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**SUBSTITUTE SENATE BILL 6218**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hatfield and Murray)

READ FIRST TIME 02/28/08.

1       AN ACT Relating to historic vessels; amending RCW 88.02.010,  
2 88.02.050, 88.02.050, and 82.49.010; adding a new section to chapter  
3 88.02 RCW; creating a new section; providing an effective date; and  
4 providing an expiration date.

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

6       NEW SECTION. **Sec. 1.** The legislature finds and declares that  
7 constructive leisure pursuits by Washington citizens are very  
8 important. This act is intended to encourage responsible participation  
9 in the hobby of collecting, preserving, restoring, and maintaining  
10 vessels of historic and special interest, a hobby that contributes to  
11 the enjoyment of Washington citizens and the preservation of  
12 Washington's classic boat memorabilia.

13       **Sec. 2.** RCW 88.02.010 and 1983 c 7 s 14 are each amended to read  
14 as follows:

15       Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout this chapter.

17       (1) (~~"Vessel" means every watercraft used or capable of being used~~  
18 ~~as a means of transportation on the water, other than a seaplane.~~)

1 ~~(2) "Owner" means a person who has a lawful right to possession of~~  
2 ~~a vessel by purchase, exchange, gift, lease, inheritance, or legal~~  
3 ~~action whether or not the vessel is subject to a security interest.~~

4 ~~(3))~~ "Collector" means the owner of one or more vessels who  
5 collects, purchases, acquires, trades, or disposes of the vessels or  
6 their parts for the collector's personal use, to preserve, restore, and  
7 maintain the boat for hobby or historical purposes.

8 (2) "Dealer" means a person, partnership, association, or  
9 corporation engaged in the business of selling vessels at wholesale or  
10 retail in this state.

11 ~~((4))~~ (3) "Department" means the department of licensing.

12 (4) "Historic vessel" means any vessel that is at least sixty years  
13 old and is only being used for participation in club activities,  
14 exhibitions, tours, parades, and occasional pleasure boating, but does  
15 not include vessels that are used for commercial or rental purposes.

16 (5) "Owner" means a person who has a lawful right to possession of  
17 a vessel by purchase, exchange, gift, lease, inheritance, or legal  
18 action whether or not the vessel is subject to a security interest.

19 (6) "Vessel" means every watercraft used or capable of being used  
20 as a means of transportation on the water, other than a seaplane.

21 **Sec. 3.** RCW 88.02.050 and 2007 c 342 s 5 are each amended to read  
22 as follows:

23 (1) Application for a vessel registration shall be made to the  
24 department or its authorized agent in the manner and upon forms  
25 prescribed by the department. The application shall state the name and  
26 address of each owner of the vessel and such other information as may  
27 be required by the department, shall be signed by at least one owner,  
28 and shall be accompanied by a vessel registration fee of ten dollars  
29 and fifty cents per year and the excise tax imposed under chapter 82.49  
30 RCW.

31 (2) Five additional dollars must be collected annually from every  
32 vessel registration application. These moneys must be distributed in  
33 the following manner:

34 (a) Two dollars must be deposited into the derelict vessel removal  
35 account established in RCW 79.100.100. If the department of natural  
36 resources indicates that the balance of the derelict vessel removal  
37 account, not including any transfer or appropriation of funds into the

1 account or funds deposited into the account collected under RCW  
2 88.02.270, reaches one million dollars as of March 1st of any year, the  
3 collection of the two-dollar fee must be suspended for the following  
4 fiscal year.

5 (b) One dollar and fifty cents must be deposited in the aquatic  
6 invasive species prevention account created in RCW 77.12.879.

7 (c) One dollar must be deposited into the freshwater aquatic algae  
8 control account created in RCW 43.21A.667.

9 (d) Fifty cents must be deposited into the aquatic invasive species  
10 enforcement account created in RCW 43.43.400.

11 (3) Any fees required for licensing agents under RCW 46.01.140  
12 shall be in addition to the ten dollar and fifty cent annual  
13 registration fee and the five-dollar fee created in subsection (2) of  
14 this section.

15 (4) Upon receipt of the application and the registration fee, the  
16 department shall assign a registration number and issue a decal for  
17 each vessel. The department shall create and issue a separate decal  
18 for each historic vessel. The registration number and decal shall be  
19 issued and affixed to the vessel in a manner prescribed by the  
20 department consistent with the standard numbering system for vessels  
21 set forth in volume 33, part 174, of the code of federal regulations.  
22 A valid decal affixed as prescribed shall indicate compliance with the  
23 annual registration requirements of this chapter.

24 (5) The vessel registrations and decals are valid for a period of  
25 one year, except that the director of licensing may extend or diminish  
26 vessel registration periods, and the decals therefor, for the purpose  
27 of staggered renewal periods. For registration periods of more or less  
28 than one year, the department may collect prorated annual registration  
29 fees and excise taxes based upon the number of months in the  
30 registration period. Vessel registrations are renewable every year in  
31 a manner prescribed by the department upon payment of the vessel  
32 registration fee, excise tax, and the derelict vessel fee. Upon  
33 renewing a vessel registration, the department shall issue a new decal  
34 to be affixed as prescribed by the department.

35 (6) When the department issues either a notice to renew a vessel  
36 registration or a decal for a new or renewed vessel registration, it  
37 shall also provide information on the location of marine oil recycling  
38 tanks and sewage holding tank pumping stations. This information will

1 be provided to the department by the state parks and recreation  
2 commission in a form ready for distribution. The form will be  
3 developed and prepared by the state parks and recreation commission  
4 with the cooperation of the department of ecology. The department, the  
5 state parks and recreation commission, and the department of ecology  
6 shall enter into a memorandum of agreement to implement this process.

7 (7) A person acquiring a vessel from a dealer or a vessel already  
8 validly registered under this chapter shall, within fifteen days of the  
9 acquisition or purchase of the vessel, apply to the department or its  
10 authorized agent for transfer of the vessel registration, and the  
11 application shall be accompanied by a transfer fee of one dollar.

12 **Sec. 4.** RCW 88.02.050 and 2007 c 342 s 6 are each amended to read  
13 as follows:

14 (1) Application for a vessel registration shall be made to the  
15 department or its authorized agent in the manner and upon forms  
16 prescribed by the department. The application shall state the name and  
17 address of each owner of the vessel and such other information as may  
18 be required by the department, shall be signed by at least one owner,  
19 and shall be accompanied by a vessel registration fee of ten dollars  
20 and fifty cents per year and the excise tax imposed under chapter 82.49  
21 RCW. In addition, two additional dollars must be collected annually  
22 from every vessel registration application. These moneys must be  
23 deposited into the derelict vessel removal account established in RCW  
24 79.100.100. If the department of natural resources indicates that the  
25 balance of the derelict vessel removal account, not including any  
26 transfer or appropriation of funds into the account or funds deposited  
27 into the account collected under RCW 88.02.270, reaches one million  
28 dollars as of March 1st of any year, the collection of the two-dollar  
29 fee must be suspended for the following fiscal year. Any fees required  
30 for licensing agents under RCW 46.01.140 shall be in addition to the  
31 ten dollar and fifty cent annual registration fee and the two-dollar  
32 derelict vessel fee.

33 (2) Upon receipt of the application and the registration fee, the  
34 department shall assign a registration number and issue a decal for  
35 each vessel. The department shall create and issue a separate decal  
36 for each historic vessel. The registration number and decal shall be  
37 issued and affixed to the vessel in a manner prescribed by the

1 department consistent with the standard numbering system for vessels  
2 set forth in volume 33, part 174, of the code of federal regulations.  
3 A valid decal affixed as prescribed shall indicate compliance with the  
4 annual registration requirements of this chapter.

5 (3) The vessel registrations and decals are valid for a period of  
6 one year, except that the director of licensing may extend or diminish  
7 vessel registration periods, and the decals therefor, for the purpose  
8 of staggered renewal periods. For registration periods of more or less  
9 than one year, the department may collect prorated annual registration  
10 fees and excise taxes based upon the number of months in the  
11 registration period. Vessel registrations are renewable every year in  
12 a manner prescribed by the department upon payment of the vessel  
13 registration fee, excise tax, and the derelict vessel fee. Upon  
14 renewing a vessel registration, the department shall issue a new decal  
15 to be affixed as prescribed by the department.

16 (4) When the department issues either a notice to renew a vessel  
17 registration or a decal for a new or renewed vessel registration, it  
18 shall also provide information on the location of marine oil recycling  
19 tanks and sewage holding tank pumping stations. This information will  
20 be provided to the department by the state parks and recreation  
21 commission in a form ready for distribution. The form will be  
22 developed and prepared by the state parks and recreation commission  
23 with the cooperation of the department of ecology. The department, the  
24 state parks and recreation commission, and the department of ecology  
25 shall enter into a memorandum of agreement to implement this process.

26 (5) A person acquiring a vessel from a dealer or a vessel already  
27 validly registered under this chapter shall, within fifteen days of the  
28 acquisition or purchase of the vessel, apply to the department or its  
29 authorized agent for transfer of the vessel registration, and the  
30 application shall be accompanied by a transfer fee of one dollar.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 88.02 RCW  
32 to read as follows:

33 A historic vessel registered under RCW 88.02.050 may only be used  
34 for participation in club activities, exhibitions, tours, parades, and  
35 occasional pleasure boating.

1       **Sec. 6.** RCW 82.49.010 and 2000 c 229 s 5 are each amended to read  
2 as follows:

3       (1) An excise tax is imposed for the privilege of using a vessel  
4 upon the waters of this state, except vessels exempt under RCW  
5 82.49.020. Except for historic vessels, the annual amount of the  
6 excise tax is one-half of one percent of fair market value, as  
7 determined under this chapter, or five dollars, whichever is greater.  
8 The annual amount of the excise tax for any historic vessel as defined  
9 in RCW 88.02.010 is one-quarter of one percent of fair market value, as  
10 determined under this chapter, or five dollars, whichever is greater.  
11 Violation of this subsection is a misdemeanor.

12       (2) Persons who are required under chapter 88.02 RCW to register a  
13 vessel in this state and who register the vessel in another state or  
14 foreign country and avoid the Washington watercraft excise tax are  
15 guilty of a gross misdemeanor and are liable for such unpaid excise  
16 tax. The department of revenue may assess and collect the unpaid  
17 excise tax under chapter 82.32 RCW, including the penalties and  
18 interest provided in chapter 82.32 RCW.

19       (3) The excise tax upon a vessel registered for the first time in  
20 this state shall be imposed for a twelve-month period, including the  
21 month in which the vessel is registered, unless the director of  
22 licensing extends or diminishes vessel registration periods for the  
23 purpose of staggered renewal periods under RCW 88.02.050. A vessel is  
24 registered for the first time in this state when the vessel was not  
25 registered in this state for the immediately preceding registration  
26 year, or when the vessel was registered in another jurisdiction for the  
27 immediately preceding year. The excise tax on vessels required to be  
28 registered in this state on June 30, 1983, shall be paid by June 30,  
29 1983.

30       NEW SECTION. **Sec. 7.** Section 3 of this act expires June 30, 2012.

31       NEW SECTION. **Sec. 8.** Section 4 of this act takes effect June 30,  
32 2012.

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