

SSB 6527 - H COMM AMD

By Committee on Public Safety & Emergency Preparedness

ADOPTED 03/07/2008

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

3 "Sec. 1. RCW 46.12.101 and 2007 c 96 s 1 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)(a) If an owner transfers his or her interest in a vehicle,
8 other than by the creation, deletion, or change of a security interest,
9 the 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, as may be required in the
19 appropriate form provided or approved for that purpose by the
20 department. The report of sale will be deemed properly filed if all
21 information required in this section is provided on the form and
22 includes a department-authorized notation that the document was
23 received by the department, its agents, or subagents on or before the
24 fifth day after the sale of the vehicle, excluding Saturdays, Sundays,
25 and state and federal holidays. Agents and subagents shall immediately
26 electronically transmit the seller's report of sale to the department.
27 Reports of sale processed and recorded by the department's agents or
28 subagents may be subject to fees as specified in RCW 46.01.140 (4)(a)
29 or (5)(b). By January 1, 2003, the department shall create a system
30 enabling the seller of a vehicle to transmit the report of sale

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

4 (b) By January 1, 2008, the department shall provide instructions
5 on release of interest forms that allow the seller of a vehicle to
6 release his or her interest in a vehicle at the same time a financial
7 institution, as defined in RCW 30.22.040, releases (~~their~~) its lien
8 on the vehicle.

9 (2) The requirements of subsection (1) of this section to provide
10 an odometer disclosure statement apply to the transfer of vehicles held
11 for lease when transferred to a lessee and then to the lessor at the
12 end of the leasehold and to vehicles held in a fleet when transferred
13 to a purchaser.

14 (3) Except as provided in RCW 46.70.122 the transferee shall within
15 fifteen days after delivery to the transferee of the vehicle, execute
16 the application for a new certificate of ownership in the same space
17 provided therefor on the certificate or as the department prescribes,
18 and cause the certificates and application to be transmitted to the
19 department accompanied by a fee of five dollars in addition to any
20 other fees required.

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

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

34 (6) If the purchaser or transferee fails or neglects to make
35 application to transfer the certificate of ownership and license
36 registration within fifteen days after the date of delivery of the
37 vehicle, he or she shall on making application for transfer be assessed
38 a twenty-five dollar penalty on the sixteenth day and two dollars

1 additional for each day thereafter, but not to exceed one hundred
2 dollars. The director may by rule establish conditions under which the
3 penalty will not be assessed when an application for transfer is
4 delayed for reasons beyond the control of the purchaser. Conditions
5 for not assessing the penalty may be established for but not limited to
6 delays caused by:

7 (a) The department requesting additional supporting documents;

8 (b) Extended hospitalization or illness of the purchaser;

9 (c) Failure of a legal owner to release his or her interest;

10 (d) Failure, negligence, or nonperformance of the department,
11 auditor, or subagent;

12 (e) The transferee had no knowledge of the filing of the vehicle
13 report of sale and signs an affidavit to the fact.

14 Failure or neglect to make application to transfer the certificate
15 of ownership and license registration within forty-five days after the
16 date of delivery of the vehicle is a misdemeanor and a continuing
17 offense for each day during which the purchaser or transferee does not
18 make application to transfer the certificate of ownership and license
19 registration. Despite the continuing nature of this offense, it shall
20 be considered a single offense, regardless of the number of days that
21 have elapsed following the forty-five day time period.

22 (7) Upon receipt of an application for reissue or replacement of a
23 certificate of ownership and transfer of license registration,
24 accompanied by the endorsed certificate of ownership or other
25 documentary evidence as is deemed necessary, the department shall, if
26 the application is in order and if all provisions relating to the
27 certificate of ownership and license registration have been complied
28 with, issue new certificates of title and license registration as in
29 the case of an original issue and shall transmit the fees together with
30 an itemized detailed report to the state treasurer.

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

34 Correct the title.

EFFECT: Deletes "knowingly" language thereby restoring the

original language providing that a purchaser/transferee is guilty of a misdemeanor offense if he or she fails or neglects (instead of "knowingly" failing or neglecting) to make application to transfer a certificate of ownership and license registration within 45 days after the vehicle's delivery date.

--- END ---