

FINAL BILL REPORT

HB 1999

C 331 L 05

Synopsis as Enacted

Brief Description: Clarifying civil liability for traffic infractions when vehicle title is transferred.

Sponsors: By Representatives Nixon, Flannigan, McDonald and Wood.

House Committee on Transportation
Senate Committee on Transportation

Background:

The owner of a vehicle who makes a bona fide sale or transfer of the vehicle is not subject to civil liability or criminal liability for the operation of the vehicle thereafter if they have fulfilled certain requirements regarding the transfer of the vehicle.

In addition, there is specific statutory language relieving the previous owner of an abandoned vehicle of liability for the vehicle if the previous owner properly filed a report of sale or transfer with a date of sale prior to the date of impoundment.

Summary:

An individual who makes a bona fide sale or transfer of a vehicle, delivers possession of it to a purchaser, endorses and delivers both the certificate of ownership and the certificate of registration, and properly files a report of sale or appropriate registration documents with the Department of Licensing is relieved of liability for certain traffic infractions. These infractions include parking infractions, high-occupancy toll lane violations, violations recorded by automatic traffic safety cameras, and any other traffic infractions where liability is based on identification of the vehicle rather than the driver. Liability for infractions that occur after the date of a sale that meets these sale requirements falls on the purchaser of the vehicle.

When liability for a traffic infraction based on the identity of the vehicle is determined to reside in a vehicle registered to a car rental company, there is a 30-day window from the time the company is informed of the traffic infraction. Within this time frame, the car rental company may either provide, under oath, the name and address of the person driving the vehicle or state, under oath, that they are unable to determine who was driving or renting the vehicle at the time the infraction occurred. Mailing this statement within the 30-day window relieves the car rental company of liability for the infraction. In lieu of identifying the vehicle operator, the company may also choose to pay the applicable penalty.

Votes on Final Passage:

House 94 0
Senate 47 0 (Senate amended)
House 90 0 (House concurred)

Effective: July 24, 2005