

HOUSE BILL REPORT

SSB 6527

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to the transfer of motor vehicle certificate of ownership and license registration.

Brief Description: Addressing the failure to transfer motor vehicle title and registration.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kastama and Kline).

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 2/25/08 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Clarifies that the act of failing or neglecting to apply for a transfer of vehicle ownership and license registration within 45 days after the vehicle's delivery date or thereafter is a misdemeanor offense.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass as amended. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Kirby.

Staff: Yvonne Walker (786-7841).

Background:

A person who purchases a motor vehicle must apply to transfer vehicle ownership and license registration within 15 days following delivery of the vehicle. If the person does not do so, he or she will be assessed \$25 for the 16th day, and \$2 each day thereafter, not to exceed \$100. Failure to apply for a transfer of ownership and license registration within 45 days after delivery of the vehicle is a misdemeanor.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In the 2004 case, *State v. Green*, the Washington Supreme Court considered a situation in which police stopped the defendant for failing to apply for a transfer in vehicle ownership within 45 days. During the stop, the police arrested the defendant for this failure. During a search incident to arrest, the police found a small quantity of cocaine in the defendant's purse. The defendant moved to suppress the evidence of drug possession, claiming that the police could not arrest her for a misdemeanor that she did not commit in their presence. The court agreed, reasoning that the defendant's misdemeanor failure to apply for a transfer of ownership within 45 days of vehicle delivery was complete in 45 days, and was therefore not a continuing offense that occurred in the officers' presence, since the 45 days had already elapsed by the time of the stop. Washington law generally requires that a misdemeanor occur within an officer's presence for an officer to make a warrantless arrest, and to make a search incident to that arrest. The court therefore granted the defendant's motion to suppress the evidence.

Summary of Amended Bill:

The statutory language is clarified to state that the act of failing or neglecting to apply for a transfer of vehicle ownership and license registration within 45 days after the vehicle's delivery date is a misdemeanor offense and a continuing offense for each day thereafter in which the purchaser or transferee does not make application to transfer the certificate of ownership and license registration. It is further clarified that despite the continuing nature of the offense, it is considered a single offense regardless of the number of days that have elapsed following the 45-day time period.

Amended Bill Compared to Substitute Bill:

The amendment deletes the "knowingly" language. As a result, the original language is restored 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 apply for a transfer certificate of ownership and license registration within 45 days after the vehicle's delivery date.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is being brought forward by local law enforcement. It is a way to tie the vehicle to the actual owner of the vehicle. If there is a crime where the vehicle was used, then it will help the police during the investigation. Many times a car can change ownership

several times during the life of the car, making it difficult to tie it to the actual owner of the vehicle. That is why this bill is important to ensure that each owner transfer the registration of the vehicle to the next owner in a timely basis.

The statute states that it is a misdemeanor offense if the vehicle is not registered with the new owner within 45 days. The courts have stated that on the 46th day that it is no longer an offense. This bill corrects the statute to state that it is a continuing offense on the 45th day and thereafter that the vehicle is not registered with the new owner.

(In support with amendment) The word "knowingly" needs to be removed so that the bill reflects the intention of current law. By using the word "knowingly," it makes the offense more difficult to prove. This bill is merely correcting a supreme court case. The purpose of this bill is to keep the statute as is but with clarification.

This bill is also helpful to the State of Washington because each time a vehicle is transferred the state receives sales tax. A delay in registering a vehicle's ownership delays revenue to the state.

(Opposed) None.

Persons Testifying: (In support) Senator Kastama, prime sponsor.

(In support with amendment) Doug Levy, Cities of Puyallup, Everett, Kent, Renton, and Federal Way.

Persons Signed In To Testify But Not Testifying: None.