

CERTIFICATION OF ENROLLMENT

SENATE BILL 5429

Chapter 85, Laws of 2003

58th Legislature
2003 Regular Session

MOTOR CARRIERS--REGISTRATION

EFFECTIVE DATE: 7/27/03

Passed by the Senate March 16, 2003
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 10, 2003
YEAS 95 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 23, 2003.

GARY F. LOCKE

Governor of the State of Washington

CERTIFICATE

I, Milton H. Doumit, Jr.,
Secretary of the Senate of the
State of Washington, do hereby
certify that the attached is
SENATE BILL 5429 as passed by the
Senate and the House of
Representatives on the dates
hereon set forth.

MILTON H. DOUMIT JR.

Secretary

FILED

April 23, 2003 - 4:39 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5429

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By Senators Mulliken, Prentice and Horn; by request of Department of Licensing

Read first time 01/24/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to the Performance Registration Information Systems
2 Management Program (PRISM); amending RCW 46.87.020 and 46.87.140; and
3 adding new sections to chapter 46.87 RCW.

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

5 **Sec. 1.** RCW 46.87.020 and 1997 c 183 s 2 are each amended to read
6 as follows:

7 Terms used in this chapter have the meaning given to them in the
8 International Registration Plan (IRP), the Uniform Vehicle
9 Registration, Proration, and Reciprocity Agreement (Western Compact),
10 chapter 46.04 RCW, or as otherwise defined in this section.
11 Definitions given to terms by the IRP and the Western Compact, as
12 applicable, shall prevail unless given a different meaning in this
13 chapter or in rules adopted under authority of this chapter.

14 (1) "Apportionable vehicle" has the meaning given by the IRP,
15 except that it does not include vehicles with a declared gross weight
16 of twelve thousand pounds or less. Apportionable vehicles include
17 trucks, tractors, truck tractors, road tractors, and buses, each as
18 separate and licensable vehicles. For IRP jurisdictions that require

1 the registration of nonmotor vehicles, this term may include trailers,
2 semitrailers, and pole trailers as applicable, each as separate and
3 licensable vehicles.

4 (2) "Cab card" is a certificate of registration issued for a
5 vehicle by the registering jurisdiction under the Western Compact.
6 Under the IRP, it is a certificate of registration issued by the base
7 jurisdiction for a vehicle upon which is disclosed the jurisdictions
8 and registered gross weights in such jurisdictions for which the
9 vehicle is registered.

10 (3) "Commercial vehicle" is a term used by the Western Compact and
11 means any vehicle, except recreational vehicles, vehicles displaying
12 restricted plates, and government owned or leased vehicles, that is
13 operated and registered in more than one jurisdiction and is used or
14 maintained for the transportation of persons for hire, compensation, or
15 profit, or is designed, used, or maintained primarily for the
16 transportation of property and:

17 (a) Is a motor vehicle having a declared gross weight in excess of
18 twenty-six thousand pounds; or

19 (b) Is a motor vehicle having three or more axles with a declared
20 gross weight in excess of twelve thousand pounds; or

21 (c) Is a motor vehicle, trailer, pole trailer, or semitrailer used
22 in combination when the gross weight or declared gross weight of the
23 combination exceeds twenty-six thousand pounds combined gross weight.
24 The nonmotor vehicles mentioned are only applicable to those
25 jurisdictions requiring the registration of such vehicles.

26 Although a two-axle motor vehicle, trailer, pole trailer,
27 semitrailer, or any combination of such vehicles with an actual or
28 declared gross weight or declared combined gross weight exceeding
29 twelve thousand pounds but not more than twenty-six thousand is not
30 considered to be a commercial vehicle, at the option of the owner, such
31 vehicles may be considered as "commercial vehicles" for the purpose of
32 proportional registration. The nonmotor vehicles mentioned are only
33 applicable to those jurisdictions requiring the registration of such
34 vehicles.

35 Commercial vehicles include trucks, tractors, truck tractors, road
36 tractors, and buses. Trailers, pole trailers, and semitrailers, will
37 also be considered as commercial vehicles for those jurisdictions who
38 require registration of such vehicles.

1 (4) "Credentials" means cab cards, apportioned plates (for
2 Washington-based fleets), and validation tabs issued for proportionally
3 registered vehicles.

4 (5) "Declared combined gross weight" means the total unladen weight
5 of any combination of vehicles plus the weight of the maximum load to
6 be carried on the combination of vehicles as set by the registrant in
7 the application pursuant to chapter 46.44 RCW and for which
8 registration fees have been or are to be paid.

9 (6) "Declared gross weight" means the total unladen weight of any
10 vehicle plus the weight of the maximum load to be carried on the
11 vehicle as set by the registrant in the application pursuant to chapter
12 46.44 RCW and for which registration fees have been or are to be paid.
13 In the case of a bus, auto stage, or a passenger-carrying for hire
14 vehicle with a seating capacity of more than six, the declared gross
15 weight shall be determined by multiplying the average load factor of
16 one hundred and fifty pounds by the number of seats in the vehicle,
17 including the driver's seat, and add this amount to the unladen weight
18 of the vehicle. If the resultant gross weight is not listed in RCW
19 46.16.070, it will be increased to the next higher gross weight so
20 listed pursuant to chapter 46.44 RCW.

21 (7) "Department" means the department of licensing.

22 (8) "Fleet" means one or more commercial vehicles in the Western
23 Compact and one or more apportionable vehicles in the IRP.

24 (9) "In-jurisdiction miles" means the total miles accumulated in a
25 jurisdiction during the preceding year by vehicles of the fleet while
26 they were a part of the fleet.

27 (10) "IRP" means the International Registration Plan.

28 (11) "Jurisdiction" means and includes a state, territory or
29 possession of the United States, the District of Columbia, the
30 Commonwealth of Puerto Rico, a foreign country, and a state or province
31 of a foreign country.

32 (12) "Motor carrier" means an entity engaged in the transportation
33 of goods or persons. The term includes a for-hire motor carrier,
34 private motor carrier, contract motor carrier, or exempt motor carrier.
35 The term includes a registrant licensed under this chapter, a motor
36 vehicle lessor, and a motor vehicle lessee.

37 (13) "Owner" means a person or business firm who holds the legal
38 title to a vehicle, or if a vehicle is the subject of an agreement for

1 its conditional sale with the right of purchase upon performance of the
2 conditions stated in the agreement and with an immediate right of
3 possession vested in the conditional vendee, or if a vehicle is subject
4 to a lease, contract, or other legal arrangement vesting right of
5 possession or control, for security or otherwise, or if a mortgagor of
6 a vehicle is entitled to possession, then the owner is deemed to be the
7 person or business firm in whom is vested right of possession or
8 control.

9 ~~((13))~~ (14) "Preceding year" means the period of twelve
10 consecutive months immediately before July 1st of the year immediately
11 before the commencement of the registration or license year for which
12 apportioned registration is sought.

13 ~~((14))~~ (15) "Properly registered," as applied to the place of
14 registration under the provisions of the Western Compact, means:

15 (a) In the case of a commercial vehicle, the jurisdiction in which
16 it is registered if the commercial enterprise in which the vehicle is
17 used has a place of business therein, and, if the vehicle is most
18 frequently dispatched, garaged, serviced, maintained, operated, or
19 otherwise controlled in or from that place of business, and the vehicle
20 has been assigned to that place of business; or

21 (b) In the case of a commercial vehicle, the jurisdiction where,
22 because of an agreement or arrangement between two or more
23 jurisdictions, or pursuant to a declaration, the vehicle has been
24 registered as required by that jurisdiction.

25 In case of doubt or dispute as to the proper place of registration
26 of a commercial vehicle, the department shall make the final
27 determination, but in making such determination, may confer with
28 departments of the other jurisdictions affected.

29 ~~((15))~~ (16) "Prorate percentage" is the factor that is applied to
30 the total proratable fees and taxes to determine the apportionable or
31 prorated fees required for registration in a particular jurisdiction.
32 It is determined by dividing the in-jurisdiction miles for a particular
33 jurisdiction by the total miles. This term is synonymous with the term
34 "mileage percentage."

35 ~~((16))~~ (17) "Registrant" means a person, business firm, or
36 corporation in whose name or names a vehicle or fleet of vehicles is
37 registered.

1 (~~(17)~~) (18) "Registration year" means the twelve-month period
2 during which the registration plates issued by the base jurisdiction
3 are valid according to the laws of the base jurisdiction.

4 (~~(18)~~) (19) "Total miles" means the total number of miles
5 accumulated in all jurisdictions during the preceding year by all
6 vehicles of the fleet while they were a part of the fleet. Mileage
7 accumulated by vehicles of the fleet that did not engage in interstate
8 operations is not included in the fleet miles.

9 (~~(19)~~) (20) "Western Compact" means the Uniform Vehicle
10 Registration, Proration, and Reciprocity Agreement.

11 **Sec. 2.** RCW 46.87.140 and 1997 c 183 s 5 are each amended to read
12 as follows:

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

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

26 (b) If registering under the provisions of the IRP, the registrant
27 shall also indicate member jurisdictions in which registration is
28 desired and furnish such other information as those member
29 jurisdictions require.

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

32 (d) The USDOT number issued to the registrant and the USDOT number
33 of the motor carrier responsible for the safety of the vehicle, if
34 different.

35 (e) A completed Motor Carrier Identification Report (MCS-150) at
36 the time of fleet renewal or at the time of vehicle registration, if
37 required by the department.

1 (f) The Taxpayer Identification Number of the registrant and the
2 motor carrier responsible for the safety of the vehicle, if different.

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

6 (a) Divide the in-jurisdiction miles by the total miles and carry
7 the answer to the nearest thousandth of a percent (three places beyond
8 the decimal, e.g. 10.543%). This factor is known as the prorate
9 percentage.

10 (b) Determine the total proratable fees and taxes required for each
11 vehicle in the fleet for which registration is requested, based on the
12 regular annual fees and taxes or applicable fees and taxes for the
13 unexpired portion of the registration year under the laws of each
14 jurisdiction for which fees or taxes are to be calculated.

15 Washington-based nonmotor vehicles shall normally be fully licensed
16 under the provisions of chapter 46.16 RCW. If these vehicles are being
17 operated in jurisdictions that require the registration of such
18 vehicles, the applicable vehicles may be considered as apportionable
19 vehicles for the purpose of registration in those jurisdictions and
20 this state. The prorate percentage for which registration fees and
21 taxes were paid to such jurisdictions may be credited toward the one
22 hundred percent of registration fees and taxes due this state for full
23 licensing. Applicable fees and taxes for vehicles of Washington-based
24 fleets are those prescribed under RCW 46.16.070, 46.16.085, and
25 82.38.075, ((and—82.44.020,)) as applicable. If, during the
26 registration period, the lessor of an apportioned vehicle changes and
27 the vehicle remains in the fleet of the registrant, the department
28 shall only charge those fees prescribed for the issuance of new
29 apportioned license plates, validation tabs, and cab card.

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

35 (d) Add the total fees and taxes determined in (c) of this
36 subsection for each vehicle to the nonproratable fees required under
37 the laws of the jurisdiction for which fees are being calculated.
38 Nonproratable fees required for vehicles of Washington-based fleets are

1 the administrative fee required by RCW 82.38.075, if applicable, and
2 the vehicle transaction fee pursuant to the provisions of RCW
3 46.87.130.

4 (e) Add the total fees and taxes determined in (d) of this
5 subsection for each vehicle listed on the application. Assuming the
6 fees and taxes calculated were for Washington, this would be the amount
7 due and payable for the application under the provisions of the Western
8 Compact. Under the provisions of the IRP, the amount due and payable
9 for the application would be the sum of the fees and taxes referred to
10 in (d) of this subsection, calculated for each member jurisdiction in
11 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 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.87 RCW
19 to read as follows:

20 The department shall refuse to register a vehicle under this
21 chapter if the registrant or motor carrier responsible for the safety
22 of the vehicle has been prohibited under federal law from operating by
23 the Federal Motor Carrier Safety Administration.

24 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.87 RCW
25 to read as follows:

26 The department shall suspend or revoke the registration of a
27 vehicle registered under this chapter if the registrant or motor
28 carrier responsible for the safety of the vehicle has been prohibited
29 under federal law from operating by the Federal Motor Carrier Safety
30 Administration.

Passed by the Senate March 16, 2003.
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