

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 1241

59th Legislature
2005 Regular Session

Passed by the House April 19, 2005
Yeas 95 Nays 3

Speaker of the House of Representatives

Passed by the Senate April 23, 2005
Yeas 43 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 1241** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 1241

Passed Legislature - 2005 Regular Session

State of Washington **59th Legislature** **2005 Regular Session**

By Representatives Fromhold, Curtis, Moeller, Wallace, Sommers,
McIntire and Murray

Read first time 01/19/2005. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle licensing and registration; amending RCW
2 46.63.020; reenacting and amending RCW 46.16.010; creating new
3 sections; prescribing penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** When a person establishes residency in this
6 state, unless otherwise exempt by statute, the person must register any
7 vehicles to be operated on public highways, and pay all required
8 licensing fees and taxes. Washington residents must renew vehicle
9 registrations annually as well. The intent of this act is to increase
10 the monetary penalties associated with failure to properly register
11 vehicles in the state of Washington.

12 **Sec. 2.** RCW 46.16.010 and 2003 c 353 s 8 and 2003 c 53 s 238 are
13 each reenacted and amended to read as follows:

14 (1) It is unlawful for a person to operate any vehicle over and
15 along a public highway of this state without first having obtained and
16 having in full force and effect a current and proper vehicle license
17 and display vehicle license number plates therefor as by this chapter
18 provided.

1 (2) Failure to make initial registration before operation on the
2 highways of this state is a (~~misdemeanor~~) traffic infraction, and any
3 person (~~convicted thereof must be punished by~~) committing this
4 infraction shall pay a (~~fine~~) penalty of (~~no less than three hundred~~
5 thirty) five hundred twenty-nine dollars, no part of which may be
6 suspended or deferred.

7 (3) Failure to renew an expired registration before operation on
8 the highways of this state is a traffic infraction.

9 (4) The licensing of a vehicle in another state by a resident of
10 this state, as defined in RCW 46.16.028, evading the payment of any tax
11 or license fee imposed in connection with registration, is a gross
12 misdemeanor punishable as follows:

13 (a) For a first offense, up to one year in the county jail and
14 payment of a fine (~~equal to~~) of five hundred twenty-nine dollars plus
15 twice the amount of delinquent taxes and fees, no part of which may be
16 suspended or deferred;

17 (b) For a second or subsequent offense, up to one year in the
18 county jail and payment of a fine (~~equal to~~) of five hundred twenty-
19 nine dollars plus four times the amount of delinquent taxes and fees,
20 no part of which may be suspended or deferred;

21 (c) For fines levied under (b) of this subsection, an amount equal
22 to the avoided taxes and fees owed will be deposited in the vehicle
23 licensing fraud account created in the state treasury;

24 (d) The avoided taxes and fees shall be deposited and distributed
25 in the same manner as if the taxes and fees were properly paid in a
26 timely fashion.

27 (5) These provisions shall not apply to the following vehicles:

28 (a) Motorized foot scooters;

29 (b) Electric-assisted bicycles;

30 (c) Farm vehicles if operated within a radius of fifteen miles of
31 the farm where principally used or garaged, farm tractors and farm
32 implements including trailers designed as cook or bunk houses used
33 exclusively for animal herding temporarily operating or drawn upon the
34 public highways, and trailers used exclusively to transport farm
35 implements from one farm to another during the daylight hours or at
36 night when such equipment has lights that comply with the law;

37 (d) Spray or fertilizer applicator rigs designed and used
38 exclusively for spraying or fertilization in the conduct of

1 agricultural operations and not primarily for the purpose of
2 transportation, and nurse rigs or equipment auxiliary to the use of and
3 designed or modified for the fueling, repairing, or loading of spray
4 and fertilizer applicator rigs and not used, designed, or modified
5 primarily for the purpose of transportation;

6 (e) Fork lifts operated during daylight hours on public highways
7 adjacent to and within five hundred feet of the warehouses which they
8 serve: PROVIDED FURTHER, That these provisions shall not apply to
9 vehicles used by the state parks and recreation commission exclusively
10 for park maintenance and operations upon public highways within state
11 parks;

12 (f) "Special highway construction equipment" defined as follows:
13 Any vehicle which is designed and used primarily for grading of
14 highways, paving of highways, earth moving, and other construction work
15 on highways and which is not designed or used primarily for the
16 transportation of persons or property on a public highway and which is
17 only incidentally operated or moved over the highway. It includes, but
18 is not limited to, road construction and maintenance machinery so
19 designed and used such as portable air compressors, air drills, asphalt
20 spreaders, bituminous mixers, bucket loaders, track laying tractors,
21 ditchers, leveling graders, finishing machines, motor graders, paving
22 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
23 lighting plants, welders, pumps, power shovels and draglines, self-
24 propelled and tractor-drawn earth moving equipment and machinery,
25 including dump trucks and tractor-dump trailer combinations which
26 either (i) are in excess of the legal width, or (ii) which, because of
27 their length, height, or unladen weight, may not be moved on a public
28 highway without the permit specified in RCW 46.44.090 and which are not
29 operated laden except within the boundaries of the project limits as
30 defined by the contract, and other similar types of construction
31 equipment, or (iii) which are driven or moved upon a public highway
32 only for the purpose of crossing such highway from one property to
33 another, provided such movement does not exceed five hundred feet and
34 the vehicle is equipped with wheels or pads which will not damage the
35 roadway surface.

36 Exclusions:

37 "Special highway construction equipment" does not include any of
38 the following:

1 Dump trucks originally designed to comply with the legal size and
2 weight provisions of this code notwithstanding any subsequent
3 modification which would require a permit, as specified in RCW
4 46.44.090, to operate such vehicles on a public highway, including
5 trailers, truck-mounted transit mixers, cranes and shovels, or other
6 vehicles designed for the transportation of persons or property to
7 which machinery has been attached.

8 (6) The following vehicles, whether operated solo or in
9 combination, are exempt from license registration and displaying
10 license plates as required by this chapter:

11 (a) A converter gear used to convert a semitrailer into a trailer
12 or a two-axle truck or tractor into a three or more axle truck or
13 tractor or used in any other manner to increase the number of axles of
14 a vehicle. Converter gear includes an auxiliary axle, booster axle,
15 dolly, and jeep axle.

16 (b) A tow dolly that is used for towing a motor vehicle behind
17 another motor vehicle. The front or rear wheels of the towed vehicle
18 are secured to and rest on the tow dolly that is attached to the towing
19 vehicle by a tow bar.

20 (7)(a) A motor vehicle subject to initial or renewal registration
21 under this section shall not be registered to a natural person unless
22 the person at time of application:

23 (i) Presents an unexpired Washington state driver's license; or

24 (ii) Certifies that he or she is:

25 (A) A Washington resident who does not operate a motor vehicle on
26 public roads; or

27 (B) Exempt from the requirement to obtain a Washington state
28 driver's license under RCW 46.20.025.

29 (b) For shared or joint ownership, the department will set up
30 procedures to verify that all owners meet the requirements of this
31 subsection.

32 (c) A person falsifying residency is guilty of a gross misdemeanor
33 punishable only by a fine of five hundred twenty-nine dollars.

34 (d) The department may adopt rules necessary to implement this
35 subsection, including rules under which a natural person applying for
36 registration may be exempt from the requirements of this subsection
37 where the person provides evidence satisfactory to the department that

1 he or she has a valid and compelling reason for not being able to meet
2 the requirements of this subsection.

3 **Sec. 3.** RCW 46.63.020 and 2004 c 95 s 14 are each amended to read
4 as follows:

5 Failure to perform any act required or the performance of any act
6 prohibited by this title or an equivalent administrative regulation or
7 local law, ordinance, regulation, or resolution relating to traffic
8 including parking, standing, stopping, and pedestrian offenses, is
9 designated as a traffic infraction and may not be classified as a
10 criminal offense, except for an offense contained in the following
11 provisions of this title or a violation of an equivalent administrative
12 regulation or local law, ordinance, regulation, or resolution:

13 (1) RCW 46.09.120(2) relating to the operation of a nonhighway
14 vehicle while under the influence of intoxicating liquor or a
15 controlled substance;

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

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

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

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

24 (6) RCW 46.16.010 relating to ~~((initial registration of motor~~
25 ~~vehicles))~~ the nonpayment of taxes and fees by failure to register a
26 vehicle and falsifying residency when registering a motor vehicle;

27 (7) RCW 46.16.011 relating to permitting unauthorized persons to
28 drive;

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

30 (9) RCW 46.16.381(2) relating to knowingly providing false
31 information in conjunction with an application for a special placard or
32 license plate for disabled persons' parking;

33 (10) RCW 46.20.005 relating to driving without a valid driver's
34 license;

35 (11) RCW 46.20.091 relating to false statements regarding a
36 driver's license or instruction permit;

- 1 (12) RCW 46.20.0921 relating to the unlawful possession and use of
2 a driver's license;
- 3 (13) RCW 46.20.342 relating to driving with a suspended or revoked
4 license or status;
- 5 (14) RCW 46.20.345 relating to the operation of a motor vehicle
6 with a suspended or revoked license;
- 7 (15) RCW 46.20.410 relating to the violation of restrictions of an
8 occupational or temporary restricted driver's license;
- 9 (16) RCW 46.20.740 relating to operation of a motor vehicle without
10 an ignition interlock device in violation of a license notation that
11 the device is required;
- 12 (17) RCW 46.20.750 relating to assisting another person to start a
13 vehicle equipped with an ignition interlock device;
- 14 (18) RCW 46.25.170 relating to commercial driver's licenses;
- 15 (19) Chapter 46.29 RCW relating to financial responsibility;
- 16 (20) RCW 46.30.040 relating to providing false evidence of
17 financial responsibility;
- 18 (21) RCW 46.37.435 relating to wrongful installation of
19 sunscreening material;
- 20 (22) RCW 46.37.650 relating to the sale, resale, distribution, or
21 installation of a previously deployed air bag;
- 22 (23) RCW 46.44.180 relating to operation of mobile home pilot
23 vehicles;
- 24 (24) RCW 46.48.175 relating to the transportation of dangerous
25 articles;
- 26 (25) RCW 46.52.010 relating to duty on striking an unattended car
27 or other property;
- 28 (26) 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 (27) RCW 46.52.090 relating to reports by repairmen, storagemen,
31 and appraisers;
- 32 (28) RCW 46.52.130 relating to confidentiality of the driving
33 record to be furnished to an insurance company, an employer, and an
34 alcohol/drug assessment or treatment agency;
- 35 (29) RCW 46.55.020 relating to engaging in the activities of a
36 registered tow truck operator without a registration certificate;
- 37 (30) RCW 46.55.035 relating to prohibited practices by tow truck
38 operators;

1 (31) RCW 46.61.015 relating to obedience to police officers,
2 flaggers, or fire fighters;
3 (32) RCW 46.61.020 relating to refusal to give information to or
4 cooperate with an officer;
5 (33) RCW 46.61.022 relating to failure to stop and give
6 identification to an officer;
7 (34) RCW 46.61.024 relating to attempting to elude pursuing police
8 vehicles;
9 (35) RCW 46.61.500 relating to reckless driving;
10 (36) RCW 46.61.502 and 46.61.504 relating to persons under the
11 influence of intoxicating liquor or drugs;
12 (37) RCW 46.61.503 relating to a person under age twenty-one
13 driving a motor vehicle after consuming alcohol;
14 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
15 (39) RCW 46.61.522 relating to vehicular assault;
16 (40) RCW 46.61.5249 relating to first degree negligent driving;
17 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway
18 workers;
19 (42) RCW 46.61.530 relating to racing of vehicles on highways;
20 (43) RCW 46.61.685 relating to leaving children in an unattended
21 vehicle with the motor running;
22 (44) RCW 46.61.740 relating to theft of motor vehicle fuel;
23 (45) RCW 46.64.010 relating to unlawful cancellation of or attempt
24 to cancel a traffic citation;
25 (46) RCW 46.64.048 relating to attempting, aiding, abetting,
26 coercing, and committing crimes;
27 (47) Chapter 46.65 RCW relating to habitual traffic offenders;
28 (48) RCW 46.68.010 relating to false statements made to obtain a
29 refund;
30 (49) Chapter 46.70 RCW relating to unfair motor vehicle business
31 practices, except where that chapter provides for the assessment of
32 monetary penalties of a civil nature;
33 (50) Chapter 46.72 RCW relating to the transportation of passengers
34 in for hire vehicles;
35 (51) RCW 46.72A.060 relating to limousine carrier insurance;
36 (52) RCW 46.72A.070 relating to operation of a limousine without a
37 vehicle certificate;

1 (53) RCW 46.72A.080 relating to false advertising by a limousine
2 carrier;

3 (54) Chapter 46.80 RCW relating to motor vehicle wreckers;

4 (55) Chapter 46.82 RCW relating to driver's training schools;

5 (56) RCW 46.87.260 relating to alteration or forgery of a cab card,
6 letter of authority, or other temporary authority issued under chapter
7 46.87 RCW;

8 (57) RCW 46.87.290 relating to operation of an unregistered or
9 unlicensed vehicle under chapter 46.87 RCW.

10 NEW SECTION. **Sec. 4.** This act takes effect August 1, 2005.

11 NEW SECTION. **Sec. 5.** This act applies to registrations due or to
12 become due on or after January 1, 2006.

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