

CHAPTER 173

[Senate Bill No. 3401]

COMMERCIAL MOTOR VEHICLE LICENSING RECIPROCITY—REVISIONS

AN ACT Relating to motor vehicle licensing; amending RCW 46.16.565, 46.85.020, 46.85.040, 46.85.120, 46.85.190, 46.85.270, 46.85.280, and 46.85.290.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 200, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 27, Laws of 1983 and RCW 46.16.565 are each amended to read as follows:

Any person who is the registered owner of a passenger motor vehicle, a motor truck, a trailer, a camper, a private bus, or a motorcycle registered with the department, excluding proportionally registered vehicles, or who makes application for an original registration or renewal registration of such vehicle or camper may, upon payment of the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the vehicle or camper for which registration is sought in lieu of the regular license plates.

Sec. 2. Section 2, chapter 106, Laws of 1963 as last amended by section 18, chapter 227, Laws of 1982 and RCW 46.85.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commercial vehicle" means any vehicle (~~which is~~), except recreational vehicles, vehicles displaying restricted plates, and government-owned or leased vehicles, that is operated in more than one ((state)) jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed ((or)), used, or maintained primarily for the transportation of property or for drawing other vehicles so designed, used, or maintained and:

(a) Is a motor vehicle having a declared gross vehicle weight in excess of twenty-six thousand pounds; or

(b) Is a motor vehicle having three or more axles with a declared gross vehicle weight in excess of twelve thousand pounds; or

(c) Is a motor vehicle, trailer, or semitrailer used in combination when the declared gross weight of the combination exceeds twenty-six thousand pounds combined gross vehicle weight; or

(d) Is a converter gear.

Although a two-axle motor vehicle, trailer, semitrailer, or any combination of such vehicles with a registered gross weight or registered combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand pounds is not considered to be a commercial vehicle under subsection (1) (a) and (c) of this section, such vehicles, at the option

of the owner, may be considered as "commercial vehicles" for the purposes of proportional registration.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, buses, converter gears (auxiliary axles), and semi and full trailers, each as separate vehicles.

(2) "Jurisdiction" means and includes a state, territory, or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(4) "Properly registered," as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence; or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated, or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business; or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(5) "Fleet" means ~~((three))~~ one or more commercial vehicles ~~((:PROVIDED, That the department may require proportional registration and licensing of a fleet of less than three vehicles whenever in its judgment the interests of this state will be best served and protected thereby)).~~

(6) The words "department," "motor vehicle," "person," and "vehicle" each have the meanings ascribed to them, respectively, by RCW 46.04.690, 46.04.320, 46.04.405, and 46.04.670.

(7) "Preceding year" means a period of twelve consecutive months fixed by the department which period shall be within the ~~((sixteen))~~ eighteen months immediately preceding the commencement of the registration or

license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

(8) "Registration year" means the period from January 1st through December 31st of each calendar year.

Sec. 3. Section 4, chapter 106, Laws of 1963 as amended by section 20, chapter 227, Laws of 1982 and RCW 46.85.040 are each amended to read as follows:

The department may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges, and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state(~~(; except gallonage taxes on motor fuels)~~). Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other jurisdiction shall receive exemptions, benefits, and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the department, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Sec. 4. Section 12, chapter 106, Laws of 1963 as last amended by section 3, chapter 222, Laws of 1981 and RCW 46.85.120 are each amended to read as follows:

(1) Any owner engaged in interstate operation of one or more fleets may, in lieu of registration of vehicles under (~~(the provisions of)~~) chapter 46.16 RCW (~~(and payment of taxes and fees imposed by chapter 82.44 RCW and RCW 82.38.075)~~), register and license each fleet for operation in this state under chapter 46.85 RCW by filing a prorate application for each fleet with the department (~~(which shall)~~) containing the following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the (~~(motor)~~) vehicles in such fleet during said year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the (~~(motor)~~) vehicles in such fleet during said year.

(c) A description and identification of each vehicle of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by fee payment computed as follows:

(a) Divide the sum of the in-state miles by total fleet miles.

(b) Determine the total ~~((amount necessary))~~ fees and taxes required under ((the provisions referred to in)) subsection (({+})) (2)(c) of this section to register each and every vehicle in the fleet for which registration is requested, based on the regular annual fees or applicable fees for the unexpired portion of the registration year.

(c) Multiply the sum ~~((obtained under subsection (2)(b) hereof))~~ of the prorable fees and taxes required by RCW 46.16.060, 46.16.070, 82.38.075, and 82.44.020 by the fraction obtained under subsection (2)(a) ((hereof)) of this section and then add the other applicable fees required by RCW 46.01.140 and chapters 46.16 and 46.85 RCW that are nonprorable.

(3) The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state such nonmotor vehicles ~~((separately in his))~~ in a separate application and compute and pay the fees therefor in accordance with such separate ((statement)) application, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year.

(4) In no event shall the proportional fee payment be less than a minimum of five dollars per motor truck, truck tractor, or auto stage, and three dollars per vehicle of any other type.

Sec. 5. Section 19, chapter 106, Laws of 1963 as last amended by section 1, chapter 221, Laws of 1981 and RCW 46.85.190 are each amended to read as follows:

Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the preceding year or period upon which the application is based. These records shall be complete and shall include, but not be limited to, the following: Copies of prorable registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with other jurisdictions; vehicle license or trip permits; temporary prorable authorization permits; documents establishing the latest purchase year and cost of each fleet vehicle in ready-for-the-road condition; weight certificates indicating the unladen, ready-for-the-road, weight of each vehicle in the fleet; periodic summaries of mileage by fleet and by individual vehicles; individual trip reports, driver's daily logs, or other source documents maintained for each individual trip

which provide trip dates, points of origin and destinations, total miles traveled, miles traveled in each jurisdiction, routes traveled, vehicle equipment number, driver's full name, and all other information pertinent to each trip. Upon request of the department, the owner shall make such records available to the department at its designated office for audit as to accuracy of records, computations, and payments. The department shall assess and collect any unpaid fees and taxes found to be due the state and provide credits or refunds for overpayments as determined in accordance with formulas and other requirements prescribed in this chapter. If the owner fails to maintain complete records as required by this section, the department shall attempt to reconstruct or reestablish such records. However, if the department is unable to do so and the missing or incomplete records involve mileages accrued by vehicles while they are part of the fleet, the department may assess an amount not to exceed the difference between the proportional fees and taxes paid and one hundred percent of the fees and taxes. Further, if the owner fails to maintain complete records as required by this section, or if the department determines that the owner should have registered more vehicles in this state under the provisions of this chapter, the department may deny the owner the right of any further benefits provided by this chapter until any final audit assessment under this chapter has been satisfied.

The department may audit the records of any owner and may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any fees, taxes, penalties, or interest found to be due and owing the state upon audit shall bear interest at twelve percent per annum from the ~~((end of the calendar year in))~~ date on which the deficiency is incurred until the date of payment. If the audit discloses a deliberate and willful intent to evade the requirements of payment under RCW 46.85.120, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of five dollars has been made, the department shall certify such overpayment to the state treasurer who shall issue a warrant for such overpayment to the vehicle operator. Overpayments shall bear interest at the rate of ~~((four))~~ eight percent per annum from the ~~((end of the calendar year in))~~ date on which the overpayment is incurred until the date of payment.

Sec. 6. Section 27, chapter 106, Laws of 1963 as amended by section 23, chapter 227, Laws of 1982 and RCW 46.85.270 are each amended to read as follows:

The department may require the display of a special reciprocity identification plate upon any ~~((commercial))~~ eligible vehicle operating within this state under the provisions of any reciprocal or other agreement that requires proportional registration of vehicles between this state and the ~~((state or~~

other)) jurisdiction in which such vehicle is properly registered and licensed(~~(-PROVIDED, That such))~~. The reciprocal agreement ((is)) must be on file with the department(~~(-PROVIDED FURTHER, That the))~~.

An eligible vehicle is defined as a two-axle motor vehicle, or a trailer, semitrailer, or any combination of such vehicles with a registered gross weight or registered combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand pounds. Rental vehicles, recreational vehicles, vehicles displaying restricted plates, government-owned or leased vehicles, Washington-based vehicles, and vehicles or combinations of vehicles weighing more than twenty-six thousand pounds are ineligible to use special reciprocity identification plates.

Issuance and display of ((such)) the reciprocity identification plate shall not be deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of ((such reciprocal)) the agreement.

Sec. 7. Section 28, chapter 106, Laws of 1963 as amended by section 8, chapter 222, Laws of 1981 and RCW 46.85.280 are each amended to read as follows:

Each reciprocity identification plate ((shall be)) is valid throughout the registration year ((in)) for which it was issued(~~(-PROVIDED, That such))~~. The identification plate ((shall)) becomes invalid upon the termination of ((any reciprocal)) the agreement between this state and the ((state or)) jurisdiction ((wherein such)) in which the vehicle is licensed.

Sec. 8. Section 29, chapter 106, Laws of 1963 as last amended by section 9, chapter 222, Laws of 1981 and RCW 46.85.290 are each amended to read as follows:

All special reciprocity identification plates shall be obtained by the director in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon application in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each eligible vehicle. The fee ((therefor)) shall be two dollars plus a filing fee of one dollar. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund.

Passed the Senate April 16, 1985.

Passed the House April 8, 1985.

Approved by the Governor April 25, 1985.

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