

2 **HB 2660** - S AMD - 220  
3 By Senator Sutherland

4 PULLED 2/28/96

5 On page 4, after line 15, insert the following:

6 "Sec. 4. RCW 46.68.010 and 1993 c 307 s 2 are each amended to read  
7 as follows:

8 Whenever any license fee, paid under the provisions of this title,  
9 has been erroneously paid, either wholly or in part, the payor is  
10 entitled to have refunded the amount so erroneously paid. A  
11 ~~((renewal)) license fee ((paid prior to the actual expiration date of~~  
12 ~~the license being renewed shall be deemed to be erroneously paid if the~~  
13 ~~vehicle for which the renewal license was purchased is destroyed or~~  
14 ~~permanently removed from the state prior to)) is refundable in one or  
15 more of the following circumstances: (1) If the vehicle for which the  
16 renewal license was purchased was destroyed before the beginning date  
17 of the registration period for which the renewal fee was paid; (2) if  
18 the vehicle for which the renewal license was purchased was permanently  
19 removed from the state before the beginning date of the registration  
20 period for which the renewal fee was paid; (3) if the vehicle license  
21 was purchased after the owner has sold the vehicle; or (4) if the  
22 vehicle is currently licensed in Washington and is subsequently  
23 licensed in another jurisdiction, in which case any full months of  
24 Washington fees between the date of license application in the other  
25 jurisdiction and the expiration of the Washington license are  
26 refundable. Upon such refund being certified to the state treasurer by  
27 the director as correct and being claimed in the time required by law  
28 the state treasurer shall mail or deliver the amount of each refund to  
29 the person entitled thereto. No claim for refund shall be allowed for  
30 such erroneous payments unless filed with the director within three  
31 years after such claimed erroneous payment was made.~~

32 If due to error a person has been required to pay a vehicle license  
33 fee under this title and an excise tax under Title 82 RCW that amounts  
34 to an overpayment of ten dollars or more, that person shall be entitled  
35 to a refund of the entire amount of the overpayment, regardless of  
36 whether a refund of the overpayment has been requested. If due to

1 error the department or its agent has failed to collect the full amount  
2 of the license fee and excise tax due and the underpayment is in the  
3 amount of ten dollars or more, the department shall charge and collect  
4 such additional amount as will constitute full payment of the tax and  
5 fees.

6 Any person who makes a false statement under which he or she  
7 obtains a refund to which he or she is not entitled under this section  
8 is guilty of a gross misdemeanor.

9 **Sec. 5.** RCW 88.02.055 and 1989 c 68 s 5 are each amended to read  
10 as follows:

11 Whenever any license fee paid under this chapter has been  
12 erroneously paid, in whole or in part, the person paying the fee, upon  
13 satisfactory proof to the director of licensing, is entitled to a  
14 refund of the amount erroneously paid. A ~~((renewal))~~ license fee  
15 ~~((paid before the actual expiration date of the license being renewed  
16 shall be deemed to be erroneously paid if the vessel for which the  
17 renewal license is being purchased is destroyed or permanently removed  
18 from the state))~~ is refundable in one or more of the following  
19 circumstances: (1) If the vessel for which the renewal license was  
20 purchased was destroyed before the beginning date of the registration  
21 period for which the renewal fee ((is being)) was paid; (2) if the  
22 vessel for which the renewal license was purchased was permanently  
23 removed from the state before the beginning date of the registration  
24 period for which the renewal fee was paid; (3) if the vessel license  
25 was purchased after the owner has sold the vessel; or (4) if the vessel  
26 is currently licensed in Washington and is subsequently licensed in  
27 another jurisdiction, in which case any full months of Washington fees  
28 between the date of license application in the other jurisdiction and  
29 the expiration of the Washington license are refundable. Upon the  
30 refund being certified as correct to the state treasurer by the  
31 director and being claimed in the time required by law, the state  
32 treasurer shall mail or deliver the amount of each refund to the person  
33 entitled to the refund. A claim for refund shall not be allowed for  
34 erroneous payments unless the claim is filed with the director within  
35 ~~((thirteen months))~~ three years after such payment was made.

36 If due to error a person has been required to pay a license fee  
37 under this chapter and excise tax which amounts to an overpayment of  
38 ten dollars or more, such person shall be entitled to a refund of the

1 entire amount of such overpayment, regardless of whether a refund of  
2 the overpayment has been requested. If due to error the department or  
3 its agents has failed to collect the full amount of the license fee and  
4 excise tax due, which underpayment is in the amount of ten dollars or  
5 more, the department shall charge and collect such additional amount as  
6 will constitute full payment of the tax and fees.

7 Any person who makes a false statement under which he or she  
8 obtains a refund to which he or she is not entitled under this section  
9 is guilty of a gross misdemeanor.

10 **Sec. 6.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s  
11 16, and 1995 c 256 s 25 are each reenacted and amended to read as  
12 follows:

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

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

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

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

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

29 (5) Chapter 46.12 RCW relating to certificates of ownership and  
30 registration and markings indicating that a vehicle has been destroyed  
31 or declared a total loss;

32 (6) RCW 46.16.010 relating to initial registration of motor  
33 vehicles;

34 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
35 drive;

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

1 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
2 acquisition of a special placard or license plate for disabled persons'  
3 parking;  
4 (10) RCW 46.20.021 relating to driving without a valid driver's  
5 license;  
6 (11) RCW 46.20.336 relating to the unlawful possession and use of  
7 a driver's license;  
8 (12) RCW 46.20.342 relating to driving with a suspended or revoked  
9 license or status;  
10 (13) RCW 46.20.410 relating to the violation of restrictions of an  
11 occupational driver's license;  
12 (14) RCW 46.20.420 relating to the operation of a motor vehicle  
13 with a suspended or revoked license;  
14 (15) RCW 46.20.750 relating to assisting another person to start a  
15 vehicle equipped with an ignition interlock device;  
16 (16) RCW 46.25.170 relating to commercial driver's licenses;  
17 (17) Chapter 46.29 RCW relating to financial responsibility;  
18 (18) RCW 46.30.040 relating to providing false evidence of  
19 financial responsibility;  
20 (19) RCW 46.37.435 relating to wrongful installation of  
21 sunscreening material;  
22 (20) RCW 46.44.180 relating to operation of mobile home pilot  
23 vehicles;  
24 (21) RCW 46.48.175 relating to the transportation of dangerous  
25 articles;  
26 (22) RCW 46.52.010 relating to duty on striking an unattended car  
27 or other property;  
28 (23) RCW 46.52.020 relating to duty in case of injury to or death  
29 of a person or damage to an attended vehicle;  
30 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,  
31 and appraisers;  
32 (25) RCW 46.52.100 relating to driving under the influence of  
33 liquor or drugs;  
34 (26) RCW 46.52.130 relating to confidentiality of the driving  
35 record to be furnished to an insurance company, an employer, and an  
36 alcohol/drug assessment or treatment agency;  
37 (27) RCW 46.55.020 relating to engaging in the activities of a  
38 registered tow truck operator without a registration certificate;

1 (28) RCW 46.55.035 relating to prohibited practices by tow truck  
2 operators;

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

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

7 (31) RCW 46.61.022 relating to failure to stop and give  
8 identification to an officer;

9 (32) RCW 46.61.024 relating to attempting to elude pursuing police  
10 vehicles;

11 (33) RCW 46.61.500 relating to reckless driving;

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

14 (35) RCW (~~46.61.5055 (section 5, chapter 332 (Substitute Senate~~  
15 ~~Bill No. 5141), Laws of 1995~~)) 46.61.503 relating to a person under  
16 age twenty-one driving a motor vehicle after consuming alcohol;

17 (36) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

18 (37) RCW 46.61.522 relating to vehicular assault;

19 (38) RCW 46.61.525 relating to negligent driving;

20 (39) RCW 46.61.527(4) relating to reckless endangerment of roadway  
21 workers;

22 (40) RCW 46.61.530 relating to racing of vehicles on highways;

23 (41) RCW 46.61.685 relating to leaving children in an unattended  
24 vehicle with the motor running;

25 (42) RCW 46.64.010 relating to unlawful cancellation of or attempt  
26 to cancel a traffic citation;

27 (43) RCW 46.64.048 relating to attempting, aiding, abetting,  
28 coercing, and committing crimes;

29 (44) Chapter 46.65 RCW relating to habitual traffic offenders;

30 (45) RCW 46.68.010 relating to false statements made to obtain a  
31 refund;

32 (46) Chapter 46.70 RCW relating to unfair motor vehicle business  
33 practices, except where that chapter provides for the assessment of  
34 monetary penalties of a civil nature;

35 (~~(46)~~) (47) Chapter 46.72 RCW relating to the transportation of  
36 passengers in for hire vehicles;

37 (~~(47)~~) (48) Chapter 46.80 RCW relating to motor vehicle wreckers;

38 (~~(48)~~) (49) Chapter 46.82 RCW relating to driver's training  
39 schools;

