CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5719

Chapter 284, Laws of 2009

61st Legislature
2009 Regular Session

KIT VEHICLES--TITLE AND REGISTRATION REQUIREMENTS

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 20, 2009
YEAS 47  NAYS 0

BRAD OWEN
President of the Senate

Passed by the House April 13, 2009
YEAS 97  NAYS 1

FRANK CHOPP
Speaker of the House of Representatives

Approved April 29, 2009, 10:51 a.m.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5719 as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN
Secretary

FILED

April 29, 2009

CHRISTINE GREGOIRE
Governor of the State of Washington

Secretary of State
State of Washington
AN ACT Relating to title and registration requirements for kit vehicles; amending RCW 46.12.440 and 46.16.680; and adding a new section to chapter 46.37 RCW.

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

Sec. 1. RCW 46.12.440 and 1996 c 225 s 8 are each amended to read as follows:

The following procedures must be followed when applying for a certificate of ownership for a kit vehicle:

(1) The vehicle identification number (VIN) of a new vehicle kit and of a body kit will be taken from the manufacturer's certificate of origin belonging to that vehicle. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

(2) The department shall use the model year of a manufactured new vehicle kit and manufactured body kit ((as)) as the year reflected on the manufacturer's certificate of origin.

(3) The make shall be listed as "KITV," and the series and body designation must describe (what the vehicle looks like, i.e. Bradley GT, 57 MG, and must include the word "replica") a discrete vehicle model.((m))
(4) Except for kit vehicles licensed under RCW 46.16.680(5), kit vehicles must comply with chapter ((204-90)) 204-10 WAC. A kit vehicle is exempt from the welding requirements under WAC 204-10-022(8) if, upon application for a certificate of ownership, the owner furnishes documentation from the manufacturer of the vehicle frame that informs the owner that the welding on the frame was not completed by a certified welder and that the structural strength of the frame has not been certified by an engineer as meeting the applicable federal motor vehicle safety standards set under 49 C.F.R. Sec. 571.201, 571.214, 571.216, and 571.220 through 571.224, and the applicable SAE standards.

(5) The application for the certificate of ownership must be accompanied by the following documents:

(a) For a manufactured new vehicle kit, the manufacturer's certificate of origin or equivalent document;

(b)(i) For a manufactured body kit, the manufacturer's certificate of origin or equivalent document; (ii) for the frame, the title or a certified copy or equivalent document;

(c) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax. The bills of sale must include the names and addresses of the seller and purchaser, a description of the vehicle or part being sold, including the make, model, and identification or serial number, the date of sale, and the purchase price of the vehicle or part;

(d) A statement as defined in WAC 308-56A-150 by an authorized inspector of the Washington state patrol or other person authorized by the department of licensing verifying the vehicle identification number, and year and make when applicable;

(e) A completed declaration of value form (TD 420-737) to determine the value for excise tax if the purchase cost and year is unknown or incomplete.

(6) A Washington state patrol VIN inspector must ensure that all parts are documented by titles, notarized bills of sale, or business receipts such as obtained from a wrecking yard purchase. The bills of sale must contain the VIN of the vehicle the parts came from, or the yard number if from a wrecking yard.
(7) The department may not deny a certificate of ownership to an applicant who completes the requisite application, complies with this section, and pays the requisite titling fees and taxes.

Sec. 2. RCW 46.16.680 and 1996 c 225 s 10 are each amended to read as follows:

All kit vehicles are licensed as original transactions when first titled in Washington, and the following provisions apply:

(1) The department of licensing shall charge original licensing fees and issue new plates appropriate to the use class.

(2) An inspection by the Washington state patrol is required to determine the correct identification number, and year or make if needed.

(3) The use class is the actual use of the vehicle, i.e. passenger car or truck.

(4) The make shall be listed as "KITV," and the series and body designation must describe (what the vehicle looks like, i.e. 48 Bradley GT, 57 MG, and must include the word "replica)) a discrete vehicle model.((#))

(5) Upon payment of original licensing fees the department may license a kit vehicle under RCW 46.16.305(1) as a street rod if the vehicle is manufactured to have the same appearance as a similar vehicle manufactured before 1949.

(6) For a manufactured new vehicle kit and a manufactured body kit, the model year of the vehicle is the year reflected on the manufacturer's certificate of origin for that vehicle. If this is not available, the Washington state patrol shall assign a model year at the time of inspection.

(7) The vehicle identification number (VIN) of a new vehicle kit and body kit is the vehicle identification number as reflected on the manufacturer's certificate of origin. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

(8) The department may not deny a vehicle registration, or vehicle license plates, to an applicant who completes the requisite application, is a Washington resident as defined in RCW 46.16.028, complies with this section, and pays the requisite vehicle licensing fees and taxes.
NEW SECTION.  Sec. 3. A new section is added to chapter 46.37 RCW

to read as follows:

(1) For the purposes of this section:

(a) "Kit vehicle" means a passenger car or light truck assembled
from a manufactured kit, and is either (i) a kit consisting of a
prefabricated body and chassis used to construct a complete vehicle, or
(ii) a kit consisting of a prefabricated body to be mounted on an
existing vehicle chassis and drive train, commonly referred to as a
donor vehicle. "Kit vehicle" does not include a vehicle that has been
assembled by a manufacturer.

(b) "Major component part" includes at least each of the following
vehicle parts: (i) Engines and short blocks; (ii) frame; (iii)
transmission or transfer case; (iv) cab; (v) door; (vi) front or rear
differential; (vii) front or rear clip; (viii) quarter panel; (ix)
truck bed or box; (x) seat; (xi) hood; (xii) bumper; (xiii) fender; and
(xiv) airbag.

(2) A kit vehicle must, prior to inspection, contain the following
components:

(a) Brakes on all wheels. The service brakes, upon application,
must be capable of stopping the vehicle within a twelve-foot lane and
(i) developing an average tire to road retardation force of not less
than 52.8 percent of the gross vehicle weight, (ii) decelerating the
vehicle at a rate of not less than seventeen feet per second, or (iii)
stopping the vehicle within a distance of twenty-five feet from a speed
of twenty miles per hour. Tests musts be made on a level, dry,
concrete or asphalt surface free from loose material;

(b) Brake hoses that comply with 49 C.F.R. Sec. 571.106;

(c) Brake fluids that comply with 49 C.F.R. Sec. 571.119;

(d) A parking brake that must operate on at least two wheels on the
same axle, and when applied, must be capable of holding the vehicle on
any grade on which the vehicle is operated. The parking brake must be
separately actuated so that failure of any part of the service brake
actuation system will not diminish the vehicle's parking brake holding
capability;

(e) Lighting equipment that complies with 49 C.F.R. Sec. 571.108;

(f) Pneumatic tires that comply with 49 C.F.R. Sec. 571.109;

(g) Glazing material that complies with 49 C.F.R. Sec. 571.205.

The driver must be provided with a windshield and side windows or
opening that allows an outward horizontal vision capability, ninety
degrees each side of a vertical plane passing through the fore and aft
centerline of the vehicle. This range of vision must not be
interrupted by window framing not exceeding four inches in width at
each side location;

(h) Seat belt assemblies that comply with 49 C.F.R. Sec. 571.209;

(i) Defroster and defogging devices capable of defogging and
defrosting the windshield area, except vehicles or exact replicas of
vehicles manufactured prior to January 1938 are exempt from this
requirement;

(j) Door latches that firmly and automatically secure the door when
pushed closed and that allow each door to be opened both from the
inside and outside, if the vehicle is enclosed with side doors leading
directly into a compartment that contains one or more seating
accommodations;

(k) A floor plan that is capable of supporting the weight of the
number of occupants that the vehicle is designed to carry;

(l) If an enclosed kit vehicle powered by an internal combustion
engine, a passenger compartment that must be constructed to prevent the
entry of exhaust fumes into the passenger compartment;

(m) Fenders that must be installed on all wheels and cover the
entire tread width that comes in contact with the road surface.
Coverage of the tire tread circumference must be from at least fifteen
degrees in front and to at least seventy-five degrees to the rear of
the vertical centerline at each wheel measured from the center of the
wheel rotation. The tire must not come in contact with the body,
fender, chassis, or suspension of the vehicle. Kit vehicles that are
more than forty years old and are owned and operated primarily as
collector's vehicles are exempt from this fender requirement if the
vehicle is used and driven during fair weather on well-maintained,
hard-surfaced roads;

(n) A speedometer that is calibrated to indicate miles per hour,
and may also indicate kilometers per hour;

(o) Mirrors as outlined in RCW 46.37.400. Mirror mountings must
provide for mirror adjustment by tilting both horizontally and
vertically;

(p) An accelerator control system that, in accordance with 49
C.F.R. Sec. 571.124, contains a double spring that returns engine
throttle to an idle position when the driver removes the actuating
force from the accelerator control. The geometry of the throttle
linkage must be designed so that the throttle will not lock in an open
position. A vehicle equipped with cruise control is exempt when the
cruise control is actuated;

(q) A fuel system that, in accordance with 49 C.F.R. Secs. 571.301
and 571.302, is securely fastened to the vehicle so as not to interfere
with the vehicle's operation. The components, such as tank, tubing,
hoses, and pump, must be of leak proof design and be securely attached
with fasteners designed for that purpose. All fuel system vent lines
must extend outside of the passenger compartment and be positioned as
not to be in contact with the high temperature surfaces or moving
components. If the vehicle is fueled using alternative measures, it
must be installed in accordance with any applicable standards set by
the United States department of transportation;

(r) A steering wheel as outlined in RCW 46.37.375 and WAC 204-10-
034;

(s) A suspension as outlined in WAC 204-10-036;

(t) An exhaust system as outlined in WAC 204-10-038; and

(u) A horn that is capable of emitting sound audible under normal
conditions from a distance of not less than two hundred feet. The horn
or another warning device must not emit an unreasonably loud or harsh
sound or whistle. A bell or siren must not be used as a warning
device. The device used to actuate the horn must be easily accessible
to the driver when operating the vehicle.

(3) A kit vehicle may also be equipped with hoods and bumpers. If
this equipment is present, it must meet the following requirements:

(a) Hood latches must be equipped with a primary and secondary
latching system to hold the hood in a closed position if the hood is a
front opening hood; and

(b) Bumpers must be 4.5 inches in vertical height, centered on the
vehicle's centerline, and extend no less than the width of the
respective wheel track distances. Bumpers must be horizontal load
veering and attach to the frame to effectively transfer energy when
impacted. The bumper must be installed in accordance with the bumper
heights outlined in WAC 204-10-022.

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