

WSR 23-11-146

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed May 24, 2023, 9:10 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-07-113.

Title of Rule and Other Identifying Information: WAC 308-56A-140, 308-56A-420, and 308-56A-425.

Hearing Location(s): On June 27, 2023, at 1:00 p.m., join Zoom meeting https://dol-wa.zoom.us/j/81420275485?pwd=U3czbDR3VHM0T2hqTWdINFVJY0RlUT09, Meeting ID 814 2027 5485, Passcode 229458; One-tap mobile, +12532158782,,81420275485#,,,,*229458# US (Tacoma), +12532050468,,81420275485#,,,,*229458# US; dial by your location +1 253 215 8782 US (Tacoma), +1 253 205 0468 US, +1 346 248 7799 US (Houston), +1 408 638 0968 US (San Jose), +1 669 444 9171 US, +1 669 900 6833 US (San Jose), +1 719 359 4580 US, +1 305 224 1968 US, +1 309 205 3325 US, +1 312 626 6799 US (Chicago), +1 360 209 5623 US, +1 386 347 5053 US, +1 507 473 4847 US, +1 564 217 2000 US, +1 646 876 9923 US (New York), +1 646 931 3860 US, +1 689 278 1000 US, +1 301 715 8592 US (Washington DC), Meeting ID 814 2027 5485, Passcode 229458. Find your local number https://dol-wa.zoom.us/j/81420275485. If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at Highways-Licenses Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: June 28, 2023.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by June 27, 2023.

Assistance for Persons with Disabilities: Contact Kelsey Stone, phone 360-902-0131, email rulescoordinator@dol.wa.gov, by June 19, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Updates to current rules are required to enact and memorialize the statutory changes resulting from HB [SHB] 1790, passed in 2022.

Reasons Supporting Proposal: These rule updates will align rule with statute and provide greater clarity on the requirements and procedures for issuing temporary license plates.

Statutory Authority for Adoption: RCW 46.01.110.

Statute Being Implemented: RCW 46.16A.300, 46.16A.305.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Department of licensing, governmental.

Name of Agency Personnel Responsible for Drafting: Carl Backen, 1125 Washington Street S.E., Olympia, WA 98501, 360-902-3843; Implementation and Enforcement: George Price, 1125 Washington Street S.E., Olympia, WA 98501, 360-902-0120.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This rule does not meet the criteria under RCW 34.05.328(5) requiring a cost-benefit analysis.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The amendatory rule language generally clarifies the procedures and requirements for the use of a temporary license plate by a licensed vehicle dealer. There are two policy changes included that differ from current practice. First, the amended rule requires all temporary license plates to be printed through the e-permitting system by a licensed vehicle dealer rather than being available for purchase from vehicle licensing offices. All licensed vehicle dealers currently use and have access to the e-permitting system which does not result in a cost increase to small businesses. The second change limits the number of unassigned temporary license plates that a licensed vehicle dealer may hold and leave unassigned for offline use. No additional cost is imposed on licensed vehicle dealers for purchasing additional unassigned temporary license plates.

May 24, 2023
Ellis Starrett
Rules and Policy Manager

OTS-4621.1

AMENDATORY SECTION (Amending WSR 07-22-090, filed 11/6/07, effective 12/7/07)

WAC 308-56A-140 Department temporary ((permit)) license plate.

(1) **What is a department temporary ((permit)) license plate?** A department temporary ((~~permit consists of a system-generated permit and a cardboard temporary "plate"~~)) license plate is a system-generated license plate printed on durable paper material which may be issued in lieu of a registration certificate and license plates when:

(a) The vehicle is not currently licensed in Washington; and
((~~For the purposes of this section, a vehicle may be considered unlicensed if the current license expires within sixty days of application for the department temporary permit, or the vehicle's license plates are missing or unreadable; and~~))

(b) Appropriate vehicle documentation to title and license the vehicle is not immediately available but is likely to be available within ((~~sixty~~)) 60 days; and

(c) The vehicle was purchased from someone other than a licensed Washington dealer or is scheduled for inspection by the Washington state patrol; and

(d) For the purposes of this section, a vehicle may be considered unlicensed if the current license expires within 60 days of application for the department temporary license plate, or the vehicle's license plates are missing or unreadable.

(2) **How long is a department temporary ((permit)) license plate valid?** The department temporary ((~~permit~~)) license plate is valid for no longer than ((~~sixty~~)) 60 days from the date of application.

(3) **Where do I apply for and obtain a department temporary ((permit)) license plate?** You may apply for a department temporary ((permit)) license plate at any Washington vehicle licensing office.

(4) **What fees are due when applying for a department temporary ((permit)) license plate?** All applicable taxes, title, license fees and inspection fees are due when the department temporary ((permit)) license plate is issued. Any fees for permanent license plates are due when the department temporary ((permit)) license plate is cleared.

(5) **How do I display the ((cardboard)) temporary license plate?** You must display the ((cardboard)) temporary license plate ((where it is visible from outside of the vehicle or towed vehicle (such as on the inside left side of the rear window), or you may weatherproof the plate and place it in the license plate holder. Carry the cardboard temporary plate in the vehicle or the towing vehicle)) the same as described for a permanent license plate in RCW 46.16A.200 (5) (a), in the same location or locations where permanent license plates are displayed for vehicles. The temporary license plate must be secured so as to remain stable and readable during movement or in windy conditions.

(6) **If my vehicle is eligible for monthly gross weight, how many months of gross weight must I purchase with a department temporary ((permit)) license plate?** If your vehicle is eligible for monthly gross weight, you must purchase a minimum of two months' gross weight license to correspond with the duration of the department temporary ((permit)) license plate. You may receive credit as described in WAC 308-96A-220(7) for gross weight license already purchased.

(7) **How do I clear the department temporary ((permit)) license plate and obtain a registration certificate and license plates for my vehicle?** You may obtain a registration certificate and license plates for your vehicle at any vehicle licensing office by submitting:

- (a) An application for certificate of ownership; and
- (b) An odometer disclosure statement, if applicable; and
- (c) License plate fees; and
- (d) Other applicable documentation, fees, and taxes.

(8) **What fees are due when clearing a department temporary ((permit)) license plate?** In addition to other fees as prescribed by law, the title application fee and license plate fees are due when the department temporary ((permit)) license plate is cleared.

(9) **How do I obtain a replacement department temporary ((permit)) license plate?** You may obtain a ((photocopy of the)) replacement department temporary ((permit)) license plate by contacting any vehicle licensing office ((who will acquire the photocopy from the department)). You must provide the vehicle identification number or the department temporary ((permit)) license plate number. The replacement department temporary ((permit)) license plate will retain the same expiration date as the original.

(10) ~~((How do I obtain a replacement cardboard temporary "plate"?~~ You may obtain a replacement cardboard temporary "plate" at any Washington vehicle license office where it was purchased. You must provide the vehicle identification number or the department temporary permit number.

~~(11))~~ **May ((a)) another department temporary ((permit)) license plate be ((extended)) issued after the expiration of the first? Yes, ((a)) when necessary, another department temporary ((permit)) license plate may be ((extended)) issued on a case-by-case basis upon departmental approval.**

An extension of a department temporary ((permit)) license plate cannot be granted for vehicles described in subsection (6) of this

section when no more than two months' gross weight was purchased. Additional gross weight cannot be issued until the department temporary (~~permit~~) license plate is cleared.

[Statutory Authority: RCW 46.01.110. WSR 07-22-090, § 308-56A-140, filed 11/6/07, effective 12/7/07; WSR 04-08-080, § 308-56A-140, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.12.040, 46.16.216. WSR 03-12-006, § 308-56A-140, filed 5/22/03, effective 6/22/03; WSR 99-12-031, § 308-56A-140, filed 5/25/99, effective 6/25/99. Statutory Authority: RCW 46.01.110. WSR 93-14-084, § 308-56A-140, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110, 46.12.151 and 46.12.050. WSR 92-03-077, § 308-56A-140, filed 1/14/92, effective 2/14/92; Order MV 208, § 308-56A-140, filed 7/31/74.]

AMENDATORY SECTION (Amending WSR 11-18-047, filed 8/31/11, effective 10/1/11)

WAC 308-56A-420 Delivery of vehicle on dealer temporary (~~permit~~) license plate. (~~(+1)~~) How does a Washington licensed vehicle dealer deliver a vehicle using a dealer temporary (~~permit~~) license plate?

(~~(a)~~) (1) Washington licensed vehicle dealers may deliver a vehicle that is not currently registered, or that does not have valid Washington license plates, tabs, decals, or gross weight, or the current tabs will expire within (~~forty-five~~) 45 days of the date of delivery, by using (~~an e-permit or a hard copy (paper/card stock) dealer temporary permit~~) a dealer temporary license plate.

(~~(b)~~) (2) The application for title part of the dealer temporary (~~permit~~) license plate form must be properly and completely filled out by the selling or leasing dealer, including the dealer's report of sale and the date on which the vehicle is physically delivered to the purchaser or lessee. If license based on gross weight is required, the amount of gross weight purchased must be clearly shown. The application must be signed by the registered owner(s) or lessee.

(~~(c)~~) (3) The Washington licensed vehicle dealer must collect all fees required for titling and registration of a vehicle.

(~~(d) For e-permits, the permit printed by the e-permitting system must display the expiration date and e-permit number.~~) (4) All temporary license plates must be printed through the e-permitting system. The date of expiration is (~~forty-five~~) 45 calendar days from the date the vehicle is physically delivered to the purchaser or lessee.

(~~(e) For hard copy (paper/card stock) permits, the Washington licensed vehicle dealer must detach the card stock portion of the dealer temporary permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. The date of expiration is forty-five calendar days from the date the vehicle is physically delivered to the purchaser or lessee.~~)

(f) (5) A dealer may preprint and hold up to 10 temporary license plates purchased through the e-permitting system for off-line use, with the expiration date to be manually recorded in dark, bold letters and numbers upon use. The date of expiration for preprinted temporary license plates is 45 calendar days from the date the vehicle is physically delivered to the purchaser or lessee. A dealer may not

have more than 10 preprinted temporary license plates at one time unless an exception is approved by the department. The e-permitting system will not allow a dealer to preprint additional temporary license plates, beyond the 10 allowed, until the previously issued temporary license plates are properly filed in the e-permitting system and all required information is recorded with the department.

(6) The application copies must be used by the Washington licensed dealer to apply for title and to complete licensing of the vehicle. Except as provided in RCW 46.70.180(8), when a second temporary ((permit)) license plate is authorized; the selling dealer must submit the application and all titling and licensing fees to the department of licensing or an authorized licensing agent within ((forty-five)) 45 calendar days from the date the vehicle is physically delivered to the purchaser or lessee. The date that the selling or leasing dealer physically delivers the vehicle to the purchaser or lessee will start the ((forty-five)) 45 day interval of an application for a certificate of title in the purchaser's or lessee's name. Additionally, the director may excuse late applications only in situations where applications are delayed, for reasons beyond the control of the dealer.

~~((g)) (7) The ((e-permit or hard copy (paper/card stock) dealer temporary permit)), temporary vehicle registration((r)) and a purchase order identifying the vehicle and the date that the vehicle was physically delivered to the purchaser or lessee must be carried in the vehicle or the towing vehicle at all times the vehicle is operated on the dealer temporary permit.~~

~~((h)) (8) The ((e-permit or hard copy (paper/card stock))) dealer temporary ((permit)) license plate must be displayed ((on the inside of the rear window in the lower left corner, or enclosed in a moisture proof protective case securely attached in the rear license plate holder, with the expiration date visible to one standing behind the vehicle)) in a manner consistent with the requirements in RCW 46.16A.200 (5) (a) for a permanent license plate, in the same location or locations where permanent license plates are displayed for vehicles. The dealer temporary license plate must be secured so as to remain stable and readable during movement or in windy conditions.~~

~~((i)) (9) The ((e-permit or hard copy (paper/card stock))) dealer temporary ((permit)) license plate is valid for not more than ((forty-five)) 45 calendar days starting with the date that the vehicle is physically delivered to the purchaser or lessee.~~

~~((j)) (10) The ((e-permit or hard copy (paper/card stock))) dealer temporary ((permit)) license plate will not be issued:~~

~~((i)) (a) For a dealer inventoried vehicle that has not been sold or a dealer or dealer-employee operated vehicle;~~

~~((ii)) (b) As a demonstration permit;~~

~~((iii)) (c) For a vehicle processed as a courtesy delivery;~~

~~((iv)) (d) For out-of-state residents unless Washington registration is intentionally being obtained.~~

~~((k)) (11) Fees ((paid for e-permit or hard copy (paper/card stock))) for dealer temporary ((permit)) license plate application forms are not refundable unless the dealer ceases doing business as a vehicle dealer.~~

~~((l)) (12) Washington licensed dealers must maintain a record of each dealer temporary ((permit)) license plate acquisition and distribution including the following:~~

~~((i)) (a) Date and location of purchase of each ((permit)) temporary license plate and the ((permit)) plate number;~~

- ((i)) (b) Identification of vehicles delivered on temporary ((permits)) license plates;
- ((iii)) (c) Dates of vehicle sales, leases, and deliveries((-2));
- (d) Customer's complete name.

[Statutory Authority: RCW 46.01.110. WSR 11-18-047, § 308-56A-420, filed 8/31/11, effective 10/1/11; WSR 09-16-017, § 308-56A-420, filed 7/24/09, effective 8/24/09. Statutory Authority: RCW 46.70.160. WSR 05-14-092, § 308-56A-420, filed 6/30/05, effective 7/31/05. Statutory Authority: RCW 46.70.160 and 46.70.110. WSR 99-02-049, § 308-56A-420, filed 1/5/99, effective 2/5/99. Statutory Authority: RCW 46.70.160 and 46.70.124. WSR 94-21-055, § 308-56A-420, filed 10/13/94, effective 11/13/94. Statutory Authority: RCW 46.01.110. WSR 93-14-084, § 308-56A-420, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.70.160. WSR 90-10-013, § 308-56A-420, filed 4/20/90, effective 5/21/90; Order MV 208, § 308-56A-420, filed 7/31/74.]

AMENDATORY SECTION (Amending WSR 11-18-047, filed 8/31/11, effective 10/1/11)

WAC 308-56A-425 Obtaining dealer temporary ((permits)) license plates. (1) **What is a dealer temporary ((permit)) license plate?** For the purposes of vehicles, a dealer temporary ((permit)) license plate is a combination title application and temporary registration used by Washington licensed vehicle dealers when delivering a vehicle that is not currently registered, or does not have valid Washington license plates, tabs, decals, or gross weight, or the current tabs will expire within ((forty-five)) 45 days of the date of delivery.

(2) **How does a Washington licensed vehicle dealer obtain dealer temporary ((permits)) license plates?** Washington licensed vehicle dealers may purchase dealer temporary ((permits)) license plates at any Washington vehicle licensing office for the fee required in RCW 46.17.400.

(3) **What will Washington licensed vehicle dealers receive when purchasing dealer temporary ((permits)) license plates?** Washington licensed vehicle dealers will receive ((either:

- (a) Hard copy (paper/card stock) dealer temporary permits; or
- (b) Electronic dealer temporary permits (e-permits).

(4) ~~What are e-permits, and when are Washington licensed vehicle dealers required to use them?~~ E-permits are dealer temporary permits issued through an online e-permitting system required by RCW 46.16A.300. All Washington licensed vehicle dealers must use the e-permitting system by July 1, 2011.

(5) ~~Will Washington licensed vehicle dealers be able to use and issue hard copy (paper/card stock) dealer temporary permits after July 1, 2011?~~ Washington licensed vehicle dealers will be able to use and issue hard copy (paper/card stock) dealer temporary permits after July 1, 2011, only if signed up for the e-permitting system.

(6) ~~What are Washington licensed vehicle dealers required to do beginning July 1, 2011, when using and issuing hard copy (paper/card stock) dealer temporary permits?~~ In addition to the requirements in WAC 308-56A-420, Washington licensed vehicle dealers who issue hard copy (paper/card stock) dealer temporary permits must enter the hard copy (paper/card stock) dealer temporary permit information into the

~~department's e-permitting system within twenty-four hours of issuance or hardware/software resolution or within twenty-four hours of returning to the office if the hard copy was issued off-site) access to printable temporary license plates through the department's e-permitting system.~~

(4) Will Washington licensed dealers be able to obtain unassigned temporary license plates for off-line use? A dealer may preprint and hold up to 10 unassigned temporary license plates purchased through the e-permitting system for off-line use, with the expiration date to be manually recorded in dark, bold letters and numbers upon use. A dealer may not have more than 10 unassigned temporary license plates at one time, unless an exception is approved by the department. The e-permitting system will not allow a dealer to preprint additional unassigned temporary license plates, beyond the 10 allowed, until the previously issued unassigned temporary license plates are properly filed in the e-permitting system and all required information is recorded with the department.

(5) What are the requirements for using unassigned temporary license plates? Washington licensed dealers who issue unassigned temporary license plates must enter the dealer temporary license plate information into the department's e-permitting system within 24 hours of issuance or hardware/software resolution, or within 24 hours of returning to the office if the hard copy was issued off-site. Failure to properly record the required information into the department's e-permitting system may result in a Washington licensed dealer being unable to preprint additional unassigned temporary license plates until the previously issued unassigned temporary license plates are accounted for.

(6) Will Washington licensed vehicle dealers be able to use previously purchased hard copy (paper/card stock) dealer temporary permits after July 1, 2023? Washington licensed dealers will no longer be able to purchase hard copy dealer temporary permits after July 1, 2023, but may issue any remaining stocks until July 15, 2023. After July 15, 2023, Washington licensed dealers must fully transition to using dealer temporary license plates printed through the department's e-permitting system. Dealer temporary permits issued by dealers will no longer be valid for unregistered vehicle use on public highways after September 1, 2023.

[Statutory Authority: RCW 46.01.110. WSR 11-18-047, § 308-56A-425, filed 8/31/11, effective 10/1/11.]