

WSR 23-19-100

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed September 20, 2023, 10:47 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-14-117.

Title of Rule and Other Identifying Information: WAC 308-56A-210

(3)(a) Ownership in doubt—Bonded title or three-year registration without title.

Hearing Location(s): On November 15, 2023, at 10:00 a.m. Join Zoom meeting <https://dol-wa.zoom.us/j/81004068714?pwd=azNjcDJrVVdlRnZXM2JnUkhldEhRZz09>, Meeting ID 810 0406 8714, Passcode 747753; one-tap mobile +12532050468,,81004068714#,,,,*747753# US, +12532158782,,81004068714#,,,,*747753# US (Tacoma); or dial by your location, Meeting ID 810 0406 8714, Passcode 747753. Find your local number <https://dol-wa.zoom.us/j/81004068714?pwd=azNjcDJrVVdlRnZXM2JnUkhldEhRZz09>. If you are having difficulty joining the Zoom meeting at the time of the public hearing, please call 360-902-0131. An in-person option is available at the Highways and Licensing Building, 1125 Washington Street S.E., Olympia, WA 98504.

Date of Intended Adoption: November 16, 2023.

Submit Written Comments to: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, email rulescoordinator@dol.wa.gov, by November 14, 2023.

Assistance for Persons with Disabilities: Contact Kelsey Stone, phone 360-902-0131, email rulescoordinator@dol.wa.gov, by November 5, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Removing the requirement for the department of licensing (DOL) to provide the names and addresses of current vehicle owners of record.

Reasons Supporting Proposal: This provision is a violation of RCW 46.12.635 Disclosure of names and addresses of individual vehicle and vessel owners—Vehicle and vessel information—Address confidentiality program participants.

Statutory Authority for Adoption: RCW 46.12.635 Disclosure of names and addresses of individual vehicle and vessel owners—Vehicle and vessel information—Address confidentiality program participants, and RCW 46.12.680 Ownership in doubt—Procedure.

Statute Being Implemented: WAC 308-56A-210 (3)(a) Ownership in doubt—Bonded title or three-year registration without title.

Rule is not necessitated by federal law, federal or state court decision.

Name of Agency Personnel Responsible for Drafting: Kelsey Stone, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-0131; Implementation and Enforcement: Sina Talalemotu, 1125 Washington Street S.E., Olympia, WA 98504, 360-902-4004.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. These changes are nonsubstantive as they only remove the requirement for DOL to provide the names and addresses of the current owners of record.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rule content is explicitly and specifically dictated by statute.
 Is exempt under RCW 19.85.025(4).
 Scope of exemption for rule proposal:
 Is fully exempt.

September 20, 2023
 Ellis Starrett
 Rules and Policy Manager

OTS-4910.1

AMENDATORY SECTION (Amending WSR 07-13-082, filed 6/19/07, effective 7/20/07)

WAC 308-56A-210 Ownership in doubt—Bonded title or three-year registration without title. (1) **What is ownership in doubt?** Ownership in doubt is when a vehicle owner(s) is unable to obtain satisfactory evidence of ownership or releases of interest as described in WAC 308-56A-265.

(2) **What options are available in an ownership in doubt situation?** When in an ownership in doubt situation, the owner may:
 (a) Apply for three-year registration without title; or
 (b) Apply for a bonded title described in RCW 46.12.151; or
 (c) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vehicle. This is required if ownership of the vehicle is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed.

(3) **What documents are required when applying for a bonded title or three-year registration without title?** Required documents when applying for a bonded title or three-year registration include:

(a) The originals or copies of letters sent by registered or certified mail to the registered and legal owners of record, including the return receipt. The letters must include information regarding the applicant's claim to ownership and a request for the released certificate of ownership (title) or a notarized or certified release of interest.

~~(i) ((Registered and legal owner information will be released under WAC 308-56A-090 for applications needing that information.~~

~~(ii))~~ If there is no Washington record, (a) of this subsection does not apply.

~~((iii))~~ (ii) If the owners of record do not respond before submitting their application, the applicant must wait ~~((fifteen))~~ 15 days from acknowledged receipt of the letter.

~~((iv))~~ (iii) If the letter is returned unclaimed, the applicant must submit the letter, unopened, with the application.

(b) A bonded title or a three-year registration without title affidavit completed by the applicant and signed by all persons to be shown as a registered owner.

(c) Washington state patrol inspection, unless the vehicle is specifically exempt under subsection (4) of this section. For vehicles

exempt from the Washington state patrol inspection under subsection (4) of this section, the following documents are also required:

(i) A bonded title or three-year registration without title affidavit for vehicles exempt from the Washington state patrol inspection completed and signed by a person to be shown as a registered owner; and

(ii) A legible etching or photograph of the VIN as proof of the VIN.

(d) Application for certificate of ownership (title).

(e) A bond as described in RCW 46.12.151, if the applicant is applying for a bonded title.

(f) Other documents that may be required by law or rule.

(4) **Are there exemptions from the Washington state patrol inspection?** Yes.

(a) Certain vehicles are exempt from the Washington state patrol inspection if:

(i) There is a Washington record; or

(ii) There is no Washington record, but the vehicle owner has a title or registration certificate issued by Washington or another jurisdiction.

(b) Vehicles exempt from the Washington state patrol inspection include:

(i) Mopeds;

(ii) Trailers with a scale weight less than (~~two thousand~~) 2,000 pounds;

(iii) Not eligible for road use (NEFRU) vehicles as defined in WAC 308-56A-500 when the model year is (~~ten~~) 10 years old or older;

(iv) Travel trailers and park model trailers when the model year is (~~ten~~) 10 years old and older;

(v) Campers when the model year is (~~ten~~) 10 years old and older;

(vi) Manufactured and mobile homes are exempt at all times.

(5) **When is a bond required?** A bond is required in ownership in doubt situations when:

(a) The applicant is a Washington state licensed vehicle dealer; or

(b) The Washington record shows there is an existing lien.

(6) **How is a vehicle value determined for filing a bond?** Vehicle value may be determined from one of the following sources:

(a) The department's automated valuing system; or

(b) A published appraisal guide; or

(c) Appraisal from a licensed vehicle dealer or appraisal company. The appraisal must be on company letterhead and have the business card attached; or

(d) Insured amount; or

(e) Consideration or payment plus estimated repairs by a bona fide mechanic; or

(f) Other valuing sources approved by the department.

(7) **May I transfer ownership on a vehicle with a bonded title or three-year registration without title?** Yes.

(a) Owners releasing interest in a vehicle with a bonded title or three-year registration without title must provide a release of interest described in WAC 308-56A-265;

(b) The new owners must submit an application for title as described in this chapter and complete the time remaining on the current ownership in doubt period.

[Statutory Authority: RCW 46.01.110. WSR 07-13-082, § 308-56A-210, filed 6/19/07, effective 7/20/07; WSR 06-22-025, § 308-56A-210, filed 10/25/06, effective 11/25/06; WSR 03-05-081, § 308-56A-210, filed 2/19/03, effective 3/22/03; WSR 99-01-014, § 308-56A-210, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 42.17.250(1), 46.01.110, 46.12.151 and 46.12.380. WSR 96-03-047, § 308-56A-210, filed 1/11/96, effective 2/11/96; Order MV 208, § 308-56A-210, filed 7/31/74.]