
SENATE BILL 5414

State of Washington

62nd Legislature

2011 Regular Session

By Senators Becker, Benton, Holmquist Newbry, Hatfield, Pflug, Delvin, Stevens, Sheldon, Honeyford, Morton, King, Ericksen, Schoesler, Kilmer, Tom, Parlette, and Roach

Read first time 01/25/11. Referred to Committee on Transportation.

1 AN ACT Relating to the periodic replacement of license plates;
2 amending RCW 46.16A.200, 46.17.200, and 46.68.380; reenacting and
3 amending RCW 46.18.130 and 46.18.140; providing an effective date; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 46.16A.200 and 2010 c 161 s 422 are each amended to
7 read as follows:

8 (1) **Design.** All license plates may be obtained by the director
9 from the metal working plant of a state correctional facility or from
10 any source in accordance with existing state of Washington purchasing
11 procedures. License plates:

12 (a) May vary in background, color, and design;

13 (b) Must be legible and clearly identifiable as a Washington state
14 license plate;

15 (c) Must designate the name of the state of Washington without
16 abbreviation;

17 (d) Must be treated with fully reflectorized materials designed to
18 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 RCW
2 46.17.310.

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 RCW 46.17.200(1)(c) when applying for license plate transfer.

35 (b) Special license plates may be treated in the same manner as
36 described in (a) of this subsection unless otherwise limited by law.

37 (c) License plates issued to the state or any county, city, town,

1 school district, or other political subdivision entitled to exemption
2 as provided by law may be treated in the same manner as described in
3 (a) of this subsection.

4 (9) **Replacement.** (a) An owner or the owner's authorized
5 representative shall apply for a replacement license plate or plates if
6 the current license plate or plates assigned to the vehicle have been
7 lost, defaced, or destroyed, or if one or both plates have become so
8 illegible or are in such a condition as to be difficult to distinguish.
9 An owner or the owner's authorized representative may apply for a
10 replacement license plate or plates at any time the owner chooses.

11 (b) The application for a replacement license plate or plates must:

12 (i) Be on a form furnished or approved by the director; and

13 (ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

14 (c) The department shall not require the payment of any fee to
15 replace a license plate or plates for vehicles owned, rented, or leased
16 by foreign countries or international bodies to which the United States
17 government is a signatory by treaty.

18 ~~((10)(a) **Periodic replacement.** License plates must be replaced
19 periodically to ensure maximum legibility and reflectivity.))~~

20 ~~(d) The department shall~~((÷

21 ~~(i) Use empirical studies documenting the longevity of the
22 reflective materials used to make license plates;~~

23 ~~(ii) Determine how frequently license plates must be replaced; and~~

24 ~~(iii)) offer to owners the option of retaining the current license
25 plate number when obtaining replacement license plates for the fee
26 required in RCW 46.17.200(1)(b).~~

27 ~~((b) Commercial motor vehicles with a gross weight in excess of
28 twenty six thousand pounds are exempt from periodic license plate
29 replacement.~~

30 ~~(11) **Periodic replacement--Exceptions.** The following license
31 plates are not required to be periodically replaced as required in
32 subsection (10) of this section:~~

33 ~~(a) Horseless carriage license plates issued under RCW 46.18.255
34 before January 1, 1987;~~

35 ~~(b) Congressional Medal of Honor license plates issued under RCW
36 46.18.230;~~

37 ~~(c) License plates for commercial motor vehicles with a gross
38 weight greater than twenty six thousand pounds.~~

1 ~~(12))~~ (10) **Rules.** The department may adopt rules to implement
2 this section.

3 ~~((13))~~ (11) **Tabs or emblems.** The director may issue tabs or
4 emblems to be attached to license plates or elsewhere on the vehicle to
5 signify initial registration and renewals. Renewals become effective
6 when tabs or emblems have been issued and properly displayed on license
7 plates.

8 **Sec. 2.** RCW 46.17.200 and 2010 c 161 s 518 are each amended to
9 read as follows:

10 (1) In addition to all other fees and taxes required by law, the
11 department, county auditor or other agent, or subagent appointed by the
12 director shall charge:

13 (a) The following license plate fees for each license plate, unless
14 the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
Reflectivity	\$2.00	RCW 46.68.070
Replacement	\$10.00	RCW 46.68.070
Replacement, motorcycle	\$2.00	RCW 46.68.070

20 (b) A license plate retention fee, as required under RCW
21 46.16A.200(~~((10)(a)(iii))~~) (9)(d), of twenty dollars if the owner
22 wishes to retain the current license plate number upon license plate
23 replacement, unless the owner or type of vehicle is exempt from
24 payment. The twenty dollar fee must be deposited in the multimodal
25 transportation account created in RCW 47.66.070.

26 (c) A ten dollar license plate transfer fee, as required under RCW
27 46.16A.200(8)(a), when transferring standard issue license plates from
28 one vehicle to another, unless the owner or type of vehicle is exempt
29 from payment. The ten dollar license plate transfer fee must be
30 deposited in the motor vehicle fund created in RCW 46.68.070.

31 (d) Former prisoner of war license plates, as described in RCW
32 46.18.235, may be transferred to a replacement vehicle upon payment of
33 a five dollar license plate fee, in addition to any other fee required
34 by law.

1 (2) The department may, upon request, provide license plates that
2 have been used and returned to the department to individuals for
3 nonvehicular use. The department may charge a fee of up to five
4 dollars per license plate to cover costs or recovery for postage and
5 handling. The department may waive the fee for license plates used in
6 educational projects and may, by rule, provide standards for the fee
7 waiver and restrictions on the number of license plates provided to any
8 one person. The fee must be deposited in the motor vehicle fund
9 created in RCW 46.68.070.

10 **Sec. 3.** RCW 46.18.130 and 2010 1st sp.s. c 7 s 96 and 2010 c 161
11 s 607 are each reenacted and amended to read as follows:

12 (1) Revenues generated from the sale of special license plates for
13 those sponsoring organizations who used the application process in RCW
14 46.68.110 must be deposited into the motor vehicle fund created in RCW
15 46.68.070 until the department determines that the state's
16 implementation costs have been fully reimbursed.

17 (2) When it is determined that the state has been fully reimbursed
18 the department must notify the house of representatives and senate
19 transportation committees, the sponsoring organization, and the state
20 treasurer, and begin distributing the revenue as otherwise provided by
21 law.

22 (3) If reimbursement does not occur within two years from the date
23 the special license plate is first offered for sale to the public, the
24 special license plate series must be placed in probationary status for
25 a period of one year from that date. If the state is still not fully
26 reimbursed for its implementation costs after the one-year probation,
27 the special license plate series must be discontinued immediately.
28 Special license plates issued before discontinuation are valid until
29 replaced under RCW 46.16A.200(~~(+10+)~~) (9).

30 (4) The special license plate applicant trust account is created in
31 the custody of the state treasurer. All receipts from special license
32 plate applicants must be deposited into the account. Only the director
33 of the department or the director's designee may authorize
34 disbursements from the account. The account is not subject to the
35 allotment procedures under chapter 43.88 RCW, nor is an appropriation
36 required for disbursements.

37 (5) The department shall:

1 (a) Provide the special license plate applicant with a written
2 receipt for the payment; and

3 (b) Maintain a record of each special license plate applicant trust
4 account deposit including, but not limited to, the name and address of
5 each special license plate applicant whose funds are being deposited,
6 the amount paid, and the date of the deposit.

7 (6) After the department receives written notice that the special
8 license plate applicant's application has been approved by the
9 legislature, the director shall request that the money be transferred
10 to the motor vehicle fund created in RCW 46.68.070.

11 (7) After the department receives written notice that the special
12 license plate applicant's application has been denied by the department
13 or the legislature, the director shall provide a refund to the
14 applicant within thirty days.

15 (8) After the department receives written notice that the special
16 license plate applicant's application has been withdrawn by the special
17 license plate applicant, the director shall provide a refund to the
18 applicant within thirty days.

19 **Sec. 4.** RCW 46.18.140 and 2010 1st sp.s. c 7 s 97 and 2010 c 161
20 s 609 are each reenacted and amended to read as follows:

21 (1) A special license plate series created by the legislature after
22 January 1, 2011, that has not been reviewed and approved by the
23 department is subject to the following requirements:

24 (a) The organization sponsoring the license plate series shall,
25 within thirty days of enactment of the legislation creating the special
26 license plate series, submit prepayment of all start-up costs
27 associated with the creation and implementation of the special license
28 plate in an amount determined by the department. The prepayment will
29 be credited to the motor vehicle fund created in RCW 46.68.070. The
30 creation and implementation of the special license plate series may not
31 begin until payment is received by the department.

32 (b) If the sponsoring organization is not able to meet the
33 prepayment requirements in (a) of this subsection and can demonstrate
34 this fact to the satisfaction of the department, the revenues generated
35 from the sale of the special license plates must be deposited in the
36 motor vehicle fund created in RCW 46.68.070 until the department
37 determines that the state's portion of the implementation costs have

1 been fully reimbursed. When it has determined that the state has been
2 fully reimbursed, the department must notify the treasurer to commence
3 distribution of the revenue according to 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 46.16A.200(~~(+10)~~) (9).

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 fund created in RCW 46.68.070.

21 (4) A sponsoring organization may not seek to redesign its special
22 license plate series until the entire existing inventory is sold or
23 purchased by the organization itself. All costs for the redesign of a
24 special license plate series must be paid by the sponsoring
25 organization.

26 **Sec. 5.** RCW 46.68.380 and 2010 c 161 s 808 are each amended to
27 read as follows:

28 (1) The special license plate applicant trust account is created in
29 the custody of the state treasurer. All receipts from special license
30 plate applicants must be deposited into the account. Only the director
31 or the director's designee may authorize disbursements from the
32 account. The account is not subject to the allotment procedures under
33 chapter 43.88 RCW, and an appropriation is not required for
34 disbursements.

35 (2)(a) Revenues generated from the sale of special license plates
36 for those sponsoring organizations that used the application process in

1 RCW 46.18.110 must be deposited into the motor vehicle fund until the
2 department determines that the state's implementation costs have been
3 fully reimbursed.

4 (b) When it is determined that the state has been fully reimbursed,
5 the department must notify the house of representatives and senate
6 transportation committees, the sponsoring organization, and the state
7 treasurer, and commence the distribution of the revenue as otherwise
8 provided by law.

9 (3) If reimbursement does not occur within two years from the date
10 the plate is first offered for sale to the public, 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 plate series
14 must be discontinued immediately. Special license plates issued before
15 discontinuation are valid until replaced under RCW 46.16A.200(~~(+10+)~~)
16 (9).

17 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 July 1, 2011.

--- END ---