
HOUSE BILL 2204

State of Washington

55th Legislature

1997 Regular Session

By Representatives O'Brien, Buck, Blalock, K. Schmidt, Wood, Scott, Mitchell, Hatfield, Zellinsky, Ogden, Skinner, Fisher, Constantine, Cooper, Kenney, Lantz, Cole and Costa

Read first time 02/26/97. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to motor vehicle sellers' reports; amending RCW
2 46.16.216 and 46.20.270; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature intends that this act will
5 more effectively ensure that an owner who has made a bona fide sale or
6 transfer of a vehicle is not mistakenly deemed civilly or criminally
7 liable for the operation of the vehicle by another person after the
8 completion of the sale or transfer.

9 **Sec. 2.** RCW 46.16.216 and 1990 2nd ex.s. c 1 s 401 are each
10 amended to read as follows:

11 (1) To renew a vehicle license, an applicant shall satisfy all
12 listed standing, stopping, and parking violations for the vehicle
13 incurred while the vehicle was registered in the applicant's name and
14 forwarded to the department pursuant to RCW 46.20.270(3). For the
15 purposes of this section, "listed" standing, stopping, and parking
16 violations include only those violations for which notice has been
17 received from local agencies by the department one hundred twenty days
18 or more before the date the vehicle license expires and that are placed

1 on the records of the department. Notice of such violations received
2 by the department later than one hundred twenty days before that date
3 that are not satisfied shall be considered by the department in
4 connection with any applications for license renewal in any subsequent
5 license year. The renewal application may be processed by the
6 department or its agents only if the applicant:

7 (a) Presents a preprinted renewal application showing no listed
8 standing, stopping, and parking violations, or in the absence of such
9 presentation, the agent verifies the information that would be
10 contained on the preprinted renewal application; or

11 (b) If listed standing, stopping, and parking violations exist,
12 presents proof of payment and pays a fifteen dollar surcharge.

13 (2) The surcharge shall be allocated as follows:

14 (a) Ten dollars shall be deposited in the motor vehicle fund to be
15 used exclusively for the administrative costs of the department of
16 licensing; and

17 (b) Five dollars shall be retained by the agent handling the
18 renewal application to be used by the agent for the administration of
19 this section.

20 (3) If there is a change in the registered owner of the vehicle, or
21 a seller's report as described in RCW 46.12.101(1) has been filed, the
22 department shall forward the information regarding the change to the
23 local charging jurisdiction and release any hold on the renewal of the
24 vehicle license resulting from parking violations incurred while the
25 certificate of license registration was in a previous registered
26 owner's name.

27 (4) The department shall send to all registered owners of vehicles
28 who have been reported to have outstanding listed parking violations,
29 at the time of renewal, a statement setting out the dates and
30 jurisdictions in which the violations occurred as well as the amounts
31 of unpaid fines and penalties relating to them and the surcharge to be
32 collected.

33 **Sec. 3.** RCW 46.20.270 and 1990 2nd ex.s. c 1 s 402 are each
34 amended to read as follows:

35 (1) Whenever any person is convicted of any offense for which this
36 title makes mandatory the suspension or revocation of the driver's
37 license of such person by the department, the privilege of the person
38 to operate a vehicle is suspended until the department takes the action

1 required by this chapter, and the court in which such conviction is had
2 shall forthwith secure the immediate forfeiture of the driver's license
3 of such convicted person and immediately forward such driver's license
4 to the department, and on failure of such convicted person to deliver
5 such driver's license the judge shall cause such person to be confined
6 for the period of such suspension or revocation or until such driver's
7 license is delivered to such judge: PROVIDED, That if the convicted
8 person testifies that he or she does not and at the time of the offense
9 did not have a current and valid vehicle driver's license, the judge
10 shall cause such person to be charged with the operation of a motor
11 vehicle without a current and valid driver's license and on conviction
12 punished as by law provided, and the department may not issue a
13 driver's license to such persons during the period of suspension or
14 revocation: PROVIDED, ALSO, That if the driver's license of such
15 convicted person has been lost or destroyed and such convicted person
16 makes an affidavit to that effect, sworn to before the judge, the
17 convicted person may not be so confined, but the department may not
18 issue or reissue a driver's license for such convicted person during
19 the period of such suspension or revocation: PROVIDED, That perfection
20 of notice of appeal shall stay the execution of sentence including the
21 suspension and/or revocation of the driver's license.

22 (2) Every court having jurisdiction over offenses committed under
23 this chapter, or any other act of this state or municipal ordinance
24 adopted by a local authority regulating the operation of motor vehicles
25 on highways, or any federal authority having jurisdiction over offenses
26 substantially the same as those set forth in Title 46 RCW which occur
27 on federal installations within this state, shall forward to the
28 department within ten days of a forfeiture of bail or collateral
29 deposited to secure the defendant's appearance in court, a payment of
30 a fine or penalty, a plea of guilty or a finding of guilt, or a finding
31 that any person has committed a traffic infraction an abstract of the
32 court record in the form prescribed by rule of the supreme court,
33 showing the conviction of any person or the finding that any person has
34 committed a traffic infraction in said court for a violation of any
35 said laws other than regulations governing standing, stopping, parking,
36 and pedestrian offenses.

37 (3) Every municipality having jurisdiction over offenses committed
38 under this chapter, or under any other act of this state or municipal
39 ordinance adopted by a local authority regulating the operation of

1 motor vehicles on highways, may forward to the department within ten
2 days of failure to respond, failure to pay a penalty, failure to appear
3 at a hearing to contest the determination that a violation of any
4 statute, ordinance, or regulation relating to standing, stopping, or
5 parking has been committed, or failure to appear at a hearing to
6 explain mitigating circumstances, an abstract of the citation record in
7 the form prescribed by rule of the department, showing the finding by
8 such municipality that two or more violations of laws governing
9 standing, stopping, and parking have been committed and indicating the
10 nature of the defendant's failure to act. Such violations may not have
11 occurred while the vehicle is stolen from the registered owner or is
12 leased or rented under a bona fide commercial vehicle lease or rental
13 agreement between a lessor engaged in the business of leasing vehicles
14 and a lessee who is not the vehicle's registered owner. The department
15 may enter into agreements of reciprocity with the duly authorized
16 representatives of the states for reporting to each other violations of
17 laws governing standing, stopping, and parking.

18 (4) If there is a change in ownership of the vehicle, and the
19 previous owner has complied with the requirements in RCW 46.12.102, the
20 local charging jurisdiction shall rely upon the seller's report as
21 described in RCW 46.12.101(1) for information about subsequent
22 transferees for purposes of forwarding information to the department as
23 provided in this section.

24 (5) For the purposes of Title 46 RCW the term "conviction" means a
25 final conviction in a state or municipal court or by any federal
26 authority having jurisdiction over offenses substantially the same as
27 those set forth in Title 46 RCW which occur on federal installations in
28 this state, an unvacated forfeiture of bail or collateral deposited to
29 secure a defendant's appearance in court, the payment of a fine, a plea
30 of guilty, or a finding of guilt on a traffic law violation charge,
31 regardless of whether the imposition of sentence or sanctions are
32 deferred or the penalty is suspended, but not including entry into a
33 deferred prosecution agreement under chapter 10.05 RCW.

34 (~~(+5)~~) (6) For the purposes of Title 46 RCW the term "finding that
35 a traffic infraction has been committed" means a failure to respond to
36 a notice of infraction or a determination made by a court pursuant to

1 this chapter. Payment of a monetary penalty made pursuant to RCW
2 46.63.070(2) is deemed equivalent to such a finding.

--- END ---