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SENATE BILL 5583

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State of Washington                      63rd Legislature                      2013 Regular Session

By Senators Benton, Billig, and Kohl-Welles

Read first time 02/04/13. Referred to Committee on Transportation.

1            AN ACT Relating to an annual permit fee on studded tire use;  
2 amending RCW 46.17.400, 46.37.420, 46.17.240, and 46.17.040; adding a  
3 new section to chapter 46.16A RCW; creating a new section; prescribing  
4 penalties; and providing an effective date.

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

6            NEW SECTION.    **Sec. 1.**    The legislature recognizes that studded  
7 tires cause millions of dollars in damages to the state's highways each  
8 year and that adding a fee for the use of studded tires is not about  
9 raising revenue or taxation but rather about ensuring that people are  
10 paying their fair share for the damage they cause. As such, it is the  
11 intent of the legislature that an annual permit fee be imposed on the  
12 use of studded tires to help offset the costs incurred.

13           NEW SECTION.    **Sec. 2.**    A new section is added to chapter 46.16A RCW  
14 to read as follows:

15           (1) The department, county auditor or other agent, or subagent  
16 appointed by the director must issue a studded tire permit authorizing  
17 the use of studded tires as provided under RCW 46.37.420 to a vehicle

1 owner upon submittal of a proper application and payment of the studded  
2 tire permit fee under RCW 46.17.400(1)(g).

3 (2) Each studded tire permit is valid on a vehicle during the  
4 registration year as outlined in RCW 46.16A.020.

5 (3) The department must also issue an identifying marker that the  
6 vehicle owner must place on the vehicle license plate for the studded  
7 tire permit to be valid.

8 (4) Operating a vehicle on a public highway without a valid studded  
9 tire permit and properly affixing the identifying marker to the vehicle  
10 license plate is a traffic infraction. In addition to any other  
11 penalties imposed for a traffic infraction, an additional seventy-five  
12 dollar penalty is assessed for a violation of this section. The  
13 additional seventy-five dollar penalty imposed under this subsection  
14 must be forwarded to the state treasurer for deposit in the motor  
15 vehicle fund created under RCW 46.68.070.

16 **Sec. 3.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to read  
17 as follows:

18 (1) Before accepting an application for one of the following  
19 permits, the department, county auditor or other agent, or subagent  
20 appointed by the director shall require the applicant to pay the  
21 following permit fee by permit type in addition to any other fee or tax  
22 required by law:

23 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
24 (a) Dealer temporary	\$15.00	RCW 46.16A.300	RCW 46.68.030
25 (b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
26 (c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
27 (d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
28 (e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
29 (f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460
30 (g) <u>Studded tire</u>	<u>\$75.00</u>	<u>Section 2 of this act</u>	<u>RCW 46.68.070</u>
31 (h) Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
32 ( <del>(h)</del> ) (i) Vehicle trip	\$25.00	RCW 46.16A.320	RCW 46.68.455

33 (2) Permit fees as provided in subsection (1) of this section are

1 in addition to the filing fee required under RCW 46.17.005, except an  
2 additional filing fee may not be charged for:

- 3 (a) Dealer temporary permits;
- 4 (b) Special fuel trip permits; and
- 5 (c) Vehicle trip permits.

6 (3) Five dollars of the fifteen dollar dealer temporary permit fee  
7 provided in subsection (1)(a) of this section must be credited to the  
8 payment of vehicle license fees at the time application for  
9 registration is made. The remainder must be deposited to the state  
10 patrol highway account created in RCW 46.68.030.

11 (4) The studded tire permit fee provided in subsection (1)(g) of  
12 this section must be used for highway preservation related to damage  
13 caused by studded tires.

14 **Sec. 4.** RCW 46.37.420 and 2012 c 75 s 1 are each amended to read  
15 as follows:

16 (1) It is unlawful to operate a vehicle upon the public highways of  
17 this state unless it is completely equipped with pneumatic rubber tires  
18 except vehicles equipped with temporary-use spare tires that meet  
19 federal standards that are installed and used in accordance with the  
20 manufacturer's instructions.

21 (2) Except as provided in subsection (3) of this section, no tire  
22 on a vehicle moved on a highway may have on its periphery any block,  
23 flange, cleat, or spike or any other protuberance of any material other  
24 than rubber which projects beyond the tread of the traction surface of  
25 the tire(~~(, except that)~~).

26 (3)(a) It is permissible to use: (i) Farm machinery equipped with  
27 pneumatic tires or solid rubber tracks having protuberances that will  
28 not injure the highway(~~(,)~~); and (~~except also that it is permissible~~  
29 to use)) (ii)(A) tire chains, (B) alternative traction devices, or (C)  
30 metal studs imbedded within the tire subject to studded tire permit  
31 requirements under section 2 of this act, of reasonable proportions and  
32 of a type conforming to rules adopted by the state patrol, upon any  
33 vehicle when required for safety because of snow, ice, or other  
34 conditions tending to cause a vehicle to skid.

35 (b) It is unlawful to use metal studs imbedded within the tire  
36 between April 1st and November 1st, except that a vehicle may be  
37 equipped year-round with tires that have retractable studs if: (~~(a)~~)

1 (i) The studs retract pneumatically or mechanically to below the wear  
2 bar of the tire when not in use; and ~~((b))~~ (ii) the retractable studs  
3 are engaged only between November 1st and April 1st. Retractable studs  
4 may be made of metal or other material and are not subject to the  
5 lightweight stud weight requirements under RCW 46.04.272. The state  
6 department of transportation may, from time to time, determine  
7 additional periods in which the use of tires with metal studs imbedded  
8 therein is lawful.

9 ~~((3))~~ (4) The state department of transportation and local  
10 authorities in their respective jurisdictions may issue special permits  
11 authorizing the operation upon a highway of traction engines or  
12 tractors having movable tracks with transverse corrugations upon the  
13 periphery of the movable tracks or farm tractors or other farm  
14 machinery, the operation of which upon a highway would otherwise be  
15 prohibited under this section.

16 ~~((4))~~ (5) After acquiring an annual studded tire permit under  
17 section 2 of this act, a school district or fire department may use  
18 tires with metal studs imbedded therein ~~((may be used))~~ between  
19 November 1st and April 1st upon school buses and fire department  
20 vehicles, any law or regulation to the contrary notwithstanding.

21 **Sec. 5.** RCW 46.17.240 and 2010 c 161 s 517 are each amended to  
22 read as follows:

23 State agencies, political subdivisions, Indian tribes, and the  
24 United States government, except foreign governments or international  
25 bodies, shall pay: (1) A fee of two dollars for a license plate or  
26 plates for each vehicle when the department assigns license plates for  
27 further assignment by the entity; and (2) the studded tire permit fee  
28 under RCW 46.17.400(1)(g) prior to using studded tires as authorized  
29 under RCW 46.37.420.

30 **Sec. 6.** RCW 46.17.040 and 2011 c 171 s 55 are each amended to read  
31 as follows:

32 A subagent appointed by the director shall collect a service fee  
33 of:

34 (1) Twelve dollars for changes in a certificate of title, with or  
35 without registration renewal, or for verification of record and

1 preparation of an affidavit of lost title other than at the time of the  
2 certificate of title application or transfer; and

3 (2) Five dollars for a registration renewal, issuing a transit  
4 permit or a studded tire permit, or any other service under this  
5 section.

6 NEW SECTION. **Sec. 7.** This act takes effect January 1, 2014.

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