

2SHB 2436 - S COMM AMD

By Committee on Transportation

ADOPTED 03/11/2010

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.16.010 and 2007 c 242 s 2 are each amended to read
4 as follows:

5 (1) It is unlawful for a person to operate any vehicle over and
6 along a public highway of this state without first having obtained and
7 having in full force and effect a current and proper vehicle license
8 and display vehicle license number plates (~~((therefor))~~) as provided by
9 this chapter (~~((provided))~~).

10 (2) Failure to make initial registration before operation on the
11 highways of this state is a traffic infraction, and any person
12 committing this infraction (~~((shall))~~) must pay a (~~((penalty))~~) fine of
13 five hundred twenty-nine dollars, subject to applicable assessments, no
14 part of which may be suspended or deferred. This fine is in addition
15 to any delinquent taxes and fees that must be deposited and distributed
16 in the same manner as if the taxes and fees were properly paid in a
17 timely fashion. The five hundred twenty-nine dollar fine must be
18 deposited into the vehicle licensing fraud account created in the state
19 treasury in RCW 46.68.250.

20 (3) Failure to renew an expired registration before operation on
21 the highways of this state is a traffic infraction.

22 (4) The licensing of a vehicle in another state by a resident of
23 this state, as defined in RCW 46.16.028, evading the payment of any tax
24 or license fee imposed in connection with registration, is a gross
25 misdemeanor punishable, in lieu of the fine in subsection (2) of this
26 section, as follows:

27 (a) For a first offense(~~((7))~~):

28 (i) Up to one year in the county jail (~~((and))~~);

29 (ii) Payment of a fine of five hundred twenty-nine dollars (~~((plus~~
30 ~~twice the amount of delinquent taxes and fees))~~) plus any applicable

1 assessments, no part of which may be suspended or deferred. The fine
2 of five hundred twenty-nine dollars must be deposited into the vehicle
3 licensing fraud account created in the state treasury in RCW 46.68.250;

4 (iii) A fine of one thousand dollars to be deposited into the
5 vehicle licensing fraud account created in the state treasury in RCW
6 46.68.250, no part of which may be suspended or deferred; and

7 (iv) The delinquent taxes and fees, which must be deposited and
8 distributed in the same manner as if the taxes and fees were properly
9 paid in a timely fashion, no part of which may be suspended or
10 deferred;

11 (b) For a second or subsequent offense(~~(7)~~):

12 (i) Up to one year in the county jail (~~and~~);

13 (ii) Payment of a fine of five hundred twenty-nine dollars (~~plus~~
14 four times the amount of delinquent taxes and fees)) plus any
15 applicable assessments, no part of which may be suspended or deferred.
16 The fine of five hundred twenty-nine dollars must be deposited into the
17 vehicle licensing fraud account created in the state treasury in RCW
18 46.68.250;

19 (iii) A fine of five thousand dollars to be deposited into the
20 vehicle licensing fraud account created in the state treasury in RCW
21 46.68.250, no part of which may be suspended or deferred;

22 ~~((c) For fines levied under (b) of this subsection, an amount~~
23 ~~equal to the avoided taxes and fees owed will be deposited in the~~
24 ~~vehicle licensing fraud account created in the state treasury;~~

25 ~~(d) The avoided taxes and fees shall be deposited and distributed~~
26 ~~in the same manner as if the taxes and fees were properly paid in a~~
27 ~~timely fashion)) and~~

28 (iv) The amount of delinquent taxes and fees, which must be
29 deposited and distributed in the same manner as if the taxes and fees
30 were properly paid in a timely fashion, no part of which may be
31 suspended or deferred.

32 (5) These provisions (~~shall~~) do not apply to the following
33 vehicles:

34 (a) Motorized foot scooters;

35 (b) Electric-assisted bicycles;

36 (c) Off-road vehicles operating on nonhighway roads under RCW
37 46.09.115;

1 (d) Farm vehicles if operated within a radius of fifteen miles of
2 the farm where principally used or garaged, farm tractors and farm
3 implements including trailers designed as cook or bunk houses used
4 exclusively for animal herding temporarily operating or drawn upon the
5 public highways, and trailers used exclusively to transport farm
6 implements from one farm to another during the daylight hours or at
7 night when such equipment has lights that comply with the law;

8 (e) Spray or fertilizer applicator rigs designed and used
9 exclusively for spraying or fertilization in the conduct of
10 agricultural operations and not primarily for the purpose of
11 transportation, and nurse rigs or equipment auxiliary to the use of and
12 designed or modified for the fueling, repairing, or loading of spray
13 and fertilizer applicator rigs and not used, designed, or modified
14 primarily for the purpose of transportation;

15 (f) Fork lifts operated during daylight hours on public highways
16 adjacent to and within five hundred feet of the warehouses which they
17 serve(~~(:—PROVIDED—FURTHER,—That)~~). However, these provisions
18 (~~(shall)~~) do not apply to vehicles used by the state parks and
19 recreation commission exclusively for park maintenance and operations
20 upon public highways within state parks;

21 (g) "Trams" used for transporting persons to and from facilities
22 related to the horse racing industry as regulated in chapter 67.16 RCW,
23 as long as the public right-of-way routes over which the trams operate
24 are not more than one mile from end to end, the public rights-of-way
25 over which the tram operates have an average daily traffic of not more
26 than 15,000 vehicles per day, and the activity is in conformity with
27 federal law. The operator must be a licensed driver and at least
28 eighteen years old. For the purposes of this section, "tram" also
29 means a vehicle, or combination of vehicles linked together with a
30 single mode of propulsion, used to transport persons from one location
31 to another;

32 (h)(i) "Special highway construction equipment" defined as follows:
33 Any vehicle which is designed and used primarily for grading of
34 highways, paving of highways, earth moving, and other construction work
35 on highways and which is not designed or used primarily for the
36 transportation of persons or property on a public highway and which is
37 only incidentally operated or moved over the highway. It includes, but
38 is not limited to, road construction and maintenance machinery so

1 designed and used such as portable air compressors, air drills, asphalt
2 spreaders, bituminous mixers, bucket loaders, track laying tractors,
3 ditchers, leveling graders, finishing machines, motor graders, paving
4 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
5 lighting plants, welders, pumps, power shovels and draglines, self-
6 propelled and tractor-drawn earth moving equipment and machinery,
7 including dump trucks and tractor-dump trailer combinations which
8 (~~either (i)~~):

9 (A) Are in excess of the legal width(~~(7)~~); or (~~(ii) which,~~)

10 (B) Because of their length, height, or unladen weight, may not be
11 moved on a public highway without the permit specified in RCW 46.44.090
12 and which are not operated laden except within the boundaries of the
13 project limits as defined by the contract, and other similar types of
14 construction equipment(~~(7)~~); or (~~(iii) which~~)

15 (C) Are driven or moved upon a public highway only for the purpose
16 of crossing such highway from one property to another, provided such
17 movement does not exceed five hundred feet and the vehicle is equipped
18 with wheels or pads which will not damage the roadway surface.

19 (~~Exclusions:~~)

20 (ii) "Special highway construction equipment" does not include
21 (~~any of the following:~~) dump trucks originally designed to comply
22 with the legal size and weight provisions of this code notwithstanding
23 any subsequent modification which would require a permit, as specified
24 in RCW 46.44.090, to operate such vehicles on a public highway,
25 including trailers, truck-mounted transit mixers, cranes and shovels,
26 or other vehicles designed for the transportation of persons or
27 property to which machinery has been attached.

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

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

36 (b) A tow dolly that is used for towing a motor vehicle behind
37 another motor vehicle. The front or rear wheels of the towed vehicle

1 are secured to and rest on the tow dolly that is attached to the towing
2 vehicle by a tow bar.

3 (c) An off-road vehicle operated on a street, road, or highway as
4 authorized under RCW 46.09.180.

5 (7)(a) A motor vehicle subject to initial or renewal registration
6 under this section shall not be registered to a natural person unless
7 the person at time of application:

8 (i) Presents an unexpired Washington state driver's license; or

9 (ii) Certifies that he or she is:

10 (A) A Washington resident who does not operate a motor vehicle on
11 public roads; or

12 (B) Exempt from the requirement to obtain a Washington state
13 driver's license under RCW 46.20.025.

14 (b) For shared or joint ownership, the department will set up
15 procedures to verify that all owners meet the requirements of this
16 subsection.

17 (c) A person falsifying residency is guilty of a gross misdemeanor
18 punishable only by a fine of five hundred twenty-nine dollars.

19 (d) The department may adopt rules necessary to implement this
20 subsection, including rules under which a natural person applying for
21 registration may be exempt from the requirements of this subsection
22 where the person provides evidence satisfactory to the department that
23 he or she has a valid and compelling reason for not being able to meet
24 the requirements of this subsection.

25 (8) A vehicle with an expired registration of more than forty-five
26 days parked on a public street may be impounded by a police officer
27 under RCW 46.55.113(2).

28 NEW SECTION. **Sec. 2.** The sum of seventy-five thousand dollars per
29 fiscal year is appropriated to the department of revenue or as much
30 thereof as may be necessary and the sum of two hundred fifty thousand
31 dollars is appropriated to the Washington state patrol per fiscal year,
32 or as much thereof as may be necessary, from the vehicle license fraud
33 account for the purposes of vehicle license fraud enforcement and
34 collections by the Washington state patrol and the department of
35 revenue.

36 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2010."

ADOPTED 03/11/2010

1 On page 1, line 1 of the title, after "fraud;" strike the remainder
2 of the title and insert "amending RCW 46.16.010; prescribing penalties;
3 making an appropriation; and providing an effective date."

EFFECT: Clarifies current law, changes fine amounts for evading taxes, adds a yearly appropriation, and removes language directing funds in excess of \$650,000 be transferred to the general fund.

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