

SHB 2053 - H AMD 766

By Representative Clibborn

WITHDRAWN 05/25/2011

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

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that for ensuing
4 biennia, the Washington state patrol, ferry operations, as well as
5 state and local roadway preservation and maintenance activities will
6 soon experience significant funding shortfalls. The legislature
7 further recognizes that existing law, enacted in 2002, requires the
8 department of licensing to submit a fee study every two years to the
9 transportation committees of the house of representatives and the
10 senate, the purpose of which is to ensure cost recovery for
11 transportation services. Based on the review of the department of
12 licensing's fee study, the legislature will review and adjust fees
13 accordingly each biennium to ensure that fees are adjusted and brought
14 up-to-date. The legislature further recognizes that previous studies
15 conducted by the joint transportation committee have recommended
16 various fees adjustments. The legislature finds that many of the fee
17 adjustments identified in these studies have not been made for several
18 years. Therefore, it is the intent of the legislature to adjust
19 certain fees for the sole purposes of addressing funding shortfalls in
20 certain transportation programs, providing gap funding for local
21 transportation entities along with roadway preservation for cities and
22 counties, and bringing fees in-line with costs. Accordingly, the
23 legislature intends to provide additional funding solely for: The
24 Washington state patrol; the Washington state ferry operating and
25 capital programs; the department of transportation highway maintenance
26 and preservation programs; the department of transportation public
27 transportation program; the transportation improvement board; the
28 county road administration board; the freight mobility strategic
29 investment board; the safe routes to schools program; and the state

1 treasurer, for the purposes of debt service and ancillary costs related
2 to bonds issued to fund the construction of a ferry boat vessel.

3 **I. APPROPRIATIONS**

4 NEW SECTION. **Sec. 2.** (1) Additive transportation funding is
5 hereby adopted and, subject to the provisions set forth, the several
6 amounts specified, or as much thereof as may be necessary to accomplish
7 the purposes designated, are hereby appropriated from the several
8 accounts and funds named to the designated state agencies and offices
9 for employee compensation and other expenses, for capital projects, and
10 for other specified purposes for the period ending June 30, 2013.

11 (2) Unless the context clearly requires otherwise, the definitions
12 in this subsection apply throughout the act:

13 (a) "Lapse" means the amount shall return to unappropriated status.

14 (b) "LEAP" means the legislative evaluation and accountability
15 program committee.

16 (c) "Provided solely" means the specified amount may be spent only
17 for the specified purpose. Unless otherwise specifically authorized in
18 this act, any portion of an amount provided solely for a specified
19 purpose that is not expended subject to the specified conditions and
20 limitations to fulfill the specified purpose shall lapse.

21 NEW SECTION. **Sec. 3. FOR THE WASHINGTON STATE PATROL**

22	State Patrol Highway Account--State Appropriation	\$6,000,000
23	Highway Safety Account--State Appropriation	\$14,000,000
24	TOTAL APPROPRIATION	\$20,000,000

25 The appropriations in this section are subject to the following
26 conditions and limitations:

27 (1) \$3,578,000 of the state patrol highway account--state
28 appropriation is provided solely for the auto theft investigation units
29 in King county, Spokane, and Tacoma.

30 (2) \$10,000,000 of the highway safety account--state appropriation
31 is provided solely for equipment acquisition, installation,
32 integration, and financing needs associated with the conversion of the
33 existing communication system to narrowbanding as required by the
34 federal communications commission.

1 (3) Except as otherwise provided in this section, the total
2 appropriation in this section must be used by the Washington state
3 patrol for the ongoing operations of the agency.

4 NEW SECTION. **Sec. 4. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **HIGHWAY MAINTENANCE--PROGRAM M**

6 Highway Safety Account--State Appropriation \$10,000,000

7 The appropriation in this section is subject to the following
8 conditions and limitations:

9 (1) \$5,057,000 of the highway safety account--state appropriation
10 is provided solely to further reduce the highway maintenance backlog in
11 order to maintain or increase levels of service.

12 (2) \$4,943,000 of the highway safety account--state appropriation
13 is provided solely for the department's compliance with its national
14 pollution discharge elimination system permit.

15 NEW SECTION. **Sec. 5. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC**
16 **TRANSPORTATION--PROGRAM V**

17 Multimodal Transportation Account--State
18 Appropriation \$10,000,000

19 The appropriation in this section is subject to the following
20 conditions and limitations:

21 (1) \$2,200,000 of the multimodal transportation account--state
22 appropriation is provided solely for grants to nonprofit providers of
23 special needs transportation.

24 (2) \$7,800,000 of the multimodal transportation account--state
25 appropriation is provided solely for grants to transit agencies to
26 transport persons with special transportation needs.

27 (3) In administering grants under this section, the department must
28 use the same methodologies as are used for special needs grants
29 provided in chapter . . . (Engrossed Substitute House Bill No. 1175),
30 Laws of 2011 (the omnibus transportation appropriations act).

31 NEW SECTION. **Sec. 6. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **MARINE--PROGRAM X**

33 Motor Vehicle Account--State Appropriation \$20,000,000

1 The appropriation in this section is subject to the following
2 conditions and limitations:

3 (1) \$11,600,000 of the motor vehicle account--state appropriation
4 is provided solely for the purchase of fuel for marine operations.

5 (2) \$4,400,000 of the motor vehicle account--state appropriation is
6 provided solely to offset potential increases in fares during the 2011-
7 2013 fiscal biennium.

8 (3) \$4,000,000 of the motor vehicle account--state appropriation is
9 provided solely to maintain the same level of service provided in the
10 2009-2011 fiscal biennium.

11 NEW SECTION. **Sec. 7. FOR THE TRANSPORTATION IMPROVEMENT BOARD**
12 Highway Safety Account--State Appropriation \$10,000,000

13 The appropriation in this section is subject to the following
14 conditions and limitations:

15 (1) \$7,000,000 of the highway safety account--state appropriation
16 is provided solely to help cities meet urgent preservation needs.

17 (a) \$6,450,000 of the highway safety account--state appropriation
18 is provided solely for the urban arterial program.

19 (b) \$550,000 of the highway safety account--state appropriation is
20 provided solely for the small city pavement program.

21 (2) \$3,000,000 of the highway safety account--state appropriation
22 is for grants to cities to assist with compliance with storm water
23 permit requirements in connection with a funded transportation
24 improvement board project.

25 NEW SECTION. **Sec. 8. FOR THE COUNTY ROAD ADMINISTRATION BOARD**
26 Highway Safety Account--State Appropriation \$10,000,000

27 The appropriation in this section is subject to the following
28 conditions and limitations: The total appropriation in this section is
29 provided solely for the county arterial preservation program to help
30 counties meet urgent preservation needs.

31 NEW SECTION. **Sec. 9. FOR THE DEPARTMENT OF TRANSPORTATION--**
32 **PRESERVATION--PROGRAM P**

33 Highway Safety Account--State Appropriation \$10,000,000

1 The appropriation in this section is subject to the following
2 conditions and limitations: The total appropriation in this section is
3 provided solely for urgent preservation needs on the state highway
4 system.

5 NEW SECTION. **Sec. 10. FOR THE DEPARTMENT OF TRANSPORTATION--**
6 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

7 Transportation 2003 Account (Nickel Account)--State
8 Appropriation \$144,000,000

9 The appropriation in this section is subject to the following
10 conditions and limitations:

11 (1) The transportation 2003 account (nickel account)--state
12 appropriation is provided solely for the purposes of constructing a
13 ferry boat vessel with a carrying capacity of at least one hundred
14 forty-four cars.

15 (2) The transportation 2003 account (nickel account)--state
16 appropriation includes up to \$144,000,000 in proceeds from the sale of
17 bonds authorized in RCW 47.10.861.

18 NEW SECTION. **Sec. 11. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL**
19 **PROGRAMS--PROGRAM Z--CAPITAL**

20 Highway Safety Account--State Appropriation \$5,000,000

21 The appropriation in this section is subject to the following
22 conditions and limitations:

23 (1) \$3,000,000 of the highway safety account--state appropriation
24 is provided solely to the freight mobility strategic investment board
25 for grants to meet urgent freight corridor improvement and preservation
26 needs.

27 (2) \$2,000,000 of the highway safety account--state appropriation
28 is provided solely for safe routes to schools program projects, in rank
29 order, and identified as contingency projects in the LEAP
30 Transportation Document 2011-A, pedestrian and bicycle safety program
31 projects and safe routes to school program projects, referenced in
32 chapter . . . (Engrossed Substitute House Bill No. 1175), Laws of 2011
33 (the omnibus transportation appropriations act).

34 NEW SECTION. **Sec. 12. FOR THE STATE TREASURER--BOND RETIREMENT**
35 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

1 BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND
2 TRANSPORTATION FUND REVENUE

3 Highway Bond Retirement Account--State Appropriation . . . \$10,350,000

4 NEW SECTION. Sec. 13. FOR THE STATE TREASURER--BOND RETIREMENT
5 AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR
6 BOND SALE EXPENSES AND FISCAL AGENT CHARGES

7 Transportation 2003 Account (Nickel Account)--State
8 Appropriation \$58,000

9 II. DRIVER FEES

10 Sec. 14. RCW 46.20.055 and 2010 c 223 s 1 are each amended to read
11 as follows:

12 (1) **Driver's instruction permit.** The department may issue a
13 driver's instruction permit with or without a photograph to an
14 applicant who has successfully passed all parts of the examination
15 other than the driving test, provided the information required by RCW
16 46.20.091, paid a fee (~~of twenty dollars~~) as required under
17 subsection (5) of this section, and meets the following requirements:

- 18 (a) Is at least fifteen and one-half years of age; or
- 19 (b) Is at least fifteen years of age and:
 - 20 (i) Has submitted a proper application; and
 - 21 (ii) Is enrolled in a traffic safety education program offered,
22 approved, and accredited by the superintendent of public instruction or
23 offered by a driver training school licensed and inspected by the
24 department of licensing under chapter 46.82 RCW, that includes practice
25 driving.

26 (2) **Waiver of written examination for instruction permit.** The
27 department may waive the written examination, if, at the time of
28 application, an applicant is enrolled in:

- 29 (a) A traffic safety education course as defined by RCW
30 28A.220.020(2); or
- 31 (b) A course of instruction offered by a licensed driver training
32 school as defined by RCW 46.82.280.

33 The department may require proof of registration in such a course
34 as it deems necessary.

1 (3) **Effect of instruction permit.** A person holding a driver's
2 instruction permit may drive a motor vehicle, other than a motorcycle,
3 upon the public highways if:

4 (a) The person has immediate possession of the permit;

5 (b) The person is not using a wireless communications device,
6 unless the person is using the device to report illegal activity,
7 summon medical or other emergency help, or prevent injury to a person
8 or property; and

9 (c) An approved instructor, or a licensed driver with at least five
10 years of driving experience, occupies the seat beside the driver.

11 (4) **Term of instruction permit.** A driver's instruction permit is
12 valid for one year from the date of issue.

13 (a) The department may issue one additional one-year permit.

14 (b) The department may issue a third driver's permit if it finds
15 after an investigation that the permittee is diligently seeking to
16 improve driving proficiency.

17 (c) A person applying to (~~renew an~~) receive a second or third
18 instruction permit must submit the application to the department in
19 person and pay a twenty-five dollar fee.

20 (5) **Examination fee.** An applicant who takes the examination
21 required under this section must pay a fee of thirty-five dollars for
22 each examination taken, irrespective of passage or failure.

23 **Sec. 15.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
24 read as follows:

25 (1) **Issuance.** The department shall issue an identicard, containing
26 a picture, if the applicant:

27 (a) Does not hold a valid Washington driver's license;

28 (b) Proves his or her identity as required by RCW 46.20.035; and

29 (c) Pays the required fee. The fee is (~~twenty~~) thirty dollars
30 unless an applicant is a recipient of continuing public assistance
31 grants under Title 74 RCW, who is referred in writing by the secretary
32 of social and health services. For those persons the fee must be the
33 actual cost of production of the identicard.

34 (2) **Design and term.** The identicard must:

35 (a) Be distinctly designed so that it will not be confused with the
36 official driver's license; and

1 (b) Expire on the fifth anniversary of the applicant's birthdate
2 after issuance.

3 (3) **Renewal.** An application for identicard renewal may be
4 submitted by means of:

5 (a) Personal appearance before the department; or

6 (b) Mail or electronic commerce, if permitted by rule of the
7 department and if the applicant did not renew his or her identicard by
8 mail or by electronic commerce when it last expired. However, the
9 department may accept an application for renewal of an identicard
10 submitted by means of mail or electronic commerce only if specific
11 authority and funding is provided for this purpose by June 30, 2004, in
12 the omnibus transportation appropriations act.

13 An identicard may not be renewed by mail or by electronic commerce
14 unless the renewal issued by the department includes a photograph of
15 the identicard holder.

16 (4) **Cancellation.** The department may cancel an identicard if the
17 holder of the identicard used the card or allowed others to use the
18 card in violation of RCW 46.20.0921.

19 **Sec. 16.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
20 each reenacted and amended to read as follows:

21 An applicant for a new or renewed driver's license must
22 successfully pass a driver licensing examination to qualify for a
23 driver's license. The department shall give examinations at places and
24 times reasonably available to the people of this state.

25 (1) **Waiver.** The department may waive:

26 (a) All or any part of the examination of any person applying for
27 the renewal of a driver's license unless the department determines that
28 the applicant is not qualified to hold a driver's license under this
29 title; or

30 (b) All or any part of the examination involving operating a motor
31 vehicle if the applicant:

32 (i) Surrenders a valid driver's license issued by the person's
33 previous home state; or

34 (ii) Provides for verification a valid driver's license issued by
35 a foreign driver licensing jurisdiction with which the department has
36 an informal agreement under RCW 46.20.125; and

37 (iii) Is otherwise qualified to be licensed.

1 (2) **Fee.** Each applicant for a new license must pay an examination
2 fee of (~~twenty~~) thirty dollars.

3 (a) The examination fee is in addition to the fee charged for
4 issuance of the license.

5 (b) "New license" means a license issued to a driver:

6 (i) Who has not been previously licensed in this state; or

7 (ii) Whose last previous Washington license has been expired for
8 more than five years.

9 (3) An application for driver's license renewal may be submitted by
10 means of:

11 (a) Personal appearance before the department; or

12 (b) Mail or electronic commerce, if permitted by rule of the
13 department and if the applicant did not renew his or her license by
14 mail or by electronic commerce when it last expired. (~~However, the
15 department may accept an application for renewal of a driver's license
16 submitted by means of mail or electronic commerce only if specific
17 authority and funding is provided for this purpose by June 30, 2004, in
18 the omnibus transportation appropriations act.~~)

19 (4) A person whose license expired or will expire while he or she
20 is living outside the state, may:

21 (a) Apply to the department to extend the validity of his or her
22 license for no more than twelve months. If the person establishes to
23 the department's satisfaction that he or she is unable to return to
24 Washington before the date his or her license expires, the department
25 shall extend the person's license. The department may grant
26 consecutive extensions, but in no event may the cumulative total of
27 extensions exceed twelve months. An extension granted under this
28 section does not change the expiration date of the license for purposes
29 of RCW 46.20.181. The department shall charge a fee of thirty-five
30 dollars for each license extension;

31 (b) Apply to the department to renew his or her license by mail or,
32 if permitted by rule of the department, by electronic commerce even if
33 subsection (3)(b) of this section would not otherwise allow renewal by
34 that means. If the person establishes to the department's satisfaction
35 that he or she is unable to return to Washington within twelve months
36 of the date that his or her license expires, the department shall renew
37 the person's license by mail or, if permitted by rule of the
38 department, by electronic commerce.

1 (5) If a qualified person submits an application for renewal under
2 subsection (3)(b) or (4)(b) of this section, he or she is not required
3 to pass an examination nor provide an updated photograph. A license
4 renewed by mail or by electronic commerce that does not include a
5 photograph of the licensee must be labeled "not valid for
6 identification purposes."

7 **Sec. 17.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read
8 as follows:

9 The department, upon receipt of a fee of (~~twenty-five~~) forty-five
10 dollars, unless the driver's license is issued for a period other than
11 five years, in which case the fee shall be (~~five~~) nine dollars for
12 each year that the license is issued, which includes the fee for the
13 required photograph, shall issue to every qualifying applicant a
14 driver's license. A driver's license issued to a person under the age
15 of eighteen is an intermediate license, subject to the restrictions
16 imposed under RCW 46.20.075, until the person reaches the age of
17 eighteen. The license must include a distinguishing number assigned to
18 the licensee, the name of record, date of birth, Washington residence
19 address, photograph, a brief description of the licensee, and either a
20 facsimile of the signature of the licensee or a space upon which the
21 licensee shall write his or her usual signature with pen and ink
22 immediately upon receipt of the license. No license is valid until it
23 has been so signed by the licensee.

24 **Sec. 18.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
25 as follows:

26 (1) Except as provided in subsection (4) of this section, every
27 driver's license expires on the fifth anniversary of the licensee's
28 birthdate following the issuance of the license.

29 (2) A person may renew his or her license on or before the
30 expiration date by submitting an application as prescribed by the
31 department and paying a fee of (~~twenty-five~~) forty dollars. This fee
32 includes the fee for the required photograph.

33 (3) A person renewing his or her driver's license more than sixty
34 days after the license has expired shall pay a penalty fee of (~~ten~~)
35 fifteen dollars in addition to the renewal fee, unless his or her
36 license expired when:

1 (a) The person was outside the state and he or she renews the
2 license within sixty days after returning to this state; or

3 (b) The person was incapacitated and he or she renews the license
4 within sixty days after the termination of the incapacity.

5 (4) During the period from July 1, 2000, to July 1, 2006, the
6 department may issue or renew a driver's license for a period other
7 than five years, or may extend by mail a license that has already been
8 issued, in order to evenly distribute, as nearly as possible, the
9 yearly renewal rate of licensed drivers. The fee for a driver's
10 license issued or renewed for a period other than five years, or that
11 has been extended by mail, is five dollars for each year that the
12 license is issued, renewed, or extended. The department may adopt any
13 rules as are necessary to carry out this subsection.

14 **Sec. 19.** RCW 46.20.200 and 2002 c 352 s 14 are each amended to
15 read as follows:

16 (1) If an instruction permit, identicard, or a driver's license is
17 lost or destroyed, the person to whom it was issued may obtain a
18 duplicate of it upon furnishing proof of such fact satisfactory to the
19 department and payment of a fee of (~~fifteen~~) twenty dollars to the
20 department.

21 (2) A replacement permit, identicard, or driver's license may be
22 obtained to change or correct material information upon payment of a
23 fee of (~~ten~~) fifteen dollars and surrender of the permit, identicard,
24 or driver's license being replaced.

25 **Sec. 20.** RCW 46.20.202 and 2007 c 7 s 1 are each amended to read
26 as follows:

27 (1) The department may enter into a memorandum of understanding
28 with any federal agency for the purposes of facilitating the crossing
29 of the border between the state of Washington and the Canadian province
30 of British Columbia.

31 (2) The department may enter into an agreement with the Canadian
32 province of British Columbia for the purposes of implementing a border-
33 crossing initiative.

34 (3)(a) The department may issue an enhanced driver's license or
35 identicard for the purposes of crossing the border between the state of
36 Washington and the Canadian province of British Columbia to an

1 applicant who provides the department with proof of: United States
2 citizenship, identity, and state residency. The department shall
3 continue to offer a standard driver's license and identicard. If the
4 department chooses to issue an enhanced driver's license, the
5 department must allow each applicant to choose between a standard
6 driver's license or identicard, or an enhanced driver's license or
7 identicard.

8 (b) The department shall implement a one-to-many biometric matching
9 system for the enhanced driver's license or identicard. An applicant
10 for an enhanced driver's license or identicard shall submit a biometric
11 identifier as designated by the department. The biometric identifier
12 must be used solely for the purpose of verifying the identity of the
13 holders and for any purpose set out in RCW 46.20.037. Applicants are
14 required to sign a declaration acknowledging their understanding of the
15 one-to-many biometric match.

16 (c) The enhanced driver's license or identicard must include
17 reasonable security measures to protect the privacy of Washington state
18 residents, including reasonable safeguards to protect against
19 unauthorized disclosure of data about Washington state residents. If
20 the enhanced driver's license or identicard includes a radio frequency
21 identification chip, or similar technology, the department shall ensure
22 that the technology is encrypted or otherwise secure from unauthorized
23 data access.

24 (d) The requirements of this subsection are in addition to the
25 requirements otherwise imposed on applicants for a driver's license or
26 identicard. The department shall adopt such rules as necessary to meet
27 the requirements of this subsection. From time to time the department
28 shall review technological innovations related to the security of
29 identity cards and amend the rules related to enhanced driver's
30 licenses and identicards as the director deems consistent with this
31 section and appropriate to protect the privacy of Washington state
32 residents.

33 (e) Notwithstanding RCW 46.20.118, the department may make images
34 associated with enhanced drivers' licenses or identicards from the
35 negative file available to United States customs and border agents for
36 the purposes of verifying identity.

37 (4)(a) The department (~~may set a~~) shall charge the following fees

1 for the issuance of enhanced drivers' licenses and identicards under
2 this section:

3 (i) The fee for an original enhanced driver's license is fifty-five
4 dollars.

5 (ii) The fee for a renewed or reissued enhanced driver's license is
6 thirty dollars.

7 (iii) The fee for an original enhanced identicard is fifty-five
8 dollars.

9 (iv) The fee for a renewed or reissued enhanced identicard is
10 thirty dollars.

11 (b) The fees under this section are in addition to the regular
12 driver's license and identicard fees.

13 **Sec. 21.** RCW 46.25.060 and 2011 c 153 s 1 are each amended to read
14 as follows:

15 (1)(a) No person may be issued a commercial driver's license unless
16 that person is a resident of this state, has successfully completed a
17 course of instruction in the operation of a commercial motor vehicle
18 that has been approved by the director or has been certified by an
19 employer as having the skills and training necessary to operate a
20 commercial motor vehicle safely, and has passed a knowledge and skills
21 test for driving a commercial motor vehicle that complies with minimum
22 federal standards established by federal regulation enumerated in 49
23 C.F.R. part 383, subparts G and H, and has satisfied all other
24 requirements of the CMVSA in addition to other requirements imposed by
25 state law or federal regulation. The tests must be prescribed and
26 conducted by the department. In addition to the fee charged for
27 issuance or renewal of any license, the applicant shall pay a fee of no
28 more than (~~ten~~) thirty dollars for each classified knowledge
29 examination, classified endorsement knowledge examination, or any
30 combination of classified license and endorsement knowledge
31 examinations. The applicant shall pay a fee of no more than one
32 hundred twenty-five dollars for each classified skill examination or
33 combination of classified skill examinations conducted by the
34 department.

35 (b) The department may authorize a person, including an agency of
36 this or another state, an employer, a private driver training facility,

1 or other private institution, or a department, agency, or
2 instrumentality of local government, to administer the skills test
3 specified by this section under the following conditions:

4 (i) The test is the same which would otherwise be administered by
5 the state;

6 (ii) The third party has entered into an agreement with the state
7 that complies with the requirements of 49 C.F.R. part 383.75; and

8 (iii) The director has adopted rules as to the third party testing
9 program and the development and justification for fees charged by any
10 third party.

11 (c) If the applicant's primary use of a commercial driver's license
12 is for any of the following, then the applicant shall pay a fee of no
13 more than seventy-five dollars for each classified skill examination or
14 combination of classified skill examinations whether conducted by the
15 department or a third-party tester:

16 (i) Public benefit not-for-profit corporations that are federally
17 supported head start programs; or

18 (ii) Public benefit not-for-profit corporations that support early
19 childhood education and assistance programs as described in RCW
20 43.215.405(2).

21 (2) The department shall work with the office of the superintendent
22 of public instruction to develop modified P1 and P2 skill examinations
23 that also include the skill examination components required to obtain
24 an "S" endorsement. In no event may a new applicant for an "S"
25 endorsement be required to take two separate examinations to obtain an
26 "S" endorsement and either a P1 or P2 endorsement, unless that
27 applicant is upgrading his or her existing commercial driver's license
28 to include an "S" endorsement. The combined P1/S or P2/S skill
29 examination must be offered to the applicant at the same cost as a
30 regular P1 or P2 skill examination.

31 (3)(a) The department may waive the skills test and the requirement
32 for completion of a course of instruction in the operation of a
33 commercial motor vehicle specified in this section for a commercial
34 driver's license applicant who meets the requirements of 49 C.F.R. part
35 383.77.

36 (b) An applicant who operates a commercial motor vehicle for
37 agribusiness purposes is exempt from the course of instruction
38 completion and employer skills and training certification requirements

1 under this section. By January 1, 2010, the department shall submit
2 recommendations regarding the continuance of this exemption to the
3 transportation committees of the legislature. For purposes of this
4 subsection (3)(b), "agribusiness" means a private carrier who in the
5 normal course of business primarily transports:

6 (i) Farm machinery, farm equipment, implements of husbandry, farm
7 supplies, and materials used in farming;

8 (ii) Agricultural inputs, such as seed, feed, fertilizer, and crop
9 protection products;

10 (iii) Unprocessed agricultural commodities, as defined in RCW
11 17.21.020, where such commodities are produced by farmers, ranchers,
12 vineyardists, or orchardists; or

13 (iv) Any combination of (b)(i) through (iii) of this subsection.

14 The department shall notify the transportation committees of the
15 legislature if the federal government takes action affecting the
16 exemption provided in this subsection (3)(b).

17 (4) A commercial driver's license or commercial driver's
18 instruction permit may not be issued to a person while the person is
19 subject to a disqualification from driving a commercial motor vehicle,
20 or while the person's driver's license is suspended, revoked, or
21 canceled in any state, nor may a commercial driver's license be issued
22 to a person who has a commercial driver's license issued by any other
23 state unless the person first surrenders all such licenses, which must
24 be returned to the issuing state for cancellation.

25 (5)(a) The department may issue a commercial driver's instruction
26 permit to an applicant who is at least eighteen years of age and holds
27 a valid Washington state driver's license and who has submitted a
28 proper application, passed the general knowledge examination required
29 for issuance of a commercial driver's license under subsection (1) of
30 this section, and paid the appropriate fee for the knowledge
31 examination and an application fee of (~~ten~~) thirty-five dollars.

32 (b) A commercial driver's instruction permit may not be issued for
33 a period to exceed six months. Only one renewal or reissuance may be
34 granted within a two-year period.

35 (c) The holder of a commercial driver's instruction permit may
36 drive a commercial motor vehicle on a highway only when accompanied by
37 the holder of a commercial driver's license valid for the type of
38 vehicle driven who occupies a seat beside the individual for the

1 purpose of giving instruction in driving the commercial motor vehicle.
2 The holder of a commercial driver's instruction permit is not
3 authorized to operate a commercial motor vehicle transporting hazardous
4 materials.

5 (d) The department shall transmit the fees collected for commercial
6 driver's instruction permits to the state treasurer.

7 **Sec. 22.** RCW 46.25.100 and 2002 c 272 s 4 are each amended to read
8 as follows:

9 When a person has been disqualified from operating a commercial
10 motor vehicle, the person is not entitled to have the commercial
11 driver's license restored until after the expiration of the appropriate
12 disqualification period required under RCW 46.25.090 or until the
13 department has received a drug and alcohol assessment and evidence is
14 presented of satisfactory participation in or completion of any
15 required drug or alcohol treatment program for ending the
16 disqualification under RCW 46.25.090(7). After expiration of the
17 appropriate period and upon payment of a requalification fee of
18 ((~~twenty~~)) twenty-five dollars, or ((~~one~~)) five hundred ((~~fifty~~))
19 dollars if the person has been disqualified under RCW 46.25.090 (1)
20 (a), (b), (e), or (7), the person may apply for a new, duplicate, or
21 renewal commercial driver's license as provided by law. If the person
22 has been disqualified for a period of one year or more, the person
23 shall demonstrate that he or she meets the commercial driver's license
24 qualification standards specified in RCW 46.25.060.

25 **Sec. 23.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read
26 as follows:

27 (1) Any person who operates a motor vehicle within this state is
28 deemed to have given consent, subject to the provisions of RCW
29 46.61.506, to a test or tests of his or her breath or blood for the
30 purpose of determining the alcohol concentration or presence of any
31 drug in his or her breath or blood if arrested for any offense where,
32 at the time of the arrest, the arresting officer has reasonable grounds
33 to believe the person had been driving or was in actual physical
34 control of a motor vehicle while under the influence of intoxicating
35 liquor or any drug or was in violation of RCW 46.61.503. Neither

1 consent nor this section precludes a police officer from obtaining a
2 search warrant for a person's breath or blood.

3 (2) The test or tests of breath shall be administered at the
4 direction of a law enforcement officer having reasonable grounds to
5 believe the person to have been driving or in actual physical control
6 of a motor vehicle within this state while under the influence of
7 intoxicating liquor or any drug or the person to have been driving or
8 in actual physical control of a motor vehicle while having alcohol in
9 a concentration in violation of RCW 46.61.503 in his or her system and
10 being under the age of twenty-one. However, in those instances where
11 the person is incapable due to physical injury, physical incapacity, or
12 other physical limitation, of providing a breath sample or where the
13 person is being treated in a hospital, clinic, doctor's office,
14 emergency medical vehicle, ambulance, or other similar facility or
15 where the officer has reasonable grounds to believe that the person is
16 under the influence of a drug, a blood test shall be administered by a
17 qualified person as provided in RCW 46.61.506(5). The officer shall
18 inform the person of his or her right to refuse the breath or blood
19 test, and of his or her right to have additional tests administered by
20 any qualified person of his or her choosing as provided in RCW
21 46.61.506. The officer shall warn the driver, in substantially the
22 following language, that:

23 (a) If the driver refuses to take the test, the driver's license,
24 permit, or privilege to drive will be revoked or denied for at least
25 one year; and

26 (b) If the driver refuses to take the test, the driver's refusal to
27 take the test may be used in a criminal trial; and

28 (c) If the driver submits to the test and the test is administered,
29 the driver's license, permit, or privilege to drive will be suspended,
30 revoked, or denied for at least ninety days if the driver is age
31 twenty-one or over and the test indicates the alcohol concentration of
32 the driver's breath or blood is 0.08 or more, or if the driver is under
33 age twenty-one and the test indicates the alcohol concentration of the
34 driver's breath or blood is 0.02 or more, or if the driver is under age
35 twenty-one and the driver is in violation of RCW 46.61.502 or
36 46.61.504; and

37 (d) If the driver's license, permit, or privilege to drive is

1 suspended, revoked, or denied the driver may be eligible to immediately
2 apply for an ignition interlock driver's license.

3 (3) Except as provided in this section, the test administered shall
4 be of the breath only. If an individual is unconscious or is under
5 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
6 or vehicular assault as provided in RCW 46.61.522, or if an individual
7 is under arrest for the crime of driving while under the influence of
8 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
9 results from an accident in which there has been serious bodily injury
10 to another person, a breath or blood test may be administered without
11 the consent of the individual so arrested.

12 (4) Any person who is dead, unconscious, or who is otherwise in a
13 condition rendering him or her incapable of refusal, shall be deemed
14 not to have withdrawn the consent provided by subsection (1) of this
15 section and the test or tests may be administered, subject to the
16 provisions of RCW 46.61.506, and the person shall be deemed to have
17 received the warnings required under subsection (2) of this section.

18 (5) If, following his or her arrest and receipt of warnings under
19 subsection (2) of this section, the person arrested refuses upon the
20 request of a law enforcement officer to submit to a test or tests of
21 his or her breath or blood, no test shall be given except as authorized
22 under subsection (3) or (4) of this section.

23 (6) If, after arrest and after the other applicable conditions and
24 requirements of this section have been satisfied, a test or tests of
25 the person's blood or breath is administered and the test results
26 indicate that the alcohol concentration of the person's breath or blood
27 is 0.08 or more if the person is age twenty-one or over, or 0.02 or
28 more if the person is under the age of twenty-one, or the person
29 refuses to submit to a test, the arresting officer or other law
30 enforcement officer at whose direction any test has been given, or the
31 department, where applicable, if the arrest results in a test of the
32 person's blood, shall:

33 (a) Serve notice in writing on the person on behalf of the
34 department of its intention to suspend, revoke, or deny the person's
35 license, permit, or privilege to drive as required by subsection (7) of
36 this section;

37 (b) Serve notice in writing on the person on behalf of the
38 department of his or her right to a hearing, specifying the steps he or

1 she must take to obtain a hearing as provided by subsection (8) of this
2 section and that the person waives the right to a hearing if he or she
3 receives an ignition interlock driver's license;

4 (c) Mark the person's Washington state driver's license or permit
5 to drive, if any, in a manner authorized by the department;

6 (d) Serve notice in writing that the marked license or permit, if
7 any, is a temporary license that is valid for sixty days from the date
8 of arrest or from the date notice has been given in the event notice is
9 given by the department following a blood test, or until the
10 suspension, revocation, or denial of the person's license, permit, or
11 privilege to drive is sustained at a hearing pursuant to subsection (8)
12 of this section, whichever occurs first. No temporary license is valid
13 to any greater degree than the license or permit that it replaces; and

14 (e) Immediately notify the department of the arrest and transmit to
15 the department within seventy-two hours, except as delayed as the
16 result of a blood test, a sworn report or report under a declaration
17 authorized by RCW 9A.72.085 that states:

18 (i) That the officer had reasonable grounds to believe the arrested
19 person had been driving or was in actual physical control of a motor
20 vehicle within this state while under the influence of intoxicating
21 liquor or drugs, or both, or was under the age of twenty-one years and
22 had been driving or was in actual physical control of a motor vehicle
23 while having an alcohol concentration in violation of RCW 46.61.503;

24 (ii) That after receipt of the warnings required by subsection (2)
25 of this section the person refused to submit to a test of his or her
26 blood or breath, or a test was administered and the results indicated
27 that the alcohol concentration of the person's breath or blood was 0.08
28 or more if the person is age twenty-one or over, or was 0.02 or more if
29 the person is under the age of twenty-one; and

30 (iii) Any other information that the director may require by rule.

31 (7) The department of licensing, upon the receipt of a sworn report
32 or report under a declaration authorized by RCW 9A.72.085 under
33 subsection (6)(e) of this section, shall suspend, revoke, or deny the
34 person's license, permit, or privilege to drive or any nonresident
35 operating privilege, as provided in RCW 46.20.3101, such suspension,
36 revocation, or denial to be effective beginning sixty days from the
37 date of arrest or from the date notice has been given in the event

1 notice is given by the department following a blood test, or when
2 sustained at a hearing pursuant to subsection (8) of this section,
3 whichever occurs first.

4 (8) A person receiving notification under subsection (6)(b) of this
5 section may, within twenty days after the notice has been given,
6 request in writing a formal hearing before the department. The person
7 shall pay a fee of (~~two~~) three hundred seventy-five dollars as part
8 of the request. If the request is mailed, it must be postmarked within
9 twenty days after receipt of the notification. Upon timely receipt of
10 such a request for a formal hearing, including receipt of the required
11 (~~two~~) three hundred seventy-five dollar fee, the department shall
12 afford the person an opportunity for a hearing. The department may
13 waive the required (~~two~~) three hundred seventy-five dollar fee if the
14 person is an indigent as defined in RCW 10.101.010. Except as
15 otherwise provided in this section, the hearing is subject to and shall
16 be scheduled and conducted in accordance with RCW 46.20.329 and
17 46.20.332. The hearing shall be conducted in the county of the arrest,
18 except that all or part of the hearing may, at the discretion of the
19 department, be conducted by telephone or other electronic means. The
20 hearing shall be held within sixty days following the arrest or
21 following the date notice has been given in the event notice is given
22 by the department following a blood test, unless otherwise agreed to by
23 the department and the person, in which case the action by the
24 department shall be stayed, and any valid temporary license marked
25 under subsection (6)(c) of this section extended, if the person is
26 otherwise eligible for licensing. For the purposes of this section,
27 the scope of the hearing shall cover the issues of whether a law
28 enforcement officer had reasonable grounds to believe the person had
29 been driving or was in actual physical control of a motor vehicle
30 within this state while under the influence of intoxicating liquor or
31 any drug or had been driving or was in actual physical control of a
32 motor vehicle within this state while having alcohol in his or her
33 system in a concentration of 0.02 or more if the person was under the
34 age of twenty-one, whether the person was placed under arrest, and (a)
35 whether the person refused to submit to the test or tests upon request
36 of the officer after having been informed that such refusal would
37 result in the revocation of the person's license, permit, or privilege
38 to drive, or (b) if a test or tests were administered, whether the

1 applicable requirements of this section were satisfied before the
2 administration of the test or tests, whether the person submitted to
3 the test or tests, or whether a test was administered without express
4 consent as permitted under this section, and whether the test or tests
5 indicated that the alcohol concentration of the person's breath or
6 blood was 0.08 or more if the person was age twenty-one or over at the
7 time of the arrest, or 0.02 or more if the person was under the age of
8 twenty-one at the time of the arrest. The sworn report or report under
9 a declaration authorized by RCW 9A.72.085 submitted by a law
10 enforcement officer is prima facie evidence that the officer had
11 reasonable grounds to believe the person had been driving or was in
12 actual physical control of a motor vehicle within this state while
13 under the influence of intoxicating liquor or drugs, or both, or the
14 person had been driving or was in actual physical control of a motor
15 vehicle within this state while having alcohol in his or her system in
16 a concentration of 0.02 or more and was under the age of twenty-one and
17 that the officer complied with the requirements of this section.

18 A hearing officer shall conduct the hearing, may issue subpoenas
19 for the attendance of witnesses and the production of documents, and
20 shall administer oaths to witnesses. The hearing officer shall not
21 issue a subpoena for the attendance of a witness at the request of the
22 person unless the request is accompanied by the fee required by RCW
23 5.56.010 for a witness in district court. The sworn report or report
24 under a declaration authorized by RCW 9A.72.085 of the law enforcement
25 officer and any other evidence accompanying the report shall be
26 admissible without further evidentiary foundation and the
27 certifications authorized by the criminal rules for courts of limited
28 jurisdiction shall be admissible without further evidentiary
29 foundation. The person may be represented by counsel, may question
30 witnesses, may present evidence, and may testify. The department shall
31 order that the suspension, revocation, or denial either be rescinded or
32 sustained.

33 (9) If the suspension, revocation, or denial is sustained after
34 such a hearing, the person whose license, privilege, or permit is
35 suspended, revoked, or denied has the right to file a petition in the
36 superior court of the county of arrest to review the final order of
37 revocation by the department in the same manner as an appeal from a
38 decision of a court of limited jurisdiction. Notice of appeal must be

1 filed within thirty days after the date the final order is served or
2 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
3 1.1, or other statutes or rules referencing de novo review, the appeal
4 shall be limited to a review of the record of the administrative
5 hearing. The appellant must pay the costs associated with obtaining
6 the record of the hearing before the hearing officer. The filing of
7 the appeal does not stay the effective date of the suspension,
8 revocation, or denial. A petition filed under this subsection must
9 include the petitioner's grounds for requesting review. Upon granting
10 petitioner's request for review, the court shall review the
11 department's final order of suspension, revocation, or denial as
12 expeditiously as possible. The review must be limited to a
13 determination of whether the department has committed any errors of
14 law. The superior court shall accept those factual determinations
15 supported by substantial evidence in the record: (a) That were
16 expressly made by the department; or (b) that may reasonably be
17 inferred from the final order of the department. The superior court
18 may reverse, affirm, or modify the decision of the department or remand
19 the case back to the department for further proceedings. The decision
20 of the superior court must be in writing and filed in the clerk's
21 office with the other papers in the case. The court shall state the
22 reasons for the decision. If judicial relief is sought for a stay or
23 other temporary remedy from the department's action, the court shall
24 not grant such relief unless the court finds that the appellant is
25 likely to prevail in the appeal and that without a stay the appellant
26 will suffer irreparable injury. If the court stays the suspension,
27 revocation, or denial it may impose conditions on such stay.

28 (10)(a) If a person whose driver's license, permit, or privilege to
29 drive has been or will be suspended, revoked, or denied under
30 subsection (7) of this section, other than as a result of a breath or
31 blood test refusal, and who has not committed an offense for which he
32 or she was granted a deferred prosecution under chapter 10.05 RCW,
33 petitions a court for a deferred prosecution on criminal charges
34 arising out of the arrest for which action has been or will be taken
35 under subsection (7) of this section, or notifies the department of
36 licensing of the intent to seek such a deferred prosecution, then the
37 license suspension or revocation shall be stayed pending entry of the
38 deferred prosecution. The stay shall not be longer than one hundred

1 fifty days after the date charges are filed, or two years after the
2 date of the arrest, whichever time period is shorter. If the court
3 stays the suspension, revocation, or denial, it may impose conditions
4 on such stay. If the person is otherwise eligible for licensing, the
5 department shall issue a temporary license, or extend any valid
6 temporary license marked under subsection (6) of this section, for the
7 period of the stay. If a deferred prosecution treatment plan is not
8 recommended in the report made under RCW 10.05.050, or if treatment is
9 rejected by the court, or if the person declines to accept an offered
10 treatment plan, or if the person violates any condition imposed by the
11 court, then the court shall immediately direct the department to cancel
12 the stay and any temporary marked license or extension of a temporary
13 license issued under this subsection.

14 (b) A suspension, revocation, or denial imposed under this section,
15 other than as a result of a breath or blood test refusal, shall be
16 stayed if the person is accepted for deferred prosecution as provided
17 in chapter 10.05 RCW for the incident upon which the suspension,
18 revocation, or denial is based. If the deferred prosecution is
19 terminated, the stay shall be lifted and the suspension, revocation, or
20 denial reinstated. If the deferred prosecution is completed, the stay
21 shall be lifted and the suspension, revocation, or denial canceled.

22 (c) The provisions of (b) of this subsection relating to a stay of
23 a suspension, revocation, or denial and the cancellation of any
24 suspension, revocation, or denial do not apply to the suspension,
25 revocation, denial, or disqualification of a person's commercial
26 driver's license or privilege to operate a commercial motor vehicle.

27 (11) When it has been finally determined under the procedures of
28 this section that a nonresident's privilege to operate a motor vehicle
29 in this state has been suspended, revoked, or denied, the department
30 shall give information in writing of the action taken to the motor
31 vehicle administrator of the state of the person's residence and of any
32 state in which he or she has a license.

33 **Sec. 24.** RCW 46.20.380 and 2008 c 282 s 5 are each amended to read
34 as follows:

35 No person may file an application for an occupational driver's
36 license, a temporary restricted driver's license, or an ignition
37 interlock driver's license as provided in RCW 46.20.391 and 46.20.385

1 unless he or she first pays to the director or other person authorized
2 to accept applications and fees for driver's licenses a fee of one
3 hundred ten dollars. The applicant shall receive upon payment an
4 official receipt for the payment of such fee. All such fees shall be
5 forwarded to the director who shall transmit such fees to the state
6 treasurer in the same manner as other driver's license fees.

7 **III. VEHICLE FEES**

8 **Sec. 25.** RCW 46.17.230 and 2011 c 171 s 59 are each amended to
9 read as follows:

10 Before accepting an application for a replacement license tab or
11 windshield emblem, the department, county auditor or other agent, or
12 subagent appointed by the director shall charge a (~~one~~) two dollar
13 fee for each pair of tabs or windshield emblem. The license tab or
14 windshield emblem replacement fee must be deposited in the motor
15 vehicle fund created in RCW 46.68.070.

16 **Sec. 26.** RCW 46.17.310 and 2010 c 161 s 523 are each amended to
17 read as follows:

18 Before accepting an application for a change of class as required
19 under RCW 46.16A.200(6), the department, county auditor or other agent,
20 or subagent appointed by the director shall require the applicant to
21 pay a (~~one~~) two dollar fee. The (~~one-dollar~~) change of class fee
22 must be deposited in the motor vehicle fund created in RCW 46.68.070.

23 **Sec. 27.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to
24 read as follows:

25 (1) Before accepting an application for one of the following
26 permits, the department, county auditor or other agent, or subagent
27 appointed by the director shall require the applicant to pay the
28 following permit fee by permit type in addition to any other fee or tax
29 required by law:

30 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
31 (a) Dealer temporary	\$15.00	RCW 46.16A.300	RCW 46.68.030

1	(b) Department temporary	\$5.00	RCW 46.16A.305	RCW 46.68.450
2	(c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
3	(d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
4	(e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
5	(f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460
6	(g) Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
7	(h) Vehicle trip	\$(25.00)	RCW 46.16A.320	RCW 46.68.455
8		<u>40.00</u>		

9 (2) Permit fees as provided in subsection (1) of this section are
10 in addition to the filing fee required under RCW 46.17.005, except an
11 additional filing fee may not be charged for:

- 12 (a) Dealer temporary permits;
- 13 (b) Special fuel trip permits; and
- 14 (c) Vehicle trip permits.

15 (3) Five dollars of the fifteen dollar dealer temporary permit fee
16 provided in subsection (1)(a) of this section must be credited to the
17 payment of vehicle license fees at the time application for
18 registration is made. The remainder must be deposited to the state
19 patrol highway account created in RCW 46.68.030.

20 **Sec. 28.** RCW 46.68.455 and 2011 c 171 s 89 are each amended to
21 read as follows:

22 The vehicle trip permit fee imposed under RCW 46.17.400(1)(h) must
23 be distributed as follows:

24 (1) (~~Five~~) Twelve dollars to the state patrol highway account for
25 commercial motor vehicle inspections;

26 (2) (~~Five~~) Eight dollars to the motor vehicle fund created in RCW
27 46.68.070 to be distributed as follows:

28 (a) If paid by motor carriers, to be used for supporting vehicle
29 weigh stations, weigh-in-motion programs, and the commercial vehicle
30 information systems and networks programs; and

31 (b) If paid by a person other than a motor carrier, to be used for
32 supporting congestion relief programs.

33 (3) A one dollar excise tax to the state general fund;

34 (4) The amount of the filing fee imposed under RCW 46.17.005(1) to
35 be credited as required under RCW 46.68.400; and

1 (5) The remainder to the credit of the motor vehicle fund created
2 in RCW 46.68.070 as an administrative fee. The administrative fee must
3 be increased or decreased in an equal amount if the amount of the
4 filing fee imposed under RCW 46.17.005(1) increases or decreases, so
5 that the total trip permit fee is adjusted equally to compensate.

6 **Sec. 29.** RCW 46.17.005 and 2010 c 161 s 501 are each amended to
7 read as follows:

8 (1) A person who applies for a vehicle registration or for any
9 other right to operate a vehicle on the highways of this state shall
10 pay a (~~three~~) seven dollar filing fee in addition to any other fees
11 and taxes required by law.

12 (2) A person who applies for a certificate of title shall pay a
13 (~~four~~) eight dollar filing fee in addition to any other fees and
14 taxes required by law.

15 (3) The filing fees established in this section must be distributed
16 under RCW 46.68.400.

17 **Sec. 30.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to
18 read as follows:

19 Before accepting an application for a certificate of title as
20 required in this title, the department, county auditor or other agent,
21 or subagent appointed by the director shall require the applicant to
22 pay a (~~five~~) thirteen dollar application fee in addition to any other
23 fees and taxes required by law. The certificate of title application
24 fee must be distributed under RCW 46.68.020.

25 **Sec. 31.** RCW 46.17.140 and 2010 c 161 s 512 are each amended to
26 read as follows:

27 The penalty for a late transfer under RCW 46.12.650(7) is (~~twenty-~~
28 ~~five~~) fifty dollars assessed on the sixteenth day after the date of
29 delivery and two dollars for each additional day thereafter, but the
30 total penalty must not exceed one hundred twenty-five dollars. The
31 penalty must be distributed under RCW 46.68.020.

32 **Sec. 32.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to
33 read as follows:

1 (1) In addition to all other fees and taxes required by law, the
2 department, county auditor or other agent, or subagent appointed by the
3 director shall charge:

4 (a) The following license plate fees for each license plate, unless
5 the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
<u>Original issue</u>	<u>\$10.00</u>	<u>RCW 46.68.070</u>
Reflectivity	\$2.00	RCW 46.68.070
Replacement	\$10.00	RCW 46.68.070
<u>Original issue,</u> <u>motorcycle</u>	<u>\$4.00</u>	<u>RCW 46.68.070</u>
Replacement, motorcycle	(\$2.00) <u>\$4.00</u>	RCW 46.68.070
Original issue, moped	(\$1.50) <u>\$3.00</u>	RCW 46.68.070

16 (b) A license plate retention fee, as required under RCW
17 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain
18 the current license plate number upon license plate replacement, unless
19 the owner or type of vehicle is exempt from payment. The twenty dollar
20 fee must be deposited in the multimodal transportation account created
21 in RCW 47.66.070.

22 (c) A ten dollar license plate transfer fee, as required under RCW
23 46.16A.200(8)(a), when transferring standard issue license plates from
24 one vehicle to another, unless the owner or type of vehicle is exempt
25 from payment. The ten dollar license plate transfer fee must be
26 deposited in the motor vehicle fund created in RCW 46.68.070.

27 (d) Former prisoner of war license plates, as described in RCW
28 46.18.235, may be transferred to a replacement vehicle upon payment of
29 a five dollar license plate fee, in addition to any other fee required
30 by law.

31 (2) The department may, upon request, provide license plates that
32 have been used and returned to the department to individuals for
33 nonvehicular use. The department may charge a fee of up to five
34 dollars per license plate to cover costs or recovery for postage and
35 handling. The department may waive the fee for license plates used in

1 educational projects and may, by rule, provide standards for the fee
2 waiver and restrictions on the number of license plates provided to any
3 one person. The fee must be deposited in the motor vehicle fund
4 created in RCW 46.68.070.

5 IV. MISCELLANEOUS FEES

6 **Sec. 33.** RCW 46.87.090 and 1994 c 262 s 14 are each amended to
7 read as follows:

8 (1) To replace an apportioned vehicle license plate(s), cab card,
9 or validation tab(s) due to loss, defacement, or destruction, the
10 registrant shall apply to the department on forms furnished for that
11 purpose. The application, together with proper payment and other
12 documentation as indicated, shall be filed with the department as
13 follows:

14 (a) Apportioned plate(s) - a fee of (~~ten~~) thirteen dollars shall
15 be charged for vehicles required to display two apportioned plates or
16 five dollars for vehicles required to display one apportioned plate.
17 The cab card of the vehicle for which a plate is requested shall
18 accompany the application. The department shall issue a new
19 apportioned plate(s) with validation tab(s) and a new cab card upon
20 acceptance of the completed application form, old cab card, and the
21 required replacement fee.

22 (b) Cab card - a fee of two dollars shall be charged for each card.
23 If this is a duplicate cab card, it will be noted thereon.

24 (c) Validation year tab(s) - a fee of two dollars shall be charged
25 for each vehicle.

26 (2) All fees collected under this section shall be deposited to the
27 motor vehicle fund.

28 **Sec. 34.** RCW 46.87.130 and 2005 c 194 s 8 are each amended to read
29 as follows:

30 In addition to all other fees prescribed for the proportional
31 registration of vehicles under this chapter, the department shall
32 collect a vehicle transaction fee of eight dollars each time a vehicle
33 is added to a Washington-based fleet, and each time the proportional
34 registration of a Washington-based vehicle is renewed. (~~The exact~~

1 ~~amount of the vehicle transaction fee shall be fixed by rule but shall~~
2 ~~not exceed ten dollars.))~~ This fee shall be deposited in the motor
3 vehicle fund.

4 **Sec. 35.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read
5 as follows:

6 Upon a proper request, the department may furnish an abstract of a
7 person's driving record as permitted under this section.

8 (1) **Contents of abstract of driving record.** An abstract of a
9 person's driving record, whenever possible, must include:

10 (a) An enumeration of motor vehicle accidents in which the person
11 was driving, including:

12 (i) The total number of vehicles involved;

13 (ii) Whether the vehicles were legally parked or moving;

14 (iii) Whether the vehicles were occupied at the time of the
15 accident; and

16 (iv) Whether the accident resulted in a fatality;

17 (b) Any reported convictions, forfeitures of bail, or findings that
18 an infraction was committed based upon a violation of any motor vehicle
19 law;

20 (c) The status of the person's driving privilege in this state; and

21 (d) Any reports of failure to appear in response to a traffic
22 citation or failure to respond to a notice of infraction served upon
23 the named individual by an arresting officer.

24 (2) **Release of abstract of driving record.** An abstract of a
25 person's driving record may be furnished to the following persons or
26 entities:

27 (a) **Named individuals.** (i) An abstract of the full driving record
28 maintained by the department may be furnished to the individual named
29 in the abstract.

30 (ii) Nothing in this section prevents a court from providing a copy
31 of the driver's abstract to the individual named in the abstract,
32 provided that the named individual has a pending or open infraction or
33 criminal case in that court. A pending case includes criminal cases
34 that have not reached a disposition by plea, stipulation, trial, or
35 amended charge. An open infraction or criminal case includes cases on
36 probation, payment agreement or subject to, or in collections. Courts

1 may charge a reasonable fee for the production and copying of the
2 abstract for the individual.

3 (b) **Employers or prospective employers.** (i) An abstract of the
4 full driving record maintained by the department may be furnished to an
5 employer or prospective employer or an agent acting on behalf of an
6 employer or prospective employer of the named individual for purposes
7 related to driving by the individual as a condition of employment or
8 otherwise at the direction of the employer.

9 (ii) Release of an abstract of the driving record of an employee or
10 prospective employee requires a statement signed by: (A) The employee
11 or prospective employee that authorizes the release of the record; and
12 (B) the employer attesting that the information is necessary for
13 employment purposes related to driving by the individual as a condition
14 of employment or otherwise at the direction of the employer. If the
15 employer or prospective employer authorizes an agent to obtain this
16 information on their behalf, this must be noted in the statement.

17 (iii) Upon request of the person named in the abstract provided
18 under this subsection, and upon that same person furnishing copies of
19 court records ruling that the person was not at fault in a motor
20 vehicle accident, the department must indicate on any abstract provided
21 under this subsection that the person was not at fault in the motor
22 vehicle accident.

23 (c) **Volunteer organizations.** (i) An abstract of the full driving
24 record maintained by the department may be furnished to a volunteer
25 organization or an agent for a volunteer organization for which the
26 named individual has submitted an application for a position that would
27 require driving by the individual at the direction of the volunteer
28 organization.

29 (ii) Release of an abstract of the driving record of a prospective
30 volunteer requires a statement signed by: (A) The prospective
31 volunteer that authorizes the release of the record; and (B) the
32 volunteer organization attesting that the information is necessary for
33 purposes related to driving by the individual at the direction of the
34 volunteer organization. If the volunteer organization authorizes an
35 agent to obtain this information on their behalf, this must be noted in
36 the statement.

37 (d) **Transit authorities.** An abstract of the full driving record

1 maintained by the department may be furnished to an employee or agent
2 of a transit authority checking prospective volunteer vanpool drivers
3 for insurance and risk management needs.

4 (e) **Insurance carriers.** (i) An abstract of the driving record
5 maintained by the department covering the period of not more than the
6 last three years may be furnished to an insurance company or its agent:

7 (A) That has motor vehicle or life insurance in effect covering the
8 named individual;

9 (B) To which the named individual has applied; or

10 (C) That has insurance in effect covering the employer or a
11 prospective employer of the named individual.

12 (ii) The abstract provided to the insurance company must:

13 (A) Not contain any information related to actions committed by law
14 enforcement officers or firefighters, as both terms are defined in RCW
15 41.26.030, or by Washington state patrol officers, while driving
16 official vehicles in the performance of their occupational duty. This
17 does not apply to any situation where the vehicle was used in the
18 commission of a misdemeanor or felony;

19 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except
20 that the abstract must report the convictions only as negligent driving
21 without reference to whether they are for first or second degree
22 negligent driving; and

23 (C) Exclude any deferred prosecution under RCW 10.05.060, except
24 that if a person is removed from a deferred prosecution under RCW
25 10.05.090, the abstract must show the deferred prosecution as well as
26 the removal.

27 (iii) Any policy of insurance may not be canceled, nonrenewed,
28 denied, or have the rate increased on the basis of information
29 regarding an accident included in the abstract of a driving record,
30 unless the policyholder was determined to be at fault.

31 (iv) Any insurance company or its agent, for underwriting purposes
32 relating to the operation of commercial motor vehicles, may not use any
33 information contained in the abstract relative to any person's
34 operation of motor vehicles while not engaged in such employment. Any
35 insurance company or its agent, for underwriting purposes relating to
36 the operation of noncommercial motor vehicles, may not use any
37 information contained in the abstract relative to any person's
38 operation of commercial motor vehicles.

1 (v) The director may enter into a contractual agreement with an
2 insurance company or its agent for the limited purpose of reviewing the
3 driving records of existing policyholders for changes to the record
4 during specified periods of time. The department shall establish a fee
5 for this service, which must be deposited in the highway safety fund.
6 The fee for this service must be set at a level that will not result in
7 a net revenue loss to the state. Any information provided under this
8 subsection must be treated in the same manner and is subject to the
9 same restrictions as driving record abstracts.

10 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
11 the driving record maintained by the department covering the period of
12 not more than the last five years may be furnished to an alcohol/drug
13 assessment or treatment agency approved by the department of social and
14 health services to which the named individual has applied or been
15 assigned for evaluation or treatment, for purposes of assisting
16 employees in making a determination as to what level of treatment, if
17 any, is appropriate, except that the abstract must:

18 (i) Also include records of alcohol-related offenses, as defined in
19 RCW 46.01.260(2), covering a period of not more than the last ten
20 years; and

21 (ii) Indicate whether an alcohol-related offense was originally
22 charged as a violation of either RCW 46.61.502 or 46.61.504.

23 (g) **City attorneys and county prosecuting attorneys.** An abstract
24 of the full driving record maintained by the department, including
25 whether a recorded violation is an alcohol-related offense, as defined
26 in RCW 46.01.260(2), that was originally charged as a violation of
27 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys
28 or county prosecuting attorneys. City attorneys and county prosecuting
29 attorneys may provide the driving record to alcohol/drug assessment or
30 treatment agencies approved by the department of social and health
31 services to which the named individual has applied or been assigned for
32 evaluation or treatment.

33 (h) **State colleges, universities, or agencies, or units of local**
34 **government.** An abstract of the full driving record maintained by the
35 department may be furnished to (i) state colleges, universities, or
36 agencies for employment and risk management purposes or (ii) units of
37 local government authorized to self-insure under RCW 48.62.031 for
38 employment and risk management purposes.

1 (i) **Superintendent of public instruction.** An abstract of the full
2 driving record maintained by the department may be furnished to the
3 superintendent of public instruction for review of public school bus
4 driver records. The superintendent or superintendent's designee may
5 discuss information on the driving record with an authorized
6 representative of the employing school district for employment and risk
7 management purposes.

8 (3) **Release to third parties prohibited.** Any person or entity
9 receiving an abstract of a person's driving record under subsection
10 (2)(b) through (i) of this section shall use the abstract exclusively
11 for his, her, or its own purposes or as otherwise expressly permitted
12 under this section, and shall not divulge any information contained in
13 the abstract to a third party.

14 (4) **Fee.** The director shall collect a (~~ten-dollar~~) twelve dollar
15 fee for each abstract of a person's driving record furnished by the
16 department. Fifty percent of the fee must be deposited in the highway
17 safety fund, and fifty percent of the fee must be deposited according
18 to RCW 46.68.038.

19 (5) **Violation.** (a) Any negligent violation of this section is a
20 gross misdemeanor.

21 (b) Any intentional violation of this section is a class C felony.

22 **Sec. 36.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to
23 read as follows:

24 (1) The department shall upon request furnish any person or his or
25 her attorney a certified abstract of his or her driving record, which
26 abstract shall include enumeration of any motor vehicle accidents in
27 which such person has been involved. Such abstract shall (a) indicate
28 the total number of vehicles involved, whether the vehicles were
29 legally parked or moving, and whether the vehicles were occupied at the
30 time of the accident; and (b) contain reference to any convictions of
31 the person for violation of the motor vehicle laws as reported to the
32 department, reference to any findings that the person has committed a
33 traffic infraction which have been reported to the department, and a
34 record of any vehicles registered in the name of the person. (~~The
35 department shall collect for each abstract the sum of ten dollars,
36 fifty percent of which shall be deposited in the highway safety fund~~

1 ~~and fifty percent of which must be deposited according to RCW~~
2 ~~46.68.038.))~~

3 (2) The department shall upon request furnish any person who may
4 have been injured in person or property by any motor vehicle, with an
5 abstract of all information of record in the department pertaining to
6 the evidence of the ability of any driver or owner of any motor vehicle
7 to respond in damages. ~~((The department shall collect for each~~
8 ~~abstract the sum of ten dollars, fifty percent of which shall be~~
9 ~~deposited in the highway safety fund and fifty percent of which must be~~
10 ~~deposited according to RCW 46.68.038.))~~

11 (3) For each abstract furnished under this section, the department
12 must collect and administer a fee as required in RCW 46.52.130.

13 **Sec. 37.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read
14 as follows:

15 The department is authorized to provide juvenile courts with the
16 department's record of traffic charges compiled under RCW 46.52.101 and
17 13.50.200, against any minor upon the request of any state juvenile
18 court or duly authorized officer of any juvenile court of this state.
19 Further, the department is authorized to provide any juvenile court
20 with any requested service which the department can reasonably perform
21 which is not inconsistent with its legal authority which substantially
22 aids juvenile courts in handling traffic cases and which promotes
23 highway safety.

24 The department is authorized to furnish to the parent, parents, or
25 guardian of any person under eighteen years of age who is not
26 emancipated from such parent, parents, or guardian, the department
27 records of traffic charges compiled against the person and shall
28 collect for the copy a fee of ~~((ten))~~ twelve dollars, fifty percent of
29 which must be deposited in the highway safety fund and fifty percent of
30 which must be deposited according to RCW 46.68.038.

31 **Sec. 38.** RCW 46.82.310 and 2009 c 101 s 3 are each amended to read
32 as follows:

33 (1) No person shall engage in the business of conducting a driver
34 training school without a license issued by the director for that
35 purpose. The school's license must be displayed before the school may:

1 (a) Schedule, enroll, or engage any students in a course of
2 instruction;

3 (b) Issue a verification of enrollment to any student; or

4 (c) Begin any classroom or behind-the-wheel instruction.

5 (2) An application for a driver training school license shall be
6 filed with the director, containing such information as prescribed by
7 the director, including a uniform business identifier number,
8 accompanied by an application fee (~~(as set by rule of the department)~~)
9 of seven hundred fifty dollars, which shall in no event be refunded.
10 Before an application for a driver training school license is approved,
11 the business practices, facilities, records, vehicles, and insurance of
12 the proposed school must be inspected and reviewed by authorized
13 representatives of the director. If an application is approved by the
14 director, the applicant shall be granted a license valid for a period
15 of one year from the date of issuance.

16 (3) A driver training school may apply for a license to establish
17 a branch office or branch classroom by filing an application with the
18 director, containing such information as prescribed by the director,
19 accompanied by an application fee (~~(as set by rule of the department)~~)
20 of five hundred dollars, which shall in no event be refunded. Before
21 an application for a license to establish a branch office or branch
22 classroom is approved, the business practices, facilities, records,
23 vehicles, and insurance of the proposed branch location must be
24 inspected and reviewed by authorized representatives of the director.
25 If an application is approved by the director, the applicant shall be
26 granted a license valid for a period of one year from the date of
27 issuance.

28 (4) The annual fee for renewal of a driver training school (~~(or~~
29 ~~branch location)~~) license (~~(shall be set by rule of the department)~~) is
30 five hundred dollars. The annual fee for renewal of a driver training
31 school branch location license is three hundred seventy-five dollars.
32 Subject to the department's inspection of the business, the director
33 shall issue a license certificate to each licensee which shall be
34 conspicuously displayed in the place of business of the licensee. If
35 the director has not received a renewal application postmarked on or
36 before the date a license expires the license will be marked late. If
37 the renewal application and fee are not received within thirty days
38 after expiration of the license, the license will be void requiring a

1 new application as provided for in this chapter, including payment of
2 all fees. Instruction may not be given beyond the thirty days from the
3 expiration of the license.

4 (5) The person to whom a driver training school license has been
5 issued must notify the director in writing within ten business days
6 after any change is made in the officers, directors, or location of the
7 place of business of the school.

8 (6) Except as otherwise permitted by rule of the department, a
9 change involving the ownership of a driver training school requires a
10 new license application, including payment of all fees.

11 (a) The owner relinquishing the business must notify the director
12 in writing within ten business days.

13 (b) The new owner must submit an application and fee (~~as~~
14 ~~prescribed by rule of the department~~) of seven hundred fifty dollars
15 for transfer of the school's license to the director within ten
16 business days.

17 (c) Upon receipt of the required notification and the application
18 and fees for license transfer, the director shall permit continuance of
19 the business for a period not to exceed sixty days from the date of
20 transfer pending approval of the new application for a school license.

21 (d) The transferred license shall remain subject to suspension,
22 revocation, or denial in accordance with RCW 46.82.350 and 46.82.360.

23 (7) Evidence of liability insurance coverage for the instruction
24 vehicles and the building premises of the driver training school must
25 be filed with the director prior to the issuance or renewal of a school
26 license, and shall meet the following standards:

27 (a) Coverage must be provided by a company authorized to do
28 business in Washington state;

29 (b) Automobile liability coverage shall be in the amount of not
30 less than one million dollars, and shall include property damage and
31 uninsured motorists coverage;

32 (c) The required coverage shall be maintained in full force and
33 effect for the term of the school license;

34 (d) Changes in insurance coverage due to cancellation or expiration
35 require notification of the director and proof of continuing coverage
36 within ten working days following any change; and

37 (e) Coverage shall be issued in the name of the school and identify
38 the covered locations and vehicles.

1 **Sec. 39.** RCW 46.82.320 and 2009 c 101 s 4 are each amended to read
2 as follows:

3 (1) No person affiliated with a driver training school shall give
4 instruction in the operation of an automobile for a fee without a
5 license issued by the director for that purpose. An application for an
6 original or renewal instructor's license shall be filed with the
7 director, containing such information as prescribed by this chapter and
8 by the director, accompanied by an application fee (~~set by rule of the~~
9 ~~department~~) of three hundred twenty-five dollars for an original
10 license and three hundred dollars for a renewal license, which shall in
11 no event be refunded. An application for a renewal instructor's
12 license must be accompanied by proof of the applicant's continuing
13 professional development that meets the standards adopted by the
14 director. If the applicant satisfactorily meets the application
15 requirements and the examination requirements as prescribed in RCW
16 46.82.330, the applicant shall be granted a license valid for a period
17 of two years from the date of issuance.

18 (2) The director shall issue a license certificate to each
19 qualified applicant.

20 (a) An employing driver training school must conspicuously display
21 an instructor's license at its established place of business and
22 display copies of the instructor's license at any branch office where
23 the instructor provides instruction.

24 (b) Unless revoked, canceled, or denied by the director, the
25 license shall remain the property of the licensee in the event of
26 termination of employment or employment by another driver training
27 school.

28 (c) If the director has not received a renewal application on or
29 before the date a license expires, the license will be voided requiring
30 a new application as provided for in this chapter, including
31 examination and payment of all fees.

32 (d) If revoked, canceled, or denied by the director, the license
33 must be surrendered to the department within ten days following the
34 effective date of such action.

35 (3) Each licensee shall be provided with a wallet-size
36 identification card by the director at the time the license is issued
37 which shall be in the instructor's immediate possession at all times
38 while engaged in instructing.

1 (4) The person to whom an instructor's license has been issued
2 shall notify the director in writing within ten days of any change of
3 employment or termination of employment, providing the name and address
4 of the new driver training school by whom the instructor will be
5 employed.

6 **Sec. 40.** RCW 46.82.330 and 2010 1st sp.s. c 7 s 21 are each
7 amended to read as follows:

8 (1) The application for an instructor's license shall document the
9 applicant's fitness, knowledge, skills, and abilities to teach the
10 classroom and behind-the-wheel phases of a driver training education
11 program in a commercial driver training school.

12 (2) An applicant shall be eligible to apply for an original
13 instructor's certificate if the applicant possesses and meets the
14 following qualifications and conditions:

15 (a) Has been licensed to drive for five or more years and possesses
16 a current and valid Washington driver's license or is a resident of a
17 jurisdiction immediately adjacent to Washington state and possesses a
18 current and valid license issued by such jurisdiction, and does not
19 have on his or her driving record any of the violations or penalties
20 set forth in (a)(i), (ii), or (iii) of this subsection. The director
21 shall have the right to examine the driving record of the applicant
22 from the department of licensing and from other jurisdictions and from
23 these records determine if the applicant has had:

24 (i) Not more than one moving traffic violation within the preceding
25 twelve months or more than two moving traffic violations in the
26 preceding twenty-four months;

27 (ii) No drug or alcohol-related traffic violation or incident
28 within the preceding three years. If there are two or more drug or
29 alcohol-related traffic violations in the applicant's driving history,
30 the applicant is no longer eligible to be a driving instructor; and

31 (iii) No driver's license suspension, cancellation, revocation, or
32 denial within the preceding two years, or no more than two of these
33 occurrences in the preceding five years;

34 (b) Is a high school graduate or the equivalent and at least
35 twenty-one years of age;

36 (c) Has completed an acceptable application on a form prescribed by
37 the director;

1 (d) Has satisfactorily completed a course of instruction in the
2 training of drivers acceptable to the director that is no less than
3 sixty hours in length and includes instruction in classroom and behind-
4 the-wheel teaching methods and supervised practice behind-the-wheel
5 teaching of driving techniques; and

6 (e) Has paid an examination fee (~~((as set by rule of the~~
7 ~~department))~~ of thirty-five dollars and has successfully completed an
8 instructor's examination.

9 **Sec. 41.** RCW 46.82.340 and 2006 c 219 s 8 are each amended to read
10 as follows:

11 In case of the loss, mutilation, or destruction of a driver
12 training school license certificate or an instructor's license
13 certificate, the director shall issue a duplicate thereof upon proof of
14 the facts and payment of a fee (~~((as set by rule of the department))~~ of
15 twenty-five dollars.

16 **Sec. 42.** RCW 46.01.230 and 2010 c 161 s 205 are each amended to
17 read as follows:

18 (1) The department may accept checks and money orders for the
19 payment of drivers' licenses, certificates of title and vehicle
20 registrations, vehicle excise taxes, gross weight fees, and other fees
21 and taxes collected by the department. Whenever registrations,
22 licenses, or permits have been paid for by checks or money orders that
23 have been dishonored by nonacceptance or nonpayment, the department
24 shall:

25 (a) Cancel the registration, license, or permit;

26 (b) Send a notice of cancellation by first-class mail using the
27 last known address in department records for the holder of the
28 certificate, license, or permit, and complete an affidavit of first-
29 class mail; and

30 (c) Assess a handling fee(~~(, set by rule))~~ of thirty-five dollars.

31 (2) It is a traffic infraction to fail to surrender a certificate
32 of title, registration certificate, or permit to the department or to
33 an authorized agent within ten days of being notified that the
34 certificate, registration, or permit has been canceled.

35 (3) County auditors, agents, and subagents appointed by the

1 director may collect restitution for dishonored checks and money orders
2 and keep the handling fee.

3 (4) A person who has recently acquired a vehicle by purchase,
4 exchange, gift, lease, inheritance, or legal action is not liable or
5 responsible for the payment of uncollected fees and taxes that were
6 paid for by a predecessor's check or money order that was subsequently
7 dishonored. The department may not deny an application to transfer
8 ownership for the uncollected amount.

9 (5) The director may adopt rules to implement this section. The
10 rules must provide for the public's convenience consistent with sound
11 business practice and encourage annual renewal of vehicle registrations
12 by mail, authorizing checks and money orders for payment.

13 **Sec. 43.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to
14 read as follows:

15 (1) The annual fees for original licenses issued for twelve
16 consecutive months from the date of issuance under this chapter shall
17 be:

18 (a) Vehicle dealers, principal place of business for each and every
19 license classification: (~~Seven hundred fifty~~) Nine hundred seventy-
20 five dollars;

21 (b) Vehicle dealers, each subagency, and temporary subagency: One
22 hundred twenty-five dollars;

23 (c) Vehicle manufacturers: (~~Five~~) Seven hundred fifty dollars.

24 (2) The annual fee for renewal of any license issued pursuant to
25 this chapter shall be:

26 (a) Vehicle dealers, principal place of business for each and every
27 license classification: (~~Two~~) Three hundred (~~fifty~~) twenty-five
28 dollars;

29 (b) Vehicle dealer, each and every subagency: (~~Twenty-five~~)
30 Fifty dollars;

31 (c) Vehicle manufacturers: (~~Two~~) Five hundred (~~fifty~~) dollars.

32 If any licensee fails or neglects to apply for such renewal within
33 thirty days after the expiration of the license, or assigned renewal
34 date under a staggered licensing system, the license shall be declared
35 canceled by the director, in which case the licensee will be required
36 to apply for an original license and pay the fee required for the
37 original license.

1 (3) The fee for the transfer to another location of any license
2 classification issued pursuant to this chapter shall be twenty-five
3 dollars.

4 (4) The fee for vehicle dealer license plates and manufacturer
5 license plates shall be the amount required by law for vehicle license
6 plates exclusive of excise tax and gross weight and tonnage fees.

7 (5) All fees collected under this chapter shall be deposited in the
8 state treasury and credited to the motor vehicle fund.

9 (6) The fees prescribed in this section are in addition to any
10 excise taxes imposed by chapter 82.44 RCW.

11 **Sec. 44.** RCW 46.80.040 and 1995 c 256 s 6 are each amended to read
12 as follows:

13 The application, together with a fee of (~~twenty-five~~) one hundred
14 dollars, and a surety bond as provided in RCW 46.80.070, shall be
15 forwarded to the department. Upon receipt of the application the
16 department shall, if the application is in order, issue a vehicle
17 wrecker's license authorizing the wrecker to do business as such and
18 forward the fee to the state treasurer, to be deposited in the motor
19 vehicle fund. Upon receiving the certificate the owner shall cause it
20 to be prominently displayed in the place of business, where it may be
21 inspected by an investigating officer at any time.

22 **Sec. 45.** RCW 46.80.050 and 1995 c 256 s 7 are each amended to read
23 as follows:

24 A license issued on this application remains in force until
25 suspended or revoked and may be renewed annually upon reapplication
26 according to RCW 46.80.030 and upon payment of a fee of (~~ten~~) fifteen
27 dollars. A vehicle wrecker who fails or neglects to renew the license
28 before the assigned expiration date shall pay the fee for an original
29 vehicle wrecker license as provided in this chapter.

30 Whenever a vehicle wrecker ceases to do business as such or the
31 license has been suspended or revoked, the wrecker shall immediately
32 surrender the license to the department.

33 **Sec. 46.** RCW 46.80.060 and 1995 c 256 s 8 are each amended to read
34 as follows:

35 The vehicle wrecker shall obtain a special set of license plates in

1 addition to the regular licenses and plates required for the operation
2 of such vehicles. The special plates must be displayed on vehicles
3 owned and/or operated by the wrecker and used in the conduct of the
4 business. The fee for these plates (~~((shall be five))~~) is fifteen
5 dollars for the original plates and (~~((two))~~) fifteen dollars for each
6 additional set of plates bearing the same license number. The renewal
7 fee for these plates is fifteen dollars for the first set, and fifteen
8 dollars for each additional set. A wrecker with more than one licensed
9 location in the state may use special plates bearing the same license
10 number for vehicles operated out of any of the licensed locations.

11 **Sec. 47.** RCW 46.79.040 and 2010 c 8 s 9095 are each amended to
12 read as follows:

13 Application for a hulk hauler's license, together with a fee of
14 (~~((ten))~~) one hundred dollars, or application for a scrap processor's
15 license, together with a fee of (~~((twenty-five))~~) one hundred dollars,
16 shall be forwarded to the director. Upon receipt of the application
17 the director shall, if the application be in order, issue the license
18 applied for authorizing him or her to do business as such and forward
19 the fee, together with an itemized and detailed report, to the state
20 treasurer, to be deposited in the motor vehicle fund. Upon receiving
21 the certificate the owner shall cause it to be prominently displayed at
22 the address shown in his or her application, where it may be inspected
23 by an investigating officer at any time.

24 **Sec. 48.** RCW 46.79.050 and 1985 c 109 s 5 are each amended to read
25 as follows:

26 A license issued pursuant to this chapter expires on the date
27 assigned by the director, and may be renewed by filing a proper
28 application and payment of a fee of (~~((ten))~~) seventy-five dollars.

29 Whenever a hulk hauler or scrap processor ceases to do business or
30 the license has been suspended or revoked, the license shall
31 immediately be surrendered to the director.

32 **Sec. 49.** RCW 46.79.060 and 2010 c 8 s 9096 are each amended to
33 read as follows:

34 The hulk hauler or scrap processor shall obtain a special set of
35 license plates in addition to the regular licenses and plates required

1 for the operation of vehicles owned and/or operated by him or her and
2 used in the conduct of his or her business. Such special license shall
3 be displayed on the operational vehicles and shall be in lieu of a trip
4 permit or current license on any vehicle being transported. The fee
5 for these plates (~~(shall be five)~~) is fifteen dollars for the original
6 plates and (~~(two)~~) fifteen dollars for each additional set of plates
7 bearing the same license number. The renewal fee for these plates is
8 fifteen dollars for the first set, and fifteen dollars for each
9 additional set.

10 **Sec. 50.** RCW 46.76.040 and 1990 c 250 s 68 are each amended to
11 read as follows:

12 The fee for an original transporter's license is (~~(twenty-five)~~)
13 one hundred dollars. Transporter license number plates bearing an
14 appropriate symbol and serial number shall be attached to all vehicles
15 being delivered in the conduct of the business licensed under this
16 chapter. The plates may be obtained for a fee of (~~(two)~~) fifteen
17 dollars for each set. The renewal fee for these plates is fifteen
18 dollars for the first set, and fifteen dollars for each additional set.

19 **Sec. 51.** RCW 46.76.050 and 1985 c 109 s 3 are each amended to read
20 as follows:

21 A transporter's license expires on the date assigned by the
22 director, and may be renewed by filing a proper application and paying
23 an annual fee of (~~(fifteen)~~) seventy-five dollars.

24 **Sec. 52.** RCW 46.37.420 and 2007 c 140 s 2 are each amended to read
25 as follows:

26 (1) It is unlawful to operate a vehicle upon the public highways of
27 this state unless it is completely equipped with pneumatic rubber tires
28 except vehicles equipped with temporary-use spare tires that meet
29 federal standards that are installed and used in accordance with the
30 manufacturer's instructions.

31 (2) No tire on a vehicle moved on a highway may have on its
32 periphery any block, flange, cleat, or spike or any other protuberance
33 of any material other than rubber which projects beyond the tread of
34 the traction surface of the tire, except that it is permissible to use
35 farm machinery equipped with pneumatic tires or solid rubber tracks

1 having protuberances that will not injure the highway, and except also
2 that it is permissible to use tire chains or metal studs imbedded
3 within the tire of reasonable proportions and of a type conforming to
4 rules adopted by the state patrol, upon any vehicle when required for
5 safety because of snow, ice, or other conditions tending to cause a
6 vehicle to skid. It is unlawful to use metal studs imbedded within the
7 tire between April 1st and November 1st, except that a vehicle may be
8 equipped year-round with tires that have retractable studs if: (a) The
9 studs retract pneumatically or mechanically to below the wear bar of
10 the tire when not in use; and (b) the retractable studs are engaged
11 only between November 1st and April 1st. Retractable studs may be made
12 of metal or other material and are not subject to the lightweight stud
13 weight requirements under RCW 46.04.272. The state department of
14 transportation may, from time to time, determine additional periods in
15 which the use of tires with metal studs imbedded therein is lawful.

16 (3)(a) In addition to the fee required under RCW 70.95.510, there
17 is a five dollar fee on the retail sale of each new tire sold that
18 contains studs. The fee imposed under this subsection must be paid by
19 the buyer to the seller, and each seller shall collect from the buyer
20 the full amount of the fee. The fee collected from the buyer by the
21 seller must be paid to the department of revenue in accordance with RCW
22 82.32.045. The fee collected must be deposited in the motor vehicle
23 account and be used for road maintenance.

24 (b) The department of revenue must collect on the business excise
25 tax return from the businesses selling new tires that contain studs at
26 retail the number of tires sold and the fee imposed under this
27 subsection. The department of revenue must incorporate into the
28 agency's audit cycle a reconciliation of the number of tires sold and
29 the amount of revenue collected by the businesses selling new tires
30 that contain studs.

31 (c) All other applicable provisions of chapter 82.32 RCW have full
32 force and application with respect to the fee imposed under this
33 subsection.

34 (d) The department of revenue must administer this subsection.

35 (e) For the purposes of this subsection, "a new tire that contains
36 studs" means a new tire that is manufactured for vehicle purposes and
37 contains metal studs imbedded by the tire manufacturer or retailer, and
38 does not include bicycle tires or retreaded vehicle tires.

1 (4) The state department of transportation and local authorities in
2 their respective jurisdictions may issue special permits authorizing
3 the operation upon a highway of traction engines or tractors having
4 movable tracks with transverse corrugations upon the periphery of the
5 movable tracks or farm tractors or other farm machinery, the operation
6 of which upon a highway would otherwise be prohibited under this
7 section.

8 (~~(4)~~) (5) Tires with metal studs imbedded therein may be used
9 between November 1st and April 1st upon school buses and fire
10 department vehicles, any law or regulation to the contrary
11 notwithstanding.

12 NEW SECTION. **Sec. 53.** A new section is added to chapter 46.37 RCW
13 to read as follows:

14 (1) The fee imposed under RCW 46.37.420(3), to be collected by the
15 seller, is deemed to be held in trust by the seller until paid to the
16 department of revenue, and any seller who appropriates or converts the
17 fee collected to his or her own use or to any use other than the
18 payment of the fee to the extent that the money required to be
19 collected is not available for payment on the due date is guilty of a
20 gross misdemeanor.

21 (2) If any seller fails to collect the fee imposed under RCW
22 46.37.420(3) or, having collected the fee, fails to pay the fee to the
23 department of revenue by the due date, whether such failure is the
24 result of his or her own acts or the result of acts or conditions
25 beyond his or her control, the seller is personally liable to the state
26 for the amount of the fee.

27 (3) The amount of the fee, until paid by the buyer to the seller or
28 to the department of revenue, constitutes a debt from the buyer to the
29 seller. Any seller who fails or refuses to collect the fee as required
30 with intent to violate RCW 46.37.420(3) or to gain some advantage or
31 benefit, either direct or indirect, and any buyer who refuses to pay
32 the fee due under RCW 46.37.420(3) is guilty of a misdemeanor.

33 **Sec. 54.** RCW 82.08.036 and 1989 c 431 s 45 are each amended to
34 read as follows:

35 The tax levied by RCW 82.08.020 shall not apply to consideration:

36 (1) Received as core deposits or credits in a retail or wholesale sale;

1 ((~~or~~)) (2) received or collected upon the sale of a new replacement
2 vehicle tire as a fee imposed under RCW 70.95.510; or (3) received or
3 collected upon the sale of a new studded tire as a fee imposed under
4 RCW 46.37.420(3). For purposes of this section, the term "core
5 deposits or credits" means the amount representing the value of
6 returnable products such as batteries, starters, brakes, and other
7 products with returnable value added for the purpose of recycling or
8 remanufacturing.

9 NEW SECTION. **Sec. 55.** If any provision of this act or its
10 application to any person or circumstance is held invalid, the
11 remainder of the act or the application of the provision to other
12 persons or circumstances is not affected.

13 NEW SECTION. **Sec. 56.** Sections 14 through 54 of this act apply to
14 vehicle registrations that are due or become due on or after January 1,
15 2012.

16 NEW SECTION. **Sec. 57.** This act takes effect January 1, 2012."

17 Correct the title.

EFFECT: (1) Delays the effective date of the bill to January 1,
2012.

(2) Reduces the vehicle dealer licensing increases to about 30
percent above current law levels.

(3) Removes the vehicle dealer plate fee increases.

(4) Removes the modification to the commercial driver's license fee
level.

(5) Removes the \$7 million transfer from the Highway Safety Account
to the Multimodal Transportation Account.

(6) Removes the revision to the Highway Safety Account statute to
authorize a transfer to the Multimodal Transportation Account for the
2011-13 fiscal biennium.

(7) Reduces appropriations to reflect an expected 18 months of fee
proceeds collections, instead of 24 months.

(8) Removes the appropriations in the Department of
Transportation/Public Transportation Program for specific regional
transit projects and instead directs the appropriation for the program
entirely to special needs transportation purposes.

(9) Modifies the requirement that \$3 million of the appropriation

for the Transportation Improvement Board be spent on storm water grants such that the funds may be reflected in any storm water aspects of projects selected by the board.

(10) Removes the requirement that \$3 million of the appropriation for the County Road Administration Board be spent on storm water grants and instead directs the entire appropriation to be spent on urgent preservation needs.

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