

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.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

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.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE SENATE BILL 6072

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Horn and Haugen)

READ FIRST TIME 04/11/03.

1 AN ACT Relating to funding pollution abatement and response;
2 amending RCW 46.12.040, 46.12.101, and 46.68.020; adding a new section
3 to chapter 70.94 RCW; adding a new section to chapter 90.56 RCW;
4 creating a new section; making appropriations; and providing an
5 expiration date.

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

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

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

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

1 (b) The remaining fifteen percent shall be distributed to the
2 department.

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

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

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

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

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

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

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

26 The vessel response account is created in the state treasury.
27 Grants, gifts, and federal funds may be deposited into the account.
28 Oil spill penalties assessed against ships under RCW 90.56.330 and
29 90.48.144 shall also be deposited into the account as well as the money
30 distributed under RCW 46.68.020(2). Moneys in the account may be spent
31 only after appropriation. The department of ecology is authorized to
32 utilize the vessel response account to preposition a dedicated rescue
33 tug at the entrance to the Strait of Juan de Fuca to reduce the risk of
34 major maritime accidents and oil spills on the outer coast and western
35 strait. Prior to authorizing the rescue tug to respond to a distressed
36 vessel, the department shall work with the United States Coast Guard

1 and industry to determine if another capable, unencumbered commercial
2 tug is available in the area that can respond. If such a tug can
3 respond without increasing the risk of a casualty, it should be
4 deployed as the tug of choice and the state-contracted rescue tug
5 should not be taken off standby duty. The department is also
6 authorized to spot charter tugs as needed during major storms and other
7 high risk periods to protect maritime commerce and the environment
8 anywhere in state waters.

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

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

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

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

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

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

34 **(2) The fee shall be in addition to any other fee for the license**

1 registration of the vehicle. The certificate of ownership shall not be
2 required to be renewed annually, or at any other time, except as by law
3 provided.

4 (3) In addition to the application fee and any other fee for the
5 license registration of a vehicle, the department shall collect from
6 the applicant a fee of fifteen dollars for vehicles previously
7 registered in any other state or country. ~~((The proceeds from the fee
8 shall be deposited in the motor vehicle fund. For vehicles requiring
9 a physical examination, the inspection fee shall be fifty dollars and
10 shall be deposited in the motor vehicle fund.))~~

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

11 **Sec. 7.** RCW 46.12.101 and 2002 c 279 s 1 are each amended to read
12 as follows:

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

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

1 department shall create a system enabling the seller of a vehicle to
2 transmit the report of sale electronically. The system created by the
3 department must immediately indicate on the department's vehicle record
4 that a seller's report of sale has been filed.

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

10 (3) Except as provided in RCW 46.70.122 the transferee shall within
11 fifteen days after delivery to the transferee of the vehicle, execute
12 the application for a new certificate of ownership in the same space
13 provided therefor on the certificate or as the department prescribes,
14 and cause the certificates and application to be transmitted to the
15 department.

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

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

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

1 for not assessing the penalty may be established for but not limited to
2 delays caused by:

- 3 (a) The department requesting additional supporting documents;
- 4 (b) Extended hospitalization or illness of the purchaser;
- 5 (c) Failure of a legal owner to release his or her interest;
- 6 (d) Failure, negligence, or nonperformance of the department,
7 auditor, or subagent.

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

11 (7) Upon receipt of an application for reissue or replacement of a
12 certificate of ownership and transfer of license registration,
13 accompanied by the endorsed certificate of ownership or other
14 documentary evidence as is deemed necessary, the department shall, if
15 the application is in order and if all provisions relating to the
16 certificate of ownership and license registration have been complied
17 with, issue new certificates of title and license registration as in
18 the case of an original issue and shall transmit the fees together with
19 an itemized detailed report to the state treasurer(~~(, to be deposited~~
20 ~~in the motor vehicle fund)~~).

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

24 **Sec. 8.** RCW 46.68.020 and 2002 c 352 s 21 are each amended to read
25 as follows:

26 The director shall forward all fees for certificates of ownership
27 or other moneys accruing under the provisions of chapter 46.12 RCW to
28 the state treasurer, together with a proper identifying detailed
29 report. The state treasurer shall credit such moneys (~~(to the~~
30 ~~multimodal transportation account in RCW 47.66.070, and all expenses~~
31 ~~incurred in carrying out the provisions of that chapter shall be paid~~
32 ~~from such account as authorized by legislative appropriation)) as
33 follows:~~

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

36 (2)(a) Beginning with the effective date of this section, and until

1 July 1, 2008, the fees collected under RCW 46.12.080, 46.12.170, and
2 46.12.181 shall be credited as follows:

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

5 (ii) 15.71 percent shall be credited to the vessel response account
6 created in section 3 of this act; and

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

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

12 (3) All other fees under chapter 46.12 RCW shall be credited to the
13 motor vehicle account, unless specified otherwise.

14 NEW SECTION. Sec. 9. Sections 1 and 3 of this act expire July 1,
15 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."