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**SUBSTITUTE HOUSE BILL 2436**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By** House Transportation (originally sponsored by Representatives Moeller, Green, Clibborn, Pedersen, Carlyle, Morrell, and Jacks)

READ FIRST TIME 01/19/10.

1            AN ACT Relating to vehicle license fraud; amending RCW 46.16.010;  
2 making an appropriation; and providing an effective date.

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

4            **Sec. 1.** RCW 46.16.010 and 2007 c 242 s 2 are each amended to read  
5 as follows:

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

11            (2) Failure to make initial registration before operation on the  
12 highways of this state is a traffic infraction, and any person  
13 committing this infraction (~~shall~~) must pay a penalty of five hundred  
14 twenty-nine dollars, no part of which may be suspended or deferred.

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

17            (4) The licensing of a vehicle in another state by a resident of  
18 this state, as defined in RCW 46.16.028, evading the payment of any tax

1 or license fee imposed in connection with registration, is a gross  
2 misdemeanor punishable as follows:

3 (a) For a first offense, up to one year in the county jail and  
4 payment of a fine of five hundred twenty-nine dollars plus twice the  
5 amount of delinquent taxes and fees, no part of which may be suspended  
6 or deferred;

7 (b) For a second or subsequent offense, up to one year in the  
8 county jail and payment of a fine of five hundred twenty-nine dollars  
9 plus four times the amount of delinquent taxes and fees, no part of  
10 which may be suspended or deferred;

11 (c) For fines levied under (a) or (b) of this subsection, an amount  
12 equal to the ~~((avoided))~~ delinquent taxes and fees owed will be  
13 deposited in the vehicle licensing fraud account created in the state  
14 treasury under RCW 46.68.250;

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

18 (5) These provisions ~~((shall))~~ do not apply to the following  
19 vehicles:

20 (a) Motorized foot scooters;

21 (b) Electric-assisted bicycles;

22 (c) Off-road vehicles operating on nonhighway roads under RCW  
23 46.09.115;

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

31 (e) Spray or fertilizer applicator rigs designed and used  
32 exclusively for spraying or fertilization in the conduct of  
33 agricultural operations and not primarily for the purpose of  
34 transportation, and nurse rigs or equipment auxiliary to the use of and  
35 designed or modified for the fueling, repairing, or loading of spray  
36 and fertilizer applicator rigs and not used, designed, or modified  
37 primarily for the purpose of transportation;

1 (f) Fork lifts operated during daylight hours on public highways  
2 adjacent to and within five hundred feet of the warehouses which they  
3 serve(~~(:—PROVIDED—FURTHER,—That)~~). However, these provisions  
4 (~~(shall)~~) do not apply to vehicles used by the state parks and  
5 recreation commission exclusively for park maintenance and operations  
6 upon public highways within state parks;

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

18 (h) "Special highway construction equipment" defined as follows:  
19 Any vehicle which is designed and used primarily for grading of  
20 highways, paving of highways, earth moving, and other construction work  
21 on highways and which is not designed or used primarily for the  
22 transportation of persons or property on a public highway and which is  
23 only incidentally operated or moved over the highway. It includes, but  
24 is not limited to, road construction and maintenance machinery so  
25 designed and used such as portable air compressors, air drills, asphalt  
26 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
27 ditchers, leveling graders, finishing machines, motor graders, paving  
28 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
29 lighting plants, welders, pumps, power shovels and draglines, self-  
30 propelled and tractor-drawn earth moving equipment and machinery,  
31 including dump trucks and tractor-dump trailer combinations which  
32 either (i) are in excess of the legal width, or (ii) which, because of  
33 their length, height, or unladen weight, may not be moved on a public  
34 highway without the permit specified in RCW 46.44.090 and which are not  
35 operated laden except within the boundaries of the project limits as  
36 defined by the contract, and other similar types of construction  
37 equipment, or (iii) which are driven or moved upon a public highway  
38 only for the purpose of crossing such highway from one property to

1 another, provided such movement does not exceed five hundred feet and  
2 the vehicle is equipped with wheels or pads which will not damage the  
3 roadway surface.

4 Exclusions:

5 "Special highway construction equipment" does not include any of  
6 the following:

7 Dump trucks originally designed to comply with the legal size and  
8 weight provisions of this code notwithstanding any subsequent  
9 modification which would require a permit, as specified in RCW  
10 46.44.090, to operate such vehicles on a public highway, including  
11 trailers, truck-mounted transit mixers, cranes and shovels, or other  
12 vehicles designed for the transportation of persons or property to  
13 which machinery has been attached.

14 (6) The following vehicles, whether operated solo or in  
15 combination, are exempt from license registration and displaying  
16 license plates as required by this chapter:

17 (a) A converter gear used to convert a semitrailer into a trailer  
18 or a two-axle truck or tractor into a three or more axle truck or  
19 tractor or used in any other manner to increase the number of axles of  
20 a vehicle. Converter gear includes an auxiliary axle, booster axle,  
21 dolly, and jeep axle.

22 (b) A tow dolly that is used for towing a motor vehicle behind  
23 another motor vehicle. The front or rear wheels of the towed vehicle  
24 are secured to and rest on the tow dolly that is attached to the towing  
25 vehicle by a tow bar.

26 (c) An off-road vehicle operated on a street, road, or highway as  
27 authorized under RCW 46.09.180.

28 (7)(a) A motor vehicle subject to initial or renewal registration  
29 under this section shall not be registered to a natural person unless  
30 the person at time of application:

- 31 (i) Presents an unexpired Washington state driver's license; or
- 32 (ii) Certifies that he or she is:

33 (A) A Washington resident who does not operate a motor vehicle on  
34 public roads; or

35 (B) Exempt from the requirement to obtain a Washington state  
36 driver's license under RCW 46.20.025.

37 (b) For shared or joint ownership, the department will set up

1 procedures to verify that all owners meet the requirements of this  
2 subsection.

3 (c) A person falsifying residency is guilty of a gross misdemeanor  
4 punishable only by a fine of five hundred twenty-nine dollars.

5 (d) The department may adopt rules necessary to implement this  
6 subsection, including rules under which a natural person applying for  
7 registration may be exempt from the requirements of this subsection  
8 where the person provides evidence satisfactory to the department that  
9 he or she has a valid and compelling reason for not being able to meet  
10 the requirements of this subsection.

11 (8) A vehicle with an expired registration of more than forty-five  
12 days parked on a public street may be impounded by a police officer  
13 under RCW 46.55.113(2).

14 NEW SECTION. **Sec. 2.** The sum of seventy-five thousand dollars per  
15 fiscal year is appropriated to the department of revenue or as much  
16 thereof as may be necessary and the sum of two hundred fifty thousand  
17 dollars is appropriated to the Washington state patrol per fiscal year,  
18 or as much thereof as may be necessary, from the vehicle license fraud  
19 account for the purposes of vehicle license fraud enforcement and  
20 collections by the Washington state patrol and the department of  
21 revenue.

22 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2010.

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