
ENGROSSED SUBSTITUTE SENATE BILL 5952

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Labor, Commerce, Research & Development
(originally sponsored by Senators Jacobsen, Hewitt, Rasmussen and
Kohl-Welles)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to licensing exemptions for transporting persons at
2 horse races; amending RCW 46.25.050; reenacting and amending RCW
3 46.16.010; and declaring an emergency.

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

5 **Sec. 1.** RCW 46.16.010 and 2003 c 353 s 8 and 2003 c 53 s 238 are
6 each reenacted and amended to read as follows:

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

12 (2) Failure to make initial registration before operation on the
13 highways of this state is a misdemeanor, and any person convicted
14 thereof must be punished by a fine of no less than three hundred thirty
15 dollars, no part of which may be suspended or deferred.

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

18 (4) The licensing of a vehicle in another state by a resident of

1 this state, as defined in RCW 46.16.028, evading the payment of any tax
2 or license fee imposed in connection with registration, is a gross
3 misdemeanor punishable as follows:

4 (a) For a first offense, up to one year in the county jail and a
5 fine equal to twice the amount of delinquent taxes and fees, no part of
6 which may be suspended or deferred;

7 (b) For a second or subsequent offense, up to one year in the
8 county jail and a fine equal to four times the amount of delinquent
9 taxes and fees, no part of which may be suspended or deferred;

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

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

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

17 (a) Motorized foot scooters;

18 (b) Electric-assisted bicycles;

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

26 (d) Spray or fertilizer applicator rigs designed and used
27 exclusively for spraying or fertilization in the conduct of
28 agricultural operations and not primarily for the purpose of
29 transportation, and nurse rigs or equipment auxiliary to the use of and
30 designed or modified for the fueling, repairing, or loading of spray
31 and fertilizer applicator rigs and not used, designed, or modified
32 primarily for the purpose of transportation;

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

1 (f) "Trams" used for transporting persons to and from facilities
2 related to the horse racing industry as regulated in chapter 67.16 RCW,
3 as long as the public right-of-way routes over which the trams operate
4 are not more than one mile from end to end, the public rights-of-way
5 over which the tram operates have an average daily traffic of not more
6 than 15,000 vehicles per day, and the activity is in conformity with
7 federal law. The operator must be a licensed driver and at least
8 eighteen years old. For the purposes of this section, "tram" also
9 means a vehicle, or combination of vehicles linked together with a
10 single mode of propulsion, used to transport persons from one location
11 to another;

12 (g) "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 **Sec. 2.** RCW 46.25.050 and 1995 c 393 s 1 are each amended to read
21 as follows:

22 (1) Drivers of commercial motor vehicles shall obtain a commercial
23 driver's license as required under this chapter by April 1, 1992. The
24 director shall establish a program to convert all qualified commercial
25 motor vehicle drivers by that date. After April 1, 1992, except when
26 driving under a commercial driver's instruction permit and a valid
27 automobile or classified license and accompanied by the holder of a
28 commercial driver's license valid for the vehicle being driven, no
29 person may drive a commercial motor vehicle unless the person holds and
30 is in immediate possession of a commercial driver's license and
31 applicable endorsements valid for the vehicle they are driving.
32 However, this requirement does not apply to any person:

33 (a) Who is the operator of a farm vehicle, and the vehicle is:

34 (i) Controlled and operated by a farmer;

35 (ii) Used to transport either agricultural products, which in this
36 section include Christmas trees and wood products harvested from

1 private tree farms and transported by vehicles weighing no more than
2 forty thousand pounds licensed gross vehicle weight, farm machinery,
3 farm supplies, or any combination of those materials to or from a farm;

4 (iii) Not used in the operations of a common or contract motor
5 carrier; and

6 (iv) Used within one hundred fifty miles of the person's farm; or

7 (b) Who is a fire fighter or law enforcement officer operating
8 emergency equipment, and:

9 (i) The fire fighter or law enforcement officer has successfully
10 completed a driver training course approved by the director; and

11 (ii) The fire fighter or law enforcement officer carries a
12 certificate attesting to the successful completion of the approved
13 training course; or

14 (c) Who is operating a recreational vehicle for noncommercial
15 purposes. As used in this section, "recreational vehicle" includes a
16 vehicle towing a horse trailer for a noncommercial purpose; or

17 (d) Who is transporting persons to and from facilities related to
18 the horse racing industry as regulated in chapter 67.16 RCW, as long as
19 the routes over which this action takes place are not more than one
20 mile from end to end, and the public rights-of-way on which the
21 activity occurs have an average daily traffic of not more than 15,000
22 vehicles per day.

23 (2) No person may drive a commercial motor vehicle while his or her
24 driving privilege is suspended, revoked, or canceled, while subject to
25 disqualification, or in violation of an out-of-service order.
26 Violations of this subsection shall be punished in the same way as
27 violations of RCW 46.20.342(1).

28 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
29 preservation of the public peace, health, or safety, or support of the
30 state government and its existing public institutions, and takes effect
31 immediately.

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