

SSB 5338 - S AMD 24
By Senator Wilson

ADOPTED 02/27/2017

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that many residents
4 of Washington enjoy recreational opportunities for off-road vehicle
5 and snowmobile use afforded by the natural beauty of the state and do
6 so in compliance with vehicle titling and registration laws and other
7 laws that govern off-road vehicle and snowmobile use. At the same
8 time, the legislature recognizes that the current law and
9 corresponding enforcement regime may not be robust enough to ensure
10 full compliance with legal registration requirements and a level
11 playing field for all users. It is therefore the intent of the
12 legislature to modify the statutory framework governing penalties for
13 off-road vehicle and snowmobile registration violations and to add
14 requirements to the department of licensing in order to improve
15 registration compliance.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.09
17 RCW under the subchapter heading "uses and violations" to read as
18 follows:

19 (1) It is a gross misdemeanor, punishable as provided under
20 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,
21 to knowingly fail to apply for a Washington state certificate of
22 title for, or to knowingly fail to register, an off-road vehicle
23 within fifteen days of receiving or refusing a notice issued by the
24 department under section 4 of this act.

25 (2) Excise taxes owed and fines assessed must be deposited in the
26 manner provided under RCW 46.16A.030(6).

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.10
28 RCW under the subchapter heading "uses and violations" to read as
29 follows:

1 (1) It is a gross misdemeanor, punishable as provided under
2 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,
3 to knowingly fail to register a snowmobile within fifteen days of
4 receiving or refusing a notice issued by the department under section
5 4 of this act.

6 (2) Excise taxes owed and fines assessed must be deposited in the
7 manner provided under RCW 46.16A.030(6).

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.93
9 RCW to read as follows:

10 (1) By the first business day in February of each year, beginning
11 in 2018, motorsports vehicle manufacturers must report to the
12 department of licensing a listing of all motorsports vehicle
13 warranties for off-road vehicles under chapter 46.09 RCW and
14 snowmobiles under chapter 46.10 RCW sold to Washington residents by
15 out-of-state motorsports vehicle dealers in the previous calendar
16 year. The report must be transmitted such that the department
17 receives the listing no later than the first business day in
18 February. Failure to report a complete listing as required under this
19 subsection results in an administrative fine of one hundred dollars
20 for each day after January that the department has not received the
21 report.

22 (2) The department of licensing shall examine the listing
23 reported in subsection (1) of this section to verify whether the
24 vehicles are properly registered in the state. Beginning in 2018, and
25 to the extent that it has received the listing required under
26 subsection (1) of this section, the department shall notify by
27 certified mail from the United States postal service, with return
28 receipt requested, by the end of February of each year, the
29 purchasers of the warranties of the off-road vehicles and snowmobiles
30 that are not properly registered in the state of the owner's
31 obligations under state law regarding vehicle titling, registration,
32 and use tax payment, as well as of the penalties for failure to
33 comply with the law.

34 (3) Fines received under this section must be paid into the state
35 treasury and credited to the nonhighway and off-road vehicle
36 activities program account under RCW 46.09.510 and to the snowmobile
37 account under RCW 46.68.350. The state treasurer must apportion the
38 fines between the accounts according to the pro rata share of the
39 number of off-road vehicle and snowmobile registrations in the

1 previous calendar year. The department must provide the state
2 treasurer with the information needed to determine the apportionment.

3 NEW SECTION. **Sec. 5.** Section 4 of this act applies to the sales
4 of off-road vehicles and snowmobiles beginning in January 2017.

5 NEW SECTION. **Sec. 6.** This act takes effect August 1, 2017."

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6 On page 1, line 2 of the title, after "snowmobiles;" strike the
7 remainder of the title and insert "adding a new section to chapter
8 46.09 RCW; adding a new section to chapter 46.10 RCW; adding a new
9 section to chapter 46.93 RCW; creating new sections; prescribing
10 penalties; and providing an effective date."

EFFECT: (1) Removes the reference to titling a snowmobile in Washington since current law does not require the titling of snowmobiles.

(2) Clarifies that the gross misdemeanor also applies in situations when a person obtains a permit for use of an ORV or snowmobile in another state in order to avoid Washington taxes and fees; the original bill only considered registration in another state.

(3) Adds an administrative fine of 100 dollars per day assessed to any manufacturer that fails to submit the required listing of warranties to the department of licensing (DOL) by the last business day in January. Directs the State Treasurer to deposit the fines to the Nonhighway and Off-Road Vehicle Activities Program Account and to the Snowmobile Account in proportion to the number of ORV and snowmobile registrations in the preceding calendar year.

(4) Clarifies, regarding the requirement to notify purchasers of warranties of improperly registered ORVs and snowmobiles of their obligations under state law, that DOL is only required to send notification to the extent it receives listings of warranties from manufacturers.

(5) Modifies that if an owner of a snowmobile or ORV fails to act on either registering or applying for a certificate of title and registering within 15 days of receiving a notice from the Department of Licensing that the vehicle is not properly registered under state law, the owner is guilty of a misdemeanor.

(6) Requires DOL to send notification of legal obligations to ORV or snowmobile owners by certified mail rather than first-class mail.

(7) Changes the day upon which DOL must receive the manufacturer's report of the listing of warranties from the last business day in January to the first business day in February.

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