEW SECTION. **Sec. 704.** (1) The department shall design special
7 license plates for persons with disabilities, parking placards, and
8 year tabs displaying the international symbol of access.

9 (2) Special license plates for persons with disabilities must be
10 displayed on the motor vehicle as standard issue license plates as
11 described in section 422 of this act.

12 (3) Parking placards must be displayed when the motor vehicle is
13 parked by suspending it from the rearview mirror. In the absence of a
14 rearview mirror, the parking placard must be displayed on the
15 dashboard.

16 (4) Special year tabs for persons with disabilities must be
17 displayed on license plates as defined by the department.

18 (5) Persons who have been issued special license plates for persons
19 with disabilities, parking placards, or special license plates with a
20 special year tab for persons with disabilities may park in places
21 reserved for persons with physical disabilities.

22 NEW SECTION. **Sec. 705.** (1) An additional fee may not be charged
23 for special license plates for persons with disabilities except for any
24 other fees and taxes required to be paid upon registration of a motor
25 vehicle.

26 (2) A registered owner who qualifies for special parking privileges
27 as described in section 701 of this act may apply to the department for
28 special license plates for persons with disabilities or special license
29 plates with a special year tab for persons with disabilities. Special
30 license plates with a special year tab for persons with disabilities
31 are available on the following special license plate designs:

32 PLATE TYPE	ISSUED UNDER
33 Armed forces collection	Section 612 of this act
34 Baseball stadium	RCW 46.16.301 (as recodified by this act)

1	Collegiate	RCW 46.16.324 (as recodified by this act)
2	Disabled American veteran	Section 619 of this act
3	Endangered wildlife	Section 611 of this act
4	Former prisoner of war	Section 619 of this act
5	Helping kids speak	Section 611 of this act
6	Keep kids safe	Section 611 of this act
7	Law enforcement memorial	Section 611 of this act
8	Pearl Harbor survivor	Section 625 of this act
9	Personalized	Section 626 of this act
10	Professional firefighters and paramedics	Section 611 of this act
11	Purple Heart	Section 628 of this act
12	Share the road	Section 611 of this act
13	Ski & ride Washington	Section 611 of this act
14	Square dancer	Section 630 of this act
15	Washington lighthouses	Section 611 of this act
16	Washington's national park fund	Section 611 of this act
17	Washington state parks	Section 611 of this act
18	Washington's wildlife collection	Section 611 of this act
19	We love our pets	Section 611 of this act
20	Wild on Washington	Section 611 of this act

21 (3) A registered owner who chooses to purchase special license
22 plates as described in subsection (2) of this section shall pay the
23 applicable special license plate fee, in addition to any other fees or
24 taxes required for registering a motor vehicle.

25 (4) Special license plates for persons with disabilities or special
26 license plates with a special year tab for persons with disabilities
27 must be renewed in the same manner and at the time required for the
28 renewal of standard motor vehicle license plates under chapter 46.16
29 RCW.

30 (5) Special license plates for persons with disabilities or special
31 license plates with a special year tab for persons with disabilities
32 may be transferred from one motor vehicle to another motor vehicle
33 owned by the person with the parking privilege upon application to the
34 department, county auditor or other agent, or subagent appointed by the
35 director.

36 (6) Special license plates for persons with disabilities or special
37 license plates with a special year tab for persons with disabilities

1 must be removed from the motor vehicle when the person with
2 disabilities transfers or assigns his or her interest in the motor
3 vehicle.

4 NEW SECTION. **Sec. 706.** (1) **False information.** Knowingly
5 providing false information in conjunction with the application for
6 special parking privileges for persons with disabilities is a gross
7 misdemeanor punishable under chapter 9A.20 RCW.

8 (2) **Unauthorized use.** Any unauthorized use of the special placard,
9 special license, or identification card issued under this chapter is a
10 traffic infraction with a monetary penalty of two hundred fifty
11 dollars.

12 (3) **Inaccessible access.** It is a parking infraction, with a
13 monetary penalty of two hundred fifty dollars, for a person to make
14 inaccessible the access aisle located next to a space reserved for
15 persons with physical disabilities. The clerk of the court shall
16 report all violations related to this subsection to the department.

17 (4) **Parking without placard/plate.** It is a parking infraction,
18 with a monetary penalty of two hundred fifty dollars, for any person to
19 park a vehicle in a parking place provided on private property without
20 charge or on public property reserved for persons with physical
21 disabilities without a placard or special license plate issued under
22 this chapter. If a person is charged with a violation, the person will
23 not be determined to have committed an infraction if the person
24 produces in court or before the court appearance the placard or special
25 license plate issued under this chapter as required under this chapter.
26 A local jurisdiction providing nonmetered, on-street parking places
27 reserved for persons with physical disabilities may impose by ordinance
28 time restrictions of no less than four hours on the use of these
29 parking places.

30 (5) **Time restrictions.** A local jurisdiction may impose by
31 ordinance time restrictions of no less than four hours on the use of
32 nonreserved, on-street parking spaces by vehicles displaying the
33 special parking placards or special license plates issued under this
34 chapter. All time restrictions must be clearly posted.

35 (6) **Use of funds - reimbursement.** Funds from the penalties imposed
36 under subsections (3) and (4) of this section must be used by that
37 local jurisdiction exclusively for law enforcement. The court may also

1 impose an additional penalty sufficient to reimburse the local
2 jurisdiction for any costs that it may have incurred in the removal and
3 storage of the improperly parked vehicle.

4 (7) **Illegal obtainment.** Except as provided in subsection (1) of
5 this section, it is a traffic infraction with a monetary penalty of two
6 hundred fifty dollars for any person willfully to obtain a special
7 license plate, placard, or identification card issued under this
8 chapter in a manner other than that established under this chapter.

9 (8) **Volunteer appointment.** A law enforcement agency authorized to
10 enforce parking laws may appoint volunteers, with a limited commission,
11 to issue notices of infractions for violations of sections 701 and 704
12 of this act or RCW 46.61.581. Volunteers must be at least twenty-one
13 years of age. The law enforcement agency appointing volunteers may
14 establish any other qualifications that the agency deems desirable.

15 (a) An agency appointing volunteers under this section must provide
16 training to the volunteers before authorizing them to issue notices of
17 infractions.

18 (b) A notice of infraction issued by a volunteer appointed under
19 this subsection has the same force and effect as a notice of infraction
20 issued by a police officer for the same offense.

21 (c) A police officer or a volunteer may request a person to show
22 the person's identification card or special parking placard when
23 investigating the possibility of a violation of this section. If the
24 request is refused, the person in charge of the vehicle may be issued
25 a notice of infraction for a violation of this section.

26 (9) **Community restitution.** For second or subsequent violations of
27 this section, in addition to a monetary penalty, the violator must
28 complete a minimum of forty hours of:

29 (a) Community restitution for a nonprofit organization that serves
30 persons with disabilities or disabling diseases; or

31 (b) Any other community restitution that may sensitize the violator
32 to the needs and obstacles faced by persons with disabilities.

33 (10) **Fine suspension.** The court may not suspend more than one-half
34 of any fine imposed under subsection (2), (3), (4), or (7) of this
35 section.

36 **Sec. 707.** RCW 46.16.390 and 2005 c 390 s 4 are each amended to
37 read as follows:

1 A special license plate or card issued by another state or country
2 that indicates that an occupant of ~~((the))~~ a vehicle has
3 disabilities~~((r))~~ entitles the vehicle on or in which it is displayed
4 and being used to transport the person with disabilities to lawfully
5 park in a parking place reserved for persons with physical disabilities
6 pursuant to chapter 70.92 RCW ~~((or authority implemental thereof))~~.

7 **PART VIII. FEE DISTRIBUTION**

8 **Sec. 801.** RCW 46.68.010 and 2003 c 53 s 248 are each amended to
9 read as follows:

10 ~~((1) Whenever any license fee, paid under the provisions of this~~
11 ~~title, has been erroneously paid, either wholly or in part, the payor~~
12 ~~is entitled to have refunded the amount so erroneously paid.~~

13 ~~(2) A license fee is refundable in one or more of the following~~
14 ~~circumstances:—(a) If the vehicle for which the renewal license was~~
15 ~~purchased was destroyed before the beginning date of the registration~~
16 ~~period for which the renewal fee was paid; (b) if the vehicle for which~~
17 ~~the renewal license was purchased was permanently removed from the~~
18 ~~state before the beginning date of the registration period for which~~
19 ~~the renewal fee was paid; (c) if the vehicle license was purchased~~
20 ~~after the owner has sold the vehicle; (d) if the vehicle is currently~~
21 ~~licensed in Washington and is subsequently licensed in another~~
22 ~~jurisdiction, in which case any full months of Washington fees between~~
23 ~~the date of license application in the other jurisdiction and the~~
24 ~~expiration of the Washington license are refundable; or (e) if the~~
25 ~~vehicle for which the renewal license was purchased is sold before the~~
26 ~~beginning date of the registration period for which the renewal fee was~~
27 ~~paid, and the payor returns the new, unused, never affixed license~~
28 ~~renewal tabs to the department before the beginning of the registration~~
29 ~~period for which the registration was purchased.~~

30 ~~(3) Upon the refund being certified to the state treasurer by the~~
31 ~~director as correct and being claimed in the time required by law the~~
32 ~~state treasurer shall mail or deliver the amount of each refund to the~~
33 ~~person entitled thereto. No claim for refund shall be allowed for such~~
34 ~~erroneous payments unless filed with the director within three years~~
35 ~~after such claimed erroneous payment was made.~~

1 ~~(4) If due to error a person has been required to pay a vehicle~~
2 ~~license fee under this title and an excise tax under Title 82 RCW that~~
3 ~~amounts to an overpayment of ten dollars or more, that person shall be~~
4 ~~entitled to a refund of the entire amount of the overpayment,~~
5 ~~regardless of whether a refund of the overpayment has been requested.~~

6 ~~(5) If due to error the department or its agent has failed to~~
7 ~~collect the full amount of the license fee and excise tax due and the~~
8 ~~underpayment is in the amount of ten dollars or more, the department~~
9 ~~shall charge and collect such additional amount as will constitute full~~
10 ~~payment of the tax and fees.~~

11 ~~(6) Any person who makes a false statement under which he or she~~
12 ~~obtains a refund to which he or she is not entitled under this section~~
13 ~~is guilty of a gross misdemeanor.))~~

14 (1) A person who has paid all or part of a vehicle license fee
15 under this title is entitled to a refund if the amount was paid in
16 error or if the vehicle:

17 (a) Was destroyed before the new registration period began;

18 (b) Was permanently removed from Washington state before the new
19 registration period began;

20 (c) Registration was purchased after the owner sold the vehicle;

21 (d) Was registered in another jurisdiction after the Washington
22 state registration had been purchased. Any full months of Washington
23 vehicle license fees remaining after application for out-of-state
24 registration was made are refundable; or

25 (e) Registration was purchased before the vehicle was sold and
26 before the new registration period began. The person who paid the fees
27 must return the unused, never-affixed license tabs to the department
28 before the new registration period begins.

29 (2) The department shall refund overpayments of vehicle license
30 fees and motor vehicle excise taxes under Title 82 RCW that are ten
31 dollars or more. A request for a refund is not required.

32 (3) The department shall certify refunds to the state treasurer as
33 correct and being claimed in the time required by law. The state
34 treasurer shall mail or deliver the amount of each refund to the person
35 who is entitled to the refund. The department shall not authorize
36 refunds of fees paid in error unless the request is made within three
37 years after the fees were paid.

1 (4) If due to error the department, county auditor or other agent,
2 or subagent appointed by the director has failed to collect the full
3 amount of the vehicle license fee and excise tax due and the
4 underpayment is in the amount of ten dollars or more, the department
5 shall charge and collect the additional amount to constitute full
6 payment of the tax and fees.

7 (5) Any person who makes a false statement under which he or she
8 obtains a refund that he or she is not entitled to under this section
9 is guilty of a gross misdemeanor.

10 **Sec. 802.** RCW 46.68.020 and 2004 c 200 s 3 are each amended to
11 read as follows:

12 ~~((The director shall forward all fees for certificates of ownership~~
13 ~~or other moneys accruing under the provisions of chapter 46.12 RCW to~~
14 ~~the state treasurer, together with a proper identifying detailed~~
15 ~~report. The state treasurer shall credit such moneys as follows:~~

16 ~~(1) The fees collected under RCW 46.12.040(1) and 46.12.101(6)~~
17 ~~shall be credited to the multimodal transportation account in RCW~~
18 ~~47.66.070.~~

19 ~~(2)(a) Beginning July 27, 2003, and until July 1, 2008, the fees~~
20 ~~collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181~~
21 ~~shall be credited as follows:~~

22 ~~(i) 58.12 percent shall be credited to a segregated subaccount of~~
23 ~~the air pollution control account in RCW 70.94.015;~~

24 ~~(ii) 16.60 percent shall be credited to the vessel response account~~
25 ~~created in RCW 90.56.335; and~~

26 ~~(iii) The remainder shall be credited into the transportation 2003~~
27 ~~account (nickel account).~~

28 ~~(b) Beginning July 1, 2008, and thereafter, the fees collected~~
29 ~~under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181 shall be~~
30 ~~credited to the transportation 2003 account (nickel account).~~

31 ~~(3) The fees collected under RCW 46.12.040(3) and 46.12.060 shall~~
32 ~~be credited to the motor vehicle account.)~~

33 (1) The director shall forward all fees for certificates of title
34 or other moneys accruing under chapters 46.12 and 46.17 RCW to the
35 state treasurer, together with a proper identifying detailed report.
36 The state treasurer shall credit these moneys as follows:

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<u>FEE</u>	<u>REQUIRED IN</u>	<u>ESTABLISHED IN</u>	<u>DISTRIBUTION</u>
<u>ORV registration fee</u>	<u>Section 214 of this act</u>	<u>Section 508 of this act</u>	<u>RCW 47.66.070</u>
<u>Original certificate of title</u>	<u>RCW 46.12.030 (as recodified by this act)</u>	<u>Section 508 of this act</u>	<u>RCW 47.66.070</u>
<u>Penalty for late transfer</u>	<u>RCW 46.12.101 (as recodified by this act)</u>	<u>Section 512 of this act</u>	<u>RCW 47.66.070</u>
<u>Motor change</u>	<u>RCW 46.12.080 (as recodified by this act)</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
<u>Transfer certificate of title</u>	<u>RCW 46.12.101 (as recodified by this act)</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
<u>Security interest changes</u>	<u>RCW 46.12.170 (as recodified by this act)</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
<u>Duplicate certificate of title</u>	<u>RCW 46.12.181 (as recodified by this act)</u>	<u>Section 508 of this act</u>	<u>RCW 46.68.280</u>
<u>Stolen vehicle check</u>	<u>RCW 46.12.047 (as recodified by this act)</u>	<u>Section 513 of this act</u>	<u>RCW 46.68.070</u>
<u>Vehicle identification number assignment</u>	<u>Section 303 of this act</u>	<u>Section 515 of this act</u>	<u>RCW 46.68.070</u>

(2) The vehicle identification number inspection fee created in section 514 of this act must be credited as follows:

(a) Fifteen dollars to the state patrol highway account created in RCW 46.68.030; and

(b) Fifty dollars to the motor vehicle fund created in RCW 46.68.070.

Sec. 803. RCW 46.68.030 and 2002 c 352 s 22 are each amended to read as follows:

~~((Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as otherwise provided for in chapter 46.16 RCW, all fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal~~

1 ~~license fee shall be deposited by the state treasurer as hereinafter~~
2 ~~provided. After July 1, 2002,)) (1) The director shall forward all~~
3 ~~fees for vehicle registrations under chapters 46.16 and 46.17 RCW,~~
4 ~~unless otherwise specified by law, to the state treasurer with a proper~~
5 ~~identifying detailed report. The state treasurer shall credit these~~
6 ~~moneys to the motor vehicle fund created in RCW 46.68.070.~~

7 (2) Proceeds from vehicle license fees and renewal vehicle license
8 fees must be deposited by the state treasurer as follows:

9 (a) \$20.35 of each ((original)) initial or renewal vehicle license
10 fee must be deposited in the state patrol highway account in the motor
11 vehicle fund, hereby created. Vehicle license fees, renewal vehicle
12 license fees, and all other funds in the state patrol highway account
13 ((shall)) must be for the sole use of the Washington state patrol for
14 highway activities of the Washington state patrol, subject to proper
15 appropriations and reappropriations ((therefor)).

16 (b) \$2.02 of each ((original)) initial vehicle license fee and
17 \$0.93 of each renewal vehicle license fee ((shall)) must be deposited
18 each biennium in the Puget Sound ferry operations account.

19 (c) Any remaining amounts of vehicle license fees and renewal
20 vehicle license fees that are not distributed otherwise under this
21 section must be deposited in the motor vehicle fund.

22 **Sec. 804.** RCW 46.68.035 and 2006 c 337 s 1 are each amended to
23 read as follows:

24 The director shall forward all proceeds from ((combined)) vehicle
25 ((licensing)) license fees received by the director for vehicles
26 ((licensed)) registered under ((RCW 46.16.070 and 46.16.085 shall be
27 forwarded)) sections 530, 531(1) (c) and (k), and 535(1)(c) of this act
28 to the state treasurer to be distributed into accounts according to the
29 following method:

30 (1) ((The sum of two dollars for each vehicle shall be deposited
31 into the multimodal transportation account, except that for each
32 vehicle registered by a county auditor or agent to a county auditor
33 pursuant to RCW 46.01.140, the sum of two dollars shall be credited to
34 the current county expense fund.

35 (2) The remainder and the proceeds from the license fee under RCW
36 46.16.086 and the farm vehicle trip permit under RCW 46.16.162 shall be
37 distributed as follows:

1 ~~(a)~~) 22.36 percent (~~shall~~) must be deposited into the state
2 patrol highway account of the motor vehicle fund;
3 ~~(b)~~) (2) 1.375 percent (~~shall~~) must be deposited into the
4 Puget Sound ferry operations account of the motor vehicle fund;
5 ~~(c)~~) (3) 5.237 percent (~~shall~~) must be deposited into the
6 transportation 2003 account (nickel account);
7 ~~(d)~~) (4) 11.533 percent (~~shall~~) must be deposited into the
8 transportation partnership account created in RCW 46.68.290; and
9 ~~(e)~~) (5) The remaining proceeds (~~shall~~) must be deposited into
10 the motor vehicle fund.

11 NEW SECTION. Sec. 805. A new section is added to chapter 46.68
12 RCW to read as follows:

13 At least quarterly, the department shall transmit donations made to
14 the organ and tissue donation awareness account under RCW 46.16.076(2)
15 (as recodified by this act) to the foundation established for organ and
16 tissue donation awareness purposes by the Washington state organ
17 procurement organizations. All Washington state organ procurement
18 organizations have proportional access to these funds to conduct public
19 education in their service areas.

20 NEW SECTION. Sec. 806. A new section is added to chapter 46.68
21 RCW to read as follows:

22 All receipts from the voluntary donation received under RCW
23 46.16.076(3) (as recodified by this act) must be deposited in the state
24 parks renewal and stewardship account established in RCW 79A.05.215 to
25 be used for the operation and maintenance of state parks.

26 **Sec. 807.** RCW 46.68.220 and 2009 c 470 s 712 are each amended to
27 read as follows:

28 The department of licensing services account is created in the
29 motor vehicle fund. All receipts from service fees received under
30 (~~RCW 46.01.140(4)(b) shall~~) section 503 of this act must be deposited
31 into the account. Moneys in the account may be spent only after
32 appropriation. Expenditures from the account may be used only for:

33 (1) Information and service delivery systems for the department(~~(~~
34 ~~and for~~));

35 (2) Reimbursement of county licensing activities; and

1 (1) The department shall:

2 (a) Collect special license plate fees established under section

3 521 of this act that were approved by the special license plate review

4 board under section 611 of this act;

5 (b) Deduct an amount not to exceed twelve dollars for initial issue

6 and two dollars for renewal issue for administration and collection

7 expenses incurred by it; and

8 (c) Remit the remaining proceeds to the custody of the state

9 treasurer with a proper identifying detailed report.

10 (2) The state treasurer shall credit the proceeds to the motor

11 vehicle account until the department determines that the state has been

12 reimbursed for the cost of implementing the special license plate.

13 Upon determination by the department that the state has been

14 reimbursed, the state treasurer shall credit the remaining special

15 license plate fee amounts for each special license plate to the

16 following appropriate account:

17 ACCOUNT	CONDITIONS FOR USE OF FUNDS
18 Gonzaga university alumni association	Scholarship funds to needy and qualified students
19	attending or planning to attend Gonzaga university
20 Helping kids speak	Provide free diagnostic and therapeutic services to families
21	of children who suffer from a delay in language or speech
22	development
23 Law enforcement memorial	Provide support and assistance to survivors and families of
24	law enforcement officers in Washington killed in the line
25	of duty and to organize, finance, fund, construct, utilize,
26	and maintain a memorial on the state capitol grounds to
27	honor those fallen officers
28 Lighthouse environmental programs	Support selected Washington state lighthouses that are
29	accessible to the public and staffed by volunteers; provide
30	environmental education programs; provide grants for
31	other Washington lighthouses to assist in funding
32	infrastructure preservation and restoration; encourage and
33	support interpretive programs by lighthouse docents
34 Share the road	Promote bicycle safety and awareness education in
35	communities throughout Washington

1	Ski & ride Washington	Promote winter snowsports, such as skiing and
2		snowboarding, and related programs, such as ski and ride
3		safety programs, underprivileged youth ski and ride
4		programs, and active, healthy lifestyle programs
5	Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on
6		behalf of members of the Washington state council of
7		firefighters, their families, and others deemed in need
8	Washington's national park fund	Build awareness of Washington's national parks and
9		support priority park programs and projects in
10		Washington's national parks, such as enhancing visitor
11		experience, promoting volunteerism, engaging
12		communities, and providing educational opportunities
13		related to Washington's national parks
14	We love our pets	Support and enable the Washington federation of animal
15		welfare and control agencies to promote and perform
16		spay/neuter surgery of Washington state pets in order to
17		reduce pet population

18 (3) Only the director or the director's designee may authorize
19 expenditures from the accounts described in subsection (2) of this
20 section. The accounts are subject to allotment procedures under
21 chapter 43.88 RCW, but an appropriation is not required for
22 expenditures.

23 (4) Funds in the special license plate accounts described in
24 subsection (2) of this section must be disbursed subject to the
25 conditions described in subsection (2) of this section and under
26 contract between the department and qualified nonprofit organizations
27 that provide the services described in subsection (2) of this section.

28 (5) For the purposes of this section, a "qualified nonprofit
29 organization" means a not-for-profit corporation operating in
30 Washington that has received a determination of tax exempt status under
31 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must
32 meet all the requirements under RCW 46.16.735(1) (as recodified by this
33 act).

34 NEW SECTION. **Sec. 810.** A new section is added to chapter 46.68
35 RCW to read as follows:

36 (1) The department shall:

1 (a) Collect special license plate fees established under section
2 521 of this act that were approved by the special license plate review
3 board under section 611 of this act;

4 (b) Deduct an amount not to exceed twelve dollars for initial issue
5 and two dollars for renewal issue for administration and collection
6 expenses incurred by it; and

7 (c) Remit the remaining proceeds to the custody of the state
8 treasurer with a proper identifying detailed report.

9 (2) The state treasurer shall credit the proceeds to the motor
10 vehicle fund until the department determines that the state has been
11 reimbursed for the cost of implementing the special license plate.
12 Upon determination by the department that the state has been
13 reimbursed, the state treasurer shall credit the remaining special
14 license plate fees to the following accounts by special license plate
15 type:

SPECIAL LICENSE PLATE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
Armed forces	RCW 43.60A.140	N/A
Endangered wildlife	RCW 77.12.170	Must be used only for the department of fish and wildlife's endangered wildlife program activities
Keep kids safe	RCW 43.121.100	As specified in RCW 43.121.050
Washington state parks	RCW 79A.05.059	Provide public educational opportunities and enhancement of Washington state parks
Washington's wildlife collection	RCW 77.12.170	Only for the department of fish and wildlife's game species management activities
Wild on Washington	RCW 77.12.170	Dedicated to the department of fish and wildlife's watchable wildlife activities, as defined in RCW 77.32.560

32 NEW SECTION. **Sec. 811.** A new section is added to chapter 46.68
33 RCW to read as follows:

34 (1) The department shall:

1 (a) Collect special license plates fees established under section
2 521(1) (c) and (e) of this act;

3 (b) Deduct an amount not to exceed twelve dollars for initial issue
4 and two dollars for renewal issue for administration and collection
5 expenses incurred by it; and

6 (c) Remit the remaining proceeds to the custody of the state
7 treasurer with a proper identifying detailed report.

8 (2) The state treasurer shall credit the remaining special license
9 plate fees to the following accounts by special license plate type:

10	SPECIAL LICENSE PLATE TYPE	ACCOUNT	PURPOSE
11	Baseball stadium	A county	To pay the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After the principal and interest payments on bonds have been made, the state treasurer shall credit the funds to the state general fund
23	Collegiate	RCW 28B.10.890	Student scholarships

24 NEW SECTION. **Sec. 812.** A new section is added to chapter 46.68
25 RCW to read as follows:

26 The vehicle identification number inspection fee collected under
27 section 514 of this act must be distributed as follows:

28 (1) Fifteen dollars to the state patrol highway account created in
29 RCW 46.68.030; and

30 (2) Fifty dollars to the motor vehicle fund created in RCW
31 46.68.070.

32 NEW SECTION. **Sec. 813.** A new section is added to chapter 46.68
33 RCW to read as follows:

1 (1) The motor vehicle weight fee imposed under section 533(1) of
2 this act must be deposited every July 1st as follows:

3 (a) Three million dollars to the freight mobility multimodal
4 account created in RCW 46.68.310; and

5 (b) The remainder to the multimodal transportation account created
6 in RCW 47.66.070.

7 (2) The motor vehicle weight fee:

8 (a) Must be used for transportation purposes;

9 (b) May not be used for the general support of state government;
10 and

11 (c) Is imposed to provide funds to mitigate the impact of vehicle
12 loads on the state roads and highways and is separate and distinct from
13 other vehicle license fees. Proceeds from the fee may be used for
14 transportation purposes, or for facilities and activities that reduce
15 the number of vehicles or load weights on the state roads and highways.

16 (3) The motor home vehicle weight fee imposed under section 533(2)
17 of this act must be deposited in the multimodal transportation account
18 created in RCW 47.66.070.

19 NEW SECTION. **Sec. 814.** A new section is added to chapter 46.68
20 RCW to read as follows:

21 The department temporary permit fee imposed under section 535(1)(b)
22 of this act must be distributed as follows:

23 (1) If collected by the department, the fee must be distributed
24 under RCW 46.68.030; and

25 (2) If collected by the county auditor or other agent or subagent,
26 the fee must be distributed to the county current expense fund.

27 NEW SECTION. **Sec. 815.** A new section is added to chapter 46.68
28 RCW to read as follows:

29 (1) The vehicle trip permit fee imposed under section 535(1)(h) of
30 this act must be distributed as follows:

31 (a) Five dollars to the state patrol highway account for commercial
32 motor vehicle inspections;

33 (b) A one dollar excise tax to the state general fund;

34 (c) The amount of the filing fee imposed under section 501(1)(a) of
35 this act to be credited as required under section 819 of this act; and

1 (d) The remainder to the credit of the motor vehicle fund created
2 in RCW 46.68.070 as an administrative fee.

3 (2) The administrative fee under subsection (1)(d) of this section
4 must be increased or decreased in an equal amount if the amount of the
5 filing fee imposed under section 501(1)(a) of this act increases or
6 decreases, so that the total trip permit fee is adjusted equally to
7 compensate.

8 (3) The vehicle trip permit surcharge imposed under section 535(4)
9 of this act must be distributed as follows:

10 (a) The portion of the surcharge paid by motor carriers to the
11 motor vehicle fund created in RCW 46.68.070 for the purpose of
12 supporting vehicle weigh stations, weigh-in-motion programs, and the
13 commercial vehicle information systems and networks program; and

14 (b) The remainder to the motor vehicle fund created in RCW
15 46.68.070 for the purpose of supporting congestion relief programs.

16 NEW SECTION. **Sec. 816.** A new section is added to chapter 46.68
17 RCW to read as follows:

18 The parking ticket surcharge imposed under section 504 of this act
19 must be distributed as follows:

20 (1) Ten dollars to the motor vehicle fund created in RCW 46.68.070
21 to be used exclusively for the administrative costs of the department;
22 and

23 (2) Five dollars to be retained by the department, county auditor
24 or other agent, or subagent appointed by the director handling the
25 renewal application to be used for the administration of the parking
26 ticket program.

27 NEW SECTION. **Sec. 817.** A new section is added to chapter 46.68
28 RCW to read as follows:

29 The special fuel trip permit fee imposed under section 535(1)(f) of
30 this act for special fuel trip permits issued under RCW 82.38.100 must
31 be distributed as follows:

32 (1) One dollar to be retained by the county auditor or businesses
33 appointed by the department to defray expenses incurred in handling and
34 selling special fuel trip permits;

35 (2) Five dollars to the state patrol highway account to be used for
36 commercial motor vehicle inspections;

1 (3) Five dollars to the motor vehicle fund to be distributed as
2 follows:

3 (a) If paid by motor carriers, to be used for supporting vehicle
4 weigh stations, weigh-in-motion programs, and the commercial vehicle
5 information systems and networks program;

6 (b) If paid by a person other than a motor carrier, to be used for
7 supporting congestion relief programs; and

8 (4) Nineteen dollars to the credit of the motor vehicle fund
9 created in RCW 46.68.070.

10 **Sec. 818.** RCW 46.16.685 and 2009 c 470 s 704 are each amended to
11 read as follows:

12 The license plate technology account is created in the state
13 treasury. All receipts collected under ((RCW 46.01.140(4)(e)(ii)))
14 section 502 of this act must be deposited into this account.
15 Expenditures from this account must support current and future license
16 plate technology and systems integration upgrades for both the
17 department and correctional industries. Moneys in the account may be
18 spent only after appropriation. Additionally, the moneys in this
19 account may be used to reimburse the motor vehicle account for any
20 appropriation made to implement the digital license plate system.
21 During the 2009-2011 fiscal biennium, the legislature may transfer from
22 the license plate technology account to the highway safety account such
23 amounts as reflect the excess fund balance of the license plate
24 technology account.

25 NEW SECTION. **Sec. 819.** A new section is added to chapter 46.68
26 RCW to read as follows:

27 A filing fee established in section 501 of this act must be
28 distributed as follows:

29 (1) If paid to the county auditor or other agent or subagent
30 appointed by the director, the fee must be distributed to the county
31 treasurer and credited to the county current expense fund.

32 (2) If the fee is paid to another agent of the director, the fee
33 must be used by the agent to defray his or her expenses in handling the
34 application.

35 (3) If the fee is collected by the state patrol as agent for the

1 director, the fee must be certified to the state treasurer and
2 deposited to the credit of the state patrol highway account.

3 (4) If the fee is collected by the department of transportation as
4 agent for the director, the fee must be certified to the state
5 treasurer and deposited to the credit of the motor vehicle fund created
6 in RCW 46.68.070.

7 (5) If the fee is collected by the director or branches of the
8 department, the fee must be certified to the state treasurer and
9 deposited to the credit of the highway safety fund, except that two
10 dollars of the fee must be deposited into the multimodal transportation
11 account if the fee is collected in conjunction with section 530 or
12 531(1) (c) or (k).

13 NEW SECTION. **Sec. 820.** A new section is added to chapter 46.68
14 RCW to read as follows:

15 The emergency medical services fee imposed under section 509 of
16 this act must be distributed as follows:

17 (1) If collected by a vehicle dealer, the vehicle dealer must keep
18 two dollars and fifty cents as an administrative fee and the remainder
19 must be deposited in the emergency medical services and trauma care
20 system trust account created in RCW 70.168.040; and

21 (2) If not collected by a vehicle dealer, the fee must be deposited
22 in the emergency medical services and trauma care system trust account
23 created in RCW 70.168.040.

24 NEW SECTION. **Sec. 821.** A new section is added to chapter 46.68
25 RCW to read as follows:

26 (1) All revenue derived from personalized license plate fees
27 provided for in section 520 of this act must be forwarded to the state
28 treasurer and deposited as follows:

29 (a) Ten dollars to the state wildlife account and used for the
30 management of resources associated with the nonconsumptive use of
31 wildlife;

32 (b) Two dollars to the wildlife rehabilitation account created
33 under RCW 77.12.471; and

34 (c) The remainder to the state wildlife account to be used for the
35 preservation, protection, perpetuation, and enhancement of nongame
36 species of wildlife including, but not limited to, song birds, raptors,

1 protected wildlife, rare and endangered wildlife, aquatic life, and
2 specialized-habitat types, both terrestrial and aquatic, as well as all
3 unclassified marine fish, shellfish, and marine invertebrates.

4 (2) Administrative costs incurred by the department as a direct
5 result of administering the personalized license plate program must be
6 appropriated by the legislature from the state wildlife account from
7 those funds deposited in the account resulting from the sale of
8 personalized license plates. If the actual costs incurred by the
9 department are less than that which has been appropriated by the
10 legislature, the remainder must revert to the state wildlife account.

11 **Sec. 822.** RCW 46.09.110 and 2007 c 241 s 14 are each amended to
12 read as follows:

13 The moneys collected by the department for ORV registrations,
14 temporary ORV use permits, decals, and tabs under this chapter
15 ~~((shall))~~ and chapter 46.17 RCW must be distributed from time to time,
16 but at least once a year, in the following manner:

17 (1) The department shall retain enough money to cover expenses
18 incurred in the administration of this chapter~~((:—PROVIDED, That such~~
19 ~~retention shall))~~. The amount kept by the department must never exceed
20 eighteen percent of fees collected.

21 (2) The remaining moneys ~~((shall))~~ must be distributed for ~~((ORV))~~
22 off-road vehicle recreation facilities by the board in accordance with
23 RCW 46.09.170(2)(d)(ii)(A) (as recodified by this act).

24 **Sec. 823.** RCW 46.10.075 and 1991 sp.s. c 13 s 9 are each amended
25 to read as follows:

26 ~~((There is created a))~~ (1) The snowmobile account is created within
27 the state treasury. Snowmobile registration fees, monetary civil
28 penalties from snowmobile dealers, and snowmobile fuel tax moneys
29 collected under this chapter and chapter 46.17 RCW and in excess of the
30 amounts fixed for the administration of the registration and fuel tax
31 provisions of this chapter ~~((shall))~~ must be deposited ~~((in))~~ into the
32 ~~((snowmobile))~~ account and ~~((shall))~~ must be appropriated only to the
33 state parks and recreation commission for the administration and
34 coordination of this chapter.

35 (2) The moneys collected by the department as snowmobile

1 registration fees, monetary civil penalties from snowmobile dealers,
2 and fuel tax moneys placed into the account must be distributed in the
3 following manner:

4 (a) Actual expenses not to exceed three percent for each year must
5 be retained by the department to cover expenses incurred in the
6 administration of the registration and fuel tax provisions of this
7 chapter; and

8 (b) The remainder of funds each year must be remitted to the state
9 treasurer to be deposited into the snowmobile account of the general
10 fund and must be appropriated only to the commission to be expended for
11 snowmobile purposes. Purposes may include, but not necessarily be
12 limited to, the administration, acquisition, development, operation,
13 and maintenance of snowmobile facilities and development and
14 implementation of snowmobile safety, enforcement, and education
15 programs.

16 (3) This section is not intended to discourage any public agency in
17 this state from developing and implementing snowmobile programs. The
18 commission may award grants to public agencies and contract with any
19 public or private agency or person for the purpose of developing and
20 implementing snowmobile programs, as long as the programs are not
21 inconsistent with the rules adopted by the commission.

22 **PART IX. TAXES**

23 **Sec. 901.** RCW 35.95A.090 and 2002 c 248 s 10 are each amended to
24 read as follows:

25 (1) Every authority has the power to fix and impose a fee, not to
26 exceed one hundred dollars per vehicle, for each vehicle that is
27 subject to relicensing tab fees under ((RCW 46.16.0621)) section 531(1)
28 (a), (c), (d), (e), (g), (h), (j), or (n) through (q) of this act and
29 for each vehicle that is subject to ((RCW 46.16.070)) section 530 of
30 this act with ((an unladen)) a scale weight of six thousand pounds or
31 less, and that is determined by the department of licensing to be
32 registered within the boundaries of the authority area. The department
33 of licensing must provide an exemption from the fee for any vehicle the
34 owner of which demonstrates is not operated within the authority area.

35 (2) The department of licensing will administer and collect the
36 fee. The department will deduct a percentage amount, as provided by

1 contract, not to exceed two percent of the taxes collected, for
2 administration and collection expenses incurred by it. The remaining
3 proceeds will be remitted to the custody of the state treasurer for
4 monthly distribution to the authority.

5 (3) The authority imposing this fee will delay the effective date
6 at least six months from the date the fee is approved by the qualified
7 voters of the authority area to allow the department of licensing to
8 implement administration and collection of the fee.

9 (4) Before any authority may impose any of the fees authorized
10 under this section, the authorization for imposition of the fees must
11 be approved by a majority of the qualified electors of the authority
12 area voting.

13 **Sec. 902.** RCW 35.95A.130 and 2002 c 248 s 14 are each amended to
14 read as follows:

15 The special excise tax imposed under RCW 35.95A.080(1) will be
16 collected at the same time and in the same manner as relicensing tab
17 fees under (~~RCW 46.16.0621~~) section 531(1) (a), (c), (d), (e), (g),
18 (h), (j), and (n) through (q) of this act and RCW 35.95A.090. Every
19 year on January 1st, April 1st, July 1st, and October 1st the
20 department of licensing shall remit special excise taxes collected on
21 behalf of an authority, back to the authority, at no cost to the
22 authority. Valuation of motor vehicles for purposes of the special
23 excise tax imposed under RCW 35.95A.080(1) must be consistent with
24 chapter 82.44 RCW.

25 **Sec. 903.** RCW 81.104.160 and 2009 c 280 s 4 are each amended to
26 read as follows:

27 An agency and high capacity transportation corridor area may impose
28 a sales and use tax solely for the purpose of providing high capacity
29 transportation service, in addition to the tax authorized by RCW
30 82.14.030, upon retail car rentals within the applicable jurisdiction
31 that are taxable by the state under chapters 82.08 and 82.12 RCW. The
32 rate of tax shall not exceed 2.172 percent. The base of the tax shall
33 be the selling price in the case of a sales tax or the rental value of
34 the vehicle used in the case of a use tax.

35 Any motor vehicle excise tax previously imposed under the
36 provisions of RCW 81.104.160(1) shall be repealed, terminated, and

1 expire on December 5, 2002, except for a motor vehicle excise tax for
2 which revenues have been contractually pledged to repay a bonded debt
3 issued before December 5, 2002, as determined by *Pierce County et al.*
4 *v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds
5 that were previously issued, the motor vehicle excise tax must comply
6 with chapter 82.44 RCW as it existed on January 1, 1996.

7 **Sec. 904.** RCW 82.12.045 and 2003 c 361 s 303 are each amended to
8 read as follows:

9 (1) In the collection of the use tax on ~~((motor))~~ vehicles, the
10 department of revenue may designate the county auditors of the several
11 counties of the state as its collecting agents. Upon such designation,
12 it shall be the duty of each county auditor to collect the tax at the
13 time an applicant applies for ~~((the registration of, and))~~ transfer of
14 certificate of title to((~~r~~)) the ~~((motor))~~ vehicle, except ~~((in the~~
15 ~~following instances))~~ when the applicant:

16 (a) ~~((Where the applicant))~~ Exhibits a dealer's report of sale
17 showing that the retail sales tax has been collected by the dealer;

18 (b) ~~((Where the application is for the renewal of registration;~~

19 ~~(c) Where the applicant))~~ Presents a written statement signed by
20 the department of revenue, or its duly authorized agent showing that no
21 use tax is legally due; or

22 ~~((d) Where the applicant))~~ (c) Presents satisfactory evidence
23 showing that the retail sales tax or the use tax has been paid by the
24 applicant on the vehicle in question.

25 (2) ~~((The term "motor vehicle," as used in this section means and~~
26 ~~includes all motor vehicles, trailers and semitrailers used, or of a~~
27 ~~type designed primarily to be used, upon the public streets and~~
28 ~~highways, for the convenience or pleasure of the owner, or for the~~
29 ~~conveyance, for hire or otherwise, of persons or property, including~~
30 ~~fixed loads, facilities for human habitation, and vehicles carrying~~
31 ~~exempt licenses))~~ As used in this section, "vehicle" has the same
32 meaning as in RCW 46.04.670.

33 (3) It shall be the duty of every applicant for registration and
34 transfer of certificate of title who is subject to payment of tax under
35 this section to declare upon the application the value of the vehicle
36 for which application is made, which shall consist of the consideration
37 paid or contracted to be paid therefor.

1 (4) Each county auditor who acts as agent of the department of
2 revenue shall at the time of remitting vehicle license fee receipts on
3 (~~motor~~) vehicles subject to the provisions of this section pay over
4 and account to the state treasurer for all use tax revenue collected
5 under this section, after first deducting as a collection fee the sum
6 of two dollars for each motor vehicle upon which the tax has been
7 collected. All revenue received by the state treasurer under this
8 section shall be credited to the general fund. The auditor's
9 collection fee shall be deposited in the county current expense fund.
10 A duplicate of the county auditor's transmittal report to the state
11 treasurer shall be forwarded forthwith to the department of revenue.

12 (5) Any applicant who has paid use tax to a county auditor under
13 this section may apply to the department of revenue for refund thereof
14 if he or she has reason to believe that such tax was not legally due
15 and owing. No refund shall be allowed unless application therefor is
16 received by the department of revenue within the statutory period for
17 assessment of taxes, penalties, or interest prescribed by RCW
18 82.32.050(~~(+3)~~) (4). Upon receipt of an application for refund the
19 department of revenue shall consider the same and issue its order
20 either granting or denying it and if refund is denied the taxpayer
21 shall have the right of appeal as provided in RCW 82.32.170, 82.32.180,
22 and 82.32.190.

23 (6) The provisions of this section shall be construed as cumulative
24 of other methods prescribed in chapters 82.04 (~~(+3)~~) through 82.32 RCW,
25 inclusive, for the collection of the tax imposed by this chapter. The
26 department of revenue shall have power to promulgate such rules as may
27 be necessary to administer the provisions of this section. Any duties
28 required by this section to be performed by the county auditor may be
29 performed by the director of licensing but no collection fee shall be
30 deductible by said director in remitting use tax revenue to the state
31 treasurer.

32 (7) The use tax revenue collected on the rate provided in RCW
33 82.08.020(3) shall be deposited in the multimodal transportation
34 account under RCW 47.66.070.

35 **Sec. 905.** RCW 82.12.0254 and 2009 c 503 s 2 are each amended to
36 read as follows:

1 (1) The provisions of this chapter do not apply in respect to the
2 use of:

3 (a) Any airplane used primarily in (i) conducting interstate or
4 foreign commerce or (ii) providing intrastate air transportation by a
5 commuter air carrier as defined in RCW 82.08.0262;

6 (b) Any locomotive, railroad car, or watercraft used primarily in
7 conducting interstate or foreign commerce by transporting therein or
8 therewith property and persons for hire or used primarily in commercial
9 deep sea fishing operations outside the territorial waters of the
10 state;

11 (c) Tangible personal property that becomes a component part of any
12 such airplane, locomotive, railroad car, or watercraft in the course of
13 repairing, cleaning, altering, or improving the same; and

14 (d) Labor and services rendered in respect to such repairing,
15 cleaning, altering, or improving.

16 (2) The provisions of this chapter do not apply in respect to the
17 use by a nonresident of this state of any ~~((motor))~~ vehicle ~~((or~~
18 ~~trailer))~~ used exclusively in transporting persons or property across
19 the boundaries of this state and in intrastate operations incidental
20 thereto when such ~~((motor))~~ vehicle ~~((or trailer))~~ is registered ~~((and~~
21 ~~licensed))~~ in a foreign state and in respect to the use by a
22 nonresident of this state of any ~~((motor))~~ vehicle ~~((or trailer))~~ so
23 registered ~~((and licensed))~~ and used within this state for a period not
24 exceeding fifteen consecutive days under such rules as the department
25 must adopt. However, under circumstances determined to be justifiable
26 by the department a second fifteen day period may be authorized
27 consecutive with the first fifteen day period; and for the purposes of
28 this exemption the term "nonresident" as used herein includes a user
29 who has one or more places of business in this state as well as in one
30 or more other states, but the exemption for nonresidents applies only
31 to those vehicles which are most frequently dispatched, garaged,
32 serviced, maintained, and operated from the user's place of business in
33 another state.

34 (3) The provisions of this chapter do not apply in respect to the
35 use by the holder of a carrier permit issued by the interstate commerce
36 commission or its successor agency of any ~~((motor))~~ vehicle ~~((or~~
37 ~~trailer))~~ whether owned by or leased with or without driver to the
38 permit holder and used in substantial part in the normal and ordinary

1 course of the user's business for transporting therein persons or
2 property for hire across the boundaries of this state; and in respect
3 to the use of any (~~motor~~) vehicle (~~or trailer~~) while being operated
4 under the authority of a (~~one-transit~~) trip permit issued by the
5 director of licensing pursuant to RCW 46.16.160 (as recodified by this
6 act) and moving upon the highways from the point of delivery in this
7 state to a point outside this state; and in respect to the use of
8 tangible personal property which becomes a component part of any
9 (~~motor~~) vehicle (~~or trailer~~) used by the holder of a carrier permit
10 issued by the interstate commerce commission or its successor agency
11 authorizing transportation by motor vehicle across the boundaries of
12 this state whether such (~~motor~~) vehicle (~~or trailer~~) is owned by or
13 leased with or without driver to the permit holder, in the course of
14 repairing, cleaning, altering, or improving the same; also the use of
15 labor and services rendered in respect to such repairing, cleaning,
16 altering, or improving.

17 **Sec. 906.** RCW 82.36.280 and 1998 c 176 s 36 are each amended to
18 read as follows:

19 Any person who uses any motor vehicle fuel for the purpose of
20 operating any internal combustion engine not used on or in conjunction
21 with any motor vehicle (~~licensed~~) registered to be operated (~~over~~
22 ~~and along~~) on any of the public highways, and as the motive power
23 thereof, upon which motor vehicle fuel excise tax has been paid, shall
24 be entitled to and shall receive a refund of the amount of the motor
25 vehicle fuel excise tax paid on each gallon of motor vehicle fuel so
26 used, whether such motor vehicle excise tax has been paid either
27 directly to the vendor from whom the motor vehicle fuel was purchased
28 or indirectly by adding the amount of such excise tax to the price of
29 such fuel. No refund shall be made for motor vehicle fuel consumed by
30 any motor vehicle as herein defined that is required to be registered
31 (~~and licensed~~) as provided in chapter 46.16 RCW; and is operated
32 (~~over and along~~) on any public highway except that a refund shall be
33 allowed for motor vehicle fuel consumed:

34 (1) In a motor vehicle owned by the United States that is operated
35 off the public highways for official use; and

36 (2) By auxiliary equipment not used for motive power, provided such

1 consumption is accurately measured by a metering device that has been
2 specifically approved by the department or is established by either of
3 the following formulae:

4 (a) For fuel used in pumping fuel or heating oils by a power take-
5 off unit on a delivery truck, refund shall be allowed claimant for tax
6 paid on fuel purchased at the rate of three-fourths of one gallon for
7 each one thousand gallons of fuel delivered: PROVIDED, That claimant
8 when presenting his or her claim to the department in accordance with
9 the provisions of this chapter, shall provide to said claim, invoices
10 of fuel oil delivered, or such other appropriate information as may be
11 required by the department to substantiate his or her claim; or

12 (b) For fuel used in operating a power take-off unit on a cement
13 mixer truck or load compactor on a garbage truck, claimant shall be
14 allowed a refund of twenty-five percent of the tax paid on all fuel
15 used in such a truck; and

16 (c) The department is authorized to establish by rule additional
17 formulae for determining fuel usage when operating other types of
18 equipment by means of power take-off units when direct measurement of
19 the fuel used is not feasible. The department is also authorized to
20 adopt rules regarding the usage of on board computers for the
21 production of records required by this chapter.

22 **Sec. 907.** RCW 82.38.100 and 2007 c 515 s 25 and 2007 c 419 s 17
23 are each reenacted and amended to read as follows:

24 (1) Any special fuel user operating a motor vehicle (~~(into)~~) in
25 this state for commercial purposes may (~~(make application)~~) apply for
26 a special fuel trip permit (~~(that shall be)~~). The permit:

27 (a) Is good for a period of three consecutive days beginning and
28 ending on the dates (~~(specified)~~) shown on the face of the permit
29 issued(~~(, and)~~);

30 (b) Is valid only for the vehicle for which it is issued(~~(-~~
31 ~~(2) Every permit shall)~~);

32 (c) Must identify, as the department may require, the vehicle for
33 which it is issued; and (~~(shall)~~)

34 (d) Must be completed in its entirety, signed, and dated by the
35 operator before operation of the vehicle on the public highways of this
36 state.

1 (2) Correction of data on the permit such as dates, vehicle license
2 number, or vehicle identification number invalidates the permit. A
3 violation of, or a failure to comply with, this subsection is a gross
4 misdemeanor.

5 (3) ~~((For each permit issued, there shall be collected a filing fee
6 of one dollar, an administrative fee of fifteen dollars, and an excise
7 tax of nine dollars. Such fees and tax shall be in lieu of the special
8 fuel tax otherwise assessable against the permit holder for importing
9 and using special fuel in a motor vehicle on the public highways of
10 this state, and no report of mileage shall be required with respect to
11 such vehicle. Trip permits will not be issued if the applicant has
12 outstanding fuel taxes, penalties, or interest owing to the state or
13 has had a special fuel license revoked for cause and the cause has not
14 been removed. Five dollars from every fifteen dollar administration
15 fee shall be deposited into the state patrol highway account and must
16 be used for commercial motor vehicle inspections.~~

17 (4)) Blank special fuel trip permits may be obtained from field
18 offices of the department of transportation, department of licensing,
19 county auditors or other agents, or subagents appointed by the
20 department for the fee provided in section 535 (1)(f) and (4) of this
21 act. ~~((The department may appoint county auditors or businesses as
22 agents for the purpose of selling trip permits to the public. County
23 auditors or businesses so appointed may retain the filing fee collected
24 for each trip permit to defray expenses incurred in handling and
25 selling the permits.~~

26 (5) A surcharge of five dollars is imposed on the issuance of trip
27 permits. The portion of the surcharge paid by motor carriers must be
28 deposited in the motor vehicle fund for the purpose of supporting
29 vehicle weigh stations, weigh-in-motion programs, and the commercial
30 vehicle information systems and networks program. The remaining
31 portion of the surcharge must be deposited in the motor vehicle fund
32 for the purpose of supporting congestion relief programs. All other
33 fees and excise taxes collected by the department for trip permits
34 shall be credited and deposited in the same manner as the special fuel
35 tax collected under this chapter and shall not be subject to exchange,
36 refund, or credit.)) The fee is in lieu of the special fuel tax
37 otherwise assessable against the permit holder for importing and using
38 special fuel in a motor vehicle on the public highways of this state.

1 A report of mileage may not be required with respect to the motor
2 vehicle. Special fuel trip permits may not be issued if the applicant
3 has outstanding fuel taxes, penalties, or interest owing to the state
4 or has had a special fuel license revoked for cause and the cause has
5 not been removed.

6 (4) Special fuel trip permits are not subject to exchange, refund,
7 or credit.

8 NEW SECTION. Sec. 908. A new section is added to chapter 82.44
9 RCW to read as follows:

10 (1) The motor vehicle excise tax authorized under this chapter
11 applies to the following vehicles:

- 12 (a) Commercial trailers, as defined in section 110 of this act;
- 13 (b) Farm trucks registered under RCW 46.16.090 (as recodified by
14 this act);
- 15 (c) Fixed load vehicles, as defined in section 116 of this act;
- 16 (d) Motor homes, as defined in RCW 46.04.305;
- 17 (e) Motor trucks, as defined in RCW 46.04.310, with a scale weight
18 greater than six thousand pounds;
- 19 (f) Motor vehicles, as defined in RCW 46.04.320; and
- 20 (g) Trailers, as defined in RCW 46.04.620.

21 (2) The motor vehicle excise tax authorized under this chapter does
22 not apply to the following vehicles:

- 23 (a) Campers, as defined in RCW 46.04.085;
- 24 (b) Dock and warehouse tractors and their cars or trailers;
- 25 (c) Equipment not designed primarily for use on public highways;
- 26 (d) Exempt registered vehicles;
- 27 (e) Lumber carriers of the type known as spiders;
- 28 (f) Mobile homes, as defined in RCW 46.04.302;
- 29 (g) Passenger motor vehicles, as described in RCW 82.44.015;
- 30 (h) Travel trailers, as defined in RCW 46.04.623;
- 31 (i) Vehicles not used on the public highways; and
- 32 (j) Vehicles owned by nonresident military personnel of the armed
33 forces of the United States stationed in the state of Washington if the
34 nonresident military member was a nonresident of this state when
35 enlisted into military service.

1 **Sec. 909.** RCW 82.44.015 and 1996 c 244 s 7 are each amended to
2 read as follows:

3 ~~((For the purposes of this chapter, in addition to the exclusions
4 under RCW 82.44.010, "motor vehicle" shall not include))~~

5 (1) Passenger motor vehicles used primarily for commuter ride
6 sharing and ride sharing for persons with special transportation needs,
7 as defined in RCW 46.74.010~~((The registered owner of one of these
8 vehicles shall notify the department of licensing upon termination of
9 primary use of the vehicle in commuter ride sharing or ride sharing for
10 persons with special transportation needs and shall be liable for the
11 tax imposed by this chapter, prorated on the remaining months for which
12 the vehicle is licensed))~~, are not subject to the motor vehicle excise
13 tax authorized under this chapter.

14 (2) To qualify for the motor vehicle excise tax exemption,
15 ~~((those))~~ passenger motor vehicles ~~((with))~~ must:

16 (a) Have a seating capacity of five or six passengers, including
17 the driver~~((7))~~;

18 (b) Be used for commuter ride-sharing~~((7, must))~~;

19 (c) Be operated either within:

20 (i) The state's eight largest counties that are required to develop
21 commute trip reduction plans as directed by chapter 70.94 RCW;

22 (ii) In other counties, or cities and towns within those counties,
23 that elect to adopt and implement a commute trip reduction plan~~((-
24 Additionally))~~; and

25 (d) Meet at least one of the following conditions ~~((must apply))~~:

26 ~~((1))~~ (i) The vehicle must be operated by a public transportation
27 agency for the general public; ~~((or (2))~~

28 (ii) The vehicle must be used by a major employer, as defined in
29 RCW 70.94.524 as an element of its commute trip reduction program for
30 their employees; or ~~((3))~~

31 (iii) The vehicle must be owned and operated by individual
32 employees and must be registered either with the employer as part of
33 its commute trip reduction program or with a public transportation
34 agency serving the area where the employees live or work. Individual
35 employee owned and operated motor vehicles will require certification
36 that the vehicle is registered with a major employer or a public
37 transportation agency. Major employers who own and operate motor

1 vehicles for their employees must certify that the commuter ride-
2 sharing arrangement conforms to a carpool/vanpool element contained
3 within their commute trip reduction program.

4 (3) The registered owner of a passenger motor vehicle described in
5 subsection (2) of this section:

6 (a) Shall notify the department upon the termination of the primary
7 use of the vehicle in commuter ride sharing or ride sharing for persons
8 with special transportation needs; and

9 (b) Is liable for the motor vehicle excise tax imposed under this
10 chapter, prorated on the remaining months for which the vehicle is
11 registered.

12 **Sec. 910.** RCW 82.44.035 and 2006 c 318 s 1 are each amended to
13 read as follows:

14 (1) For the purpose of determining any locally imposed motor
15 vehicle excise tax, the value of a truck(~~(type power or trailing~~
16 ~~unit)) or trailer shall be the latest purchase price of the vehicle,
17 excluding applicable federal excise taxes, state and local sales or use
18 taxes, transportation or shipping costs, or preparatory or delivery
19 costs, multiplied by the following percentage based on year of service
20 of the vehicle since last sale. The latest purchase year shall be
21 considered the first year of service.~~

	YEAR OF SERVICE	PERCENTAGE
22		
23	1	100
24	2	81
25	3	67
26	4	55
27	5	45
28	6	37
29	7	30
30	8	25
31	9	20
32	10	16
33	11	13
34	12	11
35	13	9

1	14	7
2	15	3
3	16 or older	0

4 (2) The reissuance of a certificate of title and registration
5 certificate for a truck(~~(-type power or trailing unit))~~ or trailer
6 because of the installation of body or special equipment shall be
7 treated as a sale, and the value of the truck(~~(-type power or trailing~~
8 ~~unit))~~ or trailer at that time, as determined by the department from
9 such information as may be available, shall be considered the latest
10 purchase price.

11 (3) For the purpose of determining any locally imposed motor
12 vehicle excise tax, the value of a (~~motor~~) vehicle other than a
13 truck(~~(-type power or trailing unit))~~ or trailer shall be eighty-five
14 percent of the manufacturer's base suggested retail price of the
15 vehicle when first offered for sale as a new vehicle, excluding any
16 optional equipment, applicable federal excise taxes, state and local
17 sales or use taxes, transportation or shipping costs, or preparatory or
18 delivery costs, multiplied by the applicable percentage listed in this
19 subsection (3) based on year of service of the vehicle.

20 If the manufacturer's base suggested retail price is unavailable or
21 otherwise unascertainable at the time of initial registration in this
22 state, the department shall determine a value equivalent to a
23 manufacturer's base suggested retail price as follows:

24 (a) The department shall determine a value using any information
25 that may be available, including any guidebook, report, or compendium
26 of recognized standing in the automotive industry or the selling price
27 and year of sale of the vehicle. The department may use an appraisal
28 by the county assessor. In valuing a vehicle for which the current
29 value or selling price is not indicative of the value of similar
30 vehicles of the same year and model, the department shall establish a
31 value that more closely represents the average value of similar
32 vehicles of the same year and model. The value determined in this
33 subsection (3)(a) shall be divided by the applicable percentage listed
34 in (b) of this subsection (3) to establish a value equivalent to a
35 manufacturer's base suggested retail price and this value shall be
36 multiplied by eighty-five percent.

1 (b) The year the vehicle is offered for sale as a new vehicle shall
2 be considered the first year of service.

3	YEAR OF SERVICE	PERCENTAGE
4	1	100
5	2	81
6	3	72
7	4	63
8	5	55
9	6	47
10	7	41
11	8	36
12	9	32
13	10	27
14	11	26
15	12	24
16	13	23
17	14	21
18	15	16
19	16 or older	10

20 (4) For purposes of this chapter, value shall exclude value
21 attributable to modifications of a (~~motor~~) vehicle and equipment that
22 are designed to facilitate the use or operation of the (~~motor~~)
23 vehicle by a person with a disability.

24 **Sec. 911.** RCW 82.44.060 and 2006 c 318 s 3 are each amended to
25 read as follows:

26 (1) Any locally imposed excise tax (~~shall be~~):

27 (a) Is due (~~and payable to the department or its agents~~) at the
28 time of registration of a (~~motor~~) vehicle(~~(. Whenever an application~~
29 is made to the department or its agents for a license for a motor
30 vehicle there shall be collected,)):

31 (b) Must be paid in full before any registration certificate or
32 license tab may be issued;

33 (c) Is in addition to (~~the amount of the license fee or renewal~~
34 license fee, the amount of any locally imposed excise tax, and no

1 ~~dealer's license or license plates, and no license or license plates~~
2 ~~for a motor vehicle shall be issued unless such tax is paid in full.~~
3 ~~Locally imposed excise taxes shall))~~ any other vehicle license fees
4 required by law;

5 (d) Must be collected by the department, county auditor or other
6 agent, or subagent appointed by the director of licensing before
7 issuing the registration certificate;

8 (e) Must be collected for each registration year~~((. Any locally~~
9 ~~imposed excise tax upon a motor vehicle licensed for the first time in~~
10 ~~this state shall));~~ and

11 (f) Must be levied for one full registration year ~~((commencing))~~
12 beginning on the date of the calendar year designated by the department
13 and ending on the same date of the next succeeding calendar year. For
14 vehicles registered under chapter 46.87 RCW, proportional registration,
15 and for vehicle dealer plates issued under chapter 46.70 RCW, the
16 registration year is the period provided in those chapters. However,
17 the tax shall in no case be less than two dollars except for
18 proportionally registered vehicles.

19 (2) A ~~((motor))~~ vehicle ~~((shall be))~~ is deemed ~~((licensed))~~
20 registered for the first time in this state when ~~((such))~~ the vehicle
21 was not previously ~~((licensed))~~ registered by this state for the
22 registration year immediately preceding the registration year in which
23 the application for ~~((license))~~ registration is made or when the
24 vehicle has been registered in another jurisdiction subsequent to any
25 prior registration in this state.

26 ~~((No))~~ (3) An additional tax ~~((shall))~~ may not be imposed under
27 this chapter ~~((upon))~~ on any vehicle ~~((upon the transfer of ownership~~
28 ~~thereof))~~ when the certificate of title is being transferred if the tax
29 ~~((imposed with respect to such vehicle))~~ has already been paid for the
30 registration year or fraction of a registration year in which transfer
31 of ownership occurs.

32 **Sec. 912.** RCW 82.44.065 and 2006 c 318 s 5 are each amended to
33 read as follows:

34 If the department determines a value for a ~~((motor))~~ vehicle
35 equivalent to a manufacturer's base suggested retail price or the value
36 of a truck~~((type power or trailing unit))~~ or trailer under RCW
37 82.44.035, any person who pays a locally imposed tax for that vehicle

1 may appeal the valuation to the department under chapter 34.05 RCW. If
2 the taxpayer is successful on appeal, the department shall refund the
3 excess tax in the manner provided in RCW 82.44.120.

4 **Sec. 913.** RCW 82.44.090 and 2006 c 318 s 6 are each amended to
5 read as follows:

6 It (~~shall be~~) is unlawful for the county auditor or any other
7 person to issue a dealer's license or dealer's license plates or a
8 (~~license~~) registration or identification plates with respect to any
9 motor vehicle without collecting, with the required vehicle license
10 fee, the amount of any locally imposed motor vehicle excise tax due.
11 Any violation of this section shall constitute a gross misdemeanor.

12 **Sec. 914.** RCW 82.44.100 and 2006 c 318 s 7 are each amended to
13 read as follows:

14 The department, county auditor or other agent, or subagent
15 appointed by the director of licensing shall give to each person paying
16 a locally imposed motor vehicle excise tax a receipt (~~therefor which~~
17 ~~shall sufficiently designate and identify~~) identifying the vehicle
18 (~~with respect to~~) for which the tax is paid. The receipt may be
19 incorporated in the receipt given for the (~~motor~~) vehicle license fee
20 or dealer's license fee paid.

21 **Sec. 915.** RCW 82.44.120 and 2006 c 318 s 8 are each amended to
22 read as follows:

23 (~~(1) Whenever any person has paid a motor vehicle license fee, and~~
24 ~~together therewith has paid a locally imposed excise tax, and the~~
25 ~~director determines that the payor is entitled to a refund of the~~
26 ~~entire amount of the license fee as provided by law, then the payor~~
27 ~~shall also be entitled to a refund of the entire excise tax collected~~
28 ~~under the provisions of this chapter. In case the director determines~~
29 ~~that any person is entitled to a refund of only a part of the license~~
30 ~~fee so paid, the payor shall be entitled to a refund of the difference,~~
31 ~~if any, between the excise tax collected and that which should have~~
32 ~~been collected.~~

33 (~~2) In case no claim is to be made for the refund of the license~~
34 ~~fee or any part thereof, but claim is made by any person that he or she~~
35 ~~has paid an erroneously excessive amount of excise tax, the department~~

1 shall determine in the manner generally provided in this chapter the
2 amount of such excess, if any, that has been paid and shall certify to
3 the state treasurer that such person is entitled to a refund in such
4 amount.

5 (3) In any case where due to error, a person has been required to
6 pay an excise tax pursuant to this chapter and a vehicle license fee
7 pursuant to Title 46 RCW which amounts to an overpayment of ten dollars
8 or more, such person shall be entitled to a refund of the entire amount
9 of such overpayment, regardless of whether or not a refund of the
10 overpayment has been requested. Conversely, if due to error, the
11 department or its agents has failed to collect the full amount of the
12 license fee and excise tax due, which underpayment is in the amount of
13 ten dollars or more, the department shall charge and collect such
14 additional amount as will constitute full payment of the tax.

15 (4) Any claim for refund of an erroneously excessive amount of
16 excise tax or overpayment of excise tax with a motor vehicle license
17 fee must be filed with the director within three years after the
18 claimed erroneous payment was made.

19 (5) If the department approves the claim it shall notify the state
20 treasurer to that effect, and the treasurer shall make such approved
21 refunds from the general fund and shall mail or deliver the same to the
22 person entitled thereto.

23 (6) Any person making any false statement under which he or she
24 obtains any amount of refund to which he or she is not entitled under
25 the provisions of this section is guilty of a gross misdemeanor.

26 (7)) (1) Refunds of locally imposed motor vehicle excise taxes
27 must be handled in the same manner and under the same terms and
28 conditions as provided in RCW 46.68.010.

29 (2) A claim for a refund may be made by a person who:

30 (a) Is not seeking a full refund; and

31 (b) Believes the amount of the locally imposed motor vehicle excise
32 tax paid was incorrect or too much.

33 (3) When a claim for a refund is made as provided in subsection (2)
34 of this section, the department shall:

35 (a) Determine the amount of the locally imposed motor vehicle
36 excise tax that had been greater than the amount actually due, if any;
37 and

1 (b) Certify to the state treasurer the amount of the partial refund
2 due.

3 (4) Before a local government subject to this chapter may impose a
4 motor vehicle excise tax, the local government shall contract with the
5 department for reimbursement for any refunds paid to a person by the
6 treasurer.

7 **Sec. 916.** RCW 82.80.130 and 2006 c 318 s 4 are each amended to
8 read as follows:

9 (1) Public transportation benefit areas authorized to implement
10 passenger-only ferry service under RCW 36.57A.200 whose boundaries (a)
11 are on the Puget Sound, but (b) do not include an area where a regional
12 transit authority has been formed, may submit an authorizing
13 proposition to the voters and, if approved, may levy and collect an
14 excise tax, at a rate approved by the voters, but not exceeding four-
15 tenths of one percent on the value of every motor vehicle owned by a
16 resident of the taxing district, solely for the purpose of providing
17 passenger-only ferry service. The tax must be collected only at the
18 time of vehicle (~~(license)~~) registration renewal under chapter 46.16
19 RCW. The tax will be imposed on vehicles previously registered in
20 another state or nation when they are initially registered in this
21 state. The tax will not be imposed at the time of sale by a licensed
22 vehicle dealer. In a county imposing a motor vehicle excise tax
23 surcharge under RCW 81.100.060, the maximum tax rate under this section
24 must be reduced to a rate equal to four-tenths of one percent on the
25 value less the equivalent motor vehicle excise tax rate of the
26 surcharge imposed under RCW 81.100.060. This rate does not apply to
27 vehicles (~~(licensed)~~) registered under RCW 46.16.070 (as recodified by
28 this act) with (~~(an unladen)~~) a scale weight more than six thousand
29 pounds, or to vehicles (~~(licensed)~~) registered under (~~(RCW 46.16.079,~~
30 ~~46.16.085, or)~~) section 528 of this act, section 531(1)(c) of this act,
31 or RCW 46.16.090 (as recodified by this act).

32 (2) The department of licensing shall administer and collect the
33 tax in accordance with chapter 82.44 RCW. The department shall deduct
34 a percentage amount, as provided by contract, not to exceed one percent
35 of the taxes collected, for administration and collection expenses
36 incurred by it. The remaining proceeds must be remitted to the custody

1 of the state treasurer for monthly distribution to the public
2 transportation benefit area.

3 (3) The public transportation benefit area imposing this tax shall
4 delay the effective date at least six months from the date the fee is
5 approved by the qualified voters of the authority area to allow the
6 department of licensing to implement administration and collection of
7 the tax.

8 (4) Before an authority may impose a tax authorized under this
9 section, the authorization for imposition of the tax must be approved
10 by a majority of the qualified electors of the authority area voting on
11 that issue.

12 **Sec. 917.** RCW 82.80.140 and 2007 c 329 s 2 are each amended to
13 read as follows:

14 (1) Subject to the provisions of RCW 36.73.065, a transportation
15 benefit district under chapter 36.73 RCW may fix and impose an annual
16 vehicle fee, not to exceed one hundred dollars per vehicle registered
17 in the district, for each vehicle subject to vehicle license ~~((tab))~~
18 fees under ~~((RCW 46.16.0621))~~ section 531(1) (a), (c), (d), (e), (g),
19 (h), (j), or (n) through (q) of this act and for each vehicle subject
20 to gross weight license fees under ~~((RCW 46.16.070))~~ section 530 of
21 this act with ~~((an unladen))~~ a scale weight of six thousand pounds or
22 less.

23 (2)(a) A district that includes all the territory within the
24 boundaries of the jurisdiction, or jurisdictions, establishing the
25 district may impose by a majority vote of the governing board of the
26 district up to twenty dollars of the vehicle fee authorized in
27 subsection (1) of this section. If the district is countywide, the
28 revenues of the fee shall be distributed to each city within the county
29 by interlocal agreement. The interlocal agreement is effective when
30 approved by the county and sixty percent of the cities representing
31 seventy-five percent of the population of the cities within the county
32 in which the countywide fee is collected.

33 (b) A district may not impose a fee under this subsection (2):

34 (i) For a passenger-only ferry transportation improvement unless
35 the vehicle fee is first approved by a majority of the voters within
36 the jurisdiction of the district; or

1 (ii) That, if combined with the fees previously imposed by another
2 district within its boundaries under RCW 36.73.065(4)(a)(i), exceeds
3 twenty dollars.

4 If a district imposes or increases a fee under this subsection (2)
5 that, if combined with the fees previously imposed by another district
6 within its boundaries, exceeds twenty dollars, the district shall
7 provide a credit for the previously imposed fees so that the combined
8 vehicle fee does not exceed twenty dollars.

9 (3) The department of licensing shall administer and collect the
10 fee. The department shall deduct a percentage amount, as provided by
11 contract, not to exceed one percent of the fees collected, for
12 administration and collection expenses incurred by it. The department
13 shall remit remaining proceeds to the custody of the state treasurer.
14 The state treasurer shall distribute the proceeds to the district on a
15 monthly basis.

16 (4) No fee under this section may be collected until six months
17 after approval under RCW 36.73.065.

18 (5) The vehicle fee under this section applies only when renewing
19 a vehicle registration, and is effective upon the registration renewal
20 date as provided by the department of licensing.

21 (6) The following vehicles are exempt from the fee under this
22 section:

23 (a) Campers, as defined in RCW 46.04.085;

24 (b) Farm tractors or farm vehicles, as defined in RCW 46.04.180 and
25 46.04.181;

26 ~~((b))~~ (c) Mopeds, as defined in RCW 46.04.304;

27 (d) Off-road and nonhighway vehicles, as defined in ((RCW
28 46.09.020)) section 127 of this act;

29 ~~((e))~~ (e) Private use single-axle trailer, as defined in section
30 132 of this act;

31 (f) Snowmobiles, as defined in section 145 of this act; and

32 (g) Vehicles registered under chapter 46.87 RCW and the
33 international registration plan(~~+~~and

34 ~~(d) Snowmobiles as defined in RCW 46.10.010)).~~

35 PART X. VESSELS

36 A. GENERAL PROVISIONS

1 **Sec. 1001.** RCW 88.02.010 and 1983 c 7 s 14 are each amended to
2 read as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Vessel" means every watercraft used or capable of being used
6 as a means of transportation on the water, other than a seaplane.

7 (2) "Owner" means a person who has a lawful right to possession of
8 a vessel by purchase, exchange, gift, lease, inheritance, or legal
9 action whether or not the vessel is subject to a security interest, and
10 means registered owner where the reference to owner may be construed as
11 either to registered or legal owner.

12 (3) "Dealer" means a person, partnership, association, or
13 corporation engaged in the business of selling vessels at wholesale or
14 retail in this state.

15 (4) "Department" means the department of licensing.

16 (5) "Director" means the director of the department of licensing.

17 (6) "Person" has the same meaning as in RCW 46.04.405.

18 (7) "Waters of this state" means any waters within the territorial
19 limits of this state as described in 43 U.S.C. Sec. 1312.

20 NEW SECTION. **Sec. 1002.** A new section is added to chapter 88.02
21 RCW under the subchapter heading "general provisions" to read as
22 follows:

23 The department:

24 (1) Shall provide for the issuance of vessel certificates of title
25 and registration certificates;

26 (2) May appoint county auditors or other agents or subagents under
27 chapter 46.01 RCW for collecting fees and issuing vessel registration
28 certificates, numbers, and decals; and

29 (3) May adopt rules under chapter 34.05 RCW to implement this
30 chapter.

31 **Sec. 1003.** RCW 88.02.035 and 1991 c 339 s 32 are each amended to
32 read as follows:

33 (1) The department may issue confidential vessel registrations
34 ~~((for law enforcement purposes only))~~ to units of local government and
35 to agencies of the federal government for law enforcement purposes
36 only.

1 (2) The department shall limit confidential vessel registrations
2 owned or operated by the state of Washington or by any officer or
3 employee (~~(thereof)~~) of the state, to confidential, investigative, or
4 undercover work of state law enforcement agencies.

5 (3) The director may adopt rules governing applications for and the
6 use of confidential vessel registrations (~~(by law enforcement and other~~
7 ~~public agencies)~~).

8 NEW SECTION. Sec. 1004. A new section is added to chapter 88.02
9 RCW under the subchapter heading "general provisions" to read as
10 follows:

11 (1) Any person charged with the enforcement of this chapter may
12 inspect the registration certificate of a vessel to ascertain the legal
13 and registered ownership of the vessel. A vessel owner or operator who
14 fails to provide the registration certificate for inspection upon the
15 request of any person charged with enforcement of this chapter is a
16 class 2 civil infraction.

17 (2) The department may require the inspection of vessels that are
18 brought into this state from another state and for which a certificate
19 of title has not been issued and for any other vessel if the department
20 determines that inspection of the vessel will help to verify the
21 accuracy of the information set forth on the application.

22 **Sec. 1005.** RCW 88.02.055 and 2003 c 53 s 413 are each amended to
23 read as follows:

24 (~~(1) Whenever any license fee paid under this chapter has been~~
25 ~~erroneously paid, in whole or in part, the person paying the fee, upon~~
26 ~~satisfactory proof to the director of licensing, is entitled to a~~
27 ~~refund of the amount erroneously paid.~~

28 (~~2) A license fee is refundable in one or more of the following~~
29 ~~circumstances:—(a) If the vessel for which the renewal license was~~
30 ~~purchased was destroyed before the beginning date of the registration~~
31 ~~period for which the renewal fee was paid; (b) if the vessel for which~~
32 ~~the renewal license was purchased was permanently removed from the~~
33 ~~state before the beginning date of the registration period for which~~
34 ~~the renewal fee was paid; (c) if the vessel license was purchased after~~
35 ~~the owner has sold the vessel; (d) if the vessel is currently licensed~~
36 ~~in Washington and is subsequently licensed in another jurisdiction, in~~

1 ~~which case any full months of Washington fees between the date of~~
2 ~~license application in the other jurisdiction and the expiration of the~~
3 ~~Washington license are refundable; or (e) if the vessel for which the~~
4 ~~renewal license was purchased is sold before the beginning date of the~~
5 ~~registration period for which the renewal fee was paid, and the payor~~
6 ~~returns the new, unused, never affixed license renewal decal to the~~
7 ~~department before the beginning of the registration period for which~~
8 ~~the registration was purchased.~~

9 ~~(3) Upon the refund being certified as correct to the state~~
10 ~~treasurer by the director and being claimed in the time required by~~
11 ~~law, the state treasurer shall mail or deliver the amount of each~~
12 ~~refund to the person entitled to the refund.~~

13 ~~(4) A claim for refund shall not be allowed for erroneous payments~~
14 ~~unless the claim is filed with the director within three years after~~
15 ~~such payment was made.~~

16 ~~(5) If due to error a person has been required to pay a license fee~~
17 ~~under this chapter and excise tax which amounts to an overpayment of~~
18 ~~ten dollars or more, the person is entitled to a refund of the entire~~
19 ~~amount of the overpayment, regardless of whether a refund of the~~
20 ~~overpayment has been requested. If due to error the department or its~~
21 ~~agents has failed to collect the full amount of the license fee and~~
22 ~~excise tax due, which underpayment is in the amount of ten dollars or~~
23 ~~more, the department shall charge and collect the additional amount as~~
24 ~~will constitute full payment of the tax and fees.))~~

25 (1) A person who has paid all or part of a vessel registration fee
26 under this chapter is entitled to a refund if the amount was paid in
27 error or if the vessel:

28 (a) Was destroyed before the new registration period began;

29 (b) Was permanently removed from Washington state before the new
30 registration period began;

31 (c) Registration was purchased after the owner sold the vessel;

32 (d) Was registered in another jurisdiction after the Washington
33 state registration had been purchased. Any full months of Washington
34 state registration fees remaining after the application for out-of-
35 state registration was made are refundable; or

36 (e) Registration was purchased before the vessel was sold and
37 before the new registration period began. The person who paid the fee

1 must return the unused, never-affixed decals to the department before
2 the new registration period begins.

3 (2) The department shall refund overpayments of registration fees
4 and watercraft excise tax under chapter 82.49 RCW that are ten dollars
5 or more. A request for a refund is not required.

6 (3) The department shall certify refunds to the state treasurer as
7 correct and being claimed in the time required by law. The state
8 treasurer shall mail or deliver the amount of each refund to the person
9 who is entitled to the refund.

10 (4) The department shall not authorize refunds of fees paid in
11 error unless the claim is filed with the director within three years
12 after the fees were paid.

13 (5) If, due to error, the department, county auditor or other
14 agent, or subagent appointed by the director has failed to collect the
15 full amount of the registration fee and watercraft excise tax due, and
16 the underpayment is in the amount of ten dollars or more, the
17 department shall charge and collect the additional amount to constitute
18 full payment of the tax and fee.

19 (6) Any person who makes a false statement under which he or she
20 obtains a refund to which he or she is not entitled under this section
21 is guilty of a gross misdemeanor.

22 **Sec. 1006.** RCW 88.02.110 and 2006 c 29 s 3 are each amended to
23 read as follows:

24 (1) Except as otherwise provided in this chapter, a violation of
25 this chapter and the rules adopted by the department (~~pursuant to~~
26 ~~these statutes~~) is a misdemeanor punishable only by a fine not to
27 exceed one hundred dollars per vessel for the first violation.
28 Subsequent violations in the same year are subject to the following
29 fines:

30 (a) For the second violation, a fine of two hundred dollars per
31 vessel;

32 (b) For the third and successive violations, a fine of four hundred
33 dollars per vessel.

34 (2) A violation designated in this chapter as a civil infraction
35 (~~shall~~) must be punished accordingly pursuant to chapter 7.80 RCW.

36 (3) After the subtraction of court costs and administrative

1 collection fees, moneys collected under this section (~~shall~~) must be
2 credited to the current expense fund of the arresting jurisdiction.

3 (4) All law enforcement officers (~~shall have the authority to~~)
4 may enforce this chapter(~~(7)~~) and the rules adopted by the department
5 (~~pursuant to these statutes~~) within their respective jurisdictions(~~(+~~
6 ~~PROVIDED, That)~~). A city, town, or county may contract with a fire
7 protection district for (~~such~~) enforcement of this chapter, and fire
8 protection districts (~~are authorized to~~) may engage in (~~such~~)
9 enforcement activities.

10 **Sec. 1007.** RCW 88.02.118 and 2003 c 53 s 414 are each amended to
11 read as follows:

12 (1) It is a gross misdemeanor punishable as provided under chapter
13 9A.20 RCW for any person owning a vessel subject to taxation under
14 chapter 82.49 RCW to:

15 (a) Register a vessel in another state to avoid Washington state
16 vessel excise tax required under chapter 82.49 RCW; or (~~to~~)

17 (b) Obtain a vessel dealer's (~~registration~~) license for the
18 purpose of evading excise tax on vessels under chapter 82.49 RCW.

19 (2) For a second or subsequent offense, the person convicted is
20 also subject to a fine equal to four times the amount of avoided taxes
21 and fees, (~~no part of~~) which may not be suspended or deferred.

22 (3) Excise taxes owed and fines assessed (~~will~~) must be deposited
23 in the manner provided under RCW 46.16.010(~~(+4)~~) (6).

24 **Sec. 1008.** RCW 88.02.200 and 1985 c 258 s 11 are each amended to
25 read as follows:

26 (~~No~~) A suit or action (~~shall ever~~) may not be commenced or
27 prosecuted against the department (~~of licensing~~) or the state of
28 Washington by reason of any act done or omitted to be done in the
29 administration of the duties and responsibilities imposed upon the
30 department under this chapter (~~88.02-RCW~~).

31 B. CERTIFICATES OF TITLE

32 **Sec. 1009.** RCW 88.02.120 and 1985 c 258 s 1 are each amended to
33 read as follows:

34 It is the intention of the legislature:

1 (1) To establish a system of certificates of title for vessels
2 (~~and watercraft~~) similar to that in existence for motor vehicles(~~(-~~
3 ~~It is the goal of this legislation that the title~~) under chapter 46.12
4 RCW;

5 (2) That certificates of title become (~~prima facie~~) sufficient
6 evidence of ownership of the vessel it describes so that persons may
7 rely upon that certificate; and

8 (3) That security interest in vessels be perfected solely by
9 notation of a secured party upon the (~~title~~) certificate of title.
10 (~~However, there are title certificates issued prior to June 30, 1985,~~
11 ~~which may not indicate security interests in the certificated vessel.~~
12 ~~The establishment of a more reliable system will require implementation~~
13 ~~over several years, as the existing security interests are either~~
14 ~~satisfied or their perfection is not continued. During this interim~~
15 ~~period of five years from June 30, 1985, two different classes, class~~
16 ~~A and class B, of title certificates will be in existence and issued by~~
17 ~~the department of licensing. The establishment and operation of the~~
18 ~~system for watercraft and vessels should be patterned upon the system~~
19 ~~established and operating for motor vehicles and the department of~~
20 ~~licensing is hereby authorized and directed to adopt the regulations~~
21 ~~and procedures necessary and desirable to establish such a similar~~
22 ~~system, excepting only as the same may be inconsistent with this~~
23 ~~chapter.~~)

24 **Sec. 1010.** RCW 88.02.070 and 1996 c 315 s 5 are each amended to
25 read as follows:

26 (1) (~~The department shall provide for the issuance of vessel~~
27 ~~certificates of title. Applications for certificates may be made~~
28 ~~through the agents appointed under RCW 88.02.040. The fee for a vessel~~
29 ~~certificate of title is five dollars. Fees required for licensing~~
30 ~~agents under RCW 46.01.140 are in addition to the vessel certificate of~~
31 ~~title fee. Fees for vessel certificates of title shall be deposited in~~
32 ~~the general fund.~~) Security interests in vessels subject to the
33 requirements of this chapter (~~and attaching after July 1, 1983,~~
34 ~~shall~~) must be perfected only by indication upon the vessel's
35 (~~title~~) certificate of title. The provisions of chapters 46.12 and
36 46.16 RCW relating to (~~motor~~) vehicle (~~certificates of~~)
37 registration certificates, certificates of title(~~s~~), certificate

1 issuance, ownership transfer, and perfection of security interests, and
2 other provisions ((which)) that may be applied to vessels subject to
3 this chapter, may be so applied by rule of the department if they are
4 not inconsistent with this chapter.

5 ~~(2) ((Whenever a vessel is to be registered for the first time as
6 required by this chapter, except for a vessel having a valid marine
7 document as a vessel of the United States, application shall be made at
8 the same time for a certificate of title. Any person who purchases or
9 otherwise obtains majority ownership of any vessel subject to the
10 provisions of this chapter, except for a vessel having a valid marine
11 document as a vessel of the United States, shall within fifteen days
12 thereof apply for a new certificate of title which shows the vessel's
13 change of ownership.~~

14 ~~(3))~~ Security interests may be released or acted upon as provided
15 by the law under which they arose or were perfected. ~~((No))~~ A new
16 security interest or renewal or extension of an existing security
17 interest is not affected except as provided under the terms of this
18 chapter and RCW 46.12.095.

19 ~~((4) Notice shall be given to the issuing authority by the owner
20 indicated on the certificate of registration within fifteen days of the
21 occurrence of any of the following: Any change of address of owner;
22 destruction, loss, abandonment, theft, or recovery of the vessel; or
23 loss or destruction of a valid certificate of registration on the
24 vessel.~~

25 ~~(5) Within five days, excluding Saturdays, Sundays, and state and
26 federal holidays, the owner shall notify the department in writing, on
27 the appropriate form, of the date of the sale or transfer, the name and
28 address of the owner and of the transferee, and such description of the
29 vessel, including the hull identification number, the vessel decal
30 number, or both, as may be required by the department.))~~

31 NEW SECTION. Sec. 1011. A new section is added to chapter 88.02
32 RCW under the subchapter heading "certificates of title" to read as
33 follows:

34 (1) An application for a certificate of title must be made at the
35 same time when a vessel is registered for the first time as required
36 under this chapter.

1 (2) A person who purchases or otherwise obtains majority ownership
2 of any vessel subject to this chapter shall, within fifteen days of
3 purchase or obtainment, apply for a new certificate of title that shows
4 the vessel's change of ownership.

5 (3) This section does not apply to a vessel that has a valid marine
6 document as a vessel of the United States.

7 **Sec. 1012.** RCW 88.02.180 and 1985 c 258 s 6 are each amended to
8 read as follows:

9 ~~((Each))~~ (1) The application for a ~~((title))~~ certificate ~~((shall~~
10 ~~require)) of title of a vessel must be made by the owner or the owner's~~
11 ~~representative to the department, county auditor or other agent, or~~
12 ~~subagent appointed by the director on a form furnished or approved by~~
13 ~~the department and must contain:~~

14 (a) A description of the vessel, including make, model, hull
15 identification number, and type of body;

16 (b) The name and address of the person who is to be the registered
17 owner of the vessel and, if the vessel is subject to a security
18 interest, the name and address of the secured party; and

19 (c) Other information the department may require.

20 (2) The application for a certificate of title must be signed by
21 the person applying to be ~~((designated as))~~ the registered owner ~~((to~~
22 ~~swear)) and be sworn to by that person under penalty of the perjury~~
23 ~~laws of this state that ~~((he))~~:~~

24 (a) The applicant is the owner or an authorized agent of the owner
25 of the vessel~~((, and that it))~~; and

26 (b) The vessel is free of any claim of lien, mortgage, conditional
27 sale, or other security interest of any person except the person or
28 persons ~~((set forth in))~~ on the application as secured parties.

29 (3) The application for a certificate of title must be accompanied
30 by:

31 (a) A draft, money order, certified bank check, or cash for all
32 fees and taxes due for the application for the certificate of title;
33 and

34 (b) The most recent certificate of title or other satisfactory
35 evidence of ownership.

1 NEW SECTION. **Sec. 1013.** A new section is added to chapter 88.02
2 RCW under the subchapter heading "certificates of title" to read as
3 follows:

4 A vessel owner shall notify the department within fifteen days of
5 any of the following:

- 6 (1) A change of address of the owner;
- 7 (2) Destruction, loss, abandonment, theft, or recovery of the
8 vessel; or
- 9 (3) Loss or destruction of a valid registration certificate issued
10 for the vessel.

11 NEW SECTION. **Sec. 1014.** A new section is added to chapter 88.02
12 RCW under the subchapter heading "certificates of title" to read as
13 follows:

14 (1) A vessel owner shall notify the department in writing within
15 five business days after a vessel is or has been:

- 16 (a) Sold;
- 17 (b) Given as a gift to another person;
- 18 (c) Traded, either privately or to a vessel dealer;
- 19 (d) Donated to charity;
- 20 (e) Turned over to an insurance company or wrecking yard; or
- 21 (f) Disposed of.

22 (2) A report of sale is properly filed if it is received by the
23 department within five business days after the date of sale or transfer
24 and it includes:

- 25 (a) The date of sale or transfer;
- 26 (b) The owner's name and address;
- 27 (c) The name and address of the person acquiring the vessel;
- 28 (d) The vessel hull identification number and vessel registration
29 number; and
- 30 (e) A date stamp by the department showing it was received on or
31 before the fifth business day after the date of sale or transfer.

32 **Sec. 1015.** RCW 88.02.075 and 1997 c 241 s 12 are each amended to
33 read as follows:

34 ~~((1) If a certificate of ownership, a certificate of registration,~~
35 ~~or a pair of decals is lost, stolen, mutilated, or destroyed or becomes~~
36 ~~illegible, the first priority secured party or, if none, the owner or~~

1 ~~legal representative of the owner named in the certificate, as shown by~~
2 ~~the records of the department, shall promptly apply for and may obtain~~
3 ~~a duplicate certificate or replacement decals upon payment of one~~
4 ~~dollar and twenty five cents and furnishing information satisfactory to~~
5 ~~the department.~~

6 ~~(a) An application for a duplicate certificate of title shall be~~
7 ~~accompanied by an affidavit of loss or destruction in a form approved~~
8 ~~by the department and signed by the first secured party or, if none,~~
9 ~~the owner or legal representative of the owner.~~

10 ~~(b) An application for a duplicate certificate of registration or~~
11 ~~replacement decals shall be accompanied by an affidavit of loss or~~
12 ~~destruction in a form approved by the department and signed by the~~
13 ~~registered owner or legal representative of the owner.~~

14 ~~(2) The duplicate certificate of ownership or registration shall~~
15 ~~contain the legend, "duplicate." It shall be mailed to the first~~
16 ~~priority secured party named in it or, if none, to the owner.~~

17 ~~(3) A person recovering an original certificate of ownership,~~
18 ~~certificate of registration, or decal for which a duplicate or~~
19 ~~replacement has been issued shall promptly surrender the original to~~
20 ~~the department.))~~

21 (1) A legal owner or the legal owner's authorized representative
22 shall promptly apply for a duplicate certificate of title if a
23 certificate of title is lost, stolen, mutilated, or destroyed, or
24 becomes illegible. The application for a duplicate certificate of
25 title must:

26 (a) Include information required by the department;

27 (b) Be accompanied by an affidavit of loss or destruction;

28 (c) Be accompanied by the fee required in section 1028(1)(j) of
29 this act.

30 (2) The duplicate certificate of title must contain the word
31 "duplicate." It must be mailed to the first priority secured party
32 named in it or, if none, to the registered owner.

33 (3) A person recovering a certificate of title for which a
34 duplicate has been issued shall promptly return the certificate of
35 title that has been recovered to the department.

36 NEW SECTION. Sec. 1016. A new section is added to chapter 88.02

1 RCW under subchapter heading "certificates of title" to read as
2 follows:

3 (1) A local health officer may notify the department that a vessel
4 has been:

5 (a) Declared unfit and prohibited from use as authorized in chapter
6 64.44 RCW if the vessel has become contaminated as defined in RCW
7 64.44.010;

8 (b) Satisfactorily decontaminated and the vessel has been retested
9 according to the written work plan approved by the local health
10 officer.

11 (2) The department shall brand vessel records and certificates of
12 title when it receives the notification from a local health officer as
13 provided in subsection (1) of this section.

14 (3) A person is guilty of a gross misdemeanor if he or she
15 advertises for sale or sells a vessel that has been declared unfit and
16 prohibited from use by a local health officer if:

17 (a) The person has knowledge that the local health officer has
18 issued an order declaring the vessel unfit and prohibiting its use; or

19 (b) A notification has been placed on the certificate of title
20 under subsection (2) of this section that the vessel has been declared
21 unfit and prohibited from use.

22 (4) A person may advertise or sell a vessel if a release for reuse
23 document has been issued by a local health officer under chapter 64.44
24 RCW or a notification has been placed on the certificate of title under
25 subsection (2) of this section that the vessel has been decontaminated
26 and released for reuse.

27 **C. REGISTRATION CERTIFICATES**

28 **Sec. 1017.** RCW 88.02.020 and 2006 c 29 s 1 are each amended to
29 read as follows:

30 (1) Except as provided in this chapter, ~~((no))~~ a person may not own
31 or operate any vessel, including a rented vessel, on the waters of this
32 state unless the vessel has been registered and displays a registration
33 number and a valid decal in accordance with this chapter~~((, except~~
34 ~~that)).~~ A vessel ~~((which))~~ that has or is required to have a valid
35 marine document as a vessel of the United States is only required to

1 display a valid decal. A violation of this section is a class 2 civil
2 infraction.

3 (2) A vessel numbered in this state under the federal boat safety
4 act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to
5 be registered under this chapter until the certificate of number issued
6 for the vessel under the federal boat safety act expires. When
7 registering under this chapter, this type of vessel is subject to the
8 amount of excise tax due under chapter 82.49 RCW that would have been
9 due under chapter 82.49 RCW if the vessel had been registered at the
10 time otherwise required under this chapter.

11 **Sec. 1018.** RCW 88.02.030 and 2007 c 22 s 3 are each amended to
12 read as follows:

13 Vessel registration is required under this chapter except for the
14 following:

15 (1) A military ((or public)) vessel((s of)) owned by the United
16 States((, except recreational type public vessels;

17 (2) Vessels)) government;

18 (2) A public vessel owned by the United States government, unless
19 the vessel is a type used for recreation;

20 (3) A vessel clearly identified as being:

21 (a) Owned by a state ((or subdivision thereof)), county, or city;
22 and

23 (b) Used ((principally)) primarily for governmental purposes ((and
24 clearly identifiable as such));

25 ((+3)) (4) A vessel((s)) either (a) registered or numbered under
26 the laws of a country other than the United States((+)) or (b) having
27 a valid United States customs service cruising license issued pursuant
28 to 19 C.F.R. Sec. 4.94. Either vessel is exempt from registration only

29 for the first sixty days of use on Washington state waters. On or
30 before the sixty-first day of use ((in the)) on Washington state
31 waters, any vessel in the state under this subsection ((shall)) must

32 obtain ((an identification document from the department of licensing,
33 its agents, or subagents indicating when the vessel first came into the
34 state. At the time of any issuance of an identification document, a

35 thirty dollar identification document fee shall be paid by the vessel
36 owner to the department of licensing for the cost of providing the
37 identification document by the department of licensing. Five dollars

1 from each such transaction must be deposited in the derelict vessel
2 removal account created in RCW 79.100.100. Any moneys remaining from
3 the fee after the payment of costs and the deposit to the derelict
4 vessel removal account shall be allocated to counties by the state
5 treasurer for approved boating safety programs under RCW 88.02.045.
6 The department of licensing shall adopt rules to implement its duties
7 under this subsection, including issuing and displaying the
8 identification document and collecting the thirty dollar fee)) a vessel
9 visitor permit as required under section 1026 of this act;

10 ((+4)) (5) A vessel((s)) that ((have been issued)) is currently
11 registered or numbered under the laws of the state of principal
12 operation or that has been issued a valid number under federal law ((or
13 by an approved issuing authority of the state of principal operation.
14 However, a vessel that is validly registered in another state but that
15 is removed to this state for principal use is subject to registration
16 under this chapter. The issuing authority for this state shall
17 recognize the validity of the numbers previously issued for a period of
18 sixty days after arrival in this state)). However, either vessel must
19 be registered in Washington state if the state of principal operation
20 changes to Washington state by the sixty-first day after the vessel
21 arrives in Washington state;

22 ((+5)) (6) A vessel((s)) owned by a nonresident if:

23 (a) The vessel is located upon the waters of this state exclusively
24 for repairs, alteration, or reconstruction, or any testing related to
25 ((the repair, alteration, or reconstruction conducted in this state
26 if)) these services;

27 (b) An employee of the ((repair, alteration, or construction))
28 facility providing these services is on board the vessel during any
29 testing((. However, any vessel owned by a nonresident is located upon
30 the waters of this state exclusively for repairs, alteration,
31 reconstruction, or testing for a period longer than sixty days, that));
32 and

33 (c) The nonresident ((shall)) files an affidavit with the
34 department of revenue by the sixty-first day verifying that the vessel
35 is located upon the waters of this state for ((repair, alteration,
36 reconstruction, or testing and)) these services.

37 The nonresident shall continue to file ((such)) an affidavit every

1 sixty days thereafter, ~~((while))~~ as long as the vessel is located upon
2 the waters of this state exclusively for repairs, alteration,
3 reconstruction, or testing;

4 ~~((+6+))~~ (7) A vessel~~((s))~~ equipped with propulsion machinery of
5 less than ten horsepower that:

6 (a) ~~((Are))~~ Is owned by the owner of a vessel for which a valid
7 vessel number has been issued;

8 (b) Displays the number of that numbered vessel followed by the
9 suffix "1" in the manner prescribed by the department; and

10 (c) ~~((Are))~~ Is used as a tender for direct transportation between
11 ~~((that))~~ the numbered vessel and the shore and for no other purpose;

12 ~~((+7+))~~ (8) A vessel~~((s))~~ under sixteen feet in overall length
13 ~~((which have))~~ that has no propulsion machinery of any type or ~~((which~~
14 ~~are))~~ that is not used on waters subject to the jurisdiction of the
15 United States or on the high seas beyond the territorial seas for
16 vessels owned in the United States and are powered by propulsion
17 machinery of ten or less horsepower;

18 ~~((+8+))~~ (9) A vessel~~((s))~~ with no propulsion machinery of any type
19 for which the primary mode of propulsion is human power;

20 ~~((+9+))~~ (10) A vessel~~((s))~~ primarily engaged in commerce ~~((which~~
21 ~~have or are))~~ that has or is required to have a valid marine document
22 as a vessel of the United States. A commercial vessel~~((s which))~~ that
23 the department of revenue determines ~~((have))~~ has the external
24 appearance of a vessel~~((s which))~~ that would otherwise be required to
25 register under this chapter, must display decals issued annually by the
26 department of revenue that indicate the vessel's exempt status;

27 ~~((+10+))~~ (11) A vessel~~((s))~~ primarily engaged in commerce ~~((which~~
28 ~~are))~~ that is owned by a resident of a country other than the United
29 States;

30 ~~((+11+))~~ (12) A vessel~~((s))~~ owned by a nonresident ~~((individual))~~
31 natural person brought into the state for ~~((his or her))~~ use or
32 enjoyment while temporarily within the state for not more than six
33 months in any continuous twelve-month period~~((, unless the vessel is~~
34 ~~used in conducting a nontransitory business activity within the state.~~
35 ~~However, the vessel must have))~~ that (a) is currently registered or
36 numbered under the laws of the state of principal use or (b) has been
37 issued a valid number under federal law ~~((or by an approved issuing~~
38 ~~authority of the state of principal operation))~~. This type of vessel

1 is exempt from registration only for the first sixty days of use on
2 Washington state waters. On or before the sixty-first day of use ((in
3 the)) on Washington state waters, any vessel ((temporarily in the
4 state)) under this subsection ((shall)) must obtain ((an identification
5 document from the department of licensing, its agents, or subagents
6 indicating when the vessel first came into the state. An
7 identification document shall be valid for a period of two months. At
8 the time of any issuance of an identification document, a twenty five
9 dollar identification document fee shall be paid by the vessel owner to
10 the department of licensing for the cost of providing the
11 identification document by the department of licensing. Any moneys
12 remaining from the fee after payment of costs shall be allocated to
13 counties by the state treasurer for approved boating safety programs
14 under RCW 88.02.045. The department of licensing shall adopt rules to
15 implement its duties under this subsection, including issuing and
16 displaying the identification document and collecting the twenty five
17 dollar fee)) a nonresident vessel permit as required under section 1027
18 of this act; ((and
19 (12)) (13) A vessel((s)) used in this state by a nonresident
20 individual possessing a valid use permit issued under RCW 82.08.700 or
21 82.12.700; and
22 (14) A vessel held for sale by any licensed dealer.

23 **Sec. 1019.** RCW 88.02.050 and 2007 c 342 s 5 are each amended to
24 read as follows:

25 (1) An application for ((a)) vessel registration ((shall)) must be
26 made by the owner or the owner's authorized representative to the
27 department ((or its authorized agent in the manner and upon forms
28 prescribed)), county auditor or other agent, or subagent appointed by
29 the director on a form furnished or approved by the department. The
30 application ((shall state)) must contain:

31 (a) The name and address of each owner of the vessel ((and such));

32 (b) Other information ((as may be required by)) the department((,
33 shall be signed by)) may require; and

34 (c) The signature of at least one owner((, and shall be accompanied
35 by a vessel registration fee of ten dollars and fifty cents per year
36 and the excise tax imposed under chapter 82.49 RCW.

1 ~~(2) Five additional dollars must be collected annually from every~~
2 ~~vessel registration application. These moneys must be distributed in~~
3 ~~the following manner:~~

4 ~~(a) Two dollars must be deposited into the derelict vessel removal~~
5 ~~account established in RCW 79.100.100. If the department of natural~~
6 ~~resources indicates that the balance of the derelict vessel removal~~
7 ~~account, not including any transfer or appropriation of funds into the~~
8 ~~account or funds deposited into the account collected under RCW~~
9 ~~88.02.270, reaches one million dollars as of March 1st of any year, the~~
10 ~~collection of the two-dollar fee must be suspended for the following~~
11 ~~fiscal year.~~

12 ~~(b) One dollar and fifty cents must be deposited in the aquatic~~
13 ~~invasive species prevention account created in RCW 77.12.879.~~

14 ~~(c) One dollar must be deposited into the freshwater aquatic algae~~
15 ~~control account created in RCW 43.21A.667.~~

16 ~~(d) Fifty cents must be deposited into the aquatic invasive species~~
17 ~~enforcement account created in RCW 43.43.400.~~

18 ~~(3) Any fees required for licensing agents under RCW 46.01.140~~
19 ~~shall be in addition to the ten-dollar and fifty-cent annual~~
20 ~~registration fee and the five-dollar fee created in subsection (2) of~~
21 ~~this section).~~

22 ~~((+4))~~ (2) The application for vessel registration must be
23 accompanied by the:

24 (a) Vessel registration fee required under section 1028(1)(h) of
25 this act;

26 (b) Derelict vessel and invasive species removal fee and derelict
27 vessel removal surcharge required under section 1028(3)(a) of this act;

28 (c) Filing fee required under section 1028(1)(d) of this act;

29 (d) License plate technology fee required under section 1028(1)(e)
30 of this act;

31 (e) License service fee required under section 1028(1)(f) of this
32 act; and

33 (f) Watercraft excise tax required under chapter 82.49 RCW.

34 (3) Upon receipt of ((the)) an application for vessel registration
35 and the ((registration)) required fees and taxes, the department shall
36 assign a registration number and issue a decal for ((each)) the vessel.
37 The registration number and decal ((shall)) must be issued and affixed
38 to the vessel in a manner prescribed by the department consistent with

1 the standard numbering system for vessels (~~set forth in volume 33,~~
2 ~~part 174, of the code of federal regulations~~) required in 33 C.F.R.
3 Part 174. A valid decal affixed as prescribed shall indicate
4 compliance with the annual registration requirements of this chapter.

5 (~~(5) The~~) (4) Vessel registrations and decals are valid for a
6 period of one year, except that the director (~~of licensing~~) may
7 extend or diminish vessel registration periods(~~(7)~~) and (~~the~~) vessel
8 decals (~~therefor,~~) for the purpose of staggered renewal periods. For
9 registration periods of more or less than one year, the department may
10 collect prorated annual registration fees and excise taxes based upon
11 the number of months in the registration period.

12 (5) Vessel registrations are renewable every year in a manner
13 prescribed by the department upon payment of the (~~vessel registration~~
14 ~~fee, excise tax, and the derelict vessel fee~~) fees and taxes described
15 in subsection (2) of this section. Upon renewing a vessel
16 registration, the department shall issue a new decal to be affixed as
17 prescribed by the department.

18 (6) When the department issues either a notice to renew a vessel
19 registration or a decal for a new or renewed vessel registration, it
20 shall also provide information on the location of marine oil recycling
21 tanks and sewage holding tank pumping stations. This information will
22 be provided to the department by the state parks and recreation
23 commission in a form ready for distribution. The form (~~will~~) must be
24 developed and prepared by the state parks and recreation commission
25 with the cooperation of the department of ecology. The department, the
26 state parks and recreation commission, and the department of ecology
27 shall enter into a memorandum of agreement to implement this process.

28 (7) A person acquiring a vessel from a dealer or a vessel already
29 validly registered under this chapter shall, within fifteen days of the
30 acquisition or purchase of the vessel, apply to the department (~~or its~~
31 ~~authorized agent~~), county auditor or other agent, or subagent
32 appointed by the director for transfer of the vessel registration, and
33 the application (~~shall~~) must be accompanied by a transfer fee (~~of~~
34 ~~one dollar~~) as required in section 1028(1)(k) of this act.

35 **Sec. 1020.** RCW 88.02.050 and 2007 c 342 s 6 are each amended to
36 read as follows:

37 (1) An application for a vessel registration (~~shall~~) must be made

1 by the owner or the owner's authorized representative to the department
2 ~~((or its authorized agent in the manner and upon forms prescribed))~~,
3 county auditor or other agent, or subagent appointed by the director on
4 a form furnished or approved by the department. The application
5 ~~((shall state))~~ must contain:

6 (a) The name and address of each owner of the vessel ((and such));
7 (b) Other information ((as may be required by)) the department((,
8 ~~shall be signed by))~~ may require; and

9 (c) The signature of at least one owner((, ~~and shall be accompanied~~
10 ~~by a vessel registration fee of ten dollars and fifty cents per year~~
11 ~~and the excise tax imposed under chapter 82.49 RCW. In addition, two~~
12 ~~additional dollars must be collected annually from every vessel~~
13 ~~registration application. These moneys must be deposited into the~~
14 ~~derelict vessel removal account established in RCW 79.100.100. If the~~
15 ~~department of natural resources indicates that the balance of the~~
16 ~~derelict vessel removal account, not including any transfer or~~
17 ~~appropriation of funds into the account or funds deposited into the~~
18 ~~account collected under RCW 88.02.270, reaches one million dollars as~~
19 ~~of March 1st of any year, the collection of the two dollar fee must be~~
20 ~~suspended for the following fiscal year. Any fees required for~~
21 ~~licensing agents under RCW 46.01.140 shall be in addition to the ten~~
22 ~~dollar and fifty cent annual registration fee and the two dollar~~
23 ~~derelict vessel fee)).~~

24 (2) The application for vessel registration must be accompanied by
25 the:

26 (a) Vessel registration fee required under section 1028(1)(h) of
27 this act;

28 (b) Derelict vessel and invasive species removal fee and derelict
29 vessel removal surcharge required under section 1028(3)(b) of this act;

30 (c) Filing fee required under section 1028(1)(d) of this act;

31 (d) License plate technology fee required under section 1028(1)(e)
32 of this act;

33 (e) License service fee required under section 1028(1)(f) of this
34 act; and

35 (f) Watercraft excise tax required under chapter 82.49 RCW.

36 (3) Upon receipt of ((the)) an application ((and the)) for vessel
37 registration and the required fees and taxes, the department shall
38 assign a registration number and issue a decal for each vessel. The

1 registration number and decal (~~shall~~) must be issued and affixed to
2 the vessel in a manner prescribed by the department consistent with the
3 standard numbering system for vessels (~~set forth in volume 33, part~~
4 ~~174, of the code of federal regulations~~) required in 33 C.F.R. Part
5 174. A valid decal affixed as prescribed (~~shall~~) must indicate
6 compliance with the annual registration requirements of this chapter.

7 ((The)) (4) Vessel registrations and decals are valid for a period
8 of one year, except that the director (~~of licensing~~) may extend or
9 diminish vessel registration periods(~~7~~) and ((the)) vessel decals
10 (~~therefor~~) for the purpose of staggered renewal periods. For
11 registration periods of more or less than one year, the department may
12 collect prorated annual registration fees and excise taxes based upon
13 the number of months in the registration period.

14 (5) Vessel registrations are renewable every year in a manner
15 prescribed by the department upon payment of the (~~vessel registration~~
16 ~~fee, excise tax, and the derelict vessel fee~~) fees and taxes described
17 in subsection (2) of this section. Upon renewing a vessel
18 registration, the department shall issue a new decal to be affixed as
19 prescribed by the department.

20 (6) When the department issues either a notice to renew a vessel
21 registration or a decal for a new or renewed vessel registration, it
22 shall also provide information on the location of marine oil recycling
23 tanks and sewage holding tank pumping stations. This information
24 (~~will~~) must be provided to the department by the state parks and
25 recreation commission in a form ready for distribution. The form
26 (~~will~~) must be developed and prepared by the state parks and
27 recreation commission with the cooperation of the department of
28 ecology. The department, the state parks and recreation commission,
29 and the department of ecology shall enter into a memorandum of
30 agreement to implement this process.

31 (7) A person acquiring a vessel from a dealer or a vessel already
32 validly registered under this chapter shall, within fifteen days of the
33 acquisition or purchase of the vessel, apply to the department (~~or its~~
34 ~~authorized agent~~), county auditor or other agent, or subagent
35 appointed by the director for transfer of the vessel registration, and
36 the application (~~shall~~) must be accompanied by a transfer fee (~~of~~
37 ~~one dollar~~) as required in section 1028(1)(k) of this act.

1 NEW SECTION. **Sec. 1021.** A new section is added to chapter 88.02
2 RCW under the subchapter heading "registration certificates" to read as
3 follows:

4 (1) A registered owner or the registered owner's authorized
5 representative shall promptly apply for a duplicate registration
6 certificate when a registration certificate is lost, stolen, mutilated,
7 or destroyed, or becomes illegible. The application for a duplicate
8 registration certificate must:

9 (a) Be accompanied by an affidavit of loss or destruction;

10 (b) Include information required by the department; and

11 (c) Be accompanied by the fee required in section 1028(1)(c) of
12 this act, in addition to any other fees or taxes required for the
13 transaction.

14 (2) A person recovering a registration certificate for which a
15 duplicate has been issued shall promptly return the registration
16 certificate that has been recovered to the department.

17 NEW SECTION. **Sec. 1022.** A new section is added to chapter 88.02
18 RCW under the subchapter heading "registration certificates" to read as
19 follows:

20 (1) A registered owner or the registered owner's authorized
21 representative shall promptly apply for a pair of replacement decals
22 when the decals are lost, stolen, mutilated, or destroyed, or become
23 illegible. The application for replacement decals must:

24 (a) Be accompanied by an affidavit of loss or destruction;

25 (b) Include information required by the department;

26 (c) Be accompanied by the fee required in section 1028(1)(i) of
27 this act, in addition to any other fees or taxes required for the
28 transaction.

29 (2) A person recovering decals for which a replacement has been
30 issued shall promptly return the decals that have been recovered to the
31 department.

32 **Sec. 1023.** RCW 88.02.052 and 1996 c 3 s 1 are each amended to read
33 as follows:

34 (~~In conjunction with the registration of vessels under this~~
35 ~~chapter,~~) The department shall provide an opportunity for each person
36 registering a vessel under this chapter to make a voluntary donation to

1 support the maritime historic restoration and preservation activities
2 of the Grays Harbor Historical Seaport and the Steamer Virginia V
3 Foundation. All voluntary donations collected under this section
4 (~~shall~~) must be deposited in the maritime historic restoration and
5 preservation account created under RCW 88.02.053 (as recodified by this
6 act).

7 **Sec. 1024.** RCW 88.02.250 and 2006 c 140 s 2 are each amended to
8 read as follows:

9 ~~((1) Any new or used motor driven boat or vessel, as that term is~~
10 ~~defined in RCW 79A.60.010, other than a personal watercraft, sold~~
11 ~~within this state must display a carbon monoxide warning sticker~~
12 ~~developed by the department on the interior of the vessel.~~

13 ~~(2) For vessels sold by a dealer, the dealer shall ensure that the~~
14 ~~warning sticker has been affixed prior to completing a transaction.~~

15 ~~(3) For a vessel sold by an individual, the department shall~~
16 ~~include the sticker in the registration materials provided to the new~~
17 ~~owner, and the department shall notify the new owner that the sticker~~
18 ~~must be affixed as described in subsection (1) of this section.~~

19 ~~(4) A warning sticker already developed by a vessel manufacturer~~
20 ~~may satisfy the requirements of this section if it has been approved by~~
21 ~~the department. The department shall approve a carbon monoxide warning~~
22 ~~sticker that has been approved by the United States coast guard for~~
23 ~~similar uses in other states.))~~

- 24 (1) The department shall:
25 (a) Develop and approve a carbon monoxide warning sticker;
26 (b) Approve a carbon monoxide warning sticker that has been
27 approved by the United States coast guard for similar uses in other
28 states;
29 (c) Provide the carbon monoxide warning sticker when an application
30 for a certificate of title is made and the ownership of the vessel is
31 transferred between natural persons; and
32 (d) Notify the new vessel owner described in (c) of this subsection
33 that the carbon monoxide sticker must be affixed to the vessel as
34 described in subsection (2) of this section.

35 (2) A new or used motor driven vessel, as defined in RCW
36 79A.60.010, other than a personal watercraft, as defined in RCW

1 79A.60.010, sold within this state must display a carbon monoxide
2 warning sticker as provided in subsection (1) of this section.

3 (3) A vessel dealer shall ensure that a carbon monoxide warning
4 sticker has been affixed to any vessel sold by the dealer before
5 completing the sale.

6 (4) A carbon monoxide warning sticker already developed by a vessel
7 manufacturer satisfies the requirements of this section if it has been
8 approved by the department.

9 **Sec. 1025.** RCW 88.02.260 and 2006 c 140 s 3 are each amended to
10 read as follows:

11 The department shall include an informational brochure about the
12 dangers of carbon monoxide poisoning and vessels and the warning
13 stickers required ~~((by))~~ under RCW 88.02.250 (as recodified by this
14 act) as part of the registration materials mailed by the department for
15 two consecutive years for registrations that are due or become due on
16 or after January 1, 2007, ~~((and thereafter))~~ upon recommendation by the
17 director ~~((of the department))~~. The materials ~~((shall))~~ must instruct
18 the vessel owner to affix the stickers as required ~~((by))~~ under RCW
19 88.02.250 (as recodified by this act).

20 **D. PERMITS**

21 NEW SECTION. **Sec. 1026.** A new section is added to chapter 88.02
22 RCW under the subchapter heading "permits" to read as follows:

23 (1) A vessel owner shall apply for a vessel visitor permit if the
24 vessel is:

25 (a) Currently registered or numbered under the laws of a country
26 other than the United States or has a valid United States customs
27 service cruising license issued under 19 C.F.R. Sec. 4.94; and

28 (b) Being used on Washington state waters for the personal use of
29 the owner for more than sixty days.

30 (2) A vessel visitor permit:

31 (a) May be obtained from the department, county auditor or other
32 agent, or subagent appointed by the director;

33 (b) Must show the date the vessel first came into Washington state;
34 and

1 (c) Is valid as long as the vessel remains currently registered or
2 numbered under the laws of a country other than the United States or
3 the United States customs service cruising license remains valid.

4 (3) The department, county auditor or other agent, or subagent
5 appointed by the director shall collect the fee required in section
6 1028(1)(1) of this act when issuing a vessel visitor permit.

7 (4) The department shall adopt rules to implement this section,
8 including rules on issuing and displaying the vessel visitor permit.

9 NEW SECTION. **Sec. 1027.** A new section is added to chapter 88.02
10 RCW under the subchapter heading "permits" to read as follows:

11 (1) A vessel owner who is a nonresident natural person shall apply
12 for a nonresident vessel permit on or before the sixty-first day of use
13 in Washington state if the vessel:

14 (a) Is currently registered or numbered under the laws of the state
15 of principal operation or has been issued a valid number under federal
16 law; and

17 (b) Has been brought into Washington state for personal use for not
18 more than six months in any continuous twelve-month period.

19 (2) A nonresident vessel permit:

20 (a) May be obtained from the department, county auditor or other
21 agent, or subagent appointed by the director;

22 (b) Must show the date the vessel first came into Washington state;
23 and

24 (c) Is valid for two months.

25 (3) The department, county auditor or other agent, or subagent
26 appointed by the director shall collect the fee required in section
27 1028(1)(g) of this act when issuing nonresident vessel permits.

28 (4) A nonresident vessel permit is not required under this section
29 if the vessel is used in conducting temporary business activity within
30 Washington state.

31 (5) The department shall adopt rules to implement this section,
32 including rules on issuing and displaying the nonresident vessel
33 permit.

34 **E. TITLE/REGISTRATION FEES AND DISTRIBUTION**

1 (i) One dollar and fifty cents must be deposited in the aquatic
2 invasive species prevention account created in RCW 77.12.879;

3 (ii) One dollar must be deposited into the freshwater aquatic algae
4 control account created in RCW 43.21A.667;

5 (iii) Fifty cents must be deposited into the aquatic invasive
6 species enforcement account created in RCW 43.43.400; and

7 (iv) Two dollars must be deposited in the derelict vessel removal
8 account created in RCW 79.100.100.

9 (b) On and after June 30, 2012, the derelict vessel and invasive
10 species removal fee is two dollars and must be deposited into the
11 derelict vessel removal account created in RCW 79.100.100. If the
12 department of natural resources indicates that the balance of the
13 derelict vessel removal account, not including any transfer or
14 appropriation of funds into the account or funds deposited into the
15 account collected under subsection (5) of this section reaches one
16 million dollars as of March 1st of any year, the collection of the two
17 dollar derelict vessel and invasive species removal fee must be
18 suspended for the following fiscal year.

19 (4) Until January 1, 2014, an annual derelict vessel removal
20 surcharge of one dollar must be charged with each vessel registration.
21 The surcharge:

22 (a) Is to address the significant backlog of derelict vessels
23 accumulated in Washington state waters that pose a threat to the health
24 and safety of the people and to the environment;

25 (b) Is to be used only for the removal of vessels that are less
26 than seventy-five feet in length; and

27 (c) Must be deposited into the derelict vessel removal account
28 created in RCW 79.100.100.

29 (5) The twenty-five dollar nonresident vessel permit fee must be
30 paid by the vessel owner to the department for the cost of providing
31 the identification document by the department. Any moneys remaining
32 from the fee after the payment of costs must be allocated to counties
33 by the state treasurer for approved boating safety programs under RCW
34 88.02.045 (as recodified by this act).

35 (6) The thirty dollar vessel visitor permit fee must be distributed
36 as follows:

37 (a) Five dollars must be deposited in the derelict vessel removal
38 account created in RCW 79.100.100;

1 (b) The department may keep an amount to cover costs for providing
2 the vessel visitor permit;

3 (c) Any moneys remaining must be allocated to counties by the state
4 treasurer for approved boating safety programs under RCW 88.02.045 (as
5 recodified by this act); and

6 (d) Any fees required for licensing agents under section 501 of
7 this act are in addition to any other fee or tax due for the titling
8 and registration of vessels.

9 **Sec. 1029.** RCW 88.02.040 and 2002 c 286 s 14 are each amended to
10 read as follows:

11 (~~The department shall provide for the issuance of vessel~~
12 ~~registrations and may appoint agents for collecting fees and issuing~~
13 ~~registration numbers and decals.~~) General fees for vessel
14 registrations collected by the director (~~shall~~) must be deposited in
15 the general fund(~~(: PROVIDED, That)~~). Any amount above one million
16 one hundred thousand dollars per fiscal year (~~shall~~) must be
17 allocated to counties by the state treasurer for boating
18 safety/education and law enforcement programs (~~and the fee collected~~
19 ~~specifically for the removal and disposal of derelict vessels must be~~
20 ~~deposited in the derelict vessel removal account created in RCW~~
21 ~~79.100.100~~). Eligibility for boating safety/education and law
22 enforcement program allocations (~~shall be~~) is contingent upon
23 approval of the local boating safety program by the state parks and
24 recreation commission. Fund allocation (~~shall~~) must be based on the
25 numbers of registered vessels by county of moorage. Each benefitting
26 county (~~shall be~~) is responsible for equitable distribution of such
27 allocation to other jurisdictions with approved boating safety programs
28 within (~~said~~) the county. Any fees not allocated to counties due to
29 the absence of an approved boating safety program(~~, shall~~) must be
30 allocated to the state parks and recreation commission for awards to
31 local governments to offset law enforcement and boating safety impacts
32 of boaters recreating in jurisdictions other than where registered.

33 **Sec. 1030.** RCW 88.02.045 and 1993 c 244 s 40 are each amended to
34 read as follows:

35 Jurisdictions receiving funds under RCW 88.02.040 (as recodified by
36 this act) shall deposit (~~such~~) the funds into an account dedicated

1 solely for supporting the jurisdiction's boating safety programs.
2 These funds (~~shall~~) may not (~~supplant~~) replace existing local funds
3 used for boating safety programs.

4 **Sec. 1031.** RCW 88.02.053 and 1996 c 3 s 2 are each amended to read
5 as follows:

6 (1) The maritime historic restoration and preservation account is
7 created in the custody of the state treasurer. All receipts from the
8 voluntary donations made simultaneously with the registration of
9 vessels under this chapter (~~88.02 RCW shall~~) must be deposited into
10 this account. These deposits are not public funds and are not subject
11 to allotment procedures under chapter 43.88 RCW.

12 (2) At the end of each fiscal year, the state treasurer shall pay
13 from this account to the department (~~of licensing~~) an amount equal to
14 the reasonable administrative expenses of that agency for that fiscal
15 year for collecting the voluntary donations and transmitting them to
16 the state treasurer and shall pay to the state treasurer an amount
17 equal to the reasonable administrative expenses of that agency for that
18 fiscal year for maintaining the account and disbursing funds from the
19 account.

20 (3) At the end of each fiscal year, the state treasurer shall pay
21 one-half of the balance of the funds in the account after payment of
22 the administrative costs provided in subsection (2) of this section, to
23 the Grays Harbor historical seaport or its corporate successor and the
24 remainder to the Steamer Virginia V foundation or its corporate
25 successor.

26 (4) If either the Grays Harbor historical seaport and its corporate
27 successors or the Steamer Virginia V foundation and its corporate
28 successors legally ceases to exist, the state treasurer shall, at the
29 end of each fiscal year, pay the balance of the funds in the account to
30 the remaining organization.

31 (5) If both the Grays Harbor historical seaport and its corporate
32 successors and the Steamer Virginia V foundation and its corporate
33 successors legally cease to exist, the department (~~of licensing~~)
34 shall discontinue the collection of the voluntary donations in
35 conjunction with the registration of vessels under RCW 88.02.052 (as
36 recodified by this act), and the balance of the funds in the account
37 escheat to the state. If funds in the account escheat to the state,

1 one-half of the fund balance (~~shall~~) must be provided to the
2 (~~office~~) department of archaeology and historic preservation, and the
3 remainder (~~shall~~) must be deposited into the parks renewal and
4 stewardship account.

5 (6) The secretary of state, the directors of the state historical
6 societies, the director of the (~~office~~) department of archaeology and
7 historic preservation within the department of (~~community, trade, and~~
8 ~~economic development~~) commerce, and two members representing the
9 recreational boating community appointed by the secretary of state,
10 shall review the success of the voluntary donation program for maritime
11 historic restoration and preservation established under RCW 88.02.052
12 (~~and report their findings to the appropriate legislative committees~~
13 ~~by January 31, 1998. The findings must include the progress of the~~
14 ~~program and the potential to expand the voluntary funding to other~~
15 ~~historic vessels~~) (as recodified by this act).

16 **F. DEALER REGISTRATION**

17 **Sec. 1032.** RCW 88.02.060 and 1987 c 149 s 1 are each amended to
18 read as follows:

19 (~~(1) Each vessel dealer in this state shall register with the~~
20 ~~department in the manner and upon forms prescribed by the department,~~
21 ~~in accordance with rules adopted under chapter 34.05 RCW. After the~~
22 ~~completed vessel dealer application has been satisfactorily filed and~~
23 ~~the applicant is eligible as determined by the department's rules, the~~
24 ~~department shall, if no denial proceeding is in effect, issue the~~
25 ~~vessel dealer's registration on the basis of staggered annual~~
26 ~~expiration dates.~~

27 (2) Before issuing a vessel dealer's registration, the department
28 shall require the applicant to file with the department a surety bond
29 in the amount of five thousand dollars, running to the state of
30 Washington, and executed by a surety company authorized to do business
31 in the state of Washington. The bond shall be approved by the attorney
32 general as to form and conditioned that the dealer shall conduct his
33 business in conformity with the provisions of this chapter. Any vessel
34 consignor or purchaser who has suffered any loss or damage by reason of
35 any act or omission by a dealer that constitutes a violation of this
36 chapter may institute an action for recovery against the dealer and the

1 surety upon the bond. Successive recoveries against the bond shall be
2 permitted, but the aggregate liability of the surety to all persons
3 shall not exceed the amount of the bond. Upon exhaustion of the
4 penalty of the bond or cancellation of the bond by the surety, the
5 vessel dealer registration shall automatically be deemed canceled.

6 (3) Vessel dealers selling fifteen vessels or fewer per year having
7 a retail value of no more than two thousand dollars each shall not be
8 subject to the provisions of subsection (2).

9 (4) For the fiscal biennium from July 1, 1987, through June 30,
10 1989, the registration fee for dealers shall be fifty dollars per year
11 for an original registration, and twenty five dollars for any
12 subsequent renewal. In addition, a fee of twenty five dollars shall be
13 collected for the first decal, fifteen dollars for each additional
14 decal, and fifteen dollars for each vessel dealer display decal
15 replacement. In ensuing biennia, the director shall establish the
16 amount of such fees at a sufficient level to defray the costs of
17 administering the vessel dealer registration program. All such fees
18 shall be fixed by rule adopted by the director in accordance with the
19 Administrative Procedure Act, chapter 34.05 RCW. All fees collected
20 under this section shall be deposited with the state treasurer and
21 credited to the general fund.))

22 (1) Each vessel dealer in this state shall:

23 (a) Obtain a vessel dealer license from the department in a manner
24 prescribed by the department in accordance with rules adopted under
25 chapter 34.05 RCW;

26 (b) File a surety bond in the amount of five thousand dollars,
27 running to the state of Washington. The surety bond must be:

28 (i) Issued by a surety company authorized to do business in the
29 state of Washington;

30 (ii) Approved by the attorney general as to form; and

31 (iii) Conditioned that the vessel dealer shall conduct business as
32 required under this chapter; and

33 (c) Pay the vessel dealer license and vessel dealer display decal
34 fees as provided by rules adopted by the department. All vessel dealer
35 license and vessel dealer display decal fees collected under this
36 section must be deposited with the state treasurer and credited to the
37 general fund.

1 (2) A vessel dealer selling fewer than sixteen vessels per year
2 having a retail value of no more than two thousand dollars each is not
3 required to file a bond as provided in subsection (1)(b) of this
4 section.

5 (3) The director shall establish by rule vessel dealer license and
6 vessel dealer display decal fees at a sufficient level to defray the
7 costs of administering the vessel dealer license program.

8 (4) The department shall issue vessel dealer licenses with
9 staggered annual expiration dates when:

10 (a) The completed vessel dealer application has been satisfactorily
11 filed;

12 (b) The department determines that the applicant is eligible as
13 determined by department rules; and

14 (c) No denial proceeding is in effect.

15 (5) A vessel consignor or purchaser who has suffered any loss or
16 damage by reason of an act or omission by a vessel dealer that
17 constitutes a violation of this chapter may institute an action for
18 recovery against the vessel dealer and the surety upon the bond.
19 Successive recoveries against the bond are permitted, but the aggregate
20 liability of the surety to all persons may not exceed the amount of the
21 bond. Upon exhaustion of the penalty of the bond or cancellation of
22 the bond by the surety, the vessel dealer license must automatically be
23 deemed canceled.

24 (6) Vessel dealer license numbers are not transferable.

25 **Sec. 1033.** RCW 88.02.230 and 2007 c 378 s 1 are each amended to
26 read as follows:

27 (1) The department may exempt from compliance with the vessel
28 dealer requirements of this chapter, any person who is engaged in the
29 business of selling in this state at wholesale or retail, human-powered
30 watercraft (~~which~~) that is: (a) Under sixteen feet in length; (b)
31 unable to be powered by propulsion machinery or wind propulsion as
32 designed by the manufacturer; and (c) not designed for use on commonly-
33 used navigable waters.

34 (2) Any person engaged in the business of selling at wholesale or
35 retail, exempt and nonexempt watercraft under this section (~~shall~~) is
36 only (~~be~~) required to comply with (~~the provisions of~~) this chapter
37 in regard to the sale of nonexempt watercraft.

1 (3) An auction company licensed under chapter 18.11 RCW and
2 licensed as a motor vehicle dealer under chapter 46.70 RCW may sell at
3 auction, without ~~((registering))~~ being licensed as a vessel dealer, all
4 vessels that a vessel dealer is authorized to sell, so long as the sale
5 of vessels is incidental to the auction company's primary source of
6 business and the length of any vessel being sold is no greater than
7 twenty-five feet. The auction company shall comply with all other
8 vessel dealer requirements of this chapter and rules adopted ~~((under~~
9 ~~this chapter))~~ by the department if the ~~((registration))~~ vessel dealer
10 license fees and surety bond requirements in RCW 88.02.060 (as
11 recodified by this act) are ~~((waived))~~ determined to not be due.

12 **Sec. 1034.** RCW 88.02.078 and 1987 c 149 s 2 are each amended to
13 read as follows:

14 (1) A vessel dealer ~~((shall))~~ must have and maintain an office in
15 which to conduct business at the business address of the dealer.

16 (2) The vessel dealer's place of business ~~((shall))~~ must be
17 identified by an exterior sign with the business name. In the absence
18 of other identifiers that the business conducted is a marine business,
19 the sign must identify the nature of the business, such as marine
20 sales, service, repair, or manufacturing.

21 **Sec. 1035.** RCW 88.02.188 and 1987 c 149 s 12 are each amended to
22 read as follows:

23 (1) Except as otherwise provided in this chapter, the director may
24 by order deny, suspend, or revoke ~~((the registration of any))~~ a vessel
25 dealer license, or in lieu ~~((there))~~of or in addition ~~((there))~~to, may
26 by order assess monetary penalties of a civil nature not to exceed one
27 thousand dollars per violation, if the director finds that the
28 applicant or ~~((registrant))~~ licensee:

29 ~~((+1))~~ (a) Is applying for a dealer's ~~((registration))~~ license or
30 has obtained a dealer's ~~((registration))~~ license for the purpose of
31 evading excise taxes on vessels; ~~((or~~

32 ~~((+2))~~ (b) Has been adjudged guilty of a felony that directly
33 relates to marine trade and the time elapsed since the adjudication is
34 less than ten years. For purposes of this section, "adjudged guilty"
35 means, in addition to a final conviction in court, an unvacated
36 forfeiture of bail or collateral deposited to secure a defendant's

1 appearance in court, the payment of a fine, a plea of guilty, or a
2 finding of guilt regardless of whether the sentence is deferred or the
3 penalty is suspended; (~~or~~
4 ~~(3)~~) (c) Has failed to comply with the trust account requirements
5 of this chapter; (~~or~~
6 ~~(4)~~) (d) Has failed to transfer a certificate of title to a
7 purchaser as required in this chapter; (~~or~~
8 ~~(5)~~) (e) Has misrepresented the facts at the time of application
9 for registration or renewal; or
10 ~~((6))~~ (f) Has failed to comply with applicable provisions of this
11 chapter or any rules adopted under it.

12 (2) The director may deny a vessel dealer license under this
13 chapter if the application is a subterfuge that conceals the real
14 person in interest whose vessel dealer license has been denied,
15 suspended, or revoked for cause under this chapter and (a) the terms
16 have not been fulfilled or a civil penalty has not been paid or (b) the
17 director finds that the application was not filed in good faith. This
18 subsection does not prevent the department from taking an action
19 against a current vessel dealer licensee.

20 **Sec. 1036.** RCW 88.02.112 and 1987 c 149 s 3 are each amended to
21 read as follows:

22 Any person engaging in vessel dealer activities without first
23 obtaining a (~~registration certificate~~) vessel dealer license is
24 guilty of a gross misdemeanor.

25 **Sec. 1037.** RCW 88.02.115 and 1987 c 149 s 6 are each amended to
26 read as follows:

27 (1) In addition to other penalties imposed ((by)) under this
28 chapter for unauthorized or personal use of vessel dealer display
29 decals, the director may:

30 (a) Confiscate all vessel dealer display decals for ((such)) a
31 period ((as)) that the director deems appropriate(~~(, and in addition,~~
32 or in lieu of other sanctions, the director may)); and

33 (b) Impose a monetary penalty not exceeding twice the amount of
34 excise tax that should have been paid to properly register each vessel
35 ((properly)). ((A)) The monetary penalty ((assessment)):

36 (i) May be in addition to or in lieu of other sanctions; and

1 (ii) Is in addition to any fees owing to properly register each
2 vessel (~~properly~~).

3 (2) Any monetary penalty imposed or vessel dealer display decals
4 confiscated (~~shall~~) must be done in accordance with chapter 34.05
5 RCW. Any monetary penalty imposed by the director and the delinquent
6 excise taxes collected (~~shall~~) must be deposited in the general fund.

7 **Sec. 1038.** RCW 88.02.189 and 1997 c 58 s 863 are each amended to
8 read as follows:

9 The department shall immediately suspend the vessel registration or
10 vessel dealer's (~~registration~~) license of a person who has been
11 certified pursuant to RCW 74.20A.320 by the department of social and
12 health services as a person who is not in compliance with a support
13 order (~~or a residential or visitation order~~). If the person has
14 continued to meet all other requirements for reinstatement during the
15 suspension, reissuance of the registration (~~shall~~) must be automatic
16 upon the department's receipt of a release issued by the department of
17 social and health services stating that the licensee is in compliance
18 with the order.

19 **Sec. 1039.** RCW 88.02.220 and 1991 c 339 s 33 are each amended to
20 read as follows:

21 (1) A vessel dealer who receives cash or a negotiable instrument of
22 deposit in excess of one thousand dollars, or a deposit of any amount
23 that will be held for more than fourteen calendar days, shall place the
24 funds in a separate trust account.

25 (~~(1)~~) The cash or negotiable instrument must be:

26 (a) Set aside immediately upon receipt for the trust account, or
27 endorsed to (~~such a~~) the trust account immediately upon receipt(~~(-~~

28 ~~(2) The cash or negotiable instrument must be~~); and

29 (b) Deposited in the trust account by the close of banking hours on
30 the day following the receipt.

31 (~~(3)~~) (2) After delivery of the purchaser's vessel, the vessel
32 dealer shall remove the deposited funds from the trust account.

33 (~~(4)~~) (3) The dealer shall not commingle the purchaser's funds
34 with any other funds at any time.

35 (~~(5)~~) (4) The funds (~~shall~~) must remain in the trust account

1 until the delivery of the purchased vessel. However, upon written
2 agreement from the purchaser, the vessel dealer may remove and release
3 trust funds before delivery.

4 **Sec. 1040.** RCW 88.02.210 and 1987 c 149 s 10 are each amended to
5 read as follows:

6 (1) A vessel dealer shall complete and maintain for a period of at
7 least three years a record of the purchase and sale of all vessels
8 purchased or consigned and sold by the vessel dealer. Records
9 (~~shall~~) must be made available for inspection by the department
10 during normal business hours.

11 (2) Before renewal of the vessel dealer (~~registration~~) license,
12 the department shall require, on the forms prescribed, a record of the
13 number of vessels sold during the (~~registration~~) license year.
14 Vessel dealers who assert that they qualify for the exemption provided
15 in RCW 88.02.060(~~(+3)~~) (2) (as recodified by this act) shall also
16 record, on forms prescribed, the highest retail value of any vessel
17 sold in the (~~registration~~) license year.

18 **Sec. 1041.** RCW 88.02.023 and 1987 c 149 s 4 are each amended to
19 read as follows:

20 (1) Vessel dealer display decals (~~shall~~) must only be used:

21 (~~(+1)~~) (a) To demonstrate vessels held for sale when operated by
22 a prospective customer holding a dated demonstration permit(~~(, and~~
23 shall)). The demonstration permit must be carried in the vessel at all
24 times when it is being operated by (~~such individual~~) a prospective
25 customer;

26 (~~(+2)~~) (b) On vessels owned or consigned for sale that are (~~in~~
27 fact)) available for sale and being used only for vessel dealer
28 business purposes by an officer of the corporation, a partner, a
29 proprietor, or by a bona fide employee of the firm (~~if~~)). A card
30 (~~so~~) identifying (~~any such~~) the individual (~~is~~) as described in
31 this section must be carried in the vessel at all times it is (~~so~~)
32 being operated.

33 (2) A vessel held for sale by a licensed vessel dealer is not
34 required to be registered and display a registration number and a valid
35 vessel decal.

1 **Sec. 1042.** RCW 88.02.184 and 1987 c 149 s 9 are each amended to
2 read as follows:

3 (1) The department may authorize vessel dealers properly
4 ~~((registered pursuant to))~~ licensed under this chapter to issue
5 temporary permits to operate vessels under ~~((such))~~ rules ~~((as))~~
6 adopted by the department ~~((adopts))~~.

7 (2) The ~~((fee))~~ department, county auditor or other agent, or
8 subagent appointed by the director shall collect the fee required under
9 section 1028(1)(a) of this act for each temporary permit application
10 ~~((distributed))~~ sold to an authorized vessel dealer ~~((shall be five~~
11 ~~dollars, which shall be credited to the payment of registration fees at~~
12 ~~the time application for registration is made))~~.

13 **Sec. 1043.** RCW 88.02.125 and 1994 c 262 s 27 are each amended to
14 read as follows:

15 (1) A vessel dealer~~((s))~~ shall possess a certificate of
16 ~~((ownership))~~ title, a manufacturer's statement of origin, a
17 carpenter's certificate, or a factory invoice or other evidence of
18 ownership approved by the department for each vessel in the vessel
19 dealer's inventory unless the vessel for sale is consigned or subject
20 to an inventory security agreement. Evidence of ownership ~~((shall))~~
21 must be either in the name of the dealer or in the name of the dealer's
22 immediate vendor properly assigned.

23 (2) A vessel dealer may display and sell consigned vessels or
24 vessels subject to an inventory security agreement if there is a
25 written and signed consignment agreement for each vessel or an
26 inventory security agreement covering all inventory vessels. The
27 consignment agreement ~~((shall))~~ must include verification by the vessel
28 dealer that evidence of ownership by the consignor exists and its
29 location, the name and address of the registered owner, and the legal
30 owner, if any. Vessels that are subject to an inventory security
31 interest ~~((shall))~~ must be supported with evidence of ownership that is
32 in the dealer's possession or the possession of the inventory security
33 party. Upon payment of the debt secured for that vessel, the secured
34 party shall deliver the ownership document, appropriately released, to
35 the dealer. It is the vessel dealer's responsibility to ensure that
36 ownership documents are available for ownership transfer upon the sale
37 of the vessel.

1 (3) Following the retail sale of any vessel, the dealer shall
2 promptly make application and execute the assignment and warranty of
3 the certificate of ~~((ownership))~~ title. ~~((Such))~~ The assignment
4 ~~((shall))~~ must show any secured party holding a security interest
5 created at the time of sale. The dealer shall deliver the certificate
6 of ~~((ownership))~~ of title and application for registration to the
7 department, county auditor or other agent, or subagent appointed by the
8 director.

9 **G. WATERCRAFT EXCISE TAX**

10 **Sec. 1044.** RCW 82.49.010 and 2000 c 229 s 5 are each amended to
11 read as follows:

12 (1) An excise tax is imposed for the privilege of using a vessel
13 upon the waters of this state, except vessels exempt under RCW
14 82.49.020. The annual amount of the excise tax is one-half of one
15 percent of fair market value, as determined under this chapter, or five
16 dollars, whichever is greater. Violation of this subsection is a
17 misdemeanor.

18 (2) Persons who are required under chapter 88.02 RCW to register a
19 vessel in this state and who register the vessel in another state or
20 foreign country and avoid the Washington watercraft excise tax are
21 guilty of a gross misdemeanor and are liable for such unpaid excise
22 tax. The department of revenue may assess and collect the unpaid
23 excise tax under chapter 82.32 RCW, including the penalties and
24 interest provided in chapter 82.32 RCW.

25 (3) The excise tax upon a vessel registered for the first time in
26 this state shall be imposed for a twelve-month period, including the
27 month in which the vessel is registered, unless the director of
28 licensing extends or diminishes vessel registration periods for the
29 purpose of staggered renewal periods under RCW 88.02.050 (as recodified
30 by this act). A vessel is registered for the first time in this state
31 when the vessel was not registered in this state for the immediately
32 preceding registration year, or when the vessel was registered in
33 another jurisdiction for the immediately preceding year. ~~((The excise~~
34 ~~tax on vessels required to be registered in this state on June 30,~~
35 ~~1983, shall be paid by June 30, 1983.))~~

1 **Sec. 1045.** RCW 82.49.030 and 2000 c 103 s 18 are each amended to
2 read as follows:

3 (1) The excise tax imposed under this chapter is due and payable to
4 the department of licensing (~~(or its agents)~~), county auditor or other
5 agent, or subagent appointed by the director of the department of
6 licensing at the time of registration of a vessel. The department of
7 licensing shall not issue or renew a registration for a vessel until
8 the tax is paid in full.

9 (2) The excise tax collected under this chapter (~~(shall)~~) must be
10 deposited in the general fund.

11 **Sec. 1046.** RCW 82.49.065 and 2003 c 53 s 405 are each amended to
12 read as follows:

13 ~~((1) Whenever any person has paid a vessel license fee, and with~~
14 ~~the fee has paid an excise tax imposed under this chapter, and the~~
15 ~~director of licensing determines that the payor is entitled to a refund~~
16 ~~of the entire amount of the license fee as provided by law, then the~~
17 ~~payor shall also be entitled to a refund of the entire excise tax~~
18 ~~collected under this chapter together with interest at the rate~~
19 ~~specified in RCW 82.32.060. If the director determines that any person~~
20 ~~is entitled to a refund of only a part of the license fee paid, the~~
21 ~~payor shall be entitled to a refund of the difference, if any, between~~
22 ~~the excise tax collected and that which should have been collected~~
23 ~~together with interest at the rate specified in RCW 82.32.060. The~~
24 ~~state treasurer shall determine the amount of such refund by reference~~
25 ~~to the applicable excise tax schedule prepared by the department of~~
26 ~~revenue in cooperation with the department of licensing.~~

27 ~~(2) If no claim is to be made for the refund of the license fee, or~~
28 ~~any part of the fee, but claim is made by any person that he or she has~~
29 ~~paid an erroneously excessive amount of excise tax, the department of~~
30 ~~licensing shall determine in the manner generally provided in this~~
31 ~~chapter the amount of such excess, if any, that has been paid and shall~~
32 ~~certify to the state treasurer that the person is entitled to a refund~~
33 ~~in that amount together with interest at the rate specified in RCW~~
34 ~~82.32.060.~~

35 ~~(3) If due to error a person has been required to pay an excise tax~~
36 ~~pursuant to this chapter and a license fee under chapter 88.02 RCW~~
37 ~~which amounts to an overpayment of ten dollars or more, such person~~

1 shall be entitled to a refund of the entire amount of such overpayment,
2 together with interest at the rate specified in RCW 82.32.060,
3 regardless of whether a refund of the overpayment has been requested.
4 If due to error the department or its agents has failed to collect the
5 full amount of the license fee and excise tax due, which underpayment
6 is in the amount of ten dollars or more, the department shall charge
7 and collect such additional amount as will constitute full payment of
8 the tax and any penalties or interest at the rate specified in RCW
9 82.32.050.

10 (4) If the department approves the claim, it shall notify the state
11 treasurer to that effect and the treasurer shall make such approved
12 refunds and the other refunds provided for in this section from the
13 general fund and shall mail or deliver the same to the person entitled
14 to the refund.

15 (5) Any person who makes a false statement under which he or she
16 obtains a refund to which he or she is not entitled under this section
17 is guilty of a gross misdemeanor.))

18 (1) Refunds of the excise tax imposed under this chapter must be
19 handled in the same manner and under the same terms and conditions as
20 provided in RCW 88.02.055 (as recodified by this act).

21 (2) The excise tax imposed under this chapter may be refunded to
22 the person who paid the excise tax at the same time the registration
23 fee under chapter 88.02 RCW was paid. The amount of the excise tax
24 that may be refunded includes:

25 (a) The entire amount of the excise tax, if the entire amount of
26 the registration fee is also refunded; or

27 (b) Any amount that was greater than the amount due.

28 (3) Excise tax refunds include interest at the rate specified in
29 RCW 82.32.060.

30 H. MISCELLANEOUS

31 NEW SECTION. Sec. 1047. The following acts or parts of acts are
32 each repealed:

33 (1) RCW 88.02.025 (Registration of vessels numbered under the
34 federal boat safety act) and 1984 c 250 s 3;

35 (2) RCW 88.02.028 (Registration of rented vessels--Dealer's

1 vessels--Dealer registration numbers not transferable) and 1987 c 149
2 s 5;

3 (3) RCW 88.02.090 (Inspection of registration--Violation of
4 chapter--Penalty) and 2006 c 29 s 2 & 1983 c 7 s 21;

5 (4) RCW 88.02.100 (Rule-making authority) and 1983 c 7 s 20;

6 (5) RCW 88.02.130 (Class A title certificates) and 1985 c 258 s 7;

7 (6) RCW 88.02.140 (Issuance of class A title certificates--Required
8 evidence) and 1985 c 258 s 8;

9 (7) RCW 88.02.150 (Issuance of class A title certificates--
10 Limitation) and 1985 c 258 s 9;

11 (8) RCW 88.02.160 (Class B title certificates) and 1985 c 258 s 2;

12 (9) RCW 88.02.170 (Class A and class B title certificates to have
13 apparent distinctions--Class B certificate to bear legend) and 1985 c
14 258 s 5;

15 (10) RCW 88.02.190 (Inspection of vessels) and 1985 c 258 s 10;

16 (11) RCW 88.02.235 (Denial of license) and 1997 c 432 s 3; and

17 (12) RCW 88.02.270 (Derelict vessel removal surcharge) and 2007 c
18 342 s 7.

19 PART XI. MISCELLANEOUS I

20 **Sec. 1101.** RCW 19.116.050 and 2000 c 171 s 71 are each amended to
21 read as follows:

22 A dealer engages in an act of unlawful transfer of ownership
23 interest in motor vehicles when all of the following circumstances are
24 met:

25 (1) The dealer does not pay off any balance due to the secured
26 party on a vehicle acquired by the dealer, no later than the close of
27 the second business day after the acquisition date of the vehicle; and

28 (2) The dealer does not obtain a certificate of (~~ownership~~) title
29 under RCW 46.70.124 for each used vehicle kept in his or her possession
30 unless that certificate is in the possession of the person holding a
31 security interest in the dealer's inventory; and

32 (3) The dealer does not transfer the certificate of (~~ownership~~)
33 title after the transferee has taken possession of the motor vehicle.

34 **Sec. 1102.** RCW 28B.10.890 and 1994 c 194 s 7 are each amended to
35 read as follows:

1 A collegiate license plate fund is established in the custody of
2 the state treasurer for each college or university with a collegiate
3 license plate program approved by the department (~~(of licensing)~~) of
4 licensing under RCW 46.16.324 (as recodified by this act). All
5 receipts from collegiate license plates authorized under (~~RCW~~
6 ~~46.16.301 shall~~) section 521 of this act must be deposited in the
7 appropriate local college or university nonappropriated, nonallotted
8 fund. Expenditures from the funds may be used only for student
9 scholarships. Only the president of the college or university or the
10 president's designee may authorize expenditures from the fund.

11 **Sec. 1103.** RCW 29A.04.037 and 2003 c 111 s 107 are each amended to
12 read as follows:

13 "Disabled voter" means any registered voter who qualifies for
14 special parking privileges under (~~RCW 46.16.381~~) section 701 of this
15 act, or who is defined as blind under RCW 74.18.020, or who qualifies
16 to require assistance with voting under RCW 29A.44.240.

17 **Sec. 1104.** RCW 35A.46.010 and 1967 ex.s. c 119 s 35A.46.010 are
18 each amended to read as follows:

19 The provisions of Title 46 (~~(of the Revised Code of Washington)~~)
20 RCW relating to regulation of motor vehicles shall be applicable to
21 code cities(~~(7)~~) and its officers and employees to the same extent as
22 such provisions grant powers and impose duties upon cities of any
23 class(~~(7)~~) and their officers and agents, including without limitation
24 the following: (1) Authority to provide for angle parking on certain
25 city streets designated as forming a route of a primary state highway
26 as authorized in RCW 46.61.575; (2) application of city police
27 regulations to port districts as authorized by RCW 53.08.230; (3)
28 authority to establish local regulations relating to city streets
29 forming a part of the state highway system as authorized by RCW
30 46.44.080; (4) (~~(authority to install and operate a station for the~~
31 ~~inspection of vehicle equipment in conformity with rules, regulations,~~
32 ~~procedure and standards prescribed by the Washington state patrol as~~
33 ~~authorized under RCW 46.32.030; (5))~~) exemption from the payment of
34 vehicle license fees for city owned vehicles as authorized by RCW
35 46.16.020 (as recodified by this act) and (~~46.16.290~~) section 422(8)

1 of this act; (~~(+6)~~) (5) authority to establish traffic schools as
2 provided by chapter 46.83 RCW; and (~~(+7)~~) (6) authority to enforce the
3 provisions of RCW 81.48.050 relating to railroad crossings.

4 **Sec. 1105.** RCW 41.04.007 and 2007 c 448 s 1 are each amended to
5 read as follows:

6 "Veteran" includes every person, who at the time he or she seeks
7 the benefits of section 613 of this act, section 619 of this act, or
8 RCW (~~(46.16.30920,)~~) 72.36.030, 41.04.010, 73.04.090, (~~(73.04.110,)~~)
9 73.08.010, 73.08.070, 73.08.080, or 43.180.250 has received an
10 honorable discharge or received a discharge for medical reasons with an
11 honorable record, where applicable, and who has served in at least one
12 of the following capacities:

13 (1) As a member in any branch of the armed forces of the United
14 States, including the national guard and armed forces reserves, and has
15 fulfilled his or her initial military service obligation;

16 (2) As a member of the women's air forces service pilots;

17 (3) As a member of the armed forces reserves, national guard, or
18 coast guard, and has been called into federal service by a presidential
19 select reserve call up for at least one hundred eighty cumulative days;

20 (4) As a civil service crewmember with service aboard a U.S. army
21 transport service or U.S. naval transportation service vessel in
22 oceangoing service from December 7, 1941, through December 31, 1946;

23 (5) As a member of the Philippine armed forces/scouts during the
24 period of armed conflict from December 7, 1941, through August 15,
25 1945; or

26 (6) A United States documented merchant mariner with service aboard
27 an oceangoing vessel operated by the department of defense, or its
28 agents, from both June 25, 1950, through July 27, 1953, in Korean
29 territorial waters and from August 5, 1964, through May 7, 1975, in
30 Vietnam territorial waters, and who received a military commendation.

31 **Sec. 1106.** RCW 43.60A.140 and 2008 c 183 s 3 are each amended to
32 read as follows:

33 (1) The veterans stewardship account is created in the custody of
34 the state treasurer. Disbursements of funds must be on the
35 authorization of the director or the director's designee, and only for
36 the purposes stated in subsection (4) of this section. In order to

1 maintain an effective expenditure and revenue control, funds are
2 subject in all respects to chapter 43.88 RCW, but no appropriation is
3 required to permit expenditure of the funds.

4 (2) The department may request and accept nondedicated
5 contributions, grants, or gifts in cash or otherwise, including funds
6 generated by the issuance of the armed forces license plate collection
7 under chapter (~~46.16~~) 46.... RCW (the new chapter created in section
8 1224 of this act).

9 (3) All receipts(~~, except as provided in RCW 46.16.313(20) (a) and~~
10 ~~(b),~~) from the sale of armed forces license plates as required under
11 section 521(1)(b) of this act must be deposited into the veterans
12 stewardship account.

13 (4) All moneys deposited into the veterans stewardship account must
14 be used by the department for activities that benefit veterans or their
15 families, including but not limited to, providing programs and services
16 for homeless veterans; establishing memorials honoring veterans; and
17 maintaining a future state veterans' cemetery. Funds from the account
18 may not be used to supplant existing funds received by the department.

19 **Sec. 1107.** RCW 46.01.030 and 1990 c 250 s 14 are each amended to
20 read as follows:

21 The department (~~shall be~~) is responsible for administering and
22 recommending the improvement of the motor vehicle laws of this state
23 relating to:

- 24 (1) Driver examining and licensing;
- 25 (2) Driver improvement;
- 26 (3) Driver records;
- 27 (4) Financial responsibility;
- 28 (5) Certificates of (~~ownership~~) title;
- 29 (6) (~~certificates of license~~) Vehicle registration certificates
30 and license plates;
- 31 (7) Proration and reciprocity;
- 32 (8) Liquid fuel tax collections;
- 33 (9) Licensing of dealers, motor vehicle transporters, motor vehicle
34 wreckers, for hire vehicles, and drivers' schools;
- 35 (10) General highway safety promotion in cooperation with the
36 Washington state patrol and traffic safety commission; and
- 37 (11) Such other activities as the legislature may provide.

1 **Sec. 1108.** RCW 46.01.040 and 1983 c 3 s 117 are each amended to
2 read as follows:

3 The department (~~(of licensing)~~) is vested with all powers,
4 functions, and duties with respect to and including the following:

5 (1) The motor vehicle fuel excise tax as provided in chapter 82.36
6 RCW;

7 (2) The special fuel tax as provided in chapter 82.38 RCW;

8 (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;

9 (4) The (~~(house trailer)~~) travel trailers and campers excise tax as
10 provided in chapter 82.50 RCW;

11 (5) All general powers and duties relating to motor vehicles as
12 provided in chapter 46.08 RCW;

13 (6) Certificates of (~~(ownership)~~) title and registration
14 certificates as provided in chapters 46.12 and 46.16 RCW;

15 (7) The registration (~~(and licensing)~~) of motor vehicles as
16 provided in chapter(~~(s 46.12 and)~~) 46.16 RCW;

17 (8) Dealers' licenses as provided in chapter 46.70 RCW;

18 (9) The licensing of motor vehicle transporters as provided in
19 chapter 46.76 RCW;

20 (10) The licensing of (~~(motor)~~) vehicle wreckers as provided in
21 chapter 46.80 RCW;

22 (11) The administration of the laws relating to reciprocal or
23 proportional registration of motor vehicles as provided in chapter
24 46.85 RCW;

25 (12) The licensing of passenger vehicles for hire as provided in
26 chapter 46.72 RCW;

27 (13) (~~(Operators')~~) Drivers' licenses as provided in chapter 46.20
28 RCW;

29 (14) Commercial driver training schools as provided in chapter
30 46.82 RCW;

31 (15) Financial responsibility as provided in chapter 46.29 RCW;

32 (16) Accident reporting as provided in chapter 46.52 RCW;

33 (17) Disposition of revenues as provided in chapter 46.68 RCW; and

34 (18) The administration of all other laws relating to motor
35 vehicles vested in the director of licenses on June 30, 1965.

36 **Sec. 1109.** RCW 46.01.160 and 1965 c 156 s 16 are each amended to
37 read as follows:

1 The director shall prescribe and provide suitable forms of
2 applications, certificates of (~~ownership~~) title and registration
3 certificates, drivers' licenses, and all other forms and licenses
4 requisite or deemed necessary to carry out the provisions of this title
5 (~~46-RCW~~) and any other laws the enforcement and administration of
6 which are vested in the department.

7 **Sec. 1110.** RCW 46.01.320 and 2005 c 319 s 115 are each amended to
8 read as follows:

9 The title and registration advisory committee is created within the
10 department. The committee consists of the director or a designee, who
11 shall serve as chair, the assistant director for vehicle services, the
12 administrator of title and registration services, two members from each
13 of the house and senate transportation committees, two county auditors
14 nominated by the Washington association of county officials, and two
15 representatives of subagents nominated by an association of vehicle
16 subagents. The committee shall meet at least twice a year, and may
17 meet as often as is necessary.

18 The committee's purpose is to foster communication between the
19 legislature, the department, county auditors, and subagents. The
20 committee shall make recommendations about revisions to fee structures,
21 implications of fee revisions on cost sharing, and the development of
22 standard contracts provided for in RCW 46.01.140(~~(+3)~~) (1)(a) and
23 (4)(a).

24 **Sec. 1111.** RCW 46.08.010 and 1990 c 42 s 207 are each amended to
25 read as follows:

26 The provisions of this title relating to (~~the~~) certificates of
27 (~~ownership~~) title, (~~certificate of license~~) registration
28 certificates, vehicle licenses, vehicle license plates, and (~~vehicle~~
29 ~~operator's~~) drivers' licenses shall be exclusive and no political
30 subdivision of the state of Washington shall require or issue any
31 licenses or certificates for the same or a similar purpose (~~except as~~
32 ~~provided in RCW 82.80.020~~), nor shall any city or town in this state
33 impose a tax, license, or other fee upon vehicles operating exclusively
34 between points outside of such city or town limits, and to points
35 therein.

1 **Sec. 1112.** RCW 46.08.150 and 1995 c 384 s 2 are each amended to
2 read as follows:

3 The director of general administration shall have power to devise
4 and promulgate rules and regulations for the control of vehicular and
5 pedestrian traffic and the parking of motor vehicles on the state
6 capitol grounds. However, the monetary penalty for parking a motor
7 vehicle without a valid special license plate or placard in a parking
8 place reserved for (~~(physically disabled)~~) persons with physical
9 disabilities shall be the same as provided in (~~(RCW 46.16.381)~~) section
10 706 of this act. Such rules and regulations shall be promulgated by
11 publication in one issue of a newspaper published at the state capitol
12 and shall be given such further publicity as the director may deem
13 proper.

14 **Sec. 1113.** RCW 46.20.025 and 1999 c 6 s 6 are each amended to read
15 as follows:

16 The following persons may operate a motor vehicle on a Washington
17 highway without a valid Washington driver's license:

18 (1) A member of the United States Army, Navy, Air Force, Marine
19 Corps, or Coast Guard, or in the service of the National Guard of this
20 state or any other state, if licensed by the military to operate an
21 official motor vehicle in such service;

22 (2) A nonresident driver who is at least:

23 (a) Sixteen years of age and has immediate possession of a valid
24 driver's license issued to the driver by his or her home state; or

25 (b) Fifteen years of age with:

26 (i) A valid instruction permit issued to the driver by his or her
27 home state; and

28 (ii) A licensed driver who has had at least five years of driving
29 experience occupying a seat beside the driver; or

30 (c) Sixteen years of age and has immediate possession of a valid
31 driver's license issued to the driver by his or her home country. A
32 nonresident driver may operate a motor vehicle in this state under this
33 subsection (2)(c) for up to one year;

34 (3) Any person operating special highway construction equipment as
35 defined in (~~(RCW 46.16.010)~~) section 144 of this act;

36 (4) Any person while driving or operating any farm tractor or

1 implement of husbandry that is only incidentally operated or moved over
2 a highway; or

3 (5) An operator of a locomotive upon rails, including a railroad
4 crossing over a public highway. A locomotive operator is not required
5 to display a driver's license to any law enforcement officer in
6 connection with the operation of a locomotive or train within this
7 state.

8 **Sec. 1114.** RCW 46.29.605 and 1981 c 309 s 6 are each amended to
9 read as follows:

10 (1) Whenever the involvement in a motor vehicle accident in this
11 state results in the driving privilege of a person being suspended for
12 failure to pay a judgment or deposit security, the department shall
13 suspend the Washington registration of the motor vehicle if the person
14 driving at the time of the accident was also the registered owner of
15 the motor vehicle.

16 (2) A notice of suspension shall be mailed by first-class mail to
17 the owner's last known address of record in the department and shall be
18 effective notwithstanding the owner's failure to receive the notice.

19 (3) Upon suspension of the registration of a motor vehicle, the
20 registered owner shall surrender all vehicle license plates registered
21 to the vehicle. The department shall destroy the license plates and,
22 upon reinstatement of the registration, shall issue new vehicle license
23 plates as provided in ((RCW 46.16.270)) section 422(9) of this act.

24 (4) Failure to surrender license plates under subsection (3) of
25 this section is a misdemeanor punishable by imprisonment for not less
26 than one day nor more than five days and by a fine of not less than
27 fifty dollars nor more than two hundred fifty dollars.

28 (5) No vehicle license plates ((or)) certificate of ((ownership))
29 title, or registration certificate for a motor vehicle may be issued,
30 and no vehicle ((license)) registration may be renewed during the time
31 the registration of the motor vehicle is suspended.

32 (6) Any person who operates a vehicle in this state while the
33 registration of the vehicle is suspended is guilty of a gross
34 misdemeanor and upon conviction thereof shall be imprisoned for not
35 less than two days nor more than five days and fined not less than one
36 hundred dollars nor more than five hundred dollars.

1 **Sec. 1115.** RCW 46.30.020 and 2003 c 221 s 1 are each amended to
2 read as follows:

3 (1)(a) No person may operate a motor vehicle subject to
4 registration under chapter 46.16 RCW in this state unless the person is
5 insured under a motor vehicle liability policy with liability limits of
6 at least the amounts provided in RCW 46.29.090, is self-insured as
7 provided in RCW 46.29.630, is covered by a certificate of deposit in
8 conformance with RCW 46.29.550, or is covered by a liability bond of at
9 least the amounts provided in RCW 46.29.090. Written proof of
10 financial responsibility for motor vehicle operation must be provided
11 on the request of a law enforcement officer in the format specified
12 under RCW 46.30.030.

13 (b) A person who drives a motor vehicle that is required to be
14 registered in another state that requires drivers and owners of
15 vehicles in that state to maintain insurance or financial
16 responsibility shall, when requested by a law enforcement officer,
17 provide evidence of financial responsibility or insurance as is
18 required by the laws of the state in which the vehicle is registered.

19 (c) When asked to do so by a law enforcement officer, failure to
20 display an insurance identification card as specified under RCW
21 46.30.030 creates a presumption that the person does not have motor
22 vehicle insurance.

23 (d) Failure to provide proof of motor vehicle insurance is a
24 traffic infraction and is subject to penalties as set by the supreme
25 court under RCW 46.63.110 or community restitution.

26 (2) If a person cited for a violation of subsection (1) of this
27 section appears in person before the court or a violations bureau and
28 provides written evidence that at the time the person was cited, he or
29 she was in compliance with the financial responsibility requirements of
30 subsection (1) of this section, the citation shall be dismissed and the
31 court or violations bureau may assess court administrative costs of
32 twenty-five dollars at the time of dismissal. In lieu of personal
33 appearance, a person cited for a violation of subsection (1) of this
34 section may, before the date scheduled for the person's appearance
35 before the court or violations bureau, submit by mail to the court or
36 violations bureau written evidence that at the time the person was
37 cited, he or she was in compliance with the financial responsibility
38 requirements of subsection (1) of this section, in which case the

1 citation shall be dismissed without cost, except that the court or
2 violations bureau may assess court administrative costs of twenty-five
3 dollars at the time of dismissal.

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

5 (a) The operation of a motor vehicle registered under ((RCW
6 ~~46.16.305(1)~~) section 623 of this act, governed by RCW 46.16.020 (as
7 recodified by this act), or registered with the Washington utilities
8 and transportation commission as common or contract carriers; or

9 (b) The operation of a motorcycle as defined in RCW 46.04.330, a
10 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined
11 in RCW 46.04.304.

12 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle
13 liability policies required by this chapter but only those certified
14 for the purposes stated in chapter 46.29 RCW.

15 **Sec. 1116.** RCW 46.32.100 and 2009 c 46 s 4 are each amended to
16 read as follows:

17 (1)(a) In addition to all other penalties provided by law, and
18 except as provided otherwise in (a)(i), (ii), or (iii) of this
19 subsection, a commercial motor vehicle that is subject to compliance
20 reviews under this chapter and an officer, agent, or employee of a
21 company operating a commercial motor vehicle who violates or who
22 procures, aids, or abets in the violation of this title or any order or
23 rule of the state patrol is liable for a penalty of one hundred dollars
24 for each violation.

25 (i) It is a violation of this chapter for a person operating a
26 commercial motor vehicle to fail to comply with the requirements of 49
27 C.F.R. Pt. 382, controlled substances and alcohol use and testing, 49
28 C.F.R. Sec. 391.15, disqualification of drivers, and 49 C.F.R. Sec.
29 396.9(c)(2), moving a vehicle placed out of service before the out of
30 service defects have been satisfactorily repaired. For each violation
31 the person is liable for a penalty of five hundred dollars.

32 (ii) The driver of a commercial motor vehicle who violates an out-
33 of-service order is liable for a penalty of at least one thousand one
34 hundred dollars but not more than two thousand seven hundred fifty
35 dollars for each violation.

36 (iii) An employer who allows a driver to operate a commercial motor

1 vehicle when there is an out-of-service order is liable for a penalty
2 of at least two thousand seven hundred fifty dollars but not more than
3 eleven thousand dollars for each violation.

4 (iv) Each violation under this subsection (1)(a) is a separate and
5 distinct offense, and in case of a continuing violation every day's
6 continuance is a separate and distinct violation.

7 (b) In addition to all other penalties provided by law, any motor
8 carrier, company, or any officer or agent of a motor carrier or company
9 operating a commercial motor vehicle subject to compliance reviews
10 under this chapter who refuses entry or to make the required records,
11 documents, and vehicles available to a duly authorized agent of the
12 state patrol is liable for a penalty of at least five thousand dollars
13 as well as an out-of-service order being placed on the department of
14 transportation number, as defined in RCW 46.16.004 (as recodified by
15 this act), and vehicle registration to operate. Each violation is a
16 separate and distinct offense, and in case of a continuing violation
17 every day's continuance is a separate and distinct violation.

18 (c) A motor carrier operating a commercial motor vehicle after
19 receiving a final unsatisfactory rating or being placed out of service
20 is liable for a penalty of not more than eleven thousand dollars for
21 each violation. Each violation is a separate and distinct offense, and
22 in case of a continuing violation every day's continuance is a separate
23 and distinct violation.

24 (d) A high-risk carrier is liable for double the amount of the
25 penalty of a prior violation if the high-risk carrier repeats the same
26 violation during a follow-up compliance review. Each repeat violation
27 is a separate and distinct offense, and in case of a repeat continuing
28 violation every day's continuance is a separate and distinct violation.

29 (2) The Washington state patrol may place an out-of-service order
30 on a department of transportation number, as defined in RCW 46.16.004
31 (as recodified by this act), for violations of this chapter or for
32 nonpayment of any monetary penalties assessed by the state patrol or
33 the utilities and transportation commission, as a result of compliance
34 reviews, or for violations of cease and desist orders issued by the
35 utilities and transportation commission. The state patrol shall notify
36 the department of licensing when an out-of-service order has been
37 placed on a motor carrier's department of transportation number. The
38 state patrol shall notify the motor carrier when there has been an out-

1 of- service order placed on the motor carrier's department of
2 transportation number and the vehicle registrations have been revoked
3 by sending a notice by first-class mail using the last known address
4 for the registered or legal owner or owners, and recording the
5 transmittal on an affidavit of first-class mail. Notices under this
6 section fulfill the requirements of RCW 46.12.160 (as recodified by
7 this act). Motor carriers may not be eligible for a new department of
8 transportation number, vehicle registration, or temporary permits to
9 operate unless the violations that resulted in the out-of-service order
10 have been corrected.

11 (3) Any penalty provided in this section is due and payable when
12 the person incurring it receives a notice in writing from the state
13 patrol describing the violation and advising the person that the
14 penalty is due.

15 (a)(i) Any motor carrier who incurs a penalty as provided in this
16 section, except for a high-risk carrier that incurs a penalty for a
17 repeat violation during a follow-up compliance review, may, upon
18 written application, request that the state patrol mitigate the
19 penalty. An application for mitigation must be received by the state
20 patrol within twenty days of the receipt of notice.

21 (ii) The state patrol may decline to consider any application for
22 mitigation.

23 (b) Any motor carrier who incurs a penalty as provided in this
24 section has a right to an administrative hearing under chapter 34.05
25 RCW to contest the violation or the penalty imposed, or both. In all
26 such hearings, the procedure and rules of evidence are as specified in
27 chapter 34.05 RCW except as otherwise provided in this chapter. Any
28 request for an administrative hearing must be made in writing and must
29 be received by the state patrol within twenty days after the later of
30 (i) receipt of the notice imposing the penalty, or (ii) disposition of
31 a request for mitigation, or the right to a hearing is waived.

32 (c) All penalties recovered under this section shall be paid into
33 the state treasury and credited to the state patrol highway account of
34 the motor vehicle fund.

35 **Sec. 1117.** RCW 46.44.0941 and 2004 c 109 s 1 are each amended to
36 read as follows:

37 The following fees, in addition to the regular license and tonnage

1 fees, shall be paid for all movements under special permit made upon
2 state highways. All funds collected, except the amount retained by
3 authorized agents of the department as provided in RCW 46.44.096, shall
4 be forwarded to the state treasury and shall be deposited in the motor
5 vehicle fund:

6	All overlegal loads, except overweight, single	
7	trip	\$ 10.00
8	Continuous operation of overlegal loads	
9	having either overwidth or overheight	
10	features only, for a period not to exceed	
11	thirty days	\$ 20.00
12	Continuous operations of overlegal loads	
13	having overlength features only, for a	
14	period not to exceed thirty days	\$ 10.00
15	Continuous operation of a combination of	
16	vehicles having one trailing unit that	
17	exceeds fifty-three feet and is not	
18	more than fifty-six feet in length, for	
19	a period of one year	\$ 100.00
20	Continuous operation of a combination of	
21	vehicles having two trailing units	
22	which together exceed sixty-one feet and	
23	are not more than sixty-eight feet in	
24	length, for a period of one year	\$ 100.00
25	Continuous operation of a three-axle fixed	
26	load vehicle having less than 65,000	
27	pounds gross weight, for a period not	
28	to exceed thirty days	\$ 70.00
29	Continuous operation of a four-axle fixed load	
30	vehicle meeting the requirements of	
31	RCW 46.44.091(1) and weighing less than	
32	86,000 pounds gross weight, not to exceed	
33	thirty days	\$ 90.00
34	Continuous movement of a mobile home or manufactured	
35	home having nonreducible features not to	
36	exceed eighty-five feet in total length and	
37	fourteen feet in width, for a period of	
38	one year	\$ 150.00

1 Continuous operation of a class C tow truck or a
 2 class E tow truck with a class C rating while
 3 performing emergency and nonemergency tows of
 4 oversize or overweight, or both, vehicles and
 5 vehicle combinations, under rules adopted by the
 6 transportation commission, for a period of
 7 one year \$ 150.00
 8 Continuous operation of a class B tow truck or a
 9 class E tow truck with a class B rating while
 10 performing emergency and nonemergency tows of
 11 oversize or overweight, or both, vehicles and
 12 vehicle combinations, under rules adopted by the
 13 transportation commission, for a period of
 14 one year \$ 75.00
 15 Continuous operation of a two or three-axle
 16 collection truck, actually engaged in the
 17 collection of solid waste or recyclables,
 18 or both, under chapter 81.77 or 35.21 RCW
 19 or by contract under RCW 36.58.090, for
 20 one year with an additional six thousand
 21 pounds more than the weight authorized in
 22 RCW 46.16.070 (as recodified by this act)
 23 on the rear axle of a two-axle
 24 truck or eight thousand pounds for the tandem
 25 axles of a three-axle truck. RCW 46.44.041
 26 and 46.44.091 notwithstanding, the tire limits
 27 specified in RCW 46.44.042 apply, but none of
 28 the excess weight is valid or may be permitted
 29 on any part of the federal interstate highway
 30 system \$ 42.00
 31 per thousand pounds
 32 The department may issue any of the above-listed permits that
 33 involve height, length, or width for an expanded period of consecutive
 34 months, not to exceed one year.
 35 Continuous operation of farm implements under a permit issued as
 36 authorized by RCW 46.44.140 by:
 37 (1) Farmers in the course of farming activities,
 38 for any three-month period \$ 10.00

- 1 (2) Farmers in the course of farming activities,
2 for a period not to exceed one year \$ 25.00
- 3 (3) Persons engaged in the business of the
4 sale, repair, or maintenance of such
5 farm implements, for any three-month period \$ 25.00
- 6 (4) Persons engaged in the business of the
7 sale, repair, or maintenance of such
8 farm implements, for a period not to
9 exceed one year \$ 100.00

10 Overweight Fee Schedule

11 Excess weight over legal capacity, Cost per mile.
12 as provided in RCW 46.44.041.

13	0-9,999 pounds	\$.07
14	10,000-14,999 pounds	\$.14
15	15,000-19,999 pounds	\$.21
16	20,000-24,999 pounds	\$.28
17	25,000-29,999 pounds	\$.35
18	30,000-34,999 pounds	\$.49
19	35,000-39,999 pounds	\$.63
20	40,000-44,999 pounds	\$.79
21	45,000-49,999 pounds	\$.93
22	50,000-54,999 pounds	\$ 1.14
23	55,000-59,999 pounds	\$ 1.35
24	60,000-64,999 pounds	\$ 1.56
25	65,000-69,999 pounds	\$ 1.77
26	70,000-74,999 pounds	\$ 2.12
27	75,000-79,999 pounds	\$ 2.47
28	80,000-84,999 pounds	\$ 2.82
29	85,000-89,999 pounds	\$ 3.17
30	90,000-94,999 pounds	\$ 3.52
31	95,000-99,999 pounds	\$ 3.87
32	100,000 pounds	\$ 4.25

33 The fee for weights in excess of 100,000 pounds is \$4.25 plus fifty
34 cents for each 5,000 pound increment or portion thereof exceeding
35 100,000 pounds.

1 PROVIDED: (a) The minimum fee for any overweight permit shall be
2 \$14.00, (b) the fee for issuance of a duplicate permit shall be \$14.00,
3 (c) when computing overweight fees prescribed in this section or in RCW
4 46.44.095 that result in an amount less than even dollars the fee shall
5 be carried to the next full dollar if fifty cents or over and shall be
6 reduced to the next full dollar if forty-nine cents or under.

7 The fees levied in this section and RCW 46.44.095 do not apply to
8 vehicles owned and operated by the state of Washington, a county within
9 the state, a city or town or metropolitan municipal corporation within
10 the state, or the federal government.

11 **Sec. 1118.** RCW 46.44.170 and 2005 c 399 s 1 are each amended to
12 read as follows:

13 (1) Any person moving a mobile home as defined in RCW 46.04.302 or
14 a park model trailer as defined in RCW 46.04.622 upon public highways
15 of the state must obtain:

16 (a) A special permit from the department of transportation and
17 local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay
18 the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

19 (b) For mobile homes constructed before June 15, 1976, and already
20 situated in the state: (i) A certification from the department of
21 labor and industries that the mobile home was inspected for fire
22 safety; or (ii) an affidavit in the form prescribed by the department
23 of (~~community, trade, and economic development~~) commerce signed by
24 the owner at the county treasurer's office at the time of the
25 application for the movement permit stating that the mobile home is
26 being moved by the owner for his or her continued occupation or use; or
27 (iii) a copy of the certificate of (~~ownership or~~) title together with
28 an affidavit signed under penalty of perjury by the certified owner
29 stating that the mobile home is being transferred to a wrecking yard or
30 similar facility for disposal. In addition, the destroyed mobile home
31 must be removed from the assessment rolls of the county and any
32 outstanding taxes on the destroyed mobile home must be removed by the
33 county treasurer.

34 (2) A special permit issued as provided in subsection (1) of this
35 section for the movement of any mobile home or a park model trailer
36 that is assessed for purposes of property taxes shall not be valid
37 until the county treasurer of the county in which the mobile home or

1 park model trailer is located shall endorse or attach his or her
2 certificate that all property taxes which are a lien or which are
3 delinquent, or both, upon the mobile home or park model trailer being
4 moved have been satisfied. Further, any mobile home or park model
5 trailer required to have a special movement permit under this section
6 shall display an easily recognizable decal. However, endorsement or
7 certification by the county treasurer and the display of the decal is
8 not required:

9 (a) When a mobile home or park model trailer is to enter the state
10 or is being moved from a manufacturer or distributor to a retail sales
11 outlet or directly to the purchaser's designated location or between
12 retail and sales outlets;

13 (b) When a signed affidavit of destruction is filed with the county
14 assessor and the mobile home or park model trailer is being moved to a
15 disposal site by a landlord as defined in RCW 59.20.030 after (i) the
16 mobile home or park model trailer has been abandoned as defined in RCW
17 59.20.030; or (ii) a final judgment for restitution of the premises
18 under RCW 59.18.410 has been executed in favor of the landlord with
19 regard to the mobile home or park model trailer. The mobile home or
20 park model trailer will be removed from the tax rolls and, upon
21 notification by the assessor, any outstanding taxes on the destroyed
22 mobile home or park model trailer will be removed by the county
23 treasurer; or

24 (c) When a signed affidavit of destruction is filed with the county
25 assessor by any mobile home or park model trailer owner or any property
26 owner with an abandoned mobile home or park model trailer, the same
27 shall be removed from the tax rolls and upon notification by the
28 assessor, any outstanding taxes on the destroyed mobile home or park
29 model trailer shall be removed by the county treasurer.

30 (3) If the landlord of a mobile home park takes ownership of a
31 mobile home or park model trailer with the intent to resell or rent the
32 same under RCW 59.20.030 after (a) the mobile home or park model
33 trailer has been abandoned as defined in RCW 59.20.030; or (b) a final
34 judgment for restitution of the premises under RCW 59.18.410 has been
35 executed in favor of the landlord with regard to the mobile home or
36 park model trailer, the outstanding taxes become the responsibility of
37 the landlord.

1 (4) It is the responsibility of the owner of the mobile home or
2 park model trailer subject to property taxes or the agent to obtain the
3 endorsement and decal from the county treasurer before a mobile home or
4 park model trailer is moved.

5 (5) This section does not prohibit the issuance of vehicle license
6 plates for a mobile home or park model trailer subject to property
7 taxes, but plates shall not be issued unless the mobile home or park
8 model trailer subject to property taxes for which plates are sought has
9 been listed for property tax purposes in the county in which it is
10 principally located and the appropriate fee for the license has been
11 paid.

12 (6) The department of transportation, the department of labor and
13 industries, and local authorities are authorized to adopt reasonable
14 rules for implementing the provisions of this section. The department
15 of transportation shall adopt rules specifying the design, reflective
16 characteristics, annual coloration, and for the uniform implementation
17 of the decal required by this section. ((By January 1, 2006,)) The
18 department of labor and industries shall ((also)) adopt procedures for
19 notifying destination local jurisdictions concerning the arrival of
20 mobile homes that failed safety inspections.

21 **Sec. 1119.** RCW 46.55.105 and 2002 c 279 s 10 are each amended to
22 read as follows:

23 (1) The abandonment of any vehicle creates a prima facie
24 presumption that the last registered owner of record is responsible for
25 the abandonment and is liable for costs incurred in removing, storing,
26 and disposing of the abandoned vehicle, less amounts realized at
27 auction.

28 (2) If an unauthorized vehicle is found abandoned under subsection
29 (1) of this section and removed at the direction of law enforcement,
30 the last registered owner of record is guilty of the traffic infraction
31 of "littering--abandoned vehicle," unless the vehicle is redeemed as
32 provided in RCW 46.55.120. In addition to any other monetary penalty
33 payable under chapter 46.63 RCW, the court shall not consider all
34 monetary penalties as having been paid until the court is satisfied
35 that the person found to have committed the infraction has made
36 restitution in the amount of the deficiency remaining after disposal of
37 the vehicle under RCW 46.55.140.

1 (3) A vehicle theft report filed with a law enforcement agency
2 relieves the last registered owner of liability under subsection (2) of
3 this section for failure to redeem the vehicle. However, the last
4 registered owner remains liable for the costs incurred in removing,
5 storing, and disposing of the abandoned vehicle under subsection (1) of
6 this section. Nothing in this section limits in any way the registered
7 owner's rights in a civil action or as restitution in a criminal action
8 against a person responsible for the theft of the vehicle.

9 (4) Properly filing a report of sale or transfer regarding the
10 vehicle involved in accordance with RCW 46.12.101 (1) through (3) (as
11 recodified by this act) relieves the last registered owner of liability
12 under subsections (1) and (2) of this section. If the date of sale as
13 indicated on the report of sale is on or before the date of
14 impoundment, the buyer identified on the latest properly filed report
15 of sale with the department is assumed liable for the costs incurred in
16 removing, storing, and disposing of the abandoned vehicle, less amounts
17 realized at auction. If the date of sale is after the date of
18 impoundment, the previous registered owner is assumed to be liable for
19 such costs. A licensed vehicle dealer is not liable under subsections
20 (1) and (2) of this section if the dealer, as transferee or assignee of
21 the last registered owner of the vehicle involved, has complied with
22 the requirements of RCW 46.70.122 upon selling or otherwise disposing
23 of the vehicle, or if the dealer has timely filed a transitional
24 ownership record or report of sale under RCW 46.12.103 (as recodified
25 by this act). In that case the person to whom the licensed vehicle
26 dealer has sold or transferred the vehicle is assumed liable for the
27 costs incurred in removing, storing, and disposing of the abandoned
28 vehicle, less amounts realized at auction.

29 (5) For the purposes of reporting notices of traffic infraction to
30 the department under RCW 46.20.270 and 46.52.101, and for purposes of
31 reporting notices of failure to appear, respond, or comply regarding a
32 notice of traffic infraction to the department under RCW 46.63.070(6),
33 a traffic infraction under subsection (2) of this section is not
34 considered to be a standing, stopping, or parking violation.

35 (6) A notice of infraction for a violation of this section may be
36 filed with a court of limited jurisdiction organized under Title 3, 35,
37 or 35A RCW, or with a violations bureau subject to the court's
38 jurisdiction.

1 **Sec. 1120.** RCW 46.55.113 and 2007 c 242 s 1 and 2007 c 86 s 1 are
2 each reenacted and amended to read as follows:

3 (1) Whenever the driver of a vehicle is arrested for a violation of
4 RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is
5 subject to summary impoundment, pursuant to the terms and conditions of
6 an applicable local ordinance or state agency rule at the direction of
7 a law enforcement officer.

8 (2) In addition, a police officer may take custody of a vehicle, at
9 his or her discretion, and provide for its prompt removal to a place of
10 safety under any of the following circumstances:

11 (a) Whenever a police officer finds a vehicle standing upon the
12 roadway in violation of any of the provisions of RCW 46.61.560, the
13 officer may provide for the removal of the vehicle or require the
14 driver or other person in charge of the vehicle to move the vehicle to
15 a position off the roadway;

16 (b) Whenever a police officer finds a vehicle unattended upon a
17 highway where the vehicle constitutes an obstruction to traffic or
18 jeopardizes public safety;

19 (c) Whenever a police officer finds an unattended vehicle at the
20 scene of an accident or when the driver of a vehicle involved in an
21 accident is physically or mentally incapable of deciding upon steps to
22 be taken to protect his or her property;

23 (d) Whenever the driver of a vehicle is arrested and taken into
24 custody by a police officer;

25 (e) Whenever a police officer discovers a vehicle that the officer
26 determines to be a stolen vehicle;

27 (f) Whenever a vehicle without a special license plate, placard, or
28 decal indicating that the vehicle is being used to transport a person
29 with disabilities under (~~RCW 46.16.381~~) section 701 of this act is
30 parked in a stall or space clearly and conspicuously marked under RCW
31 46.61.581 which space is provided on private property without charge or
32 on public property;

33 (g) Upon determining that a person is operating a motor vehicle
34 without a valid and, if required, a specially endorsed driver's license
35 or with a license that has been expired for ninety days or more;

36 (h) When a vehicle is illegally occupying a truck, commercial
37 loading zone, restricted parking zone, bus, loading, hooded-meter,
38 taxi, street construction or maintenance, or other similar zone where,

1 by order of the director of transportation or chiefs of police or fire
2 or their designees, parking is limited to designated classes of
3 vehicles or is prohibited during certain hours, on designated days or
4 at all times, if the zone has been established with signage for at
5 least twenty-four hours and where the vehicle is interfering with the
6 proper and intended use of the zone. Signage must give notice to the
7 public that a vehicle will be removed if illegally parked in the zone;

8 (i) When a vehicle with an expired registration of more than
9 forty-five days is parked on a public street.

10 (3) When an arrest is made for a violation of RCW 46.20.342, if the
11 vehicle is a commercial vehicle and the driver of the vehicle is not
12 the owner of the vehicle, before the summary impoundment directed under
13 subsection (1) of this section, the police officer shall attempt in a
14 reasonable and timely manner to contact the owner of the vehicle and
15 may release the vehicle to the owner if the owner is reasonably
16 available, as long as the owner was not in the vehicle at the time of
17 the stop and arrest and the owner has not received a prior release
18 under this subsection or RCW 46.55.120(1)(a)(ii).

19 (4) Nothing in this section may derogate from the powers of police
20 officers under the common law. For the purposes of this section, a
21 place of safety may include the business location of a registered tow
22 truck operator.

23 **Sec. 1121.** RCW 46.55.140 and 1995 c 360 s 8 are each amended to
24 read as follows:

25 (1) A registered tow truck operator who has a valid and signed
26 impoundment authorization has a lien upon the impounded vehicle for
27 services provided in the towing and storage of the vehicle, unless the
28 impoundment is determined to have been invalid. The lien does not
29 apply to personal property in or upon the vehicle that is not
30 permanently attached to or is not an integral part of the vehicle
31 except for items of personal property registered or titled with the
32 department. The registered tow truck operator also has a deficiency
33 claim against the registered owner of the vehicle for services provided
34 in the towing and storage of the vehicle not to exceed the sum of five
35 hundred dollars after deduction of the amount bid at auction, and for
36 vehicles of over ten thousand pounds gross vehicle weight, the operator
37 has a deficiency claim of one thousand dollars after deduction of the

1 amount bid at auction, unless the impound is determined to be invalid.
2 The limitation on towing and storage deficiency claims does not apply
3 to an impound directed by a law enforcement officer. In no case may
4 the cost of the auction or a buyer's fee be added to the amount charged
5 for the vehicle at the auction, the vehicle's lien, or the overage due.
6 A registered owner who has completed and filed with the department the
7 ((seller's)) report of sale as provided for ((by)) in RCW 46.12.101 (as
8 recodified by this act) and has timely and properly filed the
9 ((seller's)) report of sale is relieved of liability under this
10 section. The person named as the new owner of the vehicle on the
11 timely and properly filed ((seller's)) report of sale shall assume
12 liability under this section.

13 (2) Any person who tows, removes, or otherwise disturbs any vehicle
14 parked, stalled, or otherwise left on privately owned or controlled
15 property, and any person owning or controlling the private property, or
16 either of them, are liable to the owner or operator of a vehicle, or
17 each of them, for consequential and incidental damages arising from any
18 interference with the ownership or use of the vehicle which does not
19 comply with the requirements of this chapter.

20 **Sec. 1122.** RCW 46.55.240 and 1994 c 176 s 2 are each amended to
21 read as follows:

22 (1) A city, town, or county that adopts an ordinance or resolution
23 concerning unauthorized, abandoned, or impounded vehicles shall include
24 the applicable provisions of this chapter.

25 (a) A city, town, or county may, by ordinance, authorize other
26 impound situations that may arise locally upon the public right-of-way
27 or other publicly owned or controlled property.

28 (b) A city, town, or county ordinance shall contain language that
29 establishes a written form of authorization to impound, which may
30 include a law enforcement notice of infraction or citation, clearly
31 denoting the agency's authorization to impound.

32 (c) A city, town, or county may, by ordinance, provide for release
33 of an impounded vehicle by means of a promissory note in lieu of
34 immediate payment, if at the time of redemption the legal or registered
35 owner requests a hearing on the validity of the impoundment. If the
36 municipal ordinance directs the release of an impounded vehicle before

1 the payment of the impoundment charges, the municipality is responsible
2 for the payment of those charges to the registered tow truck operator
3 within thirty days of the hearing date.

4 (d) The hearing specified in RCW 46.55.120(2) and in this section
5 may be conducted by an administrative hearings officer instead of in
6 the district court. A decision made by an administrative hearing
7 officer may be appealed to the district court for final judgment.

8 (2) A city, town, or county may adopt an ordinance establishing
9 procedures for the abatement and removal as public nuisances of junk
10 vehicles or parts thereof from private property. Costs of removal may
11 be assessed against the registered owner of the vehicle if the identity
12 of the owner can be determined, unless the owner in the transfer of
13 ownership of the vehicle has complied with RCW 46.12.101 (as recodified
14 by this act), or the costs may be assessed against the owner of the
15 property on which the vehicle is stored. A city, town, or county may
16 also provide for the payment to the tow truck operator or wrecker as a
17 part of a neighborhood revitalization program.

18 (3) Ordinances pertaining to public nuisances shall contain:

19 (a) A provision requiring notice to the last registered owner of
20 record and the property owner of record that a hearing may be requested
21 and that if no hearing is requested, the vehicle will be removed;

22 (b) A provision requiring that if a request for a hearing is
23 received, a notice giving the time, location, and date of the hearing
24 on the question of abatement and removal of the vehicle or part thereof
25 as a public nuisance shall be mailed, by certified mail, with a five-
26 day return receipt requested, to the owner of the land as shown on the
27 last equalized assessment roll and to the last registered and legal
28 owner of record unless the vehicle is in such condition that
29 identification numbers are not available to determine ownership;

30 (c) A provision that the ordinance shall not apply to (i) a vehicle
31 or part thereof that is completely enclosed within a building in a
32 lawful manner where it is not visible from the street or other public
33 or private property or (ii) a vehicle or part thereof that is stored or
34 parked in a lawful manner on private property in connection with the
35 business of a licensed dismantler or licensed vehicle dealer and is
36 fenced according to RCW 46.80.130;

37 (d) A provision that the owner of the land on which the vehicle is
38 located may appear in person at the hearing or present a written

1 statement in time for consideration at the hearing, and deny
2 responsibility for the presence of the vehicle on the land, with his
3 reasons for the denial. If it is determined at the hearing that the
4 vehicle was placed on the land without the consent of the landowner and
5 that he has not subsequently acquiesced in its presence, then the local
6 agency shall not assess costs of administration or removal of the
7 vehicle against the property upon which the vehicle is located or
8 otherwise attempt to collect the cost from the owner;

9 (e) A provision that after notice has been given of the intent of
10 the city, town, or county to dispose of the vehicle and after a
11 hearing, if requested, has been held, the vehicle or part thereof shall
12 be removed at the request of a law enforcement officer with notice to
13 the Washington state patrol and the department of licensing that the
14 vehicle has been wrecked. The city, town, or county may operate such
15 a disposal site when its governing body determines that commercial
16 channels of disposition are not available or are inadequate, and it may
17 make final disposition of such vehicles or parts, or may transfer such
18 vehicle or parts to another governmental body provided such disposal
19 shall be only as scrap.

20 (4) A registered disposer under contract to a city or county for
21 the impounding of vehicles shall comply with any administrative
22 regulations adopted by the city or county on the handling and disposing
23 of vehicles.

24 **Sec. 1123.** RCW 46.61.581 and 2005 c 390 s 1 are each amended to
25 read as follows:

26 A parking space or stall for a person with a disability shall be
27 indicated by a vertical sign with the international symbol of access,
28 whose colors are white on a blue background, described under RCW
29 70.92.120. The sign may include additional language such as, but not
30 limited to, an indication of the amount of the monetary penalty defined
31 in ((RCW 46.16.381)) section 706 of this act for parking in the space
32 without a valid permit.

33 Failure of the person owning or controlling the property where
34 required parking spaces are located to erect and maintain the sign is
35 a class 2 civil infraction under chapter 7.80 RCW for each parking
36 space that should be so designated. The person owning or controlling

1 the property where the required parking spaces are located shall ensure
2 that the parking spaces are not blocked or made inaccessible, and
3 failure to do so is a class 2 civil infraction.

4 **Sec. 1124.** RCW 46.61.582 and 1991 c 339 s 25 are each amended to
5 read as follows:

6 Any person who meets the criteria for special parking privileges
7 under ((~~RCW 46.16.381~~)) section 701 of this act shall be allowed free
8 of charge to park a vehicle being used to transport that person for
9 unlimited periods of time in parking zones or areas including zones or
10 areas with parking meters which are otherwise restricted as to the
11 length of time parking is permitted. This section does not apply to
12 those zones or areas in which the stopping, parking, or standing of all
13 vehicles is prohibited or which are reserved for special types of
14 vehicles. The person shall obtain and display a special placard or
15 license plate under ((~~RCW 46.16.381~~)) section 701 of this act to be
16 eligible for the privileges under this section.

17 **Sec. 1125.** RCW 46.63.020 and 2009 c 485 s 6 are each amended to
18 read as follows:

19 Failure to perform any act required or the performance of any act
20 prohibited by this title or an equivalent administrative regulation or
21 local law, ordinance, regulation, or resolution relating to traffic
22 including parking, standing, stopping, and pedestrian offenses, is
23 designated as a traffic infraction and may not be classified as a
24 criminal offense, except for an offense contained in the following
25 provisions of this title or a violation of an equivalent administrative
26 regulation or local law, ordinance, regulation, or resolution:

27 (1) RCW 46.09.120(2) (as recodified by this act) relating to the
28 operation of a nonhighway vehicle while under the influence of
29 intoxicating liquor or a controlled substance;

30 (2) RCW 46.09.130 (as recodified by this act) relating to operation
31 of nonhighway vehicles;

32 (3) RCW 46.10.090(2) (as recodified by this act) relating to the
33 operation of a snowmobile while under the influence of intoxicating
34 liquor or narcotics or habit- forming drugs or in a manner endangering
35 the person of another;

- 1 (4) RCW 46.10.130 (as recodified by this act) relating to the
2 operation of snowmobiles;
- 3 (5) Chapter 46.12 RCW relating to certificates of (~~ownership and~~)
4 title, registration certificates, and markings indicating that a
5 vehicle has been destroyed or declared a total loss;
- 6 (6) RCW 46.16.010 (as recodified by this act) and section 405(3) of
7 this act relating to the nonpayment of taxes and fees by failure to
8 register a vehicle and falsifying residency when registering a motor
9 vehicle;
- 10 (7) RCW 46.16.011 (as recodified by this act) relating to
11 permitting unauthorized persons to drive;
- 12 (8) RCW 46.16.160 (as recodified by this act) relating to vehicle
13 trip permits;
- 14 (9) (~~RCW 46.16.381(2)~~) Section 706 of this act relating to
15 knowingly providing false information in conjunction with an
16 application for a special placard or license plate for disabled
17 persons' parking;
- 18 (10) RCW 46.20.005 relating to driving without a valid driver's
19 license;
- 20 (11) RCW 46.20.091 relating to false statements regarding a
21 driver's license or instruction permit;
- 22 (12) RCW 46.20.0921 relating to the unlawful possession and use of
23 a driver's license;
- 24 (13) RCW 46.20.342 relating to driving with a suspended or revoked
25 license or status;
- 26 (14) RCW 46.20.345 relating to the operation of a motor vehicle
27 with a suspended or revoked license;
- 28 (15) RCW 46.20.410 relating to the violation of restrictions of an
29 occupational driver's license, temporary restricted driver's license,
30 or ignition interlock driver's license;
- 31 (16) RCW 46.20.740 relating to operation of a motor vehicle without
32 an ignition interlock device in violation of a license notation that
33 the device is required;
- 34 (17) RCW 46.20.750 relating to circumventing an ignition interlock
35 device;
- 36 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 37 (19) Chapter 46.29 RCW relating to financial responsibility;

1 (20) RCW 46.30.040 relating to providing false evidence of
2 financial responsibility;
3 (21) RCW 46.35.030 relating to recording device information;
4 (22) RCW 46.37.435 relating to wrongful installation of
5 sunscreening material;
6 ~~((+22))~~ (23) RCW 46.37.650 relating to the sale, resale,
7 distribution, or installation of a previously deployed air bag;
8 ~~((+23))~~ (24) RCW 46.37.671 through 46.37.675 relating to signal
9 preemption devices;
10 ~~((+24))~~ (25) RCW 46.44.180 relating to operation of mobile home
11 pilot vehicles;
12 ~~((+25))~~ (26) RCW 46.48.175 relating to the transportation of
13 dangerous articles;
14 ~~((+26))~~ (27) RCW 46.52.010 relating to duty on striking an
15 unattended car or other property;
16 ~~((+27))~~ (28) RCW 46.52.020 relating to duty in case of injury to
17 or death of a person or damage to an attended vehicle;
18 ~~((+28))~~ (29) RCW 46.52.090 relating to reports by repairmen,
19 storagemen, and appraisers;
20 ~~((+29))~~ (30) RCW 46.52.130 relating to confidentiality of the
21 driving record to be furnished to an insurance company, an employer,
22 and an alcohol/drug assessment or treatment agency;
23 ~~((+30))~~ (31) RCW 46.55.020 relating to engaging in the activities
24 of a registered tow truck operator without a registration certificate;
25 ~~((+31))~~ (32) RCW 46.55.035 relating to prohibited practices by tow
26 truck operators;
27 ~~((+32))~~ (33) RCW 46.55.300 relating to vehicle immobilization;
28 ~~((+33))~~ (34) RCW 46.61.015 relating to obedience to police
29 officers, flaggers, or firefighters;
30 ~~((+34))~~ (35) RCW 46.61.020 relating to refusal to give information
31 to or cooperate with an officer;
32 ~~((+35))~~ (36) RCW 46.61.022 relating to failure to stop and give
33 identification to an officer;
34 ~~((+36))~~ (37) RCW 46.61.024 relating to attempting to elude
35 pursuing police vehicles;
36 ~~((+37))~~ (38) RCW 46.61.500 relating to reckless driving;
37 ~~((+38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under
38 the influence of intoxicating liquor or drugs;

1 ((+39+)) (40) RCW 46.61.503 relating to a person under age twenty-
2 one driving a motor vehicle after consuming alcohol;
3 ((+40+)) (41) RCW 46.61.520 relating to vehicular homicide by motor
4 vehicle;
5 ((+41+)) (42) RCW 46.61.522 relating to vehicular assault;
6 ((+42+)) (43) RCW 46.61.5249 relating to first degree negligent
7 driving;
8 ((+43+)) (44) RCW 46.61.527(4) relating to reckless endangerment of
9 roadway workers;
10 ((+44+)) (45) RCW 46.61.530 relating to racing of vehicles on
11 highways;
12 ((+45+)) (46) RCW 46.61.655(7) (a) and (b) relating to failure to
13 secure a load;
14 ((+46+)) (47) RCW 46.61.685 relating to leaving children in an
15 unattended vehicle with the motor running;
16 ((+47+)) (48) RCW 46.61.740 relating to theft of motor vehicle
17 fuel;
18 ((+48+)) (49) RCW 46.64.010 relating to unlawful cancellation of or
19 attempt to cancel a traffic citation;
20 ((+49+)) (50) RCW 46.64.048 relating to attempting, aiding,
21 abetting, coercing, and committing crimes;
22 ((+50+)) (51) Chapter 46.65 RCW relating to habitual traffic
23 offenders;
24 ((+51+)) (52) RCW 46.68.010 relating to false statements made to
25 obtain a refund;
26 ((+52) RCW 46.35.030 relating to recording device information;))
27 (53) Chapter 46.70 RCW relating to unfair motor vehicle business
28 practices, except where that chapter provides for the assessment of
29 monetary penalties of a civil nature;
30 (54) Chapter 46.72 RCW relating to the transportation of passengers
31 in for hire vehicles;
32 (55) RCW 46.72A.060 relating to limousine carrier insurance;
33 (56) RCW 46.72A.070 relating to operation of a limousine without a
34 vehicle certificate;
35 (57) RCW 46.72A.080 relating to false advertising by a limousine
36 carrier;
37 (58) Chapter 46.80 RCW relating to motor vehicle wreckers;
38 (59) Chapter 46.82 RCW relating to driver's training schools;

1 (60) RCW 46.87.260 relating to alteration or forgery of a cab card,
2 letter of authority, or other temporary authority issued under chapter
3 46.87 RCW;

4 (61) RCW 46.87.290 relating to operation of an unregistered or
5 unlicensed vehicle under chapter 46.87 RCW.

6 **Sec. 1126.** RCW 46.63.160 and 2009 c 272 s 1 are each amended to
7 read as follows:

8 (1) This section applies only to infractions issued under RCW
9 46.61.690 for toll collection evasion.

10 (2) Nothing in this section prohibits a law enforcement officer
11 from issuing a notice of traffic infraction to a person in control of
12 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
13 (b), or (c).

14 (3) Toll collection systems include manual cash collection,
15 electronic toll collection, and photo enforcement systems.

16 (4) "Electronic toll collection system" means a system of
17 collecting tolls or charges that is capable of charging the account of
18 the toll patron the appropriate toll or charge by electronic
19 transmission from the motor vehicle to the toll collection system,
20 which information is used to charge the appropriate toll or charge to
21 the patron's account.

22 (5) "Photo enforcement system" means a vehicle sensor installed to
23 work in conjunction with an electronic toll collection system that
24 automatically produces one or more photographs, one or more
25 microphotographs, a videotape, or other recorded images of a vehicle
26 operated in violation of an infraction under this chapter.

27 (6) The use of a toll collection system is subject to the following
28 requirements:

29 (a) The department of transportation shall adopt rules that allow
30 an open standard for automatic vehicle identification transponders used
31 for electronic toll collection to be compatible with other electronic
32 payment devices or transponders from the Washington state ferry system,
33 other public transportation systems, or other toll collection systems
34 to the extent that technology permits. The rules must also allow for
35 multiple vendors providing electronic payment devices or transponders
36 as technology permits.

1 (b) The department of transportation may not sell, distribute, or
2 make available in any way, the names and addresses of electronic toll
3 collection system account holders.

4 (7) The use of a photo enforcement system for issuance of notices
5 of infraction is subject to the following requirements:

6 (a) Photo enforcement systems may take photographs, digital
7 photographs, microphotographs, videotapes, or other recorded images of
8 the vehicle and vehicle license plate only.

9 (b) A notice of infraction must be mailed to the registered owner
10 of the vehicle or to the renter of a vehicle within sixty days of the
11 violation. The law enforcement officer issuing the notice of
12 infraction shall include with it a certificate or facsimile thereof,
13 based upon inspection of photographs, microphotographs, videotape, or
14 other recorded images produced by a photo enforcement system, stating
15 the facts supporting the notice of infraction. This certificate or
16 facsimile is prima facie evidence of the facts contained in it and is
17 admissible in a proceeding charging a violation under this chapter.
18 The photographs, digital photographs, microphotographs, videotape, or
19 other recorded images evidencing the violation must be available for
20 inspection and admission into evidence in a proceeding to adjudicate
21 the liability for the infraction.

22 (c) Notwithstanding any other provision of law, all photographs,
23 digital photographs, microphotographs, videotape, or other recorded
24 images prepared under this chapter are for the exclusive use of the
25 tolling agency and law enforcement in the discharge of duties under
26 this section and are not open to the public and may not be used in a
27 court in a pending action or proceeding unless the action or proceeding
28 relates to a violation under this chapter. No photograph, digital
29 photograph, microphotograph, videotape, or other recorded image may be
30 used for any purpose other than enforcement of violations under this
31 chapter nor retained longer than necessary to enforce this chapter or
32 verify that tolls are paid.

33 (d) All locations where a photo enforcement system is used must be
34 clearly marked by placing signs in locations that clearly indicate to
35 a driver that he or she is entering a zone where traffic laws are
36 enforced by a photo enforcement system.

37 (8) Infractions detected through the use of photo enforcement
38 systems are not part of the registered owner's driving record under RCW

1 46.52.101 and 46.52.120. Additionally, infractions generated by the
2 use of photo enforcement systems under this section shall be processed
3 in the same manner as parking infractions, including for the purposes
4 of RCW 3.50.100, 35.20.220, 46.16.216 (as recodified by this act), and
5 46.20.270(3).

6 (9) The penalty for an infraction detected through the use of a
7 photo enforcement system shall be forty dollars plus an additional toll
8 penalty. The toll penalty is equal to three times the cash toll for a
9 standard passenger car during peak hours. The toll penalty may not be
10 reduced. The court shall remit the toll penalty to the department of
11 transportation or a private entity under contract with the department
12 of transportation for deposit in the statewide account in which tolls
13 are deposited for the tolling facility at which the violation occurred.
14 If the driver is found not to have committed an infraction under this
15 section, the driver shall pay the toll due at the time the photograph
16 was taken, unless the toll has already been paid.

17 (10) If the registered owner of the vehicle is a rental car
18 business the department of transportation or a law enforcement agency
19 shall, before a notice of infraction being issued under this section,
20 provide a written notice to the rental car business that a notice of
21 infraction may be issued to the rental car business if the rental car
22 business does not, within eighteen days of the mailing of the written
23 notice, provide to the issuing agency by return mail:

24 (a) A statement under oath stating the name and known mailing
25 address of the individual driving or renting the vehicle when the
26 infraction occurred; or

27 (b) A statement under oath that the business is unable to determine
28 who was driving or renting the vehicle at the time the infraction
29 occurred because the vehicle was stolen at the time of the infraction.
30 A statement provided under this subsection must be accompanied by a
31 copy of a filed police report regarding the vehicle theft; or

32 (c) In lieu of identifying the vehicle operator, the rental car
33 business may pay the applicable toll and fee.

34 Timely mailing of this statement to the issuing law enforcement
35 agency relieves a rental car business of any liability under this
36 chapter for the notice of infraction.

1 **Sec. 1127.** RCW 46.63.170 and 2009 c 470 s 714 are each amended to
2 read as follows:

3 (1) The use of automated traffic safety cameras for issuance of
4 notices of infraction is subject to the following requirements:

5 (a) The appropriate local legislative authority must first enact an
6 ordinance allowing for their use to detect one or more of the
7 following: Stoplight, railroad crossing, or school speed zone
8 violations. At a minimum, the local ordinance must contain the
9 restrictions described in this section and provisions for public notice
10 and signage. Cities and counties using automated traffic safety
11 cameras before July 24, 2005, are subject to the restrictions described
12 in this section, but are not required to enact an authorizing
13 ordinance.

14 (b) Use of automated traffic safety cameras is restricted to two-
15 arterial intersections, railroad crossings, and school speed zones
16 only.

17 (c) During the 2009-2011 fiscal biennium, automated traffic safety
18 cameras may be used to detect speed violations for the purposes of
19 section 201(2), chapter 470, Laws of 2009 if the local legislative
20 authority first enacts an ordinance authorizing the use of cameras to
21 detect speed violations.

22 (d) Automated traffic safety cameras may only take pictures of the
23 vehicle and vehicle license plate and only while an infraction is
24 occurring. The picture must not reveal the face of the driver or of
25 passengers in the vehicle.

26 (e) A notice of infraction must be mailed to the registered owner
27 of the vehicle within fourteen days of the violation, or to the renter
28 of a vehicle within fourteen days of establishing the renter's name and
29 address under subsection (3)(a) of this section. The law enforcement
30 officer issuing the notice of infraction shall include with it a
31 certificate or facsimile thereof, based upon inspection of photographs,
32 microphotographs, or electronic images produced by an automated traffic
33 safety camera, stating the facts supporting the notice of infraction.
34 This certificate or facsimile is prima facie evidence of the facts
35 contained in it and is admissible in a proceeding charging a violation
36 under this chapter. The photographs, microphotographs, or electronic
37 images evidencing the violation must be available for inspection and
38 admission into evidence in a proceeding to adjudicate the liability for

1 the infraction. A person receiving a notice of infraction based on
2 evidence detected by an automated traffic safety camera may respond to
3 the notice by mail.

4 (f) The registered owner of a vehicle is responsible for an
5 infraction under RCW 46.63.030(1)(e) unless the registered owner
6 overcomes the presumption in RCW 46.63.075, or, in the case of a rental
7 car business, satisfies the conditions under subsection (3) of this
8 section. If appropriate under the circumstances, a renter identified
9 under subsection (3)(a) of this section is responsible for an
10 infraction.

11 (g) Notwithstanding any other provision of law, all photographs,
12 microphotographs, or electronic images prepared under this section are
13 for the exclusive use of law enforcement in the discharge of duties
14 under this section and are not open to the public and may not be used
15 in a court in a pending action or proceeding unless the action or
16 proceeding relates to a violation under this section. No photograph,
17 microphotograph, or electronic image may be used for any purpose other
18 than enforcement of violations under this section nor retained longer
19 than necessary to enforce this section.

20 (h) All locations where an automated traffic safety camera is used
21 must be clearly marked by placing signs in locations that clearly
22 indicate to a driver that he or she is entering a zone where traffic
23 laws are enforced by an automated traffic safety camera.

24 (i) If a county or city has established an authorized automated
25 traffic safety camera program under this section, the compensation paid
26 to the manufacturer or vendor of the equipment used must be based only
27 upon the value of the equipment and services provided or rendered in
28 support of the system, and may not be based upon a portion of the fine
29 or civil penalty imposed or the revenue generated by the equipment.

30 (2) Infractions detected through the use of automated traffic
31 safety cameras are not part of the registered owner's driving record
32 under RCW 46.52.101 and 46.52.120. Additionally, infractions generated
33 by the use of automated traffic safety cameras under this section shall
34 be processed in the same manner as parking infractions, including for
35 the purposes of RCW 3.50.100, 35.20.220, 46.16.216 (as recodified by
36 this act), and 46.20.270(3). However, the amount of the fine issued
37 for an infraction generated through the use of an automated traffic

1 safety camera shall not exceed the amount of a fine issued for other
2 parking infractions within the jurisdiction.

3 (3) If the registered owner of the vehicle is a rental car
4 business, the law enforcement agency shall, before a notice of
5 infraction being issued under this section, provide a written notice to
6 the rental car business that a notice of infraction may be issued to
7 the rental car business if the rental car business does not, within
8 eighteen days of receiving the written notice, provide to the issuing
9 agency by return mail:

10 (a) A statement under oath stating the name and known mailing
11 address of the individual driving or renting the vehicle when the
12 infraction occurred; or

13 (b) A statement under oath that the business is unable to determine
14 who was driving or renting the vehicle at the time the infraction
15 occurred because the vehicle was stolen at the time of the infraction.
16 A statement provided under this subsection must be accompanied by a
17 copy of a filed police report regarding the vehicle theft; or

18 (c) In lieu of identifying the vehicle operator, the rental car
19 business may pay the applicable penalty.

20 Timely mailing of this statement to the issuing law enforcement
21 agency relieves a rental car business of any liability under this
22 chapter for the notice of infraction.

23 (4) Nothing in this section prohibits a law enforcement officer
24 from issuing a notice of traffic infraction to a person in control of
25 a vehicle at the time a violation occurs under RCW 46.63.030(1) (a),
26 (b), or (c).

27 (5) For the purposes of this section, "automated traffic safety
28 camera" means a device that uses a vehicle sensor installed to work in
29 conjunction with an intersection traffic control system, a railroad
30 grade crossing control system, or a speed measuring device, and a
31 camera synchronized to automatically record one or more sequenced
32 photographs, microphotographs, or electronic images of the rear of a
33 motor vehicle at the time the vehicle fails to stop when facing a
34 steady red traffic control signal or an activated railroad grade
35 crossing control signal, or exceeds a speed limit in a school speed
36 zone as detected by a speed measuring device. During the 2009-2011
37 fiscal biennium, an automated traffic safety camera includes a camera

1 used to detect speed violations for the purposes of section 201(2),
2 chapter 470, Laws of 2009.

3 (6) During the 2009-2011 fiscal biennium, this section does not
4 apply to automated traffic safety cameras for the purposes of section
5 218(2), chapter 470, Laws of 2009.

6 **Sec. 1128.** RCW 46.68.080 and 2006 c 337 s 12 are each amended to
7 read as follows:

8 (1) (~~Motor~~) Vehicle license fees collected under ((RCW 46.16.0621
9 and 46.16.070)) sections 530 and 531 of this act and fuel taxes
10 collected under RCW 82.36.025(1) and 82.38.030(1) and directly or
11 indirectly paid by the residents of those counties composed entirely of
12 islands and which have neither a fixed physical connection with the
13 mainland nor any state highways on any of the islands of which they are
14 composed, shall be paid into the motor vehicle fund of the state of
15 Washington and shall monthly, as they accrue, and after deducting
16 therefrom the expenses of issuing such licenses and the cost of
17 collecting such vehicle fuel tax, be paid to the county treasurer of
18 each such county to be by him or her disbursed as hereinafter provided.

19 (2) One-half of the (~~motor~~) vehicle license fees collected under
20 (~~RCW 46.16.0621 and 46.16.070~~) sections 530 and 531 of this act and
21 one-half of the fuel taxes collected under RCW 82.36.025(1) and
22 82.38.030(1) and directly or indirectly paid by the residents of those
23 counties composed entirely of islands and which have either a fixed
24 physical connection with the mainland or state highways on any of the
25 islands of which they are composed, shall be paid into the motor
26 vehicle fund of the state of Washington and shall monthly, as they
27 accrue, and after deducting therefrom the expenses of issuing such
28 licenses and the cost of collecting such motor vehicle fuel tax, be
29 paid to the county treasurer of each such county to be by him or her
30 disbursed as hereinafter provided.

31 (3) All funds paid to the county treasurer of the counties of
32 either class referred to in subsections (1) and (2) of this section,
33 shall be by such county treasurer distributed and credited to the
34 several road districts of each such county and paid to the city
35 treasurer of each incorporated city and town within each such county,
36 in the direct proportion that the assessed valuation of each such road

1 district and incorporated city and town shall bear to the total
2 assessed valuation of each such county.

3 (4) The amount of motor vehicle fuel tax paid by the residents of
4 those counties composed entirely of islands shall, for the purposes of
5 this section, be that percentage of the total amount of motor vehicle
6 fuel tax collected in the state that the ((~~motor~~)) vehicle license fees
7 paid by the residents of counties composed entirely of islands bears to
8 the total ((~~motor~~)) vehicle license fees paid by the residents of the
9 state.

10 (5)(a) An amount of fuel taxes shall be deposited into the Puget
11 Sound ferry operations account. This amount shall equal the difference
12 between the total amount of fuel taxes collected in the state under RCW
13 82.36.020 and 82.38.030 less the total amount of fuel taxes collected
14 in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied
15 by a fraction. The fraction shall equal the amount of ((~~motor~~))
16 vehicle license fees collected under ((~~RCW 46.16.0621 and 46.16.070~~))
17 sections 530 and 531 of this act from counties described in subsection
18 (1) of this section divided by the total amount of ((~~motor~~)) vehicle
19 license fees collected in the state under ((~~RCW 46.16.0621 and~~
20 ~~46.16.070~~)) sections 530 and 531 of this act.

21 (b) An additional amount of fuel taxes shall be deposited into the
22 Puget Sound ferry operations account. This amount shall equal the
23 difference between the total amount of fuel taxes collected in the
24 state under RCW 82.36.020 and 82.38.030 less the total amount of fuel
25 taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1)
26 and be multiplied by a fraction. The fraction shall equal the amount
27 of ((~~motor~~)) vehicle license fees collected under ((~~RCW 46.16.0621 and~~
28 ~~46.16.070~~)) sections 530 and 531 of this act from counties described in
29 subsection (2) of this section divided by the total amount of ((~~motor~~))
30 vehicle license fees collected in the state under ((~~RCW 46.16.0621 and~~
31 ~~46.16.070~~)) sections 530 and 531 of this act, and this shall be
32 multiplied by one-half.

33 **Sec. 1129.** RCW 46.68.250 and 1996 c 184 s 6 are each amended to
34 read as follows:

35 The vehicle licensing fraud account is created in the state
36 treasury. From penalties and fines imposed under RCW 46.16.010 (as
37 recodified by this act), 47.68.255, and 88.02.118 (as recodified by

1 this act), an amount equal to the taxes and fees owed shall be
2 deposited into the account. Moneys in the account may be spent only
3 after appropriation. Expenditures from the account may be used only
4 for vehicle license fraud enforcement and collections by the Washington
5 state patrol and the department of revenue.

6 **Sec. 1130.** RCW 46.70.011 and 2006 c 364 s 1 are each amended to
7 read as follows:

8 As used in this chapter:

9 (1) "Vehicle" means and includes every device capable of being
10 moved upon a public highway and in, upon, or by which any persons or
11 property is or may be transported or drawn upon a public highway,
12 excepting devices moved by human or animal power or used exclusively
13 upon stationary rails or tracks.

14 (2) "Motor vehicle" means every vehicle which is self-propelled and
15 every vehicle which is propelled by electric power obtained from
16 overhead trolley wires, but not operated upon rails, and which is
17 required to be registered and titled under this title (~~(46 RCW, Motor~~
18 ~~Vehicles)~~).

19 (3) "Recreational vehicle" means a travel trailer, motor home,
20 truck camper, or camping trailer that is primarily designed and used as
21 temporary living quarters, is either self-propelled or mounted on or
22 drawn by another vehicle, is transient, is not occupied as a primary
23 residence, and is not immobilized or permanently affixed to a mobile
24 home lot.

25 (4) "Vehicle dealer" means any person, firm, association,
26 corporation, or trust, not excluded by subsection (5) of this section,
27 engaged in the business of buying, selling, listing, exchanging,
28 offering, brokering, leasing with an option to purchase, auctioning,
29 soliciting, or advertising the sale of new or used vehicles, or
30 arranging or offering or attempting to solicit or negotiate on behalf
31 of others, a sale, purchase, or exchange of an interest in new or used
32 motor vehicles, irrespective of whether the motor vehicles are owned by
33 that person. Vehicle dealers shall be classified as follows:

34 (a) A "motor vehicle dealer" is a vehicle dealer that deals in new
35 or used motor vehicles, or both;

36 (b) A "mobile home and travel trailer dealer" is a vehicle dealer

1 that deals in mobile homes, park trailers, or travel trailers, or more
2 than one type of these vehicles;

3 (c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals
4 in motorcycles or vehicles other than motor vehicles or mobile homes
5 and travel trailers or any combination of such vehicles;

6 (d) A "recreational vehicle dealer" is a vehicle dealer that deals
7 in travel trailers, motor homes, truck campers, or camping trailers
8 that are primarily designed and used as temporary living quarters, are
9 either self-propelled or mounted on or drawn by another vehicle, are
10 transient, are not occupied as a primary residence, and are not
11 immobilized or permanently affixed to a mobile home lot.

12 (5) (~~The term~~) "Vehicle dealer" does not include, nor do the
13 licensing requirements of RCW 46.70.021 apply to, the following
14 persons, firms, associations, or corporations:

15 (a) Receivers, trustees, administrators, executors, guardians, or
16 other persons appointed by, or acting under a judgment or order of, any
17 court; or

18 (b) Public officers while performing their official duties; or

19 (c) Employees of vehicle dealers who are engaged in the specific
20 performance of their duties as such employees; or

21 (d) Any person engaged in an isolated sale of a vehicle in which
22 that person is the registered or legal owner, or both, thereof; or

23 (e) Any person, firm, association, corporation, or trust, engaged
24 in the selling of equipment other than vehicles, subject to
25 registration, used for agricultural or industrial purposes; or

26 (f) A real estate broker licensed under chapter 18.85 RCW, or an
27 affiliated licensee, who, on behalf of another negotiates the purchase,
28 sale, lease, or exchange of a manufactured or mobile home in
29 conjunction with the purchase, sale, exchange, rental, or lease of the
30 land upon which the manufactured or mobile home is, or will be,
31 located; or

32 (g) Owners who are also operators of (~~the~~) special highway
33 construction equipment, as defined in section 144 of this act, or of
34 the highway construction equipment for which a vehicle license and
35 display vehicle license number plate is required (~~as defined in RCW~~
36 ~~46.16.010~~); or

37 (h) Any bank, trust company, savings bank, mutual savings bank,
38 savings and loan association, credit union, and any parent, subsidiary,

1 or affiliate thereof, authorized to do business in this state under
2 state or federal law with respect to the sale or other disposition of
3 a motor vehicle owned and used in their business; or with respect to
4 the acquisition and sale or other disposition of a motor vehicle in
5 which the entity has acquired an interest as a lessor, lessee, or
6 secured party; or

7 (i) Any person who is regularly engaged in the business of
8 acquiring leases or installment contracts by assignment, with respect
9 to the acquisition and sale or other disposition of a motor vehicle in
10 which the person has acquired an interest as a result of the business.

11 (6) "Vehicle salesperson" means any person who for any form of
12 compensation sells, auctions, leases with an option to purchase, or
13 offers to sell or to so lease vehicles on behalf of a vehicle dealer.

14 (7) "Department" means the department of licensing, which shall
15 administer and enforce the provisions of this chapter.

16 (8) "Director" means the director of licensing.

17 (9) "Manufacturer" means any person, firm, association,
18 corporation, or trust, resident or nonresident, who manufactures or
19 assembles new and unused vehicles or remanufactures vehicles in whole
20 or in part and further includes the terms:

21 (a) "Distributor," which means any person, firm, association,
22 corporation, or trust, resident or nonresident, who in whole or in part
23 offers for sale, sells, or distributes any new and unused vehicle to
24 vehicle dealers or who maintains factory representatives.

25 (b) "Factory branch," which means a branch office maintained by a
26 manufacturer for the purpose of selling or offering for sale, vehicles
27 to a distributor, wholesaler, or vehicle dealer, or for directing or
28 supervising in whole or in part factory or distributor representatives,
29 and further includes any sales promotion organization, whether a
30 person, firm, or corporation, which is engaged in promoting the sale of
31 new and unused vehicles in this state of a particular brand or make to
32 vehicle dealers.

33 (c) "Factory representative," which means a representative employed
34 by a manufacturer, distributor, or factory branch for the purpose of
35 making or promoting for the sale of their vehicles or for supervising
36 or contracting with their dealers or prospective dealers.

37 (10) "Established place of business" means a location meeting the

1 requirements of RCW 46.70.023(1) at which a vehicle dealer conducts
2 business in this state.

3 (11) "Principal place of business" means that dealer firm's
4 business location in the state, which place the dealer designates as
5 their principal place of business.

6 (12) "Subagency" means any place of business of a vehicle dealer
7 within the state, which place is physically and geographically
8 separated from the principal place of business of the firm or any place
9 of business of a vehicle dealer within the state, at which place the
10 firm does business using a name other than the principal name of the
11 firm, or both.

12 (13) "Temporary subagency" means a location other than the
13 principal place of business or subagency within the state where a
14 licensed vehicle dealer may secure a license to conduct the business
15 and is licensed for a period of time not to exceed ten days for a
16 specific purpose such as auto shows, shopping center promotions, tent
17 sales, exhibitions, or similar merchandising ventures. No more than
18 six temporary subagency licenses may be issued to a licensee in any
19 twelve-month period.

20 (14) "Wholesale vehicle dealer" means a vehicle dealer who buys and
21 sells other than at retail.

22 (15) "Retail vehicle dealer" means a vehicle dealer who may buy and
23 sell at both wholesale and retail.

24 (16) "Listing dealer" means a used mobile home dealer who makes
25 contracts with sellers who will compensate the dealer for obtaining a
26 willing purchaser for the seller's mobile home.

27 (17) "Auction" means a transaction conducted by means of exchanges
28 between an auctioneer and the members of the audience, constituting a
29 series of oral invitations for offers for the purchase of vehicles made
30 by the auctioneer, offers to purchase by members of the audience, and
31 the acceptance of the highest or most favorable offer to purchase.

32 (18) "Auction company" means a sole proprietorship, partnership,
33 corporation, or other legal or commercial entity licensed under chapter
34 18.11 RCW that only sells or offers to sell vehicles at auction or only
35 arranges or sponsors auctions.

36 (19) "Buyer's agent" means any person, firm, partnership,
37 association, limited liability company, limited liability partnership,
38 or corporation retained or employed by a consumer to arrange for or to

1 negotiate, or both, the purchase or lease of a new motor vehicle on
2 behalf of the consumer, and who is paid a fee or receives other
3 compensation from the consumer for its services.

4 (20) "New motor vehicle" means any motor vehicle that is self-
5 propelled and is required to be registered and titled under this title
6 (~~(46-RCW)~~), has not been previously titled to a retail purchaser or
7 lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

8 **Sec. 1131.** RCW 46.70.051 and 2001 c 272 s 4 are each amended to
9 read as follows:

10 (1) After the application has been filed, the fee paid, and bond
11 posted, if required, the department shall, if no denial order is in
12 effect and no proceeding is pending under RCW 46.70.101, issue the
13 appropriate license, which license, in the case of a vehicle dealer,
14 shall designate the classification of the dealer. Nothing prohibits a
15 vehicle dealer from obtaining licenses for more than one
16 classification, and nothing prevents any vehicle dealer from dealing in
17 other classes of vehicles on an isolated basis.

18 (2) An auction company licensed under chapter 18.11 RCW may sell at
19 auction all classifications of vehicles under a motor vehicle dealer's
20 license issued under this chapter including motor vehicles,
21 miscellaneous type vehicles, and mobile homes and travel trailers.

22 (3) At the time the department issues a vehicle dealer license, the
23 department shall provide to the dealer a current, up-to-date vehicle
24 dealer manual that may be provided electronically setting forth the
25 various statutes and rules applicable to vehicle dealers. In addition,
26 at the time any such license is renewed under RCW 46.70.083, the
27 department shall provide the dealer with any updates or current
28 revisions to the vehicle dealer manual. These updates or current
29 revisions may be provided electronically.

30 (4) The department may contract with responsible private parties to
31 provide them elements of the vehicle database on a regular basis. The
32 private parties may only disseminate this information to licensed
33 vehicle dealers.

34 (a) Subject to the disclosure agreement provisions of RCW 46.12.380
35 (as recodified by this act) and the requirements of Executive Order 97-
36 01, the department may provide to the contracted private parties the
37 following information:

1 (i) All vehicle and title data necessary to accurately disclose
2 known title defects, brands, or flags and odometer discrepancies;

3 (ii) All registered and legal owner information necessary to
4 determine true ownership of the vehicle and the existence of any
5 recorded liens, including but not limited to liens of the department of
6 social and health services or its successor; and

7 (iii) Any data in the department's possession necessary to
8 calculate the motor vehicle excise tax, license, and registration fees
9 including information necessary to determine the applicability of
10 regional transit authority excise and use tax surcharges.

11 (b) The department may provide this information in any form the
12 contracted private party and the department agree upon, but if the data
13 is to be transmitted over the Internet or similar public network from
14 the department to the contracted private party, it must be encrypted.

15 (c) The department shall give these contracted private parties
16 advance written notice of any change in the information referred to in
17 (a)(i), (ii), or (iii) of this subsection, including information
18 pertaining to the calculation of motor vehicle excise taxes.

19 (d) The department shall revoke a contract made under this
20 subsection (4) with a private party who disseminates information from
21 the vehicle database to anyone other than a licensed vehicle dealer.
22 A private party who obtains information from the vehicle database under
23 a contract with the department and disseminates any of that information
24 to anyone other than a licensed vehicle dealer is guilty of a gross
25 misdemeanor punishable under chapter 9A.20 RCW.

26 (e) Nothing in this subsection (4) authorizes a vehicle dealer or
27 any other organization or entity not otherwise appointed as a vehicle
28 licensing subagent under RCW 46.01.140 to perform any of the functions
29 of a vehicle licensing subagent so appointed.

30 **Sec. 1132.** RCW 46.70.101 and 2001 c 272 s 6 are each amended to
31 read as follows:

32 The director may by order deny, suspend, or revoke the license of
33 any vehicle dealer or vehicle manufacturer or, in lieu thereof or in
34 addition thereto, may by order assess monetary penalties of a civil
35 nature not to exceed one thousand dollars per violation, if the
36 director finds that the order is in the public interest and that the
37 applicant or licensee:

1 (1) In the case of a vehicle dealer:

2 (a) The applicant or licensee, or any partner, officer, director,
3 owner of ten percent or more of the assets of the firm, or managing
4 employee:

5 (i) Was the holder of a license issued pursuant to this chapter,
6 which was revoked for cause and never reissued by the department, or
7 which license was suspended for cause and the terms of the suspension
8 have not been fulfilled or which license was assessed a civil penalty
9 and the assessed amount has not been paid;

10 (ii) Has been adjudged guilty of a crime which directly relates to
11 the business of a vehicle dealer and the time elapsed since the
12 adjudication is less than ten years, or suffering any judgment within
13 the preceding five years in any civil action involving fraud,
14 misrepresentation, or conversion. For the purposes of this section,
15 "adjudged guilty" (~~shall~~) means in addition to a final conviction in
16 either a state or municipal court, an unvacated forfeiture of bail or
17 collateral deposited to secure a defendant's appearance in court, the
18 payment of a fine, a plea of guilty, or a finding of guilt regardless
19 of whether the sentence is deferred or the penalty is suspended;

20 (iii) Has knowingly or with reason to know made a false statement
21 of a material fact in his or her application for license or any data
22 attached thereto, or in any matter under investigation by the
23 department;

24 (iv) Has knowingly, or with reason to know, provided the department
25 with false information relating to the number of vehicle sales
26 transacted during the past one year in order to obtain a vehicle dealer
27 license plate;

28 (v) Does not have an established place of business as required in
29 this chapter;

30 (vi) Refuses to allow representatives or agents of the department
31 to inspect during normal business hours all books, records, and files
32 maintained within this state;

33 (vii) Sells, exchanges, offers, brokers, auctions, solicits, or
34 advertises a new or current model vehicle to which a factory new
35 vehicle warranty attaches and fails to have a valid, written service
36 agreement as required by this chapter, or having such agreement refuses
37 to honor the terms of such agreement within a reasonable time or
38 repudiates the same, except for sales by wholesale motor vehicle

1 auction dealers to franchise motor vehicle dealers of the same make
2 licensed under this title (~~46-RCW~~) or franchise motor vehicle dealers
3 of the same make licensed by any other state;

4 (viii) Is insolvent, either in the sense that their liabilities
5 exceed their assets, or in the sense that they cannot meet their
6 obligations as they mature;

7 (ix) Fails to pay any civil monetary penalty assessed by the
8 director pursuant to this section within ten days after such assessment
9 becomes final;

10 (x) Fails to notify the department of bankruptcy proceedings in the
11 manner required by RCW 46.70.183;

12 (xi) Knowingly, or with reason to know, allows a salesperson
13 employed by the dealer, or acting as their agent, to commit any of the
14 prohibited practices set forth in subsection (1)(a) of this section and
15 RCW 46.70.180;

16 (xii) Fails to have a current certificate or registration with the
17 department of revenue.

18 (b) The applicant or licensee, or any partner, officer, director,
19 owner of ten percent of the assets of the firm, or any employee or
20 agent:

21 (i) Has failed to comply with the applicable provisions of chapter
22 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted
23 thereunder;

24 (ii) Has defrauded or attempted to defraud the state, or a
25 political subdivision thereof of any taxes or fees in connection with
26 the sale, lease, or transfer of a vehicle;

27 (iii) Has forged the signature of the registered or legal owner on
28 a certificate of title;

29 (iv) Has purchased, sold, disposed of, or has in his or her
30 possession any vehicle which he or she knows or has reason to know has
31 been stolen or appropriated without the consent of the owner;

32 (v) Has willfully failed to deliver to a purchaser or owner a
33 certificate of (~~ownership~~) title to a vehicle which he or she has
34 sold or leased;

35 (vi) Has committed any act in violation of RCW 46.70.090 relating
36 to vehicle dealer license plates or manufacturer license plates;

37 (vii) Has committed any act in violation of RCW 46.70.180 relating
38 to unlawful acts and practices;

1 (viii) Has engaged in practices inimical to the health or safety of
2 the citizens of the state of Washington including but not limited to
3 failure to comply with standards set by the state of Washington or the
4 federal government pertaining to the construction or safety of
5 vehicles, except for sales by wholesale motor vehicle auction dealers
6 to motor vehicle dealers and vehicle wreckers licensed under this title
7 (~~46-RCW~~) or motor vehicle dealers licensed by any other state;

8 (ix) Has aided or assisted an unlicensed dealer or salesperson in
9 unlawful activity through active or passive participation in sales,
10 allowing use of facilities, dealer license number, or by any other
11 means;

12 (x) Converts or appropriates, whether temporarily or permanently,
13 property or funds belonging to a customer, dealer, or manufacturer,
14 without the consent of the owner of the property or funds; or

15 (xi) Has sold any vehicle with actual knowledge that:

16 (A) It has any of the following brands on the title:
17 "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

18 (B) It has been declared totaled out by an insurance carrier and
19 then rebuilt; or

20 (C) The vehicle title contains the specific comment that the
21 vehicle is "rebuilt";

22 without clearly disclosing that brand or comment in writing.

23 (c) The licensee or any partner, officer, director, or owner of ten
24 percent or more of the assets of the firm holds or has held any such
25 position in any other vehicle dealership licensed pursuant to this
26 chapter which is subject to final proceedings under this section.

27 (2) In the case of a manufacturer, or any partner, officer,
28 director, or majority shareholder:

29 (a) Was or is the holder of a license issued pursuant to this
30 chapter which was revoked for cause and never reissued by the
31 department, or which license was suspended for cause and the terms of
32 the suspension have not been fulfilled, or which license was assessed
33 a civil penalty and the assessed amount has not been paid;

34 (b) Has knowingly or with reason to know, made a false statement of
35 a material fact in his or her application for license, or any data
36 attached thereto, or in any matter under investigation by the
37 department;

1 (c) Has failed to comply with the applicable provisions of chapter
2 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted
3 thereunder;

4 (d) Has defrauded or attempted to defraud the state or a political
5 subdivision thereof, of any taxes or fees in connection with the sale,
6 lease, or transfer of a vehicle;

7 (e) Has purchased, sold, leased, disposed of, or has in his or her
8 possession, any vehicle which he or she knows or has reason to know has
9 been stolen or appropriated without the consent of the owner;

10 (f) Has committed any act in violation of RCW 46.70.090 relating to
11 vehicle dealer license plates and manufacturer license plates;

12 (g) Has committed any act in violation of RCW 46.70.180 relating to
13 unlawful acts and practices;

14 (h) Sells or distributes in this state or transfers into this state
15 for resale or for lease, any new or unused vehicle to which a warranty
16 attaches or has attached and refuses to honor the terms of such
17 warranty within a reasonable time or repudiates the same;

18 (i) Fails to maintain one or more resident employees or agents to
19 provide service or repairs to vehicles located within the state of
20 Washington only under the terms of any warranty attached to new or
21 unused vehicles manufactured and which are or have been sold or
22 distributed in this state or transferred into this state for resale or
23 for lease unless such manufacturer requires warranty service to be
24 performed by all of its dealers pursuant to a current service agreement
25 on file with the department;

26 (j) Fails to reimburse within a reasonable time any vehicle dealer
27 within the state of Washington who in good faith incurs reasonable
28 obligations in giving effect to warranties that attach or have attached
29 to any new or unused vehicle sold, leased, or distributed in this state
30 or transferred into this state for resale or for lease by any such
31 manufacturer;

32 (k) Engaged in practices inimical to the health and safety of the
33 citizens of the state of Washington including, but not limited to,
34 failure to comply with standards set by the state of Washington or the
35 federal government pertaining to the construction and safety of
36 vehicles;

37 (l) Is insolvent either in the sense that his or her liabilities

1 exceed his or her assets or in the sense that he or she cannot meet his
2 or her obligations as they mature;

3 (m) Fails to notify the department of bankruptcy proceedings in the
4 manner required by RCW 46.70.183.

5 **Sec. 1133.** RCW 46.70.122 and 2001 c 272 s 8 are each amended to
6 read as follows:

7 (1) If the purchaser or transferee is a dealer he or she shall, on
8 selling, leasing, or otherwise disposing of the vehicle, promptly
9 execute the assignment and warranty of title, in such form as the
10 director shall prescribe.

11 (2) The assignment and warranty shall show any secured party
12 holding a security interest created or reserved at the time of resale
13 or lease, to which shall be attached the assigned certificate(~~(s)~~) of
14 (~~(ownership)~~) title and (~~(license)~~) registration certificate received
15 by the dealer. The dealer shall mail or deliver them to the department
16 with the transferee's application for the issuance of new
17 certificate(~~(s)~~) of (~~(ownership)~~) title and (~~(license)~~) registration
18 certificate. The (~~(title)~~) certificate of title issued for a vehicle
19 possessed by a dealer and subject to a security interest shall be
20 delivered to the secured party who upon request of the dealer's
21 transferee shall, unless the transfer was a breach of the security
22 agreement, either deliver the certificate to the transferee for
23 transmission to the department, or upon receipt from the transferee of
24 the owner's bill of sale or sale document, the transferee's application
25 for a new certificate and the required fee, mail or deliver to the
26 department. Failure of a dealer to deliver the (~~(title)~~) certificate
27 of title to the secured party does not affect perfection of the
28 security interest.

29 **Sec. 1134.** RCW 46.70.124 and 1994 c 262 s 11 are each amended to
30 read as follows:

31 A vehicle dealer(~~(s)~~) shall possess a separate certificate of
32 (~~(ownership)~~) title or other evidence of ownership approved by the
33 department for each used vehicle kept in the dealer's possession.
34 Evidence of ownership shall be either in the name of the dealer or in
35 the name of the dealer's immediate vendor properly assigned. In the

1 case of consigned vehicles, the vehicle dealer may possess a completed
2 consignment contract that includes a guaranteed title from the seller
3 in lieu of the required certificate of (~~ownership~~) title.

4 **Sec. 1135.** RCW 46.70.135 and 1994 c 284 s 11 are each amended to
5 read as follows:

6 Mobile home manufacturers and mobile home dealers who sell mobile
7 homes to be assembled on site and used as residences in this state
8 shall conform to the following requirements:

9 (1) No new manufactured home may be sold unless the purchaser is
10 provided with a manufacturer's written warranty for construction of the
11 home in compliance with the Magnuson-Moss Warranty Act (88 Stat. 2183;
12 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

13 (2) No new manufactured home may be sold unless the purchaser is
14 provided with a dealer's written warranty for all installation services
15 performed by the dealer.

16 (3) The warranties required by subsections (1) and (2) of this
17 section shall be valid for a minimum of one year measured from the date
18 of delivery and shall not be invalidated by resale by the original
19 purchaser to a subsequent purchaser or by the certificate of
20 (~~ownership~~) title being eliminated or not issued as described in
21 chapter 65.20 RCW. Copies of the warranties shall be given to the
22 purchaser upon signing a purchase agreement and shall include an
23 explanation of remedies available to the purchaser under state and
24 federal law for breach of warranty, the name and address of the federal
25 department of housing and urban development and the state departments
26 of licensing and labor and industries, and a brief description of the
27 duties of these agencies concerning mobile homes.

28 (4) Warranty service shall be completed within forty-five days
29 after the owner gives written notice of the defect unless there is a
30 bona fide dispute between the parties. Warranty service for a defect
31 affecting health or safety shall be completed within seventy-two hours
32 of receipt of written notice. Warranty service shall be performed on
33 site and a written work order describing labor performed and parts used
34 shall be completed and signed by the service agent and the owner. If
35 the owner's signature cannot be obtained, the reasons shall be
36 described on the work order. Work orders shall be retained by the
37 dealer or manufacturer for a period of three years.

1 (5) Before delivery of possession of the home to the purchaser, an
2 inspection shall be performed by the dealer or his or her agent and by
3 the purchaser or his or her agent which shall include a test of all
4 systems of the home to insure proper operation, unless such systems
5 test is delayed pursuant to this subsection. At the time of the
6 inspection, the purchaser shall be given copies of all documents
7 required by state or federal agencies to be supplied by the
8 manufacturer with the home which have not previously been provided as
9 required under subsection (3) of this section, and the dealer shall
10 complete any required purchaser information card and forward the card
11 to the manufacturer. A purchaser is deemed to have taken delivery of
12 the manufactured home when all three of the following events have
13 occurred: (a) The contractual obligations between the purchaser and
14 the seller have been met; (b) the inspection of the home is completed;
15 and (c) the systems test of the home has been completed subsequent to
16 the installation of the home, or fifteen days has elapsed since the
17 transport of the home to the site where it will be installed, whichever
18 is earlier. Occupancy of the manufactured home shall only occur after
19 the systems test has occurred and all required utility connections have
20 been approved after inspection.

21 (6) Manufacturer and dealer advertising which states the dimensions
22 of a home shall not include the length of the draw bar assembly in a
23 listed dimension, and shall state the square footage of the actual
24 floor area.

25 **Sec. 1136.** RCW 46.70.180 and 2009 c 123 s 1 and 2009 c 49 s 1 are
26 each reenacted and amended to read as follows:

27 Each of the following acts or practices is unlawful:

28 (1) To cause or permit to be advertised, printed, displayed,
29 published, distributed, broadcasted, televised, or disseminated in any
30 manner whatsoever, any statement or representation with regard to the
31 sale, lease, or financing of a vehicle which is false, deceptive, or
32 misleading, including but not limited to the following:

33 (a) That no down payment is required in connection with the sale of
34 a vehicle when a down payment is in fact required, or that a vehicle
35 may be purchased for a smaller down payment than is actually required;

36 (b) That a certain percentage of the sale price of a vehicle may be

1 financed when such financing is not offered in a single document
2 evidencing the entire security transaction;

3 (c) That a certain percentage is the amount of the service charge
4 to be charged for financing, without stating whether this percentage
5 charge is a monthly amount or an amount to be charged per year;

6 (d) That a new vehicle will be sold for a certain amount above or
7 below cost without computing cost as the exact amount of the factory
8 invoice on the specific vehicle to be sold;

9 (e) That a vehicle will be sold upon a monthly payment of a certain
10 amount, without including in the statement the number of payments of
11 that same amount which are required to liquidate the unpaid purchase
12 price.

13 (2)(a)(i) To incorporate within the terms of any purchase and sale
14 or lease agreement any statement or representation with regard to the
15 sale, lease, or financing of a vehicle which is false, deceptive, or
16 misleading, including but not limited to terms that include as an added
17 cost to the selling price or capitalized cost of a vehicle an amount
18 for licensing or transfer of title of that vehicle which is not
19 actually due to the state, unless such amount has in fact been paid by
20 the dealer prior to such sale.

21 (ii) However, an amount not to exceed the applicable amount
22 provided in (iii)(A) and (B) of this subsection (2)(a) per vehicle sale
23 or lease may be charged by a dealer to recover administrative costs for
24 collecting motor vehicle excise taxes, licensing and registration fees
25 and other agency fees, verifying and clearing titles, transferring
26 titles, perfecting, releasing, or satisfying liens or other security
27 interests, and other administrative and documentary services rendered
28 by a dealer in connection with the sale or lease of a vehicle and in
29 carrying out the requirements of this chapter or any other provisions
30 of state law.

31 (iii) A dealer may charge under (a)(ii) of this subsection:

32 (A) As of July 26, 2009, through June 30, 2014, an amount not to
33 exceed one hundred fifty dollars; and

34 (B) As of July 1, 2014, an amount not to exceed fifty dollars.

35 (b) A dealer may charge the documentary service fee in (a) of this
36 subsection under the following conditions:

37 (i) The documentary service fee is disclosed in writing to a

1 prospective purchaser or lessee before the execution of a purchase and
2 sale or lease agreement;

3 (ii) The dealer discloses to the purchaser or lessee in writing
4 that the documentary service fee is a negotiable fee. The disclosure
5 must be written in a typeface that is at least as large as the typeface
6 used in the standard text of the document that contains the disclosure
7 and that is bold faced, capitalized, underlined, or otherwise set out
8 from the surrounding material so as to be conspicuous. The dealer
9 shall not represent to the purchaser or lessee that the fee or charge
10 is required by the state to be paid by either the dealer or prospective
11 purchaser or lessee;

12 (iii) The documentary service fee is separately designated from the
13 selling price or capitalized cost of the vehicle and from any other
14 taxes, fees, or charges; and

15 (iv) Dealers disclose in any advertisement that a documentary
16 service fee in an amount provided in (iv)(A) and (B) of this subsection
17 (2)(b) may be added to the sale price or the capitalized cost:

18 (A) As of July 26, 2009, through June 30, 2014, an amount up to one
19 hundred fifty dollars; and

20 (B) As of July 1, 2014, an amount up to fifty dollars.

21 For the purposes of this subsection (2), the term "documentary
22 service fee" means the optional amount charged by a dealer to provide
23 the services specified in (a) of this subsection.

24 (3) To set up, promote, or aid in the promotion of a plan by which
25 vehicles are to be sold or leased to a person for a consideration and
26 upon further consideration that the purchaser or lessee agrees to
27 secure one or more persons to participate in the plan by respectively
28 making a similar purchase and in turn agreeing to secure one or more
29 persons likewise to join in said plan, each purchaser or lessee being
30 given the right to secure money, credits, goods, or something of value,
31 depending upon the number of persons joining the plan.

32 (4) To commit, allow, or ratify any act of "bushing" which is
33 defined as follows: Entering into a written contract, written purchase
34 order or agreement, retail installment sales agreement, note and
35 security agreement, or written lease agreement, hereinafter
36 collectively referred to as contract or lease, signed by the
37 prospective buyer or lessee of a vehicle, which:

1 (a) Is subject to any conditions or the dealer's or his or her
2 authorized representative's future acceptance, and the dealer fails or
3 refuses within four calendar days, exclusive of Saturday, Sunday, or
4 legal holiday, and prior to any further negotiations with said buyer or
5 lessee to inform the buyer or lessee either: (i) That the dealer
6 unconditionally accepts the contract or lease, having satisfied,
7 removed, or waived all conditions to acceptance or performance,
8 including, but not limited to, financing, assignment, or lease
9 approval; or (ii) that the dealer rejects the contract or lease,
10 thereby automatically voiding the contract or lease, as long as such
11 voiding does not negate commercially reasonable contract or lease
12 provisions pertaining to the return of the subject vehicle and any
13 physical damage, excessive mileage after the demand for return of the
14 vehicle, and attorneys' fees authorized by law, and tenders the refund
15 of any initial payment or security made or given by the buyer or
16 lessee, including, but not limited to, any down payment, and tenders
17 return of the trade-in vehicle, key, other trade-in, or certificate of
18 title to a trade-in. Tender may be conditioned on return of the
19 subject vehicle if previously delivered to the buyer or lessee.

20 The provisions of this subsection (4)(a) do not impair, prejudice,
21 or abrogate the rights of a dealer to assert a claim against the buyer
22 or lessee for misrepresentation or breach of contract and to exercise
23 all remedies available at law or in equity, including those under
24 chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing
25 company discovers that approval of the contract or financing or
26 approval of the lease was based upon material misrepresentations made
27 by the buyer or lessee, including, but not limited to,
28 misrepresentations regarding income, employment, or debt of the buyer
29 or lessee, as long as the dealer, or his or her staff, has not, with
30 knowledge of the material misrepresentation, aided, assisted,
31 encouraged, or participated, directly or indirectly, in the
32 misrepresentation. A dealer shall not be in violation of this
33 subsection (4)(a) if the buyer or lessee made a material
34 misrepresentation to the dealer, as long as the dealer, or his or her
35 staff, has not, with knowledge of the material misrepresentation,
36 aided, assisted, encouraged, or participated, directly or indirectly,
37 in the misrepresentation.

1 When a dealer informs a buyer or lessee under this subsection
2 (4)(a) regarding the unconditional acceptance or rejection of the
3 contract, lease, or financing by an electronic mail message, the dealer
4 must also transmit the communication by any additional means;

5 (b) Permits the dealer to renegotiate a dollar amount specified as
6 trade-in allowance on a vehicle delivered or to be delivered by the
7 buyer or lessee as part of the purchase price or lease, for any reason
8 except:

9 (i) Failure to disclose that the vehicle's certificate of
10 (~~ownership~~) title has been branded for any reason, including, but not
11 limited to, status as a rebuilt vehicle as provided in RCW 46.12.050
12 (as recodified by this act) and (~~46.12.075~~) section 303 of this act;
13 or

14 (ii) Substantial physical damage or latent mechanical defect
15 occurring before the dealer took possession of the vehicle and which
16 could not have been reasonably discoverable at the time of the taking
17 of the order, offer, or contract; or

18 (iii) Excessive additional miles or a discrepancy in the mileage.
19 "Excessive additional miles" means the addition of five hundred miles
20 or more, as reflected on the vehicle's odometer, between the time the
21 vehicle was first valued by the dealer for purposes of determining its
22 trade-in value and the time of actual delivery of the vehicle to the
23 dealer. "A discrepancy in the mileage" means (A) a discrepancy between
24 the mileage reflected on the vehicle's odometer and the stated mileage
25 on the signed odometer statement; or (B) a discrepancy between the
26 mileage stated on the signed odometer statement and the actual mileage
27 on the vehicle; or

28 (c) Fails to comply with the obligation of any written warranty or
29 guarantee given by the dealer requiring the furnishing of services or
30 repairs within a reasonable time.

31 (5) To commit any offense relating to odometers, as such offenses
32 are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A
33 violation of this subsection is a class C felony punishable under
34 chapter 9A.20 RCW.

35 (6) For any vehicle dealer or vehicle salesperson to refuse to
36 furnish, upon request of a prospective purchaser or lessee, for
37 vehicles previously registered to a business or governmental entity,
38 the name and address of the business or governmental entity.

1 (7) To commit any other offense under RCW 46.37.423, 46.37.424, or
2 46.37.425.

3 (8) To commit any offense relating to a dealer's temporary license
4 permit, including but not limited to failure to properly complete each
5 such permit, or the issuance of more than one such permit on any one
6 vehicle. However, a dealer may issue a second temporary permit on a
7 vehicle if the following conditions are met:

8 (a) The lienholder fails to deliver the vehicle title to the dealer
9 within the required time period;

10 (b) The dealer has satisfied the lien; and

11 (c) The dealer has proof that payment of the lien was made within
12 two calendar days, exclusive of Saturday, Sunday, or a legal holiday,
13 after the sales contract has been executed by all parties and all
14 conditions and contingencies in the sales contract have been met or
15 otherwise satisfied.

16 (9) For a dealer, salesperson, or mobile home manufacturer, having
17 taken an instrument or cash "on deposit" from a purchaser or lessee
18 prior to the delivery of the bargained-for vehicle, to commingle the
19 "on deposit" funds with assets of the dealer, salesperson, or mobile
20 home manufacturer instead of holding the "on deposit" funds as trustee
21 in a separate trust account until the purchaser or lessee has taken
22 delivery of the bargained-for vehicle. Delivery of a manufactured home
23 shall be deemed to occur in accordance with RCW 46.70.135(5). Failure,
24 immediately upon receipt, to endorse "on deposit" instruments to such
25 a trust account, or to set aside "on deposit" cash for deposit in such
26 trust account, and failure to deposit such instruments or cash in such
27 trust account by the close of banking hours on the day following
28 receipt thereof, shall be evidence of intent to commit this unlawful
29 practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a
30 separate trust account which equals his or her customary total customer
31 deposits for vehicles for future delivery. For purposes of this
32 section, "on deposit" funds received from a purchaser of a manufactured
33 home means those funds that a seller requires a purchaser to advance
34 before ordering the manufactured home, but does not include any loan
35 proceeds or moneys that might have been paid on an installment
36 contract.

37 (10) For a dealer or manufacturer to fail to comply with the
38 obligations of any written warranty or guarantee given by the dealer or

1 manufacturer requiring the furnishing of goods and services or repairs
2 within a reasonable period of time, or to fail to furnish to a
3 purchaser or lessee, all parts which attach to the manufactured unit
4 including but not limited to the undercarriage, and all items specified
5 in the terms of a sales or lease agreement signed by the seller and
6 buyer or lessee.

7 (11) For a vehicle dealer to pay to or receive from any person,
8 firm, partnership, association, or corporation acting, either directly
9 or through a subsidiary, as a buyer's agent for consumers, any
10 compensation, fee, purchase moneys or funds that have been deposited
11 into or withdrawn out of any account controlled or used by any buyer's
12 agent, gratuity, or reward in connection with the purchase, sale, or
13 lease of a new motor vehicle.

14 (12) For a buyer's agent, acting directly or through a subsidiary,
15 to pay to or to receive from any motor vehicle dealer any compensation,
16 fee, gratuity, or reward in connection with the purchase, sale, or
17 lease of a new motor vehicle. In addition, it is unlawful for any
18 buyer's agent to engage in any of the following acts on behalf of or in
19 the name of the consumer:

20 (a) Receiving or paying any purchase moneys or funds into or out of
21 any account controlled or used by any buyer's agent;

22 (b) Signing any vehicle purchase orders, sales contracts, leases,
23 odometer statements, or title documents, or having the name of the
24 buyer's agent appear on the vehicle purchase order, sales contract,
25 lease, or title; or

26 (c) Signing any other documentation relating to the purchase, sale,
27 lease, or transfer of any new motor vehicle.

28 It is unlawful for a buyer's agent to use a power of attorney
29 obtained from the consumer to accomplish or effect the purchase, sale,
30 lease, or transfer of ownership documents of any new motor vehicle by
31 any means which would otherwise be prohibited under (a) through (c) of
32 this subsection. However, the buyer's agent may use a power of
33 attorney for physical delivery of motor vehicle license plates to the
34 consumer.

35 Further, it is unlawful for a buyer's agent to engage in any false,
36 deceptive, or misleading advertising, disseminated in any manner
37 whatsoever, including but not limited to making any claim or statement

1 that the buyer's agent offers, obtains, or guarantees the lowest price
2 on any motor vehicle or words to similar effect.

3 (13) For a buyer's agent to arrange for or to negotiate the
4 purchase, or both, of a new motor vehicle through an out-of-state
5 dealer without disclosing in writing to the customer that the new
6 vehicle would not be subject to chapter 19.118 RCW. This subsection
7 also applies to leased vehicles. In addition, it is unlawful for any
8 buyer's agent to fail to have a written agreement with the customer
9 that: (a) Sets forth the terms of the parties' agreement; (b)
10 discloses to the customer the total amount of any fees or other
11 compensation being paid by the customer to the buyer's agent for the
12 agent's services; and (c) further discloses whether the fee or any
13 portion of the fee is refundable.

14 (14) Being a manufacturer, other than a motorcycle manufacturer
15 governed by chapter 46.93 RCW, to:

16 (a) Coerce or attempt to coerce any vehicle dealer to order or
17 accept delivery of any vehicle or vehicles, parts or accessories, or
18 any other commodities which have not been voluntarily ordered by the
19 vehicle dealer: PROVIDED, That recommendation, endorsement,
20 exposition, persuasion, urging, or argument are not deemed to
21 constitute coercion;

22 (b) Cancel or fail to renew the franchise or selling agreement of
23 any vehicle dealer doing business in this state without fairly
24 compensating the dealer at a fair going business value for his or her
25 capital investment which shall include but not be limited to tools,
26 equipment, and parts inventory possessed by the dealer on the day he or
27 she is notified of such cancellation or termination and which are still
28 within the dealer's possession on the day the cancellation or
29 termination is effective, if: (i) The capital investment has been
30 entered into with reasonable and prudent business judgment for the
31 purpose of fulfilling the franchise; and (ii) the cancellation or
32 nonrenewal was not done in good faith. Good faith is defined as the
33 duty of each party to any franchise to act in a fair and equitable
34 manner towards each other, so as to guarantee one party freedom from
35 coercion, intimidation, or threats of coercion or intimidation from the
36 other party: PROVIDED, That recommendation, endorsement, exposition,
37 persuasion, urging, or argument are not deemed to constitute a lack of
38 good faith;

1 (c) Encourage, aid, abet, or teach a vehicle dealer to sell or
2 lease vehicles through any false, deceptive, or misleading sales or
3 financing practices including but not limited to those practices
4 declared unlawful in this section;

5 (d) Coerce or attempt to coerce a vehicle dealer to engage in any
6 practice forbidden in this section by either threats of actual
7 cancellation or failure to renew the dealer's franchise agreement;

8 (e) Refuse to deliver any vehicle publicly advertised for immediate
9 delivery to any duly licensed vehicle dealer having a franchise or
10 contractual agreement for the retail sale or lease of new and unused
11 vehicles sold or distributed by such manufacturer within sixty days
12 after such dealer's order has been received in writing unless caused by
13 inability to deliver because of shortage or curtailment of material,
14 labor, transportation, or utility services, or by any labor or
15 production difficulty, or by any cause beyond the reasonable control of
16 the manufacturer;

17 (f) To provide under the terms of any warranty that a purchaser or
18 lessee of any new or unused vehicle that has been sold or leased,
19 distributed for sale or lease, or transferred into this state for
20 resale or lease by the vehicle manufacturer may only make any warranty
21 claim on any item included as an integral part of the vehicle against
22 the manufacturer of that item.

23 Nothing in this section may be construed to impair the obligations
24 of a contract or to prevent a manufacturer, distributor,
25 representative, or any other person, whether or not licensed under this
26 chapter, from requiring performance of a written contract entered into
27 with any licensee hereunder, nor does the requirement of such
28 performance constitute a violation of any of the provisions of this
29 section if any such contract or the terms thereof requiring
30 performance, have been freely entered into and executed between the
31 contracting parties. This paragraph and subsection (14)(b) of this
32 section do not apply to new motor vehicle manufacturers governed by
33 chapter 46.96 RCW.

34 (15) Unlawful transfer of an ownership interest in a motor vehicle
35 as defined in RCW 19.116.050.

36 (16) To knowingly and intentionally engage in collusion with a
37 registered owner of a vehicle to repossess and return or resell the
38 vehicle to the registered owner in an attempt to avoid a suspended

1 license impound under chapter 46.55 RCW. However, compliance with
2 chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise
3 disposing of the vehicle, including providing redemption rights to the
4 debtor, is not a violation of this section.

5 (17)(a) For a dealer to enter into a new motor vehicle sales
6 contract without disclosing in writing to a buyer of the new motor
7 vehicle, or to a dealer in the case of an unregistered motor vehicle,
8 any known damage and repair to the new motor vehicle if the damage
9 exceeds five percent of the manufacturer's suggested retail price as
10 calculated at the dealer's authorized warranty rate for labor and
11 parts, or one thousand dollars, whichever amount is greater. A
12 manufacturer or new motor vehicle dealer is not required to disclose to
13 a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a
14 new motor vehicle were damaged at any time if the damaged item has been
15 replaced with original or comparable equipment. A replaced part is not
16 part of the cumulative damage required to be disclosed under this
17 subsection.

18 (b) A manufacturer is required to provide the same disclosure to a
19 dealer of any known damage or repair as required in (a) of this
20 subsection.

21 (c) If disclosure of any known damage or repair is not required
22 under this section, a buyer may not revoke or rescind a sales contract
23 due to the fact that the new motor vehicle was damaged and repaired
24 before completion of the sale.

25 (d) As used in this section:

26 (i) "Cosmetic parts" means parts that are attached by and can be
27 replaced in total through the use of screws, bolts, or other fasteners
28 without the use of welding or thermal cutting, and includes
29 windshields, bumpers, hoods, or trim panels.

30 (ii) "Manufacturer's suggested retail price" means the retail price
31 of the new motor vehicle suggested by the manufacturer, and includes
32 the retail delivered price suggested by the manufacturer for each
33 accessory or item of optional equipment physically attached to the new
34 motor vehicle at the time of delivery to the new motor vehicle dealer
35 that is not included within the retail price suggested by the
36 manufacturer for the new motor vehicle.

1 **Sec. 1137.** RCW 46.72.060 and 1961 c 12 s 46.72.060 are each
2 amended to read as follows:

3 Every person having a cause of action for damages against any
4 person, firm, or corporation receiving a permit under the provisions of
5 this chapter, for injury, damages or wrongful death caused by any
6 careless, negligent or unlawful act of any such person, firm, or
7 corporation or his, their, or its agents or employees in conducting or
8 carrying on said business or in operating any motor propelled vehicle
9 for the carrying and transporting of passengers (~~over and along~~) on
10 any public street, road or highway shall have a cause of action against
11 the principal and surety upon the bond or the insurance company and the
12 insured for all damages sustained, and in any such action the full
13 amount of damages sustained may be recovered against the principal, but
14 the recovery against the surety shall be limited to the amount of the
15 bond.

16 **Sec. 1138.** RCW 46.80.010 and 1999 c 278 s 1 are each amended to
17 read as follows:

18 The definitions set forth in this section apply throughout this
19 chapter.

20 (1) "Vehicle wrecker" means every person, firm, partnership,
21 association, or corporation engaged in the business of buying, selling,
22 or dealing in vehicles of a type required to be (~~licensed~~) registered
23 under the laws of this state, for the purpose of wrecking, dismantling,
24 disassembling, or substantially changing the form of a vehicle, or who
25 buys or sells integral secondhand parts of component material thereof,
26 in whole or in part, or who deals in secondhand vehicle parts.

27 (2) "Core" means a major component part received by a vehicle
28 wrecker in exchange for a like part sold by the vehicle wrecker, is not
29 resold as a major component part except for scrap metal value or for
30 remanufacture, and the vehicle wrecker maintains records for three
31 years from the date of acquisition to identify the name of the person
32 from whom the core was received.

33 (3) "Established place of business" means a building or enclosure
34 which the vehicle wrecker occupies either continuously or at regular
35 periods and where his books and records are kept and business is
36 transacted and which must conform with zoning regulations.

1 (4) "Interim owner" means the owner of a vehicle who has the
2 original certificate of (~~ownership~~) title for the vehicle, which
3 certificate has been released by the person named on the certificate
4 and assigned to the person offering to sell the vehicle to the wrecker.

5 (5) "Major component part" includes at least each of the following
6 vehicle parts: (a) Engines and short blocks; (b) frame; (c)
7 transmission and/or transfer case; (d) cab; (e) door; (f) front or rear
8 differential; (g) front or rear clip; (h) quarter panel; (i) truck bed
9 or box; (j) seat; (k) hood; (l) bumper; (m) fender; and (n) airbag.
10 The director may supplement this list by rule.

11 (6) "Wrecked vehicle" means a vehicle which is disassembled or
12 dismantled or a vehicle which is acquired with the intent to dismantle
13 or disassemble and never again to operate as a vehicle, or a vehicle
14 which has sustained such damage that its cost to repair exceeds the
15 fair market value of a like vehicle which has not sustained such
16 damage, or a damaged vehicle whose salvage value plus cost to repair
17 equals or exceeds its fair market value, if repaired, or a vehicle
18 which has sustained such damage or deterioration that it may not
19 lawfully operate upon the highways of this state for which the salvage
20 value plus cost to repair exceeds its fair market value, if repaired;
21 further, it is presumed that a vehicle is a wreck if it has sustained
22 such damage or deterioration that it may not lawfully operate upon the
23 highways of this state.

24 **Sec. 1139.** RCW 46.80.090 and 1999 c 278 s 3 are each amended to
25 read as follows:

26 Within thirty days after acquiring a vehicle, the vehicle wrecker
27 shall furnish a written report to the department. This report shall be
28 in such form as the department shall prescribe and shall be accompanied
29 by evidence of ownership as determined by the department. No vehicle
30 wrecker may acquire a vehicle, including a vehicle from an interim
31 owner, without first obtaining evidence of ownership as determined by
32 the department. For a vehicle from an interim owner, the evidence of
33 ownership may not require that a title be issued in the name of the
34 interim owner as required by RCW 46.12.101 (as recodified by this act).
35 The vehicle wrecker shall furnish a monthly report of all acquired
36 vehicles. This report shall be made on forms prescribed by the
37 department and contain such information as the department may require.

1 This statement shall be signed by the vehicle wrecker or an authorized
2 representative and the facts therein sworn to before a notary public,
3 or before an officer or employee of the department designated by the
4 director to administer oaths or acknowledge signatures, pursuant to RCW
5 46.01.180.

6 **Sec. 1140.** RCW 46.87.010 and 2005 c 194 s 1 are each amended to
7 read as follows:

8 This chapter applies to proportional registration and reciprocity
9 granted under the provisions of the International Registration Plan
10 (IRP). This chapter shall become effective and be implemented
11 beginning with the 1988 registration year.

12 (1) Provisions and terms of the IRP prevail unless given a
13 different meaning in chapter 46.04 RCW, this chapter, or in rules
14 adopted under the authority of this chapter.

15 (2) The director may adopt and enforce rules deemed necessary to
16 implement and administer this chapter.

17 (3) Owners having a fleet of apportionable vehicles operating in
18 two or more IRP member jurisdictions may elect to proportionally
19 register the vehicles of the fleet under the provisions of the IRP and
20 this chapter in lieu of full or temporary registration as provided for
21 in chapter((s)) 46.16 ((~~or 46.88~~)) RCW.

22 (4) If a due date or an expiration date established under authority
23 of this chapter falls on a Saturday, Sunday, or a state legal holiday,
24 such period is automatically extended through the end of the next
25 business day.

26 **Sec. 1141.** RCW 46.87.020 and 2005 c 194 s 2 are each amended to
27 read as follows:

28 Terms used in this chapter have the meaning given to them in the
29 International Registration Plan (IRP), in chapter 46.04 RCW, or as
30 otherwise defined in this section. Definitions given to terms by the
31 IRP prevail unless given a different meaning in this chapter or in
32 rules adopted under authority of this chapter.

33 (1) "Apportionable vehicle" has the meaning given by the IRP,
34 except that it does not include vehicles with a declared gross weight
35 of twelve thousand pounds or less. Apportionable vehicles include

1 trucks, tractors, truck tractors, road tractors, and buses, each as
2 separate and licensable vehicles.

3 (2) "Cab card" is a certificate of registration issued for a
4 vehicle upon which is disclosed the jurisdictions and registered gross
5 weights in such jurisdictions for which the vehicle is registered.

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

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

14 (5) "Declared gross weight" means the total unladen weight of any
15 vehicle plus the weight of the maximum load to be carried on the
16 vehicle as set by the registrant in the application pursuant to chapter
17 46.44 RCW and for which registration fees have been or are to be paid.
18 In the case of a bus, auto stage, or a passenger-carrying for hire
19 vehicle with a seating capacity of more than six, the declared gross
20 weight shall be determined by multiplying the average load factor of
21 one hundred and fifty pounds by the number of seats in the vehicle,
22 including the driver's seat, and add this amount to the unladen weight
23 of the vehicle. If the resultant gross weight is not listed in ((RCW
24 ~~46.16.070~~) section 530 of this act, it will be increased to the next
25 higher gross weight so listed pursuant to chapter 46.44 RCW.

26 (6) "Department" means the department of licensing.

27 (7) "Fleet" means one or more apportionable vehicles in the IRP.

28 (8) "In-jurisdiction miles" means the total miles accumulated in a
29 jurisdiction during the preceding year by vehicles of the fleet while
30 they were a part of the fleet.

31 (9) "IRP" means the International Registration Plan.

32 (10) "Jurisdiction" means and includes a state, territory or
33 possession of the United States, the District of Columbia, the
34 Commonwealth of Puerto Rico, a foreign country, and a state or province
35 of a foreign country.

36 (11) "Motor carrier" means an entity engaged in the transportation
37 of goods or persons. The term includes a for-hire motor carrier,

1 private motor carrier, contract motor carrier, or exempt motor carrier.
2 The term includes a registrant licensed under this chapter, a motor
3 vehicle lessor, and a motor vehicle lessee.

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

14 (13) "Preceding year" means the period of twelve consecutive months
15 immediately before July 1st of the year immediately before the
16 commencement of the registration or license year for which apportioned
17 registration is sought.

18 (14) "Prorate percentage" is the factor that is applied to the
19 total proratable fees and taxes to determine the apportionable or
20 prorate fees required for registration in a particular jurisdiction.
21 It is determined by dividing the in-jurisdiction miles for a particular
22 jurisdiction by the total miles. This term is synonymous with the term
23 "mileage percentage."

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

26 (16) "Registration year" means the twelve-month period during which
27 the registration plates issued by the base jurisdiction are valid
28 according to the laws of the base jurisdiction.

29 (17) "Total miles" means the total number of miles accumulated in
30 all jurisdictions during the preceding year by all vehicles of the
31 fleet while they were a part of the fleet. Mileage accumulated by
32 vehicles of the fleet that did not engage in interstate operations is
33 not included in the fleet miles.

34 **Sec. 1142.** RCW 46.87.030 and 2005 c 194 s 3 are each amended to
35 read as follows:

36 (1) When application to register an apportionable vehicle is made,
37 the Washington prorated fees may be reduced by one-twelfth for each

1 full registration month that has elapsed at the time a temporary
2 authorization permit (TAP) was issued or if no TAP was issued, at such
3 time as an application for registration is received in the department.
4 If a vehicle is being added to a currently registered fleet, the
5 prorated percentage previously established for the fleet for such
6 registration year shall be used in the computation of the proportional
7 fees and taxes due.

8 (2) If any vehicle is withdrawn from a proportionally registered
9 fleet during the period for which it is registered under this chapter,
10 the registrant of the fleet shall notify the department on appropriate
11 forms prescribed by the department. The department may require the
12 registrant to surrender credentials that were issued to the vehicle.
13 If a motor vehicle is permanently withdrawn from a proportionally
14 registered fleet because it has been destroyed, sold, or otherwise
15 completely removed from the service of the fleet registrant, the unused
16 portion of the (~~licensing~~) license fee paid under (~~RCW 46.16.070~~)
17 section 530 of this act with respect to the vehicle reduced by one-
18 twelfth for each calendar month and fraction thereof elapsing between
19 the first day of the month of the current registration year in which
20 the vehicle was registered and the date the notice of withdrawal,
21 accompanied by such credentials as may be required, is received in the
22 department, shall be credited to the fleet proportional registration
23 account of the registrant. Credit shall be applied against the
24 (~~licensing~~) license fee liability for subsequent additions of motor
25 vehicles to be proportionally registered in the fleet during such
26 registration year or for additional (~~licensing~~) license fees due
27 under (~~RCW 46.16.070~~) section 530 of this act or to be due upon audit
28 under RCW 46.87.310. If any credit is less than fifteen dollars, no
29 credit will be entered. In lieu of credit, the registrant may choose
30 to transfer the unused portion of the (~~licensing~~) license fee for the
31 motor vehicle to the new owner, in which case it shall remain with the
32 motor vehicle for which it was originally paid. In no event may any
33 amount be credited against fees other than those for the registration
34 year from which the credit was obtained nor is any amount subject to
35 refund.

36 **Sec. 1143.** RCW 46.87.140 and 2005 c 194 s 9 are each amended to
37 read as follows:

1 (1) Any owner engaged in interstate operations of one or more
2 fleets of apportionable vehicles may, in lieu of registration of the
3 vehicles under chapter 46.16 RCW, register and license the vehicles of
4 each fleet under this chapter by filing a proportional registration
5 application for each fleet with the department. The application shall
6 contain the following information and such other information pertinent
7 to vehicle registration as the department may require:

8 (a) A description and identification of each vehicle of the fleet.

9 (b) The member jurisdictions in which registration is desired and
10 such other information as member jurisdictions require.

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

13 (d) The USDOT number issued to the registrant and the USDOT number
14 of the motor carrier responsible for the safety of the vehicle, if
15 different.

16 (e) A completed Motor Carrier Identification Report (MCS-150) at
17 the time of fleet renewal or at the time of vehicle registration, if
18 required by the department.

19 (f) The Taxpayer Identification Number of the registrant and the
20 motor carrier responsible for the safety of the vehicle, if different.

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

24 (a) Divide the in-jurisdiction miles by the total miles and carry
25 the answer to the nearest thousandth of a percent (three places beyond
26 the decimal, e.g. 10.543%). This factor is known as the prorate
27 percentage.

28 (b) Determine the total proratable fees and taxes required for each
29 vehicle in the fleet for which registration is requested, based on the
30 regular annual fees and taxes or applicable fees and taxes for the
31 unexpired portion of the registration year under the laws of each
32 jurisdiction for which fees or taxes are to be calculated.

33 Applicable fees and taxes for vehicles of Washington-based fleets
34 are those prescribed under (~~(RCW 46.16.070)~~) section 530 of this act,
35 (~~(46.16.085)~~) section 531(1)(c) of this act, and RCW 82.38.075, as
36 applicable. If, during the registration period, the lessor of an
37 apportioned vehicle changes and the vehicle remains in the fleet of the

1 registrant, the department shall only charge those fees prescribed for
2 the issuance of new apportioned license plates, validation tabs, and
3 cab card.

4 (c) Multiply the total, proratable fees or taxes for each motor
5 vehicle by the prorate percentage applicable to the desired
6 jurisdiction and round the results to the nearest cent.

7 (d) Add the total fees and taxes determined in (c) of this
8 subsection for each vehicle to the nonproratable fees required under
9 the laws of the jurisdiction for which fees are being calculated.
10 Nonproratable fees required for vehicles of Washington-based fleets are
11 the administrative fee required by RCW 82.38.075, if applicable, and
12 the vehicle transaction fee pursuant to the provisions of RCW
13 46.87.130.

14 (e) The amount due and payable for the application is the sum of
15 the fees and taxes calculated for each member jurisdiction in which
16 registration of the fleet is desired.

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

23 **Sec. 1144.** RCW 46.87.220 and 1987 c 244 s 35 are each amended to
24 read as follows:

25 The gross weight in the case of a motor truck, tractor, or truck
26 tractor is the scale weight of the motor truck, tractor, or truck
27 tractor, plus the scale weight of any trailer, semitrailer, converter
28 gear, or pole trailer to be towed by it, to which shall be added the
29 weight of the maximum load to be carried on it or towed by it as set
30 forth by the licensee in the application providing it does not exceed
31 the weight limitations prescribed by chapter 46.44 RCW.

32 The gross weight in the case of a bus, auto stage, or for hire
33 vehicle, except a taxicab, with a seating capacity over six, is the
34 scale weight of the bus, auto stage, or for hire vehicle plus the
35 seating capacity, including the operator's seat, computed at one
36 hundred and fifty pounds per seat.

1 If the resultant gross weight, according to this section, is not
2 listed in ((RCW 46.16.070)) section 530 of this act, it will be
3 increased to the next higher gross weight so listed pursuant to chapter
4 46.44 RCW.

5 A motor vehicle or combination of vehicles found to be loaded
6 beyond the licensed gross weight of the motor vehicle registered under
7 this chapter shall be cited and handled under RCW 46.16.140 and
8 46.16.145 (as recodified by this act).

9 NEW SECTION. **Sec. 1145.** A new section is added to chapter 47.06
10 RCW to read as follows:

11 (1) The department of transportation may increase the recreational
12 vehicle sanitary disposal fee charged under section 534 of this act as
13 authorized in RCW 43.135.055 by a percentage that exceeds the fiscal
14 growth factor. After consultation with citizen representatives of the
15 recreational vehicle user community, the department of transportation
16 may implement RV account fee adjustments no more than once every four
17 years. RV account fee adjustments must be preceded by an evaluation of
18 the following factors:

- 19 (a) Maintenance of a self-supporting program;
- 20 (b) Levels of service at existing recreational vehicle sanitary
21 disposal facilities;
- 22 (c) Identified needs for improved recreational vehicle service at
23 safety rest areas statewide;
- 24 (d) Sewage treatment costs; and
- 25 (e) Inflation.

26 (2) If the department of transportation chooses to adjust the RV
27 account fee, it shall notify the department of licensing six months
28 before implementation of the fee increase. Adjustments in the RV
29 account fee must be in increments of no more than fifty cents per
30 biennium.

31 **Sec. 1146.** RCW 47.10.704 and 1961 c 13 s 47.10.704 are each
32 amended to read as follows:

33 In order to facilitate vehicular traffic through and between the
34 cities of Tacoma, Seattle, and Everett and to remove the present
35 handicaps and hazards ((over and along)) on primary state highway No.
36 1 as presently established, the state highway commission is authorized

1 to realign, redesign, and reconstruct primary state highway No. 1 upon
2 a newly located right-of-way or upon portions of existing right-of-way
3 through and between the cities of Tacoma, Seattle, and Everett and as
4 an additional alternate route bypassing Seattle east of Lake
5 Washington. The route of the proposed project is established as
6 follows: Beginning in the vicinity of Ponders Corner, thence in a
7 general northeasterly and northerly direction through the cities of
8 Tacoma and Seattle to a point in the vicinity of the city of Everett
9 and as an additional alternate route bypassing Seattle east of Lake
10 Washington.

11 **Sec. 1147.** RCW 47.68.255 and 2003 c 53 s 266 are each amended to
12 read as follows:

13 A person who is required to register an aircraft under this chapter
14 and who registers an aircraft in another state or foreign country
15 evading the Washington aircraft excise tax is guilty of a gross
16 misdemeanor. For a second or subsequent offense, the person convicted
17 is also subject to a fine equal to four times the amount of avoided
18 taxes and fees, no part of which may be suspended or deferred. Excise
19 taxes owed and fines assessed will be deposited in the manner provided
20 under RCW 46.16.010(~~(+4)~~) (6) (as recodified by this act).

21 **Sec. 1148.** RCW 48.22.110 and 2003 c 248 s 10 are each amended to
22 read as follows:

23 Unless the context clearly requires otherwise, the definitions in
24 this section apply throughout this section and RCW 48.22.115 through
25 48.22.135.

26 (1) "Borrower" means a person who receives a loan or enters into a
27 retail installment contract under chapter 63.14 RCW to purchase a motor
28 vehicle or vessel in which the secured party holds an interest.

29 (2) "Motor vehicle" means a motor vehicle in this state subject to
30 registration under chapter 46.16 RCW, except motor vehicles governed by
31 RCW 46.16.020 (as recodified by this act) or registered with the
32 Washington utilities and transportation commission as common or
33 contract carriers.

34 (3) "Secured party" means a person, corporation, association,
35 partnership, or venture that possesses a bona fide security interest in
36 a motor vehicle or vessel.

1 (4) "Vendor single-interest" or "collateral protection coverage"
2 means insurance coverage insuring primarily or solely the interest of
3 a secured party but which may include the interest of the borrower in
4 a motor vehicle or vessel serving as collateral and obtained by the
5 secured party or its agent after the borrower has failed to obtain or
6 maintain insurance coverage required by the financing agreement for the
7 motor vehicle or vessel. Vendor single-interest or collateral
8 protection coverage does not include insurance coverage purchased by a
9 secured party for which the borrower is not charged.

10 (5) "Vessel" means a vessel as defined in RCW 88.02.010 (as
11 recodified by this act) and includes personal watercraft as defined in
12 RCW 79A.60.010.

13 **Sec. 1149.** RCW 59.21.050 and 2002 c 257 s 4 are each amended to
14 read as follows:

15 (1) The existence of the mobile home park relocation fund in the
16 custody of the state treasurer is affirmed. Expenditures from the fund
17 may be used only for relocation assistance awarded under this chapter.
18 Only the director or the director's designee may authorize expenditures
19 from the fund. All relocation payments to tenants shall be made from
20 the fund. The fund is subject to allotment procedures under chapter
21 43.88 RCW, but no appropriation is required for expenditures.

22 (2) A park tenant is eligible for assistance under this chapter
23 only after an application is submitted by that tenant or an
24 organization acting on the tenant's account under RCW 59.21.021(4) on
25 a form approved by the director which shall include:

26 (a) For those persons who maintained ownership of and relocated
27 their homes or removed their homes from the park: (i) A copy of the
28 notice from the park-owner, or other adequate proof, that the tenancy
29 is terminated due to closure of the park or its conversion to another
30 use; (ii) a copy of the rental agreement then in force, or other proof
31 that the applicant was a tenant at the time of notice of closure; (iii)
32 a copy of the contract for relocating the home which includes the date
33 of relocation, or other proof of actual relocation expenses incurred on
34 a date certain; and (iv) a statement of any other available assistance;

35 (b) For those persons who sold their homes and incurred no
36 relocation expenses: (i) A copy of the notice from the park-owner, or
37 other adequate proof, that the tenancy is terminated due to closure of

1 the park or its conversion to another use; (ii) a copy of the rental
2 agreement then in force, or other proof that the applicant was a tenant
3 at the time of notice of closure; and (iii) a copy of the record of
4 title transfer issued by the department of licensing when the tenant
5 sold the home rather than relocate it due to park closure or
6 conversion.

7 (3) The department may deduct a percentage amount of the fee
8 collected under (~~RCW 59.21.055~~) section 511 of this act, not to
9 exceed five percent of the fees received, for administration expenses
10 incurred by the department.

11 **Sec. 1150.** RCW 59.22.020 and 2009 c 565 s 48 are each reenacted
12 and amended to read as follows:

13 The following definitions shall apply throughout this chapter
14 unless the context clearly requires otherwise:

15 (1) "Account" means the manufactured housing account created under
16 RCW 59.22.070.

17 (2) "Affordable" means that, where feasible, low-income residents
18 should not pay more than thirty percent of their monthly income for
19 housing costs.

20 (3) "Conversion costs" includes the cost of acquiring the mobile
21 home park, the costs of planning and processing the conversion, the
22 costs of any needed repairs or rehabilitation, and any expenditures
23 required by a government agency or lender for the project.

24 (4) "Department" means the department of commerce.

25 (5) "Fee" means the mobile home title transfer fee imposed under
26 (~~RCW 59.22.080~~) section 510 of this act.

27 (6) "Fund" or "park purchase account" means the mobile home park
28 purchase account created pursuant to RCW 59.22.030.

29 (7) "Housing costs" means the total cost of owning, occupying, and
30 maintaining a mobile home and a lot or space in a mobile home park.

31 (8) "Individual interest in a mobile home park" means any interest
32 which is fee ownership or a lesser interest which entitles the holder
33 to occupy a lot or space in a mobile home park for a period of not less
34 than either fifteen years or the life of the holder. Individual
35 interests in a mobile home park include, but are not limited to, the
36 following:

1 (a) Ownership of a lot or space in a mobile home park or
2 subdivision;

3 (b) A membership or shares in a stock cooperative, or a limited
4 equity housing cooperative; or

5 (c) Membership in a nonprofit mutual benefit corporation which
6 owns, operates, or owns and operates the mobile home park.

7 (9) "Landlord" shall have the same meaning as it does in RCW
8 59.20.030.

9 (10) "Low-income resident" means an individual or household who
10 resided in the mobile home park prior to application for a loan
11 pursuant to this chapter and with an annual income at or below eighty
12 percent of the median income for the county of standard metropolitan
13 statistical area of residence. Net worth shall be considered in the
14 calculation of income with the exception of the resident's
15 mobile/manufactured home which is used as their primary residence.

16 (11) "Low-income spaces" means those spaces in a mobile home park
17 operated by a resident organization which are occupied by low-income
18 residents.

19 (12) "Manufactured housing" means residences constructed on one or
20 more chassis for transportation, and which bear an insignia issued by
21 a state or federal regulatory agency indication compliance with all
22 applicable construction standards of the United States department of
23 housing and urban development.

24 (13) "Mobile home" shall have the same meaning as it does in RCW
25 46.04.302.

26 (14) "Mobile home lot" shall have the same meaning as it does in
27 RCW 59.20.030.

28 (15) "Mobile home park" means a mobile home park, as defined in RCW
29 59.20.030(10), or a manufactured home park subdivision as defined by
30 RCW 59.20.030(12) created by the conversion to resident ownership of a
31 mobile home park.

32 (16) "Resident organization" means a group of mobile home park
33 residents who have formed a nonprofit corporation, cooperative
34 corporation, or other entity or organization for the purpose of
35 acquiring the mobile home park in which they reside and converting the
36 mobile home park to resident ownership. The membership of a resident
37 organization shall include at least two-thirds of the households

1 residing in the mobile home park at the time of application for
2 assistance from the department.

3 (17) "Resident ownership" means, depending on the context, either
4 the ownership, by a resident organization, as defined in this section,
5 of an interest in a mobile home park which entitles the resident
6 organization to control the operations of the mobile home park for a
7 term of no less than fifteen years, or the ownership of individual
8 interests in a mobile home park, or both.

9 (18) "Tenant" means a person who rents a mobile home lot for a term
10 of one month or longer and owns the mobile home on the lot.

11 **Sec. 1151.** RCW 62A.9A-311 and 2001 c 32 s 25 are each amended to
12 read as follows:

13 (a) **Security interest subject to other law.** Except as otherwise
14 provided in subsection (d) of this section, the filing of a financing
15 statement is not necessary or effective to perfect a security interest
16 in property subject to:

17 (1) A statute, regulation, or treaty of the United States whose
18 requirements for a security interest's obtaining priority over the
19 rights of a lien creditor with respect to the property preempt RCW
20 62A.9A-310(a);

21 (2) RCW (~~(46.12.095)~~) 46.12.170 or 88.02.070 (as recodified by this
22 act), or chapter 65.12 RCW; or

23 (3) A certificate-of-title statute of another jurisdiction which
24 provides for a security interest to be indicated on the certificate as
25 a condition or result of the security interest's obtaining priority
26 over the rights of a lien creditor with respect to the property.

27 (b) **Compliance with other law.** Compliance with the requirements of
28 a statute, regulation, or treaty described in subsection (a) of this
29 section for obtaining priority over the rights of a lien creditor is
30 equivalent to the filing of a financing statement under this Article.
31 Except as otherwise provided in subsection (d) of this section, RCW
32 62A.9A-313, and 62A.9A-316 (d) and (e) for goods covered by a
33 certificate of title, a security interest in property subject to a
34 statute, regulation, or treaty described in subsection (a) of this
35 section may be perfected only by compliance with those requirements,
36 and a security interest so perfected remains perfected notwithstanding
37 a change in the use or transfer of possession of the collateral.

1 (c) **Duration and renewal of perfection.** Except as otherwise
2 provided in subsection (d) of this section and RCW 62A.9A-316 (d) and
3 (e), duration and renewal of perfection of a security interest
4 perfected by compliance with the requirements prescribed by a statute,
5 regulation, or treaty described in subsection (a) of this section are
6 governed by the statute, regulation, or treaty. In other respects, the
7 security interest is subject to this Article.

8 (d) **Inapplicability to certain inventory.** During any period in
9 which collateral subject to RCW 46.12.095 or 88.02.070 (as recodified
10 by this act), or chapter 65.12 RCW is inventory held for sale or lease
11 by a person or leased by that person as lessor and that person is in
12 the business of selling goods of that kind, this section does not apply
13 to a security interest in that collateral created by that person.

14 **Sec. 1152.** RCW 63.14.010 and 2009 c 334 s 11 are each reenacted
15 and amended to read as follows:

16 In this chapter, unless the context otherwise requires:

17 (1) "Financial institution" means any bank or trust company, mutual
18 savings bank, credit union, or savings and loan association organized
19 pursuant to the laws of any one of the United States of America or the
20 United States of America, or the laws of a foreign country if also
21 qualified to conduct business in any one of the United States of
22 America or pursuant to the laws of the United States of America;

23 (2) "Goods" means all chattels personal when purchased primarily
24 for personal, family, or household use and not for commercial or
25 business use, but not including money or, except as provided in the
26 next sentence, things in action. The term includes but is not limited
27 to merchandise certificates or coupons, issued by a retail seller, to
28 be used in their face amount in lieu of cash in exchange for goods or
29 services sold by such a seller and goods which, at the time of sale or
30 subsequently, are to be so affixed to real property as to become a part
31 thereof, whether or not severable therefrom;

32 (3) "Lender credit card" means a card or device under a lender
33 credit card agreement pursuant to which the issuer gives to a
34 cardholder residing in this state the privilege of obtaining credit
35 from the issuer or other persons in purchasing or leasing property or
36 services, obtaining loans, or otherwise, and the issuer of which is

1 not: (a) Principally engaged in the business of selling goods; or (b)
2 a financial institution;

3 (4) "Lender credit card agreement" means an agreement entered into
4 or performed in this state prescribing the terms of retail installment
5 transactions pursuant to which the issuer may, with the buyer's
6 consent, purchase or acquire one or more retail sellers' indebtedness
7 of the buyer under a sales slip or memorandum evidencing the purchase,
8 lease, loan, or otherwise to be paid in accordance with the agreement.
9 The issuer of a lender credit card agreement shall not be principally
10 engaged in the business of selling goods or be a financial institution;

11 (5) "Official fees" means the amount of the fees prescribed by law
12 and payable to the state, county, or other governmental agency for
13 filing, recording, or otherwise perfecting, and releasing or
14 satisfying, a retained title, lien, or other security interest created
15 by a retail installment transaction;

16 (6) "Person" means an individual, partnership, joint venture,
17 corporation, association, or any other group, however organized;

18 (7) "Principal balance" means the sale price of the goods or
19 services which are the subject matter of a retail installment contract
20 less the amount of the buyer's down payment in money or goods or both,
21 plus the amounts, if any, included therein, if a separate identified
22 charge is made therefor and stated in the contract, for insurance, any
23 vehicle dealer administrative fee, any vehicle dealer documentary
24 service fee, and official fees; and the amount actually paid or to be
25 paid by the retail seller pursuant to an agreement with the buyer to
26 discharge a security interest or lien on like-kind goods traded in or
27 lease interest in the circumstance of a lease for like goods being
28 terminated in conjunction with the sale pursuant to a retail
29 installment contract;

30 (8) "Rate" means the percentage which, when multiplied times the
31 outstanding balance for each month or other installment period, yields
32 the amount of the service charge for such month or period;

33 (9) "Retail buyer" or "buyer" means a person who buys or agrees to
34 buy goods or obtain services or agrees to have services rendered or
35 furnished, from a retail seller;

36 (10) "Retail charge agreement," "revolving charge agreement," or
37 "charge agreement" means an agreement between a retail buyer and a
38 retail seller that is entered into or performed in this state and that

1 prescribes the terms of retail installment transactions with one or
2 more sellers which may be made thereunder from time to time and under
3 the terms of which a service charge, as defined in this section, is to
4 be computed in relation to the buyer's unpaid balance from time to
5 time;

6 (11) "Retail installment contract" or "contract" means a contract,
7 other than a retail charge agreement, a lender credit card agreement,
8 or an instrument reflecting a sale made pursuant thereto, entered into
9 or performed in this state for a retail installment transaction. The
10 term "retail installment contract" may include a chattel mortgage, a
11 conditional sale contract, and a contract in the form of a bailment or
12 a lease if the bailee or lessee contracts to pay as compensation for
13 their use a sum substantially equivalent to or in excess of the value
14 of the goods sold and if it is agreed that the bailee or lessee is
15 bound to become, or for no other or a merely nominal consideration, has
16 the option of becoming the owner of the goods upon full compliance with
17 the provisions of the bailment or lease. The term "retail installment
18 contract" does not include: (a) A "consumer lease," heretofore or
19 hereafter entered into, as defined in RCW 63.10.020; (b) a lease which
20 would constitute such "consumer lease" but for the fact that: (i) It
21 was entered into before April 29, 1983; (ii) the lessee was not a
22 natural person; (iii) the lease was not primarily for personal, family,
23 or household purposes; or (iv) the total contractual obligations
24 exceeded twenty-five thousand dollars; or (c) a lease-purchase
25 agreement under chapter 63.19 RCW;

26 (12) "Retail installment transaction" means any transaction in
27 which a retail buyer purchases goods or services from a retail seller
28 pursuant to a retail installment contract, a retail charge agreement,
29 or a lender credit card agreement, as defined in this section, which
30 provides for a service charge, as defined in this section, and under
31 which the buyer agrees to pay the unpaid principal balance in one or
32 more installments or which provides for no service charge and under
33 which the buyer agrees to pay the unpaid balance in more than four
34 installments;

35 (13) "Retail seller" or "seller" means a person engaged in the
36 business of selling goods or services to retail buyers;

37 (14) "Sale price" means the price for which the seller would have
38 sold or furnished to the buyer, and the buyer would have bought or

1 obtained from the seller, the goods or services which are the subject
2 matter of a retail installment transaction. The sale price may include
3 any taxes, registration and vehicle license fees, the cost of a
4 guaranteed asset protection waiver, any vehicle dealer administrative
5 fee, any vehicle dealer documentary service fee, and charges for
6 transferring vehicle titles, delivery, installation, servicing,
7 repairs, alterations, or improvements;

8 (15) "Service charge" however denominated or expressed, means the
9 amount which is paid or payable for the privilege of purchasing goods
10 or services to be paid for by the buyer in installments over a period
11 of time. It does not include the amount, if any, charged for insurance
12 premiums, delinquency charges, attorneys' fees, court costs, any
13 vehicle dealer administrative fee under ((~~RCW 46.12.042~~)) section
14 820(1) of this act, any vehicle dealer documentary service fee under
15 RCW 46.70.180(2), or official fees;

16 (16) "Services" means work, labor, or services of any kind when
17 purchased primarily for personal, family, or household use and not for
18 commercial or business use whether or not furnished in connection with
19 the delivery, installation, servicing, repair, or improvement of goods
20 and includes repairs, alterations, or improvements upon or in
21 connection with real property, but does not include services for which
22 the price charged is required by law to be determined or approved by or
23 to be filed, subject to approval or disapproval, with the United States
24 or any state, or any department, division, agency, officer, or official
25 of either as in the case of transportation services;

26 (17) "Time balance" means the principal balance plus the service
27 charge.

28 **Sec. 1153.** RCW 63.14.130 and 2003 c 368 s 3 are each amended to
29 read as follows:

30 The service charge shall be inclusive of all charges incident to
31 investigating and making the retail installment contract or charge
32 agreement and for the privilege of making the installment payments
33 thereunder and no other fee, expense or charge whatsoever shall be
34 taken, received, reserved, or contracted therefor from the buyer,
35 except for any vehicle dealer administrative fee under ((~~RCW~~
36 ~~46.12.042~~)) section 820(1) of this act or for any vehicle dealer
37 documentary service fee under RCW 46.70.180(2).

1 (1) The service charge, in a retail installment contract, shall not
2 exceed the dollar amount or rate agreed to by contract and disclosed
3 under RCW 63.14.040(1)(h).

4 (2) The service charge in a retail charge agreement, revolving
5 charge agreement, lender credit card agreement, or charge agreement,
6 shall not exceed the schedule or rate agreed to by contract and
7 disclosed under RCW 63.14.120(1). If the service charge so computed is
8 less than one dollar for any month, then one dollar may be charged.

9 **Sec. 1154.** RCW 65.20.020 and 1989 c 343 s 2 are each amended to
10 read as follows:

11 Unless the context clearly requires otherwise, the definitions in
12 this section apply throughout this chapter.

13 (1) "Affixed" means that the manufactured home is installed in
14 accordance with the installation standards in state law.

15 (2) "Department" means the department of licensing.

16 (3) "Eliminating the title" means to cancel an existing certificate
17 of title issued by this state or a foreign jurisdiction or to waive the
18 certificate of (~~ownership~~) title required (~~by~~) in chapter 46.12 RCW
19 and recording the appropriate documents in the county real property
20 records pursuant to this chapter.

21 (4) "Homeowner" means the owner of a manufactured home.

22 (5) "Land" means real property excluding the manufactured home.

23 (6) "Manufactured home" or "mobile home" means a structure,
24 designed and constructed to be transportable in one or more sections
25 and is built on a permanent chassis and designed to be used as a
26 dwelling with or without a permanent foundation when connected to the
27 required utilities that include plumbing, heating, and electrical
28 systems contained therein. The structure must comply with the national
29 mobile home construction and safety standards act of 1974 as adopted by
30 chapter 43.22 RCW if applicable. "Manufactured home" does not include
31 a modular home. A structure which met the definition of a
32 "manufactured home" at the time of manufacture is still considered to
33 meet this definition notwithstanding that it is no longer
34 transportable.

35 (7) "Owner" means, when referring to a manufactured home that is
36 titled, the person who is the registered owner. When referring to a
37 mobile home that is untitled pursuant to this chapter, the owner is the

1 person who owns the land. When referring to land, the person may have
2 fee simple title, have a leasehold estate of thirty-five years or more,
3 or be purchasing the property on a real estate contract. Owners
4 include joint tenants, tenants in common, holders of legal life
5 estates, and holders of remainder interests.

6 (8) "Person" means any individual, trustee, partnership,
7 corporation, or other legal entity. "Person" may refer to more than
8 one individual or entity.

9 (9) "Secured party" means the legal owner when referring to a
10 titled mobile home, or the lender securing a loan through a mortgage,
11 deed of trust, or real estate contract when referring to land or land
12 containing an untitled manufactured home pursuant to this chapter.

13 (10) "Security interest" means an interest in property to secure
14 payment of a loan made by a secured party to a borrower.

15 (11) "Title" or "titled" means a certificate of (~~ownership~~) title
16 issued pursuant to chapter 46.12 RCW.

17 **Sec. 1155.** RCW 65.20.040 and 1989 c 343 s 4 are each amended to
18 read as follows:

19 If a manufactured home is affixed to land that is owned by the
20 homeowner, the homeowner may apply to the department to have the title
21 to the manufactured home eliminated. The application package shall
22 consist of the following:

23 (1) An affidavit, in the form prescribed by the department, signed
24 by all the owners of the manufactured home and containing:

- 25 (a) The date;
- 26 (b) The names of all of the owners of record of the manufactured
27 home;
- 28 (c) The legal description of the real property;
- 29 (d) A description of the manufactured home including model year,
30 make, width, length, and vehicle identification number;
- 31 (e) The names of all secured parties in the manufactured home; and
- 32 (f) A statement that the owner of the manufactured home owns the
33 real property to which it is affixed;

34 (2) Certificate of (~~ownership~~) title for the manufactured home,
35 or the manufacturer's statement of origin in the case of a new
36 manufactured home. Where title is held by the secured party as legal

1 owner, the consent of the secured party must be indicated by the legal
2 owner releasing his or her security interest;

3 (3) A certification by the local government indicating that the
4 manufactured home is affixed to the land;

5 (4) Payment of all (~~licensing~~) vehicle license fees, excise tax,
6 use tax, real estate tax, recording fees, and proof of payment of all
7 property taxes then due; and

8 (5) Any other information the department may require.

9 **Sec. 1156.** RCW 68.64.010 and 2008 c 139 s 2 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Adult" means an individual who is at least eighteen years old.

14 (2) "Agent" means an individual:

15 (a) Authorized to make health care decisions on the principal's
16 behalf by a power of attorney for health care; or

17 (b) Expressly authorized to make an anatomical gift on the
18 principal's behalf by any other record signed by the principal.

19 (3) "Anatomical gift" means a donation of all or part of a human
20 body to take effect after the donor's death for the purpose of
21 transplantation, therapy, research, or education.

22 (4) "Decedent" means a deceased individual whose body or part is or
23 may be the source of an anatomical gift.

24 (5) "Disinterested witness" means a witness other than the spouse
25 or state registered domestic partner, child, parent, sibling,
26 grandchild, grandparent, or guardian of the individual who makes,
27 amends, revokes, or refuses to make an anatomical gift. The term does
28 not include a person to which an anatomical gift could pass under RCW
29 68.64.100.

30 (6) "Document of gift" means a donor card or other record used to
31 make an anatomical gift. The term includes a statement or symbol on a
32 driver's license, identification card, or donor registry.

33 (7) "Donor" means an individual whose body or part is the subject
34 of an anatomical gift.

35 (8) "Donor registry" means a database that contains records of
36 anatomical gifts and amendments to or revocations of anatomical gifts.

1 (9) "Driver's license" means a license or permit issued by the
2 department of licensing to operate a vehicle, whether or not conditions
3 are attached to the license or permit.

4 (10) "Eye bank" means a person that is licensed, accredited, or
5 regulated under federal or state law to engage in the recovery,
6 screening, testing, processing, storage, or distribution of human eyes
7 or portions of human eyes.

8 (11) "Guardian" means a person appointed by a court to make
9 decisions regarding the support, care, education, health, or welfare of
10 an individual. The term does not include a guardian ad litem.

11 (12) "Hospital" means a facility licensed as a hospital under the
12 law of any state or a facility operated as a hospital by the United
13 States, a state, or a subdivision of a state.

14 (13) "Identification card" means an identification card issued by
15 the department of licensing.

16 (14) "Know" means to have actual knowledge.

17 (15) "Minor" means an individual who is less than eighteen years
18 old.

19 (16) "Organ procurement organization" means a person designated by
20 the secretary of the United States department of health and human
21 services as an organ procurement organization.

22 (17) "Parent" means a parent whose parental rights have not been
23 terminated.

24 (18) "Part" means an organ, an eye, or tissue of a human being.
25 The term does not include the whole body.

26 (19) "Person" means an individual, corporation, business trust,
27 estate, trust, partnership, limited liability company, association,
28 joint venture, public corporation, government or governmental
29 subdivision, agency, or instrumentality, or any other legal or
30 commercial entity.

31 (20) "Physician" means an individual licensed or otherwise
32 authorized to practice medicine and surgery or osteopathic medicine and
33 surgery under the law of any state.

34 (21) "Procurement organization" means an eye bank, organ
35 procurement organization, or tissue bank.

36 (22) "Prospective donor" means an individual whose death is
37 imminent and has been determined by a procurement organization to have

1 a part that could be medically suitable for transplantation, therapy,
2 research, or education. "Prospective donor" does not include an
3 individual who has made a refusal.

4 (23) "Reasonable costs" include: (a) Programming and software
5 installation and upgrades; (b) employee training that is specific to
6 the organ and tissue donor registry or the donation program created in
7 RCW ((~~46.12.510~~)) 46.16.076(2) (as recodified by this act); (c)
8 literature that is specific to the organ and tissue donor registry or
9 the donation program created in RCW ((~~46.12.510~~)) 46.16.076(2) (as
10 recodified by this act); and (d) hardware upgrades or other issues
11 important to the organ and tissue donor registry or the donation
12 program created in RCW ((~~46.12.510~~)) 46.16.076(2) (as recodified by
13 this act) that have been mutually agreed upon in advance by the
14 department of licensing and the Washington state organ procurement
15 organizations.

16 (24) "Reasonably available" means able to be contacted by a
17 procurement organization without undue effort and willing and able to
18 act in a timely manner consistent with existing medical criteria
19 necessary for the making of an anatomical gift.

20 (25) "Recipient" means an individual into whose body a decedent's
21 part has been or is intended to be transplanted.

22 (26) "Record" means information that is inscribed on a tangible
23 medium or that is stored in an electronic or other medium and is
24 retrievable in perceivable form.

25 (27) "Refusal" means a record created under RCW 68.64.060 that
26 expressly states an intent to bar other persons from making an
27 anatomical gift of an individual's body or part.

28 (28) "Sign" means, with the present intent to authenticate or adopt
29 a record:

- 30 (a) To execute or adopt a tangible symbol; or
- 31 (b) To attach to or logically associate with the record an
32 electronic symbol, sound, or process.

33 (29) "State" means a state of the United States, the District of
34 Columbia, Puerto Rico, the United States Virgin Islands, or any
35 territory or insular possession subject to the jurisdiction of the
36 United States.

37 (30) "Technician" means an individual determined to be qualified to

1 remove or process parts by an appropriate organization that is
2 licensed, accredited, or regulated under federal or state law. The
3 term includes an enucleator.

4 (31) "Tissue" means a portion of the human body other than an organ
5 or an eye. The term does not include blood unless the blood is donated
6 for the purpose of research or education.

7 (32) "Tissue bank" means a person that is licensed to conduct
8 business in this state, accredited, and regulated under federal or
9 state law to engage in the recovery, screening, testing, processing,
10 storage, or distribution of tissue.

11 (33) "Transplant hospital" means a hospital that furnishes organ
12 transplants and other medical and surgical specialty services required
13 for the care of transplant patients.

14 (34) "Washington state organ procurement organization" means an
15 organ procurement organization that has been designated by the United
16 States department of health and human services to coordinate organ
17 procurement activities for any portion of Washington state.

18 **Sec. 1157.** RCW 68.64.210 and 2003 c 94 s 7 are each amended to
19 read as follows:

20 (1) The organ and tissue donation awareness account is created in
21 the custody of the state treasurer. All receipts from donations made
22 under RCW ((46.12.510)) 46.16.076(2)(as recodified by this act), and
23 other contributions and appropriations specifically made for the
24 purposes of organ and tissue donor awareness, shall be deposited into
25 the account. Except as provided in subsection (2) of this section,
26 expenditures from the account may be authorized by the director of the
27 department of licensing or the director's designee and do not require
28 an appropriation.

29 (2) The department of licensing shall submit a funding request to
30 the legislature covering the reasonable costs associated with the
31 ongoing maintenance associated with the electronic transfer of the
32 donor information to the organ and tissue donor registry and the
33 donation program established in RCW ((46.12.510)) 46.16.076(2)(as
34 recodified by this act). The legislature shall appropriate to the
35 department of licensing an amount it deems reasonable from the organ
36 and tissue donation awareness account to the department of licensing
37 for these purposes.

1 (3) At least quarterly, the department of licensing shall transmit
2 any remaining moneys in the organ and tissue donation awareness account
3 to the foundation established in RCW (~~(46.12.510)~~) 46.16.076(2)(as
4 recodified by this act) for the costs associated with educating the
5 public about the organ and tissue donor registry and related organ and
6 tissue donation education programs.

7 (4) Funding for donation awareness programs must be proportional
8 across the state regardless of which Washington state organ procurement
9 organization may be designated by the United States department of
10 health and human services to serve a particular geographic area. No
11 funds from the account may be used to fund activities outside
12 Washington state.

13 **Sec. 1158.** RCW 70.168.040 and 2002 c 371 s 922 are each amended to
14 read as follows:

15 The emergency medical services and trauma care system trust account
16 is hereby created in the state treasury. Moneys shall be transferred
17 to the emergency medical services and trauma care system trust account
18 from the public safety education account or other sources as
19 appropriated, and as collected under RCW 46.63.110(~~(+6)~~) (7) and
20 (~~(46.12.042)~~) section 820 of this act. Disbursements shall be made by
21 the department subject to legislative appropriation. Expenditures may
22 be made only for the purposes of the state trauma care system under
23 this chapter, including emergency medical services, trauma care
24 services, rehabilitative services, and the planning and development of
25 related services under this chapter and for reimbursement by the
26 department of social and health services for trauma care services
27 provided by designated trauma centers. (~~(During the 2001-2003 fiscal~~
28 ~~biennium, the legislature may transfer from the emergency medical~~
29 ~~services and trauma care system trust account to the state general fund~~
30 ~~such amounts as reflect the excess fund balance of the account.)~~)

31 **Sec. 1159.** RCW 73.04.115 and 2008 c 6 s 511 are each amended to
32 read as follows:

33 (1) The department shall issue to the surviving spouse or surviving
34 domestic partner of any deceased former prisoner of war described in
35 (~~(RCW 73.04.110(1)(b))~~) section 619(1)(c) of this act, one set of

1 regular or special license plates for use on a personal passenger
2 vehicle registered to that person.

3 (2) The plates shall be issued without the payment of any license
4 fees or excise tax on the vehicle. Whenever any person who has been
5 issued license plates under this section applies to the department for
6 transfer of the plates to a subsequently acquired motor vehicle, a
7 transfer fee of five dollars shall be charged in addition to all other
8 appropriate fees. If the surviving spouse remarries or the surviving
9 domestic partner registers in a new domestic partnership, he or she
10 shall return the special plates to the department within fifteen days
11 and apply for regular license plates.

12 (3) For purposes of this section, the term "special license plates"
13 does not include any plate from the armed forces license plate
14 collection established in (~~RCW 46.16.30920~~) section 611(3) of this
15 act.

16 **Sec. 1160.** RCW 77.12.471 and 2007 c 246 s 3 are each amended to
17 read as follows:

18 The wildlife rehabilitation account is created in the state
19 treasury. All receipts from moneys directed to the account from (~~RCW~~
20 ~~46.16.606~~) section 821 of this act must be deposited into the account.
21 Moneys in the account may be spent only after appropriation.
22 Expenditures from the account may be used only for the support of the
23 wildlife rehabilitation program created under RCW 77.12.467.

24 **Sec. 1161.** RCW 79.100.100 and 2007 c 342 s 4 are each amended to
25 read as follows:

26 (1) The derelict vessel removal account is created in the state
27 treasury. All receipts from RCW 79.100.050 and 79.100.060 and those
28 moneys specified in (~~RCW 88.02.030 and 88.02.050~~) section 1028 of
29 this act must be deposited into the account. The account is authorized
30 to receive fund transfers and appropriations from the general fund,
31 deposits from the derelict vessel removal surcharge under (~~RCW~~
32 ~~88.02.270~~) section 1028(4) of this act, as well as gifts, grants, and
33 endowments from public or private sources as may be made from time to
34 time, in trust or otherwise, for the use and benefit of the purposes of
35 this chapter and expend the same or any income according to the terms
36 of the gifts, grants, or endowments provided those terms do not

1 conflict with any provisions of this section or any guidelines
2 developed to prioritize reimbursement of removal projects associated
3 with this chapter. Moneys in the account may only be spent after
4 appropriation. Expenditures from the account (~~shall~~) must be used by
5 the department to reimburse authorized public entities for up to ninety
6 percent of the total reasonable and auditable administrative, removal,
7 disposal, and environmental damage costs of abandoned or derelict
8 vessels when the previous owner is either unknown after a reasonable
9 search effort or insolvent. Reimbursement (~~shall~~) may not be made
10 unless the department determines that the public entity has made
11 reasonable efforts to identify and locate the party responsible for the
12 vessel, regardless of the title of owner of the vessel. Funds in the
13 account resulting from transfers from the general fund or from the
14 deposit of funds from the watercraft excise tax as provided for under
15 RCW 82.49.030 (~~shall~~) must be used to reimburse one hundred percent
16 of these costs and should be prioritized for the removal of large
17 vessels. Costs associated with removal and disposal of an abandoned or
18 derelict vessel under the authority granted in RCW 53.08.320 also
19 qualify for reimbursement from the derelict vessel removal account. In
20 each biennium, up to twenty percent of the expenditures from the
21 account may be used for administrative expenses of the department of
22 licensing and department of natural resources in implementing this
23 chapter.

24 (2) If the balance of the account reaches one million dollars as of
25 March 1st of any year, exclusive of any transfer or appropriation of
26 funds into the account or funds deposited into the account collected
27 under (~~RCW 88.02.270~~) section 1028(5) of this act, the department
28 must notify the department of licensing and the collection of any fees
29 associated with this account must be suspended for the following fiscal
30 year.

31 (3) Priority for use of this account is for the removal of derelict
32 and abandoned vessels that are in danger of sinking, breaking up, or
33 blocking navigation channels, or that present environmental risks such
34 as leaking fuel or other hazardous substances. The department must
35 develop criteria, in the form of informal guidelines, to prioritize
36 removal projects associated with this chapter, but may not consider
37 whether the applicant is a state or local entity when prioritizing.

1 The guidelines must also include guidance to the authorized public
2 entities as to what removal activities and associated costs are
3 reasonable and eligible for reimbursement.

4 (4) The department must keep all authorized public entities
5 apprized of the balance of the derelict vessel removal account and the
6 funds available for reimbursement. The guidelines developed by the
7 department must also be made available to the other authorized public
8 entities. This subsection (4) must be satisfied by utilizing the least
9 costly method, including maintaining the information on the
10 department's internet web site, or any other cost-effective method.

11 (5) An authorized public entity may contribute its ten percent of
12 costs that are not eligible for reimbursement by using in-kind
13 services, including the use of existing staff, equipment, and
14 volunteers.

15 (6) This chapter does not guarantee reimbursement for an authorized
16 public entity. Authorized public entities seeking certainty in
17 reimbursement prior to taking action under this chapter may first
18 notify the department of their proposed action and the estimated total
19 costs. Upon notification by an authorized public entity, the
20 department must make the authorized public entity aware of the status
21 of the fund and the likelihood of reimbursement being available. The
22 department may offer technical assistance and assure reimbursement for
23 up to two years following the removal action if an assurance is
24 appropriate given the balance of the fund and the details of the
25 proposed action.

26 **Sec. 1162.** RCW 79A.05.059 and 2005 c 44 s 4 are each amended to
27 read as follows:

28 The state parks education and enhancement account is created in the
29 custody of the state treasurer. All receipts from the sale of
30 Washington state parks and recreation commission special license
31 plates, after the deductions permitted by ((RCW 46.16.313(13))) section
32 810 of this act, must be deposited into the account. Expenditures from
33 the account may only be used to provide public educational
34 opportunities and enhancement of Washington state parks. Only the
35 director or the director's designee may authorize expenditures from the
36 account. The account is subject to allotment procedures under chapter
37 43.88 RCW, but an appropriation is not required for expenditures.

1 **Sec. 1163.** RCW 79A.05.065 and 2008 c 238 s 1 are each amended to
2 read as follows:

3 (1)(a) The commission shall grant to any person who meets the
4 eligibility requirements specified in this section a senior citizen's
5 pass which shall: (i) Entitle such a person, and members of his or her
6 camping unit, to a fifty percent reduction in the campsite rental fee
7 prescribed by the commission; and (ii) entitle such a person to free
8 admission to any state park.

9 (b) The commission shall grant a senior citizen's pass to any
10 person who applies for the senior citizen's pass and who meets the
11 following requirements:

12 (i) The person is at least sixty-two years of age;

13 (ii) The person is a domiciliary of the state of Washington and
14 meets reasonable residency requirements prescribed by the commission;
15 and

16 (iii) The person and his or her spouse have a combined income that
17 would qualify the person for a property tax exemption pursuant to RCW
18 84.36.381. The financial eligibility requirements of this subsection
19 (1)(b)(iii) apply regardless of whether the applicant for a senior
20 citizen's pass owns taxable property or has obtained or applied for
21 such property tax exemption.

22 (c) Each senior citizen's pass granted pursuant to this section is
23 valid as long as the senior citizen meets the requirements of (b)(ii)
24 of this subsection. A senior citizen meeting the eligibility
25 requirements of this section may make a voluntary donation for the
26 upkeep and maintenance of state parks.

27 (d) A holder of a senior citizen's pass shall surrender the pass
28 upon request of a commission employee when the employee has reason to
29 believe the holder fails to meet the criteria in (b) of this
30 subsection. The holder shall have the pass returned upon providing
31 proof to the satisfaction of the director that the holder meets the
32 eligibility criteria for obtaining the senior citizen's pass.

33 (2)(a) Any resident of Washington who is disabled as defined by the
34 social security administration and who receives social security
35 benefits for that disability, or any other benefits for that disability
36 from any other governmental or nongovernmental source, or who is
37 entitled to benefits for permanent disability under RCW 71A.10.020(3)
38 due to unemployability full time at the minimum wage, or who is legally

1 blind or profoundly deaf, or who has been issued a card, decal, or
2 special license plate for a permanent disability under RCW 46.16.381
3 shall be entitled to receive, regardless of age and upon making
4 application therefor, a disability pass at no cost to the holder. The
5 pass shall: (i) Entitle such a person, and members of his or her
6 camping unit, to a fifty percent reduction in the campsite rental fee
7 prescribed by the commission; and (ii) entitle such a person to free
8 admission to any state park.

9 (b) A card, decal, or special license plate issued for a permanent
10 disability under (~~RCW 46.16.381~~) section 701 of this act may serve as
11 a pass for the holder to entitle that person and members of the
12 person's camping unit to a fifty percent reduction in the campsite
13 rental fee prescribed by the commission, and to allow the holder free
14 admission to state parks.

15 (3) Any resident of Washington who is a veteran and has a service-
16 connected disability of at least thirty percent shall be entitled to
17 receive a lifetime veteran's disability pass at no cost to the holder.
18 The pass shall: (a) Entitle such a person, and members of his or her
19 camping unit, to free use of any campsite within any state park; (b)
20 entitle such a person to free admission to any state park; and (c)
21 entitle such a person to an exemption from any reservation fees.

22 (4)(a) Any Washington state resident who provides out-of-home care
23 to a child, as either a licensed foster-family home or a person related
24 to the child, is entitled to a foster home pass.

25 (b) An applicant for a foster home pass must request a pass in the
26 manner required by the commission. Upon receipt of a properly
27 submitted request, the commission shall verify with the department of
28 social and health services that the applicant qualifies under (a) of
29 this subsection. Once issued, a foster home pass is valid for the
30 period, which may not be less than one year, designated by the
31 commission.

32 (c) When accompanied by a child receiving out-of-home care from the
33 pass holder, a foster home pass: (i) Entitles such a person, and
34 members of his or her camping unit, to free use of any campsite within
35 any state park; and (ii) entitles such a person to free admission to
36 any state park.

37 (d) For the purposes of this subsection (4):

1 (i) "Out-of-home care" means placement in a foster-family home or
2 with a person related to the child under the authority of chapter
3 13.32A, 13.34, or 74.13 RCW;

4 (ii) "Foster-family home" has the same meaning as defined in RCW
5 74.15.020; and

6 (iii) "Person related to the child" means those persons referred to
7 in RCW 74.15.020(2)(a) (i) through (vi).

8 (5) All passes issued pursuant to this section are valid at all
9 parks any time during the year. However, the pass is not valid for
10 admission to concessionaire operated facilities.

11 (6) The commission shall negotiate payment and costs, to allow
12 holders of a foster home pass free access and usage of park campsites,
13 with the following nonoperated, nonstate-owned parks: Central Ferry,
14 Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek
15 state general fund reimbursement on a biennial basis.

16 (7) The commission may deny or revoke any Washington state park
17 pass issued under this section for cause, including but not limited to
18 the following:

19 (a) Residency outside the state of Washington;

20 (b) Violation of laws or state park rules resulting in eviction
21 from a state park;

22 (c) Intimidating, obstructing, or assaulting a park employee or
23 park volunteer who is engaged in the performance of official duties;

24 (d) Fraudulent use of a pass;

25 (e) Providing false information or documentation in the application
26 for a state parks pass;

27 (f) Refusing to display or show the pass to park employees when
28 requested; or

29 (g) Failing to provide current eligibility information upon request
30 by the agency or when eligibility ceases or changes.

31 (8) This section shall not affect or otherwise impair the power of
32 the commission to continue or discontinue any other programs it has
33 adopted for senior citizens.

34 (9) The commission may engage in a mutually agreed upon reciprocal
35 or discounted program for all or specific pass programs with other
36 outdoor recreation agencies.

37 (10) The commission shall adopt those rules as it finds appropriate
38 for the administration of this section. Among other things, the rules

1 shall prescribe a definition of "camping unit" which will authorize a
2 reasonable number of persons traveling with the person having a pass to
3 stay at the campsite rented by such a person, a minimum Washington
4 residency requirement for applicants for a senior citizen's pass, and
5 an application form to be completed by applicants for a senior
6 citizen's pass.

7 **Sec. 1164.** RCW 79A.05.215 and 2007 c 340 s 2 are each amended to
8 read as follows:

9 The state parks renewal and stewardship account is created in the
10 state treasury. Except as otherwise provided in this chapter, all
11 receipts from user fees, concessions, leases, donations collected under
12 RCW 46.16.076(3) (as recodified by this act), and other state park-
13 based activities shall be deposited into the account. Expenditures
14 from the account may be used for operating state parks, developing and
15 renovating park facilities, undertaking deferred maintenance, enhancing
16 park stewardship, and other state park purposes. Expenditures from the
17 account may be made only after appropriation by the legislature.

18 **Sec. 1165.** RCW 82.08.0264 and 2007 c 135 s 1 are each amended to
19 read as follows:

20 (1) The tax levied by RCW 82.08.020 does not apply to sales of
21 motor vehicles, trailers, or campers to nonresidents of this state for
22 use outside of this state, even when delivery is made within this
23 state, but only if:

24 (a) The motor vehicles, trailers, or campers will be taken from the
25 point of delivery in this state directly to a point outside this state
26 under the authority of a vehicle trip permit issued by the department
27 of licensing pursuant to ~~((the provisions of))~~ RCW 46.16.160 (as
28 recodified by this act), or any agency of another state that has
29 authority to issue similar permits; or

30 (b) The motor vehicles, trailers, or campers will be registered and
31 licensed immediately under the laws of the state of the buyer's
32 residence, will not be used in this state more than three months, and
33 will not be required to be registered and licensed under the laws of
34 this state.

35 (2) For the purposes of this section, the seller of a motor
36 vehicle, trailer, or camper is not required to collect and shall not be

1 found liable for the tax levied by RCW 82.08.020 on the sale if the tax
2 is not collected and the seller retains the following documents, which
3 must be made available upon request of the department:

4 (a) A copy of the buyer's currently valid out-of-state driver's
5 license or other official picture identification issued by a
6 jurisdiction other than Washington state;

7 (b) A copy of any one of the following documents, on which there is
8 an out-of-state address for the buyer:

9 (i) A current residential rental agreement;

10 (ii) A property tax statement from the current or previous year;

11 (iii) A utility bill, dated within the previous two months;

12 (iv) A state income tax return from the previous year;

13 (v) A voter registration card;

14 (vi) A current credit report; or

15 (vii) Any other document determined by the department to be
16 acceptable;

17 (c) A witnessed declaration in the form designated by the
18 department, signed by the buyer, and stating that the buyer's purchase
19 meets the requirements of this section; and

20 (d) A seller's certification, in the form designated by the
21 department, that either a vehicle trip permit was issued or the vehicle
22 was immediately registered and licensed in another state as required
23 under subsection (1) of this section.

24 (3) If the department has information indicating the buyer is a
25 Washington resident, or if the addresses for the buyer shown on the
26 documentation provided under subsection (2) of this section are not the
27 same, the department may contact the buyer to verify the buyer's
28 eligibility for the exemption provided under this section. This
29 subsection does not prevent the department from contacting a buyer as
30 a result of information obtained from a source other than the seller's
31 records.

32 (4)(a) Any person making fraudulent statements, which includes the
33 offer of fraudulent identification or fraudulently procured
34 identification to a seller, in order to purchase a motor vehicle,
35 trailer, or camper without paying retail sales tax is guilty of perjury
36 under chapter 9A.72 RCW.

37 (b) Any person making tax exempt purchases under this section by
38 displaying proof of identification not his or her own, or counterfeit

1 identification, with intent to violate the provisions of this section,
2 is guilty of a misdemeanor and, in addition, is liable for the tax and
3 subject to a penalty equal to the greater of one hundred dollars or the
4 tax due on such purchases.

5 (5)(a) Any seller that makes sales without collecting the tax to a
6 person who does not provide the documents required under subsection (2)
7 of this section, and any seller who fails to retain the documents
8 required under subsection (2) of this section for the period prescribed
9 by RCW 82.32.070, is personally liable for the amount of tax due.

10 (b) Any seller that makes sales without collecting the retail sales
11 tax under this section and who has actual knowledge that the buyer's
12 documentation required by subsection (2) of this section is fraudulent
13 is guilty of a misdemeanor and, in addition, is liable for the tax and
14 subject to a penalty equal to the greater of one thousand dollars or
15 the tax due on such sales. In addition, both the buyer and the seller
16 are liable for any penalties and interest assessable under chapter
17 82.32 RCW.

18 (6) For purposes of this section, (~~the term~~) "buyer" does not
19 include cosigners or financial guarantors, unless those parties are
20 listed as a registered owner on the vehicle title.

21 **Sec. 1166.** RCW 82.44.010 and 1990 c 42 s 301 are each amended to
22 read as follows:

23 For the purposes of this chapter, unless (~~the~~) the context
24 otherwise requires:

25 (1) "Department" means the department of licensing.

26 (2) "Motor vehicle" means all motor vehicles, trailers and
27 semitrailers used, or of the type designed primarily to be used, upon
28 the public streets and highways, for the convenience or pleasure of the
29 owner, or for the conveyance, for hire or otherwise, of persons or
30 property, including fixed loads and facilities for human habitation;
31 but shall not include (a) vehicles carrying exempt licenses, (b) dock
32 and warehouse tractors and their cars or trailers, lumber carriers of
33 the type known as spiders, and all other automotive equipment not
34 designed primarily for use upon public streets, or highways, (c) motor
35 vehicles or their trailers used entirely upon private property, (d)
36 mobile homes and travel trailers as defined in RCW 82.50.010, or (e)
37 motor vehicles owned by nonresident military personnel of the armed

1 forces of the United States stationed in the state of Washington
2 provided personnel were also nonresident at the time of their entry
3 into military service.

4 (3) "Truck-type power or trailing unit" means any vehicle that is
5 subject to the fees under (~~RCW 46.16.070~~) section 530 of this act,
6 except vehicles with an unladen weight of six thousand pounds or less,
7 (~~RCW 46.16.079, 46.16.080, 46.16.085~~) section 528 of this act,
8 section 531(1)(c) of this act, or RCW 46.16.090 (as recodified by this
9 act).

10 **Sec. 1167.** RCW 84.37.070 and 2007 sp.s. c 2 s 7 are each amended
11 to read as follows:

12 Whenever a person's special assessment or real property tax
13 obligation, or both, is deferred under (~~the provisions of~~) this
14 chapter, the amount deferred and required to be paid pursuant to RCW
15 84.38.120 shall become a lien in favor of the state upon his or her
16 property and shall have priority as provided in chapters 35.50 and
17 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase
18 contract holder who requires an accumulation of reserves out of which
19 real estate taxes are paid shall have priority to said deferred lien.
20 This lien may accumulate up to forty percent of the amount of the
21 claimant's equity value in said property and the rate of interest shall
22 be an average of the federal short-term rate as defined in 26 U.S.C.
23 Sec. 1274(d) plus two percentage points. The rate set for each new
24 year shall be computed by taking an arithmetical average to the nearest
25 percentage point of the federal short-term rate, compounded annually.
26 That average shall be calculated using the rates from four months:
27 January, April, and July of the calendar year immediately preceding the
28 new year, and October of the previous preceding year. The interest
29 shall be calculated from the time it could have been paid before
30 delinquency until said obligation is paid. In the case of a mobile
31 home, the department of licensing shall show the state's lien on the
32 certificate of (~~ownership~~) title for the mobile home. In the case of
33 all other property, the department of revenue shall file a notice of
34 the deferral with the county recorder or auditor.

35 **Sec. 1168.** RCW 84.38.100 and 2006 c 275 s 1 are each amended to
36 read as follows:

1 Whenever a person's special assessment and/or real property tax
2 obligation is deferred under the provisions of this chapter, the amount
3 deferred and required to be paid pursuant to RCW 84.38.120 shall become
4 a lien in favor of the state upon his or her property and shall have
5 priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That
6 the interest of a mortgage or purchase contract holder who is required
7 to cosign a declaration of deferral under RCW 84.38.090, shall have
8 priority to said deferred lien. This lien may accumulate up to eighty
9 percent of the amount of the claimant's equity value in said property
10 and shall bear interest at the rate of five percent per year from the
11 time it could have been paid before delinquency until said obligation
12 is paid: PROVIDED, That when taxes are deferred as provided in RCW
13 84.64.050, the amount shall bear interest at the rate of five percent
14 per year from the date the declaration is filed until the obligation is
15 paid. In the case of a mobile home, the department of licensing shall
16 show the state's lien on the certificate of (~~ownership~~) title for the
17 mobile home. In the case of all other property, the department of
18 revenue shall file a notice of the deferral with the county recorder or
19 auditor.

20 NEW SECTION. **Sec. 1169.** The following acts or parts of acts are
21 each repealed:

22 (1) RCW 46.04.144 (Cooper Jones Act license plate emblems) and 2002
23 c 264 s 2;

24 (2) RCW 46.32.090 (Fees) and 2009 c 46 s 3, 2007 c 419 s 11, 1996
25 c 86 s 1, & 1995 c 272 s 2;

26 (3) RCW 46.88.010 (Commercial vehicles registered in another
27 state--Permits for intrastate operations) and 1986 c 18 s 25, 1979 c
28 158 s 202, & 1969 ex.s. c 281 s 32;

29 (4) RCW 59.21.055 (Fee imposed on transfer of title--
30 Circumstances--Deposit--Rules) and 2002 c 257 s 3;

31 (5) RCW 59.22.080 (Transfer of title--Fee--Department of
32 licensing--Rules) and 1991 c 327 s 1;

33 (6) RCW 59.22.085 (Transfer of title--Fee supersedes other fee) and
34 1991 c 327 s 7;

35 (7) RCW 64.44.045 (Vehicle and vessel titles--Notice of
36 contamination or decontamination--Penalty) and 2008 c 201 s 2; and

1 (8) RCW 73.04.110 (Free license plates for veterans with
2 disabilities, prisoners of war--Penalty) and 2008 c 183 s 4 & 2005 c
3 216 s 6.

4 **PART XII. MISCELLANEOUS II**

5 NEW SECTION. **Sec. 1201.** The senate and house of representatives
6 transportation committees, in consultation with the office of the code
7 reviser, shall prepare legislation for the 2011 regular legislative
8 session that reconciles and conforms amendments made during the 2010
9 legislative session in this act.

10 NEW SECTION. **Sec. 1202.** RCW 46.09.010, 46.09.020, 46.09.080,
11 46.09.140, 46.09.180, 46.09.200, 46.09.250, and 46.09.280 are each
12 recodified as sections in chapter 46.09 RCW with the subchapter heading
13 of "general provisions."

14 NEW SECTION. **Sec. 1203.** RCW 46.09.030, 46.09.040, 46.09.050, and
15 46.09.070 are each recodified as sections in chapter 46.09 RCW with the
16 subchapter heading of "registrations."

17 NEW SECTION. **Sec. 1204.** RCW 46.09.115, 46.09.117, 46.09.120,
18 46.09.130 and 46.09.190 are each recodified as sections in chapter
19 46.09 RCW with the subchapter heading of "violations."

20 NEW SECTION. **Sec. 1205.** RCW 46.09.150, 46.09.165, 46.09.170, and
21 46.09.240 are each recodified as sections in chapter 46.09 RCW with the
22 subchapter heading of "revenue."

23 NEW SECTION. **Sec. 1206.** RCW 46.10.010, 46.10.020, 46.10.140,
24 46.10.180, 46.10.185, 46.10.200, 46.10.210, and 46.10.220 are each
25 recodified as sections in chapter 46.10 RCW with the subchapter heading
26 of "general provisions."

27 NEW SECTION. **Sec. 1207.** RCW 46.10.030, 46.10.040, 46.10.043,
28 46.10.050, 46.10.060, and 46.10.070 are each recodified as sections in
29 chapter 46.10 RCW with the subchapter heading of "registration and
30 permits."

1 NEW SECTION. **Sec. 1208.** RCW 46.10.055, 46.10.090, 46.10.100,
2 46.10.110, 46.10.120, 46.10.130, and 46.10.190 are each recodified as
3 sections in chapter 46.10 RCW with the subchapter heading of
4 "violations and uses."

5 NEW SECTION. **Sec. 1209.** RCW 46.10.150, 46.10.160, and 46.10.170
6 are each recodified as sections in chapter 46.10 RCW with the
7 subchapter heading of "revenue."

8 NEW SECTION. **Sec. 1210.** RCW 46.12.010, 46.12.030, 46.12.047,
9 46.12.050, 46.12.070, 46.12.080, 46.12.160, 46.12.181, 46.12.190,
10 46.12.370, 46.12.380, and 46.12.390 are each recodified as sections in
11 chapter 46.12 RCW with the subchapter heading of "general provisions."

12 NEW SECTION. **Sec. 1211.** RCW 46.12.101, 46.12.102, 46.12.103,
13 46.12.124, 46.12.130, 46.12.151, and 46.12.170 are each recodified as
14 sections in chapter 46.12 RCW with the subchapter heading of "vehicle
15 sales, transfers, and security interests."

16 NEW SECTION. **Sec. 1212.** RCW 46.12.280, 46.12.290, 46.12.420,
17 46.12.430, and 46.12.440 are each recodified as sections in chapter
18 46.12 RCW with the subchapter heading of "specific vehicles."

19 NEW SECTION. **Sec. 1213.** RCW 46.12.300, 46.12.310, 46.12.320,
20 46.12.330, 46.12.340, and 46.12.350 are each recodified as sections in
21 chapter 46.12 RCW with the subchapter heading of "serial numbers."

22 NEW SECTION. **Sec. 1214.** RCW 46.12.210 and 46.12.250 are each
23 recodified as sections in chapter 46.12 RCW with the subchapter heading
24 of "violations."

25 NEW SECTION. **Sec. 1215.** RCW 46.16.004, 46.16.006, 46.16.010,
26 46.16.015, 46.16.020, 46.16.022, 46.16.028, 46.16.029, 46.16.030,
27 46.16.040, 46.16.073, 46.16.076, 46.16.210, 46.16.212, 46.16.216,
28 46.16.225, 46.16.260, 46.16.265, 46.16.276, 46.16.280, 46.16.295,
29 46.16.327, and 46.16.332 are each recodified as sections in chapter
30 46.16 RCW with the subchapter heading of "general provisions."

1 NEW SECTION. **Sec. 1216.** RCW 46.16.045, 46.16.047, 46.16.048,
2 46.16.160, 46.16.162, and 46.16.460 are each recodified as sections in
3 chapter 46.16 RCW with the subchapter heading of "permits and uses."

4 NEW SECTION. **Sec. 1217.** RCW 46.16.025, 46.16.068, 46.16.070,
5 46.16.086, 46.16.090, and 46.16.615 are each recodified as sections in
6 chapter 46.16 RCW with the subchapter heading of "specific vehicles."

7 NEW SECTION. **Sec. 1218.** RCW 46.16.011, 46.16.012, 46.16.140,
8 46.16.145, 46.16.180, and 46.16.500 are each recodified as sections in
9 chapter 46.16 RCW with the subchapter heading of "liability and
10 violations."

11 NEW SECTION. **Sec. 1219.** Sections 501 through 507 of this act are
12 each added to chapter 46.17 RCW and codified with the subchapter
13 heading of "filing and service fees."

14 NEW SECTION. **Sec. 1220.** Sections 508 through 515 of this act are
15 each added to chapter 46.17 RCW and codified with the subchapter
16 heading of "certificate of title fees."

17 NEW SECTION. **Sec. 1221.** Sections 516 through 521 of this act are
18 each added to chapter 46.17 RCW and codified with the subchapter
19 heading of "license plate fees."

20 NEW SECTION. **Sec. 1222.** Sections 522 through 534 of this act are
21 each added to chapter 46.17 RCW and codified with the subchapter
22 heading of "vehicle license fees."

23 NEW SECTION. **Sec. 1223.** Sections 535 through 537 of this act are
24 each added to chapter 46.17 RCW and codified with the subchapter
25 heading of "permit and transfer fees."

26 NEW SECTION. **Sec. 1224.** Sections 611 through 613 and 616 through
27 630 of this act constitute a new chapter in Title 46 RCW and are
28 codified under the subchapter heading "plate types, decals, and
29 emblems."

1 NEW SECTION. **Sec. 1225.** RCW 46.16.309, 46.16.314, 46.16.335, and
2 46.16.390 are each recodified as sections in the new chapter created
3 under section 1224 of this act with the subchapter heading of "general
4 provisions."

5 NEW SECTION. **Sec. 1226.** RCW 46.16.700, 46.16.705, 46.16.715, and
6 46.16.725 are each recodified as sections in the new chapter created
7 under section 1224 of this act with the subchapter heading of "review
8 board."

9 NEW SECTION. **Sec. 1227.** RCW 46.16.690, 46.16.735, 46.16.745,
10 46.16.755, 46.16.765, and 46.16.775 are each recodified as sections in
11 the new chapter created under section 1224 of this act with the
12 subchapter heading of "requirements and procedures."

13 NEW SECTION. **Sec. 1228.** RCW 46.16.301, 46.16.319, and 46.16.324
14 are each recodified as sections in the new chapter created under
15 section 1224 of this act with the subchapter heading of "plate types,
16 decals, and emblems."

17 NEW SECTION. **Sec. 1229.** Sections 701 through 706 of this act
18 constitute a new chapter in Title 46 RCW.

19 NEW SECTION. **Sec. 1230.** RCW 46.09.110, 46.10.075, and 46.16.685
20 are each recodified as sections in chapter 46.68 RCW.

21 NEW SECTION. **Sec. 1231.** RCW 88.02.010, 88.02.035, 88.02.055,
22 88.02.110, 88.02.118, and 88.02.200 are each recodified as sections in
23 chapter 88.02 RCW with the subchapter heading of "general provisions."

24 NEW SECTION. **Sec. 1232.** RCW 88.02.070, 88.02.075, 88.02.120, and
25 88.02.180 are each recodified as sections in chapter 88.02 RCW with the
26 subchapter heading of "certificates of title."

27 NEW SECTION. **Sec. 1233.** RCW 88.02.020, 88.02.030, 88.02.050,
28 88.02.052, 88.02.250, and 88.02.260 are each recodified as sections in
29 chapter 88.02 RCW with the subchapter heading of "registration
30 certificates."

1 NEW SECTION. **Sec. 1234.** RCW 88.02.040, 88.02.045, and 88.02.053
2 are each recodified as sections in chapter 88.02 RCW with the
3 subchapter heading of "title/registration fees and distribution."

4 NEW SECTION. **Sec. 1235.** RCW 88.02.023, 88.02.060, 88.02.078,
5 88.02.112, 88.02.115, 88.02.125, 88.02.184, 88.02.188, 88.02.189,
6 88.02.210, 88.02.220, and 88.02.230 are each recodified as sections in
7 chapter 88.02 RCW with the subchapter heading of "dealer registration."

8 NEW SECTION. **Sec. 1236.** RCW 46.16.125 is recodified as a section
9 in chapter 81.24 RCW.

10 NEW SECTION. **Sec. 1237.** RCW 46.16.450 is decodified.

11 NEW SECTION. **Sec. 1238.** Except for section 1020 of this act, this
12 act takes effect July 1, 2011.

13 NEW SECTION. **Sec. 1239.** Section 1020 of this act takes effect
14 June 30, 2012.

15 NEW SECTION. **Sec. 1240.** Section 1019 of this act expires June 30,
16 2012.

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