

CERTIFICATION OF ENROLLMENT

SENATE BILL 5305

Chapter 64, Laws of 2001

57th Legislature
2001 Regular Session

TECHNICAL CORRECTIONS

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 9, 2001
YEAS 48 NAYS 0

ROSA FRANKLIN
President of the Senate

Passed by the House April 5, 2001
YEAS 95 NAYS 0

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved April 18, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5305** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

April 18, 2001 - 1:39 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5305

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senators Constantine and McCaslin; by request of Office of the Code Reviser

Read first time 01/18/2001. Referred to Committee on Transportation.

1 AN ACT Relating to correction of outdated references and double
2 amendments in the Revised Code of Washington; amending RCW 29.24.035,
3 34.05.660, 42.17.316, 46.16.065, 46.16.374, 46.61.524, 46.70.029,
4 46.70.180, 46.79.010, 46.79.020, 46.79.110, 46.80.030, 47.46.040, and
5 82.80.020; and reenacting RCW 46.20.285.

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

7 **Sec. 1.** RCW 29.24.035 and 1989 c 215 s 5 are each amended to read
8 as follows:

9 A nominating petition submitted under this chapter shall clearly
10 identify the name of the minor party or independent candidate
11 convention as it appears on the certificate of nomination as required
12 by RCW (~~((29.24.030(3)))~~) 29.24.040(3). The petition shall also contain
13 a statement that the person signing the petition is a registered voter
14 of the state of Washington and shall have a space for the voter to sign
15 his or her name and to print his or her name and address. No person
16 may sign more than one nominating petition under this chapter for an
17 office for a primary or election.

1 EXPLANATORY NOTE

2 The reference to RCW 29.24.030(3) appears to be erroneous. The
3 section governing the certificate of nomination is RCW
4 29.24.040(3).

5 **Sec. 2.** RCW 34.05.660 and 1988 c 288 s 606 are each amended to
6 read as follows:

7 It is the express policy of the legislature that establishment of
8 procedures for review of administrative rules by the legislature and
9 the notice of objection required by RCW 34.05.630(~~((+2))~~) (3) and
10 34.05.640(2) in no way serves to establish a presumption as to the
11 legality or constitutionality of a rule in any subsequent judicial
12 proceedings interpreting such rules.

13 EXPLANATORY NOTE

14 RCW 34.05.630 was amended by 1987 c 451 s 2, changing
15 subsection (2) to subsection (3).

16 **Sec. 3.** RCW 42.17.316 and 1994 sp.s. c 9 s 726 are each amended to
17 read as follows:

18 The disclosure requirements of this chapter shall not apply to
19 records of the (~~committee~~) entity obtained in an action under RCW
20 18.71.300 through 18.71.340.

21 EXPLANATORY NOTE

22 RCW 18.71.300 was amended by 1998 c 132 s 3, changing the
23 definition of "committee" to "entity."

24 **Sec. 4.** RCW 46.16.065 and 1975 1st ex.s. c 118 s 4 are each
25 amended to read as follows:

26 In lieu of the fees provided in RCW (~~(46.16.060)~~) 46.16.0621,
27 private passenger car one or two-wheel trailers of two thousand pounds
28 gross weight or less, may be licensed upon the payment of a license fee
29 in the sum of four dollars and fifty cents or, if the vehicle was
30 previously licensed in this state and has not been registered in
31 another jurisdiction in the intervening period, a renewal license fee
32 in the sum of three dollars and twenty-five cents, but only if such
33 trailers are to be operated upon the public highway by the owners
34 thereof. It is the intention of the legislature that this reduced
35 license shall be issued only as to trailers operated for personal use
36 of the owners and not trailers held for rental to the public.

37 EXPLANATORY NOTE

1 RCW 46.16.060 was repealed by 2000 1st sp.s. c 1 s 2. For
2 later enactment, see RCW 46.16.0621.

3 **Sec. 5.** RCW 46.16.374 and 1996 c 139 s 1 are each amended to read
4 as follows:

5 (1) If the eligible applicant bears the entire cost of plate
6 production, the department shall provide for the issuance of special
7 license plates, in lieu of regular motor vehicle license plates, for
8 passenger vehicles having manufacturers' rated carrying capacities of
9 one ton or less that are owned or leased by an officer of the Taipei
10 Economic and Cultural Office. The department shall issue the special
11 license plates in a distinguishing color, running in a separate
12 numerical series, and bearing the words "Foreign Organization." A
13 vehicle for which special license plates are issued under this section
14 is exempt from regular license fees under RCW ((46.16.060, excise tax
15 under RCW 82.44.020,)) 46.16.0621 and any additional vehicle license
16 fees imposed under RCW 82.80.020.

17 (2) Whenever the owner or lessee as provided in subsection (1) of
18 this section transfers or assigns the interest or title in the motor
19 vehicle for which the special plates were issued, the plates must be
20 removed from the motor vehicle, and if another qualified vehicle is
21 acquired, attached to that vehicle, and the director must be
22 immediately notified of the transfer of the plates; otherwise the
23 removed plates must be immediately forwarded to the director to be
24 destroyed. Whenever the owner or lessee as provided in subsection (1)
25 of this section is for any reason relieved of his or her duties as a
26 representative of a recognized foreign organization, he or she shall
27 immediately forward the special plates to the director, who shall upon
28 receipt dispose of the plates as otherwise provided by law.

29 EXPLANATORY NOTE
30 RCW 46.16.060 and 82.44.020 were repealed by 2000 1st sp.s. c
31 1 s 2. For later enactment of RCW 46.16.060, see RCW
32 46.16.0621.

33 **Sec. 6.** RCW 46.20.285 and 1998 c 207 s 4 and 1998 c 41 s 3 are
34 each reenacted to read as follows:

35 The department shall forthwith revoke the license of any driver for
36 the period of one calendar year unless otherwise provided in this
37 section, upon receiving a record of the driver's conviction of any of
38 the following offenses, when the conviction has become final:

1 (1) For vehicular homicide the period of revocation shall be two
2 years. The revocation period shall be tolled during any period of
3 total confinement for the offense;

4 (2) Vehicular assault. The revocation period shall be tolled
5 during any period of total confinement for the offense;

6 (3) Driving a motor vehicle while under the influence of
7 intoxicating liquor or a narcotic drug, or under the influence of any
8 other drug to a degree which renders the driver incapable of safely
9 driving a motor vehicle, for the period prescribed in RCW 46.61.5055;

10 (4) Any felony in the commission of which a motor vehicle is used;

11 (5) Failure to stop and give information or render aid as required
12 under the laws of this state in the event of a motor vehicle accident
13 resulting in the death or personal injury of another or resulting in
14 damage to a vehicle that is driven or attended by another;

15 (6) Perjury or the making of a false affidavit or statement under
16 oath to the department under Title 46 RCW or under any other law
17 relating to the ownership or operation of motor vehicles;

18 (7) Reckless driving upon a showing by the department's records
19 that the conviction is the third such conviction for the driver within
20 a period of two years.

21 EXPLANATORY NOTE

22 RCW 46.20.285 was amended twice during the 1998 legislative
23 session, each without reference to the other. This reenactment
24 merges the two versions to carry out the policy of the later,
25 more inclusive amendment.

26 **Sec. 7.** RCW 46.61.524 and 2000 c 28 s 40 are each amended to read
27 as follows:

28 (1) A person convicted under RCW 46.61.520(1)(a) or 46.61.522(1)(b)
29 shall, as a condition of community (~~supervision~~) custody imposed
30 under RCW 9.94A.383 or community placement imposed under RCW 9.94A.660,
31 complete a diagnostic evaluation by an alcohol or drug dependency
32 agency approved by the department of social and health services or a
33 qualified probation department, as defined under RCW 46.61.516 that has
34 been approved by the department of social and health services. This
35 report shall be forwarded to the department of licensing. If the
36 person is found to have an alcohol or drug problem that requires
37 treatment, the person shall complete treatment in a program approved by
38 the department of social and health services under chapter 70.96A RCW.
39 If the person is found not to have an alcohol or drug problem that

1 requires treatment, he or she shall complete a course in an information
2 school approved by the department of social and health services under
3 chapter 70.96A RCW. The convicted person shall pay all costs for any
4 evaluation, education, or treatment required by this section, unless
5 the person is eligible for an existing program offered or approved by
6 the department of social and health services. Nothing in chapter 348,
7 Laws of 1991 requires the addition of new treatment or assessment
8 facilities nor affects the department of social and health services use
9 of existing programs and facilities authorized by law.

10 (2) As provided for under RCW 46.20.285, the department shall
11 revoke the license, permit to drive, or a nonresident privilege of a
12 person convicted of vehicular homicide under RCW 46.61.520 or vehicular
13 assault under RCW 46.61.522. The department shall determine the
14 eligibility of a person convicted of vehicular homicide under RCW
15 46.61.520(1)(a) or vehicular assault under RCW 46.61.522(1)(b) to
16 receive a license based upon the report provided by the designated
17 alcoholism treatment facility or probation department, and shall deny
18 reinstatement until satisfactory progress in an approved program has
19 been established and the person is otherwise qualified.

20 EXPLANATORY NOTE

21 RCW 9.94A.383 was amended by 1999 c 196 s 10, changing the term
22 "community supervision" to "community custody."

23 **Sec. 8.** RCW 46.70.029 and 1990 c 250 s 63 are each amended to read
24 as follows:

25 Listing dealers shall transact dealer business by obtaining a
26 listing agreement for sale, and the buyer's purchase of the mobile home
27 shall be handled as dealer inventory. All funds from the purchaser
28 shall be placed in a trust account until the sale is completed, except
29 that the dealer shall pay any outstanding liens against the mobile home
30 from these funds. Where title has been delivered to the purchaser, the
31 listing dealer shall pay the amount due a seller within ten days after
32 the sale of a listed mobile home. A complete account of all funds
33 received and disbursed shall be given to the seller or consignor after
34 the sale is completed. The sale of listed mobile homes imposes the
35 same duty under RCW ((46.12.120)) 46.70.122 on the listing dealer as
36 any other sale.

37 EXPLANATORY NOTE

38 RCW 46.12.120 was recodified as RCW 46.70.122 pursuant to 1993
39 c 307 s 18.

1 **Sec. 9.** RCW 46.70.180 and 1999 c 398 s 10 are each amended to read
2 as follows:

3 Each of the following acts or practices is unlawful:

4 (1) To cause or permit to be advertised, printed, displayed,
5 published, distributed, broadcasted, televised, or disseminated in any
6 manner whatsoever, any statement or representation with regard to the
7 sale or financing of a vehicle which is false, deceptive, or
8 misleading, including but not limited to the following:

9 (a) That no down payment is required in connection with the sale of
10 a vehicle when a down payment is in fact required, or that a vehicle
11 may be purchased for a smaller down payment than is actually required;

12 (b) That a certain percentage of the sale price of a vehicle may be
13 financed when such financing is not offered in a single document
14 evidencing the entire security transaction;

15 (c) That a certain percentage is the amount of the service charge
16 to be charged for financing, without stating whether this percentage
17 charge is a monthly amount or an amount to be charged per year;

18 (d) That a new vehicle will be sold for a certain amount above or
19 below cost without computing cost as the exact amount of the factory
20 invoice on the specific vehicle to be sold;

21 (e) That a vehicle will be sold upon a monthly payment of a certain
22 amount, without including in the statement the number of payments of
23 that same amount which are required to liquidate the unpaid purchase
24 price.

25 (2) To incorporate within the terms of any purchase and sale
26 agreement any statement or representation with regard to the sale or
27 financing of a vehicle which is false, deceptive, or misleading,
28 including but not limited to terms that include as an added cost to the
29 selling price of a vehicle an amount for licensing or transfer of title
30 of that vehicle which is not actually due to the state, unless such
31 amount has in fact been paid by the dealer prior to such sale.

32 (3) To set up, promote, or aid in the promotion of a plan by which
33 vehicles are to be sold to a person for a consideration and upon
34 further consideration that the purchaser agrees to secure one or more
35 persons to participate in the plan by respectively making a similar
36 purchase and in turn agreeing to secure one or more persons likewise to
37 join in said plan, each purchaser being given the right to secure
38 money, credits, goods, or something of value, depending upon the number
39 of persons joining the plan.

1 (4) To commit, allow, or ratify any act of "bushing" which is
2 defined as follows: Taking from a prospective buyer of a vehicle a
3 written order or offer to purchase, or a contract document signed by
4 the buyer, which:

5 (a) Is subject to the dealer's, or his or her authorized
6 representative's future acceptance, and the dealer fails or refuses
7 within three calendar days, exclusive of Saturday, Sunday, or legal
8 holiday, and prior to any further negotiations with said buyer, either
9 (i) to deliver to the buyer the dealer's signed acceptance, or (ii) to
10 void the order, offer, or contract document and tender the return of
11 any initial payment or security made or given by the buyer, including
12 but not limited to money, check, promissory note, vehicle keys, a
13 trade-in, or certificate of title to a trade-in; or

14 (b) Permits the dealer to renegotiate a dollar amount specified as
15 trade-in allowance on a vehicle delivered or to be delivered by the
16 buyer as part of the purchase price, for any reason except:

17 (i) Failure to disclose that the vehicle's certificate of ownership
18 has been branded for any reason, including, but not limited to, status
19 as a rebuilt vehicle as provided in RCW 46.12.050 and 46.12.075; or

20 (ii) Substantial physical damage or latent mechanical defect
21 occurring before the dealer took possession of the vehicle and which
22 could not have been reasonably discoverable at the time of the taking
23 of the order, offer, or contract; or

24 (iii) Excessive additional miles or a discrepancy in the mileage.
25 "Excessive additional miles" means the addition of five hundred miles
26 or more, as reflected on the vehicle's odometer, between the time the
27 vehicle was first valued by the dealer for purposes of determining its
28 trade-in value and the time of actual delivery of the vehicle to the
29 dealer. "A discrepancy in the mileage" means (A) a discrepancy between
30 the mileage reflected on the vehicle's odometer and the stated mileage
31 on the signed odometer statement; or (B) a discrepancy between the
32 mileage stated on the signed odometer statement and the actual mileage
33 on the vehicle; or

34 (c) Fails to comply with the obligation of any written warranty or
35 guarantee given by the dealer requiring the furnishing of services or
36 repairs within a reasonable time.

37 (5) To commit any offense relating to odometers, as such offenses
38 are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A

1 violation of this subsection is a class C felony punishable under
2 chapter 9A.20 RCW.

3 (6) For any vehicle dealer or vehicle salesperson to refuse to
4 furnish, upon request of a prospective purchaser, for vehicles
5 previously registered to a business or governmental entity, the name
6 and address of the business or governmental entity.

7 (7) To commit any other offense under RCW 46.37.423, 46.37.424, or
8 46.37.425.

9 (8) To commit any offense relating to a dealer's temporary license
10 permit, including but not limited to failure to properly complete each
11 such permit, or the issuance of more than one such permit on any one
12 vehicle. However, a dealer may issue a second temporary permit on a
13 vehicle if the following conditions are met:

14 (a) The lienholder fails to deliver the vehicle title to the dealer
15 within the required time period;

16 (b) The dealer has satisfied the lien; and

17 (c) The dealer has proof that payment of the lien was made within
18 two calendar days, exclusive of Saturday, Sunday, or a legal holiday,
19 after the sales contract has been executed by all parties and all
20 conditions and contingencies in the sales contract have been met or
21 otherwise satisfied.

22 (9) For a dealer, salesman, or mobile home manufacturer, having
23 taken an instrument or cash "on deposit" from a purchaser prior to the
24 delivery of the bargained-for vehicle, to commingle the "on deposit"
25 funds with assets of the dealer, salesman, or mobile home manufacturer
26 instead of holding the "on deposit" funds as trustee in a separate
27 trust account until the purchaser has taken delivery of the bargained-
28 for vehicle. Delivery of a manufactured home shall be deemed to occur
29 in accordance with RCW 46.70.135(5). Failure, immediately upon
30 receipt, to endorse "on deposit" instruments to such a trust account,
31 or to set aside "on deposit" cash for deposit in such trust account,
32 and failure to deposit such instruments or cash in such trust account
33 by the close of banking hours on the day following receipt thereof,
34 shall be evidence of intent to commit this unlawful practice:
35 PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate
36 trust account which equals his or her customary total customer deposits
37 for vehicles for future delivery. For purposes of this section, "on
38 deposit" funds received from a purchaser of a manufactured home means
39 those funds that a seller requires a purchaser to advance before

1 ordering the manufactured home, but does not include any loan proceeds
2 or moneys that might have been paid on an installment contract.

3 (10) For a dealer or manufacturer to fail to comply with the
4 obligations of any written warranty or guarantee given by the dealer or
5 manufacturer requiring the furnishing of goods and services or repairs
6 within a reasonable period of time, or to fail to furnish to a
7 purchaser, all parts which attach to the manufactured unit including
8 but not limited to the undercarriage, and all items specified in the
9 terms of a sales agreement signed by the seller and buyer.

10 (11) For a vehicle dealer to pay to or receive from any person,
11 firm, partnership, association, or corporation acting, either directly
12 or through a subsidiary, as a buyer's agent for consumers, any
13 compensation, fee, purchase moneys or funds that have been deposited
14 into or withdrawn out of any account controlled or used by any buyer's
15 agent, gratuity, or reward in connection with the purchase or sale of
16 a new motor vehicle.

17 (12) For a buyer's agent, acting directly or through a subsidiary,
18 to pay to or to receive from any motor vehicle dealer any compensation,
19 fee, gratuity, or reward in connection with the purchase or sale of a
20 new motor vehicle. In addition, it is unlawful for any buyer's agent
21 to engage in any of the following acts on behalf of or in the name of
22 the consumer:

23 (a) Receiving or paying any purchase moneys or funds into or out of
24 any account controlled or used by any buyer's agent;

25 (b) Signing any vehicle purchase orders, sales contract, odometer
26 statements, or title documents, or having the name of the buyer's agent
27 appear on the vehicle purchase order, sales contract, or title; or

28 (c) Signing any other documentation relating to the purchase, sale,
29 or transfer of any new motor vehicle.

30 It is unlawful for a buyer's agent to use a power of attorney
31 obtained from the consumer to accomplish or effect the purchase, sale,
32 or transfer of ownership documents of any new motor vehicle by any
33 means which would otherwise be prohibited under (a) through (c) of this
34 subsection. However, the buyer's agent may use a power of attorney for
35 physical delivery of motor vehicle license plates to the consumer.

36 Further, it is unlawful for a buyer's agent to engage in any false,
37 deceptive, or misleading advertising, disseminated in any manner
38 whatsoever, including but not limited to making any claim or statement

1 that the buyer's agent offers, obtains, or guarantees the lowest price
2 on any motor vehicle or words to similar effect.

3 (13) For a buyer's agent to arrange for or to negotiate the
4 purchase, or both, of a new motor vehicle through an out-of-state
5 dealer without disclosing in writing to the customer that the new
6 vehicle would not be subject to chapter 19.118 RCW. In addition, it is
7 unlawful for any buyer's agent to fail to have a written agreement with
8 the customer that: (a) Sets forth the terms of the parties' agreement;
9 (b) discloses to the customer the total amount of any fees or other
10 compensation being paid by the customer to the buyer's agent for the
11 agent's services; and (c) further discloses whether the fee or any
12 portion of the fee is refundable. The department of licensing shall by
13 December 31, 1996, in rule, adopt standard disclosure language for
14 buyer's agent agreements under RCW 46.70.011, 46.70.070, and this
15 section.

16 (14) Being a manufacturer, other than a motorcycle manufacturer
17 governed by chapter 46.94 RCW, to:

18 (a) Coerce or attempt to coerce any vehicle dealer to order or
19 accept delivery of any vehicle or vehicles, parts or accessories, or
20 any other commodities which have not been voluntarily ordered by the
21 vehicle dealer: PROVIDED, That recommendation, endorsement,
22 exposition, persuasion, urging, or argument are not deemed to
23 constitute coercion;

24 (b) Cancel or fail to renew the franchise or selling agreement of
25 any vehicle dealer doing business in this state without fairly
26 compensating the dealer at a fair going business value for his or her
27 capital investment which shall include but not be limited to tools,
28 equipment, and parts inventory possessed by the dealer on the day he or
29 she is notified of such cancellation or termination and which are still
30 within the dealer's possession on the day the cancellation or
31 termination is effective, if: (i) The capital investment has been
32 entered into with reasonable and prudent business judgment for the
33 purpose of fulfilling the franchise; and (ii) the cancellation or
34 nonrenewal was not done in good faith. Good faith is defined as the
35 duty of each party to any franchise to act in a fair and equitable
36 manner towards each other, so as to guarantee one party freedom from
37 coercion, intimidation, or threats of coercion or intimidation from the
38 other party: PROVIDED, That recommendation, endorsement, exposition,

1 persuasion, urging, or argument are not deemed to constitute a lack of
2 good faith.

3 (c) Encourage, aid, abet, or teach a vehicle dealer to sell
4 vehicles through any false, deceptive, or misleading sales or financing
5 practices including but not limited to those practices declared
6 unlawful in this section;

7 (d) Coerce or attempt to coerce a vehicle dealer to engage in any
8 practice forbidden in this section by either threats of actual
9 cancellation or failure to renew the dealer's franchise agreement;

10 (e) Refuse to deliver any vehicle publicly advertised for immediate
11 delivery to any duly licensed vehicle dealer having a franchise or
12 contractual agreement for the retail sale of new and unused vehicles
13 sold or distributed by such manufacturer within sixty days after such
14 dealer's order has been received in writing unless caused by inability
15 to deliver because of shortage or curtailment of material, labor,
16 transportation, or utility services, or by any labor or production
17 difficulty, or by any cause beyond the reasonable control of the
18 manufacturer;

19 (f) To provide under the terms of any warranty that a purchaser of
20 any new or unused vehicle that has been sold, distributed for sale, or
21 transferred into this state for resale by the vehicle manufacturer may
22 only make any warranty claim on any item included as an integral part
23 of the vehicle against the manufacturer of that item.

24 Nothing in this section may be construed to impair the obligations
25 of a contract or to prevent a manufacturer, distributor,
26 representative, or any other person, whether or not licensed under this
27 chapter, from requiring performance of a written contract entered into
28 with any licensee hereunder, nor does the requirement of such
29 performance constitute a violation of any of the provisions of this
30 section if any such contract or the terms thereof requiring
31 performance, have been freely entered into and executed between the
32 contracting parties. This paragraph and subsection (14)(b) of this
33 section do not apply to new motor vehicle manufacturers governed by
34 chapter 46.96 RCW.

35 (15) Unlawful transfer of an ownership interest in a motor vehicle
36 as defined in RCW 19.116.050.

37 (16) To knowingly and intentionally engage in collusion with a
38 registered owner of a vehicle to repossess and return or resell the
39 vehicle to the registered owner in an attempt to avoid a suspended

1 license impound under chapter 46.55 RCW. However, compliance with
2 chapter ((62A.9)) 62A.9A RCW in repossessing, selling, leasing, or
3 otherwise disposing of the vehicle, including providing redemption
4 rights to the debtor, is not a violation of this section.

5 EXPLANATORY NOTE

6 Chapter 62A.9 RCW was repealed in its entirety by 2000 c 250 s
7 9A-901, effective July 1, 2001. For later enactment, see
8 chapter 62A.9A RCW.

9 **Sec. 10.** RCW 46.79.010 and 1990 c 250 s 69 are each amended to
10 read as follows:

11 The definitions set forth in this section apply throughout this
12 chapter unless the context indicates otherwise.

13 (1) "Junk vehicle" means a motor vehicle certified under RCW
14 46.55.230 as meeting all the following requirements:

15 (a) Is three years old or older;

16 (b) Is extensively damaged, such damage including but not limited
17 to any of the following: A broken window or windshield or missing
18 wheels, tires, motor, or transmission;

19 (c) Is apparently inoperable;

20 (d) Is without a valid, current registration plate;

21 (e) Has a fair market value equal only to the value of the scrap in
22 it.

23 (2) "Scrap processor" means a licensed establishment that maintains
24 a hydraulic baler and shears, or a shredder for recycling salvage.

25 (3) "Demolish" means to destroy completely by use of a hydraulic
26 baler and shears, or a shredder.

27 (4) "Hulk hauler" means any person who deals in vehicles for the
28 sole purpose of transporting and/or selling them to a licensed
29 ((motor)) vehicle wrecker or scrap processor in substantially the same
30 form in which they are obtained. A hulk hauler may not sell second-
31 hand motor vehicle parts to anyone other than a licensed vehicle
32 wrecker or scrap processor, except for those parts specifically
33 enumerated in RCW 46.79.020(2), as now or hereafter amended, which may
34 be sold to a licensed ((motor)) vehicle wrecker or disposed of at a
35 public facility for waste disposal.

36 (5) "Director" means the director of licensing.

37 (6) "Major component parts" include engines and short blocks,
38 frames, transmissions or transfer cases, cabs, doors, front or rear

1 differentials, front or rear clips, quarter panels or fenders, bumpers,
2 truck beds or boxes, seats, and hoods.

3 EXPLANATORY NOTE

4 "Motor vehicle wrecker" was redesignated as "vehicle wrecker"
5 by 1995 c 256.

6 **Sec. 11.** RCW 46.79.020 and 1990 c 250 s 70 are each amended to
7 read as follows:

8 Any hulk hauler or scrap processor licensed under the provisions of
9 this chapter may:

10 (1) Notwithstanding any other provision of law, transport any
11 flattened or junk vehicle whether such vehicle is from in state or out
12 of state, to a scrap processor upon obtaining the certificate of title
13 or release of interest from the owner or an affidavit of sale from the
14 landowner who has complied with RCW 46.55.230. The scrap processor
15 shall forward such document(s) to the department, together with a
16 monthly report of all vehicles acquired from other than a licensed
17 automobile wrecker, and no further identification shall be necessary.

18 (2) Prepare vehicles and vehicle salvage for transportation and
19 delivery to a scrap processor or vehicle wrecker only by removing the
20 following vehicle parts:

- 21 (a) Gas tanks;
- 22 (b) Vehicle seats containing springs;
- 23 (c) Tires;
- 24 (d) Wheels;
- 25 (e) Scrap batteries;
- 26 (f) Scrap radiators.

27 Such parts may not be removed if they will be accepted by a scrap
28 processor or wrecker. Such parts may be removed only at a properly
29 zoned location, and all preparation activity, vehicles, and vehicle
30 parts shall be obscured from public view. Storage is limited to two
31 vehicles or the parts thereof which are authorized by this subsection,
32 and any such storage may take place only at a properly zoned location.
33 Any vehicle parts removed under the authority of this subsection shall
34 be lawfully disposed of at or through a public facility or service for
35 waste disposal or by sale to a licensed (~~motor~~) vehicle wrecker.

36 EXPLANATORY NOTE

37 "Motor vehicle wrecker" was redesignated as "vehicle wrecker"
38 by 1995 c 256.

1 (1) All projects designed, constructed, and operated under this
2 authority must comply with all applicable rules and statutes in
3 existence at the time the agreement is executed, including but not
4 limited to the following provisions: Chapter 39.12 RCW, this title,
5 RCW 41.06.380, chapter 47.64 RCW, RCW 49.60.180, and 49 C.F.R. Part 21.

6 (2) The secretary or a designee shall consult with legal,
7 financial, and other experts within and outside state government in the
8 negotiation and development of the agreements.

9 (3) Agreements shall provide for private ownership of the projects
10 during the construction period. After completion and final acceptance
11 of each project or discrete segment thereof, the agreement shall
12 provide for state ownership of the transportation systems and
13 facilities and lease to the private entity unless the state elects to
14 provide for ownership of the facility by the private entity during the
15 term of the agreement.

16 The state shall lease each of the demonstration projects, or
17 applicable project segments, to the private entities for operating
18 purposes for up to fifty years.

19 (4) The department may exercise any power possessed by it to
20 facilitate the development, construction, financing operation, and
21 maintenance of transportation projects under this chapter. Agreements
22 for maintenance services entered into under this section shall provide
23 for full reimbursement for services rendered by the department or other
24 state agencies. Agreements for police services for projects, involving
25 state highway routes, developed under agreements shall be entered into
26 with the Washington state patrol. The agreement for police services
27 shall provide that the state patrol will be reimbursed for costs on a
28 comparable basis with the costs incurred for comparable service on
29 other state highway routes. The department may provide services for
30 which it is reimbursed, including but not limited to preliminary
31 planning, environmental certification, and preliminary design of the
32 demonstration projects.

33 (5) The plans and specifications for each project constructed under
34 this section shall comply with the department's standards for state
35 projects. A facility constructed by and leased to a private entity is
36 deemed to be a part of the state highway system for purposes of
37 identification, maintenance, and enforcement of traffic laws and for
38 the purposes of applicable sections of this title. Upon reversion of
39 the facility to the state, the project must meet all applicable state

1 standards. Agreements shall address responsibility for reconstruction
2 or renovations that are required in order for a facility to meet all
3 applicable state standards upon reversion of the facility to the state.

4 (6) For the purpose of facilitating these projects and to assist
5 the private entity in the financing, development, construction, and
6 operation of the transportation systems and facilities, the agreements
7 may include provisions for the department to exercise its authority,
8 including the lease of facilities, rights of way, and airspace,
9 exercise of the power of eminent domain, granting of development rights
10 and opportunities, granting of necessary easements and rights of
11 access, issuance of permits and other authorizations, protection from
12 competition, remedies in the event of default of either of the parties,
13 granting of contractual and real property rights, liability during
14 construction and the term of the lease, authority to negotiate
15 acquisition of rights of way in excess of appraised value, and any
16 other provision deemed necessary by the secretary.

17 (7) The agreements entered into under this section may include
18 provisions authorizing the state to grant necessary easements and lease
19 to a private entity existing rights of way or rights of way
20 subsequently acquired with public or private financing. The agreements
21 may also include provisions to lease to the entity airspace above or
22 below the right of way associated or to be associated with the private
23 entity's transportation facility. In consideration for the reversion
24 rights in these privately constructed facilities, the department may
25 negotiate a charge for the lease of airspace rights during the term of
26 the agreement for a period not to exceed fifty years. If, after the
27 expiration of this period, the department continues to lease these
28 airspace rights to the private entity, it shall do so only at fair
29 market value. The agreement may also provide the private entity the
30 right of first refusal to undertake projects utilizing airspace owned
31 by the state in the vicinity of the public-private project.

32 (8) Agreements under this section may include any contractual
33 provision that is necessary to protect the project revenues required to
34 repay the costs incurred to study, plan, design, finance, acquire,
35 build, install, operate, enforce laws, and maintain toll highways,
36 bridges, and tunnels and which will not unreasonably inhibit or
37 prohibit the development of additional public transportation systems
38 and facilities. Agreements under this section must secure and maintain
39 liability insurance coverage in amounts appropriate to protect the

1 project's viability and may address state indemnification of the
2 private entity for design and construction liability where the state
3 has approved relevant design and construction plans.

4 (9) Agreements shall include a process that provides for public
5 involvement in decision making with respect to the development of the
6 projects.

7 (10)(a) In carrying out the public involvement process required in
8 subsection (9) of this section, the private entity shall proactively
9 seek public participation through a process appropriate to the
10 characteristics of the project that assesses and demonstrates public
11 support among: Users of the project, residents of communities in the
12 vicinity of the project, and residents of communities impacted by the
13 project.

14 (b) The private entity shall conduct a comprehensive public
15 involvement process that provides, periodically throughout the
16 development and implementation of the project, users and residents of
17 communities in the affected project area an opportunity to comment upon
18 key issues regarding the project including, but not limited to: (i)
19 Alternative sizes and scopes; (ii) design; (iii) environmental
20 assessment; (iv) right of way and access plans; (v) traffic impacts;
21 (vi) tolling or user fee strategies and tolling or user fee ranges;
22 (vii) project cost; (viii) construction impacts; (ix) facility
23 operation; and (x) any other salient characteristics.

24 (c) If the affected project area has not been defined, the private
25 entity shall define the affected project area by conducting, at a
26 minimum: (i) A comparison of the estimated percentage of residents of
27 communities in the vicinity of the project and in other communities
28 impacted by the project who could be subject to tolls or user fees and
29 the estimated percentage of other users and transient traffic that
30 could be subject to tolls or user fees; (ii) an analysis of the
31 anticipated traffic diversion patterns; (iii) an analysis of the
32 potential economic impact resulting from proposed toll rates or user
33 fee rates imposed on residents, commercial traffic, and commercial
34 entities in communities in the vicinity of and impacted by the project;
35 (iv) an analysis of the economic impact of tolls or user fees on the
36 price of goods and services generally; and (v) an analysis of the
37 relationship of the project to state transportation needs and benefits.

38 The agreement may require an advisory vote by users of and
39 residents in the affected project area.

1 (d) In seeking public participation, the private entity shall
2 establish a local involvement committee or committees comprised of
3 residents of the affected project area, individuals who represent
4 cities and counties in the affected project area, organizations formed
5 to support or oppose the project, if such organizations exist, and
6 users of the project. The private entity shall, at a minimum,
7 establish a committee as required under the specifications of RCW
8 47.46.030(~~(+5)~~) (6)(b) (ii) and (iii) and appointments to such
9 committee shall be made no later than thirty days after the project
10 area is defined.

11 (e) Local involvement committees shall act in an advisory capacity
12 to the department and the private entity on all issues related to the
13 development and implementation of the public involvement process
14 established under this section.

15 (f) The department and the private entity shall provide the
16 legislative transportation committee and local involvement committees
17 with progress reports on the status of the public involvement process
18 including the results of an advisory vote, if any occurs.

19 (11) Nothing in this chapter limits the right of the secretary and
20 his or her agents to render such advice and to make such
21 recommendations as they deem to be in the best interests of the state
22 and the public.

23 EXPLANATORY NOTE

24 RCW 47.46.030 was amended by 1996 c 280 s 1, changing
25 subsection (5)(b)(ii) and (iii) to subsection (6)(b)(ii) and
26 (iii).

27 **Sec. 15.** RCW 82.80.020 and 2000 c 103 s 20 are each amended to
28 read as follows:

29 (1) The legislative authority of a county, or subject to subsection
30 (7) of this section, a qualifying city or town located in a county that
31 has not imposed a fifteen-dollar fee under this section, may fix and
32 impose an additional fee, not to exceed fifteen dollars per vehicle,
33 for each vehicle that is subject to license fees under RCW
34 (~~(46.16.060)~~) 46.16.0621 and for each vehicle that is subject to RCW
35 46.16.070 with an unladen weight of six thousand pounds or less, and
36 that is determined by the department of licensing to be registered
37 within the boundaries of the county.

38 (2) The department of licensing shall administer and collect the
39 fee. The department shall deduct a percentage amount, as provided by

1 contract, not to exceed two percent of the taxes collected, for
2 administration and collection expenses incurred by it. The remaining
3 proceeds shall be remitted to the custody of the state treasurer for
4 monthly distribution under RCW 82.80.080.

5 (3) The proceeds of this fee shall be used strictly for
6 transportation purposes in accordance with RCW 82.80.070.

7 (4) A county or qualifying city or town imposing this fee or
8 initiating an exemption process shall delay the effective date at least
9 six months from the date the ordinance is enacted to allow the
10 department of licensing to implement administration and collection of
11 or exemption from the fee.

12 (5) The legislative authority of a county or qualifying city or
13 town may develop and initiate an exemption process of the fifteen
14 dollar fee for the registered owners of vehicles residing within the
15 boundaries of the county or qualifying city or town: (a) Who are
16 sixty-one years old or older at the time payment of the fee is due and
17 whose household income for the previous calendar year is less than an
18 amount prescribed by the county or qualifying city or town legislative
19 authority; or (b) who have a physical disability.

20 (6) The legislative authority of a county or qualifying city or
21 town shall develop and initiate an exemption process of the fifteen-
22 dollar fee for vehicles registered within the boundaries of the county
23 that are licensed under RCW 46.16.374.

24 (7) For purposes of this section, a "qualifying city or town" means
25 a city or town residing within a county having a population of greater
26 than seventy-five thousand in which is located all or part of a
27 national monument. A qualifying city or town may impose the fee
28 authorized in subsection (1) of this section subject to the following
29 conditions and limitations:

30 (a) The city or town may impose the fee only if authorized to do so
31 by a majority of voters voting at a general or special election on a
32 proposition for that purpose. At a minimum, the ballot measure shall
33 contain: (i) A description of the transportation project proposed for
34 funding, properly identified by mileposts or other designations that
35 specify the project parameters; (ii) the proposed number of months or
36 years necessary to fund the city or town's share of the project cost;
37 and (iii) the amount of fee to be imposed for the project.

38 (b) The city or town may not impose a fee that, if combined with
39 the county fee, exceeds fifteen dollars. If a county imposes or

1 increases a fee under this section that, if combined with the fee
2 imposed by a city or town, exceeds fifteen dollars, the city or town
3 fee shall be reduced or eliminated as needed so that in no city or town
4 does the combined fee exceed fifteen dollars. All revenues from
5 county-imposed fees shall be distributed as called for in RCW
6 82.80.080.

7 (c) Any fee imposed by a city or town under this section shall
8 expire at the end of the term of months or years provided in the ballot
9 measure, or when the city or town's bonded indebtedness on the project
10 is retired, whichever is sooner.

11 (8) The fee imposed under subsection (7) of this section shall
12 apply only to renewals and shall not apply to ownership transfer
13 transactions.

14 EXPLANATORY NOTE

15 RCW 46.16.060 was repealed by 2000 1st sp.s. c 1 s 2. For
16 later enactment, see RCW 46.16.0621.

Passed the Senate March 9, 2001.

Passed the House April 5, 2001.

Approved by the Governor April 18, 2001.

Filed in Office of Secretary of State April 18, 2001.