

regents of the University of Washington with the consent of the governor.

Effective
immediately.

SEC. 3. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect immediately.

Passed the Senate March 5, 1933.

Passed the House March 8, 1933.

Approved by the Governor March 18, 1933.

CHAPTER 170.

[H. B. 5.]

OWNERSHIP OF MOTOR VEHICLES.

AN ACT relating to motor vehicles, evidence of ownership thereof; providing for the issuance of certificates of ownership and evidence of registration thereof; regulating the purchase and sale or other transfer of ownership thereof; facilitating the recovery of motor vehicles stolen or otherwise unlawfully taken; prescribing the powers and duties of certain officers hereunder; defining offenses and providing penalties for violation of the provisions hereof; making appropriations and providing for the collection, distribution and expenditure of fees; and amending section 9, chapter 96, Laws of 1921 (section 6320 Remington's Compiled Statutes).

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

Motor
vehicle
title act.

SECTION 1. This act shall be known and cited as the motor vehicle title act of the State of Washington, and the provisions thereof shall apply to every motor vehicle required to be registered with the department of licenses under the laws of this state except such vehicles as may be specifically exempted by law from the operation of the laws of this state requiring the registration and licensing thereof for operation upon and over the highways of this state.

SEC. 2. The words and phrases herein used shall for the purpose of this act have the meanings respec-

tively ascribed to them in this section except in those instances where the context clearly indicates a different meaning. Definitions :

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway excepting devices moved by human or animal power, or used exclusively upon stationary rails or tracks. "Vehicle."

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled or designed to be used in conjunction with a self-propelled unit. "Motor vehicle."

(c) "Person." Every natural person, firm, co-partnership, association or corporation. "Person."

(d) "Peace Officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statutes relative to the public highways of this state. "Peace officer."

(e) "Owner." A person having the lawful right of possession and use or control of a vehicle under a lease, mortgage, executory contract of purchase or sale, or otherwise, for a period of ten or more successive days. "Owner."

(f) "Legal Owner." A mortgagee or owner of the legal title to a vehicle. "Legal owner."

(g) "Used Vehicle." A vehicle which has been sold, bargained, exchanged, given away or title transferred from the person who first took title to it from the manufacturer or importer, dealer or agent of the manufacturer or importer, and so used as to have become what is commonly known as "secondhand" within the ordinary meaning thereof. "Used vehicle."

(h) "Manufacturer." A person, firm or corporation or association engaged in the manufacture of new motor vehicles, trailers, or semi-trailers as a regular business. "Manufacturer."

(i) "Dealer." Any person, firm, corporation or association engaged in the purchase and sale of mo- "Dealer."

tor vehicles, trailers or semi-trailers, or in the leasing of the same for a period of ten or more successive days.

(j) Words herein used in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

Certificates
of registra-
tion and
ownership.

SEC. 3. (a) After December 1, 1933, no certificate of the registration of any motor vehicle or number plates therefor or licenses thereof, whether original issues or duplicates, shall be issued or furnished by the director of licenses unless the applicant therefor shall at the same time make application for and be granted the issuance of an official certificate of ownership of such motor vehicle, or shall present satisfactory evidence that such a certificate of ownership covering such motor vehicle has been previously issued.

Application
for.

(b) Said application shall be upon a blank form to be furnished by the director of licenses and shall contain:

(1) A full description of the motor vehicle, which said description shall contain the manufacturer's serial number, the motor number, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's title, and of all liens or encumbrances upon said motor vehicle;

(3) Such other information as the director of licenses may require, and

Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds.

(c) Such application accompanied by a draft, money order or certified bank check for fifty cents, together with the last preceding registration certifi-

cate issued for said vehicle, shall be forwarded to the state treasurer, who shall upon receipt of the same endorse upon the application his duplicate receipt for the fee and transmit the same to the director of licenses. On receipt of such application the director of licenses shall cause the same to be numbered with a distinguishing application number, separate and distinct from the registration number assigned to said applicant and vehicle, and all such applications shall be so numbered consecutively beginning with number one.

(d) The director of licenses shall make reasonable investigation of the truth of the statements of said application and if satisfied that the applicant is the owner of the motor vehicle or otherwise entitled to have the same registered in his name, shall thereupon issue an appropriate certificate of ownership over his signature, authenticated by a seal to be procured and used for such purpose and a new registration certificate. Both the certificate of ownership and the certificate of registration shall contain upon the face thereof in type-writing, the date of issue, the registration number assigned to the owner and to the vehicle, the name and address of the owner and legal owner, the date of first sale by manufacturer or dealer to consumer, the motor and serial number and such other description of the registered vehicle and facts as the director of licenses shall require.

Investigation.

(e) The reverse side of the certificate of ownership only shall contain forms for assignment and notice to the department of a transfer of the title or interest of the owner or legal owner, or both. A blank space shall be provided on the face of the certificate of registration for the signature of the owner.

Form for assignment.

(f) Upon the issuance of the certificate of registration and certificate of ownership and upon any re-

Mailing of certificate.

issue of same, the director of licenses shall mail the certificate of registration to the owner and the certificate of ownership to the legal owner, or both to the person who is both the owner and legal owner.

Fees.

(g) The fee for each original certificate of ownership shall be fifty cents and shall be in addition to the fee for the registration of such motor vehicle. Said certificate of ownership shall not be required to be renewed annually, or at any other time, except as herein provided.

Destruction or export of vehicle.

(h) Upon the destruction or export to a foreign country of a motor vehicle covered by certificates of registration and ownership as herein provided, it shall be the duty of the owner and of the legal owner, to forthwith and within five days thereafter forward and surrender such certificates to the director of licenses, together with a statement of the reason for such surrender and the time and place of destruction, or the place to which exported, and the date and means of exportation, name of carrier, name and address of consignee, and if exported by water carrier, the name of the steamship or vessel by which exported. The possession by any person of any such certificate of ownership of a motor vehicle so destroyed or exported, after five days following such destruction or exportation, shall be *prima facie* evidence of the violation of this act, and shall constitute a gross misdemeanor.

Summary of requirements.

(i) It shall be the duty of the director of licenses to cause to be printed a brief summary of the principal requirements of this act, one copy of which shall be mailed by him to each person to whom a certificate of registration has been or is issued for the year 1933. Each such copy so mailed shall be accompanied by a blank form of application for certificate of ownership.

(j) Application for certificate of ownership may be made by the owner of any motor vehicle on and

after July 1, 1933, and the state treasurer is hereby authorized to accept such application fees thereafter and the director of licenses is hereby authorized to issue certificates of ownership thereafter in accordance with the provisions of this act.

(k) Before the director of licenses shall issue a certificate of ownership, or re-issue such a certificate, covering a motor vehicle the motor and serial number of which have, or either of them has, been altered, removed, obliterated or defaced, the owner or legal owner of such motor vehicle shall be required to file an application with the state treasurer, accompanied by a fee of fifty cents, upon a form provided, and containing such facts and information as shall be required, by the director of licenses, for the assignment of a special number or numbers for such vehicle. Such application shall be handled by the state treasurer in the same manner as is by this act required for an application for a certificate of ownership. Upon receipt of such application, the director of licenses, if he is satisfied such applicant is entitled to the assignment of a motor or serial number, or both, shall designate a special motor and serial number or either, together with a symbol indicative of this state, for such vehicle, which symbol followed by such number or numbers shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by and in the office of the director of licenses. The applicant for such assignment of numbers shall be promptly notified of the number or numbers, and the symbol to be prefixed thereto, and such applicant shall thereupon cause such symbol and motor number to be stencilled in a conspicuous position upon the motor of said vehicle, and the serial numbers and symbol (if any is assigned) to be stencilled upon the outside of the frame on the left-hand side thereof, at

Date of application.

Motor or serial numbers changed, obliterated, etc.

Assignment of serial or special motor number.

a visible point as near to and to the rear of the front axle as is practicable. Upon receipt by the director of licenses of a certificate by a justice of the peace, or a peace or traffic officer, that he has inspected such vehicle, and that the number or numbers, together with the symbols so assigned to be stencilled upon it have been legally stencilled thereon as by this act required, accompanied by an application for a certificate of ownership and the required fee therefor, the director of licenses shall be and he hereby is authorized to use such number or numbers and such symbol or symbols as the numerical identification marks for such vehicle in any certificate of registration or certificate of ownership he may thereafter issue covering such vehicle.

Sale or
transfer of
vehicle.

SEC. 4. (a) In the event of the sale or other transfer of a motor vehicle for which a certificate of ownership has been issued, as herein provided, the holder of such certificate shall endorse on the back of the same an assignment thereof in form printed thereon, and deliver the same to the purchaser or transferee at the time of the delivery to him of such motor vehicle.

Re-issue
to transferee
or purchaser.

(b) The purchaser or transferee, unless such person is a dealer, shall within ten days thereafter forward such certificate, assigned as aforesaid, to the state treasurer, with a draft, money order or certified bank check for fifty cents, accompanied by an application for a re-issue of such certificate of ownership, which application shall be upon a form to be provided by the director of licenses, and contain the same facts and information required for an application for the original issuance of such a certificate. Upon receipt of such certificate and fee the state treasurer shall endorse upon such application his duplicate receipt for the fee and transmit the same to the director of licenses. The director of licenses shall, if all provisions of this act have been

complied with, issue new certificate of ownership as in the case of an original issue.

(c) Such dealer shall, on selling or otherwise disposing of said motor vehicle, execute and deliver to the purchaser thereof a conveyance or assignment in such form as the director of licenses shall prescribe, to which shall be attached the assigned certificate of ownership received by such dealer. Thereupon the purchaser of said motor vehicle from such dealer shall apply to the director of licenses for the issuance of a new certificate of ownership.

(d) Certificates of ownership when assigned and returned to the director of licenses together with subsequently assigned reissues thereof, shall be retained by the director of licenses and appropriately filed and indexed so that at all times it will be possible to trace title to the motor vehicle designated therein: *Provided*, When the ownership of any motor vehicle shall pass by operation of law, the person thus acquiring ownership of such motor vehicle shall upon furnishing satisfactory proof to the director of licenses of his ownership, procure issuance of a certificate of ownership to said motor vehicle, regardless of whether a certificate of ownership has ever been issued: *And provided further*, In all cases of transfer of title to a motor vehicle by operation of law, the person having possession of the certificate of ownership and of the registration thereof shall immediately upon demand therefor, surrender such certificate to the person entitled thereto.

(e) In case of dealers in motor vehicles, including manufacturers who sell to other than dealers, a separate certificate of ownership, either of such dealer's immediate vendor or of the dealer himself, shall be required covering each used motor vehicle in his possession.

SEC. 5. If, after a certificate of ownership is issued, a mortgage is placed on the motor vehicle de-

Dealer.

Filing.

Ownership
by operation
of law.Surrender of
certificate.Dealers and
manu-
facturers.

Mortgage.

scribed in the certificate of ownership, the owner and/or legal owner shall, within ten days thereafter present an application to the state treasurer to which shall be attached the certificate of registration and the certificate of ownership last issued covering said motor vehicle, which application shall contain the name and address of the owner, the name and address of the mortgagee, the date of the mortgage and the amount thereof and shall be accompanied by a money order, bank draft or certified bank check for a fee of fifty cents. The state treasurer, upon receipt of said application, documents and fee, shall affix his duplicate receipt for the fee and transmit said application and documents to the director of licenses who shall, if he is satisfied that there should be a re-issue of said certificate, note such change upon his records and issue to the owner a new certificate of registration and to the mortgagee a new certificate of ownership. Upon the full payment of a contract or mortgage on a motor vehicle, the legal owner or mortgagee shall assign said certificate of ownership and deliver the same to the owner who shall, within ten days thereafter, present the said certificate of ownership and certificate of registration to the state treasurer, accompanied by a fee of fifty cents, together with an application for a re-issue thereof, which said application shall be substantially in the same form, and contain the same information, as required for an application for the issuance of an original certificate of ownership, and said application and certificates shall be handled by the said state treasurer and director of licenses in the same manner and under the same conditions as is provided by this act for the handling of an original application for registration and certificate of ownership.

Certificate to mortgagee.

Amends §9,
ch. 96, Laws
of 1921;

SEC. 6. That section 9 of chapter 96 of the Laws of 1921, the same being section 6320 of Remington's

Compiled Statutes, be and the same hereby is amended to read as follows: § 6320 Rem.
Comp. Stat.

Section 9. A certificate of registration (license) to be valid must have endorsed thereon the signature of the owner, (if a firm or corporation, the signature of one of its officers or other duly authorized agent), and must be enclosed in a suitable container and attached to the steering-post or upon the instrument board of the vehicle for which it is issued, at all times; or when the vehicle covered by such certificate of registration has no steering-post or instrument board, then such container with certificate therein shall be securely affixed at some conspicuous position upon said vehicle where same can be easily found, read and inspected by a person on the outside of such vehicle at all times. The said container shall have a cover of transparent material through which the certificate may be inspected as to the information shown thereon, including the signature of the owner, and it shall be unlawful for any person to operate or have in his possession after January 1, 1934, a motor vehicle without carrying thereon such certificate of registration as herein provided. Any person in charge of such vehicle shall upon demand of any of the local authorities or of any peace officer or of any representative of the office of the secretary of state or department of licenses, permit an inspection of such certificate of registration. License
attached to
car.

Upon application supported by affidavit of the loss or destruction or of the illegibility of such certificate of registration, and upon payment of the fee required therefor, a duplicate copy shall be re-issued.

SEC. 7. Notice of the filing of any lien or encumbrance against any motor vehicle registered under the provisions of this or any other act of this state shall be filed with the director of licenses who shall neither charge nor receive any fee for filing such Notice of
lien or en-
cumbrance.

Filing.

notice. Such notice shall be filed immediately after the filing of the original notice of lien, chattel mortgage or other evidence of encumbrance, by the party claiming such right of lien or encumbrance, and must state the nature of such lien or encumbrance, the amount claimed, the name of the county in the auditor's office of which said lien is of record, and must be sworn to before a notary public or some other person authorized by law to take acknowledgments.

Release of
lien.

SEC. 8. An owner upon securing the release of any lien or encumbrance upon a vehicle and shown upon the certificate of ownership issued therefor may exhibit the documents evidencing such release, together with the certificate of ownership to the director of licenses and the latter when satisfied as to the genuineness and regularity thereof shall issue a new certificate of ownership in proper form.

Duplicate
certificate.

SEC. 9. In the event that any certificate of ownership shall be lost, mutilated or shall have become illegible, the person who is entitled thereto shall immediately file with the state treasurer an application for the issuance of a duplicate certificate, such application to be upon a form to be prescribed and furnished by the director of licenses, accompanied by a draft, money order or certified bank check for the sum of fifty cents. Upon receipt of such application and fee the state treasurer shall endorse thereon his duplicate receipt for the fee and transmit the same to the director of licenses. The director of licenses shall issue a "duplicate" of such certificate at the expiration of ten days if the above facts have been established by satisfactory proof.

Liability.

SEC. 10. The person, firm, co-partnership, association or corporation to whom a certificate of ownership shall have been issued under the provisions of this act, shall not thereby incur liability or be responsible for damages, or otherwise, resulting from

any act done or contract made by the owner as defined in this act, or by any other person acting for, or by or under the authority of such owner. No suit or action shall ever be commenced or prosecuted against the State of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the department of licenses under this act.

State.

SEC. 11. Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director of licenses pursuant to the provisions of this act, or any assignment thereof, or any release or notice of release of any lien or encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony, and upon conviction thereof shall be liable to pay a fine of not more than five hundred dollars or to be imprisoned in any penal institution within the state for a period of not more than ten years, or both, in the discretion of the court.

Altering or forging of certificates.

Penalty.

SEC. 12. Any person who shall make any false affidavit or shall swear or affirm falsely, to any matter or thing required by the terms of this act to be sworn or affirmed to, shall be guilty of perjury, and upon conviction shall be punishable by fine and imprisonment as other persons committing perjury are punishable in this state.

False statement :
Of matter or thing.

SEC. 13. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of ownership herein provided for, or in any assignment thereof, or who with intent to procure or pass title to a vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any vehicle which he knows or has reason

Of material fact.

to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment in any penal institution within this state for not more than ten years, or both, at the discretion of the court. This provision shall not be exclusive of any other penalties prescribed by any existing or future law for the larceny or unauthorized taking of a motor vehicle.

Operation
without
certificate.

SEC. 14. Any person who shall operate a motor vehicle in this state under a registration number of this state after January 1, 1934, without securing the issuance of a certificate of ownership, as herein provided, shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than five dollars, nor more than five hundred dollars, and from and after the first day of January, 1934, any person who sells a motor vehicle without complying with the requirements of this act shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or by imprisonment in a penal institution within the state for not more than six months, or both such fine and imprisonment, in the discretion of the court: *Provided*, The provisions of this section relative to the sale of motor vehicles shall not apply to the sale of new vehicles by manufacturers and dealers.

Sale of
vehicles.

Sale of new
vehicles.

Auto title
fund.

SEC. 15. There is hereby created in the state treasury a special fund to be known as the "auto title fund." The state treasurer shall, on the next business day after receiving any fees, as provided in this act, pay the same into said auto title fund, and all expenses incurred in carrying out the provisions of this act shall be paid from moneys appropriated from said auto title fund.

SEC. 16. The director of licenses is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions of this act.

Rules and regulations.

SEC. 17. (a) It shall be a misdemeanor for any person to violate any of the provisions of this act unless such violation is by this act or other law of this state declared to be a felony or a gross misdemeanor.

Violations.

(b) Unless another penalty is in this act provided, every person convicted of a misdemeanor for violation of any provision of this act shall be punished accordingly, either by fine or imprisonment or both such fine and imprisonment.

Penalty.

SEC. 18. This act shall not affect any act done, ratified or confirmed, or any right accrued or established, or any action or proceeding had or commenced in a civil or criminal cause before this act or its respective provisions take effect, but such actions or proceedings may be prosecuted and continued with the same effect and under the same provisions of law effective at the time the act was done, ratified, or confirmed, or the right accrued or established, or the action or proceeding had, or commenced.

Act done or pending.

SEC. 19. For the purpose of carrying out the provisions of this act there is hereby appropriated from the "motor vehicle fund" and deposited in the "auto title fund" the sum of fifty thousand dollars, the same to be returned and credited to the "motor vehicle fund" when there shall have been collected and paid into the "auto title fund" sufficient moneys to carry out the provisions of this act and reimburse the "motor vehicle fund."

Appropriation.

For the purpose of carrying out the provisions of this act there is hereby appropriated from the "auto title fund" the sum of one hundred fifty thousand dollars, or so much thereof as may be necessary, not

Appropriation.

however, to exceed the amount of fees collected under the provisions of this act.

Partial
invalidity.

SEC. 20. All acts or parts of acts in conflict with the provisions hereof are hereby repealed as of the date upon which the respective provisions hereof shall as herein provided or by operation of law become effective.

Partial
invalidity.

SEC. 21. If any section or provision or part thereof of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the act as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Passed the House February 27, 1933.

Passed the Senate March 7, 1933.

Approved by the Governor March 20, 1933.

CHAPTER 171.

[H. B. 76.]

TAXES ON REAL PROPERTY.

AN ACT relating to the payment of taxes upon real property and the recovery of the same; providing for county treasurer's receipt therefor, and recording thereof; and amending section 103 of chapter 130 of the Laws of the Extraordinary Session of 1925.

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

Payment of
taxes: by
lien holder.

SECTION 1. Any person who has a lien by mortgage or otherwise, upon any real property upon which any taxes have not been paid, may pay such taxes, and the interest, penalty and costs thereon; and the receipt of the county treasurer or other collecting official shall constitute an additional lien upon such land, to the amount therein stated, and the amount so paid and the interest thereon at the rate