

CERTIFICATION OF ENROLLMENT

SENATE BILL 6489

Chapter 31, Laws of 1996

54th Legislature
1996 Regular Session

LICENSE FEES AND MOTOR VEHICLE EXCISE
TAXES--REFUNDS OF OVERPAYMENTS

EFFECTIVE DATE: 6/6/96

Passed by the Senate February 10, 1996
YEAS 47 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House February 26, 1996
YEAS 95 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved March 7, 1996

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6489** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

March 7, 1996 - 10:21 a.m.

**Secretary of State
State of Washington**

SENATE BILL 6489

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

By Senators Owen and Prince; by request of Department of Licensing

Read first time 01/16/96. Referred to Committee on Transportation.

1 AN ACT Relating to refunds of overpayments of license fees and
2 motor vehicle excise taxes; amending RCW 46.68.010 and 88.02.055;
3 reenacting and amending RCW 46.63.020; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.68.010 and 1993 c 307 s 2 are each amended to read
6 as follows:

7 Whenever any license fee, paid under the provisions of this title,
8 has been erroneously paid, either wholly or in part, the payor is
9 entitled to have refunded the amount so erroneously paid. A
10 ~~((renewal)) license fee ((paid prior to the actual expiration date of~~
11 ~~the license being renewed shall be deemed to be erroneously paid if the~~
12 ~~vehicle for which the renewal license was purchased is destroyed or~~
13 ~~permanently removed from the state prior to)) is refundable in one or
14 more of the following circumstances: (1) If the vehicle for which the
15 renewal license was purchased was destroyed before the beginning date
16 of the registration period for which the renewal fee was paid; (2) if
17 the vehicle for which the renewal license was purchased was permanently
18 removed from the state before the beginning date of the registration
19 period for which the renewal fee was paid; (3) if the vehicle license~~

1 was purchased after the owner has sold the vehicle; or (4) if the
2 vehicle is currently licensed in Washington and is subsequently
3 licensed in another jurisdiction, in which case any full months of
4 Washington fees between the date of license application in the other
5 jurisdiction and the expiration of the Washington license are
6 refundable. Upon such refund being certified to the state treasurer by
7 the director as correct and being claimed in the time required by law
8 the state treasurer shall mail or deliver the amount of each refund to
9 the person entitled thereto. No claim for refund shall be allowed for
10 such erroneous payments unless filed with the director within three
11 years after such claimed erroneous payment was made.

12 If due to error a person has been required to pay a vehicle license
13 fee under this title and an excise tax under Title 82 RCW that amounts
14 to an overpayment of ten dollars or more, that person shall be entitled
15 to a refund of the entire amount of the overpayment, regardless of
16 whether a refund of the overpayment has been requested. If due to
17 error the department or its agent has failed to collect the full amount
18 of the license fee and excise tax due and the underpayment is in the
19 amount of ten dollars or more, the department shall charge and collect
20 such additional amount as will constitute full payment of the tax and
21 fees.

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

25 **Sec. 2.** RCW 88.02.055 and 1989 c 68 s 5 are each amended to read
26 as follows:

27 Whenever any license fee paid under this chapter has been
28 erroneously paid, in whole or in part, the person paying the fee, upon
29 satisfactory proof to the director of licensing, is entitled to a
30 refund of the amount erroneously paid. A ~~((renewal))~~ license fee
31 ~~((paid before the actual expiration date of the license being renewed~~
32 ~~shall be deemed to be erroneously paid if the vessel for which the~~
33 ~~renewal license is being purchased is destroyed or permanently removed~~
34 ~~from the state))~~ is refundable in one or more of the following
35 circumstances: (1) If the vessel for which the renewal license was
36 purchased was destroyed before the beginning date of the registration
37 period for which the renewal fee ((is being)) was paid; (2) if the
38 vessel for which the renewal license was purchased was permanently

1 removed from the state before the beginning date of the registration
2 period for which the renewal fee was paid; (3) if the vessel license
3 was purchased after the owner has sold the vessel; or (4) if the vessel
4 is currently licensed in Washington and is subsequently licensed in
5 another jurisdiction, in which case any full months of Washington fees
6 between the date of license application in the other jurisdiction and
7 the expiration of the Washington license are refundable. Upon the
8 refund being certified as correct to the state treasurer by the
9 director and being claimed in the time required by law, the state
10 treasurer shall mail or deliver the amount of each refund to the person
11 entitled to the refund. A claim for refund shall not be allowed for
12 erroneous payments unless the claim is filed with the director within
13 (~~thirteen months~~) three years after such payment was made.

14 If due to error a person has been required to pay a license fee
15 under this chapter and excise tax which amounts to an overpayment of
16 ten dollars or more, such person shall be entitled to a refund of the
17 entire amount of such overpayment, regardless of whether a refund of
18 the overpayment has been requested. If due to error the department or
19 its agents has failed to collect the full amount of the license fee and
20 excise tax due, which underpayment is in the amount of ten dollars or
21 more, the department shall charge and collect such additional amount as
22 will constitute full payment of the tax and fees.

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

26 **Sec. 3.** RCW 46.63.020 and 1995 1st sp.s. c 16 s 1, 1995 c 332 s
27 16, and 1995 c 256 s 25 are each reenacted and amended to read as
28 follows:

29 Failure to perform any act required or the performance of any act
30 prohibited by this title or an equivalent administrative regulation or
31 local law, ordinance, regulation, or resolution relating to traffic
32 including parking, standing, stopping, and pedestrian offenses, is
33 designated as a traffic infraction and may not be classified as a
34 criminal offense, except for an offense contained in the following
35 provisions of this title or a violation of an equivalent administrative
36 regulation or local law, ordinance, regulation, or resolution:

1 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
2 vehicle while under the influence of intoxicating liquor or a
3 controlled substance;
4 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;
5 (3) RCW 46.10.090(2) relating to the operation of a snowmobile
6 while under the influence of intoxicating liquor or narcotics or
7 habit-forming drugs or in a manner endangering the person of another;
8 (4) RCW 46.10.130 relating to the operation of snowmobiles;
9 (5) Chapter 46.12 RCW relating to certificates of ownership and
10 registration and markings indicating that a vehicle has been destroyed
11 or declared a total loss;
12 (6) RCW 46.16.010 relating to initial registration of motor
13 vehicles;
14 (7) RCW 46.16.011 relating to permitting unauthorized persons to
15 drive;
16 (8) RCW 46.16.160 relating to vehicle trip permits;
17 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or
18 acquisition of a special placard or license plate for disabled persons'
19 parking;
20 (10) RCW 46.20.021 relating to driving without a valid driver's
21 license;
22 (11) RCW 46.20.336 relating to the unlawful possession and use of
23 a driver's license;
24 (12) RCW 46.20.342 relating to driving with a suspended or revoked
25 license or status;
26 (13) RCW 46.20.410 relating to the violation of restrictions of an
27 occupational driver's license;
28 (14) RCW 46.20.420 relating to the operation of a motor vehicle
29 with a suspended or revoked license;
30 (15) RCW 46.20.750 relating to assisting another person to start a
31 vehicle equipped with an ignition interlock device;
32 (16) RCW 46.25.170 relating to commercial driver's licenses;
33 (17) Chapter 46.29 RCW relating to financial responsibility;
34 (18) RCW 46.30.040 relating to providing false evidence of
35 financial responsibility;
36 (19) RCW 46.37.435 relating to wrongful installation of
37 sunscreening material;
38 (20) RCW 46.44.180 relating to operation of mobile home pilot
39 vehicles;

1 (21) RCW 46.48.175 relating to the transportation of dangerous
2 articles;

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

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

7 (24) RCW 46.52.090 relating to reports by repairmen, storagemen,
8 and appraisers;

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

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

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

16 (28) RCW 46.55.035 relating to prohibited practices by tow truck
17 operators;

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

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

22 (31) RCW 46.61.022 relating to failure to stop and give
23 identification to an officer;

24 (32) RCW 46.61.024 relating to attempting to elude pursuing police
25 vehicles;

26 (33) RCW 46.61.500 relating to reckless driving;

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

29 (35) RCW 46.61.--- (section ((5)) 2, chapter 332 (Substitute Senate
30 Bill No. 5141), Laws of 1995) relating to a person under age twenty-one
31 driving a motor vehicle after consuming alcohol;

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

33 (37) RCW 46.61.522 relating to vehicular assault;

34 (38) RCW 46.61.525 relating to negligent driving;

35 (39) RCW 46.61.527(4) relating to reckless endangerment of roadway
36 workers;

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

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

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

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

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

6 (45) RCW 46.68.010 relating to false statements made to obtain a
7 refund;

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

11 ~~((46))~~ (47) Chapter 46.72 RCW relating to the transportation of
12 passengers in for hire vehicles;

13 ~~((47))~~ (48) Chapter 46.80 RCW relating to motor vehicle wreckers;

14 ~~((48))~~ (49) Chapter 46.82 RCW relating to driver's training
15 schools;

16 ~~((49))~~ (50) RCW 46.87.260 relating to alteration or forgery of a
17 cab card, letter of authority, or other temporary authority issued
18 under chapter 46.87 RCW;

19 ~~((50))~~ (51) RCW 46.87.290 relating to operation of an
20 unregistered or unlicensed vehicle under chapter 46.87 RCW.

Passed the Senate February 10, 1996.

Passed the House February 26, 1996.

Approved by the Governor March 7, 1996.

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