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**SUBSTITUTE HOUSE BILL 1991**

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**State of Washington 66th Legislature 2019 Regular Session**

**By** House Transportation (originally sponsored by Representatives Lovick, Fey, Sells, and Valdez)

AN ACT Relating to digital license plates; reenacting and amending RCW 46.16A.200 and 46.16A.030; and adding a new section to chapter 46.04 RCW.

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

**Sec.**  RCW 46.16A.200 and 2014 c 181 s 2 and 2014 c 80 s 1 are each reenacted and amended to read as follows:

(1) **Design.** All license plates may be obtained by the director from the metal working plant of a state correctional facility or from any source in accordance with existing state of Washington purchasing procedures. The director may approve the use of specific digital license plate products, as described in subsection (4) of this section. Prior to approving digital license plate products, the director must consult with the department of transportation, Washington state patrol, Washington association of sheriffs and police chiefs, and office of the chief information officer, and adopt rules regarding digital license plates. The rules must, at a minimum, address information displayed on digital license plates and the manner in which the information is displayed. The director may revoke digital license plate products approved for use upon the director's determination that digital license plates cause a legitimate public safety or enforcement concern, in which case a replacement metal plate must be provided at no cost. Except as provided in subsection (4) of this section, license plates:

(a) May vary in background, color, and design;

(b) Must be legible and clearly identifiable as a Washington state license plate;

(c) Must designate the name of the state of Washington without abbreviation;

(d) Must be treated with fully reflectorized materials designed to increase visibility and legibility at night;

(e) Must be of a size and color and show the registration period as determined by the director; and

(f) Before July 1, 2010, may display a symbol or artwork approved by the former special license plate review board and the legislature. Beginning July 1, 2010, special license plate series approved by the department and enacted into law by the legislature may display a symbol or artwork approved by the department.

(2) **Exceptions to reflectorized materials.** License plates issued before January 1, 1968, or digital license plates approved by the director, are not required to be treated with reflectorized materials.

(3) **Dealer license plates.** License plates issued to a dealer must contain an indication that the license plates have been issued to a vehicle dealer.

(4) **Digital license plates.** The digital license plate design must be consistent with the plate design issued to the customer by the department. Any changes to the plate design that are required for proper rendering of the digital license plate must be approved by the department. Digital license plates must meet the following requirements:

(a) Be visible at all times, including while the vehicle is parked or turned off;

(b) The letters and numbers must be of sufficient size to be plainly readable during daylight hours from a distance of one hundred feet;

(c) The display device must be visible at night and not obstruct the vehicle's equipped illumination light or must contain an internal light source;

(d) The display device must allow for the automated image capture of letters and numbers to facilitate law enforcement and tolling purposes;

(e) Must contain a user selectable feature that may be turned on or off as to whether the license plate collects or stores vehicle location and telemetry information; and

(f) Must contain antitampering and data security features approved by the office of the chief information officer.

(5)(a) **Furnished.** The director shall furnish to all persons making satisfactory application for a vehicle registration:

(i) Two identical license plates each containing the license plate number; or

(ii) One license plate if the vehicle is a trailer, semitrailer, camper, moped, collector vehicle, horseless carriage, or motorcycle.

(b) The director may adopt types of license plates to be used as long as the license plates are legible.

(c) The director may issue one metal plate to be attached to the front of the vehicle if an approved digital license plate is affixed to the rear of the vehicle.

((~~(5)~~)) (6)(a) **Display.** License plates must be:

(i) Attached conspicuously at the front and rear of each vehicle if two license plates have been issued;

(ii) Attached to the rear of the vehicle if one license plate has been issued;

(iii) Kept clean and be able to be plainly seen and read at all times; and

(iv) Attached in a horizontal position at a distance of not more than four feet from the ground.

(b) The Washington state patrol may grant exceptions to this subsection if the body construction of the vehicle makes compliance with this section impossible.

((~~(6)~~)) (7) **Change of license classification.** A person who has altered a vehicle that makes the current license plate or plates invalid for the vehicle's use shall:

(a) Surrender the current license plate or plates to the department, county auditor or other agent, or subagent appointed by the director;

(b) Apply for a new license plate or plates; and

(c) Pay a change of classification fee required under RCW 46.17.310.

((~~(7)~~)) (8) **Unlawful acts.** It is unlawful to:

(a) Display a metal license plate or plates on the front or rear of any vehicle that were not issued by the director for the vehicle;

(b) Display a digital license plate or plates, as defined in section 2 of this act, on the front or rear of any vehicle that were not approved by the director for the vehicle;

(c) Display a license plate or plates on any vehicle that have been changed, altered, or disfigured, or have become illegible;

((~~(c)~~)) (d) Use holders, frames, or other materials that change, alter, or make a license plate or plates illegible. License plate frames may be used on license plates only if the frames do not obscure license tabs or identifying letters or numbers on the plates and the license plates can be plainly seen and read at all times;

((~~(d)~~)) (e) Operate a vehicle unless a valid license plate or plates are attached as required under this section;

((~~(e)~~)) (f) Transfer a license plate or plates issued under this chapter between two or more vehicles without first making application to transfer the license plates. A violation of this subsection ((~~(7)(e)~~)) (8)(f) is a traffic infraction subject to a fine not to exceed five hundred dollars. Any law enforcement agency that determines that a license plate or plates have been transferred between two or more vehicles shall confiscate the license plate or plates and return them to the department for nullification along with full details of the reasons for confiscation. Each vehicle identified in the transfer will be issued a new license plate or plates upon application by the owner or owners and the payment of full fees and taxes; or

((~~(f)~~)) (g) Fail, neglect, or refuse to endorse the registration certificate, except as authorized under this section.

((~~(8)~~)) (9) **Transfer.** (a) Standard issue license plates must be replaced when ownership of the vehicle changes, pursuant to subsection ((~~(9)~~)) (10)(a)(i) of this section, but the registered owner may retain the license plates and transfer them to a replacement vehicle of the same use. In addition to all other taxes and fees due upon change in ownership, a registered owner wishing to keep standard issue license plates shall pay the license plate transfer fee required under RCW 46.17.200(1)(c) when applying for license plate transfer.

(b) Special license plates and personalized license plates may be treated in the same manner as described in (a) of this subsection unless otherwise limited by law.

(c) License plates issued to the state or any county, city, town, school district, or other political subdivision entitled to exemption as provided by law may be treated in the same manner as described in (a) of this subsection.

(d) License plate replacement is not required when a change in vehicle ownership is the result of one or more of the following circumstances:

(i) When adding a lienholder to the certificate of title or removing a lienholder from the certificate of title;

(ii) When a vehicle is transferred from one spouse or registered domestic partner to another;

(iii) When removing a deceased spouse or registered domestic partner from the certificate of title;

(iv) When a vehicle is transferred by gift or inheritance to one or more members of the registered owner's immediate family;

(v) When a vehicle is transferred into or out of a trust in which the registered owner or one or more immediate family members of the registered owner is the beneficiary;

(vi) When a leaseholder buys out the leased vehicle; or

(vii) When a person changes his or her name.

((~~(9)~~)) (10) **Replacement.** (a) Except as provided in subsection ((~~(8)~~)) (9)(a) of this section, an owner or the owner's authorized representative must apply for a replacement license plate or plates: (i) When taking ownership of the vehicle; (ii) if the current license plate or plates assigned to the vehicle have been lost, defaced, or destroyed; or (iii) if one or both plates have become so illegible or are in such a condition as to be difficult to distinguish. An owner or the owner's authorized representative may apply for a replacement license plate or plates at any time the owner chooses. The department shall offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in RCW 46.17.200(1)(b).

(b) The application for a replacement license plate or plates must:

(i) Be on a form furnished or approved by the director; and

(ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

(c) When a vehicle is sold to a vehicle dealer for resale, the application for a replacement plate or plates need not be made until the vehicle is sold by the vehicle dealer.

(d) The department shall not require the payment of any fee to replace a license plate or plates for vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty.

((~~(10)~~)) (11) **Replacement—Exceptions.** The following license plates are not required to be replaced as required in subsection ((~~(9)~~)) (10) of this section:

(a) Horseless carriage license plates issued under RCW 46.18.255 before January 1, 1987;

(b) Medal of Honor license plates issued under RCW 46.18.230;

(c) License plates for commercial motor vehicles with a gross weight greater than twenty-six thousand pounds;

(d) Digital license plates, as defined in section 2 of this act.

((~~(11)~~)) (12) **Rules.** The department may adopt rules to implement this section.

((~~(12)~~)) (13) **Tabs or emblems.** The director may issue tabs or emblems to be attached to license plates or elsewhere on the vehicle to signify initial registration and renewals. Renewals become effective when tabs or emblems have been issued and properly displayed.

NEW SECTION. **Sec.**  A new section is added to chapter 46.04 RCW to read as follows:

"Digital license plate" means a license plate that: (1) Always displays the letters and numbers assigned to the vehicle by the department, the name of the state, and any other information required by the department, in the manner prescribed by the department via an electronic display; (2) produces a crisp, bright screen; and (3) is certified, at a minimum, as an automotive grade IP66 product.

**Sec.**  RCW 46.16A.030 and 2011 c 171 s 43 and 2011 c 96 s 31 are each reenacted and amended to read as follows:

(1) Vehicles must be registered as required by this chapter and must display license plates or decals ((~~assigned~~)) approved by the department.

(2) It is unlawful for a person to operate any vehicle on a public highway of this state without having in full force and effect a current and proper vehicle registration and displaying license plates on the vehicle.

(3) Vehicle license plates or registration certificates, whether original issues or duplicates, may not be issued or furnished by the department until the applicant makes satisfactory application for a certificate of title or presents satisfactory evidence that a certificate of title covering the vehicle has been previously issued.

(4) Failure to make initial registration before operating a vehicle on the public highways of this state is a traffic infraction. A person committing this infraction must pay a fine of five hundred twenty-nine dollars, which may not be suspended, deferred, or reduced. This fine is in addition to any delinquent taxes and fees that must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion. The five hundred twenty-nine dollar fine must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250.

(5) Failure to renew an expired registration before operating a vehicle on the public highways of this state is a traffic infraction.

(6) It is a gross misdemeanor for a resident, as identified in RCW 46.16A.140, to register a vehicle in another state, evading the payment of any tax or vehicle license fee imposed in connection with registration. It is punishable, in lieu of the fine in subsection (4) of this section, as follows:

(a) For a first offense:

(i) Up to three hundred sixty-four days in the county jail;

(ii) Payment of a fine of five hundred twenty-nine dollars plus any applicable assessments, which may not be suspended, deferred, or reduced. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;

(iii) A fine of one thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, which may not be suspended, deferred, or reduced; and

(iv) The delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, and which may not be suspended, deferred, or reduced;

(b) For a second or subsequent offense:

(i) Up to three hundred sixty-four days in the county jail;

(ii) Payment of a fine of five hundred twenty-nine dollars plus any applicable assessments, which may not be suspended, deferred, or reduced. The fine of five hundred twenty-nine dollars must be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250;

(iii) A fine of five thousand dollars to be deposited into the vehicle licensing fraud account created in the state treasury in RCW 46.68.250, which may not be suspended, deferred, or reduced; and

(iv) The amount of delinquent taxes and fees, which must be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion, and which may not be suspended, deferred, or reduced.

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

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