
SENATE BILL 5857

State of Washington

63rd Legislature

2013 Regular Session

By Senators King and Eide

Read first time 02/26/13. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle-related fees; amending RCW 46.25.060,
2 46.25.100, 46.20.202, 46.17.040, 46.17.050, 46.17.060, 46.17.400,
3 46.37.420, and 46.17.323; adding new sections to chapter 46.68 RCW;
4 adding a new section to chapter 46.16A RCW; creating a new section;
5 repealing 2012 c 74 ss 11 and 12 (uncodified); and providing an
6 effective date.

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

8 **Sec. 1.** RCW 46.25.060 and 2011 c 153 s 1 are each amended to read
9 as follows:

10 (1)(a) No person may be issued a commercial driver's license unless
11 that person is a resident of this state, has successfully completed a
12 course of instruction in the operation of a commercial motor vehicle
13 that has been approved by the director or has been certified by an
14 employer as having the skills and training necessary to operate a
15 commercial motor vehicle safely, and has passed a knowledge and skills
16 test for driving a commercial motor vehicle that complies with minimum
17 federal standards established by federal regulation enumerated in 49
18 C.F.R. part 383, subparts G and H, and has satisfied all other
19 requirements of the CMVSA in addition to other requirements imposed by

1 state law or federal regulation. The tests must be prescribed and
2 conducted by the department. In addition to the fee charged for
3 issuance or renewal of any license, the applicant shall pay a fee of no
4 more than (~~ten~~) thirty-five dollars for each classified knowledge
5 examination, classified endorsement knowledge examination, or any
6 combination of classified license and endorsement knowledge
7 examinations. The applicant shall pay a fee of no more than (~~one~~)
8 two hundred fifty dollars for each classified skill examination or
9 combination of classified skill examinations conducted by the
10 department.

11 (b) The department may authorize a person, including an agency of
12 this or another state, an employer, a private driver training facility,
13 or other private institution, or a department, agency, or
14 instrumentality of local government, to administer the skills test
15 specified by this section under the following conditions:

16 (i) The test is the same which would otherwise be administered by
17 the state;

18 (ii) The third party has entered into an agreement with the state
19 that complies with the requirements of 49 C.F.R. part 383.75; and

20 (iii) The director has adopted rules as to the third party testing
21 program and the development and justification for fees charged by any
22 third party.

23 (c) If the applicant's primary use of a commercial driver's license
24 is for any of the following, then the applicant shall pay a fee of no
25 more than (~~seventy-five~~) two hundred twenty-five dollars for each
26 classified skill examination or combination of classified skill
27 examinations whether conducted by the department or a third-party
28 tester:

29 (i) Public benefit not-for-profit corporations that are federally
30 supported head start programs; or

31 (ii) Public benefit not-for-profit corporations that support early
32 childhood education and assistance programs as described in RCW
33 43.215.405(2).

34 (2) The department shall work with the office of the superintendent
35 of public instruction to develop modified P1 and P2 skill examinations
36 that also include the skill examination components required to obtain
37 an "S" endorsement. In no event may a new applicant for an "S"
38 endorsement be required to take two separate examinations to obtain an

1 "S" endorsement and either a P1 or P2 endorsement, unless that
2 applicant is upgrading his or her existing commercial driver's license
3 to include an "S" endorsement. The combined P1/S or P2/S skill
4 examination must be offered to the applicant at the same cost as a
5 regular P1 or P2 skill examination.

6 (3)(a) The department may waive the skills test and the requirement
7 for completion of a course of instruction in the operation of a
8 commercial motor vehicle specified in this section for a commercial
9 driver's license applicant who meets the requirements of 49 C.F.R. part
10 383.77.

11 (b) An applicant who operates a commercial motor vehicle for
12 agribusiness purposes is exempt from the course of instruction
13 completion and employer skills and training certification requirements
14 under this section. By January 1, 2010, the department shall submit
15 recommendations regarding the continuance of this exemption to the
16 transportation committees of the legislature. For purposes of this
17 subsection (3)(b), "agribusiness" means a private carrier who in the
18 normal course of business primarily transports:

19 (i) Farm machinery, farm equipment, implements of husbandry, farm
20 supplies, and materials used in farming;

21 (ii) Agricultural inputs, such as seed, feed, fertilizer, and crop
22 protection products;

23 (iii) Unprocessed agricultural commodities, as defined in RCW
24 17.21.020, where such commodities are produced by farmers, ranchers,
25 vineyardists, or orchardists; or

26 (iv) Any combination of (b)(i) through (iii) of this subsection.

27 The department shall notify the transportation committees of the
28 legislature if the federal government takes action affecting the
29 exemption provided in this subsection (3)(b).

30 (4) A commercial driver's license or commercial driver's
31 instruction permit may not be issued to a person while the person is
32 subject to a disqualification from driving a commercial motor vehicle,
33 or while the person's driver's license is suspended, revoked, or
34 canceled in any state, nor may a commercial driver's license be issued
35 to a person who has a commercial driver's license issued by any other
36 state unless the person first surrenders all such licenses, which must
37 be returned to the issuing state for cancellation.

1 (5)(a) The department may issue a commercial driver's instruction
2 permit to an applicant who is at least eighteen years of age and holds
3 a valid Washington state driver's license and who has submitted a
4 proper application, passed the general knowledge examination required
5 for issuance of a commercial driver's license under subsection (1) of
6 this section, and paid the appropriate fee for the knowledge
7 examination and an application fee of (~~ten~~) forty dollars.

8 (b) A commercial driver's instruction permit may not be issued for
9 a period to exceed six months. Only one renewal or reissuance may be
10 granted within a two-year period.

11 (c) The holder of a commercial driver's instruction permit may
12 drive a commercial motor vehicle on a highway only when accompanied by
13 the holder of a commercial driver's license valid for the type of
14 vehicle driven who occupies a seat beside the individual for the
15 purpose of giving instruction in driving the commercial motor vehicle.
16 The holder of a commercial driver's instruction permit is not
17 authorized to operate a commercial motor vehicle transporting hazardous
18 materials.

19 (d) The department shall transmit the fees collected for commercial
20 driver's instruction permits to the state treasurer.

21 **Sec. 2.** RCW 46.25.100 and 2002 c 272 s 4 are each amended to read
22 as follows:

23 When a person has been disqualified from operating a commercial
24 motor vehicle, the person is not entitled to have the commercial
25 driver's license restored until after the expiration of the appropriate
26 disqualification period required under RCW 46.25.090 or until the
27 department has received a drug and alcohol assessment and evidence is
28 presented of satisfactory participation in or completion of any
29 required drug or alcohol treatment program for ending the
30 disqualification under RCW 46.25.090(7). After expiration of the
31 appropriate period and upon payment of a requalification fee of
32 (~~twenty~~) thirty-five dollars, or one hundred fifty dollars if the
33 person has been disqualified under RCW 46.25.090(7), the person may
34 apply for a new, duplicate, or renewal commercial driver's license as
35 provided by law. If the person has been disqualified for a period of
36 one year or more, the person shall demonstrate that he or she meets the

1 commercial driver's license qualification standards specified in RCW
2 46.25.060.

3 **Sec. 3.** RCW 46.20.202 and 2007 c 7 s 1 are each amended to read as
4 follows:

5 (1) The department may enter into a memorandum of understanding
6 with any federal agency for the purposes of facilitating the crossing
7 of the border between the state of Washington and the Canadian province
8 of British Columbia.

9 (2) The department may enter into an agreement with the Canadian
10 province of British Columbia for the purposes of implementing a border-
11 crossing initiative.

12 (3)(a) The department may issue an enhanced driver's license or
13 identicard for the purposes of crossing the border between the state of
14 Washington and the Canadian province of British Columbia to an
15 applicant who provides the department with proof of: United States
16 citizenship, identity, and state residency. The department shall
17 continue to offer a standard driver's license and identicard. If the
18 department chooses to issue an enhanced driver's license, the
19 department must allow each applicant to choose between a standard
20 driver's license or identicard, or an enhanced driver's license or
21 identicard.

22 (b) The department shall implement a one-to-many biometric matching
23 system for the enhanced driver's license or identicard. An applicant
24 for an enhanced driver's license or identicard shall submit a biometric
25 identifier as designated by the department. The biometric identifier
26 must be used solely for the purpose of verifying the identity of the
27 holders and for any purpose set out in RCW 46.20.037. Applicants are
28 required to sign a declaration acknowledging their understanding of the
29 one-to-many biometric match.

30 (c) The enhanced driver's license or identicard must include
31 reasonable security measures to protect the privacy of Washington state
32 residents, including reasonable safeguards to protect against
33 unauthorized disclosure of data about Washington state residents. If
34 the enhanced driver's license or identicard includes a radio frequency
35 identification chip, or similar technology, the department shall ensure
36 that the technology is encrypted or otherwise secure from unauthorized
37 data access.

1 (d) The requirements of this subsection are in addition to the
2 requirements otherwise imposed on applicants for a driver's license or
3 identicard. The department shall adopt such rules as necessary to meet
4 the requirements of this subsection. From time to time the department
5 shall review technological innovations related to the security of
6 identity cards and amend the rules related to enhanced driver's
7 licenses and identicards as the director deems consistent with this
8 section and appropriate to protect the privacy of Washington state
9 residents.

10 (e) Notwithstanding RCW 46.20.118, the department may make images
11 associated with enhanced drivers' licenses or identicards from the
12 negative file available to United States customs and border agents for
13 the purposes of verifying identity.

14 ~~((The department may set a fee for the issuance of enhanced
15 drivers' licenses and identicards under this section.))~~ The fee for an
16 enhanced driver's license or enhanced identicard is fifty-five dollars,
17 which is in addition to the fees for any regular driver's license or
18 identicard.

19 **Sec. 4.** RCW 46.17.040 and 2011 c 171 s 55 are each amended to read
20 as follows:

21 ((A)) The department, county auditor or other agent, or subagent
22 appointed by the director shall collect a service fee of:

23 (1) Twelve dollars for changes in a certificate of title, with or
24 without registration renewal, or for verification of record and
25 preparation of an affidavit of lost title other than at the time of the
26 certificate of title application or transfer; and

27 (2) Five dollars for a registration renewal, issuing a transit
28 permit or a studded tire permit if obtained separately from the annual
29 registration renewal, or any other service under this section.

30 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.68 RCW
31 to read as follows:

32 The service fees collected under RCW 46.17.040, 46.17.050, and
33 46.17.060 must be distributed as follows:

34 (1) If paid to the department, the fees must be deposited into the
35 department of licensing services account under RCW 46.68.220.

1 (2) If paid to the county auditor or other agent, the fees must be
2 deposited into that county's general fund.

3 **Sec. 6.** RCW 46.17.050 and 2010 c 161 s 505 are each amended to
4 read as follows:

5 Before accepting a report of sale filed under RCW 46.12.650(2), the
6 department, county auditor or other agent, or subagent appointed by the
7 director shall require the applicant to pay(~~(+~~

8 ~~(+))~~ the filing fee under RCW 46.17.005(1), the license plate
9 technology fee under RCW 46.17.015, (~~(and)~~) the license service fee
10 under RCW 46.17.025 (~~(to the county auditor or other agent; and~~

11 ~~(2) The subagent))~~, and the service fee under RCW 46.17.040(2) (~~(to~~
12 ~~the subagent))~~).

13 **Sec. 7.** RCW 46.17.060 and 2010 c 161 s 507 are each amended to
14 read as follows:

15 Before accepting a transitional ownership record filed under RCW
16 46.12.660, the department, county auditor or other agent, or subagent
17 appointed by the director shall require the applicant to pay(~~(+~~

18 ~~(+))~~ the filing fee under RCW 46.17.005(1), the license plate
19 technology fee under RCW 46.17.015, (~~(and)~~) the license service fee
20 under RCW 46.17.025 (~~(to the county auditor or other agent; and~~

21 ~~(2) The subagent))~~, and the service fee under RCW 46.17.040(2) (~~(to~~
22 ~~the subagent))~~).

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 46.16A RCW
24 to read as follows:

25 (1) The department, county auditor or other agent, or subagent
26 appointed by the director must issue a studded tire permit authorizing
27 the use of studded tires as provided under RCW 46.37.420 to a vehicle
28 owner upon submittal of a proper application and payment of the studded
29 tire permit fee under RCW 46.17.400(1)(g).

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

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

1 (4) Operating a vehicle on a public highway without a valid studded
 2 tire permit and properly affixing the identifying marker to the vehicle
 3 license plate is a traffic infraction. In addition to any other
 4 penalties imposed for a traffic infraction, an additional fifteen
 5 dollar penalty is assessed for a violation of this section. The
 6 additional fifteen dollar penalty imposed under this subsection must be
 7 forwarded to the state treasurer for deposit in the motor vehicle fund
 8 created under RCW 46.68.070.

9 **Sec. 9.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to read
 10 as follows:

11 (1) Before accepting an application for one of the following
 12 permits, the department, county auditor or other agent, or subagent
 13 appointed by the director shall require the applicant to pay the
 14 following permit fee by permit type in addition to any other fee or tax
 15 required by law:

16

17 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
18 (a) Dealer temporary	\$15.00	RCW 46.16A.300	RCW 46.68.030
19 (b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
20 (c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
21 (d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
22 (e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
23 (f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460
24 (g) <u>Studded tire</u>	<u>\$15.00</u>	<u>Section 8 of this act</u>	<u>Section 10 of this act</u>
25 <u>(h)</u> Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
26 ((h)) <u>(i)</u> Vehicle trip	\$25.00	RCW 46.16A.320	RCW 46.68.455

27 (2) Permit fees as provided in subsection (1) of this section are
 28 in addition to the filing fee required under RCW 46.17.005, except an
 29 additional filing fee may not be charged for:

- 30 (a) Dealer temporary permits;
- 31 (b) Special fuel trip permits; and
- 32 (c) Vehicle trip permits.

33 (3) Five dollars of the fifteen dollar dealer temporary permit fee
 34 provided in subsection (1)(a) of this section must be credited to the

1 payment of vehicle license fees at the time application for
2 registration is made. The remainder must be deposited to the state
3 patrol highway account created in RCW 46.68.030.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.68 RCW
5 to read as follows:

6 The studded tire permit fee imposed under RCW 46.17.400(1)(g) for
7 studded tire permits issued under section 8 of this act must be
8 distributed as follows:

9 (1) Fifty-five percent to the transportation improvement account
10 created in RCW 47.26.084; and

11 (2) Forty-five percent to the rural arterial trust account created
12 in RCW 36.79.020.

13 **Sec. 11.** RCW 46.37.420 and 2012 c 75 s 1 are each amended to read
14 as follows:

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

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

25 (3)(a) It is permissible to use: (i) Farm machinery equipped with
26 pneumatic tires or solid rubber tracks having protuberances that will
27 not injure the highway(~~(,)~~); and (~~except also that it is permissible~~
28 to use)) (ii)(A) tire chains, (B) alternative traction devices, or (C)
29 metal studs imbedded within the tire subject to studded tire permit
30 requirements under section 8 of this act, of reasonable proportions and
31 of a type conforming to rules adopted by the state patrol, upon any
32 vehicle when required for safety because of snow, ice, or other
33 conditions tending to cause a vehicle to skid.

34 (b) It is unlawful to use metal studs imbedded within the tire
35 between April 1st and November 1st, except that a vehicle may be
36 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) Tires with metal studs imbedded therein may be used
17 between November 1st and April 1st upon school buses and fire
18 department vehicles, any law or regulation to the contrary
19 notwithstanding.

20 **Sec. 12.** RCW 46.17.323 and 2012 c 74 s 10 are each amended to read
21 as follows:

22 (1)(a) Before accepting an application for an annual vehicle
23 registration renewal for an electric vehicle that ~~((uses propulsion~~
24 ~~units))~~ is powered solely by electricity, the department, county
25 auditor or other agent, or subagent appointed by the director must
26 require the applicant to pay a one hundred twenty-five dollar fee in
27 addition to any other fees and taxes required by law.

28 (b) Before accepting an application for an annual vehicle
29 registration renewal for a hybrid motor vehicle, the department, county
30 auditor or other agent, or subagent appointed by the director must
31 require the applicant to pay a seventy-five dollar fee in addition to
32 any other fees and taxes required by law.

33 (c) The ~~((one hundred dollar))~~ fees ~~((is))~~ under this section are
34 due only at the time of annual registration renewal.

35 (2) This section only applies to~~((+~~
36 ~~(a))~~ a vehicle that is designed to have the capability to drive at
37 a speed of more than thirty-five miles per hour~~((+and~~

1 ~~(b) An annual vehicle registration renewal that is due on or after~~
2 ~~February 1, 2013~~)).

3 (3)(a) The fees under this section (~~is~~) are imposed to provide
4 funds to mitigate the impact of vehicles on state roads and highways
5 and for the purpose of evaluating the feasibility of transitioning from
6 a revenue collection system based on fuel taxes to a road user
7 assessment system, and is separate and distinct from other vehicle
8 license fees. Proceeds from the fees must be used for highway
9 purposes, and must be deposited in the motor vehicle fund created in
10 RCW 46.68.070, subject to (b) of this subsection.

11 (b) If in any year the amount of proceeds from the fees collected
12 under this section exceeds one million dollars, the excess amount over
13 one million dollars must be deposited as follows:

14 (i) Seventy percent to the motor vehicle fund created in RCW
15 46.68.070;

16 (ii) Fifteen percent to the transportation improvement account
17 created in RCW 47.26.084; and

18 (iii) Fifteen percent to the rural arterial trust account created
19 in RCW 36.79.020.

20 NEW SECTION. **Sec. 13.** The following acts or parts of acts are
21 each repealed:

22 (1) 2012 c 74 s 11 (uncodified); and

23 (2) 2012 c 74 s 12 (uncodified).

24 NEW SECTION. **Sec. 14.** Sections 1 through 11 of this act take
25 effect January 1, 2014.

26 NEW SECTION. **Sec. 15.** Section 12 of this act applies to vehicle
27 registration renewals that are due or become due on or after January 1,
28 2014.

--- END ---