

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1999

Chapter 331, Laws of 2005

59th Legislature
2005 Regular Session

TRAFFIC INFRACTIONS--VEHICLE TITLE, IDENTIFICATION

EFFECTIVE DATE: 7/24/05

Passed by the House April 19, 2005
Yeas 90 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 13, 2005
Yeas 47 Nays 0

BRAD OWEN

President of the Senate

Approved May 9, 2005.

CHRISTINE GREGOIRE

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 **HOUSE BILL 1999** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

May 9, 2005 - 3:24 p.m.

**Secretary of State
State of Washington**

HOUSE BILL 1999

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Representatives Nixon, Flannigan, McDonald and Wood

Read first time 02/14/2005. Referred to Committee on Transportation.

1 AN ACT Relating to clarifying civil liability for traffic
2 infractions when vehicle title is transferred; amending RCW 46.12.102;
3 and adding a new section to chapter 46.63 RCW.

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

5 **Sec. 1.** RCW 46.12.102 and 2002 c 279 s 2 are each amended to read
6 as follows:

7 (1) An owner who has made a bona fide sale or transfer of a vehicle
8 and has delivered possession of it to a purchaser shall not by reason
9 of any of the provisions of this title be deemed the owner of the
10 vehicle so as to be subject to civil liability or criminal liability
11 for the operation of the vehicle thereafter by another person when the
12 owner has also fulfilled both of the following requirements:

13 (a) When the owner has made proper endorsement and delivery of the
14 certificate of ownership and has delivered the certificate of
15 registration as provided in this chapter;

16 (b) When the owner has delivered to the department either a
17 properly filed report of sale that includes all of the information
18 required in RCW 46.12.101(1) and is delivered to the department within

1 five days of the sale of the vehicle excluding Saturdays, Sundays, and
2 state and federal holidays, or appropriate documents for registration
3 of the vehicle pursuant to the sale or transfer.

4 (2) An owner who has made a bona fide sale or transfer of a
5 vehicle, has delivered possession of it to a purchaser, and has
6 fulfilled the requirements of subsection (1)(a) and (b) of this section
7 is relieved of liability and liability is transferred to the purchaser
8 of the vehicle, for any traffic violation under this title, whether
9 designated as a traffic infraction or classified as a criminal offense,
10 that occurs after the date of the sale or transfer that is based on the
11 vehicle's identification, including, but not limited to, parking
12 infractions, high-occupancy toll lane violations, and violations
13 recorded by automated traffic safety cameras.

14 (3) When a registered tow truck operator submits an abandoned
15 vehicle report to the department for a vehicle sold at an abandoned
16 vehicle auction, any previous owner is relieved of civil or criminal
17 liability for the operation of the vehicle from the date of sale
18 thereafter, and liability is transferred to the purchaser of the
19 vehicle as listed on the abandoned vehicle report.

20 NEW SECTION. Sec. 2. A new section is added to chapter 46.63 RCW
21 to read as follows:

22 (1) In the event a traffic infraction is based on a vehicle's
23 identification, and the registered owner of the vehicle is a rental car
24 business, the law enforcement agency shall, before a notice of
25 infraction may be issued, provide a written notice to the rental car
26 business that a notice of infraction may be issued to the rental car
27 business if the rental car business does not, within thirty days of
28 receiving the written notice, provide to the issuing agency by return
29 mail:

30 (a) A statement under oath stating the name and known mailing
31 address of the individual driving or renting the vehicle when the
32 infraction occurred; or

33 (b) A statement under oath that the business is unable to determine
34 who was driving or renting the vehicle at the time the infraction
35 occurred.

36 Timely mailing of this statement to the issuing law enforcement
37 agency relieves a rental car business of any liability under this

1 chapter for the notice of infraction. In lieu of identifying the
2 vehicle operator, the rental car business may pay the applicable
3 penalty.

4 (2) For the purpose of this section, a "traffic infraction based on
5 a vehicle's identification" includes, but is not limited to, parking
6 infractions, high-occupancy toll lane violations, and violations
7 recorded by automated traffic safety cameras.

Passed by the House April 19, 2005.

Passed by the Senate April 13, 2005.

Approved by the Governor May 9, 2005.

Filed in Office of Secretary of State May 9, 2005.