
HOUSE BILL 1967

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By Representatives Romero, Robertson, R. Fisher, K. Schmidt, Tokuda, Chopp, Patterson, Regala, Hatfield, Wolfe, Cole, Dellwo, Valle and Ogden

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1 AN ACT Relating to licensing and registration crimes; amending RCW
2 46.16.010, 46.16.160, 47.68.255, 88.02.118, and 82.32.330; adding a new
3 section to chapter 46.68 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.16.010 and 1993 c 238 s 1 are each amended to read
6 as follows:

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

17 (2) The licensing of a vehicle in another state by a resident of
18 this state, as defined in RCW 46.16.028, evading the payment of any tax

1 or license fee imposed in connection with registration, is a gross
2 misdemeanor punishable as follows:

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

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

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

30 "Special highway construction equipment" is any vehicle which is
31 designed and used primarily for grading of highways, paving of
32 highways, earth moving, and other construction work on highways and
33 which is not designed or used primarily for the transportation of
34 persons or property on a public highway and which is only incidentally
35 operated or moved over the highway. It includes, but is not limited
36 to, road construction and maintenance machinery so designed and used
37 such as portable air compressors, air drills, asphalt spreaders,
38 bituminous mixers, bucket loaders, track laying tractors, ditchers,
39 leveling graders, finishing machines, motor graders, paving mixers,

1 road rollers, scarifiers, earth moving scrapers and carryalls, lighting
2 plants, welders, pumps, power shovels and draglines, self-propelled and
3 tractor-drawn earth moving equipment and machinery, including dump
4 trucks and tractor-dump trailer combinations which either (1) are in
5 excess of the legal width or (2) which, because of their length, height
6 or unladen weight, may not be moved on a public highway without the
7 permit specified in RCW 46.44.090 and which are not operated laden
8 except within the boundaries of the project limits as defined by the
9 contract, and other similar types of construction equipment, or (3)
10 which are driven or moved upon a public highway only for the purpose of
11 crossing such highway from one property to another, provided such
12 movement does not exceed five hundred feet and the vehicle is equipped
13 with wheels or pads which will not damage the roadway surface.

14 Exclusions:

15 "Special highway construction equipment" does not include any of
16 the following:

17 Dump trucks originally designed to comply with the legal size and
18 weight provisions of this code notwithstanding any subsequent
19 modification which would require a permit, as specified in RCW
20 46.44.090, to operate such vehicles on a public highway, including
21 trailers, truck-mounted transit mixers, cranes and shovels, or other
22 vehicles designed for the transportation of persons or property to
23 which machinery has been attached.

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

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

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

36 **Sec. 2.** RCW 46.16.160 and 1993 c 102 s 2 are each amended to read
37 as follows:

1 (1) The owner of a vehicle which under reciprocal relations with
2 another jurisdiction would be required to obtain a license registration
3 in this state or an unlicensed vehicle which would be required to
4 obtain a license registration for operation on public highways of this
5 state may, as an alternative to such license registration, secure and
6 operate such vehicle under authority of a trip permit issued by this
7 state in lieu of a Washington certificate of license registration, and
8 licensed gross weight if applicable. The licensed gross weight may not
9 exceed eighty thousand pounds for a combination of vehicles nor forty
10 thousand pounds for a single unit vehicle with three or more axles.
11 Trip permits may also be issued for movement of mobile homes pursuant
12 to RCW 46.44.170. For the purpose of this section, a vehicle is
13 considered unlicensed if the licensed gross weight currently in effect
14 for the vehicle or combination of vehicles is not adequate for the load
15 being carried. Vehicles registered under RCW 46.16.135 shall not be
16 operated under authority of trip permits in lieu of further
17 registration within the same registration year.

18 (2) Each trip permit shall authorize the operation of a single
19 vehicle at the maximum legal weight limit for such vehicle for a period
20 of three consecutive days commencing with the day of first use. No
21 more than three such permits may be used for any one vehicle in any
22 period of (~~thirty consecutive days~~) one year. Every permit shall
23 identify, as the department may require, the vehicle for which it is
24 issued and shall be completed in its entirety and signed by the
25 operator (~~before operation of the vehicle on the public highways of~~
26 ~~this state~~) at the time of issuance of the permit. Correction of data
27 on the permit such as dates, license number, or vehicle identification
28 number invalidates the permit. The trip permit shall be displayed on
29 the vehicle to which it is issued as prescribed by the department.

30 (3) Vehicles operating under authority of trip permits are subject
31 to all laws, rules, and regulations affecting the operation of like
32 vehicles in this state.

33 (4) Prorate operators operating commercial vehicles on trip permits
34 in Washington shall retain the customer copy of such permit for four
35 years.

36 (5) Blank trip permits may be obtained from field offices of the
37 department of transportation, Washington state patrol, department of
38 licensing, or other agents appointed by the department. For each
39 permit issued, there shall be collected a filing fee as provided by RCW

1 46.01.140, an administrative fee of eight dollars, and an excise tax of
2 one dollar. If the filing fee amount of one dollar prescribed by RCW
3 46.01.140 is increased or decreased after January 1, 1981, the
4 administrative fee shall be adjusted to compensate for such change to
5 insure that the total amount collected for the filing fee,
6 administrative fee, and excise tax remain at ten dollars. These fees
7 and taxes are in lieu of all other vehicle license fees and taxes. No
8 exchange, credits, or refunds may be given for trip permits after they
9 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) A violation of or a failure to comply with any provision of
16 this section is a gross misdemeanor.

17 (8) The department of licensing may adopt rules as it deems
18 necessary to administer this section.

19 (9) All administrative fees and excise taxes collected under the
20 provisions of this chapter shall be forwarded by the department with
21 proper identifying detailed report to the state treasurer who shall
22 deposit the administrative fees to the credit of the motor vehicle fund
23 and the excise taxes to the credit of the general fund. Filing fees
24 will be forwarded and reported to the state treasurer by the department
25 as prescribed in RCW 46.01.140. All penalties and fines collected
26 under RCW 46.16.010 shall be deposited in the vehicle licensing fraud
27 account created by section 6 of this act.

28 **Sec. 3.** RCW 47.68.255 and 1993 c 238 s 2 are each amended to read
29 as follows:

30 A person who is required to register an aircraft under this chapter
31 and who registers an aircraft in another state or foreign country
32 evading the Washington aircraft excise tax is guilty of a gross
33 misdemeanor. For a second or subsequent offense, the person convicted
34 is also subject to a fine equal to four times the amount of delinquent
35 taxes and fees, no part of which may be suspended or deferred.

36 **Sec. 4.** RCW 88.02.118 and 1993 c 238 s 4 are each amended to read
37 as follows:

1 It is a gross misdemeanor punishable as provided under chapter
2 9A.20 RCW for any person owning a vessel subject to taxation under
3 chapter 82.49 RCW to register a vessel in another state to avoid
4 Washington state vessel excise tax required under chapter 82.49 RCW or
5 to obtain a vessel dealer's registration for the purpose of evading
6 excise tax on vessels under chapter 82.49 RCW. For a second or
7 subsequent offense, the person convicted is also subject to a fine
8 equal to four times the amount of delinquent taxes and fees, no part of
9 which may be suspended or deferred.

10 **Sec. 5.** RCW 82.32.330 and 1991 c 330 s 1 are each amended to read
11 as follows:

12 (1) For purposes of this section:

13 (a) "Disclose" means to make known to any person in any manner
14 whatever a return or tax information;

15 (b) "Return" means a tax or information return or claim for refund
16 required by, or provided for or permitted under, the laws of this state
17 which is filed with the department of revenue by, on behalf of, or with
18 respect to a person, and any amendment or supplement thereto, including
19 supporting schedules, attachments, or lists that are supplemental to,
20 or part of, the return so filed;

21 (c) "Tax information" means (i) a taxpayer's identity, (ii) the
22 nature, source, or amount of the taxpayer's income, payments, receipts,
23 deductions, exemptions, credits, assets, liabilities, net worth, tax
24 liability deficiencies, overassessments, or tax payments, whether taken
25 from the taxpayer's books and records or any other source, (iii)
26 whether the taxpayer's return was, is being, or will be examined or
27 subject to other investigation or processing, (iv) a part of a written
28 determination that is not designated as a precedent and disclosed
29 pursuant to RCW 82.32.410, or a background file document relating to a
30 written determination, and (v) other data received by, recorded by,
31 prepared by, furnished to, or collected by the department of revenue
32 with respect to the determination of the existence, or possible
33 existence, of liability, or the amount thereof, of a person under the
34 laws of this state for a tax, penalty, interest, fine, forfeiture, or
35 other imposition, or offense: PROVIDED, That data, material, or
36 documents that do not disclose information related to a specific or
37 identifiable taxpayer do not constitute tax information under this
38 section. Except as provided by RCW 82.32.410, nothing in this chapter

1 shall require any person possessing data, material, or documents made
2 confidential and privileged by this section to delete information from
3 such data, material, or documents so as to permit its disclosure;

4 (d) "State agency" means every Washington state office, department,
5 division, bureau, board, commission, or other state agency; and

6 (e) "Taxpayer identity" means the taxpayer's name, address,
7 telephone number, registration number, or any combination thereof, or
8 any other information disclosing the identity of the taxpayer.

9 (2) Returns and tax information shall be confidential and
10 privileged, and except as authorized by this section, neither the
11 department of revenue nor any officer, employee, agent, or
12 representative thereof nor any other person may disclose any return or
13 tax information.

14 (3) The foregoing, however, shall not prohibit the department of
15 revenue or an officer, employee, agent, or representative thereof from:

16 (a) Disclosing such return or tax information in a civil or
17 criminal judicial proceeding or an administrative proceeding:

18 (i) In respect of any tax imposed under the laws of this state if
19 the taxpayer or its officer or other person liable under Title 82 RCW
20 is a party in the proceeding; or

21 (ii) In which the taxpayer about whom such return or tax
22 information is sought and another state agency are adverse parties in
23 the proceeding;

24 (b) Disclosing, subject to such requirements and conditions as the
25 director shall prescribe by rules adopted pursuant to chapter 34.05
26 RCW, such return or tax information regarding a taxpayer to such
27 taxpayer or to such person or persons as that taxpayer may designate in
28 a request for, or consent to, such disclosure, or to any other person,
29 at the taxpayer's request, to the extent necessary to comply with a
30 request for information or assistance made by the taxpayer to such
31 other person: PROVIDED, That tax information not received from the
32 taxpayer shall not be so disclosed if the director determines that such
33 disclosure would compromise any investigation or litigation by any
34 federal, state, or local government agency in connection with the civil
35 or criminal liability of the taxpayer or another person, or that such
36 disclosure is contrary to any agreement entered into by the department
37 that provides for the reciprocal exchange of information with other
38 government agencies which agreement requires confidentiality with

1 respect to such information unless such information is required to be
2 disclosed to the taxpayer by the order of any court;

3 (c) Disclosing the name of a taxpayer with a deficiency greater
4 than five thousand dollars and against whom a warrant under RCW
5 82.32.210 has been either issued or (~~failed~~[~~filed~~]) filed and
6 remains outstanding for a period of at least ten working days. The
7 department shall not be required to disclose any information under this
8 subsection if a taxpayer: (i) Has been issued a tax assessment; (ii)
9 has been issued a warrant that has not been filed; and (iii) has
10 entered a deferred payment arrangement with the department of revenue
11 and is making payments upon such deficiency that will fully satisfy the
12 indebtedness within twelve months;

13 (d) Disclosing the name of a taxpayer with a deficiency greater
14 than five thousand dollars and against whom a warrant under RCW
15 82.32.210 has been filed with a court of record and remains
16 outstanding;

17 (e) Publishing statistics so classified as to prevent the
18 identification of particular returns or reports or items thereof;

19 (f) Disclosing such return or tax information, for official
20 purposes only, to the governor or attorney general, or to any state
21 agency, or to any committee or subcommittee of the legislature dealing
22 with matters of taxation, revenue, trade, commerce, the control of
23 industry or the professions;

24 (g) Permitting the department of revenue's records to be audited
25 and examined by the proper state officer, his or her agents and
26 employees;

27 (h) Disclosing any such return or tax information to a peace
28 officer as defined in RCW 9A.04.110 or county prosecuting attorney, for
29 official purposes. A peace officer or county prosecuting attorney who
30 receives such return or tax information may disclose that return or tax
31 information to another person if the disclosure is made in the proper
32 discharge of the official duties of the prosecuting attorney or peace
33 officer;

34 (i) Disclosing any such return or tax information to the proper
35 officer of the internal revenue service of the United States, the
36 Canadian government or provincial governments of Canada, or to the
37 proper officer of the tax department of any state or city or town or
38 county, for official purposes, but only if the statutes of the United
39 States, Canada or its provincial governments, or of such other state or

1 city or town or county, as the case may be, grants substantially
2 similar privileges to the proper officers of this state; or

3 ~~((i))~~ (j) Disclosing any such return or tax information to the
4 Department of Justice, the Bureau of Alcohol, Tobacco and Firearms of
5 the Department of the Treasury, the Department of Defense, the United
6 States customs service, the coast guard of the United States, and the
7 United States department of transportation, or any authorized
8 representative thereof, for official purposes;

9 ~~((j))~~ (k) Publishing or otherwise disclosing the text of a
10 written determination designated by the director as a precedent
11 pursuant to RCW 82.32.410; or

12 ~~((k))~~ (l) Disclosing, in a manner that is not associated with
13 other tax information, the taxpayer name, business address, mailing
14 address, revenue tax registration numbers, standard industrial
15 classification code of a taxpayer, and the dates of opening and closing
16 of business.

17 (4) Any person acquiring knowledge of any return or tax information
18 in the course of his or her employment with the department of revenue
19 and any person acquiring knowledge of any return or tax information as
20 provided under subsection (3) (f), (g), (h), ~~((or))~~ (i), or (j) of this
21 section, who discloses any such return or tax information to another
22 person not entitled to knowledge of such return or tax information
23 under the provisions of this section, shall ~~((upon conviction be
24 punished by a fine not exceeding one thousand dollars and,))~~ be guilty
25 of a misdemeanor. If the person found guilty of such violation is an
26 officer or employee of the state, such person shall forfeit such office
27 or employment and shall be incapable of holding any public office or
28 employment in this state for a period of two years thereafter.

29 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.68 RCW
30 to read as follows:

31 The vehicle licensing fraud account is created in the state
32 treasury. All receipts from penalties and fines paid under RCW
33 46.16.010, 47.68.255, and 88.02.118 shall be deposited into the
34 account. Moneys in the account may be spent only after appropriation.
35 Expenditures from the account may be used only for vehicle license

1 fraud enforcement and collections by the Washington state patrol, the
2 department of revenue, and the attorney general.

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