

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1995

52nd Legislature
1991 Regular Session

Passed by the House March 13, 1991
Yeas 97 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate April 9, 1991
Yeas 46 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1995** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

Secretary of State
State of Washington

HOUSE BILL 1995

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Representatives R. Fisher, Jones, Wood, R. Meyers, Horn, Wilson, Mielke and Miller.

Read first time February 18, 1991. Referred to Committee on Transportation.

1 AN ACT Relating to license exemptions for certain specialized,
2 nonpowered vehicle equipment; amending RCW 46.16.010, 46.16.030,
3 46.16.085, 46.87.020, and 46.87.070; and repealing RCW 46.16.083.

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

5 **Sec. 1.** RCW 46.16.010 and 1989 c 192 s 2 are each amended to read
6 as follows:

7 (1) It is unlawful for a person to operate any vehicle over and
8 along a public highway of this state without first having obtained and
9 having in full force and effect a current and proper vehicle license
10 and display vehicle license number plates therefor as by this chapter
11 provided. Failure to make initial registration before operation on the
12 highways of this state is a misdemeanor, and any person convicted
13 thereof shall be punished by a fine of no less than three hundred
14 thirty dollars, no part of which may be suspended or deferred. Failure

1 to renew an expired registration before operation on the highways of
2 this state is a traffic infraction.

3 (2) The licensing of a motor vehicle in another state by a resident
4 of this state, as defined in RCW 46.16.028, with willful intent to
5 evade the payment of any tax or license fee imposed in connection with
6 registration, is a gross misdemeanor punishable as follows:

7 (a) For a first offense, up to one year in the county jail and a
8 fine equal to twice the amount of delinquent taxes and fees, no part of
9 which may be suspended or deferred;

10 (b) For a second or subsequent offense, up to one year in the
11 county jail and a fine equal to three times the amount of delinquent
12 taxes and fees, no part of which may be suspended or deferred.

13 (3) These provisions shall not apply to farm vehicle as defined in
14 RCW 46.04.181 if operated within a radius of fifteen miles of the farm
15 where principally used or garaged, farm tractors and farm implements
16 including trailers designed as cook or bunk houses used exclusively for
17 animal herding temporarily operating or drawn upon the public highways,
18 and trailers used exclusively to transport farm implements from one
19 farm to another during the daylight hours or at night when such
20 equipment has lights that comply with the law: PROVIDED FURTHER, That
21 these provisions shall not apply to spray or fertilizer applicator rigs
22 designed and used exclusively for spraying or fertilization in the
23 conduct of agricultural operations and not primarily for the purpose of
24 transportation, and nurse rigs or equipment auxiliary to the use of and
25 designed or modified for the fueling, repairing or loading of spray and
26 fertilizer applicator rigs and not used, designed or modified primarily
27 for the purpose of transportation: PROVIDED FURTHER, That these
28 provisions shall not apply to fork lifts operated during daylight hours
29 on public highways adjacent to and within five hundred feet of the

1 warehouses which they serve: PROVIDED FURTHER, That these provisions
2 shall not apply to equipment defined as follows:

3 "Special highway construction equipment" is any vehicle which is
4 designed and used primarily for grading of highways, paving of
5 highways, earth moving, and other construction work on highways and
6 which is not designed or used primarily for the transportation of
7 persons or property on a public highway and which is only incidentally
8 operated or moved over the highway. It includes, but is not limited
9 to, road construction and maintenance machinery so designed and used
10 such as portable air compressors, air drills, asphalt spreaders,
11 bituminous mixers, bucket loaders, track laying tractors, ditchers,
12 leveling graders, finishing machines, motor graders, paving mixers,
13 road rollers, scarifiers, earth moving scrapers and carryalls, lighting
14 plants, welders, pumps, power shovels and draglines, self-propelled and
15 tractor-drawn earth moving equipment and machinery, including dump
16 trucks and tractor-dump trailer combinations which either (1) are in
17 excess of the legal width or (2) which, because of their length, height
18 or unladen weight, may not be moved on a public highway without the
19 permit specified in RCW 46.44.090 and which are not operated laden
20 except within the boundaries of the project limits as defined by the
21 contract, and other similar types of construction equipment, or (3)
22 which are driven or moved upon a public highway only for the purpose of
23 crossing such highway from one property to another, provided such
24 movement does not exceed five hundred feet and the vehicle is equipped
25 with wheels or pads which will not damage the roadway surface.

26 Exclusions:

27 "Special highway construction equipment" does not include any of
28 the following:

29 Dump trucks originally designed to comply with the legal size and
30 weight provisions of this code notwithstanding any subsequent

1 modification which would require a permit, as specified in RCW
2 46.44.090, to operate such vehicles on a public highway, including
3 trailers, truck-mounted transit mixers, cranes and shovels, or other
4 vehicles designed for the transportation of persons or property to
5 which machinery has been attached.

6 (4) The following vehicles, whether operated solo or in
7 combination, are exempt from license registration and displaying
8 license plates as required by this chapter:

9 (a) A converter gear used to convert a semitrailer into a trailer
10 or a two-axle truck or tractor into a three or more axle truck or
11 tractor or used in any other manner to increase the number of axles of
12 a vehicle. Converter gear includes an auxiliary axle, booster axle,
13 dolly, and jeep axle.

14 (b) A tow dolly that is used for towing a motor vehicle behind
15 another motor vehicle. The front or rear wheels of the towed vehicle
16 are secured to and rest on the tow dolly that is attached to the towing
17 vehicle by a tow bar.

18 **Sec. 2.** RCW 46.16.030 and 1990 c 42 s 110 are each amended to read
19 as follows:

20 Except as is herein provided for foreign businesses, the provisions
21 relative to the licensing of vehicles and display of vehicle license
22 number plates and license registration certificates shall not apply to
23 any vehicles owned by nonresidents of this state if the owner thereof
24 has complied with the law requiring the licensing of vehicles in the
25 names of the owners thereof in force in the state, foreign country,
26 territory or federal district of his or her residence; and the vehicle
27 license number plate showing the initial or abbreviation of the name of
28 such state, foreign country, territory or federal district, is
29 displayed on such vehicle substantially as is provided therefor in this

1 state. The provisions of this section shall be operative as to a
2 vehicle owned by a nonresident of this state only to the extent that
3 under the laws of the state, foreign country, territory or federal
4 district of his or her residence, like exemptions and privileges are
5 granted to vehicles duly licensed under the laws of and owned by
6 residents of this state. If under the laws of such state, foreign
7 country, territory or federal district, vehicles owned by residents of
8 this state, operating upon the highways of such state, foreign country,
9 territory or federal district, are required to pay the license fee and
10 carry the vehicle license number plates of such state, foreign country,
11 territory or federal district, the vehicles owned by residents of such
12 state, foreign country, territory or federal district, and operating
13 upon the highways of this state, shall comply with the provisions of
14 this state relating to the licensing of vehicles. Foreign businesses
15 owning, maintaining, or operating places of business in this state and
16 using vehicles in connection with such places of business, shall comply
17 with the provisions relating to the licensing of vehicles insofar as
18 vehicles used in connection with such places of business are concerned.
19 Under provisions of the international registration plan, the nonmotor
20 vehicles of member and nonmember jurisdictions which are properly based
21 and licensed in such jurisdictions are granted reciprocity in this
22 state as provided in RCW 46.87.070(2). ~~((Converter gears (auxiliary
23 axles) that are properly based in jurisdictions that do not register or
24 provide license plates for such vehicles may be operated in this state
25 without the need for registration or the display of license plates as
26 applicable.))~~ The director is empowered to make and enforce rules and
27 regulations for the licensing of nonresident vehicles upon a reciprocal
28 basis and with respect to any character or class of operation.

1 **Sec. 3.** RCW 46.16.085 and 1989 c 156 s 2 are each amended to read
2 as follows:

3 In lieu of all other licensing fees, an annual license fee of
4 thirty-six dollars shall be collected in addition to the excise tax
5 prescribed in chapter 82.44 RCW for: (1) Each trailer and semitrailer
6 not subject to the license fee under RCW 46.16.065 or the capacity fees
7 under RCW 46.16.080; (2) every pole trailer(~~(; (3) every converter gear~~
8 ~~or auxiliary axle not licensed as a combination under the provisions of~~
9 ~~RCW 46.16.083))~~). The proceeds from this fee shall be distributed in
10 accordance with RCW 46.68.035. This section does not pertain to travel
11 trailers or personal use trailers that are not used for commercial
12 purposes or owned by commercial enterprises.

13 **Sec. 4.** RCW 46.87.020 and 1990 c 42 s 111 are each amended to read
14 as follows:

15 Terms used in this chapter have the meaning given to them in the
16 International Registration Plan (IRP), the Uniform Vehicle
17 Registration, Proration, and Reciprocity Agreement (Western Compact),
18 chapter 46.04 RCW, or as otherwise defined in this section.
19 Definitions given to terms by the IRP and the Western Compact, as
20 applicable, shall prevail unless given a different meaning in this
21 chapter or in rules adopted under authority of this chapter.

22 (1) "Apportionable vehicle" has the meaning given by the IRP,
23 except that it does not include vehicles with a declared gross weight
24 of twelve thousand pounds or less. Apportionable vehicles include
25 trucks, tractors, truck tractors, road tractors, and buses, each as
26 separate and licensable vehicles. For IRP jurisdictions that require
27 the registration of nonmotor vehicles, this term may include
28 (~~(converter gears (auxiliary axles),)~~) trailers, semitrailers, and pole
29 trailers as applicable, each as separate and licensable vehicles.

1 (2) "Cab card" is a certificate of registration issued for a
2 vehicle by the registering jurisdiction under the Western Compact.
3 Under the IRP, it is a certificate of registration issued by the base
4 jurisdiction for a vehicle upon which is disclosed the jurisdictions
5 and registered gross weights in such jurisdictions for which the
6 vehicle is registered.

7 (3) "Commercial vehicle" is a term used by the Western Compact and
8 means any vehicle, except recreational vehicles, vehicles displaying
9 restricted plates, and government owned or leased vehicles, that is
10 operated and registered in more than one jurisdiction and is used or
11 maintained for the transportation of persons for hire, compensation, or
12 profit, or is designed, used, or maintained primarily for the
13 transportation of property and:

14 (a) Is a motor vehicle having a declared gross weight in excess of
15 twenty-six thousand pounds; or

16 (b) Is a motor vehicle having three or more axles with a declared
17 gross weight in excess of twelve thousand pounds; or

18 (c) Is a motor vehicle, trailer, pole trailer, (~~converter gear~~
19 ~~{auxiliary axle},~~) or semitrailer used in combination when the gross
20 weight or declared gross weight of the combination exceeds twenty-six
21 thousand pounds combined gross weight. The nonmotor vehicles mentioned
22 are only applicable to those jurisdictions requiring the registration
23 of such vehicles.

24 Although a two-axle motor vehicle, trailer, pole trailer,
25 semitrailer, (~~converter gear {auxiliary axle},~~) or any combination of
26 such vehicles with an actual or declared gross weight or declared
27 combined gross weight exceeding twelve thousand pounds but not more
28 than twenty-six thousand is not considered to be a commercial vehicle,
29 at the option of the owner, such vehicles may be considered as
30 "commercial vehicles" for the purpose of proportional registration.

1 The nonmotor vehicles mentioned are only applicable to those
2 jurisdictions requiring the registration of such vehicles.

3 Commercial vehicles include trucks, tractors, truck tractors, road
4 tractors, and buses. (~~Converter gears (auxiliary axles),~~) Trailers,
5 pole trailers, and semitrailers, will also be considered as commercial
6 vehicles for those jurisdictions who require registration of such
7 vehicles.

8 (4) "Credentials" means cab cards, apportioned plates (for
9 Washington-based fleets), and validation tabs issued for proportionally
10 registered vehicles.

11 (5) "Declared combined gross weight" means the total unladen weight
12 of any combination of vehicles plus the weight of the maximum load to
13 be carried on the combination of vehicles as set by the registrant in
14 the application pursuant to chapter 46.44 RCW and for which
15 registration fees have been or are to be paid.

16 (6) "Declared gross weight" means the total unladen weight of any
17 vehicle plus the weight of the maximum load to be carried on the
18 vehicle as set by the registrant in the application pursuant to chapter
19 46.44 RCW and for which registration fees have been or are to be paid.
20 In the case of a bus, auto stage, or a passenger-carrying for hire
21 vehicle with a seating capacity of more than six, the declared gross
22 weight shall be determined by multiplying the average load factor of
23 one hundred and fifty pounds by the number of seats in the vehicle,
24 including the driver's seat, and add this amount to the unladen weight
25 of the vehicle. If the resultant gross weight is not listed in RCW
26 46.16.070, it will be increased to the next higher gross weight so
27 listed pursuant to chapter 46.44 RCW.

28 (7) "Department" means the department of licensing.

29 (8) "Fleet" means one or more commercial vehicles in the Western
30 Compact and one or more apportionable vehicles in the IRP.

1 (9) "In-jurisdiction miles" means the total miles accumulated in a
2 jurisdiction during the preceding year by vehicles of the fleet while
3 they were a part of the fleet.

4 (10) "IRP" means the International Registration Plan.

5 (11) "Jurisdiction" means and includes a state, territory or
6 possession of the United States, the District of Columbia, the
7 Commonwealth of Puerto Rico, a foreign county, and a state or province
8 of a foreign country.

9 (12) "Owner" means a person or business firm who holds the legal
10 title to a vehicle, or if a vehicle is the subject of an agreement for
11 its conditional sale with the right of purchase upon performance of the
12 conditions stated in the agreement and with an immediate right of
13 possession vested in the conditional vendee, or if a vehicle is subject
14 to a lease, contract, or other legal arrangement vesting right of
15 possession or control, for security or otherwise, or if a mortgagor of
16 a vehicle is entitled to possession, then the owner is deemed to be the
17 person or business firm in whom is vested right of possession or
18 control.

19 (13) "Preceding year" means the period of twelve consecutive months
20 immediately prior to July 1st of the year immediately preceding the
21 commencement of the registration or license year for which proportional
22 registration is sought.

23 (14) "Properly registered," as applied to the place of registration
24 under the provisions of the Western Compact, means:

25 (a) In the case of a commercial vehicle, the jurisdiction in which
26 it is registered if the commercial enterprise in which the vehicle is
27 used has a place of business therein, and, if the vehicle is most
28 frequently dispatched, garaged, serviced, maintained, operated, or
29 otherwise controlled in or from that place of business, and the vehicle
30 has been assigned to that place of business; or

1 (b) In the case of a commercial vehicle, the jurisdiction where,
2 because of an agreement or arrangement between two or more
3 jurisdictions, or pursuant to a declaration, the vehicle has been
4 registered as required by that jurisdiction.

5 In case of doubt or dispute as to the proper place of registration
6 of a commercial vehicle, the department shall make the final
7 determination, but in making such determination, may confer with
8 departments of the other jurisdictions affected.

9 (15) "Prorate percentage" is the factor that is applied to the
10 total proratable fees and taxes to determine the apportionable or
11 prorated fees required for registration in a particular jurisdiction.
12 It is determined by dividing the in-jurisdiction miles for a particular
13 jurisdiction by the total miles. This term is synonymous with the term
14 "mileage percentage."

15 (16) "Registrant" means a person, business firm, or corporation in
16 whose name or names a vehicle or fleet of vehicles is registered.

17 (17) "Registration year" means the twelve-month period during which
18 the registration plates issued by the base jurisdiction are valid
19 according to the laws of the base jurisdiction. The "registration
20 year" for Washington is the period from January 1st through December
21 31st of each calendar year.

22 (18) "Total miles" means the total number of miles accumulated in
23 all jurisdictions during the preceding year by all vehicles of the
24 fleet while they were a part of the fleet. Mileage accumulated by
25 vehicles of the fleet that did not engage in interstate operations is
26 not included in the fleet miles.

27 (19) "Western Compact" means the Uniform Vehicle Registration,
28 Proration, and Reciprocity Agreement.

1 **Sec. 5.** RCW 46.87.070 and 1990 c 42 s 112 are each amended to read
2 as follows:

3 (1) Washington-based trailers, semitrailers, (~~converter gears~~
4 ~~(auxiliary axles)~~,)) or pole trailers shall be fully licensed in this
5 state except as herein provided. If these vehicles are being operated
6 in jurisdictions that require the registration of such vehicles, the
7 applicable vehicles may be considered as apportionable or commercial
8 vehicles for the purpose of registration in those jurisdictions. The
9 prorated percentage for which registration fees and taxes were paid to
10 such jurisdictions for each nonmotor vehicle of the fleet may be
11 credited toward the one hundred percent of registration fees and taxes
12 due this state for full licensing of each such vehicle.

13 (2) Trailers, semitrailers, (~~converter gears (auxiliary axles)~~,))
14 and pole trailers which are properly based in jurisdictions other than
15 Washington, and which display currently registered license plates from
16 such jurisdictions will be granted vehicle license reciprocity in this
17 state without the need of further vehicle license registration. If
18 (~~converter gears (auxiliary axles) or~~) pole trailers are not required
19 to be licensed separately by a member jurisdiction, such vehicles may
20 be operated in this state without displaying a current base license
21 plate.

22 NEW SECTION. **Sec. 6.** RCW 46.16.083 and 1986 c 18 s 7, 1969
23 ex.s. c 170 s 4, & 1961 c 12 s 46.16.083 are each repealed.