CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 6676

Chapter 223, Laws of 2004

58th Legislature
2004 Regular Session

LICENSE PLATES--OWNERSHIP AND TRANSFER

EFFECTIVE DATE: 6/10/04

Passed by the Senate February 13, 2004
YEAS 48  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House March 10, 2004
YEAS 55  NAYS 40

FRANK CHOPP
Speaker of the House of Representatives

CERTIFICATE
I, Milton H. Doumit, Jr., Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 6676 as passed by the Senate and the House of Representatives on the dates hereon set forth.

MILTON H. DOUMIT JR.
Secretary


FILED
March 29, 2004 - 3:22 p.m.

GARY F. LOCKE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to transfer of vehicle license plates and ownership; and amending RCW 46.12.101, 46.16.023, 46.16.290, 46.16.316, 46.16.590, and 73.04.110.

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

Sec. 1. 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 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.

(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. 2. RCW 46.16.023 and 1993 c 488 s 5 are each amended to read
as follows:

(1) Every owner or lessee of a vehicle seeking to apply for an
excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015 shall apply to the director for, and upon satisfactory showing of eligibility, receive in lieu of the regular motor vehicle license plates for that vehicle, special plates of a distinguishing separate numerical series or design, as the director shall prescribe. In addition to paying all other initial fees required by law, each applicant for the special license plates shall pay an additional license fee of twenty-five dollars upon the issuance of such plates. The special fee shall be deposited in the motor vehicle fund. Application for renewal of the license plates shall be as prescribed for the renewal of other vehicle licenses. No renewal is required for vehicles exempted under RCW 46.16.020.

(2) Whenever the ownership of a vehicle receiving special plates under subsection (1) of this section is transferred or assigned, the plates shall be removed from the motor vehicle, and if another vehicle qualifying for special plates is acquired, the plates shall be transferred to that vehicle for a fee of ten dollars, and the director shall be immediately notified of the transfer of the plates. Otherwise the removed plates shall be immediately forwarded to the director to be canceled. Whenever the owner or lessee of a vehicle receiving special plates under subsection (1) of this section is for any reason relieved of the tax-exempt status, the special plates shall immediately be forwarded to the director along with an application for replacement plates and the required fee. Upon receipt the director shall issue the license plates that are otherwise provided by law.

(3) Any person who knowingly makes any false statement of a material fact in the application for a special plate under subsection (1) of this section is guilty of a gross misdemeanor.

Sec. 3. RCW 46.16.290 and 1997 c 291 s 4 are each amended to read as follows:

(1) In any case of a valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith, except as provided in RCW 46.16.280, and to the vehicle license plates passes to the purchaser or transferee. It is unlawful for the holder of such certificates, except as provided in RCW 46.16.280, or vehicle license plates to fail, neglect, or refuse to endorse the certificates and deliver the vehicle license plates to the purchaser or transferee.
(2)(a) If the sale or transfer is of a vehicle licensed with current standard issue license plates, the vehicle license plates may be retained and displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred. If a person applies for a transfer of the plate or plates to another eligible vehicle, the plates must be transferred to a vehicle requiring the same type of plate. A transfer fee of ten dollars must be charged in addition to all other applicable fees. The transfer fees must be deposited in the motor vehicle fund.

(b) If the sale or transfer is of a vehicle licensed by the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law, or, if the vehicle is licensed with personalized plates, amateur radio operator plates, medal of honor plates, disabled person plates, disabled veteran plates, prisoner of war plates, or other special license plates issued under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, the vehicle license plates therefor shall be retained and may be displayed upon a vehicle obtained in replacement of the vehicle so sold or transferred.

Sec. 4. RCW 46.16.316 and 1997 c 291 s 10 are each amended to read as follows:

Except as provided in RCW 46.16.305:

(1) When a person who has been issued a special license plate or plates: (a) Under RCW 46.16.301 as it existed before amendment by section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or 46.16.324; or (b) approved by the special license plate review board under RCW 46.16.715 through 46.16.775 sells, trades, or otherwise transfers or releases ownership of the vehicle upon which the special license plate or plates have been displayed, he or she shall immediately report the transfer of such plate or plates to an acquired vehicle or vehicle eligible for such plates pursuant to departmental rule, or he or she shall surrender such plates to the department immediately if such surrender is required by departmental rule. If a person applies for a transfer of the plate or plates to another eligible vehicle, a transfer fee of ten dollars shall be charged in addition to all other applicable fees. Such transfer fees shall be deposited in the motor vehicle fund. Failure to surrender the plates when required is a traffic infraction.
(2) If the special license plate or plates issued by the department become lost, defaced, damaged, or destroyed, application for a replacement special license plate or plates shall be made and fees paid as provided by law for the replacement of regular license plates.

Sec. 5. RCW 46.16.590 and 1975 c 59 s 5 are each amended to read as follows:
Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired vehicle or camper eligible for personalized license plates, a transfer fee of ((five)) ten dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund.

Sec. 6. RCW 73.04.110 and 1987 c 98 s 2 are each amended to read as follows:
Any person who is a veteran as defined in RCW 41.04.005 who submits to the department of licensing satisfactory proof of a service-connected disability rating from the veterans administration or the military service from which the veteran was discharged and:
(1) Has lost the use of both hands or one foot;
(2) Was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States;
(3) Has become blind in both eyes as the result of military service; or
(4) Is rated by the veterans administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year;
is entitled to regular or special license plates issued by the department of licensing. The special license plates shall bear distinguishing marks, letters, or numerals indicating that the motor vehicle is owned by a disabled veteran or former prisoner of war. This license shall be issued annually for one personal use vehicle without payment of any license fees or excise tax thereon. Whenever any person who has been issued license plates under the provisions of this section applies to the department for transfer of the plates to a subsequently

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acquired motor vehicle, a transfer fee of ((five)) ten dollars shall be charged in addition to all other appropriate fees. The department may periodically verify the one hundred percent rate as provided in subsection (4) of this section.

Any person who has been issued free motor vehicle license plates under this section prior to July 1, 1983, shall continue to be eligible for the annual free license plates.

For the purposes of this section, "blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW.

Any unauthorized use of a special plate is a gross misdemeanor.

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