

CERTIFICATION OF ENROLLMENT  
**SUBSTITUTE HOUSE BILL 1704**

Chapter 339, Laws of 1991  
(partial veto)

52nd Legislature  
1991 Regular Session

MOTOR VEHICLES--REVISED PROVISIONS

EFFECTIVE DATE: 7/28/91 - Except Sections 16 & 17 which become effective on 7/1/91.

Passed by the House April 27, 1991  
Yeas 96 Nays 2

JOE KING  
**Speaker of the  
House of Representatives**

Passed by the Senate April 27, 1991  
Yeas 38 Nays 1

JOEL PRITCHARD  
**President of the Senate**

Approved May 21, 1991, with  
the exception of sections 17  
and 23, which are vetoed.

BOOTH GARDNER  
**Governor of the State of Washington**  
CERTIFICATE

I, Alan Thompson, Chief Clerk of the  
House of Representatives of the State

of Washington, do hereby certify that  
the attached is **SUBSTITUTE HOUSE BILL  
1704** as passed by the House of  
Representatives and the Senate on the  
dates hereon set forth.

ALAN THOMPSON  
**Chief Clerk**

FILED

May 21, 1991 - 11:07 a.m.

Secretary of State  
State of Washington



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**SUBSTITUTE HOUSE BILL 1704**

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AS RECOMMENDED BY THE CONFERENCE COMMITTEE

Passed Legislature - 1991 Regular Session

**State of Washington                      52nd Legislature                      1991 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives Cooper, Betrozoff and R. Johnson; by request of Department of Licensing).

Read first time March 1, 1991.

1            AN ACT Relating to motor vehicles; amending RCW 82.36.040,  
2 82.36.120, 82.38.090, 82.38.170, 46.87.070, 46.87.140, 46.16.319,  
3 82.80.010, 82.36.010, 82.36.030, 82.38.150, 46.01.140, 46.01.270,  
4 46.12.101, 46.16.220, 46.16.381, 46.16.390, 46.20.308, 46.30.020,  
5 46.61.582, 46.61.583, 46.70.023, 35.58.273, 88.02.070, and 88.02.220;  
6 reenacting and amending RCW 46.63.020 and 88.02.030; adding new  
7 sections to chapter 82.36 RCW; adding a new section to chapter 46.87  
8 RCW; adding a new section to chapter 82.42 RCW; adding a new section to  
9 chapter 88.02 RCW; creating a new section; prescribing penalties;  
10 providing an effective date; and declaring an emergency.

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

12            NEW SECTION.    **Sec. 1.** A new section is added to chapter 82.36 RCW  
13 to read as follows:

14            (1) If the department determines that the tax reported by a motor  
15 vehicle fuel distributor is deficient, the department shall assess the

1 deficiency on the basis of information available to it, and shall add  
2 a penalty of two percent of the amount of the deficiency.

3 (2) If a distributor, whether licensed or not licensed as such,  
4 fails, neglects, or refuses to file a motor vehicle fuel tax report the  
5 department shall, on the basis of information available to it,  
6 determine the tax liability of the distributor for the period during  
7 which no report was filed. The department shall add the penalty  
8 provided in subsection (1) of this section to the tax. An assessment  
9 made by the department under this subsection or subsection (1) of this  
10 section is presumed to be correct. In any case, where the validity of  
11 the assessment is questioned, the burden is on the person who  
12 challenges the assessment to establish by a fair preponderance of  
13 evidence that it is erroneous or excessive, as the case may be.

14 (3) If a distributor files a false or fraudulent report with intent  
15 to evade the tax imposed by this chapter, the department shall add to  
16 the amount of deficiency a penalty equal to twenty-five percent of the  
17 deficiency, in addition to the penalty provided in subsections (1) and  
18 (2) of this section and all other penalties prescribed by law.

19 (4) Motor vehicle fuel tax, penalties, and interest payable under  
20 this chapter bears interest at the rate of one percent per month, or  
21 fraction thereof, from the first day of the calendar month after the  
22 amount or any portion of it should have been paid until the date of  
23 payment. If a distributor establishes by a fair preponderance of  
24 evidence that the failure to pay the amount of tax due was attributable  
25 to reasonable cause and was not intentional or willful, the department  
26 may waive the penalty. The department may waive the interest when it  
27 determines the cost of processing or collection of the interest exceeds  
28 the amount of interest due.

29 (5) Except in the case of a fraudulent report, neglect or refusal  
30 to make a report, or failure to pay or to pay the proper amount, the

1 department shall assess the deficiency under subsection (1) or (2) of  
2 this section within three years from the last day of the succeeding  
3 calendar month after the reporting period for which the amount is  
4 proposed to be determined or within three years after the return is  
5 filed, whichever period expires later.

6 (6) Except in the case of violations of filing a false or  
7 fraudulent report, if the department deems mitigation of penalties and  
8 interest to be reasonable and in the best interest of carrying out the  
9 purpose of this chapter, it may mitigate such assessments upon whatever  
10 terms the department deems proper, giving consideration to the degree  
11 and extent of the lack of records and reporting errors. The department  
12 may ascertain the facts regarding recordkeeping and payment penalties  
13 in lieu of more elaborate proceedings under this chapter.

14 (7) A distributor against whom an assessment is made under  
15 subsection (1) or (2) of this section may petition for a reassessment  
16 within thirty days after service upon the distributor of notice of the  
17 assessment. If the petition is not filed within the thirty-day period,  
18 the amount of the assessment becomes final at the expiration of that  
19 period.

20 If a petition for reassessment is filed within the thirty-day  
21 period, the department shall reconsider the assessment and, if the  
22 distributor has so requested in its petition, shall grant the  
23 distributor an oral hearing and give the distributor twenty days'  
24 notice of the time and place of the hearing. The department may  
25 continue the hearing from time to time. The decision of the department  
26 upon a petition for reassessment becomes final thirty days after  
27 service of notice upon the distributor.

28 An assessment made by the department becomes due and payable when  
29 it becomes final. If it is not paid to the department when due and

1 payable, the department shall add a penalty of ten percent of the  
2 amount of the tax.

3 (8) In a suit brought to enforce the rights of the state under this  
4 chapter, the assessment showing the amount of taxes, penalties,  
5 interest, and cost unpaid to the state is prima facie evidence of the  
6 facts as shown.

7 (9) A notice of assessment required by this section must be served  
8 personally or by mail. If it is served by mail, service shall be made  
9 by deposit of the notice in the United States mail, postage prepaid,  
10 addressed to the distributor at the most current address furnished to  
11 the department.

12 **Sec. 2.** RCW 82.36.040 and 1989 c 378 s 24 are each amended to read  
13 as follows:

14 If payment of any tax due is not received by the due date, there  
15 shall be assessed a penalty of two percent of the amount of the tax.  
16 ~~((If any distributor establishes by a fair preponderance of evidence  
17 that the distributor's failure to pay the amount of tax due by the due  
18 date was attributable to reasonable cause and was not intentional or  
19 willful, the department may waive the penalty imposed by this section.~~

20 ~~Any motor vehicle fuel tax, penalties, and interest payable under  
21 the provisions of this chapter shall bear interest at the rate of one  
22 percent per month, or fraction thereof, from the first day of the  
23 calendar month after the close of the monthly period for which the  
24 amount or any portion thereof should have been paid until the date of  
25 payment. The department may waive the interest when the department  
26 determines that the cost of processing the collection of the interest  
27 exceeds the amount of interest due.~~

28 ~~In any suit brought to enforce the rights of the state under this  
29 chapter, the certificate of the director showing the amount of taxes,~~

1 ~~penalties, interest and cost unpaid by any distributor and that the~~  
2 ~~same are due and unpaid to the state shall be prima facie evidence of~~  
3 ~~the facts as shown.))~~

4 **Sec. 3.** RCW 82.36.120 and 1961 c 15 s 82.36.120 are each amended  
5 to read as follows:

6 ~~((In the event any))~~ If a distributor is delinquent in the payment  
7 ~~of ((his excise tax hereunder, the director))~~ an obligation imposed  
8 under this chapter, the department may give notice of the amount  
9 ~~((thereof))~~ of the delinquency by registered or certified mail to all  
10 persons having in their possession or under their control any credits  
11 or other personal property belonging to such distributor, or owing any  
12 debts to such distributor at the time of receipt by them of such  
13 notice((, and thereafter the persons)). A person so notified shall  
14 neither transfer nor make any other disposition of such credits,  
15 ~~((other))~~ personal property, or debts((,)) until ((twenty days have  
16 elapsed from and after receipt of such notice unless the director has  
17 given his consent to a previous transfer,)) the department consents to  
18 a transfer or other disposition. All persons so notified must, within  
19 ~~((five))~~ twenty days after receipt of the notice, advise the  
20 ~~((director))~~ department of any and all such credits, ~~((other))~~ personal  
21 property, or debts in their possession, under their control or owing by  
22 them, as the case may be, and shall deliver upon demand the credits,  
23 personal property, or debts to the department or its duly authorized  
24 representative to be applied to the indebtedness involved.

25 If a person fails to answer the notice within the time prescribed  
26 by this section, it is lawful for the court, upon application of the  
27 department and after the time to answer the notice has expired, to  
28 render judgment by default against the person for the full amount

1 claimed by the department in the notice to withhold and deliver,  
2 together with costs.

3 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.36 RCW  
4 to read as follows:

5 When an assessment becomes final in accordance with this chapter,  
6 the department may file with the clerk of any county within the state  
7 a warrant in the amount of the assessment of taxes, penalties,  
8 interest, and a filing fee of five dollars. The clerk of the county in  
9 which the warrant is filed shall immediately designate a superior court  
10 cause number for the warrant, and the clerk shall cause to be entered  
11 in the judgment docket under the superior court cause number assigned  
12 to the warrant the name of the distributor mentioned in the warrant,  
13 the amount of the tax, penalties, interest, and filing fee, and the  
14 date when the warrant was filed. The aggregate amount of the warrant  
15 as docketed becomes a lien upon the title to and interest in all real  
16 and personal property of the named person against whom the warrant is  
17 issued, the same as a judgment in a civil case duly docketed in the  
18 office of the clerk. The warrant so docketed is sufficient to support  
19 the issuance of writs of execution and writs of garnishment in favor of  
20 the state in the manner provided by law in the case of a civil  
21 judgment, wholly or partially unsatisfied. The clerk of the court is  
22 entitled to a filing fee of five dollars.

23 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.87 RCW  
24 to read as follows:

25 Except in the case of violations of filing a false or fraudulent  
26 application, if the department deems mitigation of penalties and  
27 interest to be reasonable and in the best interests of carrying out the  
28 purpose of this chapter, it may mitigate such assessments upon whatever



1 terms the department deems proper, giving consideration to the degree  
2 and extent of the lack of records and reporting errors. The department  
3 may ascertain the facts regarding recordkeeping and payment penalties  
4 in lieu of more elaborate proceedings under this chapter.

5 **Sec. 6.** RCW 82.38.090 and 1990 c 250 s 84 are each amended to read  
6 as follows:

7 It shall be unlawful for any person to act as a special fuel  
8 dealer, a special fuel supplier or a special fuel user in this state  
9 unless such person is the holder of an uncanceled special fuel  
10 dealer's, a special fuel supplier's or a special fuel user's license  
11 issued to him by the department. A special fuel supplier's license  
12 authorizes a person to sell special fuel without collecting the special  
13 fuel tax to other suppliers and dealers holding valid special fuel  
14 licenses.

15 A special fuel dealer's license authorizes a person to deliver  
16 previously untaxed special fuel into the fuel supply tanks of motor  
17 vehicles, collect the special fuel tax on behalf of the state at the  
18 time of delivery, and remit the taxes collected to the state as  
19 provided herein. A licensed special fuel dealer may also deliver  
20 untaxed special fuel into bulk storage facilities of a licensed special  
21 fuel user without collecting the special fuel tax. Special fuel  
22 dealers and suppliers, when making deliveries of special fuel into bulk  
23 storage to any person not holding a valid special fuel license must  
24 collect the special fuel tax at time of delivery, unless the person to  
25 whom the delivery is made is specifically exempted from the tax as  
26 provided herein.

27 A special fuel user's license authorizes a person to purchase  
28 special fuel into bulk storage for use in motor vehicles either on or  
29 off the public highways of this state without payment of the special

1 fuel tax at time of purchase. Holders of special fuel licenses are all  
2 subject to the bonding, reporting, tax payment, and record-keeping  
3 provisions of this chapter. All purchases of special fuel by a  
4 licensed special fuel user directly into the fuel supply tank of a  
5 motor vehicle are subject to the special fuel tax at time of purchase  
6 unless the purchase is made from an unattended keylock metered pump,  
7 cardtrol, or such similar dispensing devices. Persons utilizing  
8 special fuel for heating purposes only are not required to be licensed.

9 Special fuel users operating motor vehicles in interstate commerce  
10 having two axles and a gross vehicle weight or registered gross vehicle  
11 weight not exceeding twenty-six thousand pounds are not required to be  
12 licensed. Special fuel users operating motor vehicles in interstate  
13 commerce having two axles and a gross vehicle weight or registered  
14 gross vehicle weight exceeding twenty-six thousand pounds, or having  
15 three or more axles regardless of weight, or a combination of vehicles,  
16 when the combination exceeds twenty-six thousand pounds gross vehicle  
17 weight, must comply with the licensing and reporting requirements of  
18 this chapter. A copy of the license must be carried in each motor  
19 vehicle entering this state from another state or province.

20 **Sec. 7.** RCW 82.38.170 and 1987 c 174 s 6 are each amended to read  
21 as follows:

22 (1) If any special fuel dealer or special fuel user fails to pay  
23 any taxes collected or due the state of Washington by said dealer or  
24 user within the time prescribed by RCW 82.38.150 and 82.38.160, said  
25 dealer or user shall pay in addition to such tax a penalty of ten  
26 percent of the amount thereof.

27 (2) If it be determined by the department that the tax reported by  
28 any special fuel dealer or special fuel user is deficient it shall  
29 proceed to assess the deficiency on the basis of information available

1 to it and there shall be added to this deficiency a penalty of ten  
2 percent of the amount of the deficiency.

3 (3) If any special fuel dealer or special fuel user, whether or not  
4 he or she is licensed as such, fails, neglects, or refuses to file a  
5 special fuel tax report, the department shall, on the basis of  
6 information available to it, determine the tax liability of the special  
7 fuel dealer or the special fuel user for the period during which no  
8 report was filed, and to the tax as thus determined, the department  
9 shall add the penalty and interest provided in subsection (2) of this  
10 section. An assessment made by the department pursuant to this  
11 subsection or to subsection (2) of this section shall be presumed to be  
12 correct, and in any case where the validity of the assessment is drawn  
13 in question, the burden shall be on the person who challenges the  
14 assessment to establish by a fair preponderance of the evidence that it  
15 is erroneous or excessive as the case may be.

16 (4) If any special fuel dealer or special fuel user shall establish  
17 by a fair preponderance of evidence that his or her failure to file a  
18 report or pay the proper amount of tax within the time prescribed was  
19 due to reasonable cause and was not intentional or willful, the  
20 department may waive the penalty prescribed in subsections (1), (2),  
21 and (3) of this section.

22 (5) If any special fuel dealer or special fuel user shall file a  
23 false or fraudulent report with intent to evade the tax imposed by this  
24 chapter, there shall be added to the amount of deficiency determined by  
25 the department a penalty equal to twenty-five percent of the  
26 deficiency, in addition to the penalty provided in subsection (2) of  
27 this section and all other penalties prescribed by law.

28 (6) Any fuel tax, penalties, and interest payable under this  
29 chapter shall bear interest at the rate of one percent per month, or  
30 fraction thereof, from the first day of the calendar month after the

1 amount or any portion thereof should have been paid until the date of  
2 payment: PROVIDED, That the department may waive the interest when it  
3 determines that the cost of processing the collection of the interest  
4 exceeds the amount of interest due.

5 (7) Except in the case of violations of filing a false or  
6 fraudulent report, if the department deems mitigation of penalties and  
7 interest to be reasonable and in the best interests of carrying out the  
8 purpose of this chapter, it may mitigate such assessments upon whatever  
9 terms the department deems proper, giving consideration to the degree  
10 and extent of the lack of records and reporting errors. The department  
11 may ascertain the facts regarding recordkeeping and payment penalties  
12 in lieu of more elaborate proceedings under this chapter.

13 (8) Except in the case of a fraudulent report or of neglect or  
14 refusal to make a report, every deficiency shall be assessed under  
15 subsection (2) of this section within three years from the twenty-fifth  
16 day of the next succeeding calendar month following the reporting  
17 period for which the amount is proposed to be determined or within  
18 three years after the return is filed, whichever period expires the  
19 later.

20 ((+8)) (9) Any special fuel dealer or special fuel user against  
21 whom an assessment is made under the provisions of subsections (2) or  
22 (3) of this section may petition for a reassessment thereof within  
23 thirty days after service upon the special fuel dealer or special fuel  
24 user of notice thereof. If such petition is not filed within such  
25 thirty day period, the amount of the assessment becomes final at the  
26 expiration thereof.

27 If a petition for reassessment is filed within the thirty day  
28 period, the department shall reconsider the assessment and, if the  
29 special fuel dealer or special fuel user has so requested in his or her  
30 petition, shall grant such special fuel dealer or special fuel user an

1 oral hearing and give the special fuel dealer or special fuel user ten  
2 days' notice of the time and place thereof. The department may  
3 continue the hearing from time to time. The decision of the department  
4 upon a petition for reassessment shall become final thirty days after  
5 service upon the special fuel dealer or special fuel user of notice  
6 thereof.

7 Every assessment made by the department shall become due and  
8 payable at the time it becomes final and if not paid to the department  
9 when due and payable, there shall be added thereto a penalty of ten  
10 percent of the amount of the tax.

11 ~~((9))~~ (10) Any notice of assessment required by this section  
12 shall be served personally or by mail; if by mail, service shall be  
13 made by depositing such notice in the United States mail, postage  
14 prepaid addressed to the special fuel dealer or special fuel user at  
15 his or her address as the same appears in the records of the  
16 department.

17 ~~((10))~~ (11) Any licensee who has had their special fuel user  
18 license, special fuel dealer license, special fuel supplier license, or  
19 combination thereof revoked shall pay a one hundred dollar penalty  
20 prior to the issuance of a new license.

21 ~~((11))~~ (12) Any person who, upon audit or investigation by the  
22 department, is found to have not paid special fuel taxes as required by  
23 this chapter shall be subject to cancellation of all vehicle  
24 registrations for vehicles utilizing special fuel as a means of  
25 propulsion. Any unexpired Washington tonnage on the vehicles in  
26 question may be transferred to a purchaser of the vehicles upon  
27 application to the department who shall hold such tonnage in its  
28 custody until a sale of the vehicle is made or the tonnage has expired.

1        NEW SECTION.    **Sec. 8.**    A new section is added to chapter 82.42 RCW  
2 to read as follows:

3        Except in the case of violations of filing a false or fraudulent  
4 report, if the department deems mitigation of penalties and interest to  
5 be reasonable and in the best interests of carrying out the purpose of  
6 this chapter, it may mitigate such assessments upon whatever terms the  
7 department deems proper, giving consideration to the degree and extent  
8 of the lack of records and reporting errors.    The department may  
9 ascertain the facts regarding recordkeeping and payment penalties in  
10 lieu of more elaborate proceedings under this chapter.

11        **Sec. 9.**    RCW 46.87.070 and 1990 c 42 s 112 are each amended to read  
12 as follows:

13        (1) Washington-based trailers, semitrailers, converter gears  
14 (auxiliary axles), or pole trailers shall be ~~((fully))~~ licensed in this  
15 state under the provisions of chapter 46.16 RCW except as herein  
16 provided. If these vehicles are being operated in jurisdictions that  
17 require the registration of such vehicles, the applicable vehicles may  
18 be considered as apportionable or commercial vehicles for the purpose  
19 of registration in those jurisdictions and this state. ~~((The prorate  
20 percentage for which registration fees and taxes were paid to such  
21 jurisdictions for each nonmotor vehicle of the fleet may be credited  
22 toward the one hundred percent of registration fees and taxes due this  
23 state for full licensing of each such vehicle.))~~

24        (2) Trailers, semitrailers, converter gears (auxiliary axles), and  
25 pole trailers which are properly based in jurisdictions other than  
26 Washington, and which display currently registered license plates from  
27 such jurisdictions will be granted vehicle license reciprocity in this  
28 state without the need of further vehicle license registration. If  
29 converter gears (auxiliary axles) or pole trailers are not required to

1 be licensed separately by a member jurisdiction, such vehicles may be  
2 operated in this state without displaying a current base license plate.

3 **Sec. 10.** RCW 46.87.140 and 1990 c 42 s 114 are each amended to  
4 read as follows:

5 (1) Any owner engaged in interstate operations of one or more  
6 fleets of apportionable or commercial vehicles may, in lieu of  
7 registration of the vehicles under chapter 46.16 RCW, register and  
8 license the vehicles of each fleet under this chapter by filing a  
9 proportional registration application for each fleet with the  
10 department. The nonmotor vehicles of Washington-based fleets which are  
11 operated in IRP jurisdictions that require registration of such  
12 vehicles may be proportionally registered for operation in those  
13 jurisdictions as herein provided. The application shall contain the  
14 following information and such other information pertinent to vehicle  
15 registration as the department may require:

16 (a) A description and identification of each vehicle of the fleet.  
17 Motor vehicles and nonpower units shall be placed in separate fleets.

18 (b) If registering under the provisions of the IRP, the registrant  
19 shall also indicate member jurisdictions in which registration is  
20 desired and furnish such other information as those member  
21 jurisdictions require.

22 (c) An original or renewal application shall also be accompanied by  
23 a mileage schedule for each fleet.

24 (2) Each application shall, at the time and in the manner required  
25 by the department, be supported by payment of a fee computed as  
26 follows:

27 (a) Divide the in-jurisdiction miles by the total miles and carry  
28 the answer to the nearest thousandth of a percent (three places beyond

1 the decimal, e.g. 10.543%). This factor is known as the prorate  
2 percentage.

3 (b) Determine the total proratable fees and taxes required for each  
4 vehicle in the fleet for which registration is requested, based on the  
5 regular annual fees and taxes or applicable fees and taxes for the  
6 unexpired portion of the registration year under the laws of each  
7 jurisdiction for which fees or taxes are to be calculated.

8 Washington-based (~~(nonpower)~~) nonmotor vehicles shall normally be  
9 fully licensed(~~(, by paying full registration fees and taxes, in this~~  
10 ~~state)~~) under the provisions of chapter 46.16 RCW. If these vehicles  
11 are being operated in jurisdictions that require the registration of  
12 such vehicles, the applicable vehicles may be considered as  
13 apportionable vehicles for the purpose of registration in those  
14 jurisdictions and this state. The prorate percentage for which  
15 registration fees and taxes were paid to such jurisdictions may be  
16 credited toward the one hundred percent of registration fees and taxes  
17 due this state for full licensing. Applicable fees and taxes for  
18 vehicles of Washington-based fleets are those prescribed under RCW  
19 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable.

20 (c) Multiply the total, proratable fees or taxes for each motor  
21 vehicle by the prorate percentage applicable to the desired  
22 jurisdiction and round the results to the nearest cent. Fees and taxes  
23 for nonmotor vehicles being prorated will be calculated as indicated in  
24 (b) of this subsection.

25 (d) Add the total fees and taxes determined in (~~(subsection~~  
26 ~~(2))~~)(c) of this (~~(section)~~) subsection for each vehicle to the  
27 nonproratable fees required under the laws of the jurisdiction for  
28 which fees are being calculated. Nonproratable fees required for  
29 vehicles of Washington-based fleets are the administrative fee required



1 by RCW 82.38.075, if applicable, and the vehicle transaction fee  
2 pursuant to the provisions of RCW 46.87.130.

3 (e) Add the total fees and taxes determined in ~~((subsection~~  
4 ~~(2))~~(d) of this ~~((section))~~ subsection for each vehicle listed on the  
5 application. Assuming the fees and taxes calculated were for  
6 Washington, this would be the amount due and payable for the  
7 application under the provisions of the Western Compact. Under the  
8 provisions of the IRP, the amount due and payable for the application  
9 would be the sum of the fees and taxes referred to in ~~((subsection~~  
10 ~~(2))~~(d) of this ~~((section))~~ subsection, calculated for each member  
11 jurisdiction in which registration of the fleet is desired.

12 (3) All assessments for proportional registration fees are due and  
13 payable in United States funds on the date presented or mailed to the  
14 registrant at the address listed in the proportional registration  
15 records of the department. The registrant may petition for  
16 reassessment of the fees or taxes due under this section within thirty  
17 days of the date of original service as provided for in this chapter.

18 **Sec. 11.** RCW 46.16.319 and 1990 c 250 s 6 are each amended to read  
19 as follows:

20 (1) The department shall issue upon payment of a fee and proof from  
21 an honorably discharged veteran, veterans with honorable military  
22 service, or military personnel on active duty in the armed service, a  
23 remembrance emblem depicting a tribute or message and the American  
24 flag.

25 (2) Veterans and military personnel who served in our nation's wars  
26 and conflicts can, upon request and payment of a fee and proof of  
27 service, receive a remembrance emblem depicting the campaign ribbon  
28 ~~((the veteran was))~~ they were awarded. ~~((Only))~~ The following campaign  
29 ribbon remembrance emblems will be available: World War I victory

1 medal; Asiatic-Pacific campaign medal, WWII; European-African-Middle  
2 East campaign medal, WWII; American campaign medal, WWII; Korean  
3 service medal; Vietnam service medal; Armed Forces Expeditionary, after  
4 1958. The director may adopt additional campaign ribbon remembrance  
5 emblems by rule.

6 (3) The remembrance emblem will be displayed upon vehicle license  
7 plates in the manner prescribed by the department.

8 (4) A veteran or military personnel requesting a remembrance emblem  
9 from the department shall provide a copy of his or her discharge papers  
10 (DD-214) or military orders indicating their military status and  
11 campaign ribbon awarded along with payment of the fee. A veteran or  
12 military personnel requesting a remembrance emblem must be a legal or  
13 registered owner of the vehicle on which remembrance emblems are to be  
14 displayed.

15 **Sec. 12.** RCW 82.80.010 and 1990 c 42 s 201 are each amended to  
16 read as follows:

17 (1) Subject to the conditions of this section, any county may levy,  
18 by approval of its legislative body and a majority of the registered  
19 voters of the county voting on the proposition at a general or special  
20 election, additional excise taxes equal to ten percent of the state-  
21 wide motor vehicle fuel tax rate under RCW 82.36.025 on each gallon of  
22 motor vehicle fuel as defined in RCW 82.36.010(2) and on each gallon of  
23 special fuel as defined in RCW 82.38.020(5)~~((, per gallon or one~~  
24 ~~hundred cubic feet of compressed natural gas measured at standard~~  
25 ~~temperature and pressure))~~ sold within the boundaries of the county.  
26 Vehicles paying an annual license fee under RCW 82.38.075 are exempt  
27 from the county fuel excise tax. An election held under this section  
28 must be held not more than twelve months before the date on which the  
29 proposed tax is to be levied. The ballot setting forth the proposition

1 shall state the tax rate that is proposed. The county's authority to  
2 levy additional excise taxes under this section includes the  
3 incorporated and unincorporated areas of the county. The additional  
4 excise taxes are subject to the same exceptions and rights of refund as  
5 applicable to other motor vehicle fuel and special fuel excise taxes  
6 levied under chapters 82.36 and 82.38 RCW. The proposed tax shall not  
7 be levied less than one month from the date the election results are  
8 certified by the county election officer. The commencement date for  
9 the levy of any tax under this section shall be the first day of  
10 January, April, July, or October.

11 (2) Every person subject to the tax shall pay, in addition to any  
12 other taxes provided by law, an additional excise tax to the director  
13 of licensing at the rate levied by a county exercising its authority  
14 under this section.

15 (3) The state treasurer shall distribute monthly to the levying  
16 county and cities contained therein the proceeds of the additional  
17 excise taxes collected under this section, after the deductions for  
18 payments and expenditures as provided in RCW 46.68.090 (1) (~~(a)~~ and  
19 ~~(b)~~) and (2) and under the conditions and limitations provided in RCW  
20 82.80.080.

21 (4) The proceeds of the additional excise taxes levied under this  
22 section shall be used strictly for transportation purposes in  
23 accordance with RCW 82.80.070.

24 (5) The department of licensing shall administer and collect the  
25 county fuel taxes. The department shall deduct a percentage amount, as  
26 provided by contract, for administrative, collection, refund, and audit  
27 expenses incurred. The remaining proceeds shall be remitted to the  
28 custody of the state treasurer for monthly distribution under RCW  
29 82.80.080.

1       **Sec. 13.** RCW 82.36.010 and 1990 c 250 s 79 are each amended to  
2 read as follows:

3       For the purposes of this chapter:

4       (1) "Motor vehicle" means every vehicle that is in itself a self-  
5 propelled unit, equipped with solid rubber, hollow-cushion rubber, or  
6 pneumatic rubber tires and capable of being moved or operated upon a  
7 public highway, except motor vehicles used as motive power for or in  
8 conjunction with farm implements and machines or implements of  
9 husbandry;

10       (2) "Motor vehicle fuel" means gasoline or any other inflammable  
11 gas or liquid, by whatsoever name such gasoline, gas, or liquid may be  
12 known or sold, the chief use of which is as fuel for the propulsion of  
13 motor vehicles or motorboats;

14       (3) "Distributor" means every person who refines, manufactures,  
15 produces, or compounds motor vehicle fuel and sells, distributes, or in  
16 any manner uses it in this state; also every person engaged in business  
17 as a bona fide wholesale merchant dealing in motor vehicle fuel who  
18 either acquires it within the state from any person refining it within  
19 or importing it into the state, on which the tax has not been paid, or  
20 imports it into this state and sells, distributes, or in any manner  
21 uses it in this state. For the purposes of liability for a county fuel  
22 tax, "distributor" has that meaning defined in the county ordinance  
23 imposing the tax;

24       (4) "Service station" means a place operated for the purpose of  
25 delivering motor vehicle fuel into the fuel tanks of motor vehicles;

26       (5) "Department" means the department of licensing;

27       (6) "Director" means the director of licensing;

28       (7) "Dealer" means any person engaged in the retail sale of liquid  
29 motor vehicle fuels;

1 (8) "Person" means every natural person, firm, partnership,  
2 association, or private or public corporation;

3 (9) "Highway" means every way or place open to the use of the  
4 public, as a matter of right, for purposes of vehicular travel;

5 (10) "Broker" means every person, other than a distributor, engaged  
6 in business as a broker, jobber, or wholesale merchant dealing in motor  
7 vehicle fuel or other petroleum products used or usable in propelling  
8 motor vehicles, or in other petroleum products which may be used in  
9 blending, compounding, or manufacturing of motor vehicle fuel;

10 (11) "Producer" means every person, other than a distributor,  
11 engaged in the business of producing motor vehicle fuel or other  
12 petroleum products used in, or which may be used in, the blending,  
13 compounding, or manufacturing of motor vehicle fuel;

14 (12) "Distribution" means all withdrawals of motor vehicle fuel for  
15 delivery to others, to retail service stations, or to unlicensed bulk  
16 storage plants;

17 (13) "Bulk storage plant" means, pursuant to the licensing  
18 provisions of RCW 82.36.070, any plant, under the control of the  
19 distributor, used for the storage of motor vehicle fuel to which no  
20 retail outlets are directly connected by pipe lines;

21 (14) "Marine fuel dealer" means any person engaged in the retail  
22 sale of liquid motor vehicle fuel whose place of business and or sale  
23 outlet is located upon a navigable waterway;

24 ~~((15) "Aggregate motor vehicle fuel tax revenues" means the amount~~  
25 ~~of excise taxes to be paid by distributors, retailers, and users~~  
26 ~~pursuant to chapters 82.36, 82.37, and 82.38 RCW for any designated~~  
27 ~~fiscal period, whether or not such amounts are actually received by the~~  
28 ~~department of licensing. The phrase does not include fines or~~  
29 ~~penalties assessed for violations;~~

30 ~~(16) "Fiscal year" means a twelve month period ending June 30th;~~

1       ~~(17)~~ "State personal income" means the dollar amount published as  
2 total personal income of persons in the state for the calendar year by  
3 the United States department of commerce or its successor agency;

4       ~~(18)~~ "State personal income ratio" for any calendar year means that  
5 ratio expressed in percentage terms that is the sum of one hundred  
6 percent, plus seventy percent of the percentage increase or decrease in  
7 state personal income for the calendar year under consideration as  
8 compared to state personal income for the immediately preceding  
9 calendar year;

10       ~~(19)~~ "Motor vehicle fund revenue" means all state taxes, fees, and  
11 penalties deposited in the motor vehicle fund and all other state  
12 revenue required by statute to be deposited in the motor vehicle fund,  
13 but does not include (a) moneys derived from nonfuel tax sources which  
14 are deposited directly in the several accounts, (b) interest deposited  
15 directly in the several accounts within the motor vehicle fund, (c)  
16 federal funds, (d) proceeds from the sale of bonds, or (e)  
17 reimbursements to the motor vehicle fund for services performed by the  
18 department of transportation for others;

19       ~~(20))~~ (15) "Alcohol" means alcohol that is produced from renewable  
20 resources;

21       ~~((21))~~ (16) "Electronic funds transfer" means any transfer of  
22 funds, other than a transaction originated by check, draft, or similar  
23 paper instrument, which is initiated through an electronic terminal,  
24 telephonic instrument, or computer or magnetic tape so as to order,  
25 instruct, or authorize a financial institution to debit or credit an  
26 account.

27       **Sec. 14.** RCW 82.36.030 and 1990 c 42 s 202 are each amended to  
28 read as follows:

1 Every distributor shall on or before the twenty-fifth day of each  
2 calendar month file, on forms furnished by the director, a statement  
3 signed by the distributor or his authorized agent showing the total  
4 number of gallons of motor vehicle fuel sold, distributed, or used by  
5 such distributor within this state during the preceding calendar month  
6 and, for counties within which an additional excise tax on motor  
7 vehicle fuel has been levied by that jurisdiction under RCW 82.80.010,  
8 showing the total number of gallons of motor vehicle fuel sold,  
9 distributed ((and sold to dealers)), or used by the distributor ((for  
10 sale)) within the boundaries of the county during the preceding  
11 calendar month.

12 If any distributor fails to file such report, the director shall  
13 proceed forthwith to determine from the best available sources, the  
14 amount of motor vehicle fuel sold, distributed, or used by such  
15 distributor for the unreported period, and said determination shall be  
16 presumed to be correct for that period until proved by competent  
17 evidence to be otherwise. The director shall immediately assess the  
18 excise tax in the amount so determined, adding thereto a penalty of ten  
19 percent for failure to report. Such penalty shall be cumulative of  
20 other penalties herein provided. All statements filed with the  
21 director, as required in this section, shall be public records.

22 If any distributor establishes by a fair preponderance of evidence  
23 that his or her failure to file a report by the due date was  
24 attributable to reasonable cause and was not intentional or willful,  
25 the department may waive the penalty imposed by this section.

26 **Sec. 15.** RCW 82.38.150 and 1990 c 42 s 203 are each amended to  
27 read as follows:

28 For the purpose of determining the amount of liability for the tax  
29 herein imposed each special fuel dealer and each special fuel user

1 shall file tax reports with the department, on forms prescribed by the  
2 department. Special fuel dealers shall file the reports at the  
3 intervals as shown in the following schedule:

4	Estimated Yearly	
5	Tax Liability	Reporting Frequency
6	\$ 0 - \$100	Yearly
7	\$101 - 250	Semi-yearly
8	\$251 - 499	Quarterly
9	\$500 and over	Monthly

10 Special fuel users whose estimated yearly tax liability is two  
11 hundred fifty dollars or less, shall file a report yearly, and special  
12 fuel users whose estimated yearly tax liability is more than two  
13 hundred fifty dollars, shall file reports quarterly.

14 The department shall establish the reporting frequency for each  
15 applicant at the time the special fuel license is issued. If it  
16 becomes apparent that any special fuel licensee is not reporting in  
17 accordance with the above schedule, the department shall change the  
18 licensee's reporting frequency by giving thirty days' notice to the  
19 licensee by mail to his address of record. A report shall be filed  
20 with the department even though no special fuel was used, or tax is  
21 due, for the reporting period. Each tax report shall contain a  
22 declaration by the person making the same, to the effect that the  
23 statements contained therein are true and are made under penalties of  
24 perjury, which declaration shall have the same force and effect as a  
25 verification of the report and is in lieu of such verification. The  
26 report shall show such information as the department may reasonably  
27 require for the proper administration and enforcement of this chapter:  
28 PROVIDED, That if a special fuel dealer or special fuel user is also a



1 special fuel supplier at a location where special fuel is delivered  
2 into the supply tank of a motor vehicle, and if separate storage is  
3 provided thereat from which special fuel is delivered or placed into  
4 fuel supply tanks of motor vehicles, the tax report to the department  
5 need not include inventory control data covering bulk storage from  
6 which wholesale distribution of special fuel is made. For counties  
7 within which an additional excise tax on special fuel has been levied  
8 by that jurisdiction under RCW 82.80.010, the report must show the  
9 quantities of special fuel sold, distributed ((and sold)), or withdrawn  
10 from bulk storage by the reporting dealer or user within the county's  
11 boundaries and the tax liability from its levy. The special fuel  
12 dealer or special fuel user shall file the report on or before the  
13 twenty-fifth day of the next succeeding calendar month following the  
14 period to which it relates.

15 Subject to the written approval of the department, tax reports may  
16 cover a period ending on a day other than the last day of the calendar  
17 month. Taxpayers granted approval to file reports in this manner will  
18 file such reports on or before the twenty-fifth day following the end  
19 of the reporting period. No change to this reporting period will be  
20 made without the written authorization of the department.

21 If the final filing date falls on a Saturday, Sunday, or legal  
22 holiday the next secular or business day shall be the final filing  
23 date. Such reports shall be considered filed or received on the date  
24 shown by the post office cancellation mark stamped upon an envelope  
25 containing such report properly addressed to the department, or on the  
26 date it was mailed if proof satisfactory to the department is available  
27 to establish the date it was mailed.

28 The department, if it deems it necessary in order to insure payment  
29 of the tax imposed by this chapter, or to facilitate the administration  
30 of this chapter, has the authority to require the filing of reports and

1 tax remittances at shorter intervals than one month if, in its opinion,  
2 an existing bond has become insufficient.

3 The department may permit any special fuel user whose sole use of  
4 special fuel is in motor vehicles or equipment exempt from tax as  
5 provided in RCW 82.38.075 and RCW 82.38.080 (1), (2), (3), (8), and  
6 (9), in lieu of the reports required in this section, to submit reports  
7 annually or as requested by the department, in such form as the  
8 department may require.

9 A special fuel user whose sole use of special fuel is for purposes  
10 other than the propulsion of motor vehicles upon the public highways of  
11 this state shall not be required to submit the reports required in this  
12 section.

13 **Sec. 16.** RCW 46.01.140 and 1990 c 250 s 89 are each amended to  
14 read as follows:

15 (1) The county auditor, if appointed by the director of licensing  
16 shall carry out the provisions of this title relating to the licensing  
17 of vehicles and the issuance of vehicle license number plates under the  
18 direction and supervision of the director and may with the approval of  
19 the director appoint assistants as special deputies and subagents to  
20 accept applications and collect fees for vehicle licenses and transfers  
21 and to deliver vehicle license number plates.

22 (2) At any time any application is made to the director, the county  
23 auditor, or other agent pursuant to any law dealing with licenses,  
24 registration, or the right to operate any vehicle upon the public  
25 highways of this state, excluding applicants already paying such fee  
26 under RCW 46.16.070 or 46.16.085, the applicant shall pay to the  
27 director, county auditor, or other agent a fee of two dollars for each  
28 application in addition to any other fees required by law. Applicants  
29 for certificates of ownership, including applicants paying fees under

1 RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor,  
2 or other agent a fee of three dollars in addition to any other fees  
3 required by law. These ~~((additional))~~ fees, if paid to the county  
4 auditor as agent of the director, or if paid to ~~((an agent))~~ a subagent  
5 of the county auditor, shall be paid to the county treasurer in the  
6 same manner as other fees collected by the county auditor and credited  
7 to the county current expense fund. If the fee is paid to another  
8 agent of the director, the fee shall be used by the agent to defray his  
9 or her expenses in handling the application(~~(: PROVIDED, That an agent~~  
10 ~~of the county auditor))~~).

11 (3) A subagent is entitled to an additional service charge of two  
12 dollars. However, from July 1, 1991, through June 30, 1992, subagents  
13 shall collect a service fee of (a) five dollars and fifty cents for  
14 changes in a certificate of ownership, with or without registration  
15 renewal, or verification of record and preparation of an affidavit of  
16 lost title other than at the time of the title application or transfer  
17 and (b) two dollars and twenty-five cents for registration renewal  
18 only, issuing a transit permit, or any other service under this  
19 section.

20 ~~((+3+))~~ (4) If the fee is collected by the state patrol as agent  
21 for the director, the fee so collected shall be certified to the state  
22 treasurer and deposited to the credit of the state patrol highway  
23 account. If the fee is collected by the department of transportation  
24 as agent for the director, the fee shall be certified to the state  
25 treasurer and deposited to the credit of the motor vehicle fund. All  
26 such fees collected by the director or branches of his office shall be  
27 certified to the state treasurer and deposited to the credit of the  
28 highway safety fund.

1       \*

2       NEW SECTION.   Sec. 17.       The director of licensing shall review  
3 the costs and revenues of all vehicle licensing agents and subagents  
4 and the benefits provided to the communities they serve and submit a  
5 report by January 15, 1992, to the legislative transportation committee  
6 including the following:

7       (1) Criteria for determining the costs and benefits of title and  
8 registration activities by agents and subagents;

9       (2) A review of the rate structure for agents and subagents;

10      (3) A review of other fee structures for counties and subagents;

11      (4) An estimate of the costs of providing each individual title and  
12 registration function;

13      (5) Consideration of the need for cost allocations, such as a  
14 revolving fund or other mechanisms for funding an automated licensing  
15 system;

16      (6) Consideration of the County Auditors' Automation Program (CAAP)  
17 system and other changes in methods of providing title and registration  
18 services since adoption of the current method of compensating agents  
19 and subagents;

20      (7) Recommendations for a process to allow counties to recover  
21 their full costs of vehicle title and registration activities without  
22 increasing costs to consumers;

23      (8) Recommendations for one standard contract to be used by the  
24 director of licensing for county auditor agents and one standard  
25 contract for subagents, with provisions in each requiring disclosure of  
26 all costs and revenues to the director, but protecting the  
27 confidentiality of this information;

28      (9) An examination of alternative methods of providing title and  
29 registration services.

1 \*Sec. 17 was vetoed, see message at end of chapter.

2 **Sec. 18.** RCW 46.01.270 and 1967 c 32 s 4 are each amended to read  
3 as follows:

4 The county auditor may destroy applications for vehicle  
5 licenses(~~(,)~~) and any copies of vehicle licenses issued(~~(, applications~~  
6 ~~for vehicle driver's licenses, and copies of issued vehicle driver's~~  
7 ~~licenses, if any there be,))~~) after such records (~~(shall)~~) have been on  
8 file in (~~(his)~~) the auditor's office for a period of (~~(three years)~~)  
9 eighteen months, unless otherwise directed by the director.

10 **Sec. 19.** RCW 46.12.101 and 1990 c 238 s 4 are each amended to read  
11 as follows:

12 A transfer of ownership in a motor vehicle is perfected by  
13 compliance with the requirements of this section.

14 (1) If an owner transfers his or her interest in a vehicle, other  
15 than by the creation, deletion, or change of a security interest, the  
16 owner shall, at the time of the delivery of the vehicle, execute an  
17 assignment to the transferee and provide an odometer disclosure  
18 statement under RCW 46.12.124 on the certificate of ownership or as the  
19 department otherwise prescribes, and cause the certificate and  
20 assignment to be transmitted to the transferee. Within five days,  
21 excluding Saturdays, Sundays, and state and federal holidays, the owner  
22 shall notify the department in writing, on the appropriate form, of the  
23 date of the sale or transfer (~~(giving the date thereof)~~), the name and  
24 address of the owner and of the transferee, and such description of the  
25 vehicle, including the vehicle identification number, the license plate  
26 number, or both, as may be required in the appropriate form provided  
27 for that purpose by the department.

1           (2) The requirements of subsection (1) of this section to provide  
2 an odometer disclosure statement apply to the transfer of vehicles held  
3 for lease when transferred to a lessee and then to the lessor at the  
4 end of the leasehold and to vehicles held in a fleet when transferred  
5 to a purchaser.

6           (3) Except as provided in RCW 46.12.120 the transferee shall within  
7 fifteen days after delivery to the transferee of the vehicle, execute  
8 the application for a new certificate of ownership in the same space  
9 provided therefor on the certificate or as the department prescribes,  
10 and cause the certificates and application to be transmitted to the  
11 department.

12           (4) Upon request of the owner or transferee, a secured party in  
13 possession of the certificate of ownership shall, unless the transfer  
14 was a breach of its security agreement, either deliver the certificate  
15 to the transferee for transmission to the department or, when the  
16 secured party receives the owner's assignment from the transferee, it  
17 shall transmit the transferee's application for a new certificate, the  
18 existing certificate, and the required fee to the department.  
19 Compliance with this section does not affect the rights of the secured  
20 party.

21           (5) If a security interest is reserved or created at the time of  
22 the transfer, the certificate of ownership shall be retained by or  
23 delivered to the person who becomes the secured party, and the parties  
24 shall comply with the provisions of RCW 46.12.170.

25           (6) If the purchaser or transferee fails or neglects to make  
26 application to transfer the certificate of ownership and license  
27 registration within fifteen days after the date of delivery of the  
28 vehicle, he or she shall on making application for transfer be assessed  
29 a twenty-five dollar penalty on the sixteenth day and two dollars  
30 additional for each day thereafter, but not to exceed one hundred

1 dollars. The director may by rule establish conditions under which the  
2 penalty will not be assessed when an application for transfer is  
3 delayed for reasons beyond the control of the purchaser. Conditions  
4 for not assessing the penalty may be established for but not limited to  
5 delays caused by:

6 (a) The department requesting additional supporting documents;

7 (b) Extended hospitalization or illness of the purchaser;

8 (c) Failure of a legal owner to release his or her interest;

9 (d) Failure, negligence, or nonperformance of the department,  
10 auditor, or subagent.

11 Failure or neglect to make application to transfer the certificate  
12 of ownership and license registration within forty-five days after the  
13 date of delivery of the vehicle is a misdemeanor.

14 (7) Upon receipt of an application for reissue or replacement of a  
15 certificate of ownership and transfer of license registration,  
16 accompanied by the endorsed certificate of ownership or other  
17 documentary evidence as is deemed necessary, the department shall, if  
18 the application is in order and if all provisions relating to the  
19 certificate of ownership and license registration have been complied  
20 with, issue new certificates of title and license registration as in  
21 the case of an original issue and shall transmit the fees together with  
22 an itemized detailed report to the state treasurer, to be deposited in  
23 the motor vehicle fund.

24 (8) Once each quarter the department shall report to the department  
25 of revenue a list of those vehicles for which a seller's report has  
26 been received but no transfer of title has taken place.

27 **Sec. 20.** RCW 46.16.220 and 1975 1st ex.s. c 118 s 9 are each  
28 amended to read as follows:

1 Vehicle licenses and vehicle license number plates may be renewed  
2 for the subsequent registration year on and after the forty-fifth day  
3 prior to the end of the current registration year and must be used and  
4 displayed from the date of issue or from the day of the expiration of  
5 the preceding registration year, whichever date is later(~~(:—PROVIDED,~~  
6 ~~That in no case shall a citation be issued for nonregistration prior to~~  
7 ~~the first day of the month following the calendar month in which~~  
8 ~~vehicle licenses and vehicle license number plates are to be renewed))~~).

9 **Sec. 21.** RCW 46.16.381 and 1990 c 24 s 1 are each amended to read  
10 as follows:

11 (1) The director shall grant special parking privileges to any  
12 person who has a disability that limits or impairs the ability to walk  
13 and meets one of the following criteria, as determined by a licensed  
14 physician:

15 (a) (~~(Loss of both lower limbs)~~) Cannot walk two hundred feet  
16 without stopping to rest;

17 (b) (~~(Loss of normal or full use of the lower limbs to sufficiently~~  
18 ~~constitute a severe disability)~~) Is severely limited in ability to walk  
19 due to arthritic, neurological, or orthopedic condition;

20 (c) Is so severely disabled, that the person cannot (~~(move)~~) walk  
21 without the (~~(aid of crutches or a wheelchair)~~) use of or assistance  
22 from a brace, cane, another person, prosthetic device, wheelchair, or  
23 other assistive device;

24 (d) (~~(Loss of both hands)~~) Uses portable oxygen;

25 (e) (~~(Suffers from)~~) Is restricted by lung disease to such an  
26 extent that forced expiratory respiratory volume, when measured by  
27 spirometry is less than one liter per second or the arterial oxygen  
28 tension is less than sixty mm/hg on room air at rest;



1 (f) Impairment by cardiovascular disease or cardiac condition to  
2 the extent that the person's functional limitations are classified as  
3 class III or IV under standards accepted by the American Heart  
4 Association; or

5 (g) Has a disability resulting from an acute sensitivity to  
6 automobile emissions which limits or impairs the ability to walk. The  
7 personal physician of the applicant shall document that the disability  
8 is comparable in severity to the others listed in this subsection.

9 (2) Persons ~~((with))~~ who qualify for special parking privileges are  
10 entitled to receive from the department of licensing ~~((both a special  
11 card to be left in a vehicle in a conspicuous place and, for one motor  
12 vehicle only, a decal to be attached to the vehicle in a conspicuous  
13 place designated by the director))~~ a removable windshield placard  
14 bearing the international symbol of access. The department shall  
15 design the placard to be displayed when the vehicle is parked by  
16 suspending it from the rearview mirror, or in the absence of a rearview  
17 mirror the card may be displayed on the dashboard of any vehicle used  
18 to transport the disabled person. Instead of ((the decal and)) regular  
19 motor vehicle license plates, ((the)) disabled persons are entitled to  
20 receive ((a)) special license ((plate. The card, decal, and special  
21 license plate shall be designed to show distinguishing marks, letters,  
22 or numerals indicating that the vehicle is being used to transport a  
23 disabled person.)) plates bearing the international symbol of access  
24 for one vehicle registered in the disabled person's name. Disabled  
25 persons who are not issued the special license plates are entitled to  
26 receive a second special placard. Persons who have been issued the  
27 parking privileges and who are using a vehicle((s)) or are riding in a  
28 vehicle displaying the special license ((plate, card, or decal shall be  
29 permitted to)) plates or placard may park in places ((otherwise))  
30 reserved for ((physically)) mobility disabled persons. The director

1 shall ~~((also))~~ adopt rules providing for the issuance of special  
2 ~~((cards))~~ placards and license plates to public transportation  
3 authorities, nursing homes licensed under chapter 18.51 RCW, senior  
4 citizen centers, and private nonprofit agencies as defined in chapter  
5 24.03 RCW that regularly transport disabled persons who have been  
6 determined eligible for special parking privileges provided under this  
7 section. The ~~((special card shall be displayed in a vehicle operated  
8 when actually transporting the disabled persons))~~ director may issue  
9 special license plates for a vehicle registered in the name of the  
10 public transportation authority, nursing home, senior citizen center,  
11 or private nonprofit agency if the vehicle is primarily used to  
12 transport persons with disabilities described in this section. Public  
13 transportation authorities, nursing homes, senior citizen centers, and  
14 private nonprofit agencies are responsible for insuring that the  
15 special ~~((cards))~~ placards and license plates are not used improperly  
16 and are responsible for all fines and penalties for improper use.

17 (3) Whenever the disabled person transfers or assigns his or her  
18 interest in the vehicle, the special ~~((decals or))~~ license plates shall  
19 be removed from the motor vehicle. ~~((The person shall immediately  
20 surrender the decal to the director together with a notice of the  
21 transfer of interest in the vehicle. If another vehicle is acquired  
22 by, or for the primary use of, the disabled person, a new decal shall  
23 be issued by the director.))~~ If another vehicle is acquired by the  
24 disabled person and the vehicle owner qualifies for a special plate  
25 ~~((is used))~~, the plate shall be attached to the vehicle, and the  
26 director shall be immediately notified of the transfer of the plate. If  
27 another vehicle is not acquired by the disabled person, the removed  
28 plate shall be immediately ~~((forwarded))~~ surrendered to the director  
29 ~~((to be reissued later upon payment of the regular registration fee)).~~

1       (4) The special license plate shall be renewed in the same manner  
2 and at the time required for the renewal of regular motor vehicle  
3 license plates under this chapter. No special license plate may be  
4 issued to a person who is temporarily disabled. A person who (~~is~~  
5 ~~permanently disabled under this section shall be issued a permanent~~  
6 ~~card. A person who is temporarily disabled under this section shall~~)  
7 has a condition expected to improve within six months may be issued a  
8 temporary ((card which)) placard for a period not to exceed six months.  
9 The director may issue a second temporary placard during that period if  
10 requested by the person who is temporarily disabled. If the condition  
11 exists after six months a new temporary placard shall be issued upon  
12 receipt of a new certification from the disabled person's physician.  
13 The parking placard of a disabled person shall be renewed, when  
14 required by the director, by satisfactory proof of the right to  
15 continued use of the ((card)) privileges.

16       (5) Additional fees shall not be charged for the issuance of the  
17 special (~~card and decal, and, at the time the vehicle is originally~~  
18 ~~licensed in this state,)) placards. No additional fee may be charged  
19 for the issuance of the special license plates except the regular motor  
20 vehicle registration fee and any other fees and taxes required to be  
21 paid upon (~~initial~~) registration of a motor vehicle.~~

22       (6) Any unauthorized use of the special (~~card, the decal,))~~  
23 placard or the special license plate is a (~~traffic infraction~~)  
24 misdemeanor.

25       (7) It is a traffic infraction, with a monetary penalty of not less  
26 than fifteen and not more than fifty dollars for any person to park a  
27 vehicle in a parking place provided on private property without charge  
28 or on public property reserved for physically disabled persons without  
29 a special license plate(~~, card, or decal~~) or placard. If a person is  
30 charged with a violation, the person shall not be determined to have

1 committed an infraction if the person produces in court or before the  
2 court appearance the special license plate(~~(, card, or decal)~~) or  
3 placard required under this section (~~(or demonstrates that the person~~  
4 ~~was entitled to the special license plate, card, or decal)~~).

5 (8) It is a misdemeanor for any person to willfully obtain a  
6 special (~~decal,~~) license plate(~~(, or card)~~) or placard in a manner  
7 other than that established under this section.

8 **Sec. 22.** RCW 46.16.390 and 1984 c 51 s 1 are each amended to read  
9 as follows:

10 A special license plate(~~(,)~~) or card(~~(, or decal)~~) issued by  
11 another state or country that indicates an occupant of the vehicle is  
12 disabled, entitles the vehicle on or in which it is displayed and being  
13 used to transport the disabled person to lawfully park in a parking  
14 place reserved for physically disabled persons pursuant to chapter  
15 70.92 RCW or authority implemental thereof.

16 **\*Sec. 23.** RCW 46.20.308 and 1989 c 337 s 8 are each amended to read  
17 as follows:

18 (1) *Any person who operates a motor vehicle within this state is*  
19 *deemed to have given consent, subject to the provisions of RCW*  
20 *46.61.506, to a test or tests of his or her breath or blood for the*  
21 *purpose of determining the alcoholic content of his or her breath or*  
22 *blood if arrested for any offense where, at the time of the arrest, the*  
23 *arresting officer has reasonable grounds to believe the person had been*  
24 *driving or was in actual physical control of a motor vehicle while*  
25 *under the influence of intoxicating liquor.*

26 (2) *The test or tests of breath shall be administered at the*  
27 *direction of a law enforcement officer having reasonable grounds to*  
28 *believe the person to have been driving or in actual physical control*  
29

1 of a motor vehicle within this state while under the influence of  
2 intoxicating liquor. However, in those instances where: (a) The  
3 person is incapable due to physical injury, physical incapacity, or  
4 other physical limitation, of providing a breath sample; or (b) as a  
5 result of a traffic accident the person is being treated for a medical  
6 condition in a hospital, clinic, doctor's office, or other similar  
7 facility in which a breath testing instrument is not present, a blood  
8 test shall be administered by a qualified person as provided in RCW  
9 46.61.506(4). The officer shall inform the person of his or her right  
10 to refuse the breath or blood test, and of his or her right to have  
11 additional tests administered by any qualified person of his or her  
12 choosing as provided in RCW 46.61.506. The officer shall warn the  
13 driver that (a) his or her privilege to drive will be revoked or denied  
14 if he or she refuses to submit to the test, and (b) that his or her  
15 refusal to take the test may be used in a criminal trial.

16 (3) Except as provided in this section, the test administered shall  
17 be of the breath only. If an individual is unconscious or is under  
18 arrest for the crime of vehicular homicide as provided in RCW 46.61.520  
19 or vehicular assault as provided in RCW 46.61.522, or if an individual  
20 is under arrest for the crime of driving while under the influence of  
21 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest  
22 results from an accident in which another person has been injured and  
23 there is a reasonable likelihood that such other person may die as a  
24 result of injuries sustained in the accident, a breath or blood test  
25 may be administered without the consent of the individual so arrested.

26 (4) Any person who is dead, unconscious, or who is otherwise in a  
27 condition rendering him or her incapable of refusal, shall be deemed  
28 not to have withdrawn the consent provided by subsection (1) of this  
29 section and the test or tests may be administered, subject to the

1 provisions of RCW 46.61.506, and the person shall be deemed to have  
2 received the warnings required under subsection (2) of this section.

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

8 (6) The department of licensing, upon the receipt of a sworn report  
9 of the law enforcement officer that the officer had reasonable grounds  
10 to believe the arrested person had been driving or was in actual  
11 physical control of a motor vehicle within this state while under the  
12 influence of intoxicating liquor and that the person had refused to  
13 submit to the test or tests upon the request of the law enforcement  
14 officer after being informed that refusal would result in the  
15 revocation of the person's privilege to drive, shall revoke the  
16 person's license or permit to drive or any nonresident operating  
17 privilege.

18 (7) Upon revoking the license or permit to drive or the nonresident  
19 operating privilege of any person, the department shall immediately  
20 notify the person involved in writing by personal service or by  
21 certified mail of its decision and the grounds therefor, and of the  
22 person's right to a hearing, specifying the steps he or she must take  
23 to obtain a hearing. Within fifteen days after the notice has been  
24 given, the person may, in writing, request a formal hearing. Upon  
25 receipt of such request, the department shall afford the person an  
26 opportunity for a hearing as provided in RCW 46.20.329 and 46.20.332.  
27 The hearing shall be conducted in the county of the arrest. For the  
28 purposes of this section, the scope of such hearing shall cover the  
29 issues of whether a law enforcement officer had reasonable grounds to  
30 believe the person had been driving or was in actual physical control

1 of a motor vehicle within this state while under the influence of  
2 intoxicating liquor, whether the person was placed under arrest, and  
3 whether the person refused to submit to the test or tests upon request  
4 of the officer after having been informed that such refusal would  
5 result in the revocation of the person's privilege to drive. The  
6 department shall order that the revocation either be rescinded or  
7 sustained. Any decision by the department revoking a person's driving  
8 privilege shall be stayed and shall not take effect while a formal  
9 hearing is pending as provided in this section or during the pendency  
10 of a subsequent appeal to superior court so long as there is no  
11 conviction for a moving violation or no finding that the person has  
12 committed a traffic infraction that is a moving violation during  
13 pendency of the hearing and appeal.

14 (8) If the revocation is sustained after such a hearing, the person  
15 whose license, privilege, or permit is revoked has the right to file a  
16 petition in the superior court of the county of arrest to review the  
17 final order of revocation by the department in the manner provided in  
18 RCW 46.20.334.

19 (9) The department shall rescind the revocation of a person's  
20 driving privilege under this section upon notification from the court  
21 of record that, for the incident upon which the department based its  
22 administrative action:

23 (a)(i) The officer's grounds for believing that the person had been  
24 driving or was in actual physical control of a motor vehicle while  
25 under the influence of intoxicating liquor were based solely on a  
26 nonalcohol or nondrug-related medical condition or (ii) the person's  
27 refusal or inability to submit to a breath test was based solely on a  
28 nonalcohol or nondrug-related medical condition; and

29 (b) The person has been found not guilty of driving or being in  
30 actual physical control of a motor vehicle within this state while

1 under the influence of intoxicating liquor or any drug including any  
2 drug prescribed for the medical condition. Upon notification from the  
3 court of record of a not guilty finding, the department shall expunge  
4 the implied consent violation from the person's driving record.

5 *(10) When it has been finally determined under the procedures of*  
6 *this section that a nonresident's privilege to operate a motor vehicle*  
7 *in this state has been revoked, the department shall give information*  
8 *in writing of the action taken to the motor vehicle administrator of*  
9 *the state of the person's residence and of any state in which he or she*  
10 *has a license.*

11 \*Sec. 23 was vetoed, see message at end of chapter.

12 **Sec. 24.** RCW 46.30.020 and 1989 c 353 s 2 are each amended to read  
13 as follows:

14 (1) No person may operate a motor vehicle subject to registration  
15 under chapter 46.16 RCW in this state unless the person is insured  
16 under a motor vehicle liability policy with liability limits of at  
17 least the amounts provided in RCW 46.29.090, is self-insured as  
18 provided in RCW 46.29.630, is covered by a certificate of deposit in  
19 conformance with RCW 46.29.550, or is covered by a liability bond of at  
20 least the amounts provided in RCW 46.29.090.

21 (2) A violation of this section constitutes a traffic infraction  
22 punishable by a fine of two hundred and fifty dollars unless a court  
23 determines that in the interest of justice the fine should be reduced.  
24 In lieu of the fine, a court may permit the defendant to perform  
25 community service designated by the court.

26 (3) If a person cited for a violation of this section appears in  
27 person before the court and provides written evidence that at the time  
28 the person was cited, he or she was in compliance with this section,  
29 the citation shall be dismissed. In lieu of personal appearance, a



1 person cited for a violation of this section may, before the date  
2 scheduled for the person's appearance before the court, submit by mail  
3 to the court written evidence that at the time the person was cited, he  
4 or she was in compliance with this section, in which case the citation  
5 shall be dismissed.

6 (4) The provisions of this chapter shall not govern:

7 (a) The operation of a motor vehicle registered under RCW  
8 (~~46.16.310 or 46.16.315~~) 46.16.305(1), governed by RCW 46.16.020, or  
9 registered with the Washington utilities and transportation commission  
10 as common or contract carriers; or

11 (b) The operation of a motorcycle as defined in RCW 46.04.330, a  
12 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined  
13 in RCW 46.04.304.

14 (5) RCW 46.29.490 shall not be deemed to govern all motor vehicle  
15 liability policies required by this chapter but only those certified  
16 for the purposes stated in chapter 46.29 RCW.

17 **Sec. 25.** RCW 46.61.582 and 1984 c 154 s 5 are each amended to read  
18 as follows:

19 Any person who meets the criteria for special parking privileges  
20 under RCW 46.16.381 shall be allowed free of charge to park a vehicle  
21 being used to transport that person for unlimited periods of time in  
22 parking zones or areas including zones or areas with parking meters  
23 which are otherwise restricted as to the length of time parking is  
24 permitted. This section does not apply to those zones or areas in  
25 which the stopping, parking, or standing of all vehicles is prohibited  
26 or which are reserved for special types of vehicles. The person shall  
27 obtain and display a special (~~card, decal,~~) placard or license plate  
28 under RCW 46.16.381 to be eligible for the privileges under this  
29 section.

1       **Sec. 26.** RCW 46.61.583 and 1984 c 51 s 2 are each amended to read  
2 as follows:

3       A special license plate(~~(  )~~) or card(~~(  —or—  decal)~~) issued by  
4 another state or country that indicates an occupant of the vehicle is  
5 disabled, entitles the vehicle on or in which it is displayed and being  
6 used to transport the disabled person to the same overtime parking  
7 privileges granted under this chapter to a vehicle with a similar  
8 special license plate(~~(  )~~) or card(~~(  —or—  decal)~~) issued by this state.

9       **Sec. 27.** RCW 46.63.020 and 1990 c 250 s 59 and 1990 c 95 s 3 are  
10 each reenacted and amended to read as follows:

11       Failure to perform any act required or the performance of any act  
12 prohibited by this title or an equivalent administrative regulation or  
13 local law, ordinance, regulation, or resolution relating to traffic  
14 including parking, standing, stopping, and pedestrian offenses, is  
15 designated as a traffic infraction and may not be classified as a  
16 criminal offense, except for an offense contained in the following  
17 provisions of this title or a violation of an equivalent administrative  
18 regulation or local law, ordinance, regulation, or resolution:

19       (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
20 vehicle while under the influence of intoxicating liquor or a  
21 controlled substance;

22       (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

23       (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
24 while under the influence of intoxicating liquor or narcotics or habit-  
25 forming drugs or in a manner endangering the person of another;

26       (4) RCW 46.10.130 relating to the operation of snowmobiles;

27       (5) Chapter 46.12 RCW relating to certificates of ownership and  
28 registration;

1 (6) RCW 46.16.010 relating to initial registration of motor  
2 vehicles;

3 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
4 drive;

5 (8) RCW 46.16.160 relating to vehicle trip permits;

6 (9) RCW 46.16.381(6) or (8) relating to unauthorized use or  
7 acquisition of a special ((~~decal,~~) placard or license plate((~~, or~~  
8 ~~card~~)) for disabled persons' parking;

9 (10) RCW 46.20.021 relating to driving without a valid driver's  
10 license;

11 (11) RCW 46.20.336 relating to the unlawful possession and use of  
12 a driver's license;

13 (12) RCW 46.20.342 relating to driving with a suspended or revoked  
14 license or status;

15 (13) RCW 46.20.410 relating to the violation of restrictions of an  
16 occupational driver's license;

17 (14) RCW 46.20.420 relating to the operation of a motor vehicle  
18 with a suspended or revoked license;

19 (15) RCW 46.20.750 relating to assisting another person to start a  
20 vehicle equipped with an ignition interlock device;

21 (16) RCW 46.25.170 relating to commercial driver's licenses;

22 (17) Chapter 46.29 RCW relating to financial responsibility;

23 (18) RCW 46.30.040 relating to providing false evidence of  
24 financial responsibility;

25 (19) RCW 46.37.435 relating to wrongful installation of  
26 sunscreening material;

27 (20) RCW 46.44.180 relating to operation of mobile home pilot  
28 vehicles;

29 (21) RCW 46.48.175 relating to the transportation of dangerous  
30 articles;

1 (22) RCW 46.52.010 relating to duty on striking an unattended car  
2 or other property;

3 (23) RCW 46.52.020 relating to duty in case of injury to or death  
4 of a person or damage to an attended vehicle;

5 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,  
6 and appraisers;

7 (25) RCW 46.52.100 relating to driving under the influence of  
8 liquor or drugs;

9 (26) RCW 46.52.130 relating to confidentiality of the driving  
10 record to be furnished to an insurance company, an employer, and an  
11 alcohol/drug assessment or treatment agency;

12 (27) RCW 46.55.020 relating to engaging in the activities of a  
13 registered tow truck operator without a registration certificate;

14 (28) RCW 46.55.035 relating to prohibited practices by tow truck  
15 operators;

16 (29) RCW 46.61.015 relating to obedience to police officers,  
17 flagmen, or fire fighters;

18 (30) RCW 46.61.020 relating to refusal to give information to or  
19 cooperate with an officer;

20 (31) RCW 46.61.022 relating to failure to stop and give  
21 identification to an officer;

22 (32) RCW 46.61.024 relating to attempting to elude pursuing police  
23 vehicles;

24 (33) RCW 46.61.500 relating to reckless driving;

25 (34) RCW 46.61.502 and 46.61.504 relating to persons under the  
26 influence of intoxicating liquor or drugs;

27 (35) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

28 (36) RCW 46.61.522 relating to vehicular assault;

29 (37) RCW 46.61.525 relating to negligent driving;

30 (38) RCW 46.61.530 relating to racing of vehicles on highways;

1 (39) RCW 46.61.685 relating to leaving children in an unattended  
2 vehicle with the motor running;

3 (40) RCW 46.64.010 relating to unlawful cancellation of or attempt  
4 to cancel a traffic citation;

5 (41) RCW 46.64.020 relating to nonappearance after a written  
6 promise;

7 (42) RCW 46.64.048 relating to attempting, aiding, abetting,  
8 coercing, and committing crimes;

9 (43) Chapter 46.65 RCW relating to habitual traffic offenders;

10 (44) Chapter 46.70 RCW relating to unfair motor vehicle business  
11 practices, except where that chapter provides for the assessment of  
12 monetary penalties of a civil nature;

13 (45) Chapter 46.72 RCW relating to the transportation of passengers  
14 in for hire vehicles;

15 (46) Chapter 46.80 RCW relating to motor vehicle wreckers;

16 (47) Chapter 46.82 RCW relating to driver's training schools;

17 (48) RCW 46.87.260 relating to alteration or forgery of a cab card,  
18 letter of authority, or other temporary authority issued under chapter  
19 46.87 RCW;

20 (49) RCW 46.87.290 relating to operation of an unregistered or  
21 unlicensed vehicle under chapter 46.87 RCW.

22 **Sec. 28.** RCW 46.70.023 and 1989 c 301 s 2 are each amended to read  
23 as follows:

24 (1) An "established place of business" requires a permanent,  
25 enclosed commercial building located within the state of Washington  
26 easily accessible at all reasonable times. An established place of  
27 business shall have an improved display area of not less than three  
28 thousand square feet in or immediately adjoining the building, or a  
29 display area large enough to display six or more vehicles of the type

1 the dealer is licensed to sell, whichever area is larger. The business  
2 of a vehicle dealer, including the display and repair of vehicles, may  
3 be lawfully carried on at an established place of business in  
4 accordance with the terms of all applicable building code, zoning, and  
5 other land-use regulatory ordinances. The dealer shall keep the  
6 building open to the public so that they may contact the vehicle dealer  
7 or the dealer's salespersons at all reasonable times. The books,  
8 records, and files necessary to conduct the business shall be kept and  
9 maintained at that place. The established place of business shall  
10 display an exterior sign with the (~~business~~) business name and nature  
11 of the business, such as auto sales, permanently affixed to the land or  
12 building, with letters clearly visible to the major avenue of traffic.  
13 In no event may a room or rooms in a hotel, rooming house, or apartment  
14 house building or part of a single or multiple-unit dwelling house be  
15 considered an "established place of business" unless the ground floor  
16 of such a dwelling is devoted principally to and occupied for  
17 commercial purposes and the dealer offices are located on the ground  
18 floor. A mobile office or mobile home may be used as an office if it  
19 is connected to utilities and is set up in accordance with state law.  
20 This subsection does not apply to auction companies that do not own  
21 vehicle inventory or sell vehicles from an auction yard.

22 (2) An auction company shall have office facilities within the  
23 state. The books, records, and files necessary to conduct the business  
24 shall be maintained at the office facilities. All storage facilities  
25 for inventory shall be listed with the department, and shall meet local  
26 zoning and land use ordinances. An auction company shall maintain a  
27 telecommunications system.

28 (3) Auction companies shall post their vehicle dealer license at  
29 each auction where vehicles are offered, and shall provide the

1 department with the address of the auction at least three days before  
2 the auction.

3 (4) If a dealer maintains a place of business at more than one  
4 location or under more than one name in this state, he or she shall  
5 designate one location as the principal place of business of the firm,  
6 one name as the principal name of the firm, and all other locations or  
7 names as subagencies. A subagency license is required for each and  
8 every subagency: PROVIDED, That the department may grant an exception  
9 to the subagency requirement in the specific instance where a licensed  
10 (~~new motor vehicle~~) dealer is unable to locate their used vehicle  
11 sales facilities adjacent to or at the established place of business.  
12 This exception shall be granted and defined under the promulgation of  
13 rules consistent with the Administrative Procedure Act.

14 (5) All vehicle dealers shall maintain ownership or leasehold  
15 throughout the license year of the real property from which they do  
16 business. The dealer shall provide the department with evidence of  
17 ownership or leasehold whenever the ownership changes or the lease is  
18 terminated.

19 (6) A subagency shall comply with all requirements of an  
20 established place of business, except that auction companies shall  
21 comply with the requirements in subsection (2) of this section.

22 (7) A temporary subagency shall meet all local zoning and building  
23 codes for the type of merchandising being conducted. The dealer  
24 license certificate shall be posted at the location. No other  
25 requirements of an established place of business apply to a temporary  
26 subagency. Auction companies are not required to obtain a temporary  
27 subagency license.

28 (8) A wholesale vehicle dealer shall have office facilities in a  
29 commercial building within this state, and all storage facilities for  
30 inventory shall be listed with the department, and shall meet local

1 zoning and land use ordinances. A wholesale vehicle dealer shall  
2 maintain a telecommunications system. An exterior sign visible from  
3 the nearest street shall identify the business name and the nature of  
4 business. A wholesale dealer need not maintain a display area as  
5 required in this section. When two or more vehicle dealer businesses  
6 share a location, all records, office facilities, and inventory, if  
7 any, must be physically segregated and clearly identified.

8 (9) A retail vehicle dealer shall be open during normal business  
9 hours, maintain office and display facilities in a commercially zoned  
10 location or in a location complying with all applicable building and  
11 land use ordinances, and maintain a business telephone listing in the  
12 local directory. When two or more vehicle dealer businesses share a  
13 location, all records, office facilities, and inventory shall be  
14 physically segregated and clearly identified.

15 (10) A listing dealer need not have a display area if the dealer  
16 does not physically maintain any vehicles for display.

17 (11) A subagency license is not required for a mobile home dealer  
18 to display an on-site display model, a consigned mobile home not  
19 relocated from its site, or a repossessed mobile home if sales are  
20 handled from a principal place of business or subagency. A mobile home  
21 dealer shall identify on-site display models, repossessed mobile homes,  
22 and those consigned at their sites with a sign that includes the  
23 dealer's name and telephone number.

24 (12) Every vehicle dealer shall advise the department of the  
25 location of each and every place of business of the firm and the name  
26 or names under which the firm is doing business at such location or  
27 locations. If any name or location is changed, the dealer shall notify  
28 the department of such change within ten days. The license issued by  
29 the department shall reflect the name and location of the firm and  
30 shall be posted in a conspicuous place at that location by the dealer.



1 (13) A vehicle dealer's license shall upon the death or incapacity  
2 of an individual vehicle dealer authorize the personal representative  
3 of such dealer, subject to payment of license fees, to continue the  
4 business for a period of six months from the date of the death or  
5 incapacity.

6 **Sec. 29.** RCW 35.58.273 and 1990 c 42 s 316 are each amended to  
7 read as follows:

8 (1) Through June 30, 1992, any municipality within a class AA  
9 county, or within a class A county contiguous to a class AA county, or  
10 within a second class county contiguous to a class A county that is  
11 contiguous to a class AA county is authorized to levy and collect a  
12 special excise tax not exceeding .7824 percent and beginning July 1,  
13 1992, .725 percent on the ~~((fair market))~~ value, as determined under  
14 chapter 82.44 RCW, of every motor vehicle owned by a resident of such  
15 municipality for the privilege of using such motor vehicle provided  
16 that in no event shall the tax be less than one dollar and, subject to  
17 RCW 82.44.150 ~~((+5) and (6))~~ (3) and (4), the amount of such tax shall  
18 be credited against the amount of the excise tax levied by the state  
19 under RCW 82.44.020.

20 (2) Through June 30, 1992, any other municipality is authorized to  
21 levy and collect a special excise tax not exceeding .815 percent, and  
22 beginning July 1, 1992, .725 percent on the ~~((fair market))~~ value, as  
23 determined under chapter 82.44 RCW, of every motor vehicle owned by a  
24 resident of such municipality for the privilege of using such motor  
25 vehicle provided that in no event shall the tax be less than one dollar  
26 and, subject to RCW 82.44.150 (3) and (4), the amount of such tax shall  
27 be credited against the amount of the excise tax levied by the state  
28 under RCW 82.44.020. Before utilization of any excise tax moneys  
29 collected under authorization of this section for acquisition of right

1 of way or construction of a mass transit facility on a separate right  
2 of way the municipality shall adopt rules affording the public an  
3 opportunity for "corridor public hearings" and "design public hearings"  
4 as herein defined, which rule shall provide in detail the procedures  
5 necessary for public participation in the following instances: (a)  
6 prior to adoption of location and design plans having a substantial  
7 social, economic or environmental effect upon the locality upon which  
8 they are to be constructed or (b) on such mass rapid transit systems  
9 operating on a separate right of way whenever a substantial change is  
10 proposed relating to location or design in the adopted plan. In  
11 adopting rules the municipality shall adhere to the provisions of the  
12 Administrative Procedure Act.

13 (3) A "corridor public hearing" is a public hearing that: (a) is  
14 held before the municipality is committed to a specific mass transit  
15 route proposal, and before a route location is established; (b) is held  
16 to afford an opportunity for participation by those interested in the  
17 determination of the need for, and the location of, the mass rapid  
18 transit system; (c) provides a public forum that affords a full  
19 opportunity for presenting views on the mass rapid transit system route  
20 location, and the social, economic and environmental effects on that  
21 location and alternate locations: PROVIDED, That such hearing shall  
22 not be deemed to be necessary before adoption of an overall mass rapid  
23 transit system plan by a vote of the electorate of the municipality.

24 (4) A "design public hearing" is a public hearing that: (a) is  
25 held after the location is established but before the design is  
26 adopted; and (b) is held to afford an opportunity for participation by  
27 those interested in the determination of major design features of the  
28 mass rapid transit system; and (c) provides a public forum to afford a  
29 full opportunity for presenting views on the mass rapid transit system

1 design, and the social, economic, environmental effects of that design  
2 and alternate designs.

3 **Sec. 30.** RCW 88.02.030 and 1989 c 393 s 13 and 1989 c 102 s 1 are  
4 each reenacted and amended to read as follows:

5 Vessel registration is required under this chapter except for the  
6 following:

7 (1) Military or public vessels of the United States, except  
8 recreational-type public vessels;

9 (2) Vessels owned by a state or subdivision thereof, used  
10 principally for governmental purposes and clearly identifiable as such;

11 (3) Vessels either (a) registered or numbered under the laws of a  
12 country other than the United States; or (b) having a valid United  
13 States customs service cruising license issued pursuant to 19 C.F.R.  
14 Sec. 4.94;

15 (4) ~~Vessels ((owned by a resident of another state if the vessel is~~  
16 ~~registered in accordance with the laws of the state in which the owner~~  
17 ~~resides, but only to the extent that a similar exemption or privilege~~  
18 ~~is granted under the laws of that state for vessels registered in this~~  
19 ~~state:— PROVIDED, That any vessel which is validly registered in~~  
20 ~~another state and which is physically located in this state for a~~  
21 ~~period of more than sixty days is subject to registration under this~~  
22 ~~chapter)) that have been issued a valid number under federal law or by~~  
23 ~~an approved issuing authority of the state of principal operation.~~  
24 ~~However, a vessel that is validly registered in another state but that~~  
25 ~~is removed to this state for principal use is subject to registration~~  
26 ~~under this chapter. The issuing authority for this state shall~~  
27 ~~recognize the validity of the numbers previously issued for a period of~~  
28 ~~sixty days after arrival in this state;~~

1 (5) Vessels owned by a resident of another state if the vessel is  
2 located upon the waters of this state exclusively for repairs or  
3 reconstruction, or any testing related to the repair or reconstruction  
4 conducted in this state if an employee of the repair facility is on  
5 board the vessel during any testing: PROVIDED, That any vessel owned  
6 by a resident of another state is located upon the waters of this state  
7 exclusively for repairs, reconstruction or testing for a period longer  
8 than sixty days, that the nonresident shall file an affidavit with the  
9 department of revenue verifying the vessel is located upon the waters  
10 of this state for repair, reconstruction or testing and shall continue  
11 to file such affidavit every sixty days thereafter, while the vessel is  
12 located upon the waters of this state exclusively for repairs,  
13 reconstruction or testing;

14 (6) Vessels equipped with propulsion machinery of less than ten  
15 horsepower that:

16 (a) Are owned by the owner of a vessel for which a valid vessel  
17 number has been issued;

18 (b) Display the number of that numbered vessel followed by the  
19 suffix "1" in the manner prescribed by the department; and

20 (c) Are used as a tender for direct transportation between that  
21 vessel and the shore and for no other purpose;

22 (7) Vessels under sixteen feet in overall length which have no  
23 propulsion machinery of any type or which are not used on waters  
24 subject to the jurisdiction of the United States or on the high seas  
25 beyond the territorial seas for vessels owned in the United States and  
26 are powered by propulsion machinery of ten or less horsepower;

27 (8) Vessels with no propulsion machinery of any type for which the  
28 primary mode of propulsion is human power;

29 (9) Vessels which are temporarily in this state undergoing repair  
30 or alteration;

1 (10) Vessels primarily engaged in commerce which have or are  
2 required to have a valid marine document as a vessel of the United  
3 States. Commercial vessels which the department of revenue determines  
4 have the external appearance of vessels which would otherwise be  
5 required to register under this chapter, must display decals issued  
6 annually by the department of revenue that indicate the vessel's exempt  
7 status; and

8 (11) Vessels primarily engaged in commerce which are owned by a  
9 resident of a country other than the United States.

10 **Sec. 31.** RCW 88.02.070 and 1985 c 258 s 4 are each amended to read  
11 as follows:

12 (1) The department shall provide for the issuance of vessel  
13 certificates of title. Applications for certificates may be made  
14 through the agents appointed under RCW 88.02.040. The fee for a vessel  
15 certificate of title is five dollars. Fees for vessel certificates of  
16 title shall be deposited in the general fund. Security interests in  
17 vessels subject to the requirements of this chapter and attaching after  
18 July 1, 1983, shall be perfected only by indication upon the vessel's  
19 title certificate. The provisions of chapters 46.12 and 46.16 RCW  
20 relating to motor vehicle certificates of registration, titles,  
21 certificate issuance, ownership transfer, and perfection of security  
22 interests, and other provisions which may be applied to vessels subject  
23 to this chapter, may be so applied by rule of the department if they  
24 are not inconsistent with this chapter.

25 (2) Whenever a vessel is to be registered for the first time as  
26 required by this chapter, except for a vessel having a valid marine  
27 document as a vessel of the United States, application shall be made at  
28 the same time for a certificate of title. Any person who purchases or  
29 otherwise obtains majority ownership of any vessel subject to the

1 provisions of this chapter, except for a vessel having a valid marine  
2 document as a vessel of the United States, shall within fifteen days  
3 thereof apply for a new certificate of title which shows the vessel's  
4 change of ownership.

5 (3) Security interests may be released or acted upon as provided by  
6 the law under which they arose or were perfected. No new security  
7 interest or renewal or extension of an existing security interest is  
8 affected except as provided under the terms of this chapter and RCW  
9 46.12.095.

10 (4) Notice shall be given to the issuing authority by the owner  
11 indicated on the certificate of registration within fifteen days of the  
12 occurrence of any of the following: ~~((Transfer of any part or all of  
13 the ownership of a vessel registered under this chapter;))~~ Any change  
14 of address of owner; destruction, loss, abandonment, theft, or recovery  
15 of the vessel; or loss or destruction of a valid certificate of  
16 registration on the vessel.

17 (5) Within five days, excluding Saturdays, Sundays, and state and  
18 federal holidays, the owner shall notify the department in writing, on  
19 the appropriate form, of the date of the sale or transfer, the name and  
20 address of the owner and of the transferee, and such description of the  
21 vessel, including the hull identification number, the vessel decal  
22 number, or both, as may be required by the department.

23 NEW SECTION. Sec. 32. A new section is added to chapter 88.02 RCW  
24 to read as follows:

25 (1) The department may issue confidential vessel registration for  
26 law enforcement purposes only to units of local government and to  
27 agencies of the federal government.

28 (2) The department shall limit confidential vessel registrations  
29 owned or operated by the state of Washington or by any officer or

1 employee thereof, to confidential, investigative, or undercover work of  
2 state law enforcement agencies.

3 (3) The director may adopt rules governing applications for and the  
4 use of confidential vessel registrations by law enforcement and other  
5 public agencies.

6 **Sec. 33.** RCW 88.02.220 and 1987 c 149 s 11 are each amended to  
7 read as follows:

8 A vessel dealer who receives cash or a negotiable instrument (~~from~~  
9 ~~a purchaser before delivery of the vessel~~) of deposit in excess of one  
10 thousand dollars, or a deposit of any amount that will be held for more  
11 than fourteen calendar days, shall place the funds in a separate trust  
12 account.

13 (1) The cash or negotiable instrument must be set aside immediately  
14 upon receipt for the trust account, or endorsed to such a trust account  
15 immediately upon receipt.

16 (2) The cash or negotiable instrument must be deposited in the  
17 trust account by the close of banking hours on the day following the  
18 receipt.

19 (3) After delivery of the purchaser's vessel the vessel dealer  
20 shall remove the deposited funds from the trust account.

21 (4) The dealer shall not commingle the purchaser's funds with any  
22 other funds at any time.

23 (5) The funds shall remain in the trust account until the delivery  
24 of the purchased vessel. However, (~~for the purpose of manufacturing~~  
25 ~~a vessel that does not already exist, and~~) upon written agreement from  
26 the purchaser, the vessel dealer may remove and release trust funds  
27 before delivery.

1        NEW SECTION.    **Sec. 34.**        Sections 16 and 17 of this act are  
2 necessary for the immediate preservation of the public peace, health,  
3 or safety, or support of the state government and its existing public  
4 institutions, and shall take effect July 1, 1991.

      Passed the House April 27, 1991.

      Passed the Senate April 27, 1991.

      Approved by the Governor May 21, 1991, with the exception of  
      certain items which were vetoed.

      Filed in Office of Secretary of State May 21, 1991.

1        Note: Governor's explanation of partial veto is as follows:

2        "I am returning herewith, without my approval as to sections 17 and  
3 23, Substitute House Bill No. 1704 entitled:

4        "AN ACT Relating to motor vehicle special fuel taxes."

5        Section 17 of this bill proposes a new study of the costs and  
6 revenues related to vehicle licensing agents and subagents and the  
7 benefits provided to the public. A similar study has already been  
8 released by the Department of Licensing, entitled Taking The Title and  
9 Registration Process To The Customer, dated January, 1991.  
10 Additionally, the Legislative Transportation Committee intends to  
11 discuss policy questions relevant to this area. Thus, the proposed  
12 study under section 17 is redundant.

13        Section 23 relates to the state's implied consent law. Currently,  
14 if a suspected drunk driver is asked to take a blood or breath test and  
15 refuses, the person's driving privilege is revoked. This section would  
16 rescind that revocation if the basis for the suspicion is a nonalcohol  
17 or nondrug-related medical condition and the person is subsequently  
18 found not guilty of the offense.

19        I vetoed a similar provision last session. As I said in my veto  
20 message last year, the implied consent law "is the state's most  
21 effective tool to combat drunken driving." My belief has not changed.  
22 Section 23 erodes the implied consent law and is, therefore,  
23 unacceptable. Adequate safeguards exist under current law to protect  
24 drivers who experience difficulties because of medical conditions.

25        For the reasons stated, I have vetoed sections 17 and 23 of  
26 Substitute House Bill No. 1704.

27        With the exception of sections 17 and 23, Substitute House Bill No.  
28 1704 is approved."