

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 2436

61st Legislature
2010 Regular Session

Passed by the House March 11, 2010
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 11, 2010
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 2436** 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**

SECOND SUBSTITUTE HOUSE BILL 2436

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House General Government Appropriations (originally sponsored by Representatives Moeller, Green, Clibborn, Pedersen, Carlyle, Morrell, and Jacks)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to vehicle license fraud; amending RCW 46.16.010;
2 prescribing penalties; making an appropriation; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 46.16.010 and 2007 c 242 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 provided by
11 this chapter (~~((provided))~~).

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

1 timely fashion. The five hundred twenty-nine dollar fine must be
2 deposited into the vehicle licensing fraud account created in the state
3 treasury in RCW 46.68.250.

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

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

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

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

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

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

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

27 (ii) Payment of a fine of five hundred twenty-nine dollars ((plus
28 four times the amount of delinquent taxes and fees)) plus any
29 applicable assessments, no part of which may be suspended or deferred.
30 The fine of five hundred twenty-nine dollars must be deposited into the
31 vehicle licensing fraud account created in the state treasury in RCW
32 46.68.250;

33 (iii) A fine of five thousand dollars to be deposited into the
34 vehicle licensing fraud account created in the state treasury in RCW
35 46.68.250, no part of which may be suspended or deferred;

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

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

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

8 (5) These provisions (~~shall~~) do not apply to the following
9 vehicles:

10 (a) Motorized foot scooters;

11 (b) Electric-assisted bicycles;

12 (c) Off-road vehicles operating on nonhighway roads under RCW
13 46.09.115;

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

21 (e) Spray or fertilizer applicator rigs designed and used
22 exclusively for spraying or fertilization in the conduct of
23 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
26 and fertilizer applicator rigs and not used, designed, or modified
27 primarily for the purpose of transportation;

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

34 (g) "Trams" used for transporting persons to and from facilities
35 related to the horse racing industry as regulated in chapter 67.16 RCW,
36 as long as the public right-of-way routes over which the trams operate
37 are not more than one mile from end to end, the public rights-of-way
38 over which the tram operates have an average daily traffic of not more

1 than 15,000 vehicles per day, and the activity is in conformity with
2 federal law. The operator must be a licensed driver and at least
3 eighteen years old. For the purposes of this section, "tram" also
4 means a vehicle, or combination of vehicles linked together with a
5 single mode of propulsion, used to transport persons from one location
6 to another;

7 (h)(i) "Special highway construction equipment" defined as follows:
8 Any vehicle which is designed and used primarily for grading of
9 highways, paving of highways, earth moving, and other construction work
10 on highways and which is not designed or used primarily for the
11 transportation of persons or property on a public highway and which is
12 only incidentally operated or moved over the highway. It includes, but
13 is not limited to, road construction and maintenance machinery so
14 designed and used such as portable air compressors, air drills, asphalt
15 spreaders, bituminous mixers, bucket loaders, track laying tractors,
16 ditchers, leveling graders, finishing machines, motor graders, paving
17 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
18 lighting plants, welders, pumps, power shovels and draglines, self-
19 propelled and tractor-drawn earth moving equipment and machinery,
20 including dump trucks and tractor-dump trailer combinations which
21 (~~either (i)~~);

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

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

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

32 (~~Exclusions~~);

33 (ii) "Special highway construction equipment" does not include
34 (~~any of the following~~) dump trucks originally designed to comply
35 with the legal size and weight provisions of this code notwithstanding
36 any subsequent modification which would require a permit, as specified
37 in RCW 46.44.090, to operate such vehicles on a public highway,

1 including trailers, truck-mounted transit mixers, cranes and shovels,
2 or other vehicles designed for the transportation of persons or
3 property to which machinery has been attached.

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

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

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

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

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

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

22 (ii) Certifies that he or she is:

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

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

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

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

32 (d) The department may adopt rules necessary to implement this
33 subsection, including rules under which a natural person applying for
34 registration may be exempt from the requirements of this subsection
35 where the person provides evidence satisfactory to the department that
36 he or she has a valid and compelling reason for not being able to meet
37 the requirements of this subsection.

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

4 NEW SECTION. **Sec. 2.** The sum of seventy-five thousand dollars per
5 fiscal year is appropriated to the department of revenue or as much
6 thereof as may be necessary and the sum of two hundred fifty thousand
7 dollars is appropriated to the Washington state patrol per fiscal year,
8 or as much thereof as may be necessary, from the vehicle license fraud
9 account for the purposes of vehicle license fraud enforcement and
10 collections by the Washington state patrol and the department of
11 revenue.

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

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