CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6072

Chapter 264, Laws of 2003

(partial veto)

58th Legislature
2003 Regular Session

POLLUTION RESPONSE

EFFECTIVE DATE: 7/27/03

Passed by the Senate April 26, 2003
YEAS 42  NAYS 6

BRAD OWEN
President of the Senate

Passed by the House April 27, 2003
YEAS 63  NAYS 35

FRANK CHOPP
Speaker of the House of Representatives

Approved May 14, 2003, with the exception of section 6, which is vetoed.

I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 6072 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.
Secretary

FILED
May 14, 2003 - 10:20 a.m.

GARY F. LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to funding pollution abatement and response; amending RCW 46.12.040, 46.12.101, and 46.68.020; adding a new section to chapter 70.94 RCW; adding a new section to chapter 90.56 RCW; creating a new section; making appropriations; and providing an expiration date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 70.94 RCW to read as follows:

(1) Money deposited in the segregated subaccount of the air pollution control account under RCW 46.68.020(2) shall be distributed as follows:

(a) Eighty-five percent shall be distributed to air pollution control authorities created under this chapter. The money must be distributed in direct proportion with the amount of fees imposed under RCW 46.12.080, 46.12.170, and 46.12.181 that are collected within the boundaries of each authority. However, an amount in direct proportion with those fees collected in counties for which no air pollution control authority exists must be distributed to the department.
(b) The remaining fifteen percent shall be distributed to the department.

(2) Money distributed to air pollution control authorities and the department under subsection (1) of this section must be used as follows:

(a) Eighty-five percent of the money received by an air pollution control authority or the department must be used to retrofit school buses with exhaust emission control devices or to provide funding for fueling infrastructure necessary to allow school bus fleets to use alternative, cleaner fuels.

(b) The remaining fifteen percent may be used by the air pollution control authority or department to reduce vehicle air contaminant emissions and clean up air pollution, or reduce and monitor toxic air contaminants.

(3) Money in the air pollution control account may be spent by the department only after appropriation.

(4) The department shall provide a report to the legislative transportation committees on the progress of the implementation of this section by December 31, 2004.

NEW SECTION. Sec. 2. The sum of ten million dollars is appropriated for the biennium ending June 30, 2005, from the segregated subaccount of the air pollution control account to the department of ecology for the purposes of section 1 of this act.

NEW SECTION. Sec. 3. A new section is added to chapter 90.56 RCW to read as follows:

The vessel response account is created in the state treasury. Grants, gifts, and federal funds may be deposited into the account. Oil spill penalties assessed against ships under RCW 90.56.330 and 90.48.144 shall also be deposited into the account as well as the money distributed under RCW 46.68.020(2). Moneys in the account may be spent only after appropriation. The department of ecology is authorized to utilize the vessel response account to preposition a dedicated rescue tug at the entrance to the Strait of Juan de Fuca to reduce the risk of major maritime accidents and oil spills on the outer coast and western strait. Prior to authorizing the rescue tug to respond to a distressed vessel, the department shall work with the United States Coast Guard
and industry to determine if another capable, unencumbered commercial tug is available in the area that can respond. If such a tug can respond without increasing the risk of a casualty, it should be deployed as the tug of choice and the state-contracted rescue tug should not be taken off standby duty. The department is also authorized to spot charter tugs as needed during major storms and other high risk periods to protect maritime commerce and the environment anywhere in state waters.

The department shall not proceed with rule making related to emergency towing pursuant to chapter 88.46 RCW, so long as the deposit of the fee into the vessel response account under RCW 46.68.020(2) is continued and is appropriated for the purpose of the dedicated rescue tug.

NEW SECTION. Sec. 4. The department of ecology shall complete an evaluation of tug escort requirements for laden tankers to determine if the current escort system requirements under RCW 88.16.190 should be modified to recognize safety enhancements of the new double hull tankers deployed with redundant systems. The department shall provide a report with recommendations to the governor and the appropriate committees of the legislature by January 1, 2005.

NEW SECTION. Sec. 5. (1) The sum of two million eight hundred seventy-six thousand dollars is appropriated for the biennium ending June 30, 2005, from the vessel response account to the department of ecology for the purposes of section 3 of this act.

(2) The sum of two hundred thousand dollars is appropriated for the biennium ending June 30, 2005, from the oil spill prevention account to the department of ecology for the purposes of section 4 of this act.

*Sec. 6. RCW 46.12.040 and 2002 c 352 s 3 are each amended to read as follows:

(1) The application 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 the motor vehicle fund. For vehicles requiring a physical examination, the inspection fee shall be fifty dollars and shall be deposited in the motor vehicle fund.))

*Sec. 6 was vetoed. See message at end of chapter.*

Sec. 7. RCW 46.12.101 and 2002 c 279 s 1 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
end 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.

(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;
   (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((, to be deposited in the motor vehicle fund)).

(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. 8. RCW 46.68.020 and 2002 c 352 s 21 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 ((to the multimodal transportation account in RCW 47.66.070, and all expenses incurred in carrying out the provisions of that chapter shall be paid from such account as authorized by legislative appropriation)) as follows:

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

(2)(a) Beginning with the effective date of this section, and until
July 1, 2008, the fees collected under RCW 46.12.080, 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) 15.71 percent shall be credited to the vessel response account created in section 3 of this act; 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, 46.12.170, 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.

NEW SECTION. Sec. 9. Sections 1 and 3 of this act expire July 1, 2008.

Passed by the Senate April 26, 2003.
Passed by the House April 27, 2003.
Approved by the Governor May 14, 2003, with the exception of certain items that were vetoed.
Filed in Office of Secretary of State May 14, 2003.

Note: Governor's explanation of partial veto is as follows:
"I am returning herewith, without my approval as to section 6, Engrossed Substitute Senate Bill No. 6072 entitled:

"AN ACT Relating to funding pollution abatement and response;"

This bill establishes funding for a tugboat to reduce the risk of major maritime accidents, to enhance emission control for school buses, and to reduce and monitor vehicle air emissions.

I support these important environmental responsibilities, and appreciate the work of the legislature to provide for these activities within existing funds. However, section 6 of this bill would inadvertently eliminate the fifty-dollar physical inspection fee required for some out-of-state vehicles prior to registration in Washington State. I am, therefore, vetoing section 6 of this bill in order to maintain the inspection fee, which provides $2.5 million annual revenue for this important public safety program.

For these reasons, I have vetoed section 6 of Engrossed Substitute Senate Bill No. 6072.

With the exception of section 6, of Engrossed Substitute Senate Bill No. 6072 is approved."