CERTIFICATION OF ENROLLMENT

HOUSE BILL 2483

Chapter 200, Laws of 2004

58th Legislature
2004 Regular Session

TITLE FEES--DISPOSITION

EFFECTIVE DATE: 7/1/04

Passed by the House February 16, 2004
Yeas 97  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate March 2, 2004
Yeas 47  Nays 0

BRAD OWEN
President of the Senate


I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is HOUSE BILL 2483 as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER
Chief Clerk

CERTIFICATE

FILED
March 29, 2004 - 2:59 p.m.

GARY F. LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to the disposition of title fees; amending RCW 46.12.040, 46.12.101, and 46.68.020; and providing an effective date.

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

Sec. 1. RCW 46.12.040 and 2002 c 352 s 3 are each amended to read as follows:

(1) The application for an original certificate of ownership accompanied by a draft, money order, certified bank check, or cash for five dollars, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

(2) The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

(3) In addition to the application fee and any other fee for the license registration of a vehicle, the department shall collect from the applicant a fee of fifteen dollars for vehicles previously registered in any other state or country. The proceeds from the fee shall be deposited in accordance with RCW
46.68.020. For vehicles requiring a physical examination, the
inspection fee shall be fifty dollars and shall be deposited in ((the
motor vehicle fund)) accordance with RCW 46.68.020.

Sec. 2. RCW 46.12.101 and 2003 c 264 s 7 are each amended to read
as follows:

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

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

(2) The requirements of subsection (1) of this section to provide
an odometer disclosure statement apply to the transfer of vehicles held
for lease when transferred to a lessee and then to the lessor at the
day of the leasehold and to vehicles held in a fleet when transferred
to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within
fifteen days after delivery to the transferee of the vehicle, execute
the application for a new certificate of ownership in the same space
provided therefor on the certificate or as the department prescribes,
and cause the certificates and application to be transmitted to the
department accompanied by a fee of five dollars in addition to any
other fees required.

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

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

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

(a) The department requesting additional supporting documents;
(b) Extended hospitalization or illness of the purchaser;
(c) Failure of a legal owner to release his or her interest;

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(d) Failure, negligence, or nonperformance of the department, auditor, or subagent.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer.

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

Sec. 3. RCW 46.68.020 and 2003 c 264 s 8 are each amended to read as follows:

The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys as follows:

(1) The fees collected under RCW 46.12.040(1) and 46.12.101(6) shall be credited to the multimodal transportation account in RCW 47.66.070.

(2)(a) Beginning July 27, 2003, and until July 1, 2008, the fees collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181 shall be credited as follows:

(i) 58.12 percent shall be credited to a segregated subaccount of the air pollution control account in RCW 70.94.015;

(ii) (16.60 percent shall be credited to the vessel response account created in RCW 90.56.335; and

(iii) The remainder shall be credited into the transportation 2003 account (nickel account).

(b) Beginning July 1, 2008, and thereafter, the fees collected
under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181 shall be
credited to the transportation 2003 account (nickel account).

(3) ((All other fees under chapter 46.12 RCW shall be credited to
the motor vehicle account, unless specified otherwise)) The fees
collected under RCW 46.12.040(3) and 46.12.060 shall be credited to the
motor vehicle account.

NEW SECTION. Sec. 4. This act takes effect July 1, 2004.
Passed by the House February 16, 2004.
Passed by the Senate March 2, 2004.
Approved by the Governor March 29, 2004.
Filed in Office of Secretary of State March 29, 2004.