

SSB 6676 - H COMM AMD
By Committee on Transportation

ADOPTED 03/05/2004

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.12.101 and 2003 c 264 s 7 are each amended to read
4 as follows:

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

7 (1) If an owner transfers his or her interest in a vehicle, other
8 than by the creation, deletion, or change of a security interest, the
9 owner shall, at the time of the delivery of the vehicle, execute an
10 assignment to the transferee and provide an odometer disclosure
11 statement under RCW 46.12.124 on the certificate of ownership or as the
12 department otherwise prescribes, and cause the certificate and
13 assignment to be transmitted to the transferee. The owner shall notify
14 the department or its agents or subagents, in writing, on the
15 appropriate form, of the date of the sale or transfer, the name and
16 address of the owner and of the transferee, the transferee's driver's
17 license number if available, and such description of the vehicle,
18 including the vehicle identification number, (~~the license plate~~
19 ~~number, or both,~~) as may be required in the appropriate form provided
20 or approved for that purpose by the department. The report of sale
21 will be deemed properly filed if all information required in this
22 section is provided on the form and includes a department-authorized
23 notation that the document was received by the department, its agents,
24 or subagents on or before the fifth day after the sale of the vehicle,
25 excluding Saturdays, Sundays, and state and federal holidays. Agents
26 and subagents shall immediately electronically transmit the seller's
27 report of sale to the department. Reports of sale processed and
28 recorded by the department's agents or subagents may be subject to fees
29 as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003,
30 the department shall create a system enabling the seller of a vehicle

1 to transmit the report of sale electronically. The system created by
2 the department must immediately indicate on the department's vehicle
3 record that a seller's report of sale has been filed.

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

9 (3) Except as provided in RCW 46.70.122 the transferee shall within
10 fifteen days after delivery to the transferee of the vehicle, execute
11 the application for a new certificate of ownership in the same space
12 provided therefor on the certificate or as the department prescribes,
13 and cause the certificates and application to be transmitted to the
14 department.

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

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

28 (6) If the purchaser or transferee fails or neglects to make
29 application to transfer the certificate of ownership and license
30 registration within fifteen days after the date of delivery of the
31 vehicle, he or she shall on making application for transfer be assessed
32 a twenty-five dollar penalty on the sixteenth day and two dollars
33 additional for each day thereafter, but not to exceed one hundred
34 dollars. The director may by rule establish conditions under which the
35 penalty will not be assessed when an application for transfer is
36 delayed for reasons beyond the control of the purchaser. Conditions
37 for not assessing the penalty may be established for but not limited to
38 delays caused by:

39 (a) The department requesting additional supporting documents;

- 1 (b) Extended hospitalization or illness of the purchaser;
2 (c) Failure of a legal owner to release his or her interest;
3 (d) Failure, negligence, or nonperformance of the department,
4 auditor, or subagent.

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

8 (7) Upon receipt of an application for reissue or replacement of a
9 certificate of ownership and transfer of license registration,
10 accompanied by the endorsed certificate of ownership or other
11 documentary evidence as is deemed necessary, the department shall, if
12 the application is in order and if all provisions relating to the
13 certificate of ownership and license registration have been complied
14 with, issue new certificates of title and license registration as in
15 the case of an original issue and shall transmit the fees together with
16 an itemized detailed report to the state treasurer.

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

20 **Sec. 2.** RCW 46.16.023 and 1993 c 488 s 5 are each amended to read
21 as follows:

22 (1) Every owner or lessee of a vehicle seeking to apply for an
23 excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015
24 shall apply to the director for, and upon satisfactory showing of
25 eligibility, receive in lieu of the regular motor vehicle license
26 plates for that vehicle, special plates of a distinguishing separate
27 numerical series or design, as the director shall prescribe. In
28 addition to paying all other initial fees required by law, each
29 applicant for the special license plates shall pay an additional
30 license fee of twenty-five dollars upon the issuance of such plates.
31 The special fee shall be deposited in the motor vehicle fund.
32 Application for renewal of the license plates shall be as prescribed
33 for the renewal of other vehicle licenses. No renewal is required for
34 vehicles exempted under RCW 46.16.020.

35 (2) Whenever the ownership of a vehicle receiving special plates
36 under subsection (1) of this section is transferred or assigned, the
37 plates shall be removed from the motor vehicle, and if another vehicle
38 qualifying for special plates is acquired, the plates shall be

1 transferred to that vehicle for a fee of (~~five~~) ten dollars, and the
2 director shall be immediately notified of the transfer of the plates.
3 Otherwise the removed plates shall be immediately forwarded to the
4 director to be canceled. Whenever the owner or lessee of a vehicle
5 receiving special plates under subsection (1) of this section is for
6 any reason relieved of the tax-exempt status, the special plates shall
7 immediately be forwarded to the director along with an application for
8 replacement plates and the required fee. Upon receipt the director
9 shall issue the license plates that are otherwise provided by law.

10 (3) Any person who knowingly makes any false statement of a
11 material fact in the application for a special plate under subsection
12 (1) of this section is guilty of a gross misdemeanor.

13 **Sec. 3.** RCW 46.16.290 and 1997 c 291 s 4 are each amended to read
14 as follows:

15 (1) In any case of a valid sale or transfer of the ownership of any
16 vehicle, the right to the certificates properly transferable therewith,
17 except as provided in RCW 46.16.280, and to the vehicle license plates
18 passes to the purchaser or transferee. It is unlawful for the holder
19 of such certificates, except as provided in RCW 46.16.280, or vehicle
20 license plates to fail, neglect, or refuse to endorse the certificates
21 and deliver the vehicle license plates to the purchaser or transferee.

22 (2)(a) If the sale or transfer is of a vehicle licensed with
23 current standard issue license plates, the vehicle license plates may
24 be retained and displayed upon a vehicle obtained in replacement of the
25 vehicle so sold or transferred. If a person applies for a transfer of
26 the plate or plates to another eligible vehicle, the plates must be
27 transferred to a vehicle requiring the same type of plate. A transfer
28 fee of ten dollars must be charged in addition to all other applicable
29 fees. The transfer fees must be deposited in the motor vehicle fund.

30 (b) If the sale or transfer is of a vehicle licensed by the state
31 or any county, city, town, school district, or other political
32 subdivision entitled to exemption as provided by law, or, if the
33 vehicle is licensed with personalized plates, amateur radio operator
34 plates, medal of honor plates, disabled person plates, disabled veteran
35 plates, prisoner of war plates, or other special license plates issued
36 under RCW 46.16.301 as it existed before amendment by section 5,
37 chapter 291, Laws of 1997, the vehicle license plates therefor shall be

1 retained and may be displayed upon a vehicle obtained in replacement of
2 the vehicle so sold or transferred.

3 **Sec. 4.** RCW 46.16.316 and 1997 c 291 s 10 are each amended to read
4 as follows:

5 Except as provided in RCW 46.16.305:

6 (1) When a person who has been issued a special license plate or
7 plates: (a) Under RCW 46.16.301 as it existed before amendment by
8 section 5, chapter 291, Laws of 1997, or under RCW 46.16.305(2) or
9 46.16.324; or (b) approved by the special license plate review board
10 under RCW 46.16.715 through 46.16.775 sells, trades, or otherwise
11 transfers or releases ownership of the vehicle upon which the special
12 license plate or plates have been displayed, he or she shall
13 immediately report the transfer of such plate or plates to an acquired
14 vehicle or vehicle eligible for such plates pursuant to departmental
15 rule, or he or she shall surrender such plates to the department
16 immediately if such surrender is required by departmental rule. If a
17 person applies for a transfer of the plate or plates to another
18 eligible vehicle, a transfer fee of (~~five~~) ten dollars shall be
19 charged in addition to all other applicable fees. Such transfer fees
20 shall be deposited in the motor vehicle fund. Failure to surrender the
21 plates when required is a traffic infraction.

22 (2) If the special license plate or plates issued by the department
23 become lost, defaced, damaged, or destroyed, application for a
24 replacement special license plate or plates shall be made and fees paid
25 as provided by law for the replacement of regular license plates.

26 **Sec. 5.** RCW 46.16.590 and 1975 c 59 s 5 are each amended to read
27 as follows:

28 Whenever any person who has been issued personalized license plates
29 applies to the department for transfer of such plates to a subsequently
30 acquired vehicle or camper eligible for personalized license plates, a
31 transfer fee of (~~five~~) ten dollars shall be charged in addition to
32 all other appropriate fees. Such transfer fees shall be deposited in
33 the motor vehicle fund.

34 **Sec. 6.** RCW 73.04.110 and 1987 c 98 s 2 are each amended to read
35 as follows:

36 Any person who is a veteran as defined in RCW 41.04.005 who submits

1 to the department of licensing satisfactory proof of a service-
2 connected disability rating from the veterans administration or the
3 military service from which the veteran was discharged and:

4 (1) Has lost the use of both hands or one foot;

5 (2) Was captured and incarcerated for more than twenty-nine days by
6 an enemy of the United States during a period of war with the United
7 States;

8 (3) Has become blind in both eyes as the result of military
9 service; or

10 (4) Is rated by the veterans administration or the military service
11 from which the veteran was discharged and is receiving service-
12 connected compensation at the one hundred percent rate that is expected
13 to exist for more than one year;

14 is entitled to regular or special license plates issued by the
15 department of licensing. The special license plates shall bear
16 distinguishing marks, letters, or numerals indicating that the motor
17 vehicle is owned by a disabled veteran or former prisoner of war. This
18 license shall be issued annually for one personal use vehicle without
19 payment of any license fees or excise tax thereon. Whenever any person
20 who has been issued license plates under the provisions of this section
21 applies to the department for transfer of the plates to a subsequently
22 acquired motor vehicle, a transfer fee of (~~five~~) ten dollars shall be
23 charged in addition to all other appropriate fees. The department may
24 periodically verify the one hundred percent rate as provided in
25 subsection (4) of this section.

26 Any person who has been issued free motor vehicle license plates
27 under this section prior to July 1, 1983, shall continue to be eligible
28 for the annual free license plates.

29 For the purposes of this section, "blind" means the definition of
30 "blind" used by the state of Washington in determining eligibility for
31 financial assistance to the blind under Title 74 RCW.

32 Any unauthorized use of a special plate is a gross misdemeanor."

33 Correct the title.

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