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**HOUSE BILL 1309**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** Representatives Ryu and Tharinger

AN ACT Relating to studded tires; amending RCW 46.37.427, 46.37.4216, and 46.37.420; reenacting and amending RCW 47.36.250; creating a new section; prescribing penalties; providing effective dates; and declaring an emergency.

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

NEW SECTION. **Sec.**  The legislature finds that the use of studded tires causes damage to roadways and reduces road safety for all motorists. Engineering research indicates that tire studs damage hot mix asphalt and concrete pavements, wearing away the pavement and forming ruts on the pavement surface. Damage to asphalt and concrete pavement on state highways due to studded tire use is estimated at twenty million dollars to twenty-nine million dollars per year. Dangerous driving conditions are created when water collects in pavement ruts which could lead to hydroplaning and increased splash and spray. Studded tires also wear out paint stripes and raised pavement markers on roadways, further reducing road safety for all motorists. Therefore, the legislature intends to increase the fee imposed on the retail sale of studded tires in order to produce revenue needed to fund repairs to damaged roadways. The legislature also intends to phase out the use of studded tires by prohibiting the sale and eventually the use of studded tires in Washington.

**Sec.**  RCW 46.37.427 and 2015 3rd sp.s. c 44 s 210 are each amended to read as follows:

((~~Beginning July 1, 2016:~~))

(1)(a) In addition to all other fees imposed on the retail sale of tires, a ((~~five~~)) one hundred dollar fee is imposed on the retail sale of each new tire sold that contains studs. For the purposes of this subsection, "new tire sold that contains studs" means a tire that is manufactured for vehicle purposes and contains metal studs, and does not include bicycle tires or retreaded vehicle tires.

(b) The ((~~five~~)) one hundred dollar fee must be paid by the buyer to the seller, and each seller must collect from the buyer the full amount of the fee. The fee collected from the buyer by the seller must be paid to the department of revenue in accordance with RCW 82.32.045; however, the seller retains ((~~ten~~)) one percent of the fee collected.

(c) The portion of the fee paid to the department of revenue under (b) of this subsection must be deposited in the motor vehicle fund created under RCW 46.68.070.

(2) The fee to be collected by the seller, less the ((~~ten~~)) one percent that the seller retains as specified in subsection (1)(b) of this section, must be held in trust by the seller until paid to the department of revenue, and any seller who appropriates or converts the fee collected to any use other than the payment of the fee on the due date is guilty of a gross misdemeanor.

(3) Any seller that fails to collect the fee imposed under this section or, having collected the fee, fails to pay it to the department of revenue by the date due, whether such failure is the result of the seller or the result of acts or conditions beyond the seller's control, is personally liable to the state for the amount of the fee.

(4) The amount of the fee, until paid by the buyer to the seller or to the department of revenue, constitutes a debt from the buyer to the seller. Any seller who fails or refuses to collect the fee as required with the intent to violate this section or to gain some advantage or benefit and any buyer who refuses to pay the fee due is guilty of a misdemeanor.

(5) The department of revenue must collect on the business excise tax return from the businesses selling new tires that contain studs at retail the number of tires sold and the fee imposed under this section. The department of revenue must incorporate into its audit cycle a reconciliation of the number of tires sold and the amount of revenue collected by the businesses selling new tires that contain studs.

(6) All other applicable provisions of chapter 82.32 RCW have full force and application with respect to the fee imposed under this section.

(7) The department of revenue must administer this section.

**Sec.**  RCW 46.37.4216 and 2007 c 140 s 4 are each amended to read as follows:

(1) Beginning July 1, 2001, a person may not sell a studded tire or sell a stud for installation in a tire unless the stud qualifies as a: ((~~(1)~~)) (a) Lightweight stud under RCW 46.04.272; or ((~~(2)~~)) (b) retractable stud that is exempt from the requirements of RCW 46.04.272.

(2) Beginning January 1, 2020, it is a traffic infraction for any person, firm, or corporation to sell or offer for sale a studded tire or a stud for installation in a tire.

**Sec.**  RCW 46.37.420 and 2012 c 75 s 1 are each amended to read as follows:

(1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires except vehicles equipped with temporary-use spare tires that meet federal standards that are installed and used in accordance with the manufacturer's instructions.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except ((~~that~~)) as allowed in subsections (3) and (4) of this section.

(3) It is permissible to use on a highway farm machinery equipped with pneumatic tires or solid rubber tracks having protuberances that will not injure the highway((~~, and except also that~~)).

(4)(a) It is permissible to use on the public highways of this state tire chains or alternative traction devices upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(b)(i) Until July 1, 2025, it is permissible to use ((~~tire chains, alternative traction devices, or~~)) metal studs imbedded within the tire of reasonable proportions and of a type conforming to rules adopted by the state patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st, except that a vehicle may be equipped year-round with tires that have retractable studs if: ((~~(a)~~)) (A) The studs retract pneumatically or mechanically to below the wear bar of the tire when not in use; and ((~~(b)~~)) (B) the retractable studs are engaged only between November 1st and April 1st. Retractable studs may be made of metal or other material and are not subject to the lightweight stud weight requirements under RCW 46.04.272. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(ii) Beginning July 1, 2025, it is unlawful to use metal studs imbedded within the tire upon any vehicle on the public highways of this state.

((~~(3)~~)) (5) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

((~~(4)~~)) (6) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

**Sec.**  RCW 47.36.250 and 2003 c 356 s 1 and 2003 c 53 s 259 are each reenacted and amended to read as follows:

(1) If the department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction equipment in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

(a) Traction advisory - oversize vehicles prohibited.

(b) Traction advisory - oversize vehicles prohibited. Vehicles over 10,000 GVW - chains required.

(c) Traction advisory - oversize vehicles prohibited. All vehicles - chains required, except all wheel drive.

(2) Any equipment that may be required by this section shall be approved by the state patrol as authorized under RCW 46.37.420.

(3) The department shall place and maintain signs and other traffic control devices on the public highways that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. ((~~Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1st to April 1st, but when the department determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to all types of tires including studded tires.~~)) The Washington state patrol or the department may specify different recommendations or requirements for four wheel drive vehicles in gear.

(4) Failure to obey a requirement indicated under this section is a traffic infraction under chapter 46.63 RCW subject to a penalty of five hundred dollars including all statutory assessments.

NEW SECTION. **Sec.**  Section 5 of this act takes effect July 1, 2025.

NEW SECTION. **Sec.**  Sections 1 through 4 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2019.

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