

**FIFTY FIFTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Saturday, March 6, 2010

The Senate was called to order at 8:30 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senator McCaslin.

The Sergeant at Arms Color Guard consisting of Interns Carrie Locken and Amanda Livesay, presented the Colors. Senator Morton offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

There being no objection, the Senate advanced to the first order of business.

**REPORTS OF STANDING COMMITTEES**

March 5, 2010

SB 6143 Prime Sponsor, Senator Prentice: Relating to revenue and taxation. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Substitute Senate Bill No. 6143 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Fairley; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Pridemore; Regala and Rockefeller.

**MINORITY recommendation:** Do not pass. Signed by Senators Zarelli; Brandland; Carrell; Hewitt; Honeyford; Parlette; Pflug and Schoesler.

Passed to Committee on Rules for second reading.

March 5, 2010

SB 6874 Prime Sponsor, Senator Tom: Providing funding for the basic health plan by increasing the taxes on certain tobacco products and facilitating the funding within the state expenditure limit. Reported by Committee on Ways & Means

**MAJORITY recommendation:** That Substitute Senate Bill No. 6874 be substituted therefor, and the substitute bill do pass. Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Tom, Vice Chair, Operating Budget; Fairley; Hobbs; Keiser; Kline; Kohl-Welles; McDermott; Murray; Oemig; Regala and Rockefeller.

**MINORITY recommendation:** Do not pass. Signed by Senators Zarelli; Carrell; Hewitt; Pflug and Schoesler.

**MINORITY recommendation:** That it be referred without recommendation. Signed by Senator Honeyford.

Passed to Committee on Rules for second reading.

**MOTION**

On motion of Senator Eide, all measures listed on the Standing Committee report were referred to the committees as designated.

**MOTION**

On motion of Senator Eide, the Senate advanced to the fourth order of business.

**MESSAGE FROM THE HOUSE**

March 5, 2010

**MR. PRESIDENT:**  
The House has passed:  
SUBSTITUTE SENATE BILL 6361,  
SENATE BILL 6540  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

**MESSAGE FROM THE HOUSE**

March 5, 2010

**MR. PRESIDENT:**  
The House has passed:  
ENGROSSED SUBSTITUTE HOUSE BILL 3209  
and the same is herewith transmitted.

BARBARA BAKER, Chief Clerk

**MOTION**

On motion of Senator Eide, the Senate advanced to the fifth order of business.

**INTRODUCTION AND FIRST READING OF HOUSE BILLS**

SHB 2488 by House Committee on Transportation (originally sponsored by Representatives Moeller, Morrell and Hasegawa)

AN ACT Relating to vehicle and vessel quick title; adding a new section to chapter 46.12 RCW; adding a new section to chapter 46.68 RCW; adding new sections to chapter 88.02 RCW; creating a new section; and providing an effective date.

Referred to Committee on Transportation.

ESHB 3132 by House Committee on General Government Appropriations (originally sponsored by Representative Van De Wege)

AN ACT Relating to eliminating the Columbia River Gorge Compact; adding a new section to chapter 43.97 RCW; and creating a new section.

Referred to Committee on Ways & Means.

ESHB 3182 by House Committee on Ways & Means (originally sponsored by Representatives Alexander, DeBolt, Armstrong, Kristiansen, Pearson, Bailey, Rodne, Johnson, Short, Dammeier, Taylor, Crouse, Nealey, Walsh, Roach, Warnick, Klippert, Parker, Ross, Haler, Fagan, Orcutt, Schmick, Angel, Smith, Shea, Ericksen and Kretz)

AN ACT Relating to state mandates on political subdivisions of the state; amending RCW 28A.225.015, 28A.225.020, 28A.225.025, 28A.225.030, 28A.225.151, 35.22.620, 36.27.020, 36.34.010, 39.44.210, 84.14.100, and 84.40.175; creating new sections; repealing RCW 43.19.691; and providing an effective date.

Referred to Committee on Ways & Means.

#### MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

#### MOTION TO LIMIT DEBATE

Senator Eide: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through March 6, 2010."

The President declared the question before the Senate to be the motion by Senator Eide to limit debate.

The motion by Senator Eide carried and debate was limited through March 6, 2010 by voice vote.

#### MOTION

At 8:45 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:07 a.m. by President Owen.

#### MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

#### MOTION

Senator Jacobsen moved adoption of the following resolution:

#### SENATE RESOLUTION 8714

By Senator Jacobsen

WHEREAS, To celebrate the strong ties between the City of Seattle and the Kingdom of Sweden, the Swedish Consulate in Seattle in conjunction with the Swedish Embassy, the Nordic Heritage Museum, and the Swedish Cultural Center has declared May 3rd through May 9th, 2010, Seattle Sweden Week; and

WHEREAS, The goal of Sweden Week is to honor the strong and enduring relationship between Sweden and the Pacific Northwest and to recognize the many contributions that

Swedish-Americans have made to Washington State's history, culture, business, arts, and its people; and

WHEREAS, Swedish immigrants and their descendants have made a profound impact by furthering the proud democratic traditions and creative contributions that have defined the United States and made our country a beacon of liberty and progress to the world; and

WHEREAS, To underline the influence of Sweden in Seattle, Sweden Week will showcase Swedish film, music, literature, food, fashion, and other forms of creative expression; and

WHEREAS, Among the many prominent and distinguished visitors to participate in Sweden Week, Seattle will have the great honor of receiving Her Royal Highness Princess Madeleine of Sweden and His Excellency the Swedish Ambassador to the United States, Mr. Jonas Hafström; and

WHEREAS, Sweden Week will commemorate Swedish Hospital's centennial, the centennial of the University of Washington's Scandinavian Department and the five Nobel Laureates connected to the Fred Hutchinson Cancer Research Center and the University of Washington; and

WHEREAS, The Nordic Heritage Museum, in partnership with the Ethnic Heritage Council, Washington State Jewish Historical Society, the Jewish Federation of Seattle, and the Washington State Holocaust Education Resource Center, will honor the legacy of Raoul Wallenberg and his humanitarian efforts during World War II to rescue Jews from the Holocaust; and

WHEREAS, Sweden Week will also include a three-day conference focusing on sharing ideas and knowledge between Swedish and American businesses, specifically in the business sectors of clean technology, sustainable development, modern medical technology, and information technology, areas in which both Sweden and the Pacific Northwest transcend;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate does hereby acknowledge and honor the long-standing ties between the people of our State and the people of the Kingdom of Sweden; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to the Embassy of Sweden, the Swedish Consulate in Seattle, the Swedish-American Chambers of Commerce, the Nordic Heritage Museum, and the Swedish Cultural Center.

Senator Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8714.

The motion by Senator Jacobsen carried and the resolution was adopted by voice vote.

#### INTRODUCTION OF SPECIAL GUESTS

The President welcomed and introduced Eric Nelson, former Director of the Nordic Heritage Museum; Karin Luton, Consular Assistant, Honorary Consulate of Sweden in Seattle; Kate Westlin, Consular Trainee, Honorary Consulate of Sweden in Seattle who were seated in the gallery.

#### MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

#### MESSAGE FROM THE HOUSE

March 3, 2010

MR. PRESIDENT:

FIFTY FIFTH DAY, MARCH 6, 2010

2010 REGULAR SESSION

The House passed SUBSTITUTE SENATE BILL NO. 5668 with the following amendment(s): 5668-S AMH ENGR H5334.E 5668-S AMH ENGR H5334.E,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that adding requirements to the use of consignment contracts and listing dealer agreements for the sale of manufactured/mobile homes is necessary to protect the interests of homeowners, especially those who are elderly.

The legislature intends this act to ensure a transparent transaction between the parties involved in the sale of a used manufactured/mobile home.

**NEW SECTION. Sec. 2.** A new section is added to chapter 46.70 RCW to read as follows:

(1) As used in this section:

(a) "Consignment" means an arrangement where a vehicle dealer accepts delivery or entrustment of a used manufactured/mobile home and agrees to sell the used manufactured/mobile home on behalf of another.

(b) "Listing agreement" means a contract between a seller of a used manufactured/mobile home and a listing dealer to locate a willing buyer for the used manufactured/mobile home.

(2) The consignment contract used under this section must state the minimum agreed upon amount which will be paid to the consignor and the maximum percentage or dollar value of commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home. The listing dealer or other vehicle dealer shall remit to the consignor any moneys received above and beyond the agreed upon maximum percentage or dollar value of commission.

(3) The listing agreement used under this section must state the maximum percentage or dollar value of commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home.

(4) The listing dealer or other vehicle dealer shall negotiate the purchase agreement between the seller and buyer of the used manufactured/mobile home, which must include the following procedure:

(a) All written purchase offers bearing the buyer's signature must immediately be delivered to the seller for acceptance or refusal.

(b) The seller accepts the purchase agreement by signing the offer. A copy of the purchase agreement must be delivered to the buyer immediately following the seller signing and accepting the offer as proof that the buyer's purchase offer was accepted.

(c) Any counteroffers or amendments to the purchase agreement must also bear the signatures of both the buyer and seller, and copies of the counteroffers or amendments must be delivered to each party.

(5) The listing dealer or other vehicle dealer must follow all other requirements under this chapter.

**NEW SECTION. Sec. 3.** A new section is added to chapter 46.70 RCW to read as follows:

A listing dealer or other vehicle dealer of manufactured/mobile homes acting on behalf of a seller for the sale and transfer of a used manufactured/mobile home shall complete and attach to any listing agreement the following notice:

NOTICE

The description and physical location of the used manufactured/mobile home to be sold under this listing agreement is.

The commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home is

Any changes to the commission to be paid to the listing dealer or other vehicle dealer for the sale of the used manufactured/mobile home must be .

**Sec. 4.** RCW 46.70.028 and 2000 c 131 s 2 are each amended to read as follows:

Dealers who transact dealer business by consignment shall obtain a consignment contract for sale and shall comply with applicable provisions of this chapter ((46.70-RCW)). The dealer shall place all funds received from the sale of the consigned vehicle in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the vehicle from these funds. Where title has been delivered to the purchaser, the dealer shall pay the amount due a consignor within ten days after the sale. However, in the case of a consignment from a licensed vehicle dealer from any state, the wholesale auto auction shall pay the consignor within twenty days. Dealers are also subject to the requirements of sections 2 and 3 of this act when engaged in the consignment of a used manufactured/mobile home.

**Sec. 5.** RCW 46.70.029 and 2001 c 64 s 8 are each amended to read as follows:

Listing dealers shall transact dealer business by obtaining a listing agreement for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. Where title has been delivered to the purchaser, the listing dealer shall pay the amount due a seller within ten days after the sale of a listed mobile home. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed. The sale of listed mobile homes imposes the same duty under RCW 46.70.122 on the listing dealer as any other sale. Listing dealers are also subject to the requirements of sections 2 and 3 of this act."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Marr moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5668 and ask the House to recede therefrom.

Senators Marr spoke in favor of the motion.

MOTION

On motion of Senator Brandland, Senator McCaslin was excused.

MOTION

On motion of Senator Marr, Senator Prentice was excused.

The President declared the question before the Senate to be motion by Senator Marr that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 5668 and ask the House to recede therefrom.

The motion by Senator Marr carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 5668 and asked the House to recede therefrom by voice vote.

March 3, 2010

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6345 with the following amendment(s): 6345-S AMH ROAD MUNN 281 6345-S AMH ROAD MUNN 281,

On page 4, beginning on line 23, strike all of section 3 Renumber the remaining sections consecutively and correct any internal references accordingly. Correct the title. and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6345 and ask the House to recede therefrom.

The President declared the question before the Senate to be motion by Senator Haugen that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6345 and ask the House to recede therefrom.

The motion by Senator Haugen carried and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6345 and asked the House to recede therefrom by voice vote.

MESSAGE FROM THE HOUSE

March 4, 2010

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6350 with the following amendment(s): 6350-S AMH WAYS H5477.1 6350-S AMH WAYS H5477.1,

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** (1) The legislature finds that:

(a) Native American tribes have depended on the state's marine waters and its resources for countless generations and continue to do so for cultural, spiritual, economic, and subsistence purposes.

(b) The state has long demonstrated a strong commitment to protecting the state's marine waters, which are abundant in natural resources, contain a treasure of biological diversity, and are a source of multiple uses by the public supporting the economies of nearby communities as well as the entire state. These multiple uses include, but are not limited to: Marine-based industries and activities such as cargo, fuel, and passenger transportation; commercial, recreational, and tribal fishing; shellfish aquaculture; telecommunications and energy infrastructure; seafood processing; tourism; scientific research; and many related goods and services. These multiple uses as well as new emerging uses, such as renewable ocean energy, constitute a management challenge for sustaining resources and coordinating state decision making in a proactive, comprehensive and ecosystem-based manner.

(c) Washington's marine waters are part of a west coast-wide large marine ecosystem known as the California current, and the Puget Sound and Columbia river estuaries constitute two of the three largest estuaries that are part of this large marine ecosystem. Puget Sound and the Columbia river are estuaries of national significance under the national estuary program, and the outer coast includes the Olympic national marine sanctuary.

(d) Washington is working in cooperation with the states of Oregon and California and federal agencies on ocean and ocean health management issues through the west coast governors'

agreement on ocean health, and with the government of British Columbia on shared waters management issues through the British Columbia-Washington coastal and ocean task force.

(e) Washington has initiated comprehensive management programs to protect and promote compatible uses of these waters. These include: The development of a comprehensive ecosystem-based management plan known as the Puget Sound action agenda; shoreline plans for shorelines around the state; management plans for state-owned aquatic lands and their associated waters statewide; and watershed and salmon recovery management plans in the upland areas of Puget Sound, the coast, and the Columbia river. Data and data management tools have also been developed to support these management and planning activities, such as the coastal atlas managed by the department of ecology and the shore zone database managed by the department of natural resources.

(f) For marine waters specifically, Washington has formed several mechanisms to improve coordination and management. A legislatively authorized task force formed by the governor identified priority recommendations for improving state management of ocean resources through Washington's ocean action plan in 2006. The governor further formed an ongoing interagency team that assists the department of ecology in implementing these recommendations. There is an extensive network of marine resources committees within Puget Sound and on the outer coast and the Columbia river to promote and support local involvement identifying and conducting local priority marine projects and some have been involved in local planning and management. Through the Olympic coast intergovernmental policy council, the state has also formalized its working relationship with coastal tribes and the federal government in the management of the Olympic coast national marine sanctuary.

(g) Reports by the United States commission on oceans policy, the Pew oceans commission, and the joint oceans commission initiative recommend the adoption of a national ocean policy under which states and coastal communities would have a principal role in developing and implementing ecosystem-based management of marine waters. Acting on these recommendations, the president of the United States recently formed an interagency ocean policy task force charged with developing a national ocean policy and a framework for marine spatial planning that involves all governmental levels, including state, tribal, and local governments. To further develop and implement such a planning framework, it is anticipated that federal cooperation and support will be available to coastal states that are engaged in marine and coastal resource management and planning, including marine spatial planning.

(2) The purpose of this chapter is to build upon existing statewide Puget Sound, coastal, and Columbia river efforts. When resources become available, the state intends to augment the marine spatial component of existing plans and to improve the coordination among state agencies in the development and implementation of marine management plans.

(3) It is also the purpose of this chapter to establish policies to guide state agencies and local governments when exercising jurisdiction over proposed uses and activities in these waters. Specifically, in conducting marine spatial planning, and in augmenting existing marine management plans with marine spatial planning components, the state must:

(a) Continue to recognize the rights of native American tribes regarding marine natural resources;

(b) Base all planning on best available science. This includes identifying gaps in existing information, recommend a strategy for acquiring science needed to strengthen marine spatial plans, and create a process to adjust plans once additional scientific information is available;

(c) Coordinate with all stakeholders, including marine resources committees and nongovernmental organizations, that are

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significantly involved in the collection of scientific information, ecosystem protection and restoration, or other activities related to marine spatial planning;

(d) Recognize that marine ecosystems span tribal, state, and international boundaries and that planning has to be coordinated with all entities with jurisdiction or authority in order to be effective;

(e) Establish or further promote an ecosystem-based management approach including linking marine spatial plans to adjacent nearshore and upland spatial or ecosystem-based plans;

(f) Ensure that all marine spatial plans are linked to measurable environmental outcomes;

(g) Establish a performance management system to monitor implementation of any new marine spatial plan;

(h) Establish an ocean stewardship policy that takes into account the existing natural, social, cultural, historic, and economic uses;

(i) Recognize that commercial, tribal, and recreational fisheries, and shellfish aquaculture are an integral part of our state's culture and contribute substantial economic benefits;

(j) Value biodiversity and ecosystem health, and protect special, sensitive, or unique estuarine and marine life and habitats, including important spawning, rearing, and migration areas for finfish, marine mammals, and productive shellfish habitats;

(k) Integrate this planning with existing plans and ongoing planning in the same marine waters and provide additional mechanisms for improving coordination and aligning management;

(l) Promote recovery of listed species under state and federal endangered species acts plans pursuant to those plans; and

(m) Fulfill the state's public trust and tribal treaty trust responsibilities in managing the state's ocean waters in a sustainable manner for current and future generations.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aquatic lands" includes all tidelands, shorelands, harbor areas, and the beds of navigable waters, and must be construed to be coextensive with the term "aquatic lands" as defined in RCW 79.105.060.

(2) "Exclusive economic zone waters" means marine waters from the offshore state boundary to the boundary of the exclusive economic zone, over which the United States government has primary jurisdiction.

(3) "Marine counties" includes Clallam, Jefferson, Grays Harbor, Wahkiakum, San Juan, Whatcom, Skagit, Island, Snohomish, King, Pierce, Thurston, Mason, Kitsap, and Pacific counties.

(4) "Marine ecosystem" means the physical, biological, and chemical components and processes and their interactions in marine waters and aquatic lands, including humans.

(5) "Marine interagency team" or "team" means the marine interagency team created under section 3 of this act.

(6) "Marine management plan" and "marine waters management plan" means any plan guiding activities on and uses of the state's marine waters, and may include a marine spatial plan or element.

(7) "Marine resources committees" means those committees organized under RCW 36.125.020 or by counties within the Northwest straits marine conservation initiative.

(8) "Marine spatial planning" means a public process of analyzing and allocating the spatial and temporal distribution of human activities in marine areas to achieve ecological, economic, and social objectives. Often this type of planning is done to reduce conflicts among uses, to reduce environmental impacts, to facilitate compatible uses, to align management decisions, and to meet other objectives determined by the planning process.

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(9) "Marine waters" means aquatic lands and waters under tidal influence, including saltwaters and estuaries to the ordinary high water mark lying within the boundaries of the state. This definition also includes the portion of the Columbia river bordering Pacific and Wahkiakum counties, Willapa Bay, Grays Harbor, the Strait of Juan de Fuca, and the entire Puget Sound.

**NEW SECTION. Sec. 3.** (1) The office of the governor shall chair a marine interagency team that is composed of representatives of each of the agencies in the governor's natural resources cabinet with management responsibilities for marine waters, including the independent agencies. A representative from a federal agency with lead responsibility for marine spatial planning must be invited to serve as a liaison to the team to help ensure consistency with federal actions and policy. The team must conduct the assessment authorized in section 4 of this act, assist state agencies under section 5 of this act with the review and coordination of such planning with their existing and ongoing planning, and conduct the marine management planning authorized in section 6 of this act.

(2) The team may not commence any activities authorized under sections 5 and 6 of this act until federal, private, or other nonstate funding is secured specifically for these activities.

**NEW SECTION. Sec. 4.** (1) The marine interagency team created in section 3 of this act must assess and recommend a framework for conducting marine spatial planning and integrating the planning into existing management plans. The assessment must include, but not be limited to, recommendations for:

(a) Including a marine spatial component into the Puget Sound action agenda;

(b) Integrating marine spatial planning into management efforts for the Columbia river estuary, working with the state of Oregon; and

(c) Developing a marine management plan containing a marine spatial component for the outer coast, to be incorporated within the comprehensive marine management plan authorized under section 6 of this act.

(2) The assessment authorized under subsection (1) of this section must also:

(a) Summarize existing goals and objectives for: Plans in Puget Sound, the Columbia river estuary, and the outer coast, including the Puget Sound action agenda; shoreline plans for shorelines around the state; management plans for state-owned aquatic lands and their associated waters statewide; and watershed and salmon recovery management plans;

(b) Develop recommended goals and objectives for marine spatial planning that integrate with existing policies and regulations, and recommend a schedule to develop marine ecosystem health indicators, considering the views and recommendations of affected stakeholders and governmental agencies;

(c) Summarize how the existing goals and objectives as well as recommended goals and objectives are consistent or inconsistent with those adopted by other states for the west coast large marine ecosystem, and with those goals and objectives articulated in relevant national oceans policies and the national framework for marine spatial planning;

(d) Identify the existing management activities and spatial data related to these priorities and objectives and the key needs for incorporating marine spatial planning into existing statewide plans; and

(e) Provide recommendations on achieving a unified approach to database management and delivery that would support marine spatial planning throughout the state.

(3) The results of this assessment must be provided to the appropriate legislative committees by December 15, 2010.

(4) This section expires June 30, 2011.

**NEW SECTION. Sec. 5.** (1) Concurrently or prior to the assessment and planning activities provided in sections 4 and 6 of this act, and subject to available federal, private, or other nonstate funding for this purpose, all state agencies with marine waters planning and management responsibilities are authorized to include marine spatial data and marine spatial planning elements into their existing plans and ongoing planning.

(2) The director of the Puget Sound partnership under the direction of the leadership council created in RCW 90.71.220 must integrate marine spatial information and planning provisions into the action agenda. The information should be used to address gaps or improve the effectiveness of the spatial planning component of the action agenda, such as in addressing potential new uses such as renewable energy projects.

(3) The governor and the commissioner of public lands, working with appropriate marine management and planning agencies, should work cooperatively with the applicable west coast states, Canadian provinces, and with federal agencies, through existing cooperative entities such as the west coast governor's agreement on ocean health, the coastal and oceans task force, the Pacific coast collaborative, the Puget Sound federal caucus, and the United States and Canada cooperative agreement working group, to explore the benefits of developing joint marine spatial plans or planning frameworks in the shared waters of the Salish Sea, the Columbia river estuary, and in the exclusive economic zone waters. The governor and commissioner may approve the adoption of shared marine spatial plans or planning frameworks where they determine it would further policies of this chapter and chapter 43.143 RCW.

(4) On an ongoing basis, the director of the department of ecology shall work with other state agencies with marine management responsibilities, tribal governments, marine resources committees, local and federal agencies, and marine waters stakeholders to compile marine spatial information and to incorporate this information into ongoing plans. This work may be integrated with the comprehensive marine management plan authorized under section 6 of this act when that planning process is initiated.

(5) All actions taken to implement this section must be consistent with section 8 of this act.

**NEW SECTION. Sec. 6.** (1) Upon the receipt of federal, private, or other nonstate funding for this purpose, together with any required match of state funding that may be specifically provided for this purpose, the marine interagency team shall coordinate the development of a comprehensive marine management plan for the state's marine waters. The marine management plan must include marine spatial planning, as well as recommendations to the appropriate federal agencies regarding the exclusive economic zone waters. The plan may be developed in geographic segments, and may incorporate or be developed as an element of existing marine plans, such as the Puget Sound action agenda. The chair of the team may designate a state agency with marine management responsibilities to take the lead in developing and recommending to the team particular segments or elements of the comprehensive marine management plan.

(2) The marine management plan must be developed and implemented in a manner that:

(a) Recognizes and respects existing uses and tribal treaty rights;

(b) Promotes protection and restoration of ecosystem processes to a level that will enable long-term sustainable production of ecosystem goods and services;

(c) Addresses potential impacts of climate change and sea level rise upon current and projected marine waters uses and shoreline and coastal impacts;

(d) Fosters and encourages sustainable uses that provide economic opportunity without significant adverse environmental impacts;

(e) Preserves and enhances public access;

(f) Protects and encourages working waterfronts and supports the infrastructure necessary to sustain marine industry, commercial shipping, shellfish aquaculture, and other water-dependent uses;

(g) Fosters public participation in decision making and significant involvement of communities adjacent to the state's marine waters; and

(h) Integrates existing management plans and authorities and makes recommendations for aligning plans to the extent practicable.

(3) To ensure the effective stewardship of the state's marine waters held in trust for the benefit of the people, the marine management plan must rely upon existing data and resources, but also identify data gaps and, as possible, procure missing data necessary for planning.

(4) The marine management plan must include but not be limited to:

(a) An ecosystem assessment that analyzes the health and status of Washington marine waters including key social, economic, and ecological characteristics and incorporates the best available scientific information, including relevant marine data. This assessment should seek to identify key threats to plan goals, analyze risk and management scenarios, and develop key ecosystem indicators. In addition, the plan should incorporate existing adaptive management strategies underway by local, state, or federal entities and provide an adaptive management element to incorporate new information and consider revisions to the plan based upon research, monitoring, and evaluation;

(b) Using and relying upon existing plans and processes and additional management measures to guide decisions among uses proposed for specific geographic areas of the state's marine and estuarine waters consistent with applicable state laws and programs that control or address developments in the state's marine waters;

(c) A series of maps that, at a minimum, summarize available data on: The key ecological aspects of the marine ecosystem, including physical and biological characteristics, as well as areas that are environmentally sensitive or contain unique or sensitive species or biological communities that must be conserved and warrant protective measures; human uses of marine waters, particularly areas with high value for fishing, shellfish aquaculture, recreation, and maritime commerce; and appropriate locations with high potential for renewable energy production with minimal potential for conflicts with other existing uses or sensitive environments;

(d) An element that sets forth the state's recommendations to the federal government for use priorities and limitations, siting criteria, and protection of unique and sensitive biota and ocean floor features within the exclusive economic zone waters consistent with the policies and management criteria contained in this chapter and chapter 43.143 RCW;

(e) An implementation strategy describing how the plan's management measures and other provisions will be considered and implemented through existing state and local authorities; and

(f) A framework for coordinating state agency and local government review of proposed renewable energy development uses requiring multiple permits and other approvals that provide for the timely review and action upon renewable energy development proposals while ensuring protection of sensitive resources and minimizing impacts to other existing or projected uses in the area.

(5) If the director of the department of fish and wildlife determines that a fisheries management element is appropriate for inclusion in the marine management plan, this element may include the incorporation of existing management plans and procedures and standards for consideration in adopting and revising fisheries

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management plans in cooperation with the appropriate federal agencies and tribal governments.

(6) Any provision of the marine management plan that does not have as its primary purpose the management of commercial or recreational fishing but that has an impact on this fishing must minimize the negative impacts on the fishing. The team must accord substantial weight to recommendations from the director of the department of fish and wildlife for plan revisions to minimize the negative impacts.

(7) The marine management plan must recognize and value existing uses. All actions taken to implement this section must be consistent with section 8 of this act.

(8) The marine management plan must identify any provisions of existing management plans that are substantially inconsistent with the plan.

(9)(a) In developing the marine management plan, the team shall implement a strong public participation strategy that seeks input from throughout the state and particularly from communities adjacent to marine waters. Public review and comment must be sought and incorporated with regard to planning the scope of work as well as in regard to significant drafts of the plan and plan elements.

(b) The team must engage tribes and marine resources committees in its activities throughout the planning process. In particular, prior to finalizing the plan, the team must provide each tribe and marine resources committee with a draft of the plan and invite them to review and comment on the plan.

(10) The team must complete the plan within twenty-four months of the initiation of planning under this section.

(11) The director of the department of ecology shall submit the completed marine management plan to the appropriate federal agency for its review and approval for incorporation into the state's federally approved coastal zone management program.

(12) Subsequent to the adoption of the marine management plan, the team may periodically review and adopt revisions to the plan to incorporate new information and to recognize and incorporate provisions in other marine management plans. The team must afford the public an opportunity to review and comment upon significant proposed revisions to the marine management plan.

**NEW SECTION. Sec. 7.** (1) Upon the adoption of the marine management plan under section 6 of this act, each state agency and local government must make decisions in a manner that ensures consistency with applicable legal authorities and conformance with the applicable provisions of the marine management plan to the greatest extent possible.

(2) The director of the department of ecology, in coordination with the team, shall periodically review existing management plans maintained by state agencies and local governments that cover the same marine waters as the marine management plan under section 6 of this act, and for any substantial inconsistency with the marine management plan the director shall make recommendations to the agency or to the local government for revisions to eliminate the inconsistency.

(3) Not later than four years following adoption of the marine management plan under section 6 of this act, the department of ecology, in coordination with the team, shall report to the appropriate marine waters committees in the senate and house of representatives describing provisions of existing management plans that are substantially inconsistent with the marine management plan under section 6 of this act, and making recommendations for eliminating the inconsistency.

(4) All actions taken to implement this section must be consistent with section 8 of this act. In the event of a conflict between the marine management plan and local ordinances and regulations, local ordinances and regulations shall control.

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**NEW SECTION. Sec. 8.** No authority is created under this chapter to affect in any way any project, use, or activity in the state's marine waters existing prior to or during the development and review of the marine management plan. No authority is created under this chapter to supersede the current authority of any state agency or local government.

**NEW SECTION. Sec. 9.** A new section is added to chapter 43.21F RCW to read as follows:

(1) In addition to the duties prescribed in RCW 43.21F.045, the department must develop guidance applicable to all state agencies for achieving a unified state position upon matters involving the siting and operation of renewable energy facilities in the state's coastal and estuarine marine waters. The guidance must provide procedures for coordinating the views and responsibilities of any state agency with jurisdiction or expertise over the matter under consideration, which may include federal policy proposals, activities, permits, licenses, or the extension of funding for activities in or affecting the state's marine waters. In developing the guidance, the director must consult with agencies with primary responsibilities for permitting and management of marine waters and bedlands, including the departments of natural resources, ecology, transportation, and fish and wildlife, and the state parks and recreation commission, the Puget Sound partnership, and the energy facility site evaluation council. The director must also consult and incorporate relevant information from the regional activities related to renewable energy siting in marine waters, including those under the west coast governors' agreement on ocean health.

(2) The director may not commence development of the guidance until federal, private, or other nonstate funding is secured for this activity. The director must adopt the guidance within one year of securing such funds.

(3) This section is intended to promote consistency and multiple agency coordination in developing positions and exercising jurisdiction in matters involving the siting and operation of renewable energy facilities and does not diminish or abrogate the authority or jurisdiction of any state agency over such matters established under any other law.

**NEW SECTION. Sec. 10.** (1) The marine resources stewardship trust account is created in the state treasury. All receipts from income derived from the investment of amounts credited to the account, any grants, gifts, or donations to the state for the purposes of marine management planning, marine spatial planning, data compilation, research, or monitoring, and any appropriations made to the account must be deposited in the account. Moneys in the account may be spent only after appropriation.

(2) Expenditures from the account may only be used for the purposes of marine management planning, marine spatial planning, research, monitoring, implementation of the marine management plan, and for the restoration or enhancement of marine habitat or resources.

**Sec. 11.** RCW 43.84.092 and 2009 c 479 s 31, 2009 c 472 s 5, and 2009 c 451 s 8 are each reenacted and amended to read as follows:

(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.

(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall

not require appropriation. The office of financial management shall determine the amounts due to or from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

(3) Except for the provisions of RCW 43.84.160, the treasury income account may be utilized for the payment of purchased banking services on behalf of treasury funds including, but not limited to, depository, safekeeping, and disbursement functions for the state treasury and affected state agencies. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for payments to financial institutions. Payments shall occur prior to distribution of earnings set forth in subsection (4) of this section.

(4) Monthly, the state treasurer shall distribute the earnings credited to the treasury income account. The state treasurer shall credit the general fund with all the earnings credited to the treasury income account except:

The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the budget stabilization account, the capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the cleanup settlement account, the Columbia river basin water supply development account, the common school construction fund, the county arterial preservation account, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of licensing services account, the department of retirement systems expense account, the developmental disabilities community trust account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the education legacy trust account, the election account, the energy freedom account, the energy recovery act account, the essential rail assistance account, The Evergreen State College capital projects account, the federal forest revolving account, the ferry bond retirement fund, the freight congestion relief account, the freight mobility investment account, the freight mobility multimodal account, the grade crossing protective fund, the public health services account, the health system capacity account, the personal health services account, the high capacity transportation account, the state higher education construction account, the higher education construction account, the highway bond retirement fund, the highway infrastructure account, the highway safety account, the high occupancy toll lanes operations account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the marine resources stewardship trust account, the medical aid account, the mobile home park relocation fund, the motor vehicle fund, the motorcycle safety education account, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the pension funding stabilization account, the perpetual surveillance and maintenance

account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public transportation systems account, the public works assistance account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the Puyallup tribal settlement account, the real estate appraiser commission account, the recreational vehicle account, the regional mobility grant program account, the resource management cost account, the rural arterial trust account, the rural Washington loan fund, the site closure account, the small city pavement and sidewalk account, the special category C account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the state patrol highway account, the state route number 520 corridor account, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, the transportation infrastructure account, the transportation partnership account, the traumatic brain injury account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the urban arterial trust account, the volunteer firefighters' and reserve officers' relief and pension principal fund, the volunteer firefighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and firefighters' system plan 1 retirement account, the Washington law enforcement officers' and firefighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.

**NEW SECTION. Sec. 12.** Sections 1 through 8 and 10 of this act constitute a new chapter in Title 43 RCW."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Ranker moved that the Senate refuse to concur in the House amendment(s) to Substitute Senate Bill No. 6350 and ask the House to recede therefrom.



FIFTY FIFTH DAY, MARCH 6, 2010  
MOTION

Senator Honeyford moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6350.

Senators Ranker and Hargrove spoke against the motion.

The President declared the question before the Senate to be the motion by Senator Honeyford that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6350.

The motion by Senator Honeyford failed and the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6350 by voice vote.

The President announced, by the previous action that the Senate refused to concur in the House amendment(s) to Substitute Senate Bill No. 6350 and asked the House to recede.

#### MESSAGE FROM THE HOUSE

March 2, 2010

MR. PRESIDENT:

The House passed ENGROSSED SUBSTITUTE SENATE BILL NO. 5543 with the following amendment(s): 5543-S.E AMH ENVH H5273.2 5543-S.E AMH ENVH H5273.2.

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that:

(1) Mercury is an essential component of many energy efficient lights. Improper disposal methods will lead to mercury releases that threaten the environment and harm human health. Spent mercury lighting is a hard to collect waste product that is appropriate for product stewardship;

(2) Convenient and environmentally sound product stewardship programs for mercury-containing lights that include collecting, transporting, and recycling mercury-containing lights will help protect Washington's environment and the health of state residents;

(3) The purpose of this act is to achieve a statewide goal of recycling all end-of-life mercury-containing lights by 2020 through expanded public education, a uniform statewide requirement to recycle all mercury-containing lights, and the development of a comprehensive, safe, and convenient collection system that includes use of residential curbside collection programs, mail-back containers, increased support for household hazardous waste facilities, and a network of additional collection locations;

(4) Product producers must play a significant role in financing no- cost collection and processing programs for mercury-containing lights; and

(5) Providers of premium collection services such as residential curbside and mail-back programs may charge a fee to cover the collection costs for these more convenient forms of collection.

**NEW SECTION. Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Brand" means a name, symbol, word, or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand as the producer.

(2) "Covered entities" means:

(a) A single-family or a multifamily household generator and persons that deliver no more than fifteen mercury-containing lights to registered collectors for a product stewardship program during a ninety-day period; and

(b) A single-family or a multifamily household generator and persons that utilize a registered residential curbside collection program or a mail-back program for collection of

mercury-containing lights and that discards no more than fifteen mercury-containing lights into those programs during a ninety-day period.

(3) "Collection" or "collect" means, except for persons involved in mail-back programs:

(a) The activity of accumulating any amount of mercury-containing lights at a location other than the location where the lights are used by covered entities, and includes curbside collection activities, household hazardous waste facilities, and other registered drop-off locations; and

(b) The activity of transporting mercury-containing lights in the state, where the transporter is not a generator of unwanted mercury-containing lights, to a location for purposes of accumulation.

(4) "Department" means the department of ecology.

(5) "Final disposition" means the point beyond which no further processing takes place and materials from mercury-containing lights have been transformed for direct use as a feedstock in producing new products, or disposed of or managed in permitted facilities.

(6) "Hazardous substances" or "hazardous materials" means those substances or materials identified by rules adopted under chapter 70.105 RCW.

(7) "Mail-back program" means the use of a prepaid postage container with mercury vapor barrier packaging that is used for the collection and recycling of mercury-containing lights from covered entities as part of a product stewardship program and is transported by the United States postal service or a common carrier.

(8) "Mercury vapor barrier packaging" means sealable containers that are specifically designed for the storage, handling, and transport of mercury-containing lights in order to prevent the escape of mercury into the environment by volatilization or any other means, and that meet the requirements for transporting by the United States postal service or a common carrier.

(9) "Mercury-containing lights" means lamps, bulbs, tubes, or other devices that contain mercury and provide functional illumination in homes, businesses, and outdoor stationary fixtures.

(10) "Orphan product" means a mercury-containing light that lacks a producer's brand, or for which the producer is no longer in business and has no successor in interest, or that bears a brand for which the department cannot identify an owner.

(11) "Person" means a sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, cooperative, or other legal entity located within or outside Washington state.

(12) "Processing" means recovering materials from unwanted products for use as feedstock in new products. Processing must occur at permitted facilities.

(13) "Producer" means a person that:

(a) Has or had legal ownership of the brand, brand name, or cobrand of a mercury-containing light sold in or into Washington state, except for persons whose primary business is retail sales;

(b) Imports or has imported mercury-containing lights branded by a producer that meets the requirements of (a) of this subsection and where that producer has no physical presence in the United States;

(c) If (a) and (b) of this subsection do not apply, makes or made an unbranded mercury-containing light that is sold or has been sold in or into Washington state; or

(d)(i) Sells or sold at wholesale or retail a mercury-containing light; (ii) does not have legal ownership of the brand; and (iii) elects to fulfill the responsibilities of the producer for that product.

(14) "Product stewardship" means a requirement for a producer of mercury-containing lights to manage and reduce adverse safety, health, and environmental impacts of the product throughout its life cycle, including financing and providing for the collection,

transporting, reusing, recycling, processing, and final disposition of their products.

(15) "Product stewardship plan" or "plan" means a detailed plan describing the manner in which a product stewardship program will be implemented.

(16) "Product stewardship program" or "program" means the methods, systems, and services financed and provided by producers of mercury-containing lights generated by covered entities that addresses product stewardship and includes collecting, transporting, reusing, recycling, processing, and final disposition of unwanted mercury-containing lights, including a fair share of orphan products.

(17) "Recovery" means the collection and transportation of unwanted mercury-containing lights under this chapter.

(18)(a) "Recycling" means transforming or remanufacturing unwanted products into usable or marketable materials for use other than landfill disposal or incineration.

(b) "Recycling" does not include energy recovery or energy generation by means of combusting unwanted products with or without other waste.

(19) "Reporting period" means the period commencing January 1st and ending December 31st in the same calendar year.

(20) "Residuals" means nonrecyclable materials left over from processing an unwanted product.

(21) "Retailer" means a person who offers mercury-containing lights for sale at retail through any means including, but not limited to, remote offerings such as sales outlets, catalogs, or the internet, but does not include a sale that is a wholesale transaction with a distributor or a retailer.

(22)(a) "Reuse" means a change in ownership of a mercury-containing light or its components, parts, packaging, or shipping materials for use in the same manner and purpose for which it was originally purchased, or for use again, as in shipping materials, by the generator of the shipping materials.

(b) "Reuse" does not include dismantling of products for the purpose of recycling.

(23) "Stakeholder" means a person who may have an interest in or be affected by a product stewardship program.

(24) "Stewardship organization" means an organization designated by a producer or group of producers to act as an agent on behalf of each producer to operate a product stewardship program.

(25) "Unwanted product" means a mercury-containing light no longer wanted by its owner or that has been abandoned, discarded, or is intended to be discarded by its owner.

**NEW SECTION. Sec. 3.** (1) Every producer of mercury-containing lights sold in or into Washington state for residential use must fully finance and participate in a product stewardship program for that product, including the department's costs for administering and enforcing this chapter.

(2) Every producer must:

(a) Participate in a product stewardship program approved by the department and operated by a product stewardship organization contracted by the department. All producers must finance and participate in the plan operated by the product stewardship organization, unless the producer obtains department approval for an independent plan as described in (b) of this subsection; or

(b) Finance and operate, either individually or jointly with other producers, a product stewardship program approved by the department.

(3) A producer, group of producers, or product stewardship organization funded by producers must pay all administrative and operational costs associated with their program or programs, except for the collection costs associated with curbside and mail-back collection programs. For curbside and mail-back programs, a producer, group of producers, or product stewardship organization shall finance the costs of transporting mercury-containing lights from accumulation points and for processing mercury-containing

lights collected by curbside and mail-back programs. For collection locations, including household hazardous waste facilities, charities, retailers, government recycling sites, or other suitable locations, a producer, group of producers, or product stewardship organization shall finance the costs of collection, transportation, and processing of mercury-containing lights collected at the collection locations.

(4) Product stewardship programs shall collect unwanted mercury-containing lights delivered from covered entities for reuse, recycling, processing, or final disposition, and not charge a fee when lights are dropped off or delivered into the program.

(5) Product stewardship programs shall provide, at a minimum, no cost services in all cities in the state with populations greater than ten thousand and all counties of the state on an ongoing, year-round basis.

(6) All product stewardship programs operated under approved plans must recover their fair share of unwanted covered products as determined by the department.

(7) The department or its designee may inspect, audit, or review audits of processing and disposal facilities used to fulfill the requirements of a product stewardship program.

(8) No product stewardship program required under this chapter may use federal or state prison labor for processing unwanted products.

(9) Product stewardship programs for mercury-containing lights must be fully implemented by January 1, 2013.

**NEW SECTION. Sec. 4.** (1) A producer, group of producers, or product stewardship program submitting a proposed product stewardship plan under section 3(2)(b) of this act must submit that plan by January 1st of the year prior to the planned implementation.

(2) The department shall establish rules for plan content. Plans must include but are not limited to:

(a) All necessary information to inform the department about the plan operator and participating producers and their brands;

(b) The management and organization of the product stewardship program that will oversee the collection, transportation, and processing services;

(c) The identity of collection, transportation, and processing service providers, including a description of the consideration given to existing residential curbside collection infrastructure and mail-back systems as an appropriate collection mechanism;

(d) How the product stewardship program will seek to use businesses within the state, including transportation services, retailers, collection sites and services, existing curbside collection services, existing mail-back services, and processing facilities;

(e) A description of how the public will be informed about the recycling program;

(f) A description of the financing system required under section 5 of this act;

(g) How mercury and other hazardous substances will be handled for collection through final disposition;

(h) A public review and comment process; and

(i) Any other information deemed necessary by the department to ensure an effective mercury light product stewardship program that is in compliance with all applicable laws and rules.

(3) All plans submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

(4) At least two years from the start of the product stewardship program and once every four years thereafter, a producer, group of producers, or product stewardship organization operating a product stewardship program must update its product stewardship plan and submit the updated plan to the department for review and approval according to rules adopted by the department.

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(5) Each product stewardship program shall submit an annual report to the department describing the results of implementing their plan for the prior year. The department may adopt rules for reporting requirements. All reports submitted to the department must be made available for public review on the department's web site and at the department's headquarters.

**NEW SECTION. Sec. 5.** (1) All producers that sell mercury-containing lights in or into the state of Washington are responsible for financing the mercury-containing light recycling program required by section 3 of this act.

(2) Each producer shall pay fifteen thousand dollars to the department to contract for a product stewardship program to be operated by a product stewardship organization. The department shall retain five thousand dollars of the fifteen thousand dollars for administration and enforcement costs.

(3) A producer or producers participating in an independent plan, as permitted under section 3(2)(b) of this act, must pay the full cost of operation. Each producer participating in an approved independent plan shall pay an annual fee of five thousand dollars to the department for administration and enforcement costs.

**NEW SECTION. Sec. 6.** (1) All mercury-containing lights collected in the state by product stewardship programs or other collection programs must be recycled and any process residuals must be managed in compliance with applicable laws.

(2) Mercury recovered from retorting must be recycled or placed in a properly permitted hazardous waste landfill, or placed in a properly permitted mercury repository.

**NEW SECTION. Sec. 7.** (1) Except for persons involved in registered mail-back programs, a person who collects unwanted mercury-containing lights in the state, receives funding through a product stewardship program for mercury-containing lights, and who is not a generator of unwanted mercury-containing lights must:

(a) Register with the department as a collector of unwanted mercury-containing lights. Until the department adopts rules for collectors, the collector must provide to the department the legal name of the person or entity owning and operating the collection location, the address and phone number of the collection location, and the name, address, and phone number of the individual responsible for operating the collection location and update any changes in this information within thirty days of the change;

(b) Maintain a spill and release response plan at the collection location that describes the materials, equipment, and procedures that will be used to respond to any mercury release from an unwanted mercury-containing light;

(c) Maintain a worker safety plan at the collection location that describes the handling of the unwanted mercury-containing lights at the collection location and measures that will be taken to protect worker health and safety; and

(d) Use packaging and shipping material that will minimize the release of mercury into the environment and minimize breakage and use mercury vapor barrier packaging if mercury-containing lights are transported by the United States postal service or a common carrier.

(2) A person who operates a curbside collection program or owns or operates a mail-back business participating in a product stewardship program for mercury-containing lights and uses the United States postal service or a common carrier for transport must register with the department and use mercury vapor barrier packaging for curbside collection and mail-back containers.

**NEW SECTION. Sec. 8.** Effective January 1, 2013:

(1) All persons, residents, government, commercial, industrial, and retail facilities and office buildings must recycle their end-of-life mercury-containing lights.

(2) No mercury-containing lights may knowingly be placed in waste containers for disposal at incinerators, waste to energy facilities, or landfills.

(3) No mercury-containing lights may knowingly be placed in a container for mixed recyclables unless there is a separate location or compartment for the mercury-containing lights that complies with local government collection standards or guidelines.

(4) No owner or operator of a solid waste facility may be found in violation of this section if the facility has posted in a conspicuous location a sign stating that mercury-containing lights must be recycled and are not accepted for disposal.

(5) No solid waste collector may be found in violation of this section for mercury-containing lights placed in a disposal container by the generator of the mercury-containing light.

**NEW SECTION. Sec. 9.** As of January 1, 2013, no producer, wholesaler, retailer, electric utility, or other person may distribute, sell, or offer for sale mercury-containing lights for residential use to any person in this state unless the producer is participating in a product stewardship program under a plan approved by the department.

**NEW SECTION. Sec. 10.** (1) The department shall send a written warning and a copy of this chapter and any rules adopted to implement this chapter to a producer who is not participating in a product stewardship program approved by the department and whose mercury-containing lights are being sold in or into the state.

(2) A producer not participating in a product stewardship program approved by the department whose mercury-containing lights continue to be sold in or into the state sixty days after receiving a written warning from the department shall be assessed a penalty of up to one thousand dollars for each violation. A violation is one day of sales.

(3) If any producer fails to implement its approved plan, the department shall assess a penalty of up to five thousand dollars for the first violation along with notification that the producer must implement its plan within thirty days of the violation. After thirty days, any producer failing to implement their approved plan must be assessed a penalty of up to ten thousand dollars for the second and each subsequent violation. A subsequent violation occurs each thirty-day period that the producer fails to implement the approved plan.

(4) The department shall send a written warning to a producer that fails to submit a product stewardship plan, update or change the plan when required, or submit an annual report as required under this chapter. The written warning must include compliance requirements and notification that the requirements must be met within sixty days. If requirements are not met within sixty days, the producer will be assessed a ten thousand dollar penalty per day of noncompliance starting with the first day of notice of noncompliance.

(5) Penalties prescribed under this section must be reduced by fifty percent if the producer complies within thirty days of the second violation notice.

(6) A producer may appeal penalties prescribed under this section to the pollution control hearings board created under chapter 43.21B RCW.

**NEW SECTION. Sec. 11.** (1) The department shall provide on its web site a list of all producers participating in a product stewardship plan that the department has approved and a list of all producers the department has identified as noncompliant with this chapter and any rules adopted to implement this chapter.

(2) Product wholesalers, retailers, distributors, and electric utilities must check the department's web site or producer-provided written verification to determine if producers of products they are selling in or into the state are in compliance with this chapter.

(3) No one may distribute or sell mercury-containing lights in or into the state from producers who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(4) The department shall serve, or send with delivery confirmation, a written warning explaining the violation to any person known to be distributing or selling mercury-containing lights in or into the state from producers who are not participating in a product stewardship program or who are not in compliance with this chapter and rules adopted under this chapter.

(5) Any person who continues to distribute or sell mercury-containing lights from a producer that is not participating in an approved product stewardship program sixty days after receiving a written warning from the department may be assessed a penalty two times the value of the products sold in violation of this chapter or five hundred dollars, whichever is greater. The penalty must be waived if the person verifies that the person has discontinued distribution or sales of mercury-containing lights within thirty days of the date the penalty is assessed. A retailer may appeal penalties to the pollution control hearings board.

(6) The department shall adopt rules to implement this section.

(7) A sale or purchase of mercury-containing lights as a casual or isolated sale as defined in RCW 82.04.040 is not subject to the provisions of this section.

(8) A person primarily engaged in the business of reuse and resale of a used mercury-containing light is not subject to the provisions of this section when selling used working mercury-containing lights, for use in the same manner and purpose for which it was originally purchased.

(9) In-state distributors, wholesalers, and retailers in possession of mercury-containing lights on the date that restrictions on the sale of the product become effective may exhaust their existing stock through sales to the public.

**NEW SECTION. Sec. 12.** All producers shall pay the department annual fees to cover the cost of administering and enforcing this chapter. The department may prioritize the work to implement this chapter if fees are not adequate to fund all costs of the program.

**NEW SECTION. Sec. 13.** The product stewardship programs account is created in the custody of the state treasurer. All funds received from producers under this chapter and penalties collected under this chapter must be deposited in the account. Expenditures from the account may be used only for administering this chapter. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**NEW SECTION. Sec. 14.** (1) The department may adopt rules necessary to implement, administer, and enforce this chapter.

(2) The department may adopt rules to establish performance standards for product stewardship programs and may establish administrative penalties for failure to meet the standards.

(3) By December 31, 2010, and annually thereafter until December 31, 2014, the department shall report to the appropriate committees of the legislature concerning the status of the product stewardship program and recommendations for changes to the provisions of this chapter.

(4) Beginning October 1, 2014, the department shall annually invite comments from local governments, communities, and citizens to report their satisfaction with services provided by product stewardship programs. This information must be used by the department to determine if the plan operator is meeting convenience requirements and in reviewing proposed updates or changes to product stewardship plans.

(5) Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities,

the Northwest power and conservation council, and other interested parties regarding the impacts of the requirements of this chapter on the availability or purchase of energy efficient lighting within the state. If the department determines that evidence shows the requirements of this chapter have resulted in negative impacts on the availability or purchase of energy efficient lighting in the state, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for changes to the provisions of this chapter.

(6) Beginning October 1, 2014, the department shall annually invite comments from retailers, consumer groups, electric utilities, the Northwest power and conservation council, and other interested parties regarding the availability of energy efficient nonmercury lighting to replace mercury-containing lighting within the state. If the department determines that evidence shows that energy efficient nonmercury-containing lighting is available and achieves similar energy savings as mercury lighting at similar cost, the department shall report this information by December 31st of each year to the appropriate committees of the legislature with recommendations for legislative changes to reduce mercury use in lighting.

(7) Beginning October 1, 2014, the department shall annually estimate the overall statewide recycling rate for mercury-containing lights and calculate that portion of the recycling rate attributable to the product stewardship program.

(8) The department may require submission of independent performance evaluations and report evaluations documenting the effectiveness of mercury vapor barrier packaging in preventing the escape of mercury into the environment. The department may restrict the use of packaging for which adequate documentation has not been provided. Restricted packaging may not be used in any product stewardship program required under this chapter.

**NEW SECTION. Sec. 15.** Nothing in this chapter changes or limits the authority of the Washington utilities and transportation commission to regulate collection of solid waste, including curbside collection of residential recyclable materials, nor does this chapter change or limit the authority of a city or town to provide such service itself or by contract under RCW 81.77.020.

**NEW SECTION. Sec. 16.** Nothing in this chapter changes the requirements of any entity regulated under chapter 70.105 RCW to comply with the requirements under that chapter.

**NEW SECTION. Sec. 17.** This chapter must be liberally construed to carry out its purposes and objectives.

**Sec. 18.** RCW 70.95M.010 and 2003 c 260 s 2 are each amended to read as follows:

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

(1) ("Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems.) "Bulk mercury" includes any elemental, nonamalgamated mercury, regardless of volume quantity or weight and does not include products containing mercury collected for recycling or disposal at a permitted disposal facility.

(2) "Department" means the department of ecology.

(3) "Director" means the director of the department of ecology.

(4) "Health care facility" includes a hospital, nursing home, extended care facility, long-term care facility, clinical or medical laboratory, state or private health or mental institution, clinic, physician's office, or health maintenance organization.

(5) "Manufacturer" includes any person, firm, association, partnership, corporation, governmental entity, organization, or joint venture that produces a mercury-added product or an importer or domestic distributor of a mercury-added product produced in a foreign country. In the case of a multicomponent product containing mercury, the manufacturer is the last manufacturer to produce or assemble the product. If the multicomponent product or

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mercury-added product is produced in a foreign country, the manufacturer is the first importer or domestic distributor.

(6) "Mercury-added button-cell battery" means a button-cell battery to which the manufacturer intentionally introduces mercury for the operation of the battery.

(7) "Mercury-added novelty" means a mercury-added product intended mainly for personal or household enjoyment or adornment. Mercury-added novelties include, but are not limited to, items intended for use as practical jokes, figurines, adornments, toys, games, cards, ornaments, yard statues and figures, candles, jewelry, holiday decorations, items of apparel, and other similar products. Mercury-added novelty does not include games, toys, or products that require a button-cell or lithium battery, liquid crystal display screens, or a lamp that contains mercury.

(8) "Mercury-added product" means a product, commodity, or chemical, or a product with a component that contains mercury or a mercury compound intentionally added to the product, commodity, or chemical in order to provide a specific characteristic, appearance, or quality, or to perform a specific function, or for any other reason. Mercury-added products include those products listed in the interstate mercury education and reduction clearinghouse mercury-added products database, but are not limited to, mercury thermometers, mercury thermostats, mercury barometers, lamps, and mercury switches (~~in motor vehicles~~) or relays.

(9) "Mercury manometer" means a mercury-added product that is used for measuring blood pressure.

(10) "Mercury thermometer" means a mercury-added product that is used for measuring temperature.

(11) "Retailer" means a retailer of a mercury-added product.

(12) "Switch" means any device, which may be referred to as a switch, sensor, valve, probe, control, transponder, or any other apparatus, that directly regulates or controls the flow of electricity, gas, or other compounds, such as relays or transponders. "Switch" includes all components of the unit necessary to perform its flow control function. "Automotive mercury switch" includes a convenience switch, such as a switch for a trunk or hood light, and a mercury switch in antilock brake systems. "Utility switch" includes, but is not limited to, all devices that open or close an electrical circuit, or a liquid or gas valve. "Utility relay" includes, but is not limited to, all products or devices that open or close electrical contacts to control the operation of other devices in the same or other electrical circuit.

(13) "Wholesaler" means a wholesaler of a mercury-added product.

**Sec. 19.** RCW 70.95M.050 and 2003 c 260 s 6 are each amended to read as follows:

(1) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a mercury-added novelty. A manufacturer of mercury-added novelties must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining mercury-added novelty inventory.

(2)(a) Effective January 1, 2006, no person may sell, offer for sale, or distribute for sale or use in this state a manometer used to measure blood pressure or a thermometer that contains mercury. This subsection (2)(a) does not apply to:

(i) An electronic thermometer with a button-cell battery containing mercury;

(ii) A thermometer that contains mercury and that is used for food research and development or food processing, including meat, dairy products, and pet food processing;

(iii) A thermometer that contains mercury and that is a component of an animal agriculture climate control system or industrial measurement system or for veterinary medicine until such

a time as the system is replaced or a nonmercury component for the system or application is available;

(iv) A thermometer or manometer that contains mercury that is used for calibration of other thermometers, manometers, apparatus, or equipment, unless a nonmercury calibration standard is approved for the application by the national institute of standards and technology;

(v) A thermometer that is provided by prescription. A manufacturer of a mercury thermometer shall supply clear instructions on the careful handling of the thermometer to avoid breakage and proper cleanup should a breakage occur; or

(vi) A manometer or thermometer sold or distributed to a hospital, or a health care facility controlled by a hospital, if the hospital has adopted a plan for mercury reduction consistent with the goals of the mercury chemical action plan developed by the department under section 302, chapter 371, Laws of 2002.

(b) A manufacturer of thermometers that contain mercury must notify all retailers that sell the product about the provisions of this section and how to properly dispose of any remaining thermometer inventory.

(3) Effective January 1, 2006, no person may sell, install, or reinstall a commercial or residential thermostat that contains mercury unless the manufacturer of the thermostat conducts or participates in a thermostat recovery or recycling program designed to assist contractors in the proper disposal of thermostats that contain mercury in accordance with 42 U.S.C. Sec. 6901, et seq., the federal resource conservation and recovery act.

(4) No person may sell, offer for sale, or distribute for sale or use in this state a motor vehicle manufactured after January 1, 2006, if the motor vehicle contains an automotive mercury switch.

(5) Nothing in this section restricts the ability of a manufacturer, importer, or domestic distributor from transporting products through the state, or storing products in the state for later distribution outside the state.

(6) Effective June 30, 2012, the sale or purchase and delivery of bulk mercury is prohibited, including sales through the internet or sales by private parties. However, the prohibition in this subsection does not apply to immediate dangerous waste recycling facilities or treatment, storage, and disposal facilities as approved by the department and sales to research facilities, or industrial facilities that provide products or services to entities exempted from this chapter. The facilities described in this subsection must submit an inventory of their purchase and use of bulk mercury to the department on an annual basis, as well as any mercury waste generated from such actions.

NEW SECTION. **Sec. 20.** Sections 1 through 17 and 21 of this act constitute a new chapter in Title 70 RCW.

NEW SECTION. **Sec. 21.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Rockefeller moved that the Senate concur in the House amendment(s) to Engrossed Substitute Senate Bill No. 5543.

Senator Rockefeller spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Rockefeller that the Senate concur in the

House amendment(s) to Engrossed Substitute Senate Bill No. 5543.

The motion by Senator Rockefeller carried and the Senate concurred in the House amendment(s) to Engrossed Substitute Senate Bill No. 5543 by voice vote.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5543, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5543, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 36; Nays, 12; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Haugen, Hewitt, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Shin, Swecker, Tom and Zarelli

Voting nay: Senators Becker, Carrell, Delvin, Hargrove, Hatfield, Holmquist, Honeyford, King, Morton, Schoesler, Sheldon and Stevens

Excused: Senator McCaslin

ENGROSSED SUBSTITUTE SENATE BILL NO. 5543, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MESSAGE FROM THE HOUSE

March 2, 2010

MR. PRESIDENT:

The House passed SENATE BILL NO. 6379 with the following amendment(s): 6379 AMH TR H5433.1 6379 AMH TR H5433.1,

Strike everything after the enacting clause and insert the following:

**NEW SECTION. Sec. 1.** This act is intended to streamline and make technical amendments to certain codified statutes that deal with vehicle and vessel registration and title. Any statutory changes made by this act should be interpreted as technical in nature and not be interpreted to have any substantive policy or legal implications.

#### PART I. DEFINITIONS

**NEW SECTION. Sec. 101.** A new section is added to chapter 46.04 RCW to read as follows:

"Affidavit of loss" means a written statement confirming that the certificate of title, registration certificate, gross weight license, validation tab, or decal has been lost, stolen, destroyed, or mutilated. The statement must be in a form prescribed by the director.

**NEW SECTION. Sec. 102.** A new section is added to chapter 46.04 RCW to read as follows:

"Agent," for the purposes of entering into the standard contract required under RCW 46.01.140(1), means any county auditor or other individual, government, or business entity other than a subagent that is appointed to carry out vehicle registration and certificate of title functions for the department.

**NEW SECTION. Sec. 103.** A new section is added to chapter 46.04 RCW to read as follows:

"Amateur radio operator license plates" means special license plates displaying amateur radio call letters assigned by the federal communications commission.

**NEW SECTION. Sec. 104.** A new section is added to chapter 46.04 RCW to read as follows:

"Armed forces license plate collection" means the collection of six separate license plate designs issued under section 612 of this act. Each license plate design displays a symbol representing one of the five branches of the armed forces, and one representing the national guard.

**NEW SECTION. Sec. 105.** A new section is added to chapter 46.04 RCW to read as follows:

"Baseball stadium license plate" means special license plates commemorating the construction of a baseball stadium as defined in RCW 82.14.0485.

**NEW SECTION. Sec. 106.** A new section is added to chapter 46.04 RCW to read as follows:

"Business day" means Monday through Friday and excludes Saturday, Sunday, and state and federal holidays.

**NEW SECTION. Sec. 107.** A new section is added to chapter 46.04 RCW to read as follows:

"Cab and chassis" means an incomplete vehicle manufactured and sold with only a cab, frame, and running gear.

**Sec. 108.** RCW 46.04.125 and 1996 c 225 s 2 are each amended to read as follows:

"Collector" means the owner of one or more vehicles described in ((RCW 46.16.305(4))) section 617(1) of this act who collects, purchases, acquires, trades, or disposes of the vehicle or parts of it, for his or her personal use, in order to preserve, restore, and maintain the vehicle for hobby or historical purposes.

**NEW SECTION. Sec. 109.** A new section is added to chapter 46.04 RCW to read as follows:

"Collector vehicle license plate" means a special license plate that may be assigned to a vehicle that is more than thirty years old.

**NEW SECTION. Sec. 110.** A new section is added to chapter 46.04 RCW to read as follows:

"Commercial trailer" means a trailer that is principally used to transport commodities, merchandise, produce, freight, or animals.

**NEW SECTION. Sec. 111.** A new section is added to chapter 46.04 RCW to read as follows:

"Confidential license plates" and "undercover license plates" mean standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized under RCW 46.08.066.

**NEW SECTION. Sec. 112.** A new section is added to chapter 46.04 RCW to read as follows:

"Converter gear" means an auxiliary axle, booster axle, dolly, or jeep axle.

**NEW SECTION. Sec. 113.** A new section is added to chapter 46.04 RCW to read as follows:

"Disabled American veteran license plates" means special license plates issued to a veteran, as defined in RCW 41.04.007, who meets the requirements provided in section 619 of this act.

**NEW SECTION. Sec. 114.** A new section is added to chapter 46.04 RCW to read as follows:

"Empty scale weight" means the weight of a vehicle as it stands without a load.

**NEW SECTION. Sec. 115.** A new section is added to chapter 46.04 RCW to read as follows:

"Endangered wildlife license plates" means special license plates that display a symbol or artwork symbolizing endangered wildlife in Washington state.

**NEW SECTION. Sec. 116.** A new section is added to chapter 46.04 RCW to read as follows:

"Fixed load vehicle" means a commercial vehicle that has a structure or machinery permanently attached such as, but not limited

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to, an air compressor, a bunk house, a conveyor, a cook house, a donkey engine, a hoist, a rock crusher, a tool house, or a well drilling machine. Fixed load vehicles are not capable of carrying any additional load other than the structure or machinery permanently attached.

**NEW SECTION. Sec. 117.** A new section is added to chapter 46.04 RCW to read as follows:

"Former prisoner of war license plates" means special license plates that may be issued to former prisoners of war as authorized under section 619 of this act.

**NEW SECTION. Sec. 118.** A new section is added to chapter 46.04 RCW to read as follows:

"Gross vehicle weight rating" means the value specified by the manufacturer as the maximum load weight of a single vehicle.

**NEW SECTION. Sec. 119.** A new section is added to chapter 46.04 RCW to read as follows:

"Helping kids speak license plates" means special license plates that commemorate an organization that supports programs that provide free diagnostic and therapeutic services to children who have a severe delay in language or speech development.

**NEW SECTION. Sec. 120.** A new section is added to chapter 46.04 RCW to read as follows:

"Horseless carriage license plate" is a special license plate that may be assigned to a vehicle that is more than forty years old.

**NEW SECTION. Sec. 121.** A new section is added to chapter 46.04 RCW to read as follows:

"Hybrid motor vehicle" means a motor vehicle that uses multiple power sources or fuel types for propulsion and meets the federal definition of a hybrid motor vehicle.

**NEW SECTION. Sec. 122.** A new section is added to chapter 46.04 RCW to read as follows:

"Light truck" means a motor vehicle manufactured as a truck with a declared gross weight of twelve thousand pounds or less.

**NEW SECTION. Sec. 123.** A new section is added to chapter 46.04 RCW to read as follows:

"Market value threshold amount" means an amount set by rule by the department that is used to determine, together with the age of the vehicle, whether vehicle certificates of title for vehicles aged six years through twenty years should be identified as having been previously destroyed or reported as an insurance total loss.

**NEW SECTION. Sec. 124.** A new section is added to chapter 46.04 RCW to read as follows:

"Military affiliate radio system license plates" means special license plates displaying official military affiliate radio system call letters assigned by the United States department of defense.

**NEW SECTION. Sec. 125.** A new section is added to chapter 46.04 RCW to read as follows:

"Natural person" means a human being.

**NEW SECTION. Sec. 126.** A new section is added to chapter 46.04 RCW to read as follows:

"New motor vehicle" means any motor vehicle that (1) is self-propelled and is required to be registered and titled under this title, (2) has not been previously titled to a retail purchaser or lessee, and (3) is not a used vehicle as defined under RCW 46.04.660.

**NEW SECTION. Sec. 127.** A new section is added to chapter 46.04 RCW to read as follows:

"Off-road vehicle" or "ORV" means a nonstreet registered vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. "Off-road vehicle" or "ORV" includes, but is not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

**NEW SECTION. Sec. 128.** A new section is added to chapter 46.04 RCW to read as follows:

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"ORV registration" means a registration certificate or decal issued under the laws of this state pertaining to the registration of off-road vehicles under chapter 46.09 RCW.

**NEW SECTION. Sec. 129.** A new section is added to chapter 46.04 RCW to read as follows:

"Ownership in doubt" means that a vehicle or vessel owner is unable to obtain satisfactory evidence of ownership or releases of interest and is permitted to apply for a three-year registration period without a certificate of title or a three-year period with a bond covering the certificate of title.

**Sec. 130.** RCW 46.04.3815 and 1996 c 225 s 3 are each amended to read as follows:

"Parts car" means a motor vehicle that is owned by a collector to furnish parts for restoration or maintenance of a vehicle described in ~~(RCW 46.16.305(1))~~ section 617(1) of this act, thus enabling a collector to preserve, restore, and maintain such a vehicle.

**NEW SECTION. Sec. 131.** A new section is added to chapter 46.04 RCW to read as follows:

"Personalized license plates" means license plates that display the license plate number assigned to the vehicle or camper for which the license plate number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle or camper in accordance with chapter 46... RCW (the new chapter created in section 1224 of this act).

**NEW SECTION. Sec. 132.** A new section is added to chapter 46.04 RCW to read as follows:

"Private use single-axle trailer" means a trailer owned by a natural person and used for the private noncommercial use of the owner.

**NEW SECTION. Sec. 133.** A new section is added to chapter 46.04 RCW to read as follows:

"Purple heart license plates" means special license plates that may be assigned to a motor vehicle to recipients of the Purple Heart medal or to another qualified person.

**NEW SECTION. Sec. 134.** A new section is added to chapter 46.04 RCW to read as follows:

"Registration" means the registration certificate or license plates issued under the laws of this state pertaining to the registration of vehicles.

**NEW SECTION. Sec. 135.** A new section is added to chapter 46.04 RCW to read as follows:

"Renewal notice" means the notice to renew a vehicle registration sent to the registered owner by the department.

**NEW SECTION. Sec. 136.** A new section is added to chapter 46.04 RCW to read as follows:

"Report of sale" means a document or electronic record transaction that when properly completed and filed protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

**NEW SECTION. Sec. 137.** A new section is added to chapter 46.04 RCW to read as follows:

"Ride share license plates" means special license plates issued for motor vehicles that are used primarily for commuter ride sharing as defined in RCW 46.74.010.

**NEW SECTION. Sec. 138.** A new section is added to chapter 46.04 RCW to read as follows:

"Salvage vehicle" means a vehicle whose certificate of title has been surrendered to the department under RCW 46.12.070 (as recodified by this act) due to the vehicle's destruction or declaration as a total loss or for which there is documentation indicating that the vehicle has been declared salvage or has been damaged to the extent that the owner, an insurer, or other person acting on behalf of the owner, has determined that the cost of parts and labor plus the salvage value has made it uneconomical to repair the vehicle.

"Salvage vehicle" does not include a motor vehicle having a model year designation of a calendar year that is at least six years before the calendar year in which the vehicle was wrecked, destroyed, or damaged, unless, after June 13, 2002, and immediately before the vehicle was wrecked, destroyed, or damaged, the vehicle had a retail fair market value of at least the then market value threshold amount and has a model year designation of a calendar year not more than twenty years before the calendar year in which the vehicle was wrecked, destroyed, or damaged.

**NEW SECTION. Sec. 139.** A new section is added to chapter 46.04 RCW to read as follows:

"Scale weight" means the weight of a vehicle without a load.

**NEW SECTION. Sec. 140.** A new section is added to chapter 46.04 RCW to read as follows:

"Secured party" has the same meaning as in RCW 62A.1-201.

**NEW SECTION. Sec. 141.** A new section is added to chapter 46.04 RCW to read as follows:

"Security interest" has the same meaning as in RCW 62A.1-201.

**NEW SECTION. Sec. 142.** A new section is added to chapter 46.04 RCW to read as follows:

"Share the road license plates" means special license plates displaying a symbol or artwork recognizing an organization that promotes bicycle safety and awareness education. Share the road license plates commemorate the life of Cooper Jones.

**NEW SECTION. Sec. 143.** A new section is added to chapter 46.04 RCW to read as follows:

"Ski & ride Washington license plates" means special license plates displaying a symbol or artwork recognizing the Washington snowsports industry.

**NEW SECTION. Sec. 144.** A new section is added to chapter 46.04 RCW to read as follows:

(1) "Special highway construction equipment" means any vehicle that is (a) designed and used primarily for the grading of highways, the paving of highways, earth moving, and other construction work on highways, (b) not designed or used primarily to transport persons or property on a public highway, and (c) only incidentally operated or moved over the highway.

(2) "Special highway construction equipment" includes, but is not limited to, road construction and maintenance machinery that is designed and used for the purposes described under subsection (1) of this section, such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, and self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations that (a) are in excess of the legal width, (b) because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (c) are driven or moved upon a public highway only for the purpose of crossing the highway from one property to another, provided that the movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads that will not damage the roadway surface.

**NEW SECTION. Sec. 145.** A new section is added to chapter 46.04 RCW to read as follows:

"Snowmobile" means a self-propelled vehicle that is capable of traveling over snow or ice that (1) utilizes as its means of propulsion an endless belt tread or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, (2) is steered wholly or in part by skis or sled type runners, and (3) is

not otherwise registered as, or subject to, the motor vehicle excise tax in the state of Washington.

**NEW SECTION. Sec. 146.** A new section is added to chapter 46.04 RCW to read as follows:

"Sport utility vehicle" means a high performance motor vehicle weighing six thousand pounds or less, designed to carry ten passengers or less or designated as a sport utility vehicle by the manufacturer.

**NEW SECTION. Sec. 147.** A new section is added to chapter 46.04 RCW to read as follows:

"Square dancer license plates" means special license plates displaying a symbol of square dancers.

**NEW SECTION. Sec. 148.** A new section is added to chapter 46.04 RCW to read as follows:

"Standard issue license plates" means license plates that are held for general issue, and does not mean personalized license plates or any other special license plate.

**NEW SECTION. Sec. 149.** A new section is added to chapter 46.04 RCW to read as follows:

"Subagency" means the licensing office in which vehicle title and registration functions are carried out by a subagent.

**NEW SECTION. Sec. 150.** A new section is added to chapter 46.04 RCW to read as follows:

"Subagent" means a person or governmental entity recommended by a county auditor or other agent and who is appointed by the director to provide vehicle registration and certificate of title services under contract with the county auditor or other agent.

**NEW SECTION. Sec. 151.** A new section is added to chapter 46.04 RCW to read as follows:

"Tab" or "license tab" means a sticker issued by the department and affixed to the rear license plate to identify the vehicle license expiration month and year for a specific vehicle.

**NEW SECTION. Sec. 152.** A new section is added to chapter 46.04 RCW to read as follows:

"Total loss vehicle" means a vehicle that has been reported to the department as destroyed by an insurance company, self-insurer, or the vehicle owner or the owner's authorized representative.

**NEW SECTION. Sec. 153.** A new section is added to chapter 46.04 RCW to read as follows:

"Tow dolly" means a trailer equipped with between one and three axles designed to connect to a tow bar on the rear of a motor vehicle that is used to tow another vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly.

**NEW SECTION. Sec. 154.** A new section is added to chapter 46.04 RCW to read as follows:

"Transit permit" means a document that authorizes a person to operate a vehicle on a public highway of this state solely for the purpose of obtaining the necessary documentation to complete and apply for a Washington certificate of title or vehicle registration. Unlimited use of the vehicle is prohibited when operated under a transit permit.

**Sec. 155.** RCW 46.04.670 and 2003 c 141 s 6 are each amended to read as follows:

"Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including bicycles. ~~((The term))~~ "Vehicle" does not include power wheelchairs or devices other than bicycles moved by human or animal power or used exclusively upon stationary rails or tracks. Mopeds ~~((shall))~~ are not ~~((be))~~ considered vehicles or motor vehicles for the purposes of chapter 46.70 RCW. Bicycles ~~((shall))~~ are not ~~((be))~~ considered vehicles for the purposes of chapter 46.12, 46.16, or 46.70 RCW or RCW 82.12.045. Electric personal assistive mobility devices are not considered vehicles or motor



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vehicles for the purposes of chapter 46.12, 46.16, 46.29, 46.37, or 46.70 RCW.

**NEW SECTION. Sec. 156.** A new section is added to chapter 46.04 RCW to read as follows:

"Vehicle license fee" means a fee collected by the state of Washington as a license fee, as that term is construed in Article II, section 40 of the state Constitution, for the act of registering a vehicle under chapter 46.16 RCW. "Vehicle license fee" does not include license plate fees, or taxes and fees collected by the department for other jurisdictions.

**NEW SECTION. Sec. 157.** A new section is added to chapter 46.04 RCW to read as follows:

"Vintage snowmobile" means a snowmobile manufactured at least thirty years ago.

**NEW SECTION. Sec. 158.** A new section is added to chapter 46.04 RCW to read as follows:

"Washington state parks license plates" means special license plates displaying a symbol or artwork recognizing Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.

**NEW SECTION. Sec. 159.** A new section is added to chapter 46.04 RCW to read as follows:

"Washington's wildlife license plate collection" means the collection of three separate license plate designs. Each license plate design displays a distinct symbol or artwork, to include bear, deer, and elk, recognizing the wildlife of Washington.

**NEW SECTION. Sec. 160.** A new section is added to chapter 46.04 RCW to read as follows:

"We love our pets license plates" means special license plates displaying a symbol or artwork recognizing an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay or neuter surgery on Washington state pets in order to reduce pet overpopulation.

**NEW SECTION. Sec. 161.** A new section is added to chapter 46.04 RCW to read as follows:

"Wild on Washington license plates" means special license plates that display a symbol or artwork symbolizing wildlife viewing in Washington state.

## PART II. GENERAL PROVISIONS AND NONHIGHWAY VEHICLES

**Sec. 201.** RCW 46.01.011 and 1994 c 92 s 500 are each amended to read as follows:

The legislature finds that the department of licensing administers laws relating to the licensing and regulation of professions, businesses, ~~((gambling))~~ and other activities in addition to administering laws relating to the licensing and regulation of vehicles and vehicle operators, dealers, and manufacturers. The laws administered by the department have the common denominator of licensing and regulation and are directed toward protecting and enhancing the well-being of the residents of the state.

**Sec. 202.** RCW 46.01.110 and 1995 c 403 s 108 are each amended to read as follows:

The director ~~((of licensing is hereby authorized to))~~ may adopt and enforce ~~((such reasonable rules as may be consistent with and necessary))~~ rules to carry out ~~((the))~~ provisions ~~((relating))~~ related to vehicle ~~((licenses))~~ registrations, certificates of ~~((ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW: PROVIDED, That the director of licensing may not adopt rules after July 23, 1995, that are based))~~ title, and drivers' licenses. These rules must not be based:

(1) Solely on a section of law stating a statute's intent or purpose((;));

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(2) On the enabling provisions of the statute establishing the agency((;)); or

(3) On any combination of ~~((such provisions, for statutory authority to adopt any rule))~~ subsections (1) and (2) of this section.

**Sec. 203.** RCW 46.01.130 and 2009 c 169 s 1 are each amended to read as follows:

~~((1) The department of licensing shall have the general supervision))~~ The director:

(1) Shall supervise and control ~~((of))~~ the issuing of vehicle ~~((licenses))~~ certificates of title, vehicle registrations, and vehicle license ~~((number))~~ plates, and ~~((shall have))~~ has the full power to do all things necessary and proper to carry out the provisions of the law relating to the ~~((licensing))~~ registration of vehicles; ~~((the director shall have the power to))~~

(2) May appoint and employ deputies, assistants ~~((and))~~, representatives, and ~~((such clerks as may be required from time to time, and to provide for their operation))~~ clerks;

(3) May establish branch offices in different parts of the state ~~((and the director shall have the power to));~~

(4) May appoint ~~((the))~~ county auditors ~~((of the several counties as the director's agents for the licensing of vehicles.~~

~~((2))~~(a) The director) in Washington state or, in the absence of a county auditor, the department or an official of county government as agents for applications for and the issuance of vehicle certificates of title and vehicle registrations; and

(5)(a) Shall investigate the conviction records and pending charges of any current employee of or prospective employee being considered for any position with the department that has or will have:

(i) The ability to create or modify records of applicants for enhanced drivers' licenses and identicards issued under RCW 46.20.202; and

(ii) The ability to issue enhanced drivers' licenses and identicards under RCW 46.20.202.

(b) The investigation consists of a background check as authorized under RCW 10.97.050, 43.43.833, and 43.43.834, and the federal bureau of investigation. The background check must be conducted through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which is through the submission of fingerprints. The director shall use the information solely to determine the character, suitability, and competence of current or prospective employees subject to this section.

(c) The director shall investigate the conviction records and pending charges of an employee subject to this subsection every five years.

(d) Criminal justice agencies shall provide the director with information that they may possess and that the director may require solely to determine the employment suitability of current or prospective employees subject to this section.

**Sec. 204.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to read as follows:

~~((1))~~ The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies and recommend subagents to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

(2) A county auditor appointed by the director may request that the director appoint subagencies within the county.

(a) Upon authorization of the director, the auditor shall use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications

of all interested applicants.

(b) A subagent may recommend a successor who is either the subagent's sibling, spouse, or child, or a subagency employee, as long as the recommended successor participates in the open, competitive process used to select an applicant. In making successor recommendation and appointment determinations, the following provisions apply:

(i) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers.

(ii) No subagent may receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment.

(iii) (a) and (b) of this subsection are intended to assist in the efficient transfer of appointments in order to minimize public inconvenience. They do not create a proprietary or property interest in the appointment.

(c) The auditor shall submit all proposals to the director, and shall recommend the appointment of one or more subagents who have applied through the open competitive process. The auditor shall include in his or her recommendation to the director, not only the name of the successor who is a relative or employee, if applicable and if otherwise qualified, but also the name of one other applicant who is qualified and was chosen through the open competitive process. The director has final appointment authority.

(3)(a) A county auditor who is appointed as an agent by the department shall enter into a standard contract provided by the director, developed with the advice of the title and registration advisory committee.

(b) A subagent appointed under subsection (2) of this section shall enter into a standard contract with the county auditor, developed with the advice of the title and registration advisory committee. The director shall provide the standard contract to county auditors.

(c) The contracts provided for in (a) and (b) of this subsection must contain at a minimum provisions that:

(i) Describe the responsibilities, and where applicable, the liability, of each party relating to the service expectations and levels, equipment to be supplied by the department, and equipment maintenance;

(ii) Require the specific type of insurance or bonds so that the state is protected against any loss of collected motor vehicle tax revenues or loss of equipment;

(iii) Specify the amount of training that will be provided by the state, the county auditor, or subagents;

(iv) Describe allowable costs that may be charged to vehicle licensing activities as provided for in (d) of this subsection;

(v) Describe the causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(d) The department shall develop procedures that will standardize and prescribe allowable costs that may be assigned to vehicle licensing and vessel registration and title activities performed by county auditors.

(e) The contracts may include any provision that the director deems necessary to ensure acceptable service and the full collection of vehicle and vessel tax revenues.

(f) The director may waive any provisions of the contract deemed necessary in order to ensure that readily accessible service is provided to the citizens of the state.

(4)(a) At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle or vessel upon the public highways or waters of this state, excluding applicants already paying such fee under RCW 46.16.070 or

46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of three dollars for each application in addition to any other fees required by law.

(b) Counties that do not cover the expenses of vehicle licensing and vessel registration and title activities may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to verify whether a request is reasonable. Payment shall be made on requests found to be allowable from the licensing services account.

(c) Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of four dollars in addition to any other fees required by law.

(d) The fees under (a) and (c) of this subsection, if paid to the county auditor as agent of the director, or if paid to a subagent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his or her expenses in handling the application.

(e) Applicants required to pay the three-dollar fee established under (a) of this subsection, must pay an additional seventy-five cents, which must be collected and remitted to the state treasurer and distributed as follows:

(i) Fifty cents must be deposited into the department of licensing services account of the motor vehicle fund and must be used for agent and subagent support, which is to include but not be limited to the replacement of department-owned equipment in the possession of agents and subagents.

(ii) Twenty-five cents must be deposited into the license plate technology account created under RCW 46.16.685.

(5) A subagent shall collect a service fee of (a) ten dollars for changes in a certificate of ownership, with or without registration renewal, or verification of record and preparation of an affidavit of lost title other than at the time of the title application or transfer and (b) four dollars for registration renewal only, issuing a transit permit, or any other service under this section.

(6) If the fee is collected by the state patrol as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the state patrol highway account. If the fee is collected by the department of transportation as agent for the director, the fee shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

(7) Any county revenues that exceed the cost of providing vehicle licensing and vessel registration and title activities in a county, calculated in accordance with the procedures in subsection (3)(d) of this section, shall be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(8) The director may adopt rules to implement this section.)

(1) **County auditor/agent duties.** A county auditor or other agent appointed by the director shall:

(a) Enter into a standard contract provided by the director, as developed in consultation with the advice of the title and registration advisory committee;

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Processing mail-in vehicle registration renewals until

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directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

(a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and

(b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency shall, with approval of the director:

(a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and

(b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor shall provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

(4) **Subagent duties.** A subagent appointed by the director shall:

(a) Enter into a standard contract with the county auditor or agent provided by the director, as developed in consultation with the title and registration advisory committee; and

(b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:

(i) Processing reports of sale;

(ii) Processing transitional ownership transactions;

(iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;

(iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment; and

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department shall develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section.

**Sec. 205.** RCW 46.01.230 and 2003 c 369 s 1 are each amended to read as follows:

((1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 as now or hereafter amended.

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified that such certificate, license, or permit has been canceled pursuant to this section. Notice of cancellation may be accomplished by sending a notice by first-class mail using the last known address in department records for the holder of the certificate, license, or permit, and recording the transmittal on an affidavit of first-class mail.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee may be assessed for each such instrument. Notwithstanding provisions of any other laws, county auditors, agents, and subagents, appointed or approved by the director pursuant to RCW 46.01.140, may collect restitution, and where they have collected restitution may retain the reasonable handling fee. The amount of the reasonable handling fee may be set by rule by the director.

(4) In those counties where the county auditor has been appointed an agent of the director under RCW 46.01.140, the auditor shall continue to process mail-in registration renewals until directed otherwise by legislative authority. Subagents appointed by the director under RCW 46.01.140 have the same authority to mail out registrations and replacement plates to Internet payment option customers as the agents until directed otherwise by legislative authority. The department shall provide separate statements giving notice to Internet payment option customers that: (a) A subagent service fee, as provided in RCW 46.01.140(5)(b), will be collected by a subagent office for providing mail and pick-up services; and (b) a filing fee will be collected on all transactions listed under RCW 46.01.140(4)(a). The statement must include the amount of the fee and be published on the department's Internet web site on the page that lists each department, county auditor, and subagent office, eligible to provide mail or pick-up services for registration renewals and replacement plates. The statements must be published below each office listed.)

(1) The department may accept checks and money orders for the payment of drivers' licenses, certificates of title and vehicle registrations, vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department. Whenever registrations, licenses, or permits have been paid for by checks or money orders that have been dishonored by nonacceptance or nonpayment, the department shall:

(a) Cancel the registration, license, or permit;

(b) Send a notice of cancellation by first-class mail using the last known address in department records for the holder of the certificate, license, or permit, and complete an affidavit of first-class mail; and

(c) Assess a handling fee, set by rule.

(2) It is a traffic infraction to fail to surrender a certificate of title, registration certificate, or permit to the department or to an authorized agent within ten days of being notified that the certificate, registration, or permit has been cancelled.

(3) County auditors, agents, and subagents appointed by the director may collect restitution for dishonored checks and money orders and keep the handling fee.

(4) A person who has recently acquired a vehicle by purchase, exchange, gift, lease, inheritance, or legal action is not liable or responsible for the payment of uncollected fees and taxes that were paid for by a predecessor's check or money order that was subsequently dishonored. The department may not deny an application to transfer ownership for the uncollected amount.

(5) The director may adopt rules to implement this section. The rules must provide for the public's convenience consistent with sound business practice and encourage annual renewal of vehicle registrations by mail, authorizing checks and money orders for payment.

**NEW SECTION. Sec. 206.** A new section is added to chapter 46.01 RCW to read as follows:

(1) The department shall provide on its internet payment option web site:

(a) That a filing fee will be collected on all transactions subject to a filing fee;

(b) That a subagent service fee will be collected by a subagent office for mail or pick-up licensing services; and

(c) The amount of the filing and subagent service fees.

(2) The filing and subagent service fees must be shown below each office listed.

**Sec. 207.** RCW 46.01.235 and 2004 c 249 s 9 are each amended to read as follows:

The department may adopt necessary rules and procedures to allow use of credit and debit cards for payment of fees and excise taxes to the department and its agents or subagents related to the licensing of drivers, the issuance of identicards, and vehicle and vessel (~~(title))~~ certificates of title and registration. The department may establish a convenience fee to be paid by the credit or debit card user whenever a credit or debit card is chosen as the payment method. The fee must be sufficient to offset the charges imposed on the department and its agents and subagents by credit and debit card companies. In no event may the use of credit or debit cards authorized by this section create a loss of revenue to the state.

The use of a personal credit card does not rely upon the credit of the state as prohibited by Article VIII, section 5 of the state Constitution.

**Sec. 208.** RCW 46.01.260 and 2009 c 276 s 2 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the director(~~(, in his or her discretion,))~~ may destroy applications for vehicle (~~(licenses))~~ registrations, copies of vehicle (~~(licenses))~~ registrations issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, and records or supporting papers on file in (~~(his or her office which))~~ the department that have been microfilmed or photographed or are more than five years old. (~~(If the))~~ The director may destroy applications for vehicle (~~(licenses))~~ registrations that are renewal applications(~~(, the director may destroy such applications))~~) when the computer record (~~(thereof))~~ of the applications has been updated.

(2)(a) The director shall not destroy records of convictions or adjudications of RCW 46.61.502, 46.61.504, 46.61.520, and 46.61.522, or records of deferred prosecutions granted under RCW 10.05.120 and shall maintain such records permanently on file.

(b) The director shall not, within fifteen years from the date of conviction or adjudication, destroy records if the offense was originally charged as one of the offenses designated in (a) of this subsection, convictions or adjudications of the following offenses: RCW 46.61.500 or 46.61.5249 or any other violation that was originally charged as one of the offenses designated in (a) of this subsection.

(c) For purposes of RCW 46.52.101 and 46.52.130, offenses subject to this subsection shall be considered "alcohol-related" offenses.

**Sec. 209.** RCW 46.01.270 and 1991 c 339 s 18 are each amended to read as follows:

(~~The~~) A county auditor or other agent appointed by the director may destroy applications for vehicle (~~(licenses))~~ registrations and any copies of vehicle (~~(licenses))~~ registrations or other records issued after (~~(such))~~ those records have been on file in the county auditor's or other agent's office for a period of eighteen months, unless otherwise directed by the director.

**Sec. 210.** RCW 46.01.310 and 1987 c 302 s 3 are each amended to read as follows:

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No civil suit or action may ever be commenced or prosecuted against the director, the state of Washington, any county auditor or other agents appointed by the director, ((or against)) any other government officer or entity, or against any other person, by reason of any act done or omitted to be done in connection with the titling(~~(; licensing,))~~ or registration of vehicles or vessels while administering duties and responsibilities imposed on the director or as an agent of the director ((of licensing)), or as ((an agent)) a subagent of an agent of the director ((of licensing, pursuant to RCW 46.01.140. However,)). This section does not bar the state of Washington or the director ((of licensing)) from bringing any action, whether civil or criminal, against any ((such)) agent, nor shall it bar a county auditor or other agent of the director from bringing an action against ((his or her)) the agent.

**Sec. 211.** RCW 46.08.066 and 1986 c 158 s 20 are each amended to read as follows:

(1) ~~((Except as provided in subsection (3) of this section.))~~ The department ~~((of licensing is authorized to))~~ may issue confidential ~~((motor vehicle))~~ license plates to:

(a) Units of local government and ~~((to))~~ agencies of the federal government for law enforcement purposes only;

(b) Any state official elected on a statewide basis for use on official business. Only one set of confidential license plates may be issued to these elected officials;

(c) Any other public officer or public employee for the personal security of the officer or employee when recommended by the chief of the Washington state patrol. These confidential license plates may only be used on an unmarked publicly owned or controlled vehicle of the employing government agency for the conduct of official business for the period of time that the personal security of the state official, public officer, or other public employee may require; and

(d) The office of the state treasurer. These confidential license plates may only be used on an unmarked state owned or controlled vehicle when required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(2) ~~((Except as provided in subsections (3) and (4) of this section))~~ The use of confidential license plates on other vehicles owned or operated by the state of Washington by any officer or employee ~~((thereof, shall be))~~ of the state is limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) ~~((Any state official elected on a statewide basis shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.~~

(4)) The director ~~((of licensing))~~ may ~~((issue))~~ adopt rules ~~((and regulations))~~ governing applications for, and the use of, ~~((such))~~ confidential license plates ~~((by law enforcement and other public agencies)).~~

**Sec. 212.** RCW 46.08.150 and 1995 c 384 s 2 are each amended to read as follows:

The director of general administration shall have power to devise and promulgate rules and regulations for the control of

vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for ~~((physically disabled))~~ persons with physical disabilities shall be the same as provided in ~~((RCW 46.16.381))~~ section 706 of this act. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper.

**Sec. 213.** RCW 46.09.020 and 2007 c 241 s 13 are each amended to read as follows:

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

(1) "Advisory committee" means the nonhighway and off-road vehicle activities advisory committee established in RCW 46.09.280 ~~((as recodified by this act)).~~

(2) "Board" means the recreation and conservation funding board established in RCW 79A.25.110.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling off-road vehicles at wholesale or retail in this state.

(4) ~~((Department means the department of licensing.))~~  
~~((5))~~ "Highway," for the purpose of this chapter only, means the entire width between the boundary lines of every roadway publicly maintained by the state department of transportation or any county or city with funding from the motor vehicle fund. A highway is generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles.

~~((6))~~ "Motorized vehicle" means a vehicle that derives motive power from an internal combustion engine.

~~((7))~~ (5) "Nonhighway road" means any road owned or managed by a public agency or any private road for which the owner has granted an easement for public use for which appropriations from the motor vehicle fund were not used for (a) original construction or reconstruction in the last twenty-five years; or (b) maintenance in the last four years.

~~((8))~~ (6) "Nonhighway road recreation facilities" means recreational facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonhighway road recreational users.

~~((9))~~ (7) "Nonhighway road recreational user" means a person whose purpose for consuming fuel on a nonhighway road or off-road is primarily for nonhighway road recreational purposes, including, but not limited to, hunting, fishing, camping, sightseeing, wildlife viewing, picnicking, driving for pleasure, kayaking/canoeing, and gathering berries, firewood, mushrooms, and other natural products.

~~((10))~~ (8) "Nonhighway vehicle" means any motorized vehicle including an ORV when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain.

Nonhighway vehicle does not include:

(a) Any vehicle designed primarily for travel on, over, or in the water;

(b) Snowmobiles or any military vehicles; or

(c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW while an exemption or rebate is claimed. This exemption includes but is not limited to farm, construction, and logging vehicles.

~~((11))~~ (9) "Nonmotorized recreational facilities" means recreational trails and facilities that are adjacent to, or accessed by, a nonhighway road and intended primarily for nonmotorized recreational users.

~~((12))~~ (10) "Nonmotorized recreational user" means a person whose purpose for consuming fuel on a nonhighway road or

off-road is primarily for nonmotorized recreational purposes including, but not limited to, walking, hiking, backpacking, climbing, cross-country skiing, snowshoeing, mountain biking, horseback riding, and pack animal activities.

((13)) "Off-road vehicle" or "ORV" means any nonstreet licensed vehicle when used for recreational purposes on nonhighway roads, trails, or a variety of other natural terrain. Such vehicles include, but are not limited to, all-terrain vehicles, motorcycles, four-wheel drive vehicles, and dune buggies.

(14) "Operator" means each person who operates, or is in physical control of, any nonhighway vehicle.

((15)) (11) "Organized competitive event" means any competition, advertised in advance through written notice to organized clubs or published in local newspapers, sponsored by recognized clubs, and conducted at a predetermined time and place.

((16)) (12) "ORV recreation facilities" include, but are not limited to, ORV trails, trailheads, campgrounds, ORV sports parks, and ORV use areas, designated for ORV use by the managing authority that are intended primarily for ORV recreational users.

((17)) (13) "ORV recreational user" means a person whose purpose for consuming fuel on nonhighway roads or off-road is primarily for ORV recreational purposes, including but not limited to riding an all-terrain vehicle, motorcycling, or driving a four-wheel drive vehicle or dune buggy.

((18)) (14) "ORV sports park" means a facility designed to accommodate competitive ORV recreational uses including, but not limited to, motocross racing, four-wheel drive competitions, and flat track racing. Use of ORV sports parks can be competitive or noncompetitive in nature.

((19)) (15) "ORV trail" means a multiple-use corridor designated by the managing authority and maintained for recreational use by motorized vehicles.

((20)) "ORV use permit" means a permit issued for operation of an off-road vehicle under this chapter.

(21) "Owner" means the person other than the lienholder, having an interest in or title to a nonhighway vehicle, and entitled to the use or possession thereof.

(22) "Person" means any individual, firm, partnership, association, or corporation.)

**NEW SECTION. Sec. 214.** A new section is added to chapter 46.09 RCW under the subchapter heading "general provisions" to read as follows:

The department shall issue a certificate of title to the owner of an off-road vehicle. The owner shall pay the fee established under section 508 of this act. Issuance of the certificate of title does not qualify the vehicle for registration under chapter 46.16 RCW.

**Sec. 215.** RCW 46.09.030 and 1990 c 250 s 23 are each amended to read as follows:

The department shall (provide for the issuance of use permits for off-road vehicles and may appoint agents for collecting fees and issuing permits. The department shall charge each applicant for registration the actual cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals. The provisions of RCW 46.01.130 and 46.01.140 apply to the issuance of use permits for off-road vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees);

(1) Issue registrations and temporary ORV use permits for off-road vehicles;

(2) Issue decals for off-road vehicles. The decals serve the same function as license plates for vehicles registered under chapter 46.16 RCW; and

(3) Charge a fee for each decal covering the actual cost of the decal.

**Sec. 216.** RCW 46.09.040 and 1977 ex.s. c 220 s 3 are each amended to read as follows:

Except as provided in this chapter, ~~((no))~~ a person shall not operate ~~((any))~~ an off-road vehicle within this state ~~((after January 1, 1978;))~~ unless the off-road vehicle has been assigned an ORV registration or temporary ORV use permit and displays ~~((a current ORV tag in accordance with the provisions of this chapter; PROVIDED, That registration and display of an unexpired ATV use permit shall be deemed to have complied with this section))~~ current decals and tabs as required under this chapter.

**Sec. 217.** RCW 46.09.050 and 2004 c 105 s 9 are each amended to read as follows:

ORV ~~((use permits))~~ registrations and ~~((ORV tags shall be))~~ decals are required under ~~((the provisions of))~~ this chapter except for the following:

(1) Off-road vehicles owned and operated by the United States, another state, or a political subdivision ~~((thereof))~~ of the United States or another state.

(2) Off-road vehicles owned and operated by this state, ~~((or by any))~~ a municipality, or a political subdivision ~~((thereof))~~ of this state or the municipality.

(3) Off-road vehicles operated on agricultural lands owned or leased by the ~~((ORV))~~ off-road vehicle owner or operator.

(4) Off-road vehicles owned by a resident of another state that have a valid ORV use permit or vehicle ~~((license))~~ registration issued in accordance with the laws of the other state. This exemption ~~((shall apply))~~ applies only to the extent that a similar exemption or privilege is granted under the laws of that state.

(5) Off-road vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(6) Vehicles ~~((which are licensed pursuant to))~~ registered under chapter 46.16 RCW or, in the case of nonresidents, vehicles ~~((which are))~~ validly ((licensed)) registered for operation over public highways in the jurisdiction of the owner's residence.

**Sec. 218.** RCW 46.09.070 and 2004 c 106 s 1 are each amended to read as follows:

((1)) Application for annual or temporary ORV use permits shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe and shall state the name and address of each owner of the off-road vehicle.

(2) An application for an annual permit shall be signed by at least one owner, and shall be accompanied by a fee of eighteen dollars. Upon receipt of the annual permit application and the application fee, the off-road vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the off-road vehicle in a manner prescribed by the department. The annual permit is valid for a period of one year and is renewable each year in such manner as the department may prescribe for an additional period of one year upon payment of a renewal fee of eighteen dollars.

Any person acquiring an off-road vehicle for which an annual permit has been issued who desires to continue to use the permit must, within fifteen days of the acquisition of the off-road vehicle, make application to the department or its authorized agent for transfer of the permit, and the application shall be accompanied by a transfer fee of five dollars.

(3) A temporary use permit is valid for sixty days. Application for a temporary permit shall be accompanied by a fee of seven dollars. The permit shall be carried on the vehicle at all times during its operation in the state.

(4) Except as provided in RCW 46.09.050, any out-of-state operator of an off-road vehicle shall, when operating in this state, comply with this chapter, and if an ORV use permit is required under this chapter, the operator shall obtain an annual or temporary permit and tag.)

(1) The application for an original ORV registration has the same requirements as described for original vehicle registrations in RCW

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46.16.040 (as recodified by this act) and must be accompanied by the annual off-road vehicle license fee required under section 531 of this act, in addition to any other fees or taxes due for the application.

(2) The application for renewal of an ORV registration has the same requirements as described for the renewal of vehicle registrations in RCW 46.16.210 (as recodified by this act) and must be accompanied by the annual off-road vehicle license fee required under section 531 of this act, in addition to any other fees or taxes due for the application.

(3) The annual ORV registration is valid for one year and may be renewed each subsequent year as prescribed by the department.

(4) A person who acquires an off-road vehicle that has an ORV registration must:

(a) Apply to the department, county auditor or other agent, or subagent appointed by the director for a transfer of the ORV registration within fifteen days of taking possession of the off-road vehicle; and

(b) Pay the ORV registration transfer fee required under section 536 of this act, in addition to any other fees or taxes due at the time of application.

(5) The department shall issue an ORV registration, decals, and tabs upon receipt of:

(a) A properly completed application for an original ORV registration; and

(b) The payment of all fees and taxes due at the time of application.

(6) The ORV registration must be carried on the vehicle for which it was issued at all times during its operation in this state.

(7) Off-road vehicle decals must be affixed to the off-road vehicle in a manner prescribed by the department.

(8) Unless exempt under RCW 46.09.050 (as recodified by this act), any out-of-state operator of an off-road vehicle, when operating in this state, must comply with this chapter. If an ORV registration is required under this chapter, the out-of-state operator must obtain an ORV registration and decal or a temporary ORV use permit.

**NEW SECTION. Sec. 219.** A new section is added to chapter 46.09 RCW under the subchapter heading "use permits" to read as follows:

(1) The application for a temporary ORV use permit must be made by the owner or the owner's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application must contain:

(a) The name and address of each owner of the off-road vehicle; and

(b) Other information that the department may require.

(2) The owner or the owner's authorized representative shall sign the application for a temporary ORV use permit.

(3) The application for a temporary ORV use permit must be accompanied by the temporary ORV use permit fee required under section 535 of this act, in addition to any other fees or taxes due for the application.

(4) A temporary ORV use permit:

(a) Is valid for sixty days; and

(b) Must be carried on the vehicle for which it was issued at all times during its operation in this state.

**Sec. 220.** RCW 46.09.080 and 1990 c 250 s 24 are each amended to read as follows:

(1) Each dealer of off-road vehicles in this state (~~who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW~~) shall obtain either a miscellaneous vehicle dealer license as defined in RCW 46.70.011 or an ((ORV)) off-road vehicle dealer ((permit)) license from the department in ((such)) a manner ((and upon such forms as)) prescribed by the department ((shall prescribe)). Upon receipt of an application for an ((ORV))

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off-road vehicle dealer ((permit)) license and the fee described under subsection (2) of this section, the dealer ((shall be registered)) is licensed and an ((ORV)) off-road vehicle dealer ((permit)) license number must be assigned.

(2) The annual fee for ((ORV)) an off-road vehicle dealer ((permits shall be)) license is twenty-five dollars ((per year)), which covers all of the off-road vehicles owned by a dealer and not rented. Off-road vehicles rented on a regular, commercial basis by a dealer ((shall)) must have separate ((use permits)) registrations.

(3) Upon the issuance of an ((ORV)) off-road vehicle dealer ((permit)) license, each dealer may purchase, at a cost to be determined by the department, ((ORV)) off-road vehicle dealer ((number)) license plates of a size and color to be determined by the department((, that)). The off-road vehicle dealer license plates must contain the off-road vehicle dealer ((ORV permit)) license number assigned to the dealer. Each off-road vehicle operated by a dealer, dealer representative, or prospective customer for the purposes of testing or demonstration shall display ((such number)) dealer license plates assigned ((pursuant to the dealer permit provisions in chapter 46.70 RCW or this section, in a manner prescribed)) by the department.

(4) ((No)) A dealer, dealer representative, or prospective customer ((shall use such number)) may only use dealer license plates for ((any purpose other than)) the purposes prescribed in subsection (3) of this section.

(5) ((ORV)) Off-road vehicle dealer ((permit)) license numbers ((shall be)) are nontransferable.

(6) It is unlawful for any dealer to sell any off-road vehicle at wholesale or retail or to test or demonstrate any off-road vehicle within the state unless ((he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ORV dealer permit number in accordance with)) the dealer has either a miscellaneous vehicle dealer license as defined in RCW 46.70.011 or an off-road vehicle dealer license as required under this section.

(7) When an ((ORV)) off-road vehicle is sold by a dealer, the dealer shall apply for a certificate of title in the purchaser's name within fifteen days following the sale.

(8) Except as provided in RCW 46.09.050, it is unlawful for any dealer to sell at retail an off-road vehicle without registration required in RCW 46.09.040.

**Sec. 221.** RCW 46.09.115 and 2006 c 212 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, it is lawful to operate an off-road vehicle upon:

(a) A nonhighway road and in parking areas serving designated off-road vehicle areas if the state, federal, local, or private authority responsible for the management of the nonhighway road authorizes the use of off-road vehicles; and

(b) A street, road, or highway as authorized under RCW 46.09.180 (as recodified by this act).

(2) Operations of an off-road vehicle on a nonhighway road, or on a street, road, or highway as authorized under RCW 46.09.180 (as recodified by this act), under this section is exempt from ((licensing)) registration requirements of chapter 46.16 RCW ((46.16.010)) and vehicle lighting and equipment requirements of chapter 46.37 RCW.

(3) It is unlawful to operate an off-road vehicle upon a private nonhighway road if the road owner has not authorized the use of off-road vehicles.

(4) Nothing in this section authorizes trespass on private property.

(5) The provisions of RCW 4.24.210(5) shall apply to public landowners who allow members of the public to use public facilities accessed by a highway, street, or nonhighway road for recreational off-road vehicle use.

**Sec. 222.** RCW 46.09.170 and 2009 c 564 s 944 and 2009 c 187 s 2 are each reenacted and amended to read as follows:

(1) From time to time, but at least once each year, the state treasurer shall refund from the motor vehicle fund one percent of the motor vehicle fuel tax revenues collected under chapter 82.36 RCW, based on a tax rate of: (a) Nineteen cents per gallon of motor vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents per gallon of motor vehicle fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e) twenty-three cents per gallon of motor vehicle fuel beginning July 1, 2011, and thereafter, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

(2) The treasurer shall place these funds in the general fund as follows:

(a) Thirty-six percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of natural resources solely for acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities, and information programs and maintenance of nonhighway roads;

(b) Three and one-half percent shall be credited to the ORV and nonhighway vehicle account and administered by the department of fish and wildlife solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and the maintenance of nonhighway roads;

(c) Two percent shall be credited to the ORV and nonhighway vehicle account and administered by the parks and recreation commission solely for the acquisition, planning, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities; and

(d) Fifty-eight and one-half percent shall be credited to the nonhighway and off-road vehicle activities program account to be administered by the board for planning, acquisition, development, maintenance, and management of ORV, nonmotorized, and nonhighway road recreation facilities and for education, information, and law enforcement programs. The funds under this subsection shall be expended in accordance with the following limitations:

(i) Not more than thirty percent may be expended for education, information, and law enforcement programs under this chapter;

(ii) Not less than seventy percent may be expended for ORV, nonmotorized, and nonhighway road recreation facilities. Except as provided in (d)(iii) of this subsection, of this amount:

(A) Not less than thirty percent, together with the funds the board receives under RCW 46.09.110 (as recodified by this act), may be expended for ORV recreation facilities;

(B) Not less than thirty percent may be expended for nonmotorized recreation facilities. Funds expended under this subsection (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation facilities funds; and

(C) Not less than thirty percent may be expended for nonhighway road recreation facilities;

(iii) The board may waive the minimum percentage cited in (d)(ii) of this subsection due to insufficient requests for funds or projects that score low in the board's project evaluation. Funds remaining after such a waiver must be allocated in accordance with board policy.

(3) On a yearly basis an agency may not, except as provided in RCW 46.09.110 (as recodified by this act), expend more than ten percent of the funds it receives under this chapter for general administration expenses incurred in carrying out this chapter.

(4) During the 2009-2011 fiscal biennium, the legislature may appropriate such amounts as reflect the excess fund balance in the

NOVA account to the department of natural resources to install consistent off-road vehicle signage at department-managed recreation sites, and to implement the recreation opportunities on department-managed lands in the Reiter block and Ahtanum state forest, and to the state parks and recreation commission for maintenance and operation of parks and to improve accessibility for boaters and off-road vehicle users. This appropriation is not required to follow the specific distribution specified in subsection (2) of this section.

**Sec. 223.** RCW 46.09.240 and 2007 c 241 s 17 are each amended to read as follows:

(1) After deducting administrative expenses and the expense of any programs conducted under this chapter, the board shall, at least once each year, distribute the funds it receives under RCW 46.09.110 and 46.09.170 (as recodified by this act) to state agencies, counties, municipalities, federal agencies, nonprofit ((ORV)) off-road vehicle organizations, and Indian tribes. Funds distributed under this section to nonprofit ((ORV)) off-road vehicle organizations may be spent only on projects or activities that benefit ((ORV)) off-road vehicle recreation on lands once publicly owned that come into private ownership in a federally approved land exchange completed between January 1, 1998, and January 1, 2005.

(2) The board shall adopt rules governing applications for funds administered by the recreation and conservation office under this chapter and shall determine the amount of money distributed to each applicant. Agencies receiving funds under this chapter for capital purposes shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(3) The board shall require each applicant for acquisition or development funds under this section to comply with the requirements of either the state environmental policy act, chapter 43.21C RCW, or the national environmental policy act (42 U.S.C. Sec. 4321 et seq.).

**Sec. 224.** RCW 46.09.280 and 2007 c 241 s 19 are each amended to read as follows:

(1) The board shall establish the nonhighway and off-road vehicle activities advisory committee to provide advice regarding the administration of this chapter. The committee consists of governmental representatives, land managers, and a proportional representation of persons with recreational experience in areas identified in the most recent fuel use study, including but not limited to people with ((ORV)) off-road vehicle, hiking, equestrian, mountain biking, hunting, fishing, and wildlife viewing experience.

(2) After the advisory committee has made recommendations regarding the expenditure of the fuel tax revenue portion of the nonhighway and off-road vehicle account moneys, the advisory committee's ((ORV)) off-road vehicle and mountain biking recreationists, governmental representatives, and land managers will make recommendations regarding the expenditure of funds received under RCW 46.09.110 (as recodified by this act).

(3) At least once a year, the board, the department of natural resources, the department of fish and wildlife, and the state parks and recreation commission shall report to the nonhighway and off-road vehicle activities advisory committee on the expenditures of funds received under RCW 46.09.110 and 46.09.170 (as recodified by this act) and must proactively seek the advisory committee's advice regarding proposed expenditures.

(4) The advisory committee shall advise these agencies regarding the allocation of funds received under RCW 46.09.170 (as recodified by this act) to ensure that overall expenditures reflect consideration of the results of the most recent fuel use study.

**Sec. 225.** RCW 46.10.010 and 2005 c 235 s 1 are each amended to read as follows:



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(As used in this chapter the words and phrases in this section shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated.

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "Vintage snowmobile" means a snowmobile manufactured at least thirty years ago.

(4)) The following definitions apply throughout this chapter unless the context clearly requires otherwise.

(1) "All terrain vehicle" ((shall)) means any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

((5)) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(6) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(7)) (2) "Public roadway" ((shall)) means the entire width of the right-of-way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state department of transportation, and which is open as a matter of right to the general public for ordinary vehicular traffic.

((8)) (3) "Highway((s))" ((shall)) means the entire width of the right-of-way of ((a)) a primary and secondary state highway((s)), including ((a)) any portion((s)) of the interstate highway system.

((9)) (4) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

((10)) "Department" shall mean the department of licensing.

(11) "Director" shall mean the director of the department of licensing.

(12)) (5) "Commission" ((shall)) means the Washington state parks and recreation commission.

((13)) (6) "Hunt" ((shall)) means any effort to kill, injure, capture, or disturb a wild animal or wild bird.

((14)) (7) "Committee" means the Washington state parks and recreation commission snowmobile advisory committee.

**Sec. 226.** RCW 46.10.020 and 2008 c 52 s 1 are each amended to read as follows:

(1) Except as provided in this chapter, a person may not operate ((any)) a snowmobile within this state unless ((such)) the snowmobile has been registered ((in accordance with the provisions of)) as required under this chapter.

(2) ((A registration number shall)) Snowmobile decals must be assigned, without the payment of a fee, to snowmobiles owned by the state of Washington or its political subdivisions((, and the assigned registration number shall)). The snowmobile decals must be displayed upon each snowmobile in ((such manner as provided by)) accordance with rules adopted by the department.

**Sec. 227.** RCW 46.10.030 and 1986 c 16 s 1 are each amended to read as follows:

((No)) Registration ((shall be)) is not required under ((the provisions of)) this chapter for the following ((described)) snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) A snowmobile owned by a resident of another state or Canadian province if that snowmobile is registered ((in accordance with)) under the laws of the state or province in which its owner resides((, but only to the extent that a similar exemption or privilege is granted under the laws of that state or province for snowmobiles registered in this state: PROVIDED, That)). This exemption applies only to the extent that a similar exemption or privilege is granted under the laws of that state or province. Any snowmobile ((which)) that is validly registered in another state or province and ((which)) that is physically located in this state for a period of more than fifteen consecutive days ((shall be)) is subject to registration under ((the provisions of)) this chapter.

**Sec. 228.** RCW 46.10.040 and 2008 c 52 s 2 are each amended to read as follows:

((1)) Application for registration shall be made to the department in the manner and upon forms the department prescribes, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by an annual registration fee as described in (a) of this subsection.

(a) The annual registration fee for snowmobiles manufactured less than thirty years is thirty dollars. The annual registration fee for vintage snowmobiles is twelve dollars. The department shall design, in cooperation with the commission, a distinct registration decal which shall be issued to vintage snowmobiles upon payment of the annual registration fee.

(b) Upon receipt of the application and the application fee, the snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

(2) The registration provided in this section shall be valid for a period of one year. At the end of the period of registration, every owner of a snowmobile in this state shall renew his or her registration in the manner the department prescribes, for an additional period of one year, upon payment of the annual registration fee.

(3) Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of the snowmobile, make application to the department for transfer of the registration, and the application shall be accompanied by a transfer fee of five dollars.

(4) A snowmobile owned by a resident of another state or Canadian province where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for the permit shall state the name and address of each owner of the snowmobile to be registered and shall be signed by at least one owner and shall be accompanied by a registration fee of five dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

(5) The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

(6) The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070. In addition to the registration fee provided in this section the department shall charge each applicant for registration the actual

cost of the decal. The department shall make available replacement decals for a fee equivalent to the actual cost of the decals.)

(1) The application for an original snowmobile registration has the same requirements as described for original vehicle registrations in RCW 46.16.040 (as recodified by this act) and must be accompanied by the annual snowmobile registration fee required under section 531 of this act, in addition to any other fees and taxes due at the time of application.

(2) The application for renewal of a snowmobile registration has the same requirements as described for the renewal of vehicle registrations in RCW 46.16.210 (as recodified by this act) and must be accompanied by the annual snowmobile registration fee required under section 531 of this act, in addition to any other fees or taxes due at the time of application.

(3) The snowmobile registration is valid for one year and must be renewed each year thereafter as determined by the department.

(4) A person who acquires a snowmobile that has a valid snowmobile registration must:

(a) Apply to the department, county auditor or other agent, or subagent appointed by the director for a transfer of the snowmobile registration within ten days of taking possession of the snowmobile; and

(b) Pay the snowmobile registration transfer fee required under section 537 of this act, in addition to any other fees or taxes due at the time of application.

(5) The department shall issue a snowmobile registration and snowmobile decals upon receipt of:

(a) A properly completed application for an original snowmobile registration; and

(b) The payment of all fees and taxes due at the time of application.

(6) The snowmobile registration must be carried on the vehicle for which it was issued at all times during its operation in this state.

(7) Snowmobile decals must be affixed to the snowmobile as provided in RCW 46.10.070 (as recodified by this act).

(8) Snowmobile registration fees provided in this section and in section 531 of this act are in lieu of any personal property or excise tax imposed on snowmobiles by this state or any political subdivision. A state agency, city, county, or other municipality may not impose other registration fees on a snowmobile in this state.

**NEW SECTION. Sec. 229.** A new section is added to chapter 46.10 RCW under the subchapter heading "registration and permits" to read as follows:

(1) The application for a nonresident temporary snowmobile permit must be made by the snowmobile owner or the owner's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application must contain:

(a) The name and address of each owner of the snowmobile; and

(b) Other information the department may require.

(2) The snowmobile owner or the owner's authorized representative shall sign the application for a nonresident temporary snowmobile permit.

(3) The application for a nonresident temporary snowmobile permit must be accompanied by the nonresident temporary snowmobile permit fee required under section 535 of this act, in addition to any other fees or taxes due at the time of application.

(4) Nonresident temporary snowmobile permits:

(a) Are available for snowmobiles owned by residents of another state or Canadian province where registration is not required by law;

(b) Are valid for not more than sixty days; and

(c) Must be carried on the snowmobile at all times during its operation in this state.

**Sec. 230.** RCW 46.10.043 and 1982 c 17 s 3 are each amended to read as follows:

(Each snowmobile dealer registered pursuant to the provisions of RCW 46.10.050 shall register the snowmobile or, in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended.

All registrations for snowmobiles must be valid for the current registration period prior to the transfer of any registration, including assignment to a dealer. Upon the sale of a snowmobile by a dealer, the dealer may issue a temporary registration as provided by rules adopted by the department.)

A snowmobile registration must be valid for the current registration period before transfer of the registration, including assignment to a dealer.

**Sec. 231.** RCW 46.10.050 and 1990 c 250 s 26 are each amended to read as follows:

(1) Each dealer of snowmobiles in this state shall ~~(register with)~~ obtain a snowmobile dealer license from the department in ~~(such) a manner (and upon such forms as) prescribed by the department (shall prescribe).~~ Upon receipt of an application for a snowmobile dealer's (application for registration) license and the (registration) fee provided ((for) in subsection (2) of this section, ~~(such) the dealer (shall be registered) is licensed and a (registration) snowmobile dealer license number must be assigned.~~

(2) The ~~(registration) annual license fee for a snowmobile dealer (s shall be) is twenty-five dollars (per year, and such fee shall), which covers all of the snowmobiles offered by a dealer for sale and not rented on a regular, commercial basis ((- PROVIDED, That), Snowmobiles rented on a regular commercial basis by a snowmobile dealer (shall) must be registered separately under ((the provisions of) RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070 (as recodified by this act).~~

(3) Upon ~~(registration each dealer)~~ the issuance of a snowmobile dealer license, a snowmobile dealer may purchase, at a cost to be determined by the department, snowmobile dealer (number) license plates of a size and color to be determined by the department((- which shall)). The snowmobile dealer license plates must contain the (registration) snowmobile license number assigned to ((that) the dealer. Each snowmobile operated by a dealer, dealer representative, or prospective customer for the purposes of demonstration or testing shall display ((such number) snowmobile dealer license plates in a clearly visible manner.

(4) ~~(No person other than)~~ Only a dealer, dealer representative, or prospective customer ((shall) may display a snowmobile dealer ((number) plate, and ((no) only a dealer, dealer representative, or prospective customer ((shall) may use a snowmobile dealer's ((number) license plate for ((any purpose other than) the purposes described in subsection (3) of this section.

(5) Snowmobile dealer ((registration numbers) licenses are nontransferable.

(6) It is unlawful for any snowmobile dealer to sell ((any) a snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless ((registered in accordance with the provisions of this section) the dealer has a snowmobile dealer license as required under this section.

(7) When a snowmobile is sold by a snowmobile dealer, the dealer:

(a) Shall apply for licensing in the purchaser's name within fifteen days following the sale; and

(b) May issue a temporary license as provided by rules adopted by the department.

**Sec. 232.** RCW 46.10.055 and 1982 c 17 s 4 are each amended to read as follows:

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The director may by order deny, suspend, or revoke the ~~((registration))~~ license of any snowmobile dealer or, in lieu thereof or in addition thereto, may by order assess monetary civil penalties not to exceed five hundred dollars per violation, if the director finds that the order is in the public interest and that the applicant or ~~((registrant))~~ licensee, or any partner, officer, director, or owner of ten percent of the assets of the firm, or any employee or agent:

(1) Has failed to comply with the applicable provisions of this chapter or any rules adopted under this chapter; or

(2) Has failed to pay any monetary civil penalty assessed by the director under this section within ten days after the assessment becomes final.

**Sec. 233.** RCW 46.10.060 and 1971 ex.s. c 29 s 6 are each amended to read as follows:

~~((The registration number))~~ (1) Snowmobile decals assigned to a snowmobile in this state at the time of its original registration ~~((shall))~~ must remain with that snowmobile until the ~~((vehicle))~~ snowmobile is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department.

(2) The department shall ~~((upon assignment of such registration number,))~~ issue and deliver to the snowmobile owner ~~((a certificate of))~~ upon proper application:

~~((a))~~ A registration certificate, in ~~((such))~~ a form as prescribed by the department ~~((shall prescribe)).~~ The ~~((certificate of))~~ registration ~~((shall))~~ certificate is not ~~((be))~~ valid unless it is signed by the person who signed the application for registration ~~((-~~

~~At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date, tag, or tags shall); and~~

~~((b))~~ License tabs showing the current expiration of the snowmobile registration. The license tabs must be affixed to the snowmobile ~~((in such manner))~~ as prescribed by the department ~~((may prescribe. Notwithstanding the fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued)).~~

(3) A snowmobile is not properly registered unless license tabs and a current registration certificate have been issued.

**Sec. 234.** RCW 46.10.070 and 1973 1st ex.s. c 128 s 2 are each amended to read as follows:

~~((The registration number))~~ (1) Snowmobile decals assigned to each snowmobile ~~((shall))~~ must be:

~~((a))~~ Permanently affixed to and displayed upon each snowmobile ~~((in such manner))~~ as provided by rules adopted by the department ~~((;))~~; and ~~((shall be))~~

~~((b))~~ Maintained in a legible condition ~~((; except)).~~

(2) Dealer number license plates as provided for in RCW 46.10.050 (as recodified by this act) may be temporarily affixed.

(3) The department shall make available a pair of identical snowmobile decals consistent with subsection (1) of this section. The decals serve the same function as license plates for vehicles registered under chapter 46.16 RCW. The department shall charge each applicant for an original registration the actual cost of the snowmobile decal. The department shall make available replacement snowmobile decals for a fee equivalent to the actual cost of the snowmobile decals.

**Sec. 235.** RCW 46.10.220 and 1994 c 264 s 38 are each amended to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of fish and wildlife, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under subsection (3)(a) and (b) of this section shall commence on October 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075 (as recodified by this act).

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under procedures adopted by the committee from those members appointed under subsection (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt procedures to govern its proceedings.

**NEW SECTION. Sec. 236.** The following acts or parts of acts are each repealed:

(1) RCW 46.09.085 (Selling ORV without use permit) and 2004 c 105 s 10; and

(2) RCW 46.10.080 (Distribution of snowmobile registration fees, civil penalties, and fuel tax moneys) and 1982 c 17 s 7, 1979 ex.s. c 182 s 8, 1975 1st ex.s. c 181 s 2, 1973 1st ex.s. c 128 s 3, 1972 ex.s. c 153 s 22, & 1971 ex.s. c 29 s 8.

### PART III. CERTIFICATES OF TITLE

**Sec. 301.** RCW 46.12.010 and 1997 c 241 s 3 are each amended to read as follows:

(It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership thereof that contains the name of the registered owner exactly as it appears on the certificate of license registration and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter

relating to certificates of ownership and license registration of vehicles: PROVIDED, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: PROVIDED, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: AND PROVIDED FURTHER, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of licensing, it is proper to do so.))

(1) A person shall not:

(a) Operate a vehicle in this state with a registration certificate issued by the department without having a certificate of title for the vehicle that contains the name of the registered owner exactly as it appears on the registration certificate; or

(b) Sell or transfer a vehicle without complying with the provisions of this chapter relating to certificates of title and vehicle registration.

(2) A certificate of title does not need to be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or for a vehicle used by a manufacturer or dealer solely for testing. A security interest in a vehicle held as inventory by a manufacturer or dealer must be perfected as described in chapter 62A.9A RCW. An endorsement is not required on certificates of title held by a manufacturer or dealer to perfect the security interest. A certificate of title may be issued for any vehicle without the vehicle needing to be registered.

**Sec. 302.** RCW 46.12.030 and 2007 c 420 s 1 are each amended to read as follows:

((1) The application for a certificate of ownership shall be upon a form furnished or approved by the department and shall contain:

(a) A full description of the vehicle, which shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) Such other information as the department may require.

(2) The department may in any instance, in addition to the information required on the application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

(3)(a) A physical examination of the vehicle is mandatory if (i) it has been rebuilt after surrender of the certificate of ownership to the department under RCW 46.12.070 due to the vehicle's destruction or declaration as a total loss and (ii) it is not retained by the registered owner at the time of the vehicle's destruction or declaration as a total loss. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the title and registration certificate. The inspection must be made by a member of the Washington state patrol or other person authorized by the department to make such inspections.

(b)(i) A physical examination of the vehicle is mandatory if the vehicle was declared totaled or salvage under the laws of this state, or the vehicle is presented with documents from another state showing the vehicle was totaled or salvage and has not been reissued a valid registration from that state after the declaration of total loss or salvage.

(ii) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the

original documents supporting the vehicle purchase or ownership.

(iii) A Washington state patrol VIN specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuildable vehicle were obtained legally. Original invoices for new and used parts must be from a vendor that is registered with the department of revenue for the collection of retail sales or use taxes or comparable agency in the jurisdiction where the major component parts were purchased. The invoices must include the name and address of the business, a description of the part or parts sold, the date of sale, and the amount of sale to include all taxes paid unless exempted by the department of revenue or comparable agency in the jurisdiction where the major component parts were purchased. Original invoices for used parts must be from a vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased. If the parts or components were purchased from a private individual, the private individual must have title to the vehicle the parts were taken from, except as provided by RCW 46.04.3815, and the bill of sale for the parts must be notarized. The bills of sale must include the names and addresses of the sellers and purchasers, a description of the vehicle, the part or parts being sold, including the make, model, year, and identification or serial number, that date of sale, and the purchase price of the vehicle or part or parts. If the presenter is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described above, an inspection must be completed for ownership-in-doubt purposes as prescribed by WAC 308- 56A-210.

(iv) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet RCW and WAC requirements before inspection of the salvage vehicle by the Washington state patrol.

(4) To the extent that the Washington state patrol has a backlog of vehicle inspections that it is to perform under this section, chapter 420, Laws of 2007 shall not be construed to reduce the vehicle inspection workload of the Washington state patrol.

(5) Rebuilt or salvage vehicles licensed in Washington must meet the requirements found under chapter 46.37 RCW to be driven upon public roadways.

(6) The application shall be subscribed by the person applying to be the registered owner and be sworn to by that applicant in the manner described by RCW 9A.72.085. The department shall retain the application in either the original, computer, or photostatic form.))

(1) The application for a certificate of title of a vehicle must be made by the owner or owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vehicle, including make, model, vehicle identification number, type of body, and the odometer reading at the time of delivery of the vehicle;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party; and

(c) Other information the department may require.

(2) The department may require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

(3) The application for a certificate of title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under RCW 9A.72.085. The department shall keep the application in the original, computer, or photostatic form.

(4) The application for an original certificate of title must be accompanied by:

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(a) A draft, money order, certified bank check, or cash for all fees and taxes due for the application for certificate of title; and

(b) The most recent certificate of title or other satisfactory evidence of ownership.

(5) Once issued, a certificate of title is not subject to renewal.

**NEW SECTION. Sec. 303.** A new section is added to chapter 46.12 RCW under the subchapter heading "general provisions" to read as follows:

(1)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector if the vehicle:

(i) Was declared a total loss or salvage vehicle under the laws of this state;

(ii) Has been rebuilt after the certificate of title was returned to the department under RCW 46.12.070 (as recodified by this act) and the vehicle was not kept by the registered owner at the time of the vehicle's destruction or declaration as a total loss; or

(iii) Is presented with documents from another state showing that the vehicle was a total loss or salvage vehicle and has not been reissued a valid registration certificate from that state after the declaration of total loss or salvage.

(b) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet all requirements in law and rule before the Washington state patrol will inspect the vehicle. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(c) A Washington state patrol vehicle identification number specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuilt vehicle were obtained legally, and must securely attach a marking at the driver's door latch pillar indicating the vehicle was previously destroyed or declared a total loss. It is a class C felony for a person to remove the marking indicating that the vehicle was previously destroyed or declared a total loss.

(2) A person presenting a vehicle for inspection under subsection (1) of this section must provide original invoices for new and used parts from:

(a) A vendor that is registered with the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased for the collection of retail sales or use taxes. The invoices must include:

(i) The name and address of the business;

(ii) A description of the part or parts sold;

(iii) The date of sale; and

(iv) The amount of sale to include all taxes paid unless exempted by the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased;

(b) A vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased; and

(c) Private individuals. The private individual must have the certificate of title to the vehicle where the parts were taken from unless the parts were obtained from a parts car, as defined in RCW 46.04.3815, owned by a collector. Bills of sale for parts must be notarized and include:

(i) The names and addresses of the sellers and purchasers;

(ii) A description of the vehicle and the part or parts being sold, including the make, model, year, and identification or serial number;

(iii) The date of sale; and

(iv) The purchase price of the vehicle part or parts.

(3) A person presenting a vehicle for inspection under this section who is unable to provide an acceptable release of interest or

proof of ownership for a vehicle or major component part as described in this section shall apply for an ownership in doubt application described in RCW 46.12.151 (as recodified by this act).

(4)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector when the application is for a vehicle being titled for the first time as:

(i) Assembled;

(ii) Glider kit;

(iii) Homemade;

(iv) Kit vehicle;

(v) Street rod; or

(vi) Subject to ownership in doubt under RCW 46.12.151 (as recodified by this act).

(b) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(5)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol when the application is for a vehicle with a vehicle identification number that has been:

(i) Altered;

(ii) Defaced;

(iii) Obliterated;

(iv) Omitted;

(v) Removed; or

(vi) Otherwise absent.

(b) The application must include payment of the fee required in section 515 of this act.

(c) The Washington state patrol shall assign a new vehicle identification number to the vehicle and place or stamp the new number in a conspicuous position on the vehicle.

(d) The department shall use the new vehicle identification number assigned by the Washington state patrol as the official vehicle identification number assigned to the vehicle.

(6) The department may adopt rules as necessary to implement this section.

**Sec. 304.** RCW 46.12.047 and 2002 c 246 s 1 are each amended to read as follows:

The department shall institute software and systems modifications to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles as part of the application for a certificate of title transaction. During the stolen vehicle search, if the information obtained indicates the vehicle is stolen, ~~((that information))~~ the department shall ((be)) immediately ((reported)) report that the vehicle is stolen to the Washington state patrol and the applicant ~~((shall))~~ must not be issued a certificate of ~~((ownership))~~ title for the vehicle. Vehicles for which the stolen vehicle check is negative ~~((shall))~~ must be issued a certificate of ~~((ownership))~~ title if the department is satisfied that all other requirements have been met.

**Sec. 305.** RCW 46.12.050 and 1996 c 26 s 2 are each amended to read as follows:

((The department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of ownership thereof in the applicant's name, shall issue an appropriate electronic record of ownership or a written certificate of ownership, over the director's signature, authenticated by seal, and if required, a new written certificate of license registration if certificate of license registration is required.

The certificates of ownership and the certificates of license

registration shall contain upon the face thereof, the date of application, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the vehicle identification number, and such other description of the vehicle and facts as the department shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it has been rebuilt after becoming a salvage vehicle, such fact shall be clearly shown thereon.

All certificates of ownership of motor vehicles issued after April 30, 1990, shall reflect the odometer reading as provided by the odometer disclosure statement submitted with the title application involving a transfer of ownership.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the department shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner.)

(1) The department shall issue an electronic record of ownership or a written certificate of title if the department is satisfied from the statements on the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of title in the applicant's name.

(2) Each certificate of title issued by the department must contain:

- (a) The date of application;
- (b) The certificate of title number assigned to the vehicle;
- (c) The name and address of the registered owner and legal owner;
- (d) The vehicle identification number;
- (e) The mileage reading, if required, as provided by the odometer disclosure statement submitted with the application involving a transfer of ownership;
- (f) A notation that the recorded mileage is actual, not actual, or exceeds mechanical limits;
- (g) A blank space on the face of the certificate of title for the signature of the registered owner;
- (h) Information on whether the vehicle was ever registered and operated as an exempt vehicle or taxicab;
- (i) A brand conspicuously shown across its front if indicating that the vehicle has been rebuilt after becoming a salvage vehicle;
- (j) The director's signature and the seal of the department; and
- (k) Any other description of the vehicle and facts the department may require.

(3) The department shall deliver the registration certificate to the registered owner and the certificate of title to the legal owner, or both to the person who is both the registered owner and legal owner.

**Sec. 306.** RCW 46.12.070 and 2003 c 53 s 235 are each amended to read as follows:

((1) Upon the destruction of any vehicle issued a certificate of ownership under this chapter or a license registration under chapter 46.16 RCW, the registered owner and the legal owner shall forthwith and within fifteen days thereafter forward and surrender the certificate to the department, together with a statement of the reason for the surrender and the date and place of destruction. Failure to notify the department or the possession by any person of any such certificate for a vehicle so destroyed, after fifteen days following its destruction, is prima facie evidence of violation of the provisions of this chapter and constitutes a gross misdemeanor.

(2) Any insurance company settling an insurance claim on a vehicle that has been issued a certificate of ownership under this chapter or a certificate of license registration under chapter 46.16 RCW as a total loss, less salvage value, shall notify the department

thereof within fifteen days after the settlement of the claim. Notification shall be provided regardless of where or in what jurisdiction the total loss occurred.

(3) For a motor vehicle having a model year designation at least six years before the calendar year of destruction, the notification to the department must include a statement of whether the retail fair market value of the motor vehicle immediately before the destruction was at least the then market value threshold amount as defined in RCW 46.12.005.)

(1)(a) The registered owner or legal owner shall:

(i) Report the destruction of the vehicle issued a certificate of title or registration certificate to the department within fifteen days of its destruction; and

(ii) Submit the certificate of title or affidavit in lieu of title marked "DESTROYED." The registered owner's name, address, and the date of destruction must be clearly shown on the certificate of title or affidavit in lieu of title.

(b) It is a gross misdemeanor to fail to notify the department and be in possession of a certificate of title of a destroyed vehicle on the sixteenth day after the vehicle is destroyed and each day thereafter.

(2) The insurance company or self-insurer shall report the destruction or total loss of vehicles issued a certificate of title or registration certificate to the department within fifteen days after the settlement claim. The report must be submitted regardless of where or in what jurisdiction the total loss occurred. An insurer shall report total loss vehicles to the department in any of the following manners:

(a) Electronically through the department's online reporting system. An insurer choosing this option must immediately destroy ownership documents after filing the electronic report;

(b) Submitting the certificate of title or affidavit in lieu of title marked "DESTROYED." The insurer's name, address, and the date of loss must be clearly shown on the certificate of title or affidavit in lieu of title; or

(c) Submitting a properly completed total loss claim settlement form provided by the department.

(3) The registered owner, legal owner, or insurer reporting the destruction or total loss of a motor vehicle six years old or older must include a statement on whether the fair market value of the motor vehicle immediately before its destruction was at least equal to the market value threshold. The age of the motor vehicle is determined by subtracting the model year from the current calendar year.

(4) Beginning January 1, 2011, the market value threshold is six thousand seven hundred ninety dollars or a greater amount as set by rule of the department. The department shall:

(a) Increase the market value threshold amount:

(i) When the consumer price index for all urban consumers, compiled by the bureau of labor statistics, United States department of labor, or its successor, for the west region, in the expenditure category "used cars and trucks," shows an annual average increase over the previous year;

(ii) By the same percentage increase of the annual average shown in the consumer price index; and

(iii) On July 1st of the year immediately following the year with the increase of the annual average;

(b) Round each increase of the market value threshold to the nearest ten dollars;

(c) Not increase the market value threshold amount if the amount of the increase would be less than fifty dollars; and

(d) Carry forward any unmade increases to succeeding years until the cumulative increase is at least fifty dollars.

**Sec. 307.** RCW 46.12.080 and 2002 c 352 s 4 are each amended to read as follows:

((Any person holding the certificate of ownership for a motorcycle or any vehicle registered by its motor number in which

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there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the department, together with an application for issue of corrected certificates of ownership and license registration and a fee of five dollars, and a statement of the disposition of the former motor. The possession by any person of any such certificates for such vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor.)

(1) A person shall apply for a new certificate of title for any motor vehicle registered by its motor number when:

(a) A new or different motor has been installed; and

(b) The most recent certificate of title issued for the motor vehicle has recorded on it the previous motor number.

(2) The application for a new certificate of title required in subsection (1) of this section must:

(a) Be made within five days after installation of the new motor;

(b) Be made by the owner or owner's authorized representative to the department, county auditor or other agent, or subagent;

(c) Require the most recent certificate of title to be returned to the department;

(d) Include a statement of the disposition of the former motor; and

(e) Include the fee required under section 508 of this act in addition to any other fee or tax required by law.

(3) A person who possesses a certificate of title that shows the previous motor number for a motor vehicle in which a new or different motor has been installed, after five days following the installation of the new motor, is in violation of this chapter. A violation of this section constitutes a misdemeanor.

**NEW SECTION. Sec. 308.** A new section is added to chapter 46.12 RCW under the subchapter heading "general provisions" to read as follows:

(1) A local health officer may notify the department that a vehicle has been:

(a) Declared unfit and prohibited from use as authorized in chapter 64.44 RCW if the vehicle has become contaminated as defined in RCW 64.44.010;

(b) Satisfactorily decontaminated and retested according to the written work plan approved by the local health officer.

(2) The department shall brand vehicle records and certificates of title when it receives the notification from a local health officer as provided in subsection (1) of this section.

(3) A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a vehicle that has been declared unfit and prohibited from use by a local health officer if:

(a) The person has knowledge that the local health officer has issued an order declaring the vehicle unfit and prohibiting its use; or

(b) A notification has been placed on the certificate of title under subsection (2) of this section that the vehicle has been declared unfit and prohibited from use.

(4) A person may advertise or sell a vehicle if a release for reuse document has been issued by a local health officer under chapter 64.44 RCW or a notification has been placed on the certificate of title under subsection (2) of this section that the vehicle has been decontaminated and released for reuse.

**Sec. 309.** RCW 46.12.101 and 2008 c 316 s 1 are each amended to read as follows:

(A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1)(a) If an owner transfers his or her interest in a vehicle, other than by the creation, deletion, or change of a security interest, the owner shall, at the time of the delivery of the vehicle, execute an

assignment to the transferee and provide an odometer disclosure statement under RCW 46.12.124 on the certificate of ownership or as the department otherwise prescribes, and cause the certificate and assignment to be transmitted to the transferee. The owner shall notify the department or its agents or subagents, in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, the transferee's driver's license number if available, and such description of the vehicle, including the vehicle identification number, as may be required in the appropriate form provided or approved for that purpose by the department. The report of sale will be deemed properly filed if all information required in this section is provided on the form and includes a department-authorized notation that the document was received by the department, its agents, or subagents on or before the fifth day after the sale of the vehicle, excluding Saturdays, Sundays, and state and federal holidays. Agents and subagents shall immediately electronically transmit the seller's report of sale to the department. Reports of sale processed and recorded by the department's agents or subagents may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the department shall create a system enabling the seller of a vehicle to transmit the report of sale electronically. The system created by the department must immediately indicate on the department's vehicle record that a seller's report of sale has been filed.

(b) By January 1, 2008, the department shall provide instructions on release of interest forms that allow the seller of a vehicle to release his or her interest in a vehicle at the same time a financial institution, as defined in RCW 30.22.040, releases its lien on the vehicle.

(2) The requirements of subsection (1) of this section to provide an odometer disclosure statement apply to the transfer of vehicles held for lease when transferred to a lessee and then to the lessor at the end of the leasehold and to vehicles held in a fleet when transferred to a purchaser.

(3) Except as provided in RCW 46.70.122 the transferee shall within fifteen days after delivery to the transferee of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department accompanied by a fee of five dollars in addition to any other fees required.

(4) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party.

(5) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(6) If the purchaser or transferee fails or neglects to make application to transfer the certificate of ownership and license registration within fifteen days after the date of delivery of the vehicle, he or she shall on making application for transfer be assessed a twenty-five dollar penalty on the sixteenth day and two dollars additional for each day thereafter, but not to exceed one hundred dollars. The director may by rule establish conditions under which the penalty will not be assessed when an application for transfer is delayed for reasons beyond the control of the purchaser. Conditions for not assessing the penalty may be established for but not limited to delays caused by:

- (a) The department requesting additional supporting documents;
- (b) Extended hospitalization or illness of the purchaser;
- (c) Failure of a legal owner to release his or her interest;
- (d) Failure, negligence, or nonperformance of the department, auditor, or subagent;
- (e) The transferee had no knowledge of the filing of the vehicle report of sale and signs an affidavit to the fact.

Failure or neglect to make application to transfer the certificate of ownership and license registration within forty-five days after the date of delivery of the vehicle is a misdemeanor and a continuing offense for each day during which the purchaser or transferee does not make application to transfer the certificate of ownership and license registration. Despite the continuing nature of this offense, it shall be considered a single offense, regardless of the number of days that have elapsed following the forty-five day time period.

(7) Upon receipt of an application for reissue or replacement of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership or other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer.

(8) Once each quarter the department shall report to the department of revenue a list of those vehicles for which a seller's report has been received but no transfer of title has taken place.)

(1) **Releasing interest.** An owner releasing interest in a vehicle shall:

- (a) Sign the release of interest section provided on the certificate of title or on a release of interest document or form approved by the department;
- (b) Give the certificate of title or most recent evidence of ownership to the person gaining the interest in the vehicle;
- (c) Give the person gaining interest in the vehicle an odometer disclosure statement if one is required; and
- (d) Report the vehicle sold as provided in subsection (2) of this section.

(2) **Report of sale.** An owner shall notify the department, county auditor or other agent, or subagent appointed by the director in writing within five business days after a vehicle is or has been:

- (a) Sold;
- (b) Given as a gift to another person;
- (c) Traded, either privately or to a dealership;
- (d) Donated to charity;
- (e) Turned over to an insurance company or wrecking yard; or
- (f) Disposed of.

(3) **Report of sale properly filed.** A report of sale is properly filed if it is received by the department, county auditor or other agent, or subagent appointed by the director within five business days after the date of sale or transfer and it includes:

- (a) The date of sale or transfer;
- (b) The owner's name and address;
- (c) The name and address of the person acquiring the vehicle;
- (d) The vehicle identification number and license plate number;
- (e) A date or stamp by the department showing it was received on or before the fifth business day after the date of sale or transfer; and

(f) Payment of the fees required under section 505 of this act if the report of sale is processed by a county auditor or other agent or subagent appointed by the director.

(4) **Report of sale - administration.** The department shall:

- (a) Provide or approve reports of sale forms;
- (b) Provide a system enabling an owner to submit reports of sale electronically;

(c) Immediately update the department's vehicle record when a report of sale has been filed;

(d) Provide instructions on release of interest forms that allow the seller of a vehicle to release their interest in a vehicle at the same time a financial institution, as defined in RCW 30.22.040, releases its lien on the vehicle; and

(e) Send a report to the department of revenue that lists vehicles for which a report of sale has been received but no transfer of ownership has taken place. The department shall send the report once each quarter.

(5)(a) **Transferring ownership.** A person who has recently acquired a vehicle by purchase, exchange, gift, lease, inheritance, or legal action shall apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title within fifteen days of delivery of the vehicle. A secured party who has possession of the certificate of title shall either:

- (i) Apply for a new certificate of title on behalf of the owner and pay the fee required under section 508 of this act; or
- (ii) Provide all required documents to the owner, as long as the transfer was not a breach of its security agreement, to allow the owner to apply for a new certificate of title.

(b) Compliance with this subsection does not affect the rights of the secured party.

(6) **Certificate of title delivered to secured party.** The certificate of title must be kept by or delivered to the person who becomes the secured party when a security interest is reserved or created at the time of the transfer of ownership. The parties must comply with RCW 46.12.170 (as recodified by this act).

(7) **Penalty for late transfer.** A person who has recently acquired a motor vehicle by purchase, exchange, gift, lease, inheritance, or legal action who does not apply for a new certificate of title within fifteen calendar days of delivery of the vehicle is charged a penalty, as described in section 512 of this act, when applying for a new certificate of title. It is a misdemeanor to fail or neglect to apply for a transfer of ownership within forty-five days after delivery of the vehicle. The misdemeanor is a single continuing offense for each day that passes regardless of the number of days that have elapsed following the forty-five day time period.

(8) **Penalty for late transfer - exceptions.** The penalty is not charged if the delay in application is due to at least one of the following:

- (a) The department requests additional supporting documents;
- (b) The department, county auditor or other agent, or subagent fails to perform or is neglectful;
- (c) The owner is prevented from applying due to an illness or extended hospitalization;
- (d) The legal owner fails or neglects to release interest;
- (e) The owner did not know of the filing of a report of sale by the previous owner and signs an affidavit to the fact; or
- (f) The department finds other conditions exist that adequately explain the delay.

(9) **Review and issue.** The department shall review applications for certificates of title and issue certificates of title when it has determined that all applicable provisions of law have been complied with.

(10) **Rules.** The department may adopt rules as necessary to implement this section.

**Sec. 310.** RCW 46.12.102 and 2006 c 291 s 3 are each amended to read as follows:

((1) An owner who has made a bona fide sale or transfer of a vehicle and has delivered possession of it to a purchaser shall not by reason of any of the provisions of this title be deemed the owner of the vehicle so as to be subject to civil liability or criminal liability for the operation of the vehicle thereafter by another person when the owner has also fulfilled both of the following requirements:

- (a) When the owner has made proper endorsement and delivery



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of the certificate of ownership and has delivered the certificate of registration as provided in this chapter;

(b) When the owner has delivered to the department either a properly filed report of sale that includes all of the information required in RCW 46.12.101(1) and is delivered to the department within five days of the sale of the vehicle excluding Saturdays, Sundays, and state and federal holidays, or appropriate documents for registration of the vehicle pursuant to the sale or transfer.

(2) An owner who has made a bona fide sale or transfer of a vehicle, has delivered possession of it to a purchaser, and has fulfilled the requirements of subsection (1)(a) and (b) of this section is relieved of liability and liability is transferred to the purchaser of the vehicle, for any traffic violation under this title, whether designated as a traffic infraction or classified as a criminal offense, that occurs after the date of the sale or transfer that is based on the vehicle's identification, including, but not limited to, parking infractions, high occupancy toll lane violations, and violations recorded by automated traffic safety cameras.

(3) When a registered tow truck operator submits an abandoned vehicle report to the department for a vehicle sold at an abandoned vehicle auction, any previous owner is relieved of civil or criminal liability for the operation of the vehicle from the date of sale thereafter, and liability is transferred to the purchaser of the vehicle as listed on the abandoned vehicle report.

(4) When a transferee had no knowledge of the filing of the vehicle report of sale, he or she is relieved of civil or criminal liability for the operation of the vehicle, and liability is transferred to the seller shown on the report of sale.)

(1) An owner is relieved of civil or criminal liability for the operation of a vehicle by another person when the owner has:

- (a) Made a bona fide sale or transfer of a vehicle;
- (b) Delivered possession of the vehicle to the person acquiring ownership;
- (c) Released interest in the vehicle and provided the certificate of title and registration certificate to the person acquiring ownership; and

(d) Filed a report of sale that meets all the requirements in RCW 46.12.101(2) (as recodified by this act).

(2) A person acquiring a vehicle assumes civil or criminal liability for any traffic violation under this title, whether designated as a traffic infraction or classified as a criminal offense, that occurs after the date of sale or transfer of ownership based on the vehicle's identification including, but not limited to:

- (a) Parking infractions;
- (b) High occupancy toll lane violations; and
- (c) Violations recorded by automated traffic safety cameras.

(3) A person shown as the buyer of a vehicle on an abandoned vehicle report submitted to the department by a registered tow truck operator assumes liability for the vehicle. Any previous owner is relieved of civil or criminal liability for the operation of the vehicle from the date of sale.

(4) A person who had no knowledge of the filing of the report of sale is relieved of civil or criminal liability for the operation of the vehicle. Liability is then transferred to the seller shown on the report of sale.

**Sec. 311.** RCW 46.12.103 and 2000 c 250 s 9A-823 are each amended to read as follows:

- (1) ~~((The purpose of))~~ A transitional ownership record ((is to)):
  - (a) Enables a security interest in a motor vehicle to be perfected in a timely manner when the certificate of ((ownership)) title is not available at the time the security interest is created((, and to));
  - (b) Provides for timely notification to security interest holders under chapter 46.55 RCW((;
  - (2) A transitional ownership record); and
  - (c) Is only acceptable as an ownership record for motor vehicles

currently stored on the department's computer system and if the certificate of ~~((ownership))~~ title or other authorized proof of ownership for the motor vehicle is not in the possession of the selling vehicle dealer or new security interest holder ~~((at the time))~~ when the transitional ownership record is submitted to the department.

~~((3))~~ (2) A person shall submit the transitional ownership record to the department or to ~~((any of its))~~ the county auditor or other agents or subagents. ~~((Agents and subagents shall immediately electronically transmit the transitional ownership records to the department. A transitional ownership document processed and recorded by an agent or subagent may be subject to fees as specified in RCW 46.01.140 (4)(a) or (5)(b).~~

~~((4))~~ (3) A transitional ownership record ~~((means a record containing))~~ must contain all of the following information:

- (a) The date of sale;
- (b) The name and address of each owner of the vehicle;
- (c) The name and address of each security interest holder;
- (d) The priorities of interest if there are multiple security interest holders ~~((, the priorities of interest if))~~ and the security interest holders do not jointly hold a single security interest;
- (e) The vehicle identification number, the license plate number, if any, the year, make, and model of the vehicle;
- (f) The name of the selling dealer or security interest holder who is submitting the transitional ownership record; and
- (g) The transferee's driver's license number, if available.

~~((5))~~ (4) The report of sale form ~~((prescribed))~~ provided or approved by the department under RCW 46.12.101 ~~((as recodified by this act))~~ may be used by a vehicle dealer as the transitional ownership record.

~~((6))~~ (5) A security interest is perfected in a motor vehicle on the date the department receives the transitional ownership record when:

- (a) The requirements of this section ~~((shall result in perfection of a security interest in the vehicle as of the date the department receives the transitional ownership record))~~ have been met; and
- (b) Any required fees ((required under subsection (3) of this section)) have been paid.

(6)(a) The selling dealer or new security interest holder shall submit to the department, within ten days of receipt of the certificate of ((ownership)) title for the vehicle, ((or of)) written confirmation that only an electronic record of ownership exists or that the certificate of ((ownership)) title has been lost or destroyed((, the selling dealer or new security interest holder shall promptly submit the same to the department together)) with:

- (i) An application for a new certificate of ((ownership)) title containing the name and address of the secured party ((and tender)); and
- (ii) Payment of the required fees as provided in ((RCW 46.12.095(1). In the event)) section 507 of this act.

(b) A security interest becomes unperfected when a secured party fails to submit an application for a certificate of title within the ten-day time period provided in this subsection (6), ((its security interest shall become unperfected,)) unless the security interest is perfected otherwise.

**Sec. 312.** RCW 46.12.124 and 1990 c 238 s 6 are each amended to read as follows:

- (1) The department, county auditor or other agent, or subagent appointed by the director shall require ~~((an))~~ a written odometer disclosure statement ~~((to accompany))~~ with every application for a certificate of ~~((ownership, unless specifically exempted))~~ title for a motor vehicle. The odometer disclosure statement must be on either the certificate of title or on a separate form approved by the department. A secure odometer disclosure statement is required if the certificate of ((ownership)) title was issued after April 30,

1990(~~(a secure odometer statement is required, unless specifically exempted).~~ ~~((The))~~ Odometer disclosure statements ~~((shall))~~ must include, at a minimum, the following:

(a) The miles shown on the odometer at the time of transfer of ownership, but not to include tenths of miles;

(b) The date of transfer of ownership;

(c) The transferor's printed name, current address, and signature;

(d) The transferee's printed name, current address, and signature;

(e) The identity of the motor vehicle, including its make, model, year, body type, and vehicle identification number;

(f) Information that the odometer statement is required by the federal truth in mileage act of 1986 and that failure to complete the odometer statement or providing false information may result in fines or imprisonment, or both; and

(g) One of the following statements:

(i) The mileage ~~((reflected))~~ shown is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage(;;).

If the odometer reading is under one hundred thousand miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is one hundred thousand miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability(;;

~~—(d) A complete description of the vehicle, including the:~~

~~—(i) Model year;~~

~~—(ii) Make;~~

~~—(iii) Series and body type (model);~~

~~—(iv) Vehicle identification number;~~

~~—(v) License plate number and state (optional);~~

~~—(e) The name, address, and signature of the transferor, in accordance with the following conditions:~~

~~—(i);~~

(2) The transferee and the transferor shall each sign the odometer disclosure statement. Only one registered owner is required to complete the odometer disclosure statement(;;

—(ii) When the registered owner is a business)) for the transferee, and only one owner is required to complete the odometer disclosure statement for the transferor. When applicable, both the business name and a company representative's name must be shown on the odometer disclosure statement(;;

~~—(f) The name and address of the transferee and the transferee's signature to acknowledge the transferor's information. If the transferee represents a company, both the company name and the agent's name must be shown on the odometer disclosure statement;~~

~~—(g) A statement that the notice is required by the federal Truth in Mileage Act of 1986; and~~

~~—(h) A statement that failure to complete the odometer disclosure statement or providing false information may result in fines or imprisonment or both.~~

—(2)) when the registered owner is a business or the transferee represents a company, or both.

(3) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

~~((3))~~ (4) The following vehicles are not subject to ((the)) odometer disclosure requirements at the time of ownership transfer:

(a) A motor vehicle having a declared gross vehicle weight of more than sixteen thousand pounds;

(b) A vehicle that is not self-propelled;

(c) A motor vehicle that is ten years old or older;

(d) A motor vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or

(e) A new motor vehicle before its first retail sale.

(5) The requirements of this section also apply to the transfer of a motor vehicle held:

(a) For lease when transferred to a lessee and then to the lessor at the end of the leasehold; and

(b) In a fleet when transferred to a purchaser.

**Sec. 313.** RCW 46.12.130 and 1967 c 140 s 3 are each amended to read as follows:

(1) The department shall file and index certificates of ((ownership)) title when assigned and returned to the department, together with ((subsequently assigned reissues thereof, shall be retained by the department and appropriately filed and indexed)) subsequent transactions so that at all times it will be possible to trace ownership to the vehicle designated ((therein:)) on each certificate of title.

~~((1) If the))~~ (2)(a) A person who acquires an interest ((of an owner)) in a vehicle ((passes to another)), other than by voluntary transfer, ((the transferee shall, except as provided in subsection (3) of this section, promptly)) shall within fifteen days mail or deliver to the department, county auditor or other agent, or subagent appointed by the director:

—(i) The last certificate of ((ownership)) title if available(;;);

—(ii) Proof of transfer((, and his)); and

—(iii) An application for a new certificate ((in the form the department prescribes)) of title.

~~((2) If the interest of the owner is terminated or the))~~ (b) This subsection shall not apply to transactions described in subsection (4) of this section.

(3) A secured party named in the certificate of title who repossesses a vehicle ~~((is sold))~~ under a security agreement ~~((by a secured party named in the certificate of ownership, the transferee))~~ shall ~~((promptly))~~ within fifteen days mail or deliver to the department, county auditor or other agent, or subagent appointed by the director:

(a) The last certificate of ~~((ownership, his))~~ title;

(b) An application for a new certificate ~~((in the form the department prescribes,))~~ of title; and

(c) An affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold ~~((pursuant to))~~ under the terms of the security agreement.

~~((3) If the))~~ (4) A secured party ((succeeds to the interest of the owner and)) named in the certificate of title who holds the vehicle for resale~~((, he need not secure))~~ is not required to apply for a new certificate of ((ownership but, upon transfer to another person,)) title. When the vehicle is sold, the secured party shall promptly mail or deliver to the ((transferee)) buyer or to the department, county auditor or other agent, or subagent appointed by the director:

—(a) The certificate~~((, affidavit and))~~ of title;

—(b) An affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold under the terms of the security agreement; and

—(c) Any other documents ((and articles)) required to be sent to the department by the ((transferee)) buyer.

**Sec. 314.** RCW 46.12.151 and 1990 c 250 s 30 are each amended to read as follows:

(If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership for a period of three years or until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

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(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond for a period of three years in the form prescribed by the department and executed by the applicant. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. At the end of three years or prior thereto if the vehicle is no longer registered in this state or when satisfactory evidence of ownership is surrendered to the department, the owner may apply to the department for a replacement certificate of ownership without reference to the bond.)

(1) The department, county auditor or other agent, or subagent appointed by the director may register a vehicle and withhold issuance of a certificate of title or require a bond as a condition of issuing a certificate of title if the department is not satisfied:

- (a) As to the ownership of the vehicle; or
- (b) That there are no undisclosed security interests in the vehicle.

(2) A person who is unable to provide satisfactory evidence of ownership may:

- (a) Apply for ownership in doubt and receive either a:
  - (i) Registration without a certificate of title for a three-year period; or
  - (ii) A bonded certificate of title with or without registration as described in subsection (3) of this section; or
- (b) Petition any district court or superior court of any county in this state to receive a judgment awarding ownership of the vehicle.

(3) A person who is either required by the department, county auditor or other agent, or subagent appointed by the director to file a bond or wants a certificate of title for a vehicle when ownership is in doubt shall file the bond for a three-year period. The bond must:

- (a) Be in the form approved by the department;
- (b) Be in an amount equal to one and one-half times the value of the vehicle as determined by the department;
- (c) Be signed by the applicant and the bonding agent; and
- (d) Offer protection to any previous owner, secured party, future purchaser, or their successors against any expense, loss, or damage, including reasonable attorneys' fees.

(4) A person who has or has held an interest in the vehicle may, during the three-year ownership in doubt period, petition any district court or superior court of any county in this state to receive a judgment either awarding ownership of the vehicle or be compensated for any expense, loss, or damage, including reasonable attorneys' fees. The total claim must not be more than the amount of the bond if a bond has been filed with the department.

(5) A person who has applied for ownership in doubt may apply for a certificate of title at any time during the three-year ownership in doubt period when satisfactory evidence of ownership becomes available. At the end of the three-year ownership in doubt period, the owner must apply to the department, county auditor or other agent, or subagent appointed by the director for a certificate of title. The new certificate of title will not include reference to the bond if a bond was filed with the department.

(6) A person applying for ownership in doubt must have acquired the vehicle by purchase, exchange, gift, lease, or

inheritance from the owner of record or interim owner.

- (7) Ownership in doubt does not apply to:
  - (a) Unauthorized vehicles, as defined in RCW 46.55.010;
  - (b) Abandoned vehicles, as defined in RCW 46.55.010;
  - (c) Snowmobiles, as defined in section 145 of this act; or
  - (d) Washington vehicle dealer sales, as defined in RCW 46.70.011.

**Sec. 315.** RCW 46.12.160 and 1994 c 262 s 5 are each amended to read as follows:

~~((#)) (1) The department may refuse to issue or may cancel a certificate of title at any time if the department determines ((at any time)) that an applicant for a certificate of ((ownership or for a certificate of license registration for a vehicle is not entitled thereto, the department may refuse to issue such certificate or to license the vehicle and may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership)) title is not entitled to a certificate of title. Notice of cancellation may be accomplished by sending a notice by first-class mail using the last known address in department records for the registered or legal ((vehicle)) owner or owners, and ((recording the transmittal on)) completing an affidavit of first-class mail. It ((shall then be)) is unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ((ownership or license registration)) title has been issued((, and)). Any person removing, driving, or operating ((such)) a vehicle after the refusal to issue or cancellation of the ((department to issue)) certificate((s or the revocation thereof shall be)) of title is guilty of a gross misdemeanor.~~

(2)(a) The suspension of, revocation of, cancellation of, or refusal to issue a certificate of title or vehicle registration provided for in chapters 46.12 and 46.16 RCW by the director is conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county or the person's county of residence.

(b) Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal, the court shall issue an order to the director to show cause why the registration should not be granted or reinstated and return the order not less than ten days after the date of service of the notice to the director. Service must be in the manner as prescribed for the service of a summons and complaint in other civil actions.

(c) Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

**Sec. 316.** RCW 46.12.170 and 2007 c 96 s 2 are each amended to read as follows:

((1) If, after a certificate of ownership is issued, a security interest is granted on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present an application to the department, to which shall be attached the certificate of ownership last issued covering the vehicle, or such other documentation as may be required by the department, which application shall be upon a form approved by the department and shall be accompanied by a fee of five dollars in addition to all other fees. The department, if satisfied that there should be a reissue of the certificate, shall note such change upon the vehicle records and issue to the secured party a new certificate of ownership.

(2) Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must either:

- (a) Assign the certificate of ownership to the debtor or the debtor's assignee or transferee, and transmit the certificate to the

department with an accompanying fee of five dollars in addition to all other fees; or

(b) Assign the certificate of ownership to the debtor's assignee or transferee together with the debtor's or debtor's assignee's release of interest.

(3) Upon receipt of the certificate of ownership and the debtor's release of interest and required fees as provided in subsection (2)(a) of this section, the department shall issue a new certificate of ownership and transmit it to the registered owner.

(4) If the affected secured party fails to either assign the certificate of ownership to the debtor or the debtor's assignee or transferee or transmit the certificate of ownership to the department within ten days after proper demand, that secured party shall be liable to the debtor or the debtor's assignee or transferee for one hundred dollars, and in addition for any loss caused to the debtor or the debtor's assignee or transferee by such failure.)

(1) A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of title is required is perfected only by:

(a) Complying with the requirements of RCW 46.12.103 (as recodified by this act) or this section;

(b) Receipt by the department, county auditor or other agent, or subagent appointed by the director of:

(i) The existing certificate of title, if any;

(ii) An application for a certificate of title containing the name and address of the secured party; and

(iii) Payment of the required fees.

(2) A security interest is perfected when it is created if the secured party's name and address appear on the most recently issued certificate of title or, if not, it is created when the department, county auditor or other agent, or subagent appointed by the director receives the certificate of title or an application for a certificate of title and the fees required in subsection (1) of this section.

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) The security interest continues perfected in this state if the name of the secured party is shown on the existing certificate of title issued by that jurisdiction. The name of the secured party must be shown on the certificate of title issued for the vehicle by this state. The security interest continues perfected in this state when the department issues the certificate of title.

(b) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state. Perfection begins when the department receives the information and fees required in subsection (1) of this section.

(4)(a) After a certificate of title has been issued, the registered owner or secured party must apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title when a security interest is granted on a vehicle. Within ten days after creating a security agreement, the registered owner or secured party must submit:

(i) An application for a certificate of title;

(ii) The certificate of title last issued for the vehicle, or other documentation required by the department; and

(iii) The fee required in section 508 of this act.

(b) If satisfied that a certificate of title should be reissued, the department shall change the vehicle record and issue a new certificate of title to the secured party.

(5) A secured party shall release the security interest when the conditions within the security agreement have been met and there is no further secured obligation. The secured party must either:

(a) Assign the certificate of title to the registered owner or the registered owner's designee and send the certificate of title to the

department, county auditor or other agent, or subagent appointed by the director with the fee required in section 508 of this act; or

(b) Assign the certificate of title to the person acquiring the vehicle from the registered owner with the registered owner's release of interest.

(6) The department shall issue a new certificate of title to the registered owner when the department receives the release of interest and required fees as provided in subsection (5)(a) of this section.

(7) A secured party is liable for one hundred dollars payable to the registered owner or person acquiring the vehicle from the registered owner when:

(a) The secured party fails to either assign the certificate of title to the registered owner or to the person acquiring the vehicle from the registered owner or apply for a new certificate of title; and

(b) The failure of the secured party to act as described in (a) of this subsection results in a loss to the registered owner or person acquiring the vehicle from the registered owner.

**Sec. 317.** RCW 46.12.181 and 2002 c 352 s 6 are each amended to read as follows:

A legal owner or the legal owner's authorized representative may apply for a duplicate certificate of title if a certificate of ((ownership)) title is lost, stolen, mutilated, or destroyed, or becomes illegible((, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of five dollars in addition to all other fees and upon furnishing information satisfactory to the department)). The application for a duplicate certificate of title must include information required by the department and be accompanied by the fee required in section 508 of this act. The duplicate certificate of ((ownership shall)) title must contain the ((legend)) word, "duplicate." It ((shall)) must be provided to the first priority secured party named in it or, if none, to the legal owner.

A person recovering ((an original)) a certificate of ((ownership)) title for which a duplicate has been issued shall promptly ((surrender)) return the ((original)) certificate of title that has been recovered to the department.

**Sec. 318.** RCW 46.12.190 and 1961 c 12 s 46.12.190 are each amended to read as follows:

((The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall)) A person shown as the legal owner on a certificate of title which has a different person shown as the registered owner does not ((thereby)) incur liability ((or be)) and is not responsible for damage((, or otherwise,)) or any liability resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of ((such)), the registered owner.

**Sec. 319.** RCW 46.12.210 and 2003 c 53 s 236 are each amended to read as follows:

((Any)) (1) A person ((who)) is guilty of a class B felony if the person:

(a) Knowingly makes any false statement of a material fact, either ((in his or her)) on an application for ((the)) a certificate of ((ownership)) title or in any ((assignment thereof, or who with intent to procure)) transfer of a certificate of title;

(b) Intentionally acquires or ((pass)) passes ownership ((to)) of a vehicle which ((he or she)) that person knows or has reason to believe has been stolen((-);

(c) Receives or transfers possession of ((the same)) a stolen vehicle from or to another ((or who has in his or her possession)) person;

(d) Possesses any vehicle which ((he or she)) that person knows or has reason to believe has been stolen((-, and who is not an officer of the law engaged at the time in the performance of his or her duty

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as such officer, is guilty of a class B felony and upon conviction shall);

(e) Alters or forges or causes the alteration or forgery of:

(i) A certificate of title or registration certificate issued by the department;

(ii) An assignment of a certificate of title or registration certificate; or

(iii) A release or notice of release of an encumbrance referred to on a certificate of title or registration certificate; or

(f) Holds or uses a certificate of title, registration certificate, assignment, release, or notice of release, knowing that it has been altered or forged.

(2) A person convicted of violating subsection (1) of this section must be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This ((provision shall)) subsection does not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a ((motor)) vehicle.

(3) It is a class C felony for a person to sell or convey a vehicle certificate of title except in conjunction with the sale or transfer of the vehicle for which the certificate was originally issued.

(4) This section does not apply to an officer of the law engaged at the time in the performance of official authorized law enforcement activities.

**Sec. 320.** RCW 46.12.250 and 1969 ex.s. c 125 s 1 are each amended to read as follows:

((It shall be unlawful for any person under the age of eighteen to be the registered or legal owner of any motor vehicle: PROVIDED, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is on active duty in the United States armed forces nor to any minor who is in effect emancipated: PROVIDED further, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is the registered owner of a motor vehicle prior to August 11, 1969 or who became the registered or legal owner of a motor vehicle while a nonresident of this state.))

(1) A person under the age of eighteen may not be the registered or legal owner of a motor vehicle unless the:

(a) Motor vehicle was previously registered in the person's name in another jurisdiction while a resident of that jurisdiction;

(b) Person is on active military duty with the United States armed forces; or

(c) Person is, in effect, emancipated.

(2) It is unlawful for any person to convey, sell, or transfer the ownership of any motor vehicle to a person under the age of eighteen. This subsection does not apply to a vehicle dealer properly licensed under chapter 46.70 RCW if the minor provides the dealer with a certified copy of an original birth certificate showing that the minor is over eighteen years of age. The vehicle dealer shall submit the certified copy of the original birth certificate with an application for certificate of title to the department, county auditor or other agent, or subagent appointed by the director.

(3) A person is guilty of a misdemeanor punishable by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days if that person with actual notice of the prohibition:

(a) Gives, sells, or transfers the ownership of a motor vehicle to a person under the age of eighteen;

(b) Is a registered or legal owner of a motor vehicle in violation of subsection (1) of this section; or

(c) Transfers, sells, or encumbers an interest in a motor vehicle in violation of RCW 46.61.5058.

**Sec. 321.** RCW 46.12.280 and 1979 c 158 s 136 are each amended to read as follows:

((The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security

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interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of licensing shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein.))

A camper is considered a vehicle for the purposes of certificates of title, perfection of security interests, and registrations. The director may adopt rules to implement this section.

**Sec. 322.** RCW 46.12.290 and 2005 c 399 s 4 are each amended to read as follows:

((1) The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the provisions of chapter 231, Laws of 1971 ex. sess. or chapter 65.20 RCW apply to mobile or manufactured homes: PROVIDED, That RCW 46.12.080 and 46.12.250 through 46.12.270 shall not apply to mobile or manufactured homes.

(2) In order to transfer ownership of a mobile home, all registered owners of record must sign the title certificate releasing their ownership. If the mobile home was manufactured before June 15, 1976, the registered owner must sign an affidavit in the form prescribed by the department of licensing that notice was provided to the purchaser of the mobile home that failure of the mobile home to meet federal housing and urban development standards or failure of the mobile home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the mobile home.

(3) The director of licensing shall have the power to adopt such rules as necessary to implement the provisions of this chapter relating to mobile homes.))

(1) **Titling options.** An owner of a manufactured home shall establish ownership in the manufactured home by either:

(a) Applying for a certificate of title as required under this chapter; or

(b) Eliminating the certificate of title under chapter 65.20 RCW.

(2) **Exemption.** This section does not apply to a manufactured home held for resale by a dealer or manufacturer.

(3) **Transferring ownership.** A registered owner of record must sign the certificate of title releasing the owner's interest when transferring ownership of a manufactured home. If the mobile home was manufactured before June 15, 1976, the registered owner must sign an affidavit on a form approved by the department. The affidavit must state that the purchaser was notified that failure of the mobile home to meet federal housing and urban development standards or failure of the mobile home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the mobile home.

(4) **Evidence of taxes paid.** Before accepting an application for a certificate of title for a manufactured home, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to provide evidence that any taxes due on the sale of the manufactured home under chapters 82.45 and 84.52 RCW have been paid. Acceptable evidence includes a copy of:

(a) The real estate excise tax affidavit that has been stamped by the county treasurer; or

(b) A treasurer certificate that is prepared by the treasurer of the county in which a used manufactured home is located and that states that all property taxes due upon the used manufactured home being sold have been satisfied.

(5) **County assessor notification.** The department shall notify the county assessor of the county where the manufactured home is located when ownership of a manufactured home is transferred. The notification must include the name and address of the former owner and the new owner.

(6) **Title elimination.** The certificate of title for a manufactured home may be eliminated or not issued when the manufactured home is registered under chapter 65.20 RCW. If the

certificate of title is eliminated or not issued, the application must be recorded in the county property records of the county where the real property to which the home is affixed is located. All vehicle license fees and taxes applicable to manufactured homes under this chapter are due and must be collected before recording the ownership with the county auditor.

(7) **Rules.** The department may adopt rules as necessary to implement this section.

**Sec. 323.** RCW 46.12.420 and 1996 c 225 s 6 are each amended to read as follows:

((The state patrol shall inspect a street rod vehicle and assign a vehicle identification number in accordance with this chapter.))

A street rod vehicle (~~(shall be titled)~~) must:

(1) Be recorded in department records as the make and year of the vehicle as originally manufactured(~~(—The title shall be)~~); and

(2) Have the certificate of title branded with the designation "street rod."

**Sec. 324.** RCW 46.12.440 and 2009 c 284 s 1 are each amended to read as follows:

((The following procedures must be followed when applying for a certificate of ownership for a kit vehicle:

(1) The vehicle identification number (VIN) of a new vehicle kit and of a body kit will be taken from the manufacturer's certificate of origin belonging to that vehicle. If the VIN is not available, the Washington state patrol shall assign a VIN at the time of inspection.

(2) The department shall use the model year of a manufactured new vehicle kit and manufactured body kit as the year reflected on the manufacturer's certificate of origin.

(3) The make shall be listed as "KITV," and the series and body designation must describe a discrete vehicle model.

(4) Except for kit vehicles licensed under RCW 46.16.680(5), kit vehicles must comply with chapter 204-10 WAC.))

(1) A person who applies for an original certificate of title for a kit vehicle shall provide:

(a) The manufacturer's certificate of origin or an equivalent document if the kit vehicle is a new manufactured vehicle kit or body kit;

(b) The certificate of title or a certified copy or equivalent document for the frame;

(c) Proof of ownership for all major parts used in the construction of the vehicle. Major parts include the frame, engine, axles, transmission, and any other parts that carry vehicle identification numbers;

(d) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax and must include:

(i) The names and addresses of the seller and purchaser;

(ii) A description of the vehicle or part being sold, including the make, model, and identification or serial number or the yard number if from a wrecking yard;

(iii) The date of sale; and

(iv) The purchase price of the vehicle or part;

(e) A certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector verifying the vehicle identification number, and year and make when applicable. A Washington state patrol vehicle identification number inspector must ensure that all parts are documented by certificates of title, notarized bills of sale, or business receipts, such as those obtained from a wrecking yard purchase;

(f) A completed declaration of value form to determine the value for excise tax purposes if the purchase cost and year is unknown or incomplete;

(g) Payment of use tax on the frame and all component parts used, unless proof of payment of the sales or use tax is submitted; and

(h) An odometer disclosure statement on all originals and transfers of certificates of title for kit vehicles under ten years old, unless otherwise exempt by law.

(2) If the frame from a donor vehicle is used and the remainder of the donor vehicle is to be sold or destroyed, the certificate of title is required as an ownership document to the buyer. The department may make a certified copy of the certificate of title for documentation of the frame for this transaction.

(3) When accepting an application for an original certificate of title for a kit vehicle, the department, county auditor or other agent, or subagent appointed by the director shall:

(a) Use the vehicle identification number provided on the manufacturer's certificate of origin. If the vehicle identification number is not available, the Washington state patrol shall assign a vehicle identification number at the time of inspection;

(b) Use the actual model year provided on the manufacturer's certificate of origin as the model year. This is not the model year of the vehicle being replicated;

(c) Record the make as "KITV";

(d) Record in the series and body designation a discrete vehicle model; and

(e) Assign a use class identifying the actual use of the vehicle, such as a passenger car or truck.

(4) A kit vehicle may be registered under section 617 of this act as a street rod vehicle if the vehicle is manufactured to have the same appearance as a similar vehicle manufactured before 1949. Kit vehicles must comply with chapter 204-10 WAC unless the kit vehicle is registered under section 617 of this act.

(5) A kit vehicle is exempt from the welding requirements under WAC 204-10-022(8) if, upon application for a certificate of ~~(ownership)~~ title, the owner furnishes documentation from the manufacturer of the vehicle frame that informs the owner that the welding on the frame was not completed by a certified welder and that the structural strength of the frame has not been certified by an engineer as meeting the applicable federal motor vehicle safety standards set under 49 C.F.R. Sec. 571.201, 571.214, 571.216, and 571.220 through 571.224, and the applicable SAE standards.

((5) The application for the certificate of ownership must be accompanied by the following documents:

(a) For a manufactured new vehicle kit, the manufacturer's certificate of origin or equivalent document;

(b)(i) For a manufactured body kit, the manufacturer's certificate of origin or equivalent document; (ii) for the frame, the title or a certified copy or equivalent document;

(c) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax. The bills of sale must include the names and addresses of the seller and purchaser, a description of the vehicle or part being sold, including the make, model, and identification or serial number, the date of sale, and the purchase price of the vehicle or part;

(d) A statement as defined in WAC 308-56A-150 by an authorized inspector of the Washington state patrol or other person authorized by the department of licensing verifying the vehicle identification number, and year and make when applicable;

(e) A completed declaration of value form (TD 420-737) to determine the value for excise tax if the purchase cost and year is unknown or incomplete.

(6) A Washington state patrol VIN inspector must ensure that all parts are documented by titles, notarized bills of sale, or business receipts such as obtained from a wrecking yard purchase. The bills of sale must contain the VIN of the vehicle the parts came from, or the yard number if from a wrecking yard.

(7)) ~~(6)~~ The department may not deny a certificate of ~~(ownership)~~ title to an applicant who completes the requisite

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application, complies with this section, and pays the requisite titling fees and taxes.

**NEW SECTION. Sec. 325.** The following acts or parts of acts are each repealed:

(1) RCW 46.12.005 (Definitions) and 2002 c 245 s 1, 1996 c 26 s 1, & 1967 c 140 s 5;

(2) RCW 46.12.020 (Prerequisite to issuance of vehicle license and plates) and 1989 c 337 s 22;

(3) RCW 46.12.040 (Certificate of ownership--Fees) and 2007 c 420 s 2, 2004 c 200 s 1, 2002 c 352 s 3, 2001 c 125 s 2, 1990 c 238 s 2, 1989 c 110 s 1, 1975 1st ex.s. c 138 s 1, 1974 ex.s. c 128 s 2, & 1961 c 12 s 46.12.040;

(4) RCW 46.12.042 (Emergency medical services fee) and 1997 c 331 s 5;

(5) RCW 46.12.045 (Off-road vehicles, certificate of ownership for title purposes only) and 1986 c 186 s 4;

(6) RCW 46.12.055 (Certificate of ownership--Manufactured homes) and 1989 c 343 s 19;

(7) RCW 46.12.060 (Procedure when identification number altered or obliterated) and 2001 c 125 s 4, 1975 c 25 s 10, 1974 ex.s. c 36 s 1, & 1961 c 12 s 46.12.060;

(8) RCW 46.12.075 (Rebuilt vehicles) and 1996 c 26 s 3 & 1995 c 256 s 24;

(9) RCW 46.12.095 (Requirements for perfecting security interest) and 2000 c 250 s 9A-822, 1998 c 203 s 10, 1969 ex.s. c 170 s 16, & 1967 c 140 s 6;

(10) RCW 46.12.105 (Transfer of ownership of mobile home, county assessor notified--Evidence of taxes paid) and 1979 ex.s. c 266 s 5, 1979 c 158 s 133, & 1971 ex.s. c 231 s 13;

(11) RCW 46.12.200 (State or director not liable for acts in administering chapter) and 1979 c 158 s 134, 1967 c 32 s 11, & 1961 c 12 s 46.12.200;

(12) RCW 46.12.215 (Unlawful sale of certificate of ownership) and 1995 c 256 s 1;

(13) RCW 46.12.220 (Alteration or forgery--Penalty) and 2003 c 53 s 237, 1967 c 32 s 12, & 1961 c 12 s 46.12.220;

(14) RCW 46.12.230 (Permit to licensed wrecker to junk vehicle-- fee) and 1975 c 25 s 14, 1967 c 32 s 13, & 1961 c 12 s 46.12.230;

(15) RCW 46.12.240 (Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate) and 1987 c 388 s 8, 1965 ex.s. c 121 s 42, & 1961 c 12 s 46.20.340;

(16) RCW 46.12.260 (Sale or transfer of motor vehicle ownership to person under eighteen prohibited) and 1979 c 158 s 135 & 1969 ex.s. c 125 s 2;

(17) RCW 46.12.270 (Penalty for violation of RCW 46.12.250 or 46.12.260) and 1994 c 139 s 2, 1993 c 487 s 6, & 1969 ex.s. c 125 s 3;

(18) RCW 46.12.450 (Kit vehicles--Issuance of certificate of ownership or registration) and 1996 c 225 s 9;

(19) RCW 46.12.500 (Commercial vehicle--Compliance statement) and 1999 c 351 s 4; and

(20) RCW 46.12.510 (Donations for organ donation awareness) and 2008 c 139 s 26 & 2003 c 94 s 6.

#### PART IV. REGISTRATION CERTIFICATES

**Sec. 401.** RCW 46.16.004 and 2007 c 419 s 3 are each amended to read as follows:

For the purposes of this chapter unless the context clearly requires otherwise:

(1) "Commercial motor vehicle," for the purposes of requiring a department of transportation number, means the same as defined in RCW 46.25.010(6), or a motor vehicle used in commerce when the

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motor vehicle: (a) Has a gross vehicle weight rating of 11,794 kilograms or more (26,001 pounds or more) inclusive of a towed unit of a gross vehicle weight rating of more than 4,536 kilograms (10,000 pounds or more); (b) has a gross vehicle weight rating of 11,794 kilograms or more (26,001 pounds or more); or (c) is used in the transportation of hazardous materials, as defined in RCW 46.25.010(13);

(2) ("~~Department~~" means the department of licensing; ~~---(3))~~) "Department of transportation number" means a department of transportation number from the federal motor carrier safety administration;

~~((4))~~ (3) "Interstate commercial motor vehicle" means a commercial vehicle that operates in more than one state;

~~((5))~~ (4) "Intrastate commercial motor vehicle" means a commercial vehicle that operates exclusively within the state of Washington;

~~((6))~~ (5) "Motor carrier" means a person or entity who has been issued a department of transportation number and who owns a commercial motor vehicle;

(6) "Registration year" means the effective period of a vehicle registration issued by the department. A registration year begins at 12:01 a.m. on the date of the calendar year designated by the department and ends at 12:00 a.m. the same day the following year unless otherwise specified;

(7) "Renewal notice" means the notice to renew a vehicle registration sent to the registered owner by the department.

**Sec. 402.** RCW 46.16.006 and 2009 c 159 s 1 are each amended to read as follows:

(1) ((The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW means the effective period of a vehicle license issued by the department. Such year commences at 12:01 a.m. on the date of the calendar year designated by the department and ends at 12:01 a.m. on the same date of the next succeeding calendar year.

(a) If a vehicle license previously issued in this state has expired and is renewed with a different registered owner, a new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve-month period.

(b) A new registration year is deemed to commence upon the date the expired license is renewed in order that the renewed license be useable for a full twelve months when))

The department, county auditor or other agent, or subagent appointed by the director shall assign a new registration year to a vehicle if:

(a) The Washington state vehicle registration has expired and registered ownership to the vehicle is being transferred. The renewed license is valid for a full twelve-month period unless a specific expiration date is required by law, rule, or program; or

(b) The Washington vehicle registration has expired and the registered owner:

(i) Is a member of the United States armed forces;

(ii) Was stationed outside of Washington under military orders during the prior vehicle registration year; and

(iii) Provides the department a copy of the military orders.

(2) Each registration year may be divided into twelve registration months. Each registration month ((commences on the day numerically corresponding to the day of the calendar month on which the registration year begins, and terminates on the numerically corresponding day of the next succeeding calendar month)) begins at 12:01 a.m. on a day of the month assigned by the department and ends at 12:00 a.m. on the same day the following month.

(3) ((Where the term "last day of the month" is used in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any

calendar month it means the last day of such calendar month or months irrespective of the numerical designation of that day.

(4) If) A registration period extends through the end of the next business day when the final day of a registration year or month falls on a Saturday, Sunday, or legal holiday((, such period extends through the end of the next business day)).

**Sec. 403.** RCW 46.16.010 and 2007 c 242 s 2 are each amended to read as follows:

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

(2) It is unlawful for a person to operate any vehicle (~~over and along~~) on a public highway of this state without (~~first having obtained and~~) having in full force and effect a current and proper vehicle (~~license~~) registration and (~~display vehicle~~) displaying license (~~number~~) plates (~~therefor as by this chapter provided~~) on the vehicle.

~~((2))~~ (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 (~~operation~~) operating a vehicle on the public highways of this state is a traffic infraction(~~, and any~~). A person committing this infraction shall pay a penalty of five hundred twenty-nine dollars, (~~no part of~~) which may not be suspended (~~or~~), deferred, or reduced.

~~((3))~~ (5) Failure to renew an expired registration before (~~operation~~) operating a vehicle on the public highways of this state is a traffic infraction.

~~((4) The licensing of)~~ (6) It is a gross misdemeanor for a resident, as identified in RCW 46.16.028 (as recodified by this act), to register a vehicle in another state (~~by a resident of this state, as defined in RCW 46.16.028~~), evading the payment of any tax or vehicle license fee imposed in connection with registration(~~g~~). It is (~~a gross misdemeanor~~) punishable as follows:

(a) For a first offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and payment of a fine of five hundred twenty-nine dollars plus four times the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(c) For fines levied under (b) of this subsection, an amount equal to the avoided taxes and fees owed will be deposited in the vehicle licensing fraud account created in the state treasury;

(d) The avoided taxes and fees shall be deposited and distributed in the same manner as if the taxes and fees were properly paid in a timely fashion.

~~((5))~~ These provisions shall not apply to the following vehicles:

(a) Motorized foot scooters;

(b) Electric-assisted bicycles;

(c) Off-road vehicles operating on nonhighway roads under RCW 46.09.115;

(d) Farm vehicles if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law;

(e) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer

applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(f) Fork lifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses which they serve: PROVIDED FURTHER, That these provisions shall not apply to vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks;

(g) "Trams" used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have an average daily traffic of not more than 15,000 vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another;

(h) "Special highway construction equipment" defined as follows: Any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (i) are in excess of the legal width, or (ii) which, because of their length, height, or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (iii) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(6) The following vehicles, whether operated solo or in combination, are exempt from license registration and displaying license plates as required by this chapter:

(a) A converter gear used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle. Converter gear includes an auxiliary axle, booster axle, dolly, and jeep axle.

(b) A tow dolly that is used for towing a motor vehicle behind another motor vehicle. The front or rear wheels of the towed vehicle are secured to and rest on the tow dolly that is attached to the towing vehicle by a tow bar.



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(c) An off-road vehicle operated on a street, road, or highway as authorized under RCW 46.09.180.

(7)(a) A motor vehicle subject to initial or renewal registration under this section shall not be registered to a natural person unless the person at time of application:

- (i) Presents an unexpired Washington state driver's license; or
- (ii) Certifies that he or she is:

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(b) For shared or joint ownership, the department will set up procedures to verify that all owners meet the requirements of this subsection.

(c) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(d) The department may adopt rules necessary to implement this subsection, including rules under which a natural person applying for registration may be exempt from the requirements of this subsection where the person provides evidence satisfactory to the department that he or she has a valid and compelling reason for not being able to meet the requirements of this subsection.

(8)) (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).

**NEW SECTION. Sec. 404.** A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

The following vehicles are not required to be registered under this chapter:

(1) Converter gears used to convert a semitrailer into a trailer or a two-axle truck or tractor into a three or more axle truck or tractor or used in any other manner to increase the number of axles of a vehicle;

(2) Electric-assisted bicycles;

(3)(a) Farm implements, tractors, trailers, and other farm vehicles (i) operated within a radius of fifteen miles of the farm where it is principally used or garaged, including trailers designed as cook or bunk houses, (ii) used exclusively for animal herding, and (iii) temporarily operating or drawn upon the public highways, and (b) trailers used exclusively to transport farm implements from one farm to another during daylight hours or at night when the trailer is equipped with lights that comply with applicable law;

(4) Forklifts operated during daylight hours on public highways adjacent to and within five hundred feet of the warehouses they serve;

(5) Motor vehicles operated solely within a national recreation area that is not accessible by a state highway, including motorcycles, motor homes, passenger cars, and sport utility vehicles. This exemption applies only after initial registration;

(6) Motorized foot scooters;

(7) Nurse rigs or equipment auxiliary for the use of and designed or modified for the fueling, repairing, or loading of spray and fertilizer applicator rigs and not used, designed, or modified primarily for the purpose of transportation;

(8) Off-road vehicles operated on a street, road, or highway as authorized under RCW 46.09.180 (as recodified by this act), or nonhighway roads under RCW 46.09.115 (as recodified by this act);

(9) Special highway construction equipment;

(10) Dump trucks and tractor-dump trailer combinations that are:

(a) Designed and used primarily for construction work on highways;

(b) Not designed or used primarily for the transportation of persons or property on a public highway; and

(c) Only incidentally operated or moved over the highways;

(11) Spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation;

(12) Tow dollies;

(13) Trams used for transporting persons to and from facilities related to the horse racing industry as regulated in chapter 67.16 RCW, as long as the public right-of-way routes over which the trams operate are not more than one mile from end to end, the public rights-of-way over which the tram operates have average daily traffic of not more than fifteen thousand vehicles per day, and the activity is in conformity with federal law. The operator must be a licensed driver and at least eighteen years old. For the purposes of this section, "tram" also means a vehicle, or combination of vehicles linked together with a single mode of propulsion, used to transport persons from one location to another; and

(14) Vehicles used by the state parks and recreation commission exclusively for park maintenance and operations upon public highways within state parks.

**NEW SECTION. Sec. 405.** A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall not issue an initial or renewal registration certificate for a motor vehicle to a natural person under this chapter unless the natural person at time of application:

- (a) Presents an unexpired Washington state driver's license; or
- (b) Certifies that he or she is:

(i) A Washington state resident who does not operate a motor vehicle on public roads; or

(ii) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

(2) The department must set up procedures to verify that all owners meet the requirements of this section.

(3) A person falsifying residency is guilty of a gross misdemeanor punishable only by a fine of five hundred twenty-nine dollars.

(4) The department may adopt rules necessary to implement this section, including rules under which a natural person applying for registration may be exempt from the requirements of this section if the person provides evidence satisfactory to the department that he or she has a valid and compelling reason for not being able to meet the requirements of this section.

**Sec. 406.** RCW 46.16.015 and 2002 c 24 s 1 are each amended to read as follows:

(1) ~~((Neither))~~ The department ~~((of licensing nor its agents)),~~ county auditor or other agent, or subagent appointed by the director may not issue or renew a motor vehicle ~~((license for any vehicle))~~ registration or change the registered owner of a ~~((licensed))~~ registered vehicle ~~((;))~~ for any motor vehicle ~~((that is))~~ required to be inspected under chapter 70.120 RCW, unless the application for issuance or renewal is: (a) Accompanied by a valid certificate of compliance or a valid certificate of acceptance issued ~~((pursuant to))~~ as required under chapter 70.120 RCW; or (b) ~~((exempted from this requirement pursuant to))~~ exempt, as described in subsection (2) of this section. The certificates must have a date of validation ~~((which))~~ that is within ~~((six))~~ twelve months of the ~~((date of application for the vehicle license or license))~~ assigned registration renewal date. Certificates for fleet or owner tested diesel vehicles may have a date of validation ~~((which))~~ that is within twelve months of the assigned ~~((license))~~ registration renewal date.

(2) ~~((Subsection (1) of this section does not apply to the following vehicles:~~

(a) New motor vehicles whose equitable or legal title has never been transferred to a person who in good faith purchases the vehicle for purposes other than resale;

(b) Motor vehicles with a model year of 1967 or earlier;

(c) Motor vehicles that use propulsion units powered exclusively by electricity;

(d) Motor vehicles fueled by propane, compressed natural gas, or liquid petroleum gas, unless it is determined that federal sanctions will be imposed as a result of this exemption;

(e)) The following motor vehicles are exempt from emission test requirements:

(a) Motor vehicles that are less than five years old or more than twenty-five years old;

(b) Motor vehicles that are a 2009 model year or newer;

(c) Motor vehicles powered exclusively by electricity, propane, compressed natural gas, or liquid petroleum gas;

(d) Motorcycles as defined in RCW 46.04.330 and motor-driven cycles as defined in RCW 46.04.332;

((#)) (e) Farm vehicles as defined in RCW 46.04.181;

((#)) (f) Used vehicles (~~which~~) that are offered for sale by a motor vehicle dealer licensed under chapter 46.70 RCW;

((#)) (g) Classes of motor vehicles exempted by the director of the department of ecology; and

((i) Collector cars as identified by the department of licensing under RCW 46.16.305(1);

(j) Beginning January 1, 2000, vehicles that are less than five years old or more than twenty-five years old; or

(k)) (h) Hybrid motor vehicles that obtain a rating by the environmental protection agency of at least fifty miles per gallon of gas during city driving. For purposes of this section, a hybrid motor vehicle is one that uses propulsion units powered by both electricity and gas.

((The provisions of (a) of this subsection may not be construed as exempting from the provisions of subsection (1) of this section applications for the renewal of licenses for motor vehicles that are or have been leased.))

(3) The department of ecology shall provide information to motor vehicle owners;

(a) Regarding the boundaries of emission contributing areas and restrictions established under this section that apply to vehicles registered in such areas(~~— In addition the department of ecology shall provide information to motor vehicle owners~~); and

(b) On the relationship between motor vehicles and air pollution and steps motor vehicle owners should take to reduce motor vehicle related air pollution. ((The department of licensing shall send to all registered motor vehicle owners affected by the emission testing program notice that they must have an emission test to renew their registration.))

(4) The department of licensing shall:

(a) Notify all registered motor vehicle owners affected by the emission testing program that they must have an emission test to renew their registration;

(b) Adopt rules implementing and enforcing this section, except for subsection (2)(e) of this section, as specified in chapter 34.05 RCW.

(5) A motor vehicle may not be registered, leased, rented, or sold for use in the state, starting with the model year as provided in RCW 70.120A.010, unless the vehicle:

(a) Has seven thousand five hundred miles or more; or

(b)(i) Is consistent with the vehicle emission standards and carbon dioxide equivalent emission standards adopted by the department of ecology; and

(ii) Has a California certification label for all emission standards, and carbon dioxide equivalent emission standards necessary to meet fleet average requirements.

(6) The department of licensing, in consultation with the

department of ecology, may adopt rules necessary to implement this section and may provide for reasonable exemptions to these requirements. The department of ecology may exempt public safety vehicles from meeting the standards where the department finds that vehicles necessary to meet the needs of public safety agencies are not otherwise reasonably available.

**Sec. 407.** RCW 46.16.020 and 1986 c 30 s 1 are each amended to read as follows:

(1) The following vehicles are exempt from the payment of vehicle license fees:

(a) Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them(~~— and all~~);

(b) Vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty(~~— or~~);

(c) Vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior, and used exclusively in its (~~or their~~) service (~~shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: PROVIDED, HOWEVER, That such vehicles, except those~~);

(d) Any bus or vehicle owned and operated by a private school or schools meeting the requirements of RCW 28A.195.010 and used by that school or schools primarily to transport children to and from school or to transport children in connection with school activities. A registration issued by the department for these buses or vehicles is exempt from the motor vehicle excise tax provided in chapter 82.44 RCW;

(e) Vehicles owned and used exclusively by the United States government and (~~which~~) are clearly identified by (~~clearly exhibited~~) displaying registration numbers or license plates assigned by (~~an instrumentality of that~~) the United States government(~~— shall be~~) if the vehicle is registered (~~as prescribed for the license registration of other vehicles and shall~~) and displays (~~the vehicle~~) license (~~number~~) plates assigned to it by the United States government; and

(f) Except for payment of the license plate fee required under section 517 of this act, vehicles owned and used exclusively by the United States government and are clearly identified by displaying registration numbers of license plates assigned by the state of Washington if the vehicle is registered and displays license plates assigned to it by the state of Washington.

(2) The department shall assign a license plate or plates to each vehicle or may assign a block of license plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it (~~(pursuant to this section)~~). The agency, political subdivision, or Indian tribe, except a foreign government or international body, shall pay ((a)) the fee (~~(of two dollars)~~) required in section 517 of this act for the license plate or plates for each vehicle.

(3) An Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior is not entitled to (~~license and~~) register any tribal government service vehicle under this section if that tribe itself (~~licenses or~~) registers any tribal government service vehicles under tribal law.

((No)) (4) A vehicle (~~license~~) registration or license (~~number~~) plates (~~shall~~) may not be issued to any (~~such~~) vehicle under (~~the provisions of~~) this section for the transportation of school children unless (~~and until such~~) the vehicle (~~shall have~~) has been first (~~personally~~) inspected by the director or the director's (~~duly~~) authorized representative.

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**Sec. 408.** RCW 46.16.022 and 1986 c 30 s 2 are each amended to read as follows:

(1) The provisions of this chapter relating to ~~((licensing of))~~ registering vehicles by this state, including the display of ~~((vehicle))~~ license ~~((number))~~ plates and ~~((license))~~ registration certificates, do not apply to vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior ~~((, only when))~~ if:

(a) The vehicle is used exclusively in tribal government service; ~~((and))~~

(b) The vehicle has been ~~((licensed and))~~ registered under a law adopted by ~~((such))~~ the tribal government; ~~((and))~~

(c) ~~((Vehicle))~~ License ~~((number))~~ plates issued by the tribe showing the initial or abbreviation of the name of the tribe are displayed on the vehicle ~~((substantially as provided therefor))~~ as required in this state; ~~((and))~~

(d) The tribe has not elected to receive ~~((any))~~ Washington state license plates for tribal government service vehicles ~~((pursuant to))~~ as authorized in RCW 46.16.020 (as recodified by this act); and

(e) If required by the department, the tribe provides the department with vehicle description and ownership information similar to that required for vehicles registered in this state, which may include the model year, make, model series, body type, type of power ~~((gasoline, diesel, or other, VIN)),~~ vehicle identification number, and the license plate number assigned to each government service vehicle ~~((licensed))~~ registered by that tribe.

(2) ~~((The provisions of))~~ This section ~~((are operative as to a vehicle owned or leased by an Indian tribe located within this state and used exclusively in tribal government service only to the extent that under))~~ applies only if the laws of the tribe ~~((like));~~

(a) Allow similar exemptions and privileges ~~((are granted))~~ to all vehicles ~~((duly licensed))~~ registered under the laws of this state ~~((for operation of such vehicles))~~ on all tribal roads within the tribe's reservation ~~((, If under the laws of the tribe,)); and~~

(b) Do not require persons operating vehicles ~~((licensed))~~ registered by this state ~~((are required))~~ to pay a ~~((license or))~~ registration fee or to carry or display ~~((vehicle))~~ license ~~((number))~~ plates or a registration certificate issued by the tribe ~~((, the tribal government shall comply with the provisions of this state's laws relating to the licensing and registration of vehicles operating on the highways of this state)).~~

**Sec. 409.** RCW 46.16.025 and 1979 c 158 s 139 are each amended to read as follows:

~~((Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of licensing and issued by the department of licensing, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:~~

(1) The name and address of the owner of the vehicle;

(2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;

(3) The purpose for which said vehicle is to be principally used;

(4) Such other information as shall be required upon such application by the director; and

(5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle.)

(1) A farmer shall apply to the department, county auditor or other agent, or subagent appointed by the director for a farm exempt decal for a farm vehicle if the farm vehicle is exempt under section 404(3) of this act. The farm exempt decal:

(a) Allows the farm vehicle to be operated within a radius of fifteen miles of the farm where it is principally used or garaged;

(b) Must be displayed on the farm vehicle so that it is clearly visible from outside of the farm vehicle; and

(c) Must identify that the farm vehicle is exempt from the registration requirements of this chapter.

(2) A farmer or the farmer's representative must apply for a farm exempt decal on a form furnished or approved by the department. The application must show:

(a) The name and address of the person who is the owner of the vehicle;

(b) A full description of the vehicle, including its make, model, year, the motor number or the vehicle identification number if the vehicle is a motor vehicle, or the serial number if the vehicle is a trailer;

(c) The purpose for which the vehicle is principally used;

(d) The place where the farm vehicle is principally used or garaged; and

(e) Other information as required by the department upon application.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 526 of this act when issuing a farm exempt decal.

(4) A farm exempt decal may not be renewed. The status as an exempt vehicle continues until suspended or revoked for misuse, or when the vehicle is no longer used as a farm vehicle.

(5) The department may adopt rules to implement this section.

**Sec. 410.** RCW 46.16.028 and 1997 c 59 s 7 are each amended to read as follows:

(1) For the purposes of vehicle ~~((license))~~ registration, a resident is a person who manifests an intent to live or be located in this state on more than a temporary or transient basis. Evidence of residency includes, but is not limited to:

(a) Becoming a registered voter in this state; ~~((or))~~

(b) Receiving benefits under one of the Washington public assistance programs; or

(c) Declaring ~~((that he or she is a resident))~~ residency for the purpose of obtaining a state license or tuition fees at resident rates.

(2) ~~((The term))~~ A natural person may be a resident of this state even though that person has or claims residency or domicile in another state or intends to leave this state at some future time. A natural person is presumed a resident if the natural person meets at least two of the following conditions:

(a) Maintains a residence in this state for personal use;

(b) Has a Washington state driver's license or a Washington state resident hunting or fishing license;

(c) Uses a Washington state address for federal income tax or state tax purposes;

(d) Has previously maintained a residence in this state for personal use and has not established a permanent residence outside the state of Washington, such as a person who retires and lives in a motor home or vessel that is not permanently attached to any

property;

(e) Claims this state as his or her residence for obtaining eligibility to hold a public office or for judicial actions;

(f) Is a custodial parent with a child attending public schools in this state.

(3) "Washington public assistance programs," as referred to in subsection (1)(b) of this section, includes only public assistance programs for which more than fifty percent of the combined costs of benefits and administration are paid from state funds. ~~((Programs which are not included within the term))~~ "Washington public assistance programs" ~~((pursuant to the above criteria))~~ does not include ~~((, but are not limited to))~~: The food stamp program under the federal food stamp act of 1964; programs under the child nutrition act of 1966, 42 U.S.C. Secs. 1771 through 1788; and temporary assistance for needy families.

~~((2))~~ (4) A resident of the state shall apply for a certificate of title under chapter 46.12 RCW and register under this chapter ~~((s 46.12 and 46.16 RCW))~~ a vehicle to be operated on the highways of the state. New Washington residents ~~((shall be))~~ are allowed thirty days from the date they become residents as defined in this section to ~~((procure))~~ obtain Washington registration for their vehicles. This thirty-day period ~~((shall))~~ may not be combined with any other period of reciprocity provided for in this chapter or chapter 46.85 RCW.

**Sec. 411.** RCW 46.16.029 and 1987 c 142 s 2 are each amended to read as follows:

~~((It is unlawful to))~~ A person may not purchase a vehicle ~~((bearing))~~ displaying foreign license plates without removing and destroying the license plates unless:

(1) The out-of-state vehicle is sold to a Washington resident by a resident of a jurisdiction where the license plates follow the owner ~~((or))~~;

(2) The out-of-state license plates may be returned to the jurisdiction of issuance by the owner for refund purposes; or

(3) For ~~((such))~~ other reasons as determined by the department ~~((may deem appropriate))~~ by rule.

**Sec. 412.** RCW 46.16.030 and 1991 c 163 s 2 are each amended to read as follows:

~~((Except as is herein provided for foreign businesses,))~~ (1) The provisions ~~((relative))~~ of this chapter relating to the ~~((licensing))~~ registration of vehicles and display of ~~((vehicle))~~ license ~~((number))~~ plates and ~~((license))~~ registration certificates ~~((shall))~~ do not apply to ~~((any))~~ vehicles owned by nonresidents of this state if:

(a) The owner ~~((thereof))~~ has complied with the law requiring the ~~((licensing))~~ registration of vehicles in the names of the owners ~~((thereof))~~ in force in the state, foreign country, territory, or federal district of ~~((his or her))~~ residence; and

(b) The ~~((vehicle))~~ license ~~((number))~~ plate showing the initial or abbreviation of the name of ~~((such))~~ the state, foreign country, territory, or federal district ~~((,))~~ is displayed on ~~((such))~~ the vehicle substantially as ~~((is provided therefor))~~ required in this state. ~~((The provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his or her residence, like))~~

(2) This section applies only if the laws of the state, foreign country, territory, or federal district of the nonresident's residence allow similar exemptions and privileges ~~((are granted))~~ to vehicles ~~((duly licensed))~~ registered under the laws of ~~((and owned by residents of this state. If under the laws of such))~~ the foreign state, ~~((foreign))~~ country, territory, or federal district ~~((, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and~~

~~operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles)).~~

(3) Foreign businesses owning, maintaining, or operating places of business in this state and using vehicles in connection with ~~((such))~~ those places of business ~~((,))~~ shall comply with ~~((the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned))~~ this chapter. Under provisions of the international registration plan, the nonmotor vehicles of member and nonmember jurisdictions ~~((which))~~ that are properly based and ~~((licensed))~~ registered in such jurisdictions ~~((are granted))~~ have reciprocity in this state as provided in RCW 46.87.070 ~~((2))~~.

(4) The director ~~((is empowered to make))~~ may adopt and enforce rules ~~((and regulations))~~ for the ~~((licensing))~~ registration of nonresident vehicles ~~((upon))~~ on a reciprocal basis and with respect to any character or class of operation.

**Sec. 413.** RCW 46.16.040 and 1987 c 244 s 2 are each amended to read as follows:

(Application for original vehicle license shall be made on [a] form furnished for the purpose by the department. Such application shall be made by the owner of the vehicle or duly authorized agent over the signature of such owner or agent, and the applicant shall certify that the statements therein are true to the best of the applicant's knowledge. The application must show:

(1) Name and address of the owner of the vehicle and, if the vehicle is subject to a security agreement, the name and address of the secured party;

(2) Trade name of the vehicle, model, year, type of body, the identification number thereof;

(3) The power to be used--whether electric, steam, gas or other power;

(4) The purpose for which said vehicle is to be used and the nature of the license required;

(5) The licensed gross weight for such vehicle which in the case of for hire vehicles and auto stages with seating capacity of more than six shall be the adult seating capacity thereof, including the operator, as provided for in RCW 46.16.111. In the case of motor trucks, tractors, and truck tractors, the licensed gross weight shall be the gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;

(6) The unladen weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;

(7) Such other information as shall be required upon such application by the department.)

(1) An owner or the owner's authorized representative must apply for an original vehicle registration to the department, county auditor or other agent, or subagent appointed by the director on a form furnished by the department. The application must contain:

(a) A description of the vehicle, including its make, model, vehicle identification number, type of body, and power to be used;

(b) The name and address of the person who is the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party;

(c) The purpose for which the vehicle is to be used;

(d) The licensed gross weight for the vehicle, which is:

(i) The adult seating capacity, including the operator, as provided for in RCW 46.16.070(1) (as recodified by this act) if the vehicle will be operated as a for hire vehicle or auto stage and has a seating capacity of more than six; or

(ii) The gross weight declared by the applicant as required in RCW 46.16.070(2) (as recodified by this act) if the vehicle will be operated as a motor truck, tractor, or truck tractor;

(e) The empty scale weight of the vehicle; and

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(f) Other information that the department may require.

(2) The registered owner or the registered owner's authorized representative shall sign the application for an original vehicle registration and certify that the statements on the application are true to the best of the applicant's knowledge.

(3) The application for an original vehicle registration must be accompanied by a draft, money order, certified bank check, or cash for all fees and taxes due for the application for an original vehicle registration.

**NEW SECTION. Sec. 414.** A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

(1) The department may refuse to issue or may cancel a registration at any time when the department determines that an applicant for registration is not entitled to one. Notice of cancellation may be accomplished by sending a notice by first-class mail using the last known address in department records for the registered or legal owner or owners, and completing an affidavit of first-class mail. It is unlawful for any person to remove, drive, or operate the vehicle until a proper registration certificate has been issued. A person removing, driving, or operating a vehicle after the refusal to issue or cancellation of the registration is guilty of a gross misdemeanor.

(2) The suspension, revocation, cancellation, or refusal by the director of a registration certificate provided under this chapter is conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county or the person's county of residence.

(a) Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal, the court shall issue an order to the director to show cause why the registration should not be granted or reinstated and return the order not less than ten days after the date of service to the director. Service must be in the same manner as prescribed for the service of a summons and complaint in other civil actions.

(b) Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration and shall enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

**Sec. 415.** RCW 46.16.045 and 2008 c 51 s 1 are each amended to read as follows:

(1) ((The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2)) The department may authorize vehicle dealers properly licensed ((pursuant to)) under chapters 46.09, 46.10, and 46.70 RCW to issue temporary permits to operate vehicles under ((such)) rules ((and regulations as)) adopted by the department ((deems appropriate)).

((~~3~~)) (2) The ((fee)) department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 535(1)(a) of this act for each temporary permit application ((distributed)) sold to an authorized vehicle dealer ((shall be fifteen dollars, five dollars of which shall be credited to the payment of registration fees at the time application for registration is made. The remainder shall be deposited to the state patrol highway account)).

((~~4~~)) (3) The payment of ((the registration)) vehicle license fees to an authorized dealer is considered payment to the state of Washington.

((~~5~~ By July 1, 2009,)) (4) The department shall provide access to a secure system that allows temporary permits issued by vehicle

dealers properly licensed ((pursuant to)) under chapters 46.09, 46.10, and 46.70 RCW to be generated and printed on demand. By July 1, 2011, all such permits must be generated using the designated system.

**Sec. 416.** RCW 46.16.047 and 1961 c 12 s 46.16.047 are each amended to read as follows:

((Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund.))

(1) The department, county auditor or other agent, or subagent appointed by the director may grant a temporary permit to operate a vehicle for which an application for registration has been made. The application for a temporary permit must be made by the owner or the owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished by the department and must contain:

(a) A full description of the vehicle, including its make, model, vehicle identification number, and type of body;  
(b) The name and address of the applicant;  
(c) The date of application; and  
(d) Other information that the department may require.

(2) Temporary permits must:

(a) Be consecutively numbered;  
(b) Be displayed where it is visible from outside of the vehicle, such as on the inside left side of the rear window; and  
(c) Remain on the vehicle only until the receipt of permanent license plates.

(3) The application must be accompanied by the fee required under section 535(1)(b) of this act.

**Sec. 417.** RCW 46.16.048 and 1977 c 25 s 2 are each amended to read as follows:

The department ((in its discretion)) may issue a temporary letter of authority authorizing the movement of an ((unlicensed)) unregistered vehicle or the temporary ((usage)) use of a special plate for the purpose of promoting or participating in an event such as a parade, pageant, fair, convention, or other special community activity. The letter of authority may not be issued to or used by anyone for personal gain, but public identification of the sponsor or owner of the donated vehicle shall not be considered to be personal gain.

**Sec. 418.** RCW 46.16.068 and 1998 c 321 s 32 are each amended to read as follows:

((Trailing units which are subject to RCW 82.44.020(4) shall, upon application, be issued a permanent license plate that is valid until the vehicle is sold, permanently removed from the state, or otherwise disposed of by the registered owner. The fee for this license plate is thirty-six dollars. Upon the sale, permanent removal from the state, or other disposition of a trailing unit bearing a permanent license plate the registered owner is required to return the license plate and registration certificate to the department. Violations of this section or misuse of a permanent license plate may

subject the registered owner to prosecution or denial, or both, of future permanent registration of any trailing units. This section does not apply to any trailing units subject to the annual excise taxes prescribed in RCW 82.44.020. The department is authorized to adopt rules to implement this section for leased vehicles and other applications as necessary.)

(1) Trailers that are towed in combination with a truck, motor truck, truck tractor, road tractor, or tractor and used to transport loads in excess of forty thousand pounds combined gross weight may be issued a permanent license plate and registration. The permanent license plate and registration is valid until the trailer is sold, permanently removed from the state, or otherwise disposed of by the registered owner. The owner of the trailer shall:

(a) Apply for the permanent license plate and registration with the department, county auditor or other agent, or subagent;

(b) Pay the combination trailer license plate fee required under section 516 of this act in addition to any other fee or taxes due by law; and

(c) Return the license plate and registration certificate to the department if the trailer is sold, permanently removed from the state, or otherwise disposed of.

(2) The permanent license plate and registration authorized in subsection (1) of this section may not be issued to trailers that haul logs.

(3) A violation of this section or misuse of a permanent license plate may subject the registered owner to prosecution or denial, or both, of future permanent registration of any trailer.

(4) The department may adopt rules to implement this section for leased vehicles and other applications as necessary.

**Sec. 419.** RCW 46.16.070 and 2005 c 314 s 204 are each amended to read as follows:

((1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight under chapter 46.44 RCW, the following licensing fees by weight:

| WEIGHT      | SCHEDULE A | SCHEDULE B |
|-------------|------------|------------|
| 4,000 lbs.  | \$ 40.00   | \$ 40.00   |
| 6,000 lbs.  | \$ 50.00   | \$ 50.00   |
| 8,000 lbs.  | \$ 60.00   | \$ 60.00   |
| 10,000 lbs. | \$ 62.00   | \$ 62.00   |
| 12,000 lbs. | \$ 79.00   | \$ 79.00   |
| 14,000 lbs. | \$ 90.00   | \$ 90.00   |
| 16,000 lbs. | \$ 102.00  | \$ 102.00  |
| 18,000 lbs. | \$ 154.00  | \$ 154.00  |
| 20,000 lbs. | \$ 171.00  | \$ 171.00  |
| 22,000 lbs. | \$ 185.00  | \$ 185.00  |
| 24,000 lbs. | \$ 200.00  | \$ 200.00  |
| 26,000 lbs. | \$ 211.00  | \$ 211.00  |

|             |             |             |
|-------------|-------------|-------------|
| 28,000 lbs. | \$ 249.00   | \$ 249.00   |
| 30,000 lbs. | \$ 287.00   | \$ 287.00   |
| 32,000 lbs. | \$ 346.00   | \$ 346.00   |
| 34,000 lbs. | \$ 368.00   | \$ 368.00   |
| 36,000 lbs. | \$ 399.00   | \$ 399.00   |
| 38,000 lbs. | \$ 438.00   | \$ 438.00   |
| 40,000 lbs. | \$ 501.00   | \$ 501.00   |
| 42,000 lbs. | \$ 521.00   | \$ 611.00   |
| 44,000 lbs. | \$ 532.00   | \$ 622.00   |
| 46,000 lbs. | \$ 572.00   | \$ 662.00   |
| 48,000 lbs. | \$ 596.00   | \$ 686.00   |
| 50,000 lbs. | \$ 647.00   | \$ 737.00   |
| 52,000 lbs. | \$ 680.00   | \$ 770.00   |
| 54,000 lbs. | \$ 734.00   | \$ 824.00   |
| 56,000 lbs. | \$ 775.00   | \$ 865.00   |
| 58,000 lbs. | \$ 806.00   | \$ 896.00   |
| 60,000 lbs. | \$ 859.00   | \$ 949.00   |
| 62,000 lbs. | \$ 921.00   | \$ 1,011.00 |
| 64,000 lbs. | \$ 941.00   | \$ 1,031.00 |
| 66,000 lbs. | \$ 1,048.00 | \$ 1,138.00 |
| 68,000 lbs. | \$ 1,093.00 | \$ 1,183.00 |
| 70,000 lbs. | \$ 1,177.00 | \$ 1,267.00 |
| 72,000 lbs. | \$ 1,259.00 | \$ 1,349.00 |
| 74,000 lbs. | \$ 1,368.00 | \$ 1,458.00 |
| 76,000 lbs. | \$ 1,478.00 | \$ 1,568.00 |
| 78,000 lbs. | \$ 1,614.00 | \$ 1,704.00 |
| 80,000 lbs. | \$ 1,742.00 | \$ 1,832.00 |
| 82,000 lbs. | \$ 1,863.00 | \$ 1,953.00 |
| 84,000 lbs. | \$ 1,983.00 | \$ 2,073.00 |
| 86,000 lbs. | \$ 2,104.00 | \$ 2,194.00 |
| 88,000 lbs. | \$ 2,225.00 | \$ 2,315.00 |
| 90,000 lbs. | \$ 2,346.00 | \$ 2,436.00 |
| 92,000 lbs. | \$ 2,466.00 | \$ 2,556.00 |

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|                   |                   |             |
|-------------------|-------------------|-------------|
| 94,000 lbs. ....  | \$ 2,587.00 ..... | \$ 2,677.00 |
| 96,000 lbs. ....  | \$ 2,708.00 ..... | \$ 2,798.00 |
| 98,000 lbs. ....  | \$ 2,829.00 ..... | \$ 2,919.00 |
| 100,000 lbs. .... | \$ 2,949.00 ..... | \$ 3,039.00 |
| 102,000 lbs. .... | \$ 3,070.00 ..... | \$ 3,160.00 |
| 104,000 lbs. .... | \$ 3,191.00 ..... | \$ 3,281.00 |
| 105,500 lbs. .... | \$ 3,312.00 ..... | \$ 3,402.00 |

((Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

(3) In lieu of the gross weight fee under subsection (1) of this section, farm vehicles may be licensed upon payment of the fee in effect under subsection (1) of this section on May 1, 2005. In order to qualify for the reduced fee under this subsection, the farm vehicle must be exempt from property taxes in accordance with RCW 84.36.630. The applicant must submit copies of the forms required under RCW 84.36.630. The application for the reduced fee under this subsection shall require the applicant to attest that the vehicle shall be used primarily for farming purposes. The department shall provide licensing agents and subagents with a schedule of the appropriate licensing fees for farm vehicles.)

(1) **Auto stage, bus, for hire vehicle - more than six seats.** The declared gross weight for an auto stage, bus, or for hire vehicle, except taxicabs, with a seating capacity of more than six is determined by:

(a) Multiplying the number of seats, including the driver, times one hundred fifty pounds per seat;

(b) Adding the scale weight to the product derived in (a) of this subsection; and

(c) Locating the sum derived in (b) of this subsection in the registration fee based on declared gross weight table provided in section 530 of this act and rounding up to the next greater weight.

(2) **Motor truck, road tractor, truck, truck tractor - sufficient declared gross weight required.** The declared gross weight for a motor truck, road tractor, truck, or truck tractor must

have a sufficient declared gross weight, as required under chapter 46.44 RCW, to cover:

(a) Its empty scale weight plus the maximum load it will carry; and

(b) The empty scale weight of any trailer it will tow and the maximum load that the trailer will carry. The declared gross weight of the motor vehicle does not need to include the trailer if:

(i) The empty scale weight of the trailer and the maximum load the trailer will carry does not exceed four thousand pounds; or

(ii) The trailer is for personal use, such as a horse trailer, travel trailer, or utility trailer.

(3) **Motor truck, road tractor, truck, and truck tractor - exceeding six thousand pounds empty scale weight.** Every truck, motor truck, truck tractor, and tractor exceeding six thousand pounds empty scale weight registered under chapter 46.16 or 46.87 RCW must be licensed for not less than one hundred fifty percent of its empty weight unless:

(a) The amount would exceed the legal limits described in RCW 46.44.041 or 46.44.042, in which event the vehicle must be licensed for the maximum weight authorized for the vehicle; or

(b) The vehicle is a fixed load vehicle.

(4) **Increasing declared gross weight.** The following provisions apply when increasing declared gross weight for a motor vehicle licensed under this section:

(a) The declared gross weight must be increased to the end of the current registration year when the declared gross weight remains at 12,000 pounds or less.

(b) For motor vehicles increasing to a declared gross weight of 14,000 pounds or more, the declared gross weight must be increased, at a minimum, to the expiration of the current declared gross weight license.

(c) The new license fee is one-twelfth of the annual license fee listed in section 530 of this act for each of the number of months remaining in the registration period. The department shall:

(i) Apply credit to any gross weight license fees already paid for the full months remaining in the registration period;

(ii) Charge the monthly declared gross weight license fee required under section 532 of this act, in addition to any other fees or taxes due; and

(iii) Not apply credit to monthly declared gross weight license fees already used.

(d) (c) of this subsection does not apply to motor vehicles described in (a) of this subsection.

(e) Upon surrender of the current registration certificate or cab card, credit must be applied as described in (c) of this subsection.

(5) **Monthly license--Authorized.** The annual license fees required in section 530 of this act for any motor vehicle or combination of vehicles having a declared gross weight of twelve thousand one pounds or more may be paid for any full registration month or months at one-twelfth of the annual license fee plus the monthly declared gross weight license fee required in section 532 of this act. This sum must be multiplied by the number of full months for which the fees are paid if for less than a full year.

(6) **Monthly license--Penalty.** Operation of a vehicle registered under subsection (5) of this section by any person upon the public highways after the expiration of the monthly license is a traffic infraction. The person shall pay a license fee for the vehicle involved covering an entire registration year's operation, less the fees for any registration month or months of the registration year already paid. If, within five days, a license fee for a full registration year has not been paid as required, the Washington state patrol, county sheriff, or city police shall impound the vehicle until the fees have been paid.

(7) **Camper, school bus--Exemptions.** (a) The weight of a camper must not be included when determining declared gross

weight.

(b) Motor vehicles used for the transportation of school children or teachers to and from school and other school activities are exempt from subsection (1) of this section and the seating capacity fee provided in section 529 of this act. If the motor vehicle is used for any other purpose, it must be appropriately registered as required under this chapter.

(8) **Credit for unused license fee.** A registered owner of a motor vehicle with a declared gross weight of more than twelve thousand pounds may obtain credit for the unused portion of the license fee paid or transfer the credit to a new owner under the following conditions:

(a) The motor vehicle must have been recently sold or transferred to another owner, is no longer in the possession of the owner, or is reported destroyed under RCW 46.12.070 (as recodified by this act);

(b) The available credit must be fifteen dollars or more;

(c) Credit will be given for any unused months of the declared gross weight license already purchased at the rate of one-twelfth for each full or partial month of registration;

(d) Credit only applies to license fees due under section 530 of this act for the registration year for which it was purchased;

(e) Credit as used in this section may not be refunded.

**Sec. 420.** RCW 46.16.076 and 2009 c 512 s 1 are each amended to read as follows:

((1)(a) Except as otherwise provided in this section, the department shall collect from the owners of vehicles registered under RCW 46.16.0621 and vehicles licensed under RCW 46.16.070 with a declared gross weight of ten thousand pounds or less a voluntary donation of five dollars at the time of initial or renewal registration. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

(b) The donation required under this section may not be collected from any vehicle owner actively opting not to participate in the donation program. The department shall ensure that the opt-out donation under this section shall be clear, visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in the donation program must be provided annually at the time of vehicle registration renewal.

(2) This section applies to registrations due or to become due on or after September 1, 2009.)

(1) The department, county auditor or other agent, or subagent appointed by the director shall provide an opportunity for a vehicle owner to make a voluntary donation as provided in this section when applying for an initial or renewal vehicle registration.

(2)(a) A vehicle owner who registers a vehicle under this chapter may donate one dollar or more to the organ and tissue donation awareness account to promote the donation of organs and tissues under the uniform anatomical gift act as described in chapter 68.64 RCW. The donation of one or more dollars is voluntary and may be refused by the vehicle owner.

(b) The department, county auditor or other agent, or subagent appointed by the director shall:

(i) Ask a vehicle owner applying for a vehicle registration if the owner would like to donate one dollar or more;

(ii) Inform a vehicle owner of the option for organ and tissue donations as required under RCW 46.20.113; and

(iii) Make information booklets or other informational material available regarding the importance of organ and tissue donations to vehicle owners.

(c) All reasonable costs associated with the creation of the donation program created under this section must be paid proportionally or by another agreement by a participating

Washington state organ procurement organization established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. For the purposes of this section, "reasonable costs" and "Washington state organ procurement organization" have the same meaning as in RCW 68.64.010.

(3) The department shall collect from a vehicle owner who pays a vehicle license fee under section 531(1) (a), (d), (e), (g), (h), (j), (n), (o), or (g) of this act or who registers a vehicle under RCW 46.16.070 (as recodified by this act) with a declared gross weight of ten thousand pounds or less a voluntary donation of five dollars. The donation may not be collected from any vehicle owner actively opting not to participate in the donation program. The department shall ensure that the opt-out donation under this section is clear, visible, and prominently displayed in both paper and online vehicle registration renewals. Notification of intent to not participate in the donation program must be provided annually at the time of vehicle registration renewal. The donation must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

**Sec. 421.** RCW 46.16.086 and 2006 c 337 s 2 are each amended to read as follows:

((In lieu of the license tab fees provided in RCW 46.16.0621, private use single-axle trailers of two thousand pounds scale weight or less may be licensed upon the payment of a license fee in the sum of fifteen dollars, but only if) Private use single-axle trailers of two thousand pounds scale weight or less may qualify for a reduced vehicle license fee described in section 531(1)(k) of this act. To qualify for the reduced vehicle license fee:

(1) The trailer ((is)) must be operated upon public highways(.);

(2) The vehicle license fee must be collected annually for each registration year or fraction of a registration year((. This reduced license fee applies only to)); and

(3) The trailer(s)) must be operated for personal use of the owner(s,)) and not ((trailers)) held for rental to the public or used in any commercial or business endeavor. ((The proceeds from the fees collected under this section shall be distributed in accordance with RCW 46.68.035(2).))

**NEW SECTION. Sec. 422.** A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" 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. 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) May display a symbol or artwork approved by the special license plate review board and the legislature.

(2) **Exceptions to reflectorized materials.** License plates issued before January 1, 1968, 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)(a) **Furnished.** The director shall furnish to all persons making satisfactory application for a vehicle registration:



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(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.

(5)(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) **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 section 523 of this act.

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

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

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

(e) 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) 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) Fail, neglect, or refuse to endorse the registration certificate and deliver the license plate or plates to the purchaser or transferee of the vehicle, except as authorized under this section.

(8) **Transfer.** (a) Standard issue license plates follow the vehicle when ownership of the vehicle changes unless the registered owner wishes to retain the license plates and transfer them to a replacement vehicle of the same use. A registered owner wishing to keep standard issue license plates shall pay the license plate transfer fee required under section 518(1)(c) of this act when applying for license plate transfer.

(b) Special 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.

(9) **Replacement.** (a) An owner or the owner's authorized representative shall apply for a replacement license plate or plates if the current license plate or plates assigned to the vehicle have been lost, defaced, or destroyed, or 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.

(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 section 518(1)(a) of this act.

(c) 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)(a) **Periodic replacement.** License plates must be replaced periodically to ensure maximum legibility and reflectivity. The department shall:

(i) Use empirical studies documenting the longevity of the reflective materials used to make license plates;

(ii) Determine how frequently license plates must be replaced; and

(iii) Offer to owners the option of retaining the current license plate number when obtaining replacement license plates for the fee required in section 518(1)(b) of this act.

(b) Commercial motor vehicles with a gross weight in excess of twenty-six thousand pounds are exempt from periodic license plate replacement.

(11) **Periodic replacement--exceptions.** The following license plates are not required to be periodically replaced as required in subsection (10) of this section:

(a) Horseless carriage license plates issued under section 623 of this act before January 1, 1987;

(b) Congressional Medal of Honor license plates issued under section 618 of this act;

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

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

(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 on license plates.

**Sec. 423.** RCW 46.16.090 and 1989 c 156 s 3 are each amended to read as follows:

(Motor trucks, truck tractors, and tractors may be specially licensed based on the declared gross weight thereof for the various amounts set forth in the schedule provided in RCW 46.16.070 less twenty-three dollars; divide the difference by two and add twenty-three dollars, when such vehicles are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such vehicles are to be used for the transportation of the farmer's own farm, orchard, or dairy products, or the farmer's own private sector cultured aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse, and of supplies to be used on the farmer's farm. Fish other than those that are such private sector cultured aquatic products and forestry products are not considered as farm products; and/or

(2) When such vehicles are to be used for the infrequent or seasonal transportation by one farmer for another farmer in the farmer's neighborhood of products of the farm, orchard, dairy, or

aquatic farm owned by the other farmer from point of production to market or warehouse, or supplies to be used on the other farm, but only if transportation for another farmer is for compensation other than money. Farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on such vehicles, when used in the transportation of the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty- five miles from the farmer's farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to the effect that the vehicle concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles to indicate that the vehicle is specially licensed, or may, in its discretion, substitute a special license plate for such vehicle for such designation.

Operation of such a specially licensed vehicle in transportation upon public highways in violation of the limitations of this section is a traffic infraction.))

(1) Motor trucks, truck tractors, and tractors owned and operated by farmers may receive a reduction in gross weight license fees as described in section 527 of this act only if the vehicle is used exclusively to transport:

(a) The farmer's own farm, orchard, dairy, or private sector cultured aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse. Fish other than private sector cultured aquatic products or forestry products are not considered farm products;

(b) Supplies used on the farmer's farm; or

(c) Products owned by the farm as listed in (a) of this subsection for another farmer in the neighborhood on a seasonal or infrequent basis. This may only be for compensation other than money.

(2) Farm vehicles that meet the requirements provided in subsection (1)(a) through (c) of this section may receive a reduction in gross weight license fees if the farm is exempt from property taxes under RCW 84.36.630. The reduction is the reduced gross weight license fee provided in section 527 of this act. To qualify for the additional gross weight license fee reduction, the farmer must submit copies of the forms as required under RCW 84.36.630.

(3) An additional eight thousand pounds gross weight within the legal limits on farm vehicles may be used if the farmer is transporting the farmer's own farm machinery between the farmer's own farm or farms and for a distance of not more than thirty-five miles.

(4) The application for a reduced gross weight license fee must be made by the farmer or the farmer's authorized representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain a statement that the vehicle will be used subject to the limitations of this section.

(5) The department, county auditor or other agent, or subagent appointed by the director shall issue a unique series of license tabs for farm vehicles registered under this section. Farm tabs must be placed on all farm vehicles registered under this section to indicate that the vehicle is registered as a farm vehicle. The department may substitute a special license plate for farm vehicles.

(6) It is a traffic infraction to operate a farm vehicle registered under this section on the public highways in violation of the limitations of this section.

**Sec. 424.** RCW 46.16.125 and 1997 c 215 s 2 are each amended to read as follows:

In addition to the license fees required ((b\*)) under section 530 of this act for registering vehicles under RCW 46.16.070 (as recodified by this act), operators of auto stages with seating capacity over six shall pay, at the time they file gross earning returns with the

utilities and transportation commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state. However, in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane, or propane, the payment required in this section is twenty cents per one hundred miles of such operation. The commission shall transmit all sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section is subject to a penalty of one hundred percent of the payment due in this section, in addition to any penalty provided for failure to submit a report. Any penalties so collected shall be credited to the public service revolving fund.

**Sec. 425.** RCW 46.16.160 and 2007 c 419 s 6 are each amended to read as follows:

((1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of license registration, and licensed gross weight if applicable. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles. Trip permits are required for movement of mobile homes or park model trailers and may only be issued if property taxes are paid in full. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days, except that in the case of a recreational vehicle as defined in RCW 43.22.335, no more than two trip permits may be used for any one vehicle in a one-year period. Every permit shall identify, as the department may require, the vehicle for which it is issued and shall be completed in its entirety and signed by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, department of licensing, or other agents appointed by the department. The fee for each trip permit is twenty dollars. Five dollars from every twenty-dollar trip permit fee shall be deposited into the state patrol highway account and must be used for commercial motor vehicle inspections. For each permit issued, the fee includes a filing fee as provided by RCW 46.01.140 and an excise tax of one dollar. The remaining portion of the trip permit fee must be deposited to the credit of the motor vehicle fund as an administrative fee. If the filing fee amount of three dollars as prescribed in RCW 46.01.140 is increased or decreased after July 1, 2002, the administrative fee must be increased or decreased by the

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same amount so that the total trip permit would be adjusted equally to compensate. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) Commercial motor vehicles that are owned by a motor carrier subject to RCW 46.32.080, must not be operated on trip permits authorized by RCW 46.16.160 or 46.16.162 if the motor carrier's department of transportation number has been placed out of service by the Washington state patrol. A violation of or a failure to comply with this subsection is a gross misdemeanor, subject to a minimum monetary penalty of two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

(8) Except as provided in subsection (7) of this section, a violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(9) The department of licensing may adopt rules as it deems necessary to administer this section.

(10) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.)

(1)(a) A vehicle owner may operate an unregistered vehicle on public highways under the authority of a trip permit issued by this state. For purposes of trip permits, a vehicle is considered unregistered if:

(i) Under reciprocal relations with another jurisdiction, the owner would be required to register the vehicle in this state;

(ii) The license tabs have expired; or

(iii) The current gross weight license is insufficient for the load being carried. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles or forty thousand pounds for a single unit vehicle with three or more axles.

(b) Trip permits are required to move mobile homes or park model trailers and may only be issued if property taxes are paid in full.

(2) Trip permits may not be:

(a) Issued to vehicles registered under RCW 46.16.070(5) (as recodified by this act) in lieu of further registration within the same registration year; or

(b) Used for commercial motor vehicles owned by a motor carrier subject to RCW 46.32.080 if the motor carrier's department of transportation number has been placed out of service by the Washington state patrol. A violation of or a failure to comply with this subsection is a gross misdemeanor, subject to a minimum monetary penalty of two thousand five hundred dollars for the first violation and five thousand dollars for each subsequent violation.

(3)(a) Each trip permit authorizes the operation of a single vehicle at the maximum legal weight limit for the vehicle for a period of three consecutive days beginning with the day of first use.

No more than three trip permits may be used for any one vehicle in any thirty consecutive day period. No more than two trip permits may be used for any one recreational vehicle, as defined in RCW 43.22.335, in a one- year period. Every trip permit must:

(i) Identify the vehicle for which it is issued;

(ii) Be completed in its entirety;

(iii) Be signed by the operator before operation of the vehicle on the public highways of this state;

(iv) Not be altered or corrected. Altering or correcting data on the trip permit invalidates the trip permit; and

(v) Be displayed on the vehicle for which it is issued as required by the department.

(b) Vehicles operating under the authority of trip permits are subject to all laws, rules, and regulations affecting the operation of similar vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of each permit for four years.

(5) Trip permits may be obtained from field offices of the department of transportation, department of licensing, county auditors or other agents, and subagents appointed by the department for the fee provided in section 535(1)(h) of this act. Exchanges, credits, or refunds may not be given for trip permits after they have been purchased.

(6) Except as provided in subsection (2)(b) of this section, a violation of or a failure to comply with this section is a gross misdemeanor.

(7) The department may adopt rules necessary to administer this section.

**Sec. 426.** RCW 46.16.162 and 2009 c 452 s 1 are each amended to read as follows:

(1) The owner of a farm vehicle (~~(licensed)~~) registered under RCW 46.16.090 purchasing a monthly (~~(license)~~) registration under RCW (~~(46.16.135)~~) 46.16.070(5) (as recodified by this act) may (~~(, as an alternative to the)~~) operate the farm vehicle under the authority of a farm vehicle trip permit if:

(a) There is less than one full month remaining in the first (~~(partial)~~) month of the (~~(license)~~) registration(~~(, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state)~~); or

(b) A previously issued monthly registration has expired.

(2) A vehicle operating under the authority of a farm vehicle trip permit is subject to all laws and rules affecting the operation of similar vehicles in this state. The licensed gross weight of a vehicle operating under a farm vehicle trip permit may not exceed eighty thousand pounds for a combination of vehicles (~~(not)~~) or forty thousand pounds for a single unit vehicle with three or more axles.

((2) If a monthly license previously issued has expired, the owner of a farm vehicle may, as an alternative to purchasing a full monthly license, secure and operate the vehicle under authority of a farm vehicle trip permit issued by this state. The licensed gross weight may not exceed eighty thousand pounds for a combination of vehicles nor forty thousand pounds for a single unit vehicle with three or more axles.)

(3) Each farm vehicle trip permit (~~(shall)~~) authorizes the operation of a single vehicle at the maximum legal weight limit for the vehicle for thirty days, (~~(commencing)~~) beginning with the day of first use. No more than four (~~(such)~~) farm vehicle trip permits may be used for any one vehicle in any twelve-month period. Every farm vehicle trip permit (~~(shall)~~) must:

(a) Identify(~~(, as the department may require,)~~ the vehicle for which it is issued (~~(and shall)~~);

(b) Be completed in its entirety (~~(and)~~);

(c) Be signed by the operator before operation of the vehicle on the public highways of this state(~~(, Correction of data on the permit~~);

such as dates, license number, or vehicle identification number);

~~(d) Not be altered or corrected. Altering or correcting data on the farm vehicle trip permit invalidates the permit((The farm vehicle trip permit shall)); and~~

~~(e) Be displayed on the vehicle to which it is issued as ((prescribed)) required~~ by the department.

(4) ((Vehicles operating under authority of farm vehicle trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(5)) Farm vehicle trip permits may be obtained from the department ((of licensing)), county auditors or other agents ((and)), or subagents appointed by the ((department)) director for the fee provided in section 535(1)(c) of this act. ((The fee for each farm vehicle trip permit is six dollars and twenty-five cents. Farm vehicle trip permits sold by the department's agents or subagents are subject to fees specified in RCW 46.01.140 (4)(a), (5)(b), or (6).

(6) The proceeds from farm vehicle trip permits received by the director shall be forwarded to the state treasurer to be distributed as provided in RCW 46.68.035(2).

(7) No) Exchanges, credits, or refunds may not be given for farm vehicle trip permits after they have been purchased.

~~((8))~~ (5) The department ((of licensing)) may adopt rules as it deems necessary to administer this section.

**NEW SECTION. Sec. 427.** A new section is added to chapter 46.16 RCW under the subchapter heading "permits and uses" to read as follows:

The owner of a commercial vehicle properly registered in another state may apply to the department, county auditor or other agent, or subagent appointed by the director for an out-of-state commercial vehicle intrastate permit when operating the commercial vehicle in Washington state for periods less than one year. The permit may be issued for a thirty, sixty, or ninety-day period. For each thirty-day period, the cost of each permit is one-twelfth of the fees required under chapter 82.44 RCW if the vehicle is subject to locally imposed motor vehicle excise taxes and (1) under section 530(1) of this act if the vehicle is a motor vehicle or (2) under section 531(1)(c) of this act if the vehicle is a commercial trailer.

**Sec. 428.** RCW 46.16.210 and 2001 c 206 s 1 are each amended to read as follows:

((1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the normal renewal period of a vehicle license may secure renewal of such vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by such license fees, and excise tax as may be required by law.

(4) Application for the annual renewal of a vehicle license number plate to the director or the director's agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other

political subdivision of the state of Washington or a governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.))

(1) A registered owner or the registered owner's authorized representative must apply for a renewal vehicle registration to the department, county auditor or other agent, or subagent appointed by the director on a form approved by the director. The application for a renewal vehicle registration must be accompanied by a draft, money order, certified bank check, or cash for all fees and taxes required by law for the application for a renewal vehicle registration.

(2) An application and the fees and taxes for a renewal vehicle registration must be handled in the same manner as an original vehicle registration application. The registration does not need to show the name of the lien holder when the application for renewal vehicle registration becomes the renewal registration upon validation.

(3) A person expecting to be out of state during the normal renewal period of a vehicle registration may renew a vehicle registration and have license plates or tabs preissued by applying for a renewal as described in subsection (1) of this section. A vehicle registration may be renewed for the subsequent registration year up to eighteen months before the current expiration date and must be displayed from the date of issue or from the day of the expiration of the current registration year, whichever date is later.

(4) An application for a renewal vehicle registration is not required for those vehicles owned, rented, or leased by:

(a) The state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington; or

(b) A governing body of an Indian tribe located within this state and recognized as a governmental entity by the United States department of the interior.

**Sec. 429.** RCW 46.16.212 and 1989 c 353 s 10 are each amended to read as follows:

The department ((of licensing)) shall notify ((the public)) motor vehicle owners of the liability insurance requirements ((of)) described in RCW 46.30.020 through 46.30.040 at the time of ((new)) issuance of an original motor vehicle registration and when the department sends a motor vehicle registration renewal notice.

**Sec. 430.** RCW 46.16.216 and 2004 c 231 s 4 are each amended to read as follows:

((1) To renew a vehicle license, an applicant shall satisfy all listed standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) for the vehicle incurred while the vehicle was registered in the applicant's name and forwarded to the department pursuant to RCW 46.20.270(3). For the purposes of this section, "listed" standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) include only those violations for which notice has been received from state or local agencies or courts by the department one hundred twenty days or more before the date the vehicle license expires and that are placed on the records of the department. Notice of such violations received by the department later than one hundred twenty days before that date that are not satisfied shall be considered by the department in connection with any applications for license renewal in any subsequent license year. The renewal application may be processed by the department or its agents only if the applicant:

(a) Presents a preprinted renewal application showing no listed standing, stopping, or parking violations, or other infractions issued under RCW 46.63.030(1)(d), or in the absence of such presentation, the agent verifies the information that would be contained on the preprinted renewal application; or

(b) If listed standing, stopping, or parking violations, or other infractions issued under RCW 46.63.030(1)(d) exist, presents proof of payment and pays a fifteen dollar surcharge.

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(2) The surcharge shall be allocated as follows:

(a) Ten dollars shall be deposited in the motor vehicle fund to be used exclusively for the administrative costs of the department of licensing; and

(b) Five dollars shall be retained by the agent handling the renewal application to be used by the agent for the administration of this section.

(3) If there is a change in the registered owner of the vehicle, the department shall forward the information regarding the change to the state or local charging jurisdiction and release any hold on the renewal of the vehicle license resulting from parking violations or other infractions issued under RCW 46.63.030(1)(d) incurred while the certificate of license registration was in a previous registered owner's name.

(4) The department shall send to all registered owners of vehicles who have been reported to have outstanding listed parking violations or other infractions issued under RCW 46.63.030(1)(d), at the time of renewal, a statement setting out the dates and jurisdictions in which the violations occurred as well as the amounts of unpaid fines and penalties relating to them and the surcharge to be collected.)

(1) Each court and government agency located in this state having jurisdiction over standing, stopping, and parking violations, the use of a photo enforcement system under RCW 46.63.160, and the use of automated traffic safety cameras under RCW 46.63.170 may forward to the department any outstanding:

(a) Standing, stopping, and parking violations;

(b) Photo enforcement infractions issued under RCW 46.63.030(1)(d); and

(c) Automated traffic safety camera infractions issued under RCW 46.63.030(1)(e).

(2) Violations and infractions described in subsection (1) of this section must be reported to the department in the manner described in RCW 46.20.270(3).

(3) The department shall:

(a) Record the violations and infractions on the matching vehicle records; and

(b) Send notice approximately one hundred twenty days in advance of the current vehicle registration expiration date to the registered owner listing the dates and jurisdictions in which the violations occurred, the amounts of unpaid fines and penalties, and the surcharge to be collected. Only those violations and infractions received by the department one hundred twenty days or more before the current vehicle registration expiration date will be included in the notice. Violations and infractions received by the department later than one hundred twenty days before the current vehicle registration expiration date that are not satisfied will be delayed until the next vehicle registration expiration date.

(4) The department, county auditor or other agent, or subagent appointed by the director shall not renew a vehicle registration if there are any outstanding standing, stopping, and parking violations, and other infractions issued under RCW 46.63.030(1)(d) for the vehicle unless:

(a) The outstanding, standing, or parking violations were received by the department within one hundred twenty days before the current vehicle registration expiration;

(b) There is a change in registered ownership; or

(c) The registered owner presents proof of payment of each violation and infraction provided in this section and the registered owner pays the surcharge required under section 504 of this act.

(5) The department shall:

(a) Forward a change in registered ownership information to the court or government agency who reported the outstanding violations or infractions; and

(b) Remove the outstanding violations and infractions from the vehicle record.

**Sec. 431.** RCW 46.16.225 and 1986 c 18 s 15 are each amended to read as follows:

~~((Notwithstanding any provision of law to the contrary,))~~ The department may by rule extend or ~~((diminish))~~ reduce vehicle ~~((license))~~ registration periods for the purpose of staggering renewal periods. ~~((Such extension or diminishment of a vehicle license registration period shall be by rule of the department adopted in accordance with the provisions of chapter 34.05 RCW.))~~ The rules may ~~((provide for the omission of))~~ exclude any classes or classifications of vehicles from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into the system. The rules shall provide for the collection of proportionately increased or decreased vehicle license ~~((registration))~~ fees and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing and maintaining a staggered vehicle registration system.

**Sec. 432.** RCW 46.16.260 and 1986 c 18 s 16 are each amended to read as follows:

~~((1) A registration certificate ((of license registration to be valid must have endorsed thereon the signature of))~~ must be:

~~((a) Signed by the registered owner, or ((and)) if a firm or corporation, the signature of one of its officers or other ((duly)) authorized agent ((and must be)), to be valid;~~

~~((b) Carried in the vehicle for which it is issued ((at all times in the manner prescribed by the department)); and~~

~~((c) Provided to law enforcement and the department by the operator of the vehicle upon demand.~~

~~((2) It ((shall be)) is unlawful for any person to operate or ((have)) be in ((his)) possession of a vehicle without carrying ((thereon such certificate of license)) a registration certificate for the vehicle.~~ Any person in charge of ~~((such))~~ a vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of ~~((such certificate of license))~~ the vehicle registration certificate. This section does not apply to a vehicle for which ~~((annual renewal of its license plates))~~ registration is not required to be renewed annually and ~~((which))~~ is a publicly owned vehicle marked ~~((in accordance with the provisions of))~~ as required under RCW 46.08.065.

**Sec. 433.** RCW 46.16.265 and 1997 c 241 s 6 are each amended to read as follows:

A registered owner or the registered owner's authorized representative shall promptly apply for a duplicate registration certificate if a registration certificate ~~((of license registration))~~ is lost, stolen, mutilated, or destroyed, or becomes illegible~~((the registered owner or owners, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and twenty five cents in addition to all other fees and upon furnishing information satisfactory to the department)).~~ The application for a duplicate registration certificate must include information required by the department and be accompanied by the fee required in section 525 of this act. The duplicate ~~((of the license))~~ registration ~~((shall))~~ certificate must contain the ~~((legend))~~ word, "duplicate."

A person recovering ~~((an original))~~ a registration certificate ~~((of license registration))~~ for which a duplicate has been issued shall promptly ~~((surrender))~~ return the ~~((original))~~ recovered registration certificate to the department.

**NEW SECTION. Sec. 434.** A new section is added to chapter 46.16 RCW under the subchapter heading "general provisions" to read as follows:

The registration certificate for a commercial vehicle must include a statement that the owner or person operating a commercial vehicle must be in compliance with the requirements of the United States department of transportation federal motor carrier safety regulations contained in 49 C.F.R. Part 382.

**Sec. 435.** RCW 46.16.460 and 1979 c 158 s 141 are each amended to read as follows:

((Upon the payment of a fee of ten dollars therefor, the department of licensing shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser.))

(1) A nonresident member of the armed forces of the United States may apply to the department, county auditor or other agent, or subagent appointed by the director for a temporary permit for a recently purchased motor vehicle. The permit:

- (a) Allows the motor vehicle to be used in Washington state while the owner applies for out-of-state registration;
- (b) Is valid for forty-five days; and
- (c) Must be carried on the motor vehicle so that it is clearly visible from outside of the motor vehicle.

(2) A person applying for the forty-five day permit provided in subsection (1) of this section is not subject to sales and use taxes or motor vehicle excise taxes during or after the forty-five day period of the permit unless the motor vehicle is:

- (a) Still in Washington state after the forty-five day period of the permit; or
- (b) Returned to Washington state within one year after the forty-five day permit has expired.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 535(1)(d) of this act when issuing the forty-five day permit described in this section.

(4) The department shall adopt rules to implement this section. Those rules may require proof that the nonresident member of the armed forces of the United States qualifies for the forty-five day permit before the permit may be issued.

**Sec. 436.** RCW 46.16.500 and 1980 c 104 s 3 are each amended to read as follows:

~~((Whenever an))~~ Both a person operating a vehicle with the express or implied permission of the owner and the owner of the vehicle are responsible for any act or omission that is declared ~~((to be))~~ unlawful in this chapter ~~((46.16 RCW, if the operator of the vehicle is not the owner or lessee of such vehicle, but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and/or owner or lessee are both subject to the provisions of this chapter with the primary responsibility to be that of the owner or lessee)).~~ The primary responsibility is the owner's.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner ~~((or lessee))~~ of the vehicle, ~~((such person is fully authorized to))~~ the operator may accept the citation and execute the promise to appear on behalf of the owner ~~((or lessee)).~~

**NEW SECTION. Sec. 437.** A new section is added to chapter 46.16 RCW under the subchapter heading "specific vehicles" to read as follows:

This chapter applies to the following:

(1) Campers are considered vehicles for the purposes of vehicle registration and license plate display, except for campers held as part of a manufacturer's or dealer's inventory that:

- (a) Are unoccupied at all times;

(b) Have been issued a dated demonstration permit that is valid for no more than seventy-two hours. The permit must be carried in the vehicle on which the camper is mounted; and

- (c) Are mounted on a properly registered vehicle.

(2) Mopeds are considered vehicles for the purposes of vehicle registration and license plate display. Mopeds are exempt from personal property taxes and vehicle excise taxes imposed under chapter 82.44 RCW.

(3) Wheelchair conveyances are considered vehicles for the purposes of vehicle registration and license plate display. Wheelchair conveyances that do not meet braking equipment requirements described in RCW 46.37.340 must be registered as mopeds.

**NEW SECTION. Sec. 438.** The following acts or parts of acts are each repealed:

(1) RCW 46.16.0105 (Exemption--Vehicles in national recreation areas) and 2005 c 79 s 1;

(2) RCW 46.16.016 (Emission control inspections--Rules for licensing requirements) and 1979 ex.s. c 163 s 15;

(3) RCW 46.16.017 (Emission standards--Compliance required to register, lease, rent, or sell vehicles--Exemptions) and 2005 c 295 s 7;

(4) RCW 46.16.023 (Ride-sharing vehicles--Special plates--Gross misdemeanor) and 2004 c 223 s 2, 1993 c 488 s 5, & 1987 c 175 s 2;

(5) RCW 46.16.035 (Exemptions--Private school buses) and 1990 c 33 s 584 & 1980 c 88 s 1;

(6) RCW 46.16.0621 (License fee) and 2003 c 1 s 2, 2002 c 352 s 7, & 2000 1st sp.s. c 1 s 1;

(7) RCW 46.16.063 (Additional fee for recreational vehicles) and 1996 c 237 s 1 & 1980 c 60 s 2;

(8) RCW 46.16.071 (Additional fees) and 1996 c 315 s 4;

(9) RCW 46.16.079 (Fixed load motor vehicle equipped for lifting or towing--Capacity fee in addition to and in lieu) and 1986 c 18 s 5, 1975 c 25 s 16, & 1963 c 18 s 1;

(10) RCW 46.16.085 (Commercial trailers, pole trailers--Fee in lieu) and 1991 c 163 s 3, 1989 c 156 s 2, 1987 c 244 s 4, 1986 c 18 s 8, & 1985 c 380 s 16;

(11) RCW 46.16.088 (Transfer of license plates--Penalty) and 1986 c 18 s 9 & 1985 c 380 s 17;

(12) RCW 46.16.111 (Gross weight, how computed) and 1987 c 244 s 5, 1986 c 18 s 11, 1971 ex.s. c 231 s 1, 1969 ex.s. c 170 s 6, & 1967 ex.s. c 83 s 57;

(13) RCW 46.16.121 (Seating capacity fees on stages, for hire vehicles) and 1967 ex.s. c 83 s 58;

(14) RCW 46.16.135 (Monthly license fee--Penalty) and 1986 c 18 s 12, 1985 c 380 s 19, 1979 ex.s. c 136 s 46, 1979 c 134 s 1, 1975-'76 2nd ex.s. c 64 s 3, 1975 1st ex.s. c 118 s 6, 1969 ex.s. c 170 s 7, & 1961 c 12 s 46.16.135;

(15) RCW 46.16.150 (School buses exempt from load and seat capacity fees) and 1961 c 12 s 46.16.150;

(16) RCW 46.16.200 (Applications to agents--Transmittal to director) and 1961 c 12 s 46.16.200;

(17) RCW 46.16.220 (Time of renewal of licenses--Duration) and 1997 c 241 s 9, 1991 c 339 s 20, 1975 1st ex.s. c 118 s 9, 1969 ex.s. c 170 s 9, & 1961 c 12 s 46.16.220;

(18) RCW 46.16.230 (License plates furnished) and 1992 c 7 s 41, 1975 c 25 s 19, & 1961 c 12 s 46.16.230;

(19) RCW 46.16.233 (Standard background--Periodic replacement-- Retention of current plate number) and 2003 c 361 s 501, 2003 c 196 s 401, 2000 c 37 s 1, & 1997 c 291 s 2;

(20) RCW 46.16.235 (State name not abbreviated) and 1965 ex.s. c 78 s 2;

(21) RCW 46.16.237 (Reflectorized materials--Fee) and 2005 c 314 s 301, 1987 c 52 s 1, & 1967 ex.s. c 145 s 60;

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- (22) RCW 46.16.240 (Attachment of plates to vehicles--Violations enumerated) and 2006 c 326 s 1;
- (23) RCW 46.16.270 (Replacement of plates--Fee) and 2005 c 314 s 302, 1997 c 291 s 3, 1990 c 250 s 32, & 1987 c 178 s 2;
- (24) RCW 46.16.280 (Sale, loss, or destruction of commercial vehicle--Credit for unused fee--Change in license classification) and 1987 c 244 s 7, 1986 c 18 s 17, 1967 c 32 s 20, & 1961 c 12 s 46.16.280;
- (25) RCW 46.16.290 (Disposition of license plates, certificate on vehicle transfer) and 2004 c 223 s 3, 1997 c 291 s 4, 1986 c 18 s 18, 1983 c 27 s 2, & 1961 c 12 s 46.16.290;
- (26) RCW 46.16.295 (Returned plates--Reuse) and 2003 c 359 s 1;
- (27) RCW 46.16.305 (Special license plates--Continuance of earlier issues--Conditions for current issues) and 2008 c 72 s 1;
- (28) RCW 46.16.307 (Collectors' vehicles--Use restrictions) and 1996 c 225 s 11;
- (29) RCW 46.16.30901 (Professional firefighters and paramedics plate) and 2004 c 35 s 1;
- (30) RCW 46.16.30902 (Washington State Council of Firefighters benevolent fund) and 2004 c 35 s 4;
- (31) RCW 46.16.30903 (Helping Kids Speak plate) and 2004 c 48 s 1;
- (32) RCW 46.16.30904 ("Helping Kids Speak" account) and 2004 c 48 s 4;
- (33) RCW 46.16.30905 (Law enforcement memorial plate) and 2004 c 221 s 1;
- (34) RCW 46.16.30906 (Law enforcement memorial account) and 2004 c 221 s 4;
- (35) RCW 46.16.30907 (Washington's Wildlife plate collection) and 2005 c 42 s 1;
- (36) RCW 46.16.30908 (Washington's Wildlife license plate collection--Definition) and 2005 c 42 s 2;
- (37) RCW 46.16.30909 (Washington state parks and recreation commission plate) and 2005 c 44 s 1;
- (38) RCW 46.16.30910 (Washington state parks and recreation commission special license plate--Definition) and 2005 c 44 s 2;
- (39) RCW 46.16.30911 ("Washington Lighthouses" plate) and 2005 c 48 s 1;
- (40) RCW 46.16.30912 (Lighthouse environmental programs account) and 2005 c 48 s 4;
- (41) RCW 46.16.30913 ("Keep Kids Safe" plate) and 2005 c 53 s 1;
- (42) RCW 46.16.30914 ("We love our pets" plate) and 2005 c 71 s 1;
- (43) RCW 46.16.30915 (We love our pets account) and 2005 c 71 s 4;
- (44) RCW 46.16.30916 (Gonzaga University alumni association plate) and 2005 c 85 s 1;
- (45) RCW 46.16.30917 (Gonzaga University alumni association account) and 2005 c 85 s 4;
- (46) RCW 46.16.30918 ("Washington's National Park Fund" plate) and 2005 c 177 s 1;
- (47) RCW 46.16.30919 ("Washington's National Park Fund" account) and 2005 c 177 s 4;
- (48) RCW 46.16.30920 (Armed forces plate collection) and 2008 c 183 s 1 & 2005 c 216 s 1;
- (49) RCW 46.16.30921 (Armed forces license plate collection--Definition--No free issuance) and 2008 c 183 s 2 & 2005 c 216 s 2;
- (50) RCW 46.16.30923 ("Ski & Ride Washington" account) and 2005 c 220 s 4;
- (51) RCW 46.16.30924 (Wild On Washington plate) and 2005 c 224 s 1;
- (52) RCW 46.16.30925 (Wild On Washington license plates--Definition) and 2005 c 224 s 2;
- (53) RCW 46.16.30926 (Endangered Wildlife plate) and 2005 c 225 s 1;
- (54) RCW 46.16.30927 (Endangered Wildlife license plates--Definition) and 2005 c 225 s 2;
- (55) RCW 46.16.30928 ("Share the Road" plate) and 2005 c 426 s 1;
- (56) RCW 46.16.30929 ("Share the Road" account) and 2005 c 426 s 4;
- (57) RCW 46.16.313 (Special license plates--Fees) and 2005 c 426 s 3, 2005 c 225 s 3, 2005 c 224 s 3, 2005 c 220 s 3, 2005 c 216 s 3, 2005 c 177 s 3, 2005 c 85 s 3, 2005 c 71 s 3, 2005 c 53 s 3, 2005 c 48 s 3, 2005 c 44 s 3, & 2005 c 42 s 3;
- (58) RCW 46.16.316 (Special license plates--Transfer of vehicle-- Replacement plates) and 2005 c 210 s 2;
- (59) RCW 46.16.333 (Cooper Jones emblems) and 2005 c 426 s 5 & 2002 c 264 s 3;
- (60) RCW 46.16.335 (Special license plates and emblems--Rules) and 1990 c 250 s 10;
- (61) RCW 46.16.340 (Amateur radio operator plates--Information furnished to various agencies) and 1995 c 391 s 8, 1986 c 266 s 49, 1985 c 7 s 112, 1974 ex.s. c 171 s 43, 1967 c 32 s 23, & 1961 c 12 s 46.16.340;
- (62) RCW 46.16.350 (Amateur radio operator plates--Expiration or revocation of radio license--Penalty) and 1997 c 291 s 11, 1990 c 250 s 11, 1979 ex.s. c 136 s 49, 1967 c 32 s 24, & 1961 c 12 s 46.16.350;
- (63) RCW 46.16.371 (Special plates for honorary consul, foreign government representative) and 1987 c 237 s 1;
- (64) RCW 46.16.374 (Taipei Economic and Cultural Office--Special plates) and 2001 c 64 s 5 & 1996 c 139 s 1;
- (65) RCW 46.16.376 (Taipei Economic and Cultural Office--Fee exemption) and 1996 c 139 s 2;
- (66) RCW 46.16.381 (Special parking for persons with disabilities-- Penalties--Enforcement--Definition) and 2007 c 262 s 1, 2007 c 44 s 1, 2006 c 357 s 2, 2005 c 390 s 2, 2004 c 222 s 2, 2003 c 371 s 1, 2002 c 175 s 33, 2001 c 67 s 1, 1999 c 136 s 1, 1998 c 294 s 1, 1995 c 384 s 1, 1994 c 194 s 6, 1993 c 106 s 1, 1992 c 148 s 1, 1991 c 339 s 21, 1990 c 24 s 1, 1986 c 96 s 1, & 1984 c 154 s 2;
- (67) RCW 46.16.385 (Versions of special plates for persons with disabilities) and 2005 c 390 s 3, 2005 c 210 s 3, & 2004 c 222 s 1;
- (68) RCW 46.16.470 (Temporary license--Display) and 1967 c 202 s 5;
- (69) RCW 46.16.480 (Nonresident members of armed forces--Exemption from sales, use, or motor vehicle excise taxes--Extent of exemption) and 1967 c 202 s 6;
- (70) RCW 46.16.490 (Nonresident members of armed forces--Rules and regulations--Proof) and 1979 c 158 s 142 & 1967 c 202 s 7;
- (71) RCW 46.16.505 (Campers--License and plates--Application--Fee) and 1975 1st ex.s. c 118 s 11, 1975 c 41 s 1, & 1971 ex.s. c 231 s 7;
- (72) RCW 46.16.560 (Personalized license plates--Defined) and 1975 c 59 s 1 & 1973 1st ex.s. c 200 s 2;
- (73) RCW 46.16.565 (Personalized license plates--Application) and 1985 c 173 s 1, 1983 c 27 s 4, 1975 c 59 s 2, & 1973 1st ex.s. c 200 s 3;
- (74) RCW 46.16.570 (Personalized license plates--Design) and 2005 c 210 s 4, 1986 c 108 s 1, 1983 1st ex.s. c 24 s 1, 1975 c 59 s 3, & 1973 1st ex.s. c 200 s 4;
- (75) RCW 46.16.575 (Personalized license plates--Issuance to registered owner only) and 1973 1st ex.s. c 200 s 5;
- (76) RCW 46.16.580 (Personalized license plates--Application requirements) and 1973 1st ex.s. c 200 s 6;

(77) RCW 46.16.585 (Personalized license plates--Fees--Renewal-- Penalty) and 1979 ex.s. c 136 s 51, 1975 c 59 s 4, & 1973 1st ex.s. c 200 s 7;

(78) RCW 46.16.590 (Personalized license plates--Transfer fees) and 2004 c 223 s 5, 1975 c 59 s 5, & 1973 1st ex.s. c 200 s 8;

(79) RCW 46.16.595 (Personalized license plates--Transfer or surrender upon sale or release of vehicle--Penalty) and 1979 ex.s. c 136 s 52, 1975 c 59 s 6, & 1973 1st ex.s. c 200 s 9;

(80) RCW 46.16.600 (Personalized license plates--Rules and regulations) and 2005 c 210 s 5, 1979 c 158 s 143, & 1973 1st ex.s. c 200 s 10;

(81) RCW 46.16.601 (Personalized special plates) and 2005 c 210 s 1;

(82) RCW 46.16.605 (Personalized license plates--Disposition of fees--Costs) and 1988 c 36 s 27, 1983 1st ex.s. c 24 s 2, 1983 c 3 s 118, 1979 c 158 s 144, & 1973 1st ex.s. c 200 s 11;

(83) RCW 46.16.606 (Personalized license plates--Additional fee) and 2007 c 246 s 2 & 1991 sp.s. c 7 s 13;

(84) RCW 46.16.630 (Moped registration) and 2002 c 352 s 9, 1997 c 241 s 11, & 1979 ex.s. c 213 s 5;

(85) RCW 46.16.640 (Wheelchair conveyances) and 1983 c 200 s 2;

(86) RCW 46.16.670 (Boat trailers--Fee for freshwater aquatic weeds account) and 1991 c 302 s 3;

(87) RCW 46.16.680 (Kit vehicles) and 2009 c 284 s 2 & 1996 c 225 s 10;

(88) RCW 46.17.010 (Vehicle weight fee--Motor vehicles, except motor homes) and 2006 c 337 s 9 & 2005 c 314 s 201; and

(89) RCW 46.17.020 (Vehicle weight fee--Motor homes) and 2005 c 314 s 202.

## PART V. FEES

### A. FILING AND SERVICE FEES

**NEW SECTION. Sec. 501.** A new section is added to chapter 46.17 RCW to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a three dollar filing fee in addition to any other fees and taxes required by law.

(2) A person who applies for a certificate of title shall pay a four dollar filing fee in addition to any other fees and taxes required by law.

(3) The filing fees established in this section must be distributed under section 819 of this act.

**NEW SECTION. Sec. 502.** A new section is added to chapter 46.17 RCW to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a twenty-five cent license plate technology fee in addition to any other fees and taxes required by law. The license plate technology fee must be distributed under RCW 46.16.685 (as recodified by this act).

(2) A vehicle registered under RCW 46.16.070 (as recodified by this act) or section 527 of this act is not subject to the license plate technology fee.

**NEW SECTION. Sec. 503.** A new section is added to chapter 46.17 RCW to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a fifty cent license service fee in addition to any other fees and taxes required by law. The license service fee must be distributed under RCW 46.68.220.

(2) A vehicle registered under RCW 46.16.070 (as recodified by this act) or section 527 of this act is not subject to the license service fee.

**NEW SECTION. Sec. 504.** A new section is added to chapter 46.17 RCW to read as follows:

The department, county auditor or other agent, or subagent appointed by the director shall require a person who applies for a vehicle registration for a vehicle subject to RCW 46.16.216 (as recodified by this act) to pay a fifteen dollar parking ticket surcharge. The fifteen dollar surcharge must be distributed under section 816 of this act.

**NEW SECTION. Sec. 505.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting a report of sale filed under RCW 46.12.101(2) (as recodified by this act), the county auditor or other agent or subagent appointed by the director shall require the applicant to pay:

(1) The filing fee under section 501(1) of this act, the license plate technology fee under section 502 of this act, and the license service fee under section 503 of this act to the county auditor or other agent; and

(2) The subagent service fee under section 506(2) of this act to the subagent.

**NEW SECTION. Sec. 506.** A new section is added to chapter 46.17 RCW to read as follows:

A subagent appointed by the director shall collect a service fee of:

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

(2) Four dollars for a registration renewal, issuing a transit permit, or any other service under this section.

**NEW SECTION. Sec. 507.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting a transitional ownership record filed under RCW 46.12.103 (as recodified by this act), the county auditor or other agent or subagent appointed by the director shall require the applicant to pay:

(1) The filing fee under section 501(1) of this act, the license plate technology fee under section 502 of this act, and the license service fee under section 503 of this act to the county auditor or other agent; and

(2) The subagent service fee under section 506(2) of this act to the subagent.

### B. CERTIFICATE OF TITLE FEES

**NEW SECTION. Sec. 508.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title as required in this title, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar application fee in addition to any other fees and taxes required by law. The certificate of title application fee must be distributed under RCW 46.68.020.

**NEW SECTION. Sec. 509.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a certificate of title for a motor vehicle as required in this title, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a six dollar and fifty cent emergency medical services fee for the following transactions:

(a) All retail sales or leases of any new or used motor vehicles; and

(b) Original and transfer certificate of title transactions.

(2) The emergency medical services fee:

(a) Is not considered a violation of RCW 46.70.180(2);

(b) Does not apply to motor vehicles declared a total loss by an insurer or self-insurer unless an application for certificate of title is



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made to the department, county auditor or other agent, or subagent appointed by the director after the declaration of total loss; and

(c) Must be distributed under section 820 of this act.

**NEW SECTION. Sec. 510.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a transfer of certificate of title for a new or used manufactured home as required in this title and chapter 65.20 RCW, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fifteen dollar fee in addition to any other fees and taxes required by law. The fifteen dollar fee must be forwarded to the state treasurer, who shall deposit the fee in the manufactured housing account created in RCW 59.22.070.

**NEW SECTION. Sec. 511.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a certificate of title for an original or transfer manufactured home transaction as required in this title or chapter 65.20 RCW, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a one hundred dollar fee in addition to any other fees and taxes required by law if the manufactured home:

- (a) Is located in a mobile home park;
- (b) Is one year old or older;
- (c) Is new or ownership changes, excluding changes that involve adding or deleting spouse or domestic partner coregistered owners or legal owners; and
- (d) Sales price is five thousand dollars or more.

(2) The one hundred dollar fee must be forwarded to the state treasurer, who shall deposit the fee in the mobile home park relocation fund created in RCW 59.21.050.

(3) The department and the state treasurer may adopt rules necessary to carry out this section.

**NEW SECTION. Sec. 512.** A new section is added to chapter 46.17 RCW to read as follows:

The penalty for a late transfer under RCW 46.12.101(7) (as recodified by this act) is twenty-five dollars assessed on the sixteenth day after the date of delivery and two dollars for each additional day thereafter, but the total penalty must not exceed one hundred dollars. The penalty must be distributed under RCW 46.68.020.

**NEW SECTION. Sec. 513.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title for a vehicle previously registered in any other state or country, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fee of fifteen dollars. The fifteen dollar fee must be distributed under RCW 46.68.020.

**NEW SECTION. Sec. 514.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a sixty-five dollar inspection fee if an inspection of the vehicle was completed by the Washington state patrol. The inspection fee must be distributed under RCW 46.68.020.

**NEW SECTION. Sec. 515.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a five dollar vehicle identification number reassignment fee if the Washington state patrol has reassigned an identification number as authorized under section 303 of this act. The reassignment fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

**C. LICENSE PLATE FEES**

**NEW SECTION. Sec. 516.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a combination trailer license plate authorized under RCW 46.16.068 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a thirty-six dollar license plate fee. The thirty-six dollar license plate fee must be deposited and distributed under RCW 46.68.035.

**NEW SECTION. Sec. 517.** A new section is added to chapter 46.17 RCW to read as follows:

State agencies, political subdivisions, Indian tribes, and the United States government, except foreign governments or international bodies, shall pay a fee of two dollars for a license plate or plates for each vehicle when the department assigns license plates for further assignment by the entity.

**NEW SECTION. Sec. 518.** A new section is added to chapter 46.17 RCW to read as follows:

(1) In addition to all other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

| FEE TYPE                | FEE      | DISTRIBUTION  |
|-------------------------|----------|---------------|
| Reflectivity            | \$ 2.00  | RCW 46.68.070 |
| Replacement             | \$ 10.00 | RCW 46.68.070 |
| Replacement, motorcycle | \$ 2.00  | RCW 46.68.070 |

(b) A license plate retention fee, as required under section 422(10)(a)(iii) of this act, of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ten dollar license plate transfer fee, as required under section 422(8)(a) of this act, when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ten dollar license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in section 619 of this act, may be transferred to a replacement vehicle upon payment of a five dollar license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 519.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a replacement license tab, the department, county auditor or other agent, or subagent appointed by the director shall charge a one dollar fee for each pair of tabs or windshield emblem. The license tab or windshield emblem

replacement fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 520.** A new section is added to chapter 46.17 RCW to read as follows:

In addition to all fees and taxes required to be paid upon application for a vehicle registration under chapter 46.16 RCW, the holder of a personalized license plate shall pay an initial fee of forty-two dollars and thirty-two dollars for each renewal. The personalized license plate fee must be distributed as provided in section 821 of this act.

**NEW SECTION. Sec. 521.** A new section is added to chapter 46.17 RCW to read as follows:

(1) In addition to all fees and taxes required to be paid upon application for a vehicle registration in chapter 46.16 RCW, the holder of a special license plate shall pay the appropriate special license plate fee as listed in this section.

| PLATE TYPE                                   | INITIAL FEE | RENEWAL FEE | DISTRIBUTED UNDER              |
|--|-------------|-------------|--------------------------------|
| (a) Amateur radio license                    | \$ 5.00     | N/A         | RCW 46.68.070                  |
| (b) Armed forces                             | \$ 40.00    | \$ 30.00    | Section 810 of this act        |
| (c) Baseball stadium                         | \$ 40.00    | \$ 30.00    | Subsection (2) of this section |
| (d) Collector vehicle                        | \$ 35.00    | N/A         | RCW 46.68.030                  |
| (e) Collegiate                               | \$ 40.00    | \$ 30.00    | Section 811 of this act        |
| (f) Endangered wildlife                      | \$ 40.00    | \$ 30.00    | Section 810 of this act        |
| (g) Gonzaga University alumni                | \$ 40.00    | \$ 30.00    | Section 809 of this act        |
| (h) Helping kids speak                       | \$ 40.00    | \$ 30.00    | Section 809 of this act        |
| (i) Horseless carriage                       | \$ 35.00    | N/A         | RCW 46.68.030                  |
| (j) Keep kids safe                           | \$ 45.00    | \$ 30.00    | Section 810 of this act        |
| (k) Law enforcement memorial                 | \$ 40.00    | \$ 30.00    | Section 809 of this act        |
| (l) Military affiliate radio system          | \$ 5.00     | N/A         | RCW 46.68.070                  |
| (m) Professional firefighters and paramedics | \$ 40.00    | \$ 30.00    | Section 809 of this act        |
| (n) Ride share                               | \$ 25.00    | N/A         | RCW 46.68.030                  |
| (o) Share the road                           | \$ 40.00    | \$ 30.00    | Section 809 of this act        |
| (p) Ski and ride Washington                  | \$ 40.00    | \$ 30.00    | Section 809 of this act        |
| (q) Square dancer                            | \$ 40.00    | N/A         | RCW 46.68.070                  |
| (r) Washington lighthouses                   | \$ 40.00    | \$ 30.00    | Section 809 of this act        |
| (s) Washington state parks                   | \$ 40.00    | \$ 30.00    | Section 810 of this act        |
| (t) Washington's                             | \$ 40.00    | \$ 30.00    | Section 809 of this act        |

|                                      |          |          |                         |
|--------------------------------------|----------|----------|-------------------------|
| national parks                       |          |          |                         |
| (u) Washington's wildlife collection | \$ 40.00 | \$ 30.00 | Section 810 of this act |
| (v) We love our pets                 | \$ 40.00 | \$ 30.00 | Section 809 of this act |
| (w) Wild on Washington               | \$ 40.00 | \$ 30.00 | Section 810 of this act |

(2) After deducting administration and collection expenses for the sale of baseball stadium license plates, the remaining proceeds must be distributed to a county for the purpose of paying the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After this date, the state treasurer shall credit the funds to the state general fund.

**D. VEHICLE LICENSE FEES**

**NEW SECTION. Sec. 522.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a vehicle registration for a boat trailer, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a three dollar aquatic weed fee in addition to any other fees and taxes required by law. The three dollar fee must be deposited in the freshwater aquatic weeds account created in RCW 43.21A.650.

**NEW SECTION. Sec. 523.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a change of class as required under section 422(6) of this act, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a one dollar fee. The one dollar fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 524.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a motor vehicle base plated in the state of Washington that is subject to highway inspections and compliance reviews under RCW 46.32.080 or the international registration plan if base plated in a foreign jurisdiction, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a sixteen dollar commercial vehicle safety enforcement fee in addition to any other fees and taxes required by law. The sixteen dollar fee:

- (a) Must be apportioned for those vehicles operating interstate and registered under the international registration plan;
- (b) Does not apply to trailers; and
- (c) Is not refundable when the motor vehicle is no longer subject to RCW 46.32.080.

(2) The department may deduct an amount equal to the cost of administering the program. All remaining fees must be deposited with the state treasurer and credited to the state patrol highway account of the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 525.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a duplicate registration as required under RCW 46.16.265 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a one dollar and twenty-five cent fee in addition to any other fees and taxes required by law. The one dollar and twenty-five cent fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

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**NEW SECTION. Sec. 526.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a farm exempt decal as required under RCW 46.16.025 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar fee in addition to any other fees and taxes required by law. The five dollar fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 527.** A new section is added to chapter 46.17 RCW to read as follows:

(1) In lieu of the vehicle license fee required under section 531 of this act and before accepting an application for a vehicle registration for farm vehicles described in RCW 46.16.090 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following farm vehicle reduced gross weight license fee by weight:

| WEIGHT        | SCHEDULE A | SCHEDULE B |
|---------------|------------|------------|
| 4,000 pounds  | \$24.50    | \$24.50    |
| 6,000 pounds  | \$24.50    | \$24.50    |
| 8,000 pounds  | \$24.50    | \$24.50    |
| 10,000 pounds | \$40.50    | \$40.50    |
| 12,000 pounds | \$49.00    | \$49.00    |
| 14,000 pounds | \$54.50    | \$54.50    |
| 16,000 pounds | \$60.50    | \$60.50    |
| 18,000 pounds | \$86.50    | \$86.50    |
| 20,000 pounds | \$95.00    | \$95.00    |
| 22,000 pounds | \$102.00   | \$102.00   |
| 24,000 pounds | \$109.50   | \$109.50   |
| 26,000 pounds | \$115.00   | \$115.00   |
| 28,000 pounds | \$134.00   | \$134.00   |
| 30,000 pounds | \$153.00   | \$153.00   |
| 32,000 pounds | \$182.50   | \$182.50   |
| 34,000 pounds | \$193.50   | \$193.50   |
| 36,000 pounds | \$209.00   | \$209.00   |
| 38,000 pounds | \$228.50   | \$228.50   |
| 40,000 pounds | \$260.00   | \$260.00   |
| 42,000 pounds | \$270.00   | \$315.00   |
| 44,000 pounds | \$275.50   | \$320.50   |
| 46,000 pounds | \$295.50   | \$340.50   |

|                |            |            |
|----------------|------------|------------|
| 48,000 pounds  | \$307.50   | \$352.50   |
| 50,000 pounds  | \$333.00   | \$378.00   |
| 52,000 pounds  | \$349.50   | \$394.50   |
| 54,000 pounds  | \$376.50   | \$421.50   |
| 56,000 pounds  | \$397.00   | \$442.00   |
| 58,000 pounds  | \$412.50   | \$457.50   |
| 60,000 pounds  | \$439.00   | \$484.00   |
| 62,000 pounds  | \$470.00   | \$515.00   |
| 64,000 pounds  | \$480.00   | \$525.00   |
| 66,000 pounds  | \$533.50   | \$578.50   |
| 68,000 pounds  | \$556.00   | \$601.00   |
| 70,000 pounds  | \$598.00   | \$643.00   |
| 72,000 pounds  | \$639.00   | \$684.00   |
| 74,000 pounds  | \$693.50   | \$738.50   |
| 76,000 pounds  | \$748.50   | \$793.50   |
| 78,000 pounds  | \$816.50   | \$861.50   |
| 80,000 pounds  | \$880.50   | \$925.50   |
| 82,000 pounds  | \$941.00   | \$986.00   |
| 84,000 pounds  | \$1,001.00 | \$1,046.00 |
| 86,000 pounds  | \$1,061.50 | \$1,106.50 |
| 88,000 pounds  | \$1,122.00 | \$1,167.00 |
| 90,000 pounds  | \$1,182.50 | \$1,127.50 |
| 92,000 pounds  | \$1,242.50 | \$1,287.50 |
| 94,000 pounds  | \$1,303.00 | \$1,348.00 |
| 96,000 pounds  | \$1,363.50 | \$1,408.50 |
| 98,000 pounds  | \$1,424.00 | \$1,469.00 |
| 100,00 pounds  | \$1,484.00 | \$1,529.00 |
| 102,000 pounds | \$1,544.50 | \$1,589.50 |
| 104,000 pounds | \$1,605.00 | \$1,650.00 |
| 105,500 pounds | \$1,665.50 | \$1,710.50 |

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The farm vehicle reduced gross weight license fees provided in subsection (1) of this section are in addition to the filing fee required under section 501 of this act and any other fee or tax required by law.

(5) The farm vehicle reduced gross weight license fee as provided in subsection (1) of this section must be distributed under RCW 46.68.030.

**NEW SECTION. Sec. 528.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a fixed load motor vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay:

(1) The license fee based on declared gross weight as provided in section 530 of this act. The declared gross weight must be equal to the scale weight of the motor vehicle, rounded up to the next higher amount in the schedule provided in section 530 of this act, up to the legal limit provided in chapter 46.44 RCW; or

(2) A twenty-five dollar capacity fee if the vehicle is equipped for lifting or towing any abandoned, disabled, or impounded vehicle or parts of vehicles. The twenty-five dollar capacity fee is in lieu of the license fee based on declared gross weight as provided in section 530 of this act and must be deposited under RCW 46.68.030.

**NEW SECTION. Sec. 529.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a vehicle registration for a for hire vehicle or auto stage with a seating capacity of six or less, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a fifteen dollar seating capacity fee. The seating capacity fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(2) The for hire vehicle and auto stage seating capacity fee imposed in subsection (1) of this section does not apply to taxicabs.

**NEW SECTION. Sec. 530.** A new section is added to chapter 46.17 RCW to read as follows:

(1) In lieu of the vehicle license fee required under section 531 of this act and before accepting an application for a vehicle registration for motor vehicles described in RCW 46.16.070 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following license fee by weight:

| WEIGHT        | SCHEDULE A | SCHEDULE B |
|---------------|------------|------------|
| 4,000 pounds  | \$ 38.00   | \$ 38.00   |
| 6,000 pounds  | \$ 48.00   | \$ 48.00   |
| 8,000 pounds  | \$ 58.00   | \$ 58.00   |
| 10,000 pounds | \$ 60.00   | \$ 60.00   |
| 12,000 pounds | \$ 77.00   | \$ 77.00   |
| 14,000 pounds | \$ 88.00   | \$ 88.00   |
| 16,000 pounds | \$ 100.00  | \$ 100.00  |
| 18,000 pounds | \$ 152.00  | \$ 152.00  |
| 20,000 pounds | \$ 169.00  | \$ 169.00  |
| 22,000 pounds | \$ 183.00  | \$ 183.00  |
| 24,000 pounds | \$ 198.00  | \$ 198.00  |

|               |             |             |
|---------------|-------------|-------------|
| 26,000 pounds | \$ 209.00   | \$ 209.00   |
| 28,000 pounds | \$ 247.00   | \$ 247.00   |
| 30,000 pounds | \$ 285.00   | \$ 285.00   |
| 32,000 pounds | \$ 344.00   | \$ 344.00   |
| 34,000 pounds | \$ 366.00   | \$ 366.00   |
| 36,000 pounds | \$ 397.00   | \$ 397.00   |
| 40,000 pounds | \$ 499.00   | \$ 499.00   |
| 42,000 pounds | \$ 519.00   | \$ 609.00   |
| 44,000 pounds | \$ 530.00   | \$ 620.00   |
| 46,000 pounds | \$ 570.00   | \$ 660.00   |
| 48,000 pounds | \$ 594.00   | \$ 684.00   |
| 50,000 pounds | \$ 645.00   | \$ 735.00   |
| 52,000 pounds | \$ 678.00   | \$ 768.00   |
| 54,000 pounds | \$ 732.00   | \$ 822.00   |
| 56,000 pounds | \$ 773.00   | \$ 863.00   |
| 58,000 pounds | \$ 804.00   | \$ 894.00   |
| 60,000 pounds | \$ 857.00   | \$ 947.00   |
| 62,000 pounds | \$ 919.00   | \$ 1,009.00 |
| 64,000 pounds | \$ 939.00   | \$ 1,029.00 |
| 66,000 pounds | \$ 1,046.00 | \$ 1,136.00 |
| 68,000 pounds | \$ 1,091.00 | \$ 1,181.00 |
| 70,000 pounds | \$ 1,175.00 | \$ 1,265.00 |
| 72,000 pounds | \$ 1,257.00 | \$ 1,347.00 |
| 74,000 pounds | \$ 1,366.00 | \$ 1,456.00 |
| 76,000 pounds | \$ 1,476.00 | \$ 1,566.00 |
| 78,000 pounds | \$ 1,612.00 | \$ 1,702.00 |
| 80,000 pounds | \$ 1,740.00 | \$ 1,830.00 |
| 82,000 pounds | \$ 1,861.00 | \$ 1,951.00 |
| 84,000 pounds | \$ 1,981.00 | \$ 2,071.00 |
| 86,000 pounds | \$ 2,102.00 | \$ 2,192.00 |
| 88,000 pounds | \$ 2,223.00 | \$ 2,313.00 |
| 90,000 pounds | \$ 2,344.00 | \$ 2,434.00 |
| 92,000 pounds | \$ 2,464.00 | \$ 2,554.00 |

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|                 |             |             |
|-----------------|-------------|-------------|
| 94,000 pounds   | \$ 2,585.00 | \$ 2,675.00 |
| 96,000 pounds   | \$ 2,706.00 | \$ 2,796.00 |
| 98,000 pounds   | \$ 2,827.00 | \$ 2,917.00 |
| 100,000 pounds  | \$ 2,947.00 | \$ 3,037.00 |
| 102,000 pounds  | \$ 3,068.00 | \$ 3,158.00 |
| 104,000 pounds  | \$ 3,189.00 | \$ 3,279.00 |
| 105, 500 pounds | \$ 3,310.00 | \$ 3,400.00 |

|                               |          |          |                         |
|-------------------------------|----------|----------|-------------------------|
| (m) Snowmobile, vintage       | \$ 12.00 | \$ 12.00 | Section 823 of this act |
| (n) Sport utility vehicle     | \$ 30.00 | \$ 30.00 | RCW 46.68.030           |
| (o) Tow truck                 | \$ 30.00 | \$ 30.00 | RCW 46.68.030           |
| (p) Trailer, over 2000 pounds | \$ 30.00 | \$ 30.00 | RCW 46.68.030           |
| (q) Travel trailer            | \$ 30.00 | \$ 30.00 | RCW 46.68.030           |

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The license fees provided in subsection (1) of this section are in addition to the filing fee required under section 501 of this act and any other fee or tax required by law.

(5) The license fee based on declared gross weight as provided in subsection (1) of this section must be distributed under RCW 46.68.035.

**NEW SECTION. Sec. 531.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

| VEHICLE TYPE                            | INITIAL FEE | RENEWAL FEE | DISTRIBUTED UNDER       |
|---|-------------|-------------|-------------------------|
| (a) Auto stage, six seats or less       | \$ 30.00    | \$ 30.00    | RCW 46.68.030           |
| (b) Camper                              | \$ 4.90     | \$ 3.50     | RCW 46.68.030           |
| (c) Commercial trailer                  | \$ 34.00    | \$ 30.00    | RCW 46.68.035           |
| (d) For hire vehicle, six seats or less | \$ 30.00    | \$ 30.00    | RCW 46.68.030           |
| (e) Mobile home (if registered)         | \$ 30.00    | \$ 30.00    | RCW 46.68.030           |
| (f) Moped                               | \$ 30.00    | \$ 30.00    | RCW 46.68.030           |
| (g) Motor home                          | \$ 30.00    | \$ 30.00    | RCW 46.68.030           |
| (h) Motorcycle                          | \$ 30.00    | \$ 30.00    | RCW 46.68.030           |
| (i) Off-road vehicle                    | \$ 18.00    | \$ 18.00    | Section 822 of this act |
| (j) Passenger car                       | \$ 30.00    | \$ 30.00    | RCW 46.68.030           |
| (k) Private use single-axle trailer     | \$ 15.00    | \$ 15.00    | RCW 46.68.035(2)        |
| (l) Snowmobile                          | \$ 30.00    | \$ 30.00    | Section 823 of this act |

(2) The vehicle license fee required in subsection (1) of this section is in addition to the filing fee required under section 501 of this act, and any other fee or tax required by law.

**NEW SECTION. Sec. 532.** A new section is added to chapter 46.17 RCW to read as follows:

A person applying for a monthly declared gross weight license as authorized in RCW 46.16.070 (as recodified by this act) shall pay an additional two dollars for each month of the declared gross weight license, plus an additional two dollars. These two dollar fees must be deposited in the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 533.** A new section is added to chapter 46.17 RCW to read as follows:

(1) A person applying for a motor vehicle registration and paying the vehicle license fee required in section 531(1)(a), (d), (e), (h), (j), (n), and (o) of this act shall pay a motor vehicle weight fee in addition to all other fees and taxes required by law. The motor vehicle weight fee:

- (a) Must be based on the motor vehicle scale weight;
- (b) Is the difference determined by subtracting the vehicle license fee required in section 531 of this act from the license fee in Schedule B of section 530 of this act, plus two dollars; and
- (c) Must be distributed under section 813 of this act.

(2) A person applying for a motor home vehicle registration shall, in lieu of the motor vehicle weight fee required in subsection (1) of this section, pay a motor home vehicle weight fee of seventy-five dollars in addition to all other fees and taxes required by law. The motor home vehicle weight fee must be distributed under section 813 of this act.

(3) The department shall:

- (a) Rely on motor vehicle empty scale weights provided by vehicle manufacturers, or other sources defined by the department, to determine the weight of each motor vehicle; and
- (b) Adopt rules for determining weight for vehicles without manufacturer empty scale weights.

**NEW SECTION. Sec. 534.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for registration for a recreational vehicle, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to pay a three dollar fee in addition to any other fees and taxes required by law. The recreational vehicle sanitary disposal fee must be deposited in the RV account created in RCW 46.68.170.

(2) For the purposes of this section, "recreational vehicle" means a camper, motor home, or travel trailer.

**E. PERMIT AND TRANSFER FEES**

**NEW SECTION. Sec. 535.** A new section is added to chapter 46.17 RCW to read as follows:

(1) Before accepting an application for one of the following permits, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay the

following permit fee by permit type in addition to any other fee or tax required by law:

| PERMIT TYPE                          | FEE     | AUTHORITY                                 | DISTRIBUTION            |
|--------------------------------------|---------|---|-------------------------|
| (a) Dealer temporary                 | \$15.00 | RCW 46.16.045 (as recodified by this act) | RCW 46.68.030           |
| (b) Department temporary             | \$.50   | RCW 46.16.047 (as recodified by this act) | Section 814 of this act |
| (c) Farm vehicle trip                | \$6.25  | RCW 46.16.162 (as recodified by this act) | RCW 46.68.035           |
| (d) Nonresident military             | \$10.00 | RCW 46.16.460 (as recodified by this act) | RCW 46.68.070           |
| (e) Nonresident temporary snowmobile | \$5.00  | Section 229 of this act                   | Section 823 of this act |
| (f) Special fuel trip                | \$25.00 | RCW 82.38.100                             | Section 817 of this act |
| (g) Temporary ORV use                | \$7.00  | Section 219 of this act                   | Section 822 of this act |
| (h) Vehicle trip                     | \$25.00 | RCW 46.16.160 (as recodified by this act) | Section 815 of this act |

(2) Permit fees as provided in subsection (1) of this section are in addition to the filing fee required under section 501 of this act, except an additional filing fee may not be charged for:

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

(3) Five dollars of the fifteen dollar dealer temporary permit fee provided in subsection (1)(a) of this section must be credited to the payment of vehicle license fees at the time application for registration is made. The remainder must be deposited to the state patrol highway account created in RCW 46.68.030.

(4) A surcharge of five dollars must be collected when issuing a special fuel trip permit or vehicle trip permit as provided in subsection (1) of this section and must be distributed as follows:

- (a) Under section 817 of this act for special fuel trip permits; and
- (b) Under section 815 of this act for vehicle trip permits.

**NEW SECTION. Sec. 536.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a transfer of an off-road vehicle registration as required under RCW 46.09.070 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar off-road vehicle registration transfer fee. The five dollar off-road vehicle registration transfer fee must be distributed under RCW 46.68.020.

**NEW SECTION. Sec. 537.** A new section is added to chapter 46.17 RCW to read as follows:

Before accepting an application for a transfer of a snowmobile registration as required under RCW 46.10.040 (as recodified by this act), the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to pay a five dollar snowmobile registration transfer fee. The five dollar

snowmobile registration transfer fee must be distributed under RCW 46.10.075 (as recodified by this act).

## PART VI. SPECIAL LICENSE PLATES A. REVIEW BOARD

**Sec. 601.** RCW 46.16.700 and 2003 c 196 s 1 are each amended to read as follows:

The legislature has seen an increase in the demand from constituent groups seeking recognition and funding through the establishment of commemorative or special license plates. The high cost of implementing a new special license plate series coupled with the uncertainty of the state's ability to recoup its costs(€) has led the legislature to delay the implementation of new special license plates. In order to address these issues, it is the intent of the legislature to create a mechanism that will allow for the evaluation of special license plate requests and establish a funding policy that will alleviate the financial burden currently placed on the state. Using these two strategies, the legislature will be better equipped to efficiently process special license plate legislation.

**Sec. 602.** RCW 46.16.705 and 2005 c 319 s 117 are each amended to read as follows:

(1) The special license plate review board is created.

(2) The board will consist of seven members: One member appointed by the governor ((and)) who will serve as chair of the board; four members of the legislature, one from each caucus of the house of representatives and the senate; a department of licensing representative appointed by the director; and a Washington state patrol representative appointed by the chief.

(3) Members shall serve terms of four years, except that four of the members initially appointed will be appointed for terms of two years. ((No)) A member may not be appointed for more than three consecutive terms.

(4) The respective appointing authority may remove members from the board before the expiration of their terms only for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office as ordered by the Thurston county superior court, upon petition and show cause proceedings brought for that purpose in that court and directed to the board member in question.

**Sec. 603.** RCW 46.16.715 and 2005 c 319 s 118 are each amended to read as follows:

(1) The board shall meet periodically at the call of the chair, but must meet at least ((one time)) once each year within ninety days before an upcoming regular session of the legislature. The board may adopt its own rules and may establish its own procedures. It shall act collectively in harmony with recorded resolutions or motions adopted by a majority vote of the members, and it must have a quorum present to take a vote on a special license plate application.

(2) The board will be compensated from the general appropriation for the department ((of licensing)) in accordance with RCW 43.03.250. Each board member will be compensated in accordance with RCW 43.03.250 and reimbursed for actual necessary traveling and other expenses in going to, attending, and returning from meetings of the board or that are incurred in the discharge of duties requested by the chair. However, ((in no event may)) a board member may not be compensated in any year for more than one hundred twenty days, except the chair may be compensated for not more than one hundred fifty days. Service on the board does not qualify as a service credit for the purposes of a public retirement system.

(3) The board shall keep proper records and is subject to audit by the state auditor or other auditing entities.

(4) The department ((of licensing)) shall provide administrative support to the board, which must include at least the following:

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(a) Provide general staffing to meet the administrative needs of the board;

(b) Report to the board on the reimbursement status of any new special license plate series for which the state had to pay the start-up costs;

(c) Process special license plate applications and confirm that the sponsoring organization has submitted all required documentation. If an incomplete application is received, the department must return it to the sponsoring organization; and

(d) Compile the annual financial reports submitted by sponsoring organizations with active special license plate series and present those reports to the board for review and approval.

**Sec. 604.** RCW 46.16.725 and 2009 c 470 s 710 are each amended to read as follows:

(1) The creation of the board does not in any way preclude the authority of the legislature to independently propose and enact special license plate legislation.

(2) The board must review and either approve or reject special license plate applications submitted by sponsoring organizations.

(3) Duties of the board include but are not limited to the following:

(a) Review and approve the annual financial reports submitted by sponsoring organizations with active special license plate series and present those annual financial reports to the senate and house transportation committees;

(b) Report annually to the senate and house of representatives transportation committees on the special license plate applications that were considered by the board;

(c) Issue approval and rejection notification letters to sponsoring organizations, the department, the chairs of the senate and house of representatives transportation committees, and the legislative sponsors identified in each application. The letters must be issued within seven days of making a determination on the status of an application;

(d) Review annually the number of plates sold for each special license plate series created after January 1, 2003. The board may submit a recommendation to discontinue a special plate series to the chairs of the senate and house of representatives transportation committees; and

(e) Provide policy guidance and directions to the department concerning the adoption of rules necessary to limit the number of special license plates ~~((that))~~ for which an organization or a governmental entity may apply ~~((for))~~.

(4) Except as provided in ~~((chapter 72, Laws of 2008))~~ section 621 of this act, in order to assess the effects and impact of the proliferation of special license plates, the legislature declares a temporary moratorium on the issuance of any additional plates until July 1, 2011. During this period of time, the special license plate review board created in RCW 46.16.705 (as recodified by this act) and the department ~~((of licensing))~~ are prohibited from accepting, reviewing, processing, or approving any applications. Additionally, ~~((no))~~ a special license plate may not be enacted by the legislature during the moratorium, unless the proposed license plate has been approved by the board before February 15, 2005.

## B. REQUIREMENTS AND PROCEDURES

**Sec. 605.** RCW 46.16.735 and 2004 c 222 s 3 are each amended to read as follows:

(1) For an organization to qualify for a special license plate under the special license plate approval program created in ~~((RCW 46.16.705 through 46.16.765))~~ this chapter, the sponsoring organization must submit documentation in conjunction with the application to the department that verifies~~((:~~

~~((a)))~~ that the organization is:

(a) A nonprofit organization, as defined in 26 U.S.C. Sec. 501(c)(3). The department may request a copy of an Internal Revenue Service ruling to verify an organization's nonprofit status; and

~~((That the organization is))~~ Located in Washington state and has registered as a charitable organization with the secretary of state's office as required by law.

(2) For a governmental body to qualify for a special license plate under the special license plate approval program created in ~~((RCW 46.16.705 through 46.16.765))~~ this chapter, a governmental body must be:

(a) A political subdivision~~((s))~~ including, but not limited to, any county, city, town, municipal corporation, or special purpose taxing district that has the express permission of the political subdivision's executive body to sponsor a special license plate;

(b) A federally recognized tribal government that has received the approval of the executive body of that government to sponsor a special license plate;

(c) A state agency that has received approval from the director of the agency or the department head; or

(d) A community or technical college that has the express permission of the college's board of trustees to sponsor a special license plate.

**Sec. 606.** RCW 46.16.745 and 2005 c 210 s 8 are each amended to read as follows:

(1) A sponsoring organization meeting the requirements of RCW 46.16.735 (as recodified by this act), applying for the creation of a special license plate to the special license plate review board must, on an application supplied by the department, provide the minimum application requirements in subsection (2) of this section.

(2) The sponsoring organization shall:

(a) Submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The department shall place this money into the special license plate applicant trust account created under ~~((RCW 46.16.755(4)))~~ section 808 of this act;

(b) Provide a proposed license plate design;

(c) Provide a marketing strategy outlining short and long-term marketing plans for each special license plate and a financial analysis outlining the anticipated revenue and the planned expenditures of the revenues derived from the sale of the special license plate;

(d) Provide a signature of a legislative sponsor and proposed legislation creating the special license plate;

(e) Provide proof of organizational qualifications as determined by the department as provided for in RCW 46.16.735 (as recodified by this act);

(f) Provide signature sheets that include signatures from individuals who intend to purchase the special license plate and the number of plates each individual intends to purchase. The sheets must reflect a minimum of three thousand five hundred intended purchases of the special license plate.

(3) After an application is approved by the special license plate review board, the application need not be reviewed again by the board for a period of three years.

**Sec. 607.** RCW 46.16.755 and 2004 c 222 s 4 are each amended to read as follows:

(1)~~((a))~~ Revenues generated from the sale of special license plates for those sponsoring organizations who used the application process in RCW 46.16.745~~((s))~~ (as recodified by this act) must be deposited into the motor vehicle ~~((account))~~ fund created in RCW 46.68.070 until the department determines that the state's implementation costs have been fully reimbursed. ~~((The department shall apply the application fee required under RCW 46.16.745(3)(a) towards those costs.~~

~~(b))~~ (2) When it is determined that the state has been fully reimbursed the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the state treasurer, and ~~(commence the distribution of)~~ begin distributing the revenue as otherwise provided by law.

~~((2))~~ (3) If reimbursement does not occur within two years from the date the special license plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Special license plates issued before discontinuation are valid until replaced under ~~((RCW 46.16.233))~~ section 422(10) of this act.

~~((3))~~ (4) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants ~~(except the application fee as provided in RCW 46.16.745(3))~~ must be deposited into the account. Only the director of the department or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, nor is an appropriation required for disbursements.

~~((4))~~ (5) The department shall:

~~(a)~~ Provide the special license plate applicant with a written receipt for the payment ~~(of the application fee)~~; and

~~(5) The department shall); and~~

~~(b)~~ Maintain a record of each special license plate applicant trust account deposit ~~(of the application fee)~~ including, but not limited to, the name and address of each special license plate applicant whose funds are being deposited, the amount paid, and the date of the deposit.

(6) After the department receives written notice that the special license plate applicant's application has been ~~(of the application fee)~~

~~(a))~~ approved by the legislature, the director shall request that the money be transferred to the motor vehicle ~~(account);~~

~~(b))~~ fund created in RCW 46.68.070.

~~(7) After the department receives written notice that the special license plate applicant's application has been denied by the special license plate review board or the legislature, the director shall provide a refund to the applicant within thirty days (of the application fee).~~

~~(8) After the department receives written notice that the special license plate applicant's application has been withdrawn by the special license plate applicant, the director shall provide a refund to the applicant within thirty days.~~

**Sec. 608.** RCW 46.16.765 and 2003 c 196 s 303 are each amended to read as follows:

(1) Within thirty days of legislative enactment of a new special license plate series for a qualifying organization meeting the requirements of RCW 46.16.735(1) ~~(as recodified by this act)~~, the department shall enter into a written agreement with the organization that sponsored the special license plate. The agreement must identify the services to be performed by the sponsoring organization. The agreement must be consistent with all applicable state law and include the following provision:

"No portion of any funds disbursed under the agreement may be used, directly or indirectly, for any of the following purposes:

(a) Attempting to influence: (i) The passage or defeat of legislation by the legislature of the state of Washington, by a county, city, town, or other political subdivision of the state of Washington, or by the Congress; or (ii) the adoption or rejection of a rule, standard, rate, or other legislative enactment of a state agency;

(b) Making contributions reportable under chapter 42.17 RCW; or

(c) Providing a: (i) Gift; (ii) honoraria; or (iii) travel, lodging, meals, or entertainment to a public officer or employee."

(2) The sponsoring organization must submit an annual financial report by September 30th of each year to the department detailing actual revenues and expenditures of the revenues received from sales of the special license plate. Consistent with the agreement under subsection (1) of this section, the sponsoring organization must expend the revenues generated from the sale of the special license plate series for the benefit of the public, and it must be spent within this state. Disbursement of the revenue generated from the sale of the special license plate to the sponsoring organization is contingent upon the organization meeting all reporting and review requirements as required by the department.

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle ~~(account)~~ fund created in RCW 46.68.070.

(4) A sponsoring organization may not seek to redesign its special license plate series until ~~(all of)~~ the entire inventory is sold or purchased by the organization itself. All costs for the redesign of a special license plate series must be paid by the sponsoring organization.

**Sec. 609.** RCW 46.16.775 and 2003 c 196 s 304 are each amended to read as follows:

(1) A special license plate series created by the legislature after January 1, 2004, that has not been reviewed and approved by the special license plate review board is subject to the following requirements:

(a) The organization sponsoring the license plate series shall, within thirty days of enactment of the legislation creating the special license plate series, submit prepayment of all start-up costs associated with the creation and implementation of the special license plate in an amount determined by the department. The prepayment will be credited to the motor vehicle fund created in RCW 46.68.070. The creation and implementation of the special license plate series may not ~~(commence)~~ begin until payment is received by the department.

(b) If the sponsoring organization is not able to meet the prepayment requirements in (a) of this subsection and can demonstrate this fact to the satisfaction of the department, the revenues generated from the sale of the special license plates must be deposited in the motor vehicle ~~(account)~~ fund created in RCW 46.68.070 until the department determines that the state's portion of the implementation costs have been fully reimbursed. When it ~~(is)~~ has determined that the state has been fully reimbursed, the department must notify the treasurer to commence distribution of the revenue according to statutory provisions.

(c) The sponsoring organization must provide a proposed special license plate design to the department within thirty days of enactment of the legislation creating the special license plate series.

(2) The state must be reimbursed for its portion of the implementation costs within two years from the date the new special license plate series goes on sale to the public. If the reimbursement does not occur within the two-year time frame, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the special license plate series must be discontinued immediately. Those special license plates issued before discontinuation are valid until replaced under ~~((RCW 46.16.233))~~ section 422(10) of this act.

(3) If the sponsoring organization ceases to exist or the purpose of the special license plate series ceases to exist, revenues generated from the sale of the special license plates must be deposited into the motor vehicle ~~(account)~~ fund created in RCW 46.68.070.

(4) A sponsoring organization may not seek to redesign ~~(their)~~ its special license plate series until ~~(all of)~~ the entire existing inventory is sold or purchased by the organization itself. All costs



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for the redesign of a special license plate series must be paid by the sponsoring organization.

**Sec. 610.** RCW 46.16.690 and 2005 c 210 s 6 are each amended to read as follows:

The department shall offer special license plate design services to organizations that are sponsoring a new special license plate series (~~(or are)~~) and organizations seeking to redesign the appearance of an existing special license plate series that they sponsored. In providing this service, the department must work with the requesting organization in determining the specific qualities of the new special license plate design and must provide full design services to the organization. The department shall collect from the requesting organization a fee of two hundred dollars for providing special license plate design services. This fee includes one original special license plate design and up to five additional renditions of the original design. If the organization requests the department to provide further renditions, in addition to the five renditions provided for under the original fee, the department shall collect an additional fee of one hundred dollars per rendition. All revenue collected under this section must be deposited into the multimodal transportation account created in RCW 47.66.070.

**C. PLATE TYPES, DECALS, AND EMBLEMS**

**NEW SECTION. Sec. 611.** (1) The legislature recognizes that the special license plate review board established in RCW 46.16.705 (as recodified by this act) reviews and approves applications for special license plate series.

(2) Special license plate series reviewed and approved by the special license plate review board:

(a) May be issued in lieu of standard issue or personalized license plates for vehicles required to display one and two license plates unless otherwise specified;

(b) Must be issued under terms and conditions established by the department;

(c) Must not be issued for vehicles registered under chapter 46.87 RCW; and

(d) Must display a symbol or artwork approved by the special license plate review board.

(3) The special license plate review board approves, and the department shall issue, the following special license plates:

| LICENSE PLATE             | DESCRIPTION, SYMBOL, OR ARTWORK  |
|---------------------------|--|
| Armed forces collection   | Recognizes the contribution of veterans, active duty military personnel, reservists, and members of the national guard, and includes six separate designs, each containing a symbol representing a different branch of the armed forces to include army, navy, air force, marine corps, coast guard, and national guard. |
| Endangered wildlife       | Displays a symbol or artwork, approved by the special license plate review board and the legislature.  |
| Gonzaga University alumni | Recognizes the Gonzaga University alumni association.  |
| Helping kids speak        | Recognizes an organization that supports programs that provide no-cost speech pathology programs to children.  |

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|  |  |
|--|--|
| Keep kids safe                           | Recognizes efforts to prevent child abuse and neglect.   |
| Law enforcement memorial                 | Honors law enforcement officers in Washington killed in the line of duty.  |
| Professional firefighters and paramedics | Recognizes professional firefighters and paramedics who are members of the Washington state council of firefighters.   |
| Share the road                           | Recognizes an organization that promotes bicycle safety and awareness education.   |
| Ski & ride Washington                    | Recognizes the Washington snowsports industry.   |
| Washington lighthouses                   | Recognizes an organization that supports selected Washington state lighthouses and provides environmental education programs.  |
| Washington state parks                   | Recognizes Washington state parks as premier destinations of uncommon quality that preserve significant natural, cultural, historical, and recreational resources.   |
| Washington's national park fund          | Builds awareness of Washington's national parks and supports priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks. |
| Washington's wildlife collection         | Recognizes Washington's wildlife.  |
| We love our pets                         | Recognizes an organization that assists local member agencies of the federation of animal welfare and control agencies to promote and perform spay/neuter surgery on Washington state pets to reduce pet overpopulation.   |
| Wild on Washington                       | Symbolizes wildlife viewing in Washington state.   |

(4) Applicants for initial and renewal professional firefighters and paramedics special license plates must show proof eligibility by providing a certificate of current membership from the Washington state council of firefighters.

**NEW SECTION. Sec. 612.** (1) A registered owner may apply to the department for special armed forces license plates for motor vehicles representing the following:

- (a) Air force;
- (b) Army;
- (c) Coast guard;
- (d) Marine corps;
- (e) National guard; or
- (f) Navy.

(2) Armed forces license plates may be purchased by:

- (a) Active duty military personnel;
- (b) Families of veterans and service members;
- (c) Members of the national guard;
- (d) Reservists; or
- (e) Veterans, as defined in RCW 41.04.007.

(3) A person who applies for special armed forces license plates shall provide:

- (a) DD-214 or discharge papers if the applicant is a veteran;
- (b) A military identification card or retired military identification card; or
- (c) A declaration of fact attesting to the applicant's eligibility as required under this section.
- (4) For the purposes of this section:
  - (a) "Child" includes stepchild, adopted child, foster child, grandchild, or son or daughter-in-law.
  - (b) "Family" or "families" includes an individual's spouse, child, parent, sibling, aunt, uncle, or cousin.
  - (c) "Parent" includes stepparent, grandparent, or in-laws.
  - (d) "Sibling" includes brother, half brother, stepbrother, sister, half sister, stepsister, or brother or sister-in-law.

(5) Armed forces license plates are not free of charge to disabled veterans, former prisoners of war, or spouses or domestic partners of deceased former prisoners of war under section 619 of this act.

**NEW SECTION. Sec. 613.** (1) The department must make available, upon request by a purchaser of special armed forces license plates, at no additional cost, a decal indicating the purchaser's military status. The list of available decals must include, but is not limited to:

- (a) Active duty;
- (b) Disabled veteran;
- (c) Reservist;
- (d) Retiree;
- (e) Veteran; or
- (f) Other decals established in cooperation with the department of veterans affairs.

(2) Armed forces decals must be made available only for standard six-inch by twelve-inch license plates. The department may specify where the decal may be placed on the license plate.

(3) The department of veterans affairs must enter into an agreement with the department to reimburse the department for the costs associated with providing military status decals described in this section.

**Sec. 614.** RCW 46.16.301 and 1997 c 291 s 5 are each amended to read as follows:

The department shall create, design, and issue a special baseball stadium license plate that may be used in lieu of ~~((regular))~~ standard issue or personalized license plates for motor vehicles required to display two ~~((motor vehicle))~~ license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The special license plates ~~((shall))~~ commemorate the construction of a baseball stadium, as defined in RCW 82.14.0485. The department shall also issue to each recipient of a special baseball stadium license plate a certificate of participation in the construction of the baseball stadium.

**Sec. 615.** RCW 46.16.324 and 1994 c 194 s 3 are each amended to read as follows:

~~((Effective January 1, 1995,))~~ A state university, regional university, or state college as defined in RCW 28B.10.016 may apply to the department, in a form ~~((prescribed))~~ approved by the department~~((s))~~, and request the department to issue a series of collegiate license plates, for display on motor vehicles, depicting the name and mascot or symbol of the college or university, as submitted and approved for use by the requesting institution.

**NEW SECTION. Sec. 616.** (1) A registered owner may apply to the department for special license plates showing the

official amateur radio call letters assigned by the federal communications commission. The amateur radio operator must:

(a) Provide a copy of the current valid federal communications commission amateur radio license;

(b) Pay the amateur radio license plate fee required under section 521(1)(a) of this act, in addition to any other fees and taxes due; and

(c) Be recorded as the registered owner of the vehicle on which the amateur radio license plates will be displayed.

(2) Amateur radio license plates must be issued only for motor vehicles owned by persons who have a valid official radio operator license issued by the federal communications commission.

(3) The department shall not issue or may refuse to issue amateur radio license plates that display the consecutive letters "WSP."

(4) A person who has been issued amateur radio operator license plates as provided in this section must:

(a) Notify the department within thirty days after the federal communications commission license assigned is canceled or expires, and return the amateur radio license plates; and

(b) Provide a copy of the renewed federal communications commission license to the department after it is renewed.

(5) Amateur radio license plates may be transferred from one motor vehicle to another motor vehicle owned by the amateur radio operator upon application to the department, county auditor or other agent, or subagent appointed by the director.

(6) Facilities of official amateur radio stations may be utilized to the fullest extent in the work of governmental agencies. The director shall furnish the state military department, the department of commerce, the Washington state patrol, and all county sheriffs a list of the names, addresses, and license plate or official amateur radio call letters of each person possessing the amateur radio license plates.

(7) Failure to return the amateur radio license plates as required under subsection (4) of this section is a traffic infraction.

**NEW SECTION. Sec. 617.** (1) A registered owner may apply to the department, county auditor or other agent, or subagent appointed by the director for a collector vehicle license plate for a motor vehicle that is at least thirty years old. The motor vehicle must be operated primarily as a collector vehicle and be in good running order. The applicant for the collector vehicle license plate shall:

(a) Purchase a registration for the motor vehicle as required under chapters 46.16 and 46.17 RCW; and

(b) Pay the special license plate fee established under section 521(1)(d) of this act, in addition to any other fees or taxes required by law.

(2) A person applying for a collector vehicle license plate may:

(a) Receive a collector vehicle license plate assigned by the department; or

(b) Provide a Washington state issued license plate designated for general use in the year of the vehicle's manufacture.

(3) Collector vehicle license plates:

(a) Are valid for the life of the motor vehicle;

(b) Are not required to be renewed; and

(c) Must be displayed on the rear of the motor vehicle.

(4) A collector vehicle registered under this section may only be used for participation in club activities, exhibitions, tours, parades, and occasional pleasure driving.

(5) Collector vehicle license plates may be transferred from one motor vehicle to another motor vehicle described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

**NEW SECTION. Sec. 618.** (1) A registered owner who has been awarded the Congressional Medal of Honor may apply to the

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department for special license plates for use on a passenger vehicle. The Congressional Medal of Honor recipient must:

(a) Provide proof from the Washington state department of veterans affairs showing receipt of the medal; and

(b) Be recorded as the registered owner of the vehicle on which the Congressional Medal of Honor license plates will be displayed.

(2) Congressional Medal of Honor license plates must be issued:

(a) Only for a personal passenger motor vehicle owned by persons who have received the Congressional Medal of Honor; and

(b) Without payment of vehicle license fees, license plate fees, and motor vehicle excise taxes.

(3) Congressional Medal of Honor license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.

(4) Congressional Medal of Honor license plates may be transferred, free of charge, from one motor vehicle to another motor vehicle owned by the Congressional Medal of Honor recipient upon application to the department, county auditor or other agent, or subagent appointed by the director.

**NEW SECTION. Sec. 619.** (1) A registered owner who is a veteran, as defined in RCW 41.04.007, may apply to the department for disabled American veteran or former prisoner of war license plates, for use on one personal use motor vehicle. The veteran must be recorded as the registered owner of the vehicle on which the disabled American veteran or former prisoner of war license plates will be displayed and:

(a) Provide certification from the veterans administration or the military service from which the veteran was discharged that the veteran has a service-connected disability rating;

(b) Have lost the use of both hands or one foot;

(c) Have been captured and incarcerated by an enemy of the United States during a period of war with the United States and have received a prisoner of war medal;

(d) Have become blind in both eyes as the result of military service; or

(e) Be rated by the veterans administration or the military service from which the veteran was discharged and be receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year.

(2) The special license plates under this section must:

(a) Display distinguishing marks, letters, or numerals indicating that the registered owner is a disabled American veteran or former prisoner of war; and

(b) Be issued for one personal use vehicle without the payment of any vehicle license fees, license plate fees, or excise taxes.

(3) A registered owner who is a veteran, as defined in RCW 41.04.007, may, in lieu of applying for the special license plates under this section, apply for regular issue or any qualifying special license plate and receive the full benefit of the vehicle license fee and excise tax exemption provided in subsection (2)(b) of this section.

(4) The department may periodically verify the one hundred percent rate as described in subsection (1)(e) of this section.

(5) A veteran who has been issued disabled American veteran or former prisoner of war license plates under this section before July 1, 1983, continues to be eligible for the vehicle license fee and excise tax exemption described in subsection (2)(b) of this section.

(6) Disabled American veteran and former prisoner of war license plates may be transferred from one motor vehicle to another motor vehicle owned by the veteran upon application to the department, county auditor or other agent, or subagent appointed by the director.

(7) For the purposes of this section:

(a) "Blind" means the definition of "blind" used by the state of Washington in determining eligibility for financial assistance to the blind under Title 74 RCW; and

(b) "Special license plates" does not include any plate from the armed forces license plate collection established in section 611(3) of this act.

(8) Any unauthorized use of a special license plate under this section is a gross misdemeanor.

**NEW SECTION. Sec. 620.** (1) A registered owner who is an officer of the Taipei economic and cultural office may apply to the department for special license plates for a motor vehicle owned or leased by the officer. The special license plates must:

(a) Be issued for passenger vehicles having a manufacturer's rated carrying capacity of one ton or less;

(b) Show the words "Foreign Organization";

(c) Be in a distinguishing color and a separate numerical series;

(d) Be returned to the department when no longer in use or when the owner or lessee is relieved of his or her duties as a representative of the recognized foreign organization; and

(e) Be removed from the vehicle when the officer of the Taipei economic and cultural office transfers or assigns the interest or certificate of title in the motor vehicle for which the special license plates were issued.

(2) Motor vehicles described in subsection (1) of this section are exempt from the vehicle license fees under section 531 of this act.

(3) Foreign organization license plates may be transferred from one motor vehicle to another motor vehicle owned by the officer as described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

(4) The Taipei economic and cultural office shall bear the entire cost of production of the special license plates described in subsection (1) of this section.

**NEW SECTION. Sec. 621.** (1) A registered owner who is the mother or father of a member of the United States armed forces who died while in service to his or her country, or as a result of his or her service, may apply to the department for special gold star license plates for use on a motor vehicle. The registered owner must:

(a) Be a resident of this state;

(b) Provide certification from the Washington state department of veterans affairs that the registered owner qualifies for the special license plate under this section;

(c) Be recorded as the registered owner of the motor vehicle on which the gold star license plates will be displayed; and

(d) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Gold star license plates must be issued:

(a) Only for motor vehicles owned by qualifying applicants; and

(b) Without payment of any license plate fee.

(3) Gold star license plates must be replaced, free of charge, if the license plates become lost, stolen, damaged, defaced, or destroyed.

(4) Gold star license plates may be transferred from one motor vehicle to another motor vehicle owned by the mother or father, as described in subsection (1) of this section, upon application to the department, county auditor or other agent, or subagent appointed by the director.

**NEW SECTION. Sec. 622.** (1) A registered owner who is an honorary consul or official representative of any foreign government may apply to the department for special license plates for a motor vehicle owned or leased by the honorary consul or official representative. The honorary consul or official representative must be a citizen of the United States, pay all required vehicle license fees and taxes, and either (a) provide a copy of the

honorary consul identification card or (b) show the exequatur issued by the United States department of state.

(2) The special honorary consul license plates must be:

(a) A distinguishing color and separate numerical series;

(b) Returned to the department when no longer in use or when the honorary consul or official representative is relieved of his or her official duties; and

(c) Removed from the vehicle when the honorary consul or official representative transfers or assigns the interest or certificate of title in the motor vehicle for which the special license plates were issued.

(3) The special honorary consul license plates may be transferred to a replacement vehicle. The honorary consul or official representative shall immediately notify the department of the transfer of the special license plates.

**NEW SECTION. Sec. 623.** (1) A registered owner may apply to the department, county auditor or other agent, or subagent appointed by the director for a horseless carriage license plate for a motor vehicle that is at least forty years old. The motor vehicle must be operated primarily as a collector vehicle and be in good running order. The applicant for the horseless carriage license plate shall:

(a) Purchase a registration for the motor vehicle as required under chapters 46.16 and 46.17 RCW; and

(b) Pay the special license plate fee established under section 521(1)(i) of this act, in addition to any other fees or taxes required by law.

(2) Horseless carriage license plates:

(a) Are valid for the life of the motor vehicle;

(b) Are not required to be renewed;

(c) Are not transferrable to any other motor vehicle; and

(d) Must be displayed on the rear of the motor vehicle.

**NEW SECTION. Sec. 624.** (1) A registered owner who has a valid military affiliate radio system station license may apply to the department for special license plates for use on only one motor vehicle owned by the qualified applicant. The applicant must:

(a) Be a resident of this state;

(b) Provide a copy of the current official military affiliate radio system station license authorized by the department of defense and issued by the United States army, air force, navy, or marine corps;

(c) Be recorded as the registered owner of the motor vehicle on which the military affiliate radio system license plates will be displayed; and

(d) Pay the military affiliate radio system license plate fee required under section 521(1)(l) of this act, in addition to any other fees or taxes required by law.

(2) A person who has been issued military affiliate radio system license plates as provided in this section must:

(a) Notify the department if the military affiliate radio system station license assigned is canceled or expires; and

(b) Provide a copy of the renewed military affiliate radio system station license to the department when it is renewed.

(3) Military affiliate radio system license plates:

(a) Are not available for motorcycles; and

(b) May be transferred from one motor vehicle to another motor vehicle owned by the military affiliate radio system operator upon application to the department, county auditor or other agent, or subagent appointed by the director.

**NEW SECTION. Sec. 625.** (1) A registered owner who has survived the attack on Pearl Harbor on December 7, 1941, may apply to the department for special license plates for use on only one motor vehicle owned by the qualified applicant. The applicant must:

(a) Be a resident of this state;

(b) Have been a member of the United States armed forces on December 7, 1941;

(c) Have been on station on December 7, 1941, between the hours of 7:55 a.m. and 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or offshore at a distance not to exceed three miles;

(d) Have received an honorable discharge from the United States armed forces;

(e) Provide certification by a Washington state chapter of the Pearl Harbor survivors association showing that qualifications in (c) of this subsection have been met;

(f) Be recorded as the registered owner of the vehicle on which the Pearl Harbor survivor license plates will be displayed; and

(g) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Pearl Harbor survivor license plates must be issued without the payment of any license plate fee.

(3) Pearl Harbor survivor license plates must be replaced, free of charge, if the license plates have become lost, stolen, damaged, defaced, or destroyed.

(4) Pearl Harbor survivor license plates may be issued to the surviving spouse or domestic partner of a Pearl Harbor survivor who met the requirements in subsection (1) of this section. The surviving spouse or domestic partner must be a resident of this state. If the surviving spouse remarries or the surviving domestic partner marries or enters into a new domestic partnership, he or she must return the special plates to the department within fifteen days and apply for regular license plates or another type of special license plate.

(5) Pearl Harbor survivor license plates may be transferred from one motor vehicle to another motor vehicle owned by the Pearl Harbor survivor or the surviving spouse or domestic partner as described in subsection (4) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

**NEW SECTION. Sec. 626.** (1) A registered owner may apply to the department for a personalized license plate for any vehicle required to display one or two vehicle license plates, excluding vehicles registered under chapter 46.87 RCW, upon terms and conditions established by the department. The application for personalized license plates must contain the combination of letters or numbers, or both, requested by the registered owner.

(2) Personalized license plates must:

(a) Be the same design as standard issue license plates;

(b) Consist of numbers or letters or any combination of numbers or letters;

(c) Not exceed seven positions unless proposed by the department and approved by the Washington state patrol; and

(d) Not contain less than one character.

(3) A person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, is not required to pay the additional annual renewal fee described in section 520 of this act.

(4) The department shall not issue or may refuse to issue personalized license plates that:

(a) Duplicate or conflict with an existing or projected vehicle license plate series or other numbering systems for records kept by the department; or

(b) May carry connotations offensive to good taste and decency or which would be misleading.

(5) Personalized license plates must be issued only to the registered owner of the vehicle on which they are to be displayed. The registered owner must:

(a) Pay the personalized license plate fee required under section 520 of this act, in addition to any other fee or taxes due;

(b) Renew personalized license plates annually, regardless of whether or not the vehicle on which the personalized license plates are displayed will be driven on the public highways;

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(c) Surrender personalized license plates that have not been renewed to the department. The failure to surrender expired personalized license plates is a traffic infraction; and

(d) Immediately report to the department when personalized license plates have been transferred to another vehicle or another owner.

(6) The department may establish rules as necessary to carry out this section including, but not limited to, identifying the maximum number of positions on personalized license plates for motorcycles.

**NEW SECTION. Sec. 627.** (1) A registered owner may purchase personalized license plates with a special license plate background for any vehicle required to display one or two vehicle license plates, excluding:

- (a) Amateur radio license plates;
- (b) Collector vehicle license plates;
- (c) Disabled American veteran license plates;
- (d) Former prisoner of war license plates;
- (e) Horseless carriage license plates;
- (f) Congressional Medal of Honor license plates;
- (g) Military affiliate radio system license plates;
- (h) Pearl Harbor survivor license plates;
- (i) Restored license plates; and
- (j) Vehicles registered under chapter 46.87 RCW.

(2) Personalized special license plates issued under this section must:

(a) Consist of numbers or letters or any combination of numbers or letters;

(b) Not exceed seven characters; and

(c) Not contain less than one character.

(3) The department may not issue or may refuse to issue personalized special license plates that:

(a) Duplicate or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department; or

(b) May carry connotations offensive to good taste and decency or which would be misleading.

(4) Personalized special license plates must be issued only to the registered owner of the vehicle on which they are to be displayed. The registered owner must:

(a) Pay both the personalized license plate fee required under section 520 of this act and the special license plate fee required under the applicable special license plate provision, in addition to any other fee or taxes due. License plate fees must be distributed as provided in chapter 46.68 RCW;

(b) Renew personalized special license plates annually, regardless of whether or not the vehicle on which the personalized special license plates are displayed will be driven on the public highways;

(c) Surrender personalized special license plates that have not been renewed to the department. The failure to surrender expired personalized special license plates is a traffic infraction; and

(d) Immediately report to the department when personalized special license plates have been transferred to another vehicle or another owner.

(5) The department may establish rules as necessary to carry out this section including, but not limited to, identifying the maximum number of positions on personalized special license plates for motorcycles.

**NEW SECTION. Sec. 628.** (1) A registered owner who has been awarded a Purple Heart medal by any branch of the United States armed forces, including the merchant marines and the women's air forces service pilots may apply to the department for special license plates for use on only one motor vehicle owned by the qualified applicant. The applicant must:

- (a) Be a resident of this state;

(b) Have been wounded during one of this nation's wars or conflicts identified in RCW 41.04.005;

(c) Have received an honorable discharge from the United States armed forces;

(d) Provide a copy of the armed forces document showing the recipient was awarded the Purple Heart medal;

(e) Be recorded as the registered owner of the vehicle on which the Purple Heart survivor license plates will be displayed; and

(f) Pay all fees and taxes required by law for registering the motor vehicle.

(2) Purple Heart license plates must be issued without the payment of any special license plate fee.

(3) Purple Heart license plates may be issued to the surviving spouse or domestic partner of a Purple Heart recipient who met the requirements in subsection (1) of this section. The surviving spouse or domestic partner must be a resident of this state. If the surviving spouse remarries or the surviving domestic partner marries or enters into a new domestic partnership, he or she must return the special plates to the department within fifteen days and apply for regular license plates or another type of special license plate.

(4) Purple Heart license plates may be transferred from one motor vehicle to another motor vehicle owned by the Purple Heart recipient or the surviving spouse or domestic partner as described in subsection (3) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

**NEW SECTION. Sec. 629.** A registered owner who uses a passenger motor vehicle for commuter ride sharing or ride sharing for persons with special transportation needs, as defined in RCW 46.74.010, shall apply to the director, county auditor or other agent, or subagent appointed by the director for special ride share license plates. The registered owner must qualify for the tax exemptions provided in RCW 82.08.0287, 82.12.0282, or 82.44.015, and pay the special ride share license plate fee required under section 521(1)(n) of this act when the special ride share license plates are initially issued.

(2) The special ride share license plates:

(a) Must be of a distinguishing separate numerical series or design as defined by the department;

(b) Must be returned to the department when no longer in use or when the registered owner no longer qualifies for the tax exemptions provided in subsection (1) of this section; and

(c) Are not required to be renewed annually for motor vehicles described in RCW 46.16.020 (as recodified by this act).

(3) Special ride share license plates may be transferred from one motor vehicle to another motor vehicle as described in subsection (1) of this section upon application to the department, county auditor or other agent, or subagent appointed by the director.

(4) Any person who knowingly makes a false statement of a material fact in the application for a special license plate under subsection (1) of this section is guilty of a gross misdemeanor.

**NEW SECTION. Sec. 630.** A registered owner may apply to the department, county auditor or other agent, or subagent appointed by the director for a square dancer license plate. The registered owner shall pay the special license plate fee required under section 521(1)(q) of this act, in addition to any other fee or tax required by law. The square dancer license plate may be issued in lieu of standard issue or personalized license plates for vehicles required to display two license plates, but may not be issued for vehicles registered under chapter 46.87 RCW.

#### D. MISCELLANEOUS

**Sec. 631.** RCW 46.16.335 and 1990 c 250 s 10 are each amended to read as follows:

The director shall adopt rules to implement (~~RCW 46.16.301 through 46.16.332~~) chapter 46... RCW (the new chapter created in section 1224 of this act), including setting of fees.

**PART VII.  
SPECIAL PARKING PRIVILEGES FOR PERSONS WITH  
DISABILITIES**

**NEW SECTION. Sec. 701.** (1) A natural person who has a disability that meets one of the following criteria may apply for special parking privileges:

- (a) Cannot walk two hundred feet without stopping to rest;
  - (b) Is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;
  - (c) Has such a severe disability that the person cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;
  - (d) Uses portable oxygen;
  - (e) Is restricted by lung disease to an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;
  - (f) Impairment by cardiovascular disease or cardiac condition to the extent that the person's functional limitations are classified as class III or IV under standards accepted by the American heart association;
  - (g) Has a disability resulting from an acute sensitivity to automobile emissions that limits or impairs the ability to walk. The personal physician, advanced registered nurse practitioner, or physician assistant of the applicant shall document that the disability is comparable in severity to the others listed in this subsection;
  - (h) Has limited mobility and has no vision or whose vision with corrective lenses is so limited that the person requires alternative methods or skills to do efficiently those things that are ordinarily done with sight by persons with normal vision;
  - (i) Has an eye condition of a progressive nature that may lead to blindness; or
  - (j) Is restricted by a form of porphyria to the extent that the applicant would significantly benefit from a decrease in exposure to light.
- (2) The disability must be determined by either:
- (a) A licensed physician;
  - (b) An advanced registered nurse practitioner licensed under chapter 18.79 RCW; or
  - (c) A physician assistant licensed under chapter 18.71A or 18.57A RCW.

(3) The application for special parking privileges for persons with disabilities must contain:

- (a) The following statement immediately below the physician's, advanced registered nurse practitioner's, or physician assistant's signature: "A parking permit for a person with disabilities may be issued only for a medical necessity that severely affects mobility or involves acute sensitivity to light (section 701 of this act). Knowingly providing false information on this application is a gross misdemeanor. The penalty is up to one year in jail and a fine of up to \$5,000 or both"; and
- (b) Other information as required by the department.

(4) A natural person who has a disability described in subsection (1) of this section and is expected to improve within six months may be issued a temporary placard for a period not to exceed six months. If the disability exists after six months, a new temporary placard must be issued upon receipt of a new application with certification from the person's physician. Special license plates for persons with disabilities may not be issued to a person with a temporary disability.

(5) A natural person who qualifies for special parking privileges under this section must receive an identification card showing the name and date of birth of the person to whom the parking privilege has been issued and the serial number of the placard.

(6) A natural person who qualifies for permanent special parking privileges under this section may receive one of the following:

- (a) Up to two parking placards;
  - (b) One set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed;
  - (c) One parking placard and one set of special license plates for persons with disabilities if the person with the disability is the registered owner of the vehicle on which the license plates will be displayed; or
  - (d) One special parking year tab for persons with disabilities and one parking placard.
- (7) Parking placards and identification cards described in this section must be issued free of charge.

(8) The parking placard and identification card must be immediately returned to the department upon the placard holder's death.

**NEW SECTION. Sec. 702.** (1) The following organizations may apply for special parking privileges:

- (a) Public transportation authorities;
- (b) Nursing homes licensed under chapter 18.51 RCW;
- (c) Boarding homes licensed under chapter 18.20 RCW;
- (d) Senior citizen centers;
- (e) Private nonprofit corporations, as defined in RCW 24.03.005; and
- (f) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW.

(2) An organization that qualifies for special parking privileges may receive, upon application, parking license plates or placards, or both, for persons with disabilities as defined by the department.

(3) Public transportation authorities, nursing homes, boarding homes, senior citizen centers, private nonprofit corporations, and cabulance services are responsible for ensuring that the special placards and license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility.

**NEW SECTION. Sec. 703.** (1) Parking privileges for persons with disabilities must be renewed at least every five years, as required by the director, by satisfactory proof of the right to continued use of the privileges.

(2) The department shall match and purge its database of parking permits issued to persons with disabilities with available death record information at least every twelve months.

(3) The department shall adopt rules to administer the parking privileges for persons with disabilities program.

**NEW SECTION. Sec. 704.** (1) The department shall design special license plates for persons with disabilities, parking placards, and year tabs displaying the international symbol of access.

(2) Special license plates for persons with disabilities must be displayed on the motor vehicle as standard issue license plates as described in section 422 of this act.

(3) Parking placards must be displayed when the motor vehicle is parked by suspending it from the rearview mirror. In the absence of a rearview mirror, the parking placard must be displayed on the dashboard.

(4) Special year tabs for persons with disabilities must be displayed on license plates as defined by the department.

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(5) Persons who have been issued special license plates for persons with disabilities, parking placards, or special license plates with a special year tab for persons with disabilities may park in places reserved for persons with physical disabilities.

**NEW SECTION. Sec. 705.** (1) An additional fee may not be charged for special license plates for persons with disabilities except for any other fees and taxes required to be paid upon registration of a motor vehicle.

(2) A registered owner who qualifies for special parking privileges as described in section 701 of this act may apply to the department for special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities. Special license plates with a special year tab for persons with disabilities are available on the following special license plate designs:

| PLATE TYPE                               | ISSUED UNDER                              |
|--|---|
| Armed forces collection                  | Section 612 of this act                   |
| Baseball stadium                         | RCW 46.16.301 (as recodified by this act) |
| Collegiate                               | RCW 46.16.324 (as recodified by this act) |
| Disabled American veteran                | Section 619 of this act                   |
| Endangered wildlife                      | Section 611 of this act                   |
| Former prisoner of war                   | Section 619 of this act                   |
| Helping kids speak                       | Section 611 of this act                   |
| Keep kids safe                           | Section 611 of this act                   |
| Law enforcement memorial                 | Section 611 of this act                   |
| Pearl Harbor survivor                    | Section 625 of this act                   |
| Personalized                             | Section 626 of this act                   |
| Professional firefighters and paramedics | Section 611 of this act                   |
| Purple Heart                             | Section 628 of this act                   |
| Share the road                           | Section 611 of this act                   |
| Ski & ride Washington                    | Section 611 of this act                   |
| Square dancer                            | Section 630 of this act                   |
| Washington lighthouses                   | Section 611 of this act                   |
| Washington's national park fund          | Section 611 of this act                   |
| Washington state parks                   | Section 611 of this act                   |
| Washington's wildlife collection         | Section 611 of this act                   |
| We love our pets                         | Section 611 of this act                   |
| Wild on Washington                       | Section 611 of this act                   |

(3) A registered owner who chooses to purchase special license plates as described in subsection (2) of this section shall pay the

applicable special license plate fee, in addition to any other fees or taxes required for registering a motor vehicle.

(4) Special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities must be renewed in the same manner and at the time required for the renewal of standard motor vehicle license plates under chapter 46.16 RCW.

(5) Special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities may be transferred from one motor vehicle to another motor vehicle owned by the person with the parking privilege upon application to the department, county auditor or other agent, or subagent appointed by the director.

(6) Special license plates for persons with disabilities or special license plates with a special year tab for persons with disabilities must be removed from the motor vehicle when the person with disabilities transfers or assigns his or her interest in the motor vehicle.

**NEW SECTION. Sec. 706.** (1) **False information.** Knowingly providing false information in conjunction with the application for special parking privileges for persons with disabilities is a gross misdemeanor punishable under chapter 9A.20 RCW.

(2) **Unauthorized use.** Any unauthorized use of the special placard, special license, or identification card issued under this chapter is a traffic infraction with a monetary penalty of two hundred fifty dollars.

(3) **Inaccessible access.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for a person to make inaccessible the access aisle located next to a space reserved for persons with physical disabilities. The clerk of the court shall report all violations related to this subsection to the department.

(4) **Parking without placard/plate.** It is a parking infraction, with a monetary penalty of two hundred fifty dollars, for any person to park a vehicle in a parking place provided on private property without charge or on public property reserved for persons with physical disabilities without a placard or special license plate issued under this chapter. If a person is charged with a violation, the person will not be determined to have committed an infraction if the person produces in court or before the court appearance the placard or special license plate issued under this chapter as required under this chapter. A local jurisdiction providing nonmetered, on-street parking places reserved for persons with physical disabilities may impose by ordinance time restrictions of no less than four hours on the use of these parking places.

(5) **Time restrictions.** A local jurisdiction may impose by ordinance time restrictions of no less than four hours on the use of nonreserved, on-street parking spaces by vehicles displaying the special parking placards or special license plates issued under this chapter. All time restrictions must be clearly posted.

(6) **Use of funds - reimbursement.** Funds from the penalties imposed under subsections (3) and (4) of this section must be used by that local jurisdiction exclusively for law enforcement. The court may also impose an additional penalty sufficient to reimburse the local jurisdiction for any costs that it may have incurred in the removal and storage of the improperly parked vehicle.

(7) **Illegal obtainment.** Except as provided in subsection (1) of this section, it is a traffic infraction with a monetary penalty of two hundred fifty dollars for any person willfully to obtain a special license plate, placard, or identification card issued under this chapter in a manner other than that established under this chapter.

(8) **Volunteer appointment.** A law enforcement agency authorized to enforce parking laws may appoint volunteers, with a limited commission, to issue notices of infractions for violations of sections 701 and 704 of this act or RCW 46.61.581. Volunteers

must be at least twenty-one years of age. The law enforcement agency appointing volunteers may establish any other qualifications that the agency deems desirable.

(a) An agency appointing volunteers under this section must provide training to the volunteers before authorizing them to issue notices of infractions.

(b) A notice of infraction issued by a volunteer appointed under this subsection has the same force and effect as a notice of infraction issued by a police officer for the same offense.

(c) A police officer or a volunteer may request a person to show the person's identification card or special parking placard when investigating the possibility of a violation of this section. If the request is refused, the person in charge of the vehicle may be issued a notice of infraction for a violation of this section.

(9) **Community restitution.** For second or subsequent violations of this section, in addition to a monetary penalty, the violator must complete a minimum of forty hours of:

(a) Community restitution for a nonprofit organization that serves persons with disabilities or disabling diseases; or

(b) Any other community restitution that may sensitize the violator to the needs and obstacles faced by persons with disabilities.

(10) **Fine suspension.** The court may not suspend more than one-half of any fine imposed under subsection (2), (3), (4), or (7) of this section.

**Sec. 707.** RCW 46.16.390 and 2005 c 390 s 4 are each amended to read as follows:

A special license plate or card issued by another state or country that indicates that an occupant of ~~(the)~~ a vehicle has disabilities~~(s)~~ entitles the vehicle on or in which it is displayed and being used to transport the person with disabilities to lawfully park in a parking place reserved for persons with physical disabilities pursuant to chapter 70.92 RCW ~~((or authority implemental thereof))~~.

## PART VIII. FEE DISTRIBUTION

**Sec. 801.** RCW 46.68.010 and 2003 c 53 s 248 are each amended to read as follows:

((1) Whenever any license fee, paid under the provisions of this title, has been erroneously paid, either wholly or in part, the payor is entitled to have refunded the amount so erroneously paid.

(2) A license fee is refundable in one or more of the following circumstances: (a) If the vehicle for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (b) if the vehicle for which the renewal license was purchased was permanently removed from the state before the beginning date of the registration period for which the renewal fee was paid; (c) if the vehicle license was purchased after the owner has sold the vehicle; (d) if the vehicle is currently licensed in Washington and is subsequently licensed in another jurisdiction, in which case any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable; or (e) if the vehicle for which the renewal license was purchased is sold before the beginning date of the registration period for which the renewal fee was paid, and the payor returns the new, unused, never affixed license renewal tabs to the department before the beginning of the registration period for which the registration was purchased.

(3) Upon the refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto. No claim for refund shall be allowed for such erroneous payments unless filed with the director within three years after such claimed erroneous payment was made.

(4) If due to error a person has been required to pay a vehicle license fee under this title and an excise tax under Title 82 RCW that

amounts to an overpayment of ten dollars or more, that person shall be entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested.

(5) If due to error the department or its agent has failed to collect the full amount of the license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and fees.

(6) Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.))

(1) A person who has paid all or part of a vehicle license fee under this title is entitled to a refund if the amount was paid in error or if the vehicle:

(a) Was destroyed before the new registration period began;

(b) Was permanently removed from Washington state before the new registration period began;

(c) Registration was purchased after the owner sold the vehicle;

(d) Was registered in another jurisdiction after the Washington state registration had been purchased. Any full months of Washington vehicle license fees remaining after application for out-of-state registration was made are refundable; or

(e) Registration was purchased before the vehicle was sold and before the new registration period began. The person who paid the fees must return the unused, never-affixed license tabs to the department before the new registration period begins.

(2) The department shall refund overpayments of vehicle license fees and motor vehicle excise taxes under Title 82 RCW that are ten dollars or more. A request for a refund is not required.

(3) The department shall certify refunds to the state treasurer as correct and being claimed in the time required by law. The state treasurer shall mail or deliver the amount of each refund to the person who is entitled to the refund. The department shall not authorize refunds of fees paid in error unless the request is made within three years after the fees were paid.

(4) If due to error the department, county auditor or other agent, or subagent appointed by the director has failed to collect the full amount of the vehicle license fee and excise tax due and the underpayment is in the amount of ten dollars or more, the department shall charge and collect the additional amount to constitute full payment of the tax and fees.

(5) Any person who makes a false statement under which he or she obtains a refund that he or she is not entitled to under this section is guilty of a gross misdemeanor.

**Sec. 802.** RCW 46.68.020 and 2004 c 200 s 3 are each amended to read as follows:

((The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys as follows:

(1) The fees collected under RCW 46.12.040(1) and 46.12.101(6) shall be credited to the multimodal transportation account in RCW 47.66.070.

(2)(a) Beginning July 27, 2003, and until July 1, 2008, the fees collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181 shall be credited as follows:

(i) 58.12 percent shall be credited to a segregated subaccount of the air pollution control account in RCW 70.94.015;

(ii) 16.60 percent shall be credited to the vessel response account created in RCW 90.56.335; and

(iii) The remainder shall be credited into the transportation 2003 account (nickel account).

(b) Beginning July 1, 2008, and thereafter, the fees collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181



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shall be credited to the transportation 2003 account (nickel account).

(3) The fees collected under RCW 46.12.040(3) and 46.12.060 shall be credited to the motor vehicle account.)

(1) The director shall forward all fees for certificates of title or other moneys accruing under chapters 46.12 and 46.17 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit these moneys as follows:

| <u>FEE</u>                                      | <u>REQUIRE</u><br><u>D IN</u>                    | <u>ESTABLISHE</u><br><u>D IN</u> | <u>DISTRIBUTIO</u><br><u>N</u> |
|---|--|----------------------------------|--------------------------------|
| <u>ORV registration fee</u>                     | <u>Section 214 of this act</u>                   | <u>Section 508 of this act</u>   | <u>RCW 47.66.070</u>           |
| <u>Original certificate of title</u>            | <u>RCW 46.12.030 (as recodified by this act)</u> | <u>Section 508 of this act</u>   | <u>RCW 47.66.070</u>           |
| <u>Penalty for late transfer</u>                | <u>RCW 46.12.101 (as recodified by this act)</u> | <u>Section 512 of this act</u>   | <u>RCW 47.66.070</u>           |
| <u>Motor change</u>                             | <u>RCW 46.12.080 (as recodified by this act)</u> | <u>Section 508 of this act</u>   | <u>RCW 46.68.280</u>           |
| <u>Transfer certificate of title</u>            | <u>RCW 46.12.101 (as recodified by this act)</u> | <u>Section 508 of this act</u>   | <u>RCW 46.68.280</u>           |
| <u>Security interest changes</u>                | <u>RCW 46.12.170 (as recodified by this act)</u> | <u>Section 508 of this act</u>   | <u>RCW 46.68.280</u>           |
| <u>Duplicate certificate of title</u>           | <u>RCW 46.12.181 (as recodified by this act)</u> | <u>Section 508 of this act</u>   | <u>RCW 46.68.280</u>           |
| <u>Stolen vehicle check</u>                     | <u>RCW 46.12.047 (as recodified by this act)</u> | <u>Section 513 of this act</u>   | <u>RCW 46.68.070</u>           |
| <u>Vehicle identification number assignment</u> | <u>Section 303 of this act</u>                   | <u>Section 515 of this act</u>   | <u>RCW 46.68.070</u>           |

(2) The vehicle identification number inspection fee created in section 514 of this act must be credited as follows:

(a) Fifteen dollars to the state patrol highway account created in RCW 46.68.030; and

(b) Fifty dollars to the motor vehicle fund created in RCW 46.68.070.

**Sec. 803.** RCW 46.68.030 and 2002 c 352 s 22 are each amended to read as follows:

((Except for proceeds from fees for vehicle licensing for vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as otherwise provided for in chapter 46.16 RCW, all fees received

by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be deposited to the credit of the motor vehicle fund, except that the proceeds from the vehicle license fee and renewal license fee shall be deposited by the state treasurer as hereinafter provided. After July 1, 2002,)) (1) The director shall forward all fees for vehicle registrations under chapters 46.16 and 46.17 RCW, unless otherwise specified by law, to the state treasurer with a proper identifying detailed report. The state treasurer shall credit these moneys to the motor vehicle fund created in RCW 46.68.070.

(2) Proceeds from vehicle license fees and renewal vehicle license fees must be deposited by the state treasurer as follows:

(a) \$20.35 of each ((original)) initial or renewal vehicle license fee must be deposited in the state patrol highway account in the motor vehicle fund, hereby created. Vehicle license fees, renewal vehicle license fees, and all other funds in the state patrol highway account ((shall)) must be for the sole use of the Washington state patrol for highway activities of the Washington state patrol, subject to proper appropriations and reappropriations ((therefor)).

(b) \$2.02 of each ((original)) initial vehicle license fee and \$0.93 of each renewal vehicle license fee ((shall)) must be deposited each biennium in the Puget Sound ferry operations account.

(c) Any remaining amounts of vehicle license fees and renewal vehicle license fees that are not distributed otherwise under this section must be deposited in the motor vehicle fund.

**Sec. 804.** RCW 46.68.035 and 2006 c 337 s 1 are each amended to read as follows:

The director shall forward all proceeds from ((combined)) vehicle ((licensing)) license fees received by the director for vehicles ((licensed)) registered under ((RCW 46.16.070 and 46.16.085 shall be forwarded)) sections 530, 531(1)(c) and (k), and 535(1)(c) of this act to the state treasurer to be distributed into accounts according to the following method:

(1) ((The sum of two dollars for each vehicle shall be deposited into the multimodal transportation account, except that for each vehicle registered by a county auditor or agent to a county auditor pursuant to RCW 46.01.140, the sum of two dollars shall be credited to the current county expense fund.

(2) The remainder and the proceeds from the license fee under RCW 46.16.086 and the farm vehicle trip permit under RCW 46.16.162 shall be distributed as follows:

(a)) 22.36 percent ((shall)) must be deposited into the state patrol highway account of the motor vehicle fund;

((b)) (2) 1.375 percent ((shall)) must be deposited into the Puget Sound ferry operations account of the motor vehicle fund;

((c)) (3) 5.237 percent ((shall)) must be deposited into the transportation 2003 account (nickel account);

((d)) (4) 11.533 percent ((shall)) must be deposited into the transportation partnership account created in RCW 46.68.290; and

((e)) (5) The remaining proceeds ((shall)) must be deposited into the motor vehicle fund.

**NEW SECTION. Sec. 805.** A new section is added to chapter 46.68 RCW to read as follows:

At least quarterly, the department shall transmit donations made to the organ and tissue donation awareness account under RCW 46.16.076(2) (as recodified by this act) to the foundation established for organ and tissue donation awareness purposes by the Washington state organ procurement organizations. All Washington state organ procurement organizations have proportional access to these funds to conduct public education in their service areas.

**NEW SECTION. Sec. 806.** A new section is added to chapter 46.68 RCW to read as follows:

All receipts from the voluntary donation received under RCW 46.16.076(3) (as recodified by this act) must be deposited in the state parks renewal and stewardship account established in RCW 79A.05.215 to be used for the operation and maintenance of state parks.

**Sec. 807.** RCW 46.68.220 and 2009 c 470 s 712 are each amended to read as follows:

The department of licensing services account is created in the motor vehicle fund. All receipts from service fees received under ~~((RCW 46.01.140(4)(b) shall))~~ section 503 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for:

(1) Information and service delivery systems for the department~~((and for))~~;

(2) Reimbursement of county licensing activities; and

(3) County auditor or other agent and subagent support including, but not limited to, the replacement of department-owned equipment in the possession of county auditors or other agents and subagents appointed by the director. During the 2007-2009 and 2009-2011 fiscal biennia, the legislature may transfer from the department of licensing services account such amounts as reflect the excess fund balance of the account.

**NEW SECTION. Sec. 808.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The special license plate applicant trust account is created in the custody of the state treasurer. All receipts from special license plate applicants must be deposited into the account. Only the director or the director's designee may authorize disbursements from the account. The account is not subject to the allotment procedures under chapter 43.88 RCW, and an appropriation is not required for disbursements.

(2)(a) Revenues generated from the sale of special license plates for those sponsoring organizations that used the application process in section 606 of this act must be deposited into the motor vehicle fund until the department determines that the state's implementation costs have been fully reimbursed.

(b) When it is determined that the state has been fully reimbursed, the department must notify the house of representatives and senate transportation committees, the sponsoring organization, and the state treasurer, and commence the distribution of the revenue as otherwise provided by law.

(3) If reimbursement does not occur within two years from the date the plate is first offered for sale to the public, the special license plate series must be placed in probationary status for a period of one year from that date. If the state is still not fully reimbursed for its implementation costs after the one-year probation, the plate series must be discontinued immediately. Special license plates issued before discontinuation are valid until replaced under section 422(10) of this act.

**NEW SECTION. Sec. 809.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under section 521 of this act that were approved by the special license plate review board under section 611 of this act;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle account until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special

license plate fee amounts for each special license plate to the following appropriate account:

| ACCOUNT  | CONDITIONS FOR USE OF FUNDS  |
|--|--|
| Gonzaga university alumni association                    | Scholarship funds to needy and qualified students attending or planning to attend Gonzaga university   |
| Helping kids speak                                       | Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development   |
| Law enforcement memorial                                 | Provide support and assistance to survivors and families of law enforcement officers in Washington killed in the line of duty and to organize, finance, fund, construct, utilize, and maintain a memorial on the state capitol grounds to honor those fallen officers  |
| Lighthouse environmental programs                        | Support selected Washington state lighthouses that are accessible to the public and staffed by volunteers; provide environmental education programs; provide grants for other Washington lighthouses to assist in funding infrastructure preservation and restoration; encourage and support interpretive programs by lighthouse docents |
| Share the road   | Promote bicycle safety and awareness education in communities throughout Washington  |
| Ski & ride Washington                                    | Promote winter snowsports, such as skiing and snowboarding, and related programs, such as ski and ride safety programs, underprivileged youth ski and ride programs, and active, healthy lifestyle programs  |
| Washington state council of firefighters benevolent fund | Receive and disseminate funds for charitable purposes on behalf of members of the Washington state council of firefighters, their families, and others deemed in need  |
| Washington's national park fund                          | Build awareness of Washington's national parks and support priority park programs and projects in Washington's national parks, such as enhancing visitor experience, promoting volunteerism, engaging communities, and providing educational opportunities related to Washington's national parks  |

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We love our pets Support and enable the Washington federation of animal welfare and control agencies to promote and perform spay/neuter surgery of Washington state pets in order to reduce pet population

Wild on Washington RCW 77.12.170 Dedicated to the department of fish and wildlife's game species management activities. Dedicated to the department of fish and wildlife's watchable wildlife activities, as defined in RCW 77.32.560

(3) Only the director or the director's designee may authorize expenditures from the accounts described in subsection (2) of this section. The accounts are subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) Funds in the special license plate accounts described in subsection (2) of this section must be disbursed subject to the conditions described in subsection (2) of this section and under contract between the department and qualified nonprofit organizations that provide the services described in subsection (2) of this section.

(5) For the purposes of this section, a "qualified nonprofit organization" means a not-for-profit corporation operating in Washington that has received a determination of tax exempt status under 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must meet all the requirements under RCW 46.16.735(1) (as recodified by this act).

**NEW SECTION. Sec. 810.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The department shall:

(a) Collect special license plate fees established under section 521 of this act that were approved by the special license plate review board under section 611 of this act;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the proceeds to the motor vehicle fund until the department determines that the state has been reimbursed for the cost of implementing the special license plate. Upon determination by the department that the state has been reimbursed, the state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

| SPECIAL LICENSE PLATE TYPE       | ACCOUNT        | CONDITIONS FOR USE OF FUNDS  |
|----------------------------------|----------------|--|
| Armed forces                     | RCW 43.60A.140 | N/A  |
| Endangered wildlife              | RCW 77.12.170  | Must be used only for the department of fish and wildlife's endangered wildlife program activities |
| Keep kids safe                   | RCW 43.121.100 | As specified in RCW 43.121.050   |
| Washington state parks           | RCW 79A.05.059 | Provide public educational opportunities and enhancement of Washington state parks                 |
| Washington's wildlife collection | RCW 77.12.170  | Only for the department of fish and  |

**NEW SECTION. Sec. 811.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The department shall:

(a) Collect special license plates fees established under section 521(1) (c) and (e) of this act;

(b) Deduct an amount not to exceed twelve dollars for initial issue and two dollars for renewal issue for administration and collection expenses incurred by it; and

(c) Remit the remaining proceeds to the custody of the state treasurer with a proper identifying detailed report.

(2) The state treasurer shall credit the remaining special license plate fees to the following accounts by special license plate type:

| SPECIAL LICENSE PLATE TYPE | ACCOUNT        | PURPOSE  |
|----------------------------|----------------|--|
| Baseball stadium           | A county       | To pay the principal and interest payments on bonds issued by the county to construct a baseball stadium, as defined in RCW 82.14.0485, including reasonably necessary preconstruction costs, while the taxes are being collected under RCW 82.14.360. After the principal and interest payments on bonds have been made, the state treasurer shall credit the funds to the state general fund |
| Collegiate                 | RCW 28B.10.890 | Student scholarships   |

**NEW SECTION. Sec. 812.** A new section is added to chapter 46.68 RCW to read as follows:

The vehicle identification number inspection fee collected under section 514 of this act must be distributed as follows:

(1) Fifteen dollars to the state patrol highway account created in RCW 46.68.030; and

(2) Fifty dollars to the motor vehicle fund created in RCW 46.68.070.

**NEW SECTION. Sec. 813.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The motor vehicle weight fee imposed under section 533(1) of this act must be deposited every July 1st as follows:

(a) Three million dollars to the freight mobility multimodal account created in RCW 46.68.310; and

(b) The remainder to the multimodal transportation account created in RCW 47.66.070.

(2) The motor vehicle weight fee:

(a) Must be used for transportation purposes;

(b) May not be used for the general support of state government; and

(c) Is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for transportation purposes, or for facilities and activities that reduce the number of vehicles or load weights on the state roads and highways.

(3) The motor home vehicle weight fee imposed under section 533(2) of this act must be deposited in the multimodal transportation account created in RCW 47.66.070.

**NEW SECTION. Sec. 814.** A new section is added to chapter 46.68 RCW to read as follows:

The department temporary permit fee imposed under section 535(1)(b) of this act must be distributed as follows:

(1) If collected by the department, the fee must be distributed under RCW 46.68.030; and

(2) If collected by the county auditor or other agent or subagent, the fee must be distributed to the county current expense fund.

**NEW SECTION. Sec. 815.** A new section is added to chapter 46.68 RCW to read as follows:

(1) The vehicle trip permit fee imposed under section 535(1)(h) of this act must be distributed as follows:

(a) Five dollars to the state patrol highway account for commercial motor vehicle inspections;

(b) A one dollar excise tax to the state general fund;

(c) The amount of the filing fee imposed under section 501(1)(a) of this act to be credited as required under section 819 of this act; and

(d) The remainder to the credit of the motor vehicle fund created in RCW 46.68.070 as an administrative fee.

(2) The administrative fee under subsection (1)(d) of this section must be increased or decreased in an equal amount if the amount of the filing fee imposed under section 501(1)(a) of this act increases or decreases, so that the total trip permit fee is adjusted equally to compensate.

(3) The vehicle trip permit surcharge imposed under section 535(4) of this act must be distributed as follows:

(a) The portion of the surcharge paid by motor carriers to the motor vehicle fund created in RCW 46.68.070 for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program; and

(b) The remainder to the motor vehicle fund created in RCW 46.68.070 for the purpose of supporting congestion relief programs.

**NEW SECTION. Sec. 816.** A new section is added to chapter 46.68 RCW to read as follows:

The parking ticket surcharge imposed under section 504 of this act must be distributed as follows:

(1) Ten dollars to the motor vehicle fund created in RCW 46.68.070 to be used exclusively for the administrative costs of the department; and

(2) Five dollars to be retained by the department, county auditor or other agent, or subagent appointed by the director handling the renewal application to be used for the administration of the parking ticket program.

**NEW SECTION. Sec. 817.** A new section is added to chapter 46.68 RCW to read as follows:

The special fuel trip permit fee imposed under section 535(1)(f) of this act for special fuel trip permits issued under RCW 82.38.100 must be distributed as follows:

(1) One dollar to be retained by the county auditor or businesses appointed by the department to defray expenses incurred in handling and selling special fuel trip permits;

(2) Five dollars to the state patrol highway account to be used for commercial motor vehicle inspections;

(3) Five dollars to the motor vehicle fund to be distributed as follows:

(a) If paid by motor carriers, to be used for supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program;

(b) If paid by a person other than a motor carrier, to be used for supporting congestion relief programs; and

(4) Nineteen dollars to the credit of the motor vehicle fund created in RCW 46.68.070.

**Sec. 818.** RCW 46.16.685 and 2009 c 470 s 704 are each amended to read as follows:

The license plate technology account is created in the state treasury. All receipts collected under ~~(RCW 46.01.140(4)(e)(ii))~~ section 502 of this act must be deposited into this account. Expenditures from this account must support current and future license plate technology and systems integration upgrades for both the department and correctional industries. Moneys in the account may be spent only after appropriation. Additionally, the moneys in this account may be used to reimburse the motor vehicle account for any appropriation made to implement the digital license plate system. During the 2009-2011 fiscal biennium, the legislature may transfer from the license plate technology account to the highway safety account such amounts as reflect the excess fund balance of the license plate technology account.

**NEW SECTION. Sec. 819.** A new section is added to chapter 46.68 RCW to read as follows:

A filing fee established in section 501 of this act must be distributed as follows:

(1) If paid to the county auditor or other agent or subagent appointed by the director, the fee must be distributed to the county treasurer and credited to the county current expense fund.

(2) If the fee is paid to another agent of the director, the fee must be used by the agent to defray his or her expenses in handling the application.

(3) If the fee is collected by the state patrol as agent for the director, the fee must be certified to the state treasurer and deposited to the credit of the state patrol highway account.

(4) If the fee is collected by the department of transportation as agent for the director, the fee must be certified to the state treasurer and deposited to the credit of the motor vehicle fund created in RCW 46.68.070.

(5) If the fee is collected by the director or branches of the department, the fee must be certified to the state treasurer and deposited to the credit of the highway safety fund, except that two dollars of the fee must be deposited into the multimodal transportation account if the fee is collected in conjunction with section 530 or 531(1) (c) or (k).

**NEW SECTION. Sec. 820.** A new section is added to chapter 46.68 RCW to read as follows:

The emergency medical services fee imposed under section 509 of this act must be distributed as follows:

(1) If collected by a vehicle dealer, the vehicle dealer must keep two dollars and fifty cents as an administrative fee and the remainder must be deposited in the emergency medical services and trauma care system trust account created in RCW 70.168.040; and

(2) If not collected by a vehicle dealer, the fee must be deposited in the emergency medical services and trauma care system trust account created in RCW 70.168.040.

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**NEW SECTION. Sec. 821.** A new section is added to chapter 46.68 RCW to read as follows:

(1) All revenue derived from personalized license plate fees provided for in section 520 of this act must be forwarded to the state treasurer and deposited as follows:

(a) Ten dollars to the state wildlife account and used for the management of resources associated with the nonconsumptive use of wildlife;

(b) Two dollars to the wildlife rehabilitation account created under RCW 77.12.471; and

(c) The remainder to the state wildlife account to be used for the preservation, protection, perpetuation, and enhancement of nongame species of wildlife including, but not limited to, song birds, raptors, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates.

(2) Administrative costs incurred by the department as a direct result of administering the personalized license plate program must be appropriated by the legislature from the state wildlife account from those funds deposited in the account resulting from the sale of personalized license plates. If the actual costs incurred by the department are less than that which has been appropriated by the legislature, the remainder must revert to the state wildlife account.

**Sec. 822.** RCW 46.09.110 and 2007 c 241 s 14 are each amended to read as follows:

The moneys collected by the department for ORV registrations, temporary ORV use permits, decals, and tabs under this chapter ~~((shall))~~ and chapter 46.17 RCW must be distributed from time to time, but at least once a year, in the following manner:

~~(1) The department shall retain enough money to cover expenses incurred in the administration of this chapter~~~~((: PROVIDED, That such retention shall))~~. The amount kept by the department must never exceed eighteen percent of fees collected.

~~(2) The remaining moneys~~ ~~((shall))~~ must be distributed for ~~((ORV))~~ off-road vehicle recreation facilities by the board in accordance with RCW 46.09.170(2)(d)(ii)(A) (as recodified by this act).

**Sec. 823.** RCW 46.10.075 and 1991 sp.s. c 13 s 9 are each amended to read as follows:

~~((There is created a))~~ (1) The snowmobile account is created within the state treasury. Snowmobile registration fees, monetary civil penalties from snowmobile dealers, and snowmobile fuel tax moneys collected under this chapter and chapter 46.17 RCW and in excess of the amounts fixed for the administration of the registration and fuel tax provisions of this chapter ~~((shall))~~ must be deposited ~~((in))~~ into the ~~((snowmobile))~~ account and ~~((shall))~~ must be appropriated only to the state parks and recreation commission for the administration and coordination of this chapter.

(2) The moneys collected by the department as snowmobile registration fees, monetary civil penalties from snowmobile dealers, and fuel tax moneys placed into the account must be distributed in the following manner:

(a) Actual expenses not to exceed three percent for each year must be retained by the department to cover expenses incurred in the administration of the registration and fuel tax provisions of this chapter; and

(b) The remainder of funds each year must be remitted to the state treasurer to be deposited into the snowmobile account of the general fund and must be appropriated only to the commission to be expended for snowmobile purposes. Purposes may include, but not necessarily be limited to, the administration, acquisition, development, operation, and maintenance of snowmobile facilities and development and implementation of snowmobile safety, enforcement, and education programs.

(3) This section is not intended to discourage any public agency

in this state from developing and implementing snowmobile programs. The commission may award grants to public agencies and contract with any public or private agency or person for the purpose of developing and implementing snowmobile programs, as long as the programs are not inconsistent with the rules adopted by the commission.

## PART IX. TAXES

**Sec. 901.** RCW 35.95A.090 and 2002 c 248 s 10 are each amended to read as follows:

(1) Every authority has the power to fix and impose a fee, not to exceed one hundred dollars per vehicle, for each vehicle that is subject to relicensing tab fees under ~~((RCW 46.16.062))~~ section 531(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q) of this act and for each vehicle that is subject to ~~((RCW 46.16.070))~~ section 530 of this act with ~~((an unladen))~~ a scale weight of six thousand pounds or less, and that is determined by the department of licensing to be registered within the boundaries of the authority area. The department of licensing must provide an exemption from the fee for any vehicle the owner of which demonstrates is not operated within the authority area.

(2) The department of licensing will administer and collect the fee. The department will deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds will be remitted to the custody of the state treasurer for monthly distribution to the authority.

(3) The authority imposing this fee will delay the effective date at least six months from the date the fee is approved by the qualified voters of the authority area to allow the department of licensing to implement administration and collection of the fee.

(4) Before any authority may impose any of the fees authorized under this section, the authorization for imposition of the fees must be approved by a majority of the qualified electors of the authority area voting.

**Sec. 902.** RCW 35.95A.130 and 2002 c 248 s 14 are each amended to read as follows:

The special excise tax imposed under RCW 35.95A.080(1) will be collected at the same time and in the same manner as relicensing tab fees under ~~((RCW 46.16.062))~~ section 531(1) (a), (c), (d), (e), (g), (h), (j), and (n) through (q) of this act and RCW 35.95A.090. Every year on January 1st, April 1st, July 1st, and October 1st the department of licensing shall remit special excise taxes collected on behalf of an authority, back to the authority, at no cost to the authority. Valuation of motor vehicles for purposes of the special excise tax imposed under RCW 35.95A.080(1) must be consistent with chapter 82.44 RCW.

**Sec. 903.** RCW 81.104.160 and 2009 c 280 s 4 are each amended to read as follows:

An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle

excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

**Sec. 904.** RCW 82.12.045 and 2003 c 361 s 303 are each amended to read as follows:

(1) In the collection of the use tax on ~~((motor))~~ vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for ~~((the registration of, and))~~ transfer of certificate of title to ~~((;))~~ the ~~((motor))~~ vehicle, except ~~((in the following instances))~~ when the applicant:

(a) ~~((Where the applicant))~~ Exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer;

(b) ~~((Where the application is for the renewal of registration; —(c) Where the applicant))~~ Presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or

~~((d) Where the applicant))~~ (c) Presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by the applicant on the vehicle in question.

(2) ~~((The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses))~~ As used in this section, "vehicle" has the same meaning as in RCW 46.04.670.

(3) It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon the application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor.

(4) Each county auditor who acts as agent of the department of revenue shall at the time of remitting vehicle license fee receipts on ~~((motor))~~ vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as a collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

(5) Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he or she has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within the statutory period for assessment of taxes, penalties, or interest prescribed by RCW 82.32.050~~((;))~~ (4). Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180, and 82.32.190.

(6) The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 ~~((to))~~ through 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

(7) The use tax revenue collected on the rate provided in RCW 82.08.020(3) shall be deposited in the multimodal transportation account under RCW 47.66.070.

**Sec. 905.** RCW 82.12.0254 and 2009 c 503 s 2 are each amended to read as follows:

(1) The provisions of this chapter do not apply in respect to the use of:

(a) Any airplane used primarily in (i) conducting interstate or foreign commerce or (ii) providing intrastate air transportation by a commuter air carrier as defined in RCW 82.08.0262;

(b) Any locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state;

(c) Tangible personal property that becomes a component part of any such airplane, locomotive, railroad car, or watercraft in the course of repairing, cleaning, altering, or improving the same; and

(d) Labor and services rendered in respect to such repairing, cleaning, altering, or improving.

(2) The provisions of this chapter do not apply in respect to the use by a nonresident of this state of any ~~((motor))~~ vehicle ~~((or trailer))~~ used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such ~~((motor))~~ vehicle ~~((or trailer))~~ is registered ~~((and licensed))~~ in a foreign state and in respect to the use by a nonresident of this state of any ~~((motor))~~ vehicle ~~((or trailer))~~ so registered ~~((and licensed))~~ and used within this state for a period not exceeding fifteen consecutive days under such rules as the department must adopt. However, under circumstances determined to be justifiable by the department a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein includes a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents applies only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user's place of business in another state.

(3) The provisions of this chapter do not apply in respect to the use by the holder of a carrier permit issued by the interstate commerce commission or its successor agency of any ~~((motor))~~ vehicle ~~((or trailer))~~ whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user's business for transporting therein persons or property for hire across the boundaries of this state; and in respect to the use of any ~~((motor))~~ vehicle ~~((or trailer))~~ while being operated under the authority of a ~~((one transit))~~ trip permit issued by the director of licensing pursuant to RCW 46.16.160 (as recodified by this act) and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any ~~((motor))~~ vehicle ~~((or trailer))~~ used by the holder of a carrier permit issued by the interstate commerce commission or its successor agency authorizing transportation by motor vehicle across the boundaries of this state whether such ~~((motor))~~ vehicle ~~((or trailer))~~ is owned by or leased with or without driver to the permit holder, in the course of repairing, cleaning, altering, or improving the same; also the use of labor and services rendered in respect to such repairing, cleaning, altering, or improving.

**Sec. 906.** RCW 82.36.280 and 1998 c 176 s 36 are each amended to read as follows:

Any person who uses any motor vehicle fuel for the purpose of operating any internal combustion engine not used on or in conjunction with any motor vehicle ~~((licensed))~~ registered to be operated ~~((over and along))~~ on any of the public highways, and as the motive power thereof, upon which motor vehicle fuel excise tax

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has been paid, shall be entitled to and shall receive a refund of the amount of the motor vehicle fuel excise tax paid on each gallon of motor vehicle fuel so used, whether such motor vehicle excise tax has been paid either directly to the vendor from whom the motor vehicle fuel was purchased or indirectly by adding the amount of such excise tax to the price of such fuel. No refund shall be made for motor vehicle fuel consumed by any motor vehicle as herein defined that is required to be registered (~~and licensed~~) as provided in chapter 46.16 RCW; and is operated (~~over and along~~) on any public highway except that a refund shall be allowed for motor vehicle fuel consumed:

(1) In a motor vehicle owned by the United States that is operated off the public highways for official use; and

(2) By auxiliary equipment not used for motive power, provided such consumption is accurately measured by a metering device that has been specifically approved by the department or is established by either of the following formulae:

(a) For fuel used in pumping fuel or heating oils by a power take-off unit on a delivery truck, refund shall be allowed claimant for tax paid on fuel purchased at the rate of three-fourths of one gallon for each one thousand gallons of fuel delivered: PROVIDED, That claimant when presenting his or her claim to the department in accordance with the provisions of this chapter, shall provide to said claim, invoices of fuel oil delivered, or such other appropriate information as may be required by the department to substantiate his or her claim; or

(b) For fuel used in operating a power take-off unit on a cement mixer truck or load compactor on a garbage truck, claimant shall be allowed a refund of twenty-five percent of the tax paid on all fuel used in such a truck; and

(c) The department is authorized to establish by rule additional formulae for determining fuel usage when operating other types of equipment by means of power take-off units when direct measurement of the fuel used is not feasible. The department is also authorized to adopt rules regarding the usage of on board computers for the production of records required by this chapter.

**Sec. 907.** RCW 82.38.100 and 2007 c 515 s 25 and 2007 c 419 s 17 are each reenacted and amended to read as follows:

(1) Any special fuel user operating a motor vehicle (~~into~~) in this state for commercial purposes may (~~make application~~) apply for a special fuel trip permit (~~that shall be~~). The permit:

(a) Is good for a period of three consecutive days beginning and ending on the dates (~~specified~~) shown on the face of the permit issued (~~and~~);

(b) Is valid only for the vehicle for which it is issued (~~and~~);  
~~(2) Every permit shall);~~

(c) Must identify, as the department may require, the vehicle for which it is issued; and (~~shall~~);

(d) Must be completed in its entirety, signed, and dated by the operator before operation of the vehicle on the public highways of this state.

(2) Correction of data on the permit such as dates, vehicle license number, or vehicle identification number invalidates the permit. A violation of, or a failure to comply with, this subsection is a gross misdemeanor.

(3) (For each permit issued, there shall be collected a filing fee of one dollar, an administrative fee of fifteen dollars, and an excise tax of nine dollars. Such fees and tax shall be in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state, and no report of mileage shall be required with respect to such vehicle. Trip permits will not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed. Five dollars from every fifteen-dollar

administration fee shall be deposited into the state patrol highway account and must be used for commercial motor vehicle inspections.

(4)) Blank special fuel trip permits may be obtained from field offices of the department of transportation, department of licensing, county auditors or other agents, or subagents appointed by the department for the fee provided in section 535 (1)(f) and (4) of this act. ((The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(5) A surcharge of five dollars is imposed on the issuance of trip permits. The portion of the surcharge paid by motor carriers must be deposited in the motor vehicle fund for the purpose of supporting vehicle weigh stations, weigh-in-motion programs, and the commercial vehicle information systems and networks program. The remaining portion of the surcharge must be deposited in the motor vehicle fund for the purpose of supporting congestion relief programs. All other fees and excise taxes collected by the department for trip permits shall be credited and deposited in the same manner as the special fuel tax collected under this chapter and shall not be subject to exchange, refund, or credit.) The fee is in lieu of the special fuel tax otherwise assessable against the permit holder for importing and using special fuel in a motor vehicle on the public highways of this state. A report of mileage may not be required with respect to the motor vehicle. Special fuel trip permits may not be issued if the applicant has outstanding fuel taxes, penalties, or interest owing to the state or has had a special fuel license revoked for cause and the cause has not been removed.

(4) Special fuel trip permits are not subject to exchange, refund, or credit.

NEW SECTION. Sec. 908. A new section is added to chapter 82.44 RCW to read as follows:

(1) The motor vehicle excise tax authorized under this chapter applies to the following vehicles:

(a) Commercial trailers, as defined in section 110 of this act;

(b) Farm trucks registered under RCW 46.16.090 (as recodified by this act);

(c) Fixed load vehicles, as defined in section 116 of this act;

(d) Motor homes, as defined in RCW 46.04.305;

(e) Motor trucks, as defined in RCW 46.04.310, with a scale weight greater than six thousand pounds;

(f) Motor vehicles, as defined in RCW 46.04.320; and

(g) Trailers, as defined in RCW 46.04.620.

(2) The motor vehicle excise tax authorized under this chapter does not apply to the following vehicles:

(a) Campers, as defined in RCW 46.04.085;

(b) Dock and warehouse tractors and their cars or trailers;

(c) Equipment not designed primarily for use on public highways;

(d) Exempt registered vehicles;

(e) Lumber carriers of the type known as spiders;

(f) Mobile homes, as defined in RCW 46.04.302;

(g) Passenger motor vehicles, as described in RCW 82.44.015;

(h) Travel trailers, as defined in RCW 46.04.623;

(i) Vehicles not used on the public highways; and

(j) Vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of Washington if the nonresident military member was a nonresident of this state when enlisted into military service.

**Sec. 909.** RCW 82.44.015 and 1996 c 244 s 7 are each amended to read as follows:

((For the purposes of this chapter, in addition to the exclusions under RCW 82.44.010, "motor vehicle" shall not include))

~~(1) Passenger motor vehicles used primarily for commuter ride sharing and ride sharing for persons with special transportation needs, as defined in RCW 46.74.010(—The registered owner of one of these vehicles shall notify the department of licensing upon termination of primary use of the vehicle in commuter ride sharing or ride sharing for persons with special transportation needs and shall be liable for the tax imposed by this chapter, prorated on the remaining months for which the vehicle is licensed), are not subject to the motor vehicle excise tax authorized under this chapter.~~

~~(2) To qualify for the motor vehicle excise tax exemption, ((those)) passenger motor vehicles ((with)) must:~~

~~(a) Have a seating capacity of five or six passengers, including the driver(⁠);~~

~~(b) Be used for commuter ride-sharing(—must);~~

~~(c) Be operated either within:~~

~~(i) The state's eight largest counties that are required to develop commute trip reduction plans as directed by chapter 70.94 RCW; or (ii) In other counties, or cities and towns within those counties, that elect to adopt and implement a commute trip reduction plan(—Additionally); and~~

~~(d) Meet at least one of the following conditions ((must apply)):~~

~~((4)) (i) The vehicle must be operated by a public transportation agency for the general public; ((or(2))~~

~~(ii) The vehicle must be used by a major employer, as defined in RCW 70.94.524 as an element of its commute trip reduction program for their employees; or ((3))~~

~~(iii) The vehicle must be owned and operated by individual employees and must be registered either with the employer as part of its commute trip reduction program or with a public transportation agency serving the area where the employees live or work. Individual employee owned and operated motor vehicles will require certification that the vehicle is registered with a major employer or a public transportation agency. Major employers who own and operate motor vehicles for their employees must certify that the commuter ride-sharing arrangement conforms to a carpool/vanpool element contained within their commute trip reduction program.~~

~~(3) The registered owner of a passenger motor vehicle described in subsection (2) of this section:~~

~~(a) Shall notify the department upon the termination of the primary use of the vehicle in commuter ride sharing or ride sharing for persons with special transportation needs; and~~

~~(b) Is liable for the motor vehicle excise tax imposed under this chapter, prorated on the remaining months for which the vehicle is registered.~~

**Sec. 910.** RCW 82.44.035 and 2006 c 318 s 1 are each amended to read as follows:

(1) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a truck(~~—type power or trailing unit~~) or trailer shall be the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year shall be considered the first year of service.

| YEAR OF SERVICE | PERCENTAGE |
|-----------------|------------|
| 1               | 100        |
| 2               | 81         |
| 3               | 67         |
| 4               | 55         |

|             |    |
|-------------|----|
| 5           | 45 |
| 6           | 37 |
| 7           | 30 |
| 8           | 25 |
| 9           | 20 |
| 10          | 16 |
| 11          | 13 |
| 12          | 11 |
| 13          | 9  |
| 14          | 7  |
| 15          | 3  |
| 16 or older | 0  |

(2) The reissuance of a certificate of title and registration certificate for a truck(~~—type power or trailing unit~~) or trailer because of the installation of body or special equipment shall be treated as a sale, and the value of the truck(~~—type power or trailing unit~~) or trailer at that time, as determined by the department from such information as may be available, shall be considered the latest purchase price.

(3) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a (~~motor~~) vehicle other than a truck(~~—type power or trailing unit~~) or trailer shall be eighty-five percent of the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection (3) based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department shall determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department shall determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department shall establish a value that more closely represents the average value of similar vehicles of the same year and model. The value determined in this subsection (3)(a) shall be divided by the applicable percentage listed in (b) of this subsection (3) to establish a value equivalent to a manufacturer's base suggested retail price and this value shall be multiplied by eighty-five percent.

(b) The year the vehicle is offered for sale as a new vehicle shall be considered the first year of service.

| YEAR OF SERVICE | PERCENTAGE |
|-----------------|------------|
| 1               | 100        |
| 2               | 81         |



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|             |    |
|-------------|----|
| 3           | 72 |
| 4           | 63 |
| 5           | 55 |
| 6           | 47 |
| 7           | 41 |
| 8           | 36 |
| 9           | 32 |
| 10          | 27 |
| 11          | 26 |
| 12          | 24 |
| 13          | 23 |
| 14          | 21 |
| 15          | 16 |
| 16 or older | 10 |

has been registered in another jurisdiction subsequent to any prior registration in this state.

~~((No))~~ (3) An additional tax ~~((shall))~~ may not be imposed under this chapter ~~((upon))~~ on any vehicle ~~((upon the transfer of ownership thereof))~~ when the certificate of title is being transferred if the tax ~~((imposed with respect to such vehicle))~~ has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

**Sec. 912.** RCW 82.44.065 and 2006 c 318 s 5 are each amended to read as follows:

If the department determines a value for a ~~((motor))~~ vehicle equivalent to a manufacturer's base suggested retail price or the value of a truck~~((type power or trailing unit))~~ or trailer under RCW 82.44.035, any person who pays a locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120.

**Sec. 913.** RCW 82.44.090 and 2006 c 318 s 6 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for the county auditor or any other person to issue a dealer's license or dealer's license plates or a ~~((license))~~ registration or identification plates with respect to any motor vehicle without collecting, with the required vehicle license fee, the amount of any locally imposed motor vehicle excise tax due. Any violation of this section shall constitute a gross misdemeanor.

**Sec. 914.** RCW 82.44.100 and 2006 c 318 s 7 are each amended to read as follows:

The department, county auditor or other agent, or subagent appointed by the director of licensing shall give to each person paying a locally imposed motor vehicle excise tax a receipt ~~((therefor which shall sufficiently designate and identify))~~ identifying the vehicle ((with respect to)) for which the tax is paid. The receipt may be incorporated in the receipt given for the ~~((motor))~~ vehicle license fee or dealer's license fee paid.

**Sec. 915.** RCW 82.44.120 and 2006 c 318 s 8 are each amended to read as follows:

~~((1))~~ Whenever any person has paid a motor vehicle license fee, and together therewith has paid a locally imposed excise tax, and the director determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then the payor shall also be entitled to a refund of the entire excise tax collected under the provisions of this chapter. In case the director determines that any person is entitled to a refund of only a part of the license fee so paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected.

(2) In case no claim is to be made for the refund of the license fee or any part thereof, but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that such person is entitled to a refund in such amount.

(3) In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter and a vehicle license fee pursuant to Title 46 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Conversely, if due to error, the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

(4) For purposes of this chapter, value shall exclude value attributable to modifications of a ~~((motor))~~ vehicle and equipment that are designed to facilitate the use or operation of the ~~((motor))~~ vehicle by a person with a disability.

**Sec. 911.** RCW 82.44.060 and 2006 c 318 s 3 are each amended to read as follows:

(1) Any locally imposed excise tax ((shall be));

(a) Is due ((and payable to the department or its agents)) at the time of registration of a ((motor)) vehicle((. Whenever an application is made to the department or its agents for a license for a motor vehicle there shall be collected,));

(b) Must be paid in full before any registration certificate or license tab may be issued;

(c) Is in addition to ((the amount of the license fee or renewal license fee, the amount of any locally imposed excise tax, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. Locally imposed excise taxes shall)) any other vehicle license fees required by law;

(d) Must be collected by the department, county auditor or other agent, or subagent appointed by the director of licensing before issuing the registration certificate;

(e) Must be collected for each registration year((. Any locally imposed excise tax upon a motor vehicle licensed for the first time in this state shall)); and

(f) Must be levied for one full registration year ((commencing)) beginning on the date of the calendar year designated by the department and ending on the same date of the next succeeding calendar year. For vehicles registered under chapter 46.87 RCW, proportional registration, and for vehicle dealer plates issued under chapter 46.70 RCW, the registration year is the period provided in those chapters. However, the tax shall in no case be less than two dollars except for proportionally registered vehicles.

(2) A ((motor)) vehicle ((shall be)) is deemed ((licensed)) registered for the first time in this state when ((such)) the vehicle was not previously ((licensed)) registered by this state for the registration year immediately preceding the registration year in which the application for ((license)) registration is made or when the vehicle

(4) Any claim for refund of an erroneously excessive amount of excise tax or overpayment of excise tax with a motor vehicle license fee must be filed with the director within three years after the claimed erroneous payment was made.

(5) If the department approves the claim it shall notify the state treasurer to that effect, and the treasurer shall make such approved refunds from the general fund and shall mail or deliver the same to the person entitled thereto.

(6) Any person making any false statement under which he or she obtains any amount of refund to which he or she is not entitled under the provisions of this section is guilty of a gross misdemeanor.

(7)) (1) Refunds of locally imposed motor vehicle excise taxes must be handled in the same manner and under the same terms and conditions as provided in RCW 46.68.010.

(2) A claim for a refund may be made by a person who:

(a) Is not seeking a full refund; and

(b) Believes the amount of the locally imposed motor vehicle excise tax paid was incorrect or too much.

(3) When a claim for a refund is made as provided in subsection (2) of this section, the department shall:

(a) Determine the amount of the locally imposed motor vehicle excise tax that had been greater than the amount actually due, if any; and

(b) Certify to the state treasurer the amount of the partial refund due.

(4) Before a local government subject to this chapter may impose a motor vehicle excise tax, the local government shall contract with the department for reimbursement for any refunds paid to a person by the treasurer.

**Sec. 916.** RCW 82.80.130 and 2006 c 318 s 4 are each amended to read as follows:

(1) Public transportation benefit areas authorized to implement passenger-only ferry service under RCW 36.57A.200 whose boundaries (a) are on the Puget Sound, but (b) do not include an area where a regional transit authority has been formed, may submit an authorizing proposition to the voters and, if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding four-tenths of one percent on the value of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing passenger-only ferry service. The tax must be collected only at the time of vehicle (~~(license)~~) registration renewal under chapter 46.16 RCW. The tax will be imposed on vehicles previously registered in another state or nation when they are initially registered in this state. The tax will not be imposed at the time of sale by a licensed vehicle dealer. In a county imposing a motor vehicle excise tax surcharge under RCW 81.100.060, the maximum tax rate under this section must be reduced to a rate equal to four-tenths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed under RCW 81.100.060. This rate does not apply to vehicles (~~(licensed)~~) registered under RCW 46.16.070 (as recodified by this act) with (~~(an unladen)~~) a scale weight more than six thousand pounds, or to vehicles (~~(licensed)~~) registered under ((RCW 46.16.079, 46.16.085, or)) section 528 of this act, section 531(1)(c) of this act, or RCW 46.16.090 (as recodified by this act).

(2) The department of licensing shall administer and collect the tax in accordance with chapter 82.44 RCW. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds must be remitted to the custody of the state treasurer for monthly distribution to the public transportation benefit area.

(3) The public transportation benefit area imposing this tax shall delay the effective date at least six months from the date the fee is approved by the qualified voters of the authority area to allow the

department of licensing to implement administration and collection of the tax.

(4) Before an authority may impose a tax authorized under this section, the authorization for imposition of the tax must be approved by a majority of the qualified electors of the authority area voting on that issue.

**Sec. 917.** RCW 82.80.140 and 2007 c 329 s 2 are each amended to read as follows:

(1) Subject to the provisions of RCW 36.73.065, a transportation benefit district under chapter 36.73 RCW may fix and impose an annual vehicle fee, not to exceed one hundred dollars per vehicle registered in the district, for each vehicle subject to vehicle license ((tab) fees under ((RCW 46.16.062)) section 531(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q) of this act and for each vehicle subject to gross weight license fees under ((RCW 46.16.070)) section 530 of this act with ((an unladen)) a scale weight of six thousand pounds or less.

(2)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district up to twenty dollars of the vehicle fee authorized in subsection (1) of this section. If the district is countywide, the revenues of the fee shall be distributed to each city within the county by interlocal agreement. The interlocal agreement is effective when approved by the county and sixty percent of the cities representing seventy-five percent of the population of the cities within the county in which the countywide fee is collected.

(b) A district may not impose a fee under this subsection (2):

(i) For a passenger-only ferry transportation improvement unless the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district; or

(ii) That, if combined with the fees previously imposed by another district within its boundaries under RCW 36.73.065(4)(a)(i), exceeds twenty dollars.

If a district imposes or increases a fee under this subsection (2) that, if combined with the fees previously imposed by another district within its boundaries, exceeds twenty dollars, the district shall provide a credit for the previously imposed fees so that the combined vehicle fee does not exceed twenty dollars.

(3) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed one percent of the fees collected, for administration and collection expenses incurred by it. The department shall remit remaining proceeds to the custody of the state treasurer. The state treasurer shall distribute the proceeds to the district on a monthly basis.

(4) No fee under this section may be collected until six months after approval under RCW 36.73.065.

(5) The vehicle fee under this section applies only when renewing a vehicle registration, and is effective upon the registration renewal date as provided by the department of licensing.

(6) The following vehicles are exempt from the fee under this section:

(a) Campers, as defined in RCW 46.04.085;

(b) Farm tractors or farm vehicles, as defined in RCW 46.04.180 and 46.04.181;

((b)) (c) Mopeds, as defined in RCW 46.04.304;

(d) Off-road and nonhighway vehicles, as defined in ((RCW 46.09.020)) section 127 of this act;

((e)) (e) Private use single-axle trailer, as defined in section 132 of this act;

(f) Snowmobiles, as defined in section 145 of this act; and

(g) Vehicles registered under chapter 46.87 RCW and the international registration plan(~~(and~~

~~(d) Snowmobiles as defined in RCW 46.10.010)).~~

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**PART X. VESSELS**  
**A. GENERAL PROVISIONS**

**Sec. 1001.** RCW 88.02.010 and 1983 c 7 s 14 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(2) "Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest, and means registered owner where the reference to owner may be construed as either to registered or legal owner.

(3) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state.

(4) "Department" means the department of licensing.

(5) "Director" means the director of the department of licensing.

(6) "Person" has the same meaning as in RCW 46.04.405.

(7) "Waters of this state" means any waters within the territorial limits of this state as described in 43 U.S.C. Sec. 1312.

**NEW SECTION. Sec. 1002.** A new section is added to chapter 88.02 RCW under the subchapter heading "general provisions" to read as follows:

The department:

(1) Shall provide for the issuance of vessel certificates of title and registration certificates;

(2) May appoint county auditors or other agents or subagents under chapter 46.01 RCW for collecting fees and issuing vessel registration certificates, numbers, and decals; and

(3) May adopt rules under chapter 34.05 RCW to implement this chapter.

**Sec. 1003.** RCW 88.02.035 and 1991 c 339 s 32 are each amended to read as follows:

(1) The department may issue confidential vessel registrations ~~((for law enforcement purposes only))~~ to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) The department shall limit confidential vessel registrations owned or operated by the state of Washington or by any officer or employee ~~((thereof))~~ of the state, to confidential, investigative, or undercover work of state law enforcement agencies.

(3) The director may adopt rules governing applications for and the use of confidential vessel registrations ~~((by law enforcement and other public agencies)).~~

**NEW SECTION. Sec. 1004.** A new section is added to chapter 88.02 RCW under the subchapter heading "general provisions" to read as follows:

(1) Any person charged with the enforcement of this chapter may inspect the registration certificate of a vessel to ascertain the legal and registered ownership of the vessel. A vessel owner or operator who fails to provide the registration certificate for inspection upon the request of any person charged with enforcement of this chapter is a class 2 civil infraction.

(2) The department may require the inspection of vessels that are brought into this state from another state and for which a certificate of title has not been issued and for any other vessel if the department determines that inspection of the vessel will help to verify the accuracy of the information set forth on the application.

**Sec. 1005.** RCW 88.02.055 and 2003 c 53 s 413 are each amended to read as follows:

((1) Whenever any license fee paid under this chapter has been erroneously paid, in whole or in part, the person paying the fee, upon satisfactory proof to the director of licensing, is entitled to a refund

of the amount erroneously paid.

(2) A license fee is refundable in one or more of the following circumstances: (a) If the vessel for which the renewal license was purchased was destroyed before the beginning date of the registration period for which the renewal fee was paid; (b) if the vessel for which the renewal license was purchased was permanently removed from the state before the beginning date of the registration period for which the renewal fee was paid; (c) if the vessel license was purchased after the owner has sold the vessel; (d) if the vessel is currently licensed in Washington and is subsequently licensed in another jurisdiction, in which case any full months of Washington fees between the date of license application in the other jurisdiction and the expiration of the Washington license are refundable; or (e) if the vessel for which the renewal license was purchased is sold before the beginning date of the registration period for which the renewal fee was paid, and the payor returns the new, unused, never affixed license renewal decal to the department before the beginning of the registration period for which the registration was purchased.

(3) Upon the refund being certified as correct to the state treasurer by the director and being claimed in the time required by law, the state treasurer shall mail or deliver the amount of each refund to the person entitled to the refund.

(4) A claim for refund shall not be allowed for erroneous payments unless the claim is filed with the director within three years after such payment was made.

(5) If due to error a person has been required to pay a license fee under this chapter and excise tax which amounts to an overpayment of ten dollars or more, the person is entitled to a refund of the entire amount of the overpayment, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect the additional amount as will constitute full payment of the tax and fees.)

(1) A person who has paid all or part of a vessel registration fee under this chapter is entitled to a refund if the amount was paid in error or if the vessel:

(a) Was destroyed before the new registration period began;

(b) Was permanently removed from Washington state before the new registration period began;

(c) Registration was purchased after the owner sold the vessel;

(d) Was registered in another jurisdiction after the Washington state registration had been purchased. Any full months of Washington state registration fees remaining after the application for out-of- state registration was made are refundable; or

(e) Registration was purchased before the vessel was sold and before the new registration period began. The person who paid the fee must return the unused, never-affixed decals to the department before the new registration period begins.

(2) The department shall refund overpayments of registration fees and watercraft excise tax under chapter 82.49 RCW that are ten dollars or more. A request for a refund is not required.

(3) The department shall certify refunds to the state treasurer as correct and being claimed in the time required by law. The state treasurer shall mail or deliver the amount of each refund to the person who is entitled to the refund.

(4) The department shall not authorize refunds of fees paid in error unless the claim is filed with the director within three years after the fees were paid.

(5) If, due to error, the department, county auditor or other agent, or subagent appointed by the director has failed to collect the full amount of the registration fee and watercraft excise tax due, and the underpayment is in the amount of ten dollars or more, the

department shall charge and collect the additional amount to constitute full payment of the tax and fee.

(6) Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.

**Sec. 1006.** RCW 88.02.110 and 2006 c 29 s 3 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, a violation of this chapter and the rules adopted by the department (~~(pursuant to these statutes)~~) is a misdemeanor punishable only by a fine not to exceed one hundred dollars per vessel for the first violation. Subsequent violations in the same year are subject to the following fines:

(a) For the second violation, a fine of two hundred dollars per vessel;

(b) For the third and successive violations, a fine of four hundred dollars per vessel.

(2) A violation designated in this chapter as a civil infraction (~~(shall)~~) must be punished accordingly pursuant to chapter 7.80 RCW.

(3) After the subtraction of court costs and administrative collection fees, moneys collected under this section (~~(shall)~~) must be credited to the current expense fund of the arresting jurisdiction.

(4) All law enforcement officers (~~(shall have the authority to)~~) may enforce this chapter(~~(s)~~) and the rules adopted by the department (~~(pursuant to these statutes)~~) within their respective jurisdictions(~~(s)~~ ~~PROVIDED, That~~). A city, town, or county may contract with a fire protection district for (~~(such)~~) enforcement of this chapter, and fire protection districts (~~(are authorized to)~~) may engage in (~~(such)~~) enforcement activities.

**Sec. 1007.** RCW 88.02.118 and 2003 c 53 s 414 are each amended to read as follows:

(1) It is a gross misdemeanor punishable as provided under chapter 9A.20 RCW for any person owning a vessel subject to taxation under chapter 82.49 RCW to:

(a) Register a vessel in another state to avoid Washington state vessel excise tax required under chapter 82.49 RCW; ~~(or)~~

(b) Obtain a vessel dealer's (~~(registration)~~) license for the purpose of evading excise tax on vessels under chapter 82.49 RCW.

(2) For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, (~~(no part of)~~) which may not be suspended or deferred.

(3) Excise taxes owed and fines assessed (~~(will)~~) must be deposited in the manner provided under RCW 46.16.010(~~(4)~~) (6).

**Sec. 1008.** RCW 88.02.200 and 1985 c 258 s 11 are each amended to read as follows:

(~~(No)~~) A suit or action (~~(shall ever)~~) may not be commenced or prosecuted against the department (~~(of licensing)~~) or 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 under this chapter (~~(88.02 RCW)~~).

## B. CERTIFICATES OF TITLE

**Sec. 1009.** RCW 88.02.120 and 1985 c 258 s 1 are each amended to read as follows:

It is the intention of the legislature;

(1) To establish a system of certificates of title for vessels (~~(and watercraft)~~) similar to that in existence for motor vehicles(~~(- It is the goal of this legislation that the title)~~) under chapter 46.12 RCW;

(2) That certificates of title become (~~(prima facie)~~) sufficient evidence of ownership of the vessel it describes so that persons may rely upon that certificate; and

(3) That security interest in vessels be perfected solely by notation of a secured party upon the (~~(title)~~) certificate of title. (~~(However, there are title certificates issued prior to June 30, 1985, which may~~

~~not indicate security interests in the certificated vessel. The establishment of a more reliable system will require implementation over several years, as the existing security interests are either satisfied or their perfection is not continued. During this interim period of five years from June 30, 1985, two different classes, class A and class B, of title certificates will be in existence and issued by the department of licensing. The establishment and operation of the system for watercraft and vessels should be patterned upon the system established and operating for motor vehicles and the department of licensing is hereby authorized and directed to adopt the regulations and procedures necessary and desirable to establish such a similar system, excepting only as the same may be inconsistent with this chapter.)~~

**Sec. 1010.** RCW 88.02.070 and 1996 c 315 s 5 are each amended to read as follows:

(1) (~~(The department shall provide for the issuance of vessel certificates of title. Applications for certificates may be made through the agents appointed under RCW 88.02.040. The fee for a vessel certificate of title is five dollars. Fees required for licensing agents under RCW 46.01.140 are in addition to the vessel certificate of title fee. Fees for vessel certificates of title shall be deposited in the general fund.)~~) Security interests in vessels subject to the requirements of this chapter (~~(and attaching after July 1, 1983, shall)~~) must be perfected only by indication upon the vessel's (~~(title)~~) certificate of title. The provisions of chapters 46.12 and 46.16 RCW relating to (~~(motor)~~) vehicle (~~(certificates of)~~) registration certificates, certificates of title(s), certificate issuance, ownership transfer, and perfection of security interests, and other provisions (~~(which)~~) that may be applied to vessels subject to this chapter, may be so applied by rule of the department if they are not inconsistent with this chapter.

(2) (~~(Whenever a vessel is to be registered for the first time as required by this chapter, except for a vessel having a valid marine document as a vessel of the United States, application shall be made at the same time for a certificate of title. Any person who purchases or otherwise obtains majority ownership of any vessel subject to the provisions of this chapter, except for a vessel having a valid marine document as a vessel of the United States, shall within fifteen days thereof apply for a new certificate of title which shows the vessel's change of ownership.~~

(3)) Security interests may be released or acted upon as provided by the law under which they arose or were perfected. (~~(No)~~) A new security interest or renewal or extension of an existing security interest is not affected except as provided under the terms of this chapter and RCW 46.12.095.

((4) Notice shall be given to the issuing authority by the owner indicated on the certificate of registration within fifteen days of the occurrence of any of the following: Any change of address of owner; destruction, loss, abandonment, theft, or recovery of the vessel; or loss or destruction of a valid certificate of registration on the vessel.

(5) Within five days, excluding Saturdays, Sundays, and state and federal holidays, the owner shall notify the department in writing, on the appropriate form, of the date of the sale or transfer, the name and address of the owner and of the transferee, and such description of the vessel, including the hull identification number, the vessel decal number, or both, as may be required by the department.))

**NEW SECTION. Sec. 1011.** A new section is added to chapter 88.02 RCW under the subchapter heading "certificates of title" to read as follows:

(1) An application for a certificate of title must be made at the same time when a vessel is registered for the first time as required under this chapter.

(2) A person who purchases or otherwise obtains majority ownership of any vessel subject to this chapter shall, within fifteen

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days of purchase or obtainment, apply for a new certificate of title that shows the vessel's change of ownership.

(3) This section does not apply to a vessel that has a valid marine document as a vessel of the United States.

**Sec. 1012.** RCW 88.02.180 and 1985 c 258 s 6 are each amended to read as follows:

~~((Each))~~ (1) The application for a ~~((title))~~ certificate ~~((shall require))~~ of title of a vessel must be made by the owner or the owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vessel, including make, model, hull identification number, and type of body;

(b) The name and address of the person who is to be the registered owner of the vessel and, if the vessel is subject to a security interest, the name and address of the secured party; and

(c) Other information the department may require.

(2) The application for a certificate of title must be signed by the person applying to be ~~((designated as))~~ the registered owner ~~((to swear))~~ and be sworn to by that person under penalty of the perjury laws of this state that ~~((he))~~:

(a) The applicant is the owner or an authorized agent of the owner of the vessel~~((, and that it));~~ and

(b) The vessel is free of any claim of lien, mortgage, conditional sale, or other security interest of any person except the person or persons ~~((set forth in))~~ on the application as secured parties.

(3) The application for a certificate of title must be accompanied by:

(a) A draft, money order, certified bank check, or cash for all fees and taxes due for the application for the certificate of title; and

(b) The most recent certificate of title or other satisfactory evidence of ownership.

**NEW SECTION. Sec. 1013.** A new section is added to chapter 88.02 RCW under the subchapter heading "certificates of title" to read as follows:

A vessel owner shall notify the department within fifteen days of any of the following:

(1) A change of address of the owner;

(2) Destruction, loss, abandonment, theft, or recovery of the vessel; or

(3) Loss or destruction of a valid registration certificate issued for the vessel.

**NEW SECTION. Sec. 1014.** A new section is added to chapter 88.02 RCW under the subchapter heading "certificates of title" to read as follows:

(1) A vessel owner shall notify the department in writing within five business days after a vessel is or has been:

(a) Sold;

(b) Given as a gift to another person;

(c) Traded, either privately or to a vessel dealer;

(d) Donated to charity;

(e) Turned over to an insurance company or wrecking yard; or

(f) Disposed of.

(2) A report of sale is properly filed if it is received by the department within five business days after the date of sale or transfer and it includes:

(a) The date of sale or transfer;

(b) The owner's name and address;

(c) The name and address of the person acquiring the vessel;

(d) The vessel hull identification number and vessel registration number; and

(e) A date stamp by the department showing it was received on or before the fifth business day after the date of sale or transfer.

**Sec. 1015.** RCW 88.02.075 and 1997 c 241 s 12 are each amended to read as follows:

((1) If a certificate of ownership, a certificate of registration, or a pair of decals is lost, stolen, mutilated, or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly apply for and may obtain a duplicate certificate or replacement decals upon payment of one dollar and twenty-five cents and furnishing information satisfactory to the department.

(a) An application for a duplicate certificate of title shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the first secured party or, if none, the owner or legal representative of the owner.

(b) An application for a duplicate certificate of registration or replacement decals shall be accompanied by an affidavit of loss or destruction in a form approved by the department and signed by the registered owner or legal representative of the owner.

(2) The duplicate certificate of ownership or registration shall contain the legend, "duplicate." It shall be mailed to the first priority secured party named in it or, if none, to the owner.

(3) A person recovering an original certificate of ownership, certificate of registration, or decal for which a duplicate or replacement has been issued shall promptly surrender the original to the department.)

(1) A legal owner or the legal owner's authorized representative shall promptly apply for a duplicate certificate of title if a certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible. The application for a duplicate certificate of title must:

(a) Include information required by the department;

(b) Be accompanied by an affidavit of loss or destruction;

(c) Be accompanied by the fee required in section 1028(1)(j) of this act.

(2) The duplicate certificate of title must contain the word "duplicate." It must be mailed to the first priority secured party named in it or, if none, to the registered owner.

(3) A person recovering a certificate of title for which a duplicate has been issued shall promptly return the certificate of title that has been recovered to the department.

**NEW SECTION. Sec. 1016.** A new section is added to chapter 88.02 RCW under subchapter heading "certificates of title" to read as follows:

(1) A local health officer may notify the department that a vessel has been:

(a) Declared unfit and prohibited from use as authorized in chapter 64.44 RCW if the vessel has become contaminated as defined in RCW 64.44.010;

(b) Satisfactorily decontaminated and the vessel has been retested according to the written work plan approved by the local health officer.

(2) The department shall brand vessel records and certificates of title when it receives the notification from a local health officer as provided in subsection (1) of this section.

(3) A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a vessel that has been declared unfit and prohibited from use by a local health officer if:

(a) The person has knowledge that the local health officer has issued an order declaring the vessel unfit and prohibiting its use; or

(b) A notification has been placed on the certificate of title under subsection (2) of this section that the vessel has been declared unfit and prohibited from use.

(4) A person may advertise or sell a vessel if a release for reuse document has been issued by a local health officer under chapter 64.44 RCW or a notification has been placed on the certificate of title under subsection (2) of this section that the vessel has been decontaminated and released for reuse.

### C. REGISTRATION CERTIFICATES

**Sec. 1017.** RCW 88.02.020 and 2006 c 29 s 1 are each amended to read as follows:

(1) Except as provided in this chapter, ~~((no))~~ a person may not own or operate any vessel, including a rented vessel, on the waters of this state unless the vessel has been registered and displays a registration number and a valid decal in accordance with this chapter ~~((except that))~~. A vessel ((which)) that has or is required to have a valid marine document as a vessel of the United States is only required to display a valid decal. A violation of this section is a class 2 civil infraction.

(2) A vessel numbered in this state under the federal boat safety act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to be registered under this chapter until the certificate of number issued for the vessel under the federal boat safety act expires. When registering under this chapter, this type of vessel is subject to the amount of excise tax due under chapter 82.49 RCW that would have been due under chapter 82.49 RCW if the vessel had been registered at the time otherwise required under this chapter.

**Sec. 1018.** RCW 88.02.030 and 2007 c 22 s 3 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) A military ~~((or public))~~ vessel ~~((s of))~~ owned by the United States ~~((except recreational type public vessels; —(2) Vessels))~~ government;

(2) A public vessel owned by the United States government, unless the vessel is a type used for recreation;

(3) A vessel clearly identified as being:

(a) Owned by a state ~~((or subdivision thereof))~~, county, or city; and

(b) Used ~~((principally))~~ primarily for governmental purposes ~~((and clearly identifiable as such))~~;

~~((3))~~ (4) A vessel((s)) either (a) registered or numbered under the laws of a country other than the United States((s)) or (b) having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94. Either vessel is exempt from registration only for the first sixty days of use on Washington state waters. On or before the sixty-first day of use ~~((in the))~~ on Washington state waters, any vessel in the state under this subsection ~~((shall))~~ must obtain ~~((an identification document from the department of licensing, its agents, or subagents indicating when the vessel first came into the state. At the time of any issuance of an identification document, a thirty dollar identification document fee shall be paid by the vessel owner to the department of licensing for the cost of providing the identification document by the department of licensing. Five dollars from each such transaction must be deposited in the derelict vessel removal account created in RCW 79.100.100. Any moneys remaining from the fee after the payment of costs and the deposit to the derelict vessel removal account shall be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045. The department of licensing shall adopt rules to implement its duties under this subsection, including issuing and displaying the identification document and collecting the thirty dollar fee))~~ a vessel visitor permit as required under section 1026 of this act;

~~((4))~~ (5) A vessel((s)) that ~~((have been issued))~~ is currently registered or numbered under the laws of the state of principal operation or that has been issued a valid number under federal law ~~((or by an approved issuing authority of the state of principal operation. However, a vessel that is validly registered in another state but that is removed to this state for principal use is subject to registration under this chapter. The issuing authority for this state shall recognize the validity of the numbers previously issued for a period of sixty days after arrival in this state)).~~ However, either

vessel must be registered in Washington state if the state of principal operation changes to Washington state by the sixty-first day after the vessel arrives in Washington state;

~~((5))~~ (6) A vessel((s)) owned by a nonresident if:

(a) The vessel is located upon the waters of this state exclusively for repairs, alteration, or reconstruction, or any testing related to ~~((the repair, alteration, or reconstruction conducted in this state if))~~ these services;

(b) An employee of the ~~((repair, alteration, or construction))~~ facility providing these services is on board the vessel during any testing ~~((However, any vessel owned by a nonresident is located upon the waters of this state exclusively for repairs, alteration, reconstruction, or testing for a period longer than sixty days, that));~~ and

(c) The nonresident ~~((shall))~~ files an affidavit with the department of revenue by the sixty-first day verifying that the vessel is located upon the waters of this state for ~~((repair, alteration, reconstruction, or testing and))~~ these services.

The nonresident shall continue to file ~~((such))~~ an affidavit every sixty days thereafter, ~~((while))~~ as long as the vessel is located upon the waters of this state exclusively for repairs, alteration, reconstruction, or testing;

~~((6))~~ (7) A vessel((s)) equipped with propulsion machinery of less than ten horsepower that:

(a) ~~((Are))~~ Is owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Displays the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) ~~((Are))~~ Is used as a tender for direct transportation between ~~((that))~~ the numbered vessel and the shore and for no other purpose;

~~((7))~~ (8) A vessel((s)) under sixteen feet in overall length ~~((which have))~~ that has no propulsion machinery of any type or ~~((which are))~~ that is not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

~~((8))~~ (9) A vessel((s)) with no propulsion machinery of any type for which the primary mode of propulsion is human power;

~~((9))~~ (10) A vessel((s)) primarily engaged in commerce ~~((which have or are))~~ that has or is required to have a valid marine document as a vessel of the United States. A commercial vessel((s which)) that the department of revenue determines ~~((have))~~ has the external appearance of a vessel((s which)) that would otherwise be required to register under this chapter, must display decals issued annually by the department of revenue that indicate the vessel's exempt status;

~~((10))~~ (11) A vessel((s)) primarily engaged in commerce ~~((which are))~~ that is owned by a resident of a country other than the United States;

~~((11))~~ (12) A vessel((s)) owned by a nonresident ~~((individual))~~ natural person brought into the state for ~~((his or her))~~ use or enjoyment while temporarily within the state for not more than six months in any continuous twelve-month period ~~((unless the vessel is used in conducting a nontransitory business activity within the state. However, the vessel must have))~~ that (a) is currently registered or numbered under the laws of the state of principal use or (b) has been issued a valid number under federal law ~~((or by an approved issuing authority of the state of principal operation))~~. This type of vessel is exempt from registration only for the first sixty days of use on Washington state waters. On or before the sixty-first day of use ~~((in the))~~ on Washington state waters, any vessel ~~((temporarily in the state))~~ under this subsection ~~((shall))~~ must obtain ~~((an identification document from the department of licensing, its agents, or subagents indicating when the vessel first came into the state. An identification document shall be valid for a period of two months. At the time of any issuance of an~~

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~~identification document, a twenty five dollar identification document fee shall be paid by the vessel owner to the department of licensing for the cost of providing the identification document by the department of licensing. Any moneys remaining from the fee after payment of costs shall be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045. The department of licensing shall adopt rules to implement its duties under this subsection, including issuing and displaying the identification document and collecting the twenty five dollar fee) a nonresident vessel permit as required under section 1027 of this act;~~

~~(and~~  
~~(12)) (13) A vessel(s) used in this state by a nonresident individual possessing a valid use permit issued under RCW 82.08.700 or 82.12.700; and~~

~~(14) A vessel held for sale by any licensed dealer.~~

**Sec. 1019.** RCW 88.02.050 and 2007 c 342 s 5 are each amended to read as follows:

(1) An application for (a) vessel registration ((shall) must be made by the owner or the owner's authorized representative to the department ((or its authorized agent in the manner and upon forms prescribed)), county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application ((shall state)) must contain:

(a) The name and address of each owner of the vessel ((and such));

(b) Other information ((as may be required by)) the department((, shall be signed by)) may require; and

(c) The signature of at least one owner((, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW.

~~(2) Five additional dollars must be collected annually from every vessel registration application. These moneys must be distributed in the following manner:~~

~~(a) Two dollars must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two dollar fee must be suspended for the following fiscal year.~~

~~(b) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879.~~

~~(c) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667.~~

~~(d) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400.~~

~~(3) Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the five dollar fee created in subsection (2) of this section).~~

~~((4)) (2) The application for vessel registration must be accompanied by the:~~

~~(a) Vessel registration fee required under section 1028(1)(h) of this act;~~

~~(b) Derelict vessel and invasive species removal fee and derelict vessel removal surcharge required under section 1028(3)(a) of this act;~~

~~(c) Filing fee required under section 1028(1)(d) of this act;~~

~~(d) License plate technology fee required under section 1028(1)(e) of this act;~~

~~(e) License service fee required under section 1028(1)(f) of this act; and~~

~~(f) Watercraft excise tax required under chapter 82.49 RCW.~~

(3) Upon receipt of ~~((the))~~ an application for vessel registration and the ~~((registration))~~ required fees and taxes, the department shall assign a registration number and issue a decal for ~~((each))~~ the vessel. The registration number and decal ~~((shall))~~ must be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels ~~((set forth in volume 33, part 174, of the code of federal regulations))~~ required in 33 C.F.R. Part 174. A valid decal affixed as prescribed shall indicate compliance with the annual registration requirements of this chapter.

~~((5) The)) (4) Vessel registrations and decals are valid for a period of one year, except that the director ((of licensing)) may extend or diminish vessel registration periods((;)) and ~~((the))~~ vessel decals ~~((therefor,))~~ for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period.~~

~~(5) Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the ((vessel registration fee, excise tax, and the derelict vessel fee)) fees and taxes described in subsection (2) of this section. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.~~

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information will be provided to the department by the state parks and recreation commission in a form ready for distribution. The form ~~((will))~~ must be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department ~~((or its authorized agent)), county auditor or other agent, or subagent appointed by the director~~ for transfer of the vessel registration, and the application ~~((shall))~~ must be accompanied by a transfer fee ~~((of one dollar))~~ as required in section 1028(1)(k) of this act.

**Sec. 1020.** RCW 88.02.050 and 2007 c 342 s 6 are each amended to read as follows:

(1) An application for a vessel registration ((shall) must be made by the owner or the owner's authorized representative to the department ((or its authorized agent in the manner and upon forms prescribed)), county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department. The application ((shall state)) must contain:

(a) The name and address of each owner of the vessel ((and such));

(b) Other information ((as may be required by)) the department((, shall be signed by)) may require; and

(c) The signature of at least one owner((, and shall be accompanied by a vessel registration fee of ten dollars and fifty cents per year and the excise tax imposed under chapter 82.49 RCW. In addition, two additional dollars must be collected annually from every vessel registration application. These moneys must be deposited into the derelict vessel removal account established in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under RCW 88.02.270, reaches one million dollars as of March 1st of any year, the collection of the two dollar fee must be suspended for the

~~following fiscal year. Any fees required for licensing agents under RCW 46.01.140 shall be in addition to the ten dollar and fifty cent annual registration fee and the two dollar derelict vessel fee).~~

(2) The application for vessel registration must be accompanied by the:

(a) Vessel registration fee required under section 1028(1)(h) of this act;

(b) Derelict vessel and invasive species removal fee and derelict vessel removal surcharge required under section 1028(3)(b) of this act;

(c) Filing fee required under section 1028(1)(d) of this act;

(d) License plate technology fee required under section 1028(1)(e) of this act;

(e) License service fee required under section 1028(1)(f) of this act; and

(f) Watercraft excise tax required under chapter 82.49 RCW.

(3) Upon receipt of ~~((the))~~ an application ~~((and the))~~ for vessel registration and the required fees and taxes, the department shall assign a registration number and issue a decal for each vessel. The registration number and decal ~~((shall))~~ must be issued and affixed to the vessel in a manner prescribed by the department consistent with the standard numbering system for vessels ~~((set forth in volume 33, part 174, of the code of federal regulations))~~ required in 33 C.F.R. Part 174. A valid decal affixed as prescribed ~~((shall))~~ must indicate compliance with the annual registration requirements of this chapter.

~~((The))~~ (4) Vessel registrations and decals are valid for a period of one year, except that the director ~~((of licensing))~~ may extend or diminish vessel registration periods~~((;))~~ and ~~((the))~~ vessel decals ~~((therefor,))~~ for the purpose of staggered renewal periods. For registration periods of more or less than one year, the department may collect prorated annual registration fees and excise taxes based upon the number of months in the registration period.

(5) Vessel registrations are renewable every year in a manner prescribed by the department upon payment of the ~~((vessel registration fee, excise tax, and the derelict vessel fee))~~ fees and taxes described in subsection (2) of this section. Upon renewing a vessel registration, the department shall issue a new decal to be affixed as prescribed by the department.

(6) When the department issues either a notice to renew a vessel registration or a decal for a new or renewed vessel registration, it shall also provide information on the location of marine oil recycling tanks and sewage holding tank pumping stations. This information ~~((will))~~ must be provided to the department by the state parks and recreation commission in a form ready for distribution. The form ~~((will))~~ must be developed and prepared by the state parks and recreation commission with the cooperation of the department of ecology. The department, the state parks and recreation commission, and the department of ecology shall enter into a memorandum of agreement to implement this process.

(7) A person acquiring a vessel from a dealer or a vessel already validly registered under this chapter shall, within fifteen days of the acquisition or purchase of the vessel, apply to the department ~~((or its authorized agent)), county auditor or other agent, or subagent appointed by the director~~ for transfer of the vessel registration, and the application ~~((shall))~~ must be accompanied by a transfer fee ~~((of one dollar))~~ as required in section 1028(1)(k) of this act.

**NEW SECTION. Sec. 1021.** A new section is added to chapter 88.02 RCW under the subchapter heading "registration certificates" to read as follows:

(1) A registered owner or the registered owner's authorized representative shall promptly apply for a duplicate registration certificate when a registration certificate is lost, stolen, mutilated, or destroyed, or becomes illegible. The application for a duplicate registration certificate must:

(a) Be accompanied by an affidavit of loss or destruction;

(b) Include information required by the department; and

(c) Be accompanied by the fee required in section 1028(1)(c) of this act, in addition to any other fees or taxes required for the transaction.

(2) A person recovering a registration certificate for which a duplicate has been issued shall promptly return the registration certificate that has been recovered to the department.

**NEW SECTION. Sec. 1022.** A new section is added to chapter 88.02 RCW under the subchapter heading "registration certificates" to read as follows:

(1) A registered owner or the registered owner's authorized representative shall promptly apply for a pair of replacement decals when the decals are lost, stolen, mutilated, or destroyed, or become illegible. The application for replacement decals must:

(a) Be accompanied by an affidavit of loss or destruction;

(b) Include information required by the department;

(c) Be accompanied by the fee required in section 1028(1)(i) of this act, in addition to any other fees or taxes required for the transaction.

(2) A person recovering decals for which a replacement has been issued shall promptly return the decals that have been recovered to the department.

**Sec. 1023.** RCW 88.02.052 and 1996 c 3 s 1 are each amended to read as follows:

~~((In conjunction with the registration of vessels under this chapter,))~~ The department shall provide an opportunity for each person registering a vessel under this chapter to make a voluntary donation to support the maritime historic restoration and preservation activities of the Grays Harbor Historical Seaport and the Steamer Virginia V Foundation. All voluntary donations collected under this section ~~((shall))~~ must be deposited in the maritime historic restoration and preservation account created under RCW 88.02.053 (as recodified by this act).

**Sec. 1024.** RCW 88.02.250 and 2006 c 140 s 2 are each amended to read as follows:

~~((1))~~ Any new or used motor driven boat or vessel, as that term is defined in RCW 79A.60.010, other than a personal watercraft, sold within this state must display a carbon monoxide warning sticker developed by the department on the interior of the vessel.

(2) For vessels sold by a dealer, the dealer shall ensure that the warning sticker has been affixed prior to completing a transaction.

(3) For a vessel sold by an individual, the department shall include the sticker in the registration materials provided to the new owner, and the department shall notify the new owner that the sticker must be affixed as described in subsection (1) of this section.

(4) A warning sticker already developed by a vessel manufacturer may satisfy the requirements of this section if it has been approved by the department. The department shall approve a carbon monoxide warning sticker that has been approved by the United States coast guard for similar uses in other states.)

(1) The department shall:

(a) Develop and approve a carbon monoxide warning sticker;

(b) Approve a carbon monoxide warning sticker that has been approved by the United States coast guard for similar uses in other states;

(c) Provide the carbon monoxide warning sticker when an application for a certificate of title is made and the ownership of the vessel is transferred between natural persons; and

(d) Notify the new vessel owner described in (c) of this subsection that the carbon monoxide sticker must be affixed to the vessel as described in subsection (2) of this section.

(2) A new or used motor driven vessel, as defined in RCW 79A.60.010, other than a personal watercraft, as defined in RCW 79A.60.010, sold within this state must display a carbon monoxide warning sticker as provided in subsection (1) of this section.

(3) A vessel dealer shall ensure that a carbon monoxide warning



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sticker has been affixed to any vessel sold by the dealer before completing the sale.

(4) A carbon monoxide warning sticker already developed by a vessel manufacturer satisfies the requirements of this section if it has been approved by the department.

**Sec. 1025.** RCW 88.02.260 and 2006 c 140 s 3 are each amended to read as follows:

The department shall include an informational brochure about the dangers of carbon monoxide poisoning and vessels and the warning stickers required ~~((by))~~ under RCW 88.02.250 (as recodified by this act) as part of the registration materials mailed by the department for two consecutive years for registrations that are due or become due on or after January 1, 2007, ((and thereafter)) upon recommendation by the director ~~((of the department))~~. The materials ~~((shall))~~ must instruct the vessel owner to affix the stickers as required ~~((by))~~ under RCW 88.02.250 (as recodified by this act).

**D. PERMITS**

**NEW SECTION. Sec. 1026.** A new section is added to chapter 88.02 RCW under the subchapter heading "permits" to read as follows:

(1) A vessel owner shall apply for a vessel visitor permit if the vessel is:

(a) Currently registered or numbered under the laws of a country other than the United States or has a valid United States customs service cruising license issued under 19 C.F.R. Sec. 4.94; and

(b) Being used on Washington state waters for the personal use of the owner for more than sixty days.

(2) A vessel visitor permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid as long as the vessel remains currently registered or numbered under the laws of a country other than the United States or the United States customs service cruising license remains valid.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required in section 1028(1)(l) of this act when issuing a vessel visitor permit.

(4) The department shall adopt rules to implement this section, including rules on issuing and displaying the vessel visitor permit.

**NEW SECTION. Sec. 1027.** A new section is added to chapter 88.02 RCW under the subchapter heading "permits" to read as follows:

(1) A vessel owner who is a nonresident natural person shall apply for a nonresident vessel permit on or before the sixty-first day of use in Washington state if the vessel:

(a) Is currently registered or numbered under the laws of the state of principal operation or has been issued a valid number under federal law; and

(b) Has been brought into Washington state for personal use for not more than six months in any continuous twelve-month period.

(2) A nonresident vessel permit:

(a) May be obtained from the department, county auditor or other agent, or subagent appointed by the director;

(b) Must show the date the vessel first came into Washington state; and

(c) Is valid for two months.

(3) The department, county auditor or other agent, or subagent appointed by the director shall collect the fee required in section 1028(1)(g) of this act when issuing nonresident vessel permits.

(4) A nonresident vessel permit is not required under this section if the vessel is used in conducting temporary business activity within Washington state.

(5) The department shall adopt rules to implement this section, including rules on issuing and displaying the nonresident vessel permit.

**E. TITLE/REGISTRATION FEES AND DISTRIBUTION**

**NEW SECTION. Sec. 1028.** A new section is added to chapter 88.02 RCW under the subchapter heading "title/registration fees and distribution" to read as follows:

(1) In addition to any other fees and taxes required by law, the department, county auditor or other agent, or subagent appointed by the director shall charge the following vessel fees:

| FEE  | AMOUNT                         | AUTHORITY                                    | DISTRIBUTION                   |
|--|--------------------------------|--|--------------------------------|
| (a) Dealer temporary permit                      | \$5.00                         | RCW 88.02.184(2) (as recodified by this act) | General fund                   |
| (b) Derelict vessel and invasive species removal | Subsection (3) of this section | Subsections (3) and (4) of this section      | Subsection (3) of this section |
| (c) Duplicate registration                       | \$1.25                         | Section 1021(1)(c) of this act               | General fund                   |
| (d) Filing                                       | Section 501 of this act        | Section 501 of this act                      | Section 820 of this act        |
| (e) License plate technology                     | Section 502 of this act        | Section 502 of this act                      | Section 819 of this act        |
| (f) License service                              | Section 503 of this act        | Section 503 of this act                      | RCW 46.68.220                  |
| (g) Nonresident vessel permit                    | \$25.00                        | Section 1027(3) of this act                  | Subsection (6) of this section |
| (h) Registration                                 | \$10.50                        | RCW 88.02.050(2) (as recodified by this act) | General fund                   |
| (i) Replacement decal                            | \$1.25                         | Section 1022(1)(c) of this act               | General fund                   |
| (j) Title application                            | \$5.00                         | RCW 88.02.180 (as recodified by this act)    | General fund                   |
| (k) Transfer                                     | \$1.00                         | RCW 88.02.050(7) (as recodified by this act) | General fund                   |
| (l) Vessel visitor                               | \$30.00                        | Section 1026(3) of this act                  | General fund                   |

permit act

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3)(a) Until June 30, 2012, the derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

(i) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

(ii) One dollar must be deposited into the freshwater aquatic algae control account created in RCW 43.21A.667;

(iii) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

(iv) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(b) On and after June 30, 2012, the derelict vessel and invasive species removal fee is two dollars and must be deposited into the derelict vessel removal account created in RCW 79.100.100. If the department of natural resources indicates that the balance of the derelict vessel removal account, not including any transfer or appropriation of funds into the account or funds deposited into the account collected under subsection (5) of this section reaches one million dollars as of March 1st of any year, the collection of the two dollar derelict vessel and invasive species removal fee must be suspended for the following fiscal year.

(4) Until January 1, 2014, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge:

(a) Is to address the significant backlog of derelict vessels accumulated in Washington state waters that pose a threat to the health and safety of the people and to the environment;

(b) Is to be used only for the removal of vessels that are less than seventy-five feet in length; and

(c) Must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045 (as recodified by this act).

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.045 (as recodified by this act); and

(d) Any fees required for licensing agents under section 501 of this act are in addition to any other fee or tax due for the titling and registration of vessels.

**Sec. 1029.** RCW 88.02.040 and 2002 c 286 s 14 are each amended to read as follows:

(The department shall provide for the issuance of vessel registrations and may appoint agents for collecting fees and issuing registration numbers and decals.) General fees for vessel registrations collected by the director ((shall) must be deposited in the general fund(: PROVIDED, That)). Any amount above one million one hundred thousand dollars per fiscal year ((shall) must be allocated to counties by the state treasurer for boating safety/education and law enforcement programs ((and the fee collected specifically for the removal and disposal of derelict vessels must be deposited in the derelict vessel removal account created in

RCW 79.100.100)). Eligibility for boating safety/education and law enforcement program allocations ((shall be)) is contingent upon approval of the local boating safety program by the state parks and recreation commission. Fund allocation ((shall)) must be based on the numbers of registered vessels by county of moorage. Each benefitting county ((shall be)) is responsible for equitable distribution of such allocation to other jurisdictions with approved boating safety programs within ((said)) the county. Any fees not allocated to counties due to the absence of an approved boating safety program((, shall)) must be allocated to the state parks and recreation commission for awards to local governments to offset law enforcement and boating safety impacts of boaters recreating in jurisdictions other than where registered.

**Sec. 1030.** RCW 88.02.045 and 1993 c 244 s 40 are each amended to read as follows:

Jurisdictions receiving funds under RCW 88.02.040 (as recodified by this act) shall deposit ((such)) the funds into an account dedicated solely for supporting the jurisdiction's boating safety programs. These funds ((shall)) may not ((supplant)) replace existing local funds used for boating safety programs.

**Sec. 1031.** RCW 88.02.053 and 1996 c 3 s 2 are each amended to read as follows:

(1) The maritime historic restoration and preservation account is created in the custody of the state treasurer. All receipts from the voluntary donations made simultaneously with the registration of vessels under this chapter ((88.02 RCW shall)) must be deposited into this account. These deposits are not public funds and are not subject to allotment procedures under chapter 43.88 RCW.

(2) At the end of each fiscal year, the state treasurer shall pay from this account to the department ((of licensing)) an amount equal to the reasonable administrative expenses of that agency for that fiscal year for collecting the voluntary donations and transmitting them to the state treasurer and shall pay to the state treasurer an amount equal to the reasonable administrative expenses of that agency for that fiscal year for maintaining the account and disbursing funds from the account.

(3) At the end of each fiscal year, the state treasurer shall pay one-half of the balance of the funds in the account after payment of the administrative costs provided in subsection (2) of this section, to the Grays Harbor historical seaport or its corporate successor and the remainder to the Steamer Virginia V foundation or its corporate successor.

(4) If either the Grays Harbor historical seaport and its corporate successors or the Steamer Virginia V foundation and its corporate successors legally ceases to exist, the state treasurer shall, at the end of each fiscal year, pay the balance of the funds in the account to the remaining organization.

(5) If both the Grays Harbor historical seaport and its corporate successors and the Steamer Virginia V foundation and its corporate successors legally cease to exist, the department ((of licensing)) shall discontinue the collection of the voluntary donations in conjunction with the registration of vessels under RCW 88.02.052 (as recodified by this act), and the balance of the funds in the account escheat to the state. If funds in the account escheat to the state, one-half of the fund balance ((shall)) must be provided to the ((office)) department of archaeology and historic preservation, and the remainder ((shall)) must be deposited into the parks renewal and stewardship account.

(6) The secretary of state, the directors of the state historical societies, the director of the ((office)) department of archaeology and historic preservation within the department of ((community, trade, and economic development)) commerce, and two members representing the recreational boating community appointed by the secretary of state, shall review the success of the voluntary donation program for maritime historic restoration and preservation established under RCW 88.02.052 ((and report their findings to the

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~~appropriate legislative committees by January 31, 1998. The findings must include the progress of the program and the potential to expand the voluntary funding to other historic vessels)) (as recodified by this act).~~

## F. DEALER REGISTRATION

**Sec. 1032.** RCW 88.02.060 and 1987 c 149 s 1 are each amended to read as follows:

((1) Each vessel dealer in this state shall register with the department in the manner and upon forms prescribed by the department, in accordance with rules adopted under chapter 34.05 RCW. After the completed vessel dealer application has been satisfactorily filed and the applicant is eligible as determined by the department's rules, the department shall, if no denial proceeding is in effect, issue the vessel dealer's registration on the basis of staggered annual expiration dates.

(2) Before issuing a vessel dealer's registration, the department shall require the applicant to file with the department a surety bond in the amount of five thousand dollars, running to the state of Washington, and executed by a surety company authorized to do business in the state of Washington. The bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any vessel consignor or purchaser who has suffered any loss or damage by reason of any act or omission by a dealer that constitutes a violation of this chapter may institute an action for recovery against the dealer and the surety upon the bond. Successive recoveries against the bond shall be permitted, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the vessel dealer registration shall automatically be deemed canceled.

(3) Vessel dealers selling fifteen vessels or fewer per year having a retail value of no more than two thousand dollars each shall not be subject to the provisions of subsection (2).

(4) For the fiscal biennium from July 1, 1987, through June 30, 1989, the registration fee for dealers shall be fifty dollars per year for an original registration, and twenty-five dollars for any subsequent renewal. In addition, a fee of twenty-five dollars shall be collected for the first decal, fifteen dollars for each additional decal, and fifteen dollars for each vessel dealer display decal replacement. In ensuing biennia, the director shall establish the amount of such fees at a sufficient level to defray the costs of administering the vessel dealer registration program. All such fees shall be fixed by rule adopted by the director in accordance with the Administrative Procedure Act, chapter 34.05 RCW. All fees collected under this section shall be deposited with the state treasurer and credited to the general fund.)

(1) Each vessel dealer in this state shall:

(a) Obtain a vessel dealer license from the department in a manner prescribed by the department in accordance with rules adopted under chapter 34.05 RCW;

(b) File a surety bond in the amount of five thousand dollars, running to the state of Washington. The surety bond must be:

(i) Issued by a surety company authorized to do business in the state of Washington;

(ii) Approved by the attorney general as to form; and

(iii) Conditioned that the vessel dealer shall conduct business as required under this chapter; and

(c) Pay the vessel dealer license and vessel dealer display decal fees as provided by rules adopted by the department. All vessel dealer license and vessel dealer display decal fees collected under this section must be deposited with the state treasurer and credited to the general fund.

(2) A vessel dealer selling fewer than sixteen vessels per year having a retail value of no more than two thousand dollars each is not required to file a bond as provided in subsection (1)(b) of this section.

(3) The director shall establish by rule vessel dealer license and vessel dealer display decal fees at a sufficient level to defray the costs of administering the vessel dealer license program.

(4) The department shall issue vessel dealer licenses with staggered annual expiration dates when:

(a) The completed vessel dealer application has been satisfactorily filed;

(b) The department determines that the applicant is eligible as determined by department rules; and

(c) No denial proceeding is in effect.

(5) A vessel consignor or purchaser who has suffered any loss or damage by reason of an act or omission by a vessel dealer that constitutes a violation of this chapter may institute an action for recovery against the vessel dealer and the surety upon the bond. Successive recoveries against the bond are permitted, but the aggregate liability of the surety to all persons may not exceed the amount of the bond. Upon exhaustion of the penalty of the bond or cancellation of the bond by the surety, the vessel dealer license must automatically be deemed canceled.

(6) Vessel dealer license numbers are not transferable.

**Sec. 1033.** RCW 88.02.230 and 2007 c 378 s 1 are each amended to read as follows:

(1) The department may exempt from compliance with the vessel dealer requirements of this chapter, any person who is engaged in the business of selling in this state at wholesale or retail, human-powered watercraft, ~~((which))~~ that is: (a) Under sixteen feet in length; (b) unable to be powered by propulsion machinery or wind propulsion as designed by the manufacturer; and (c) not designed for use on commonly- used navigable waters.

(2) Any person engaged in the business of selling at wholesale or retail, exempt and nonexempt watercraft under this section ~~((shall))~~ is only ~~((be))~~ required to comply with ~~((the provisions of))~~ this chapter in regard to the sale of nonexempt watercraft.

(3) An auction company licensed under chapter 18.11 RCW and licensed as a motor vehicle dealer under chapter 46.70 RCW may sell at auction, without ~~((registering))~~ being licensed as a vessel dealer, all vessels that a vessel dealer is authorized to sell, so long as the sale of vessels is incidental to the auction company's primary source of business and the length of any vessel being sold is no greater than twenty-five feet. The auction company shall comply with all other vessel dealer requirements of this chapter and rules adopted ~~((under this chapter))~~ by the department if the ~~((registration))~~ vessel dealer license fees and surety bond requirements in RCW 88.02.060 (as recodified by this act) are ~~((waived))~~ determined to not be due.

**Sec. 1034.** RCW 88.02.078 and 1987 c 149 s 2 are each amended to read as follows:

(1) A vessel dealer ~~((shall))~~ must have and maintain an office in which to conduct business at the business address of the dealer.

(2) The vessel dealer's place of business ~~((shall))~~ must be identified by an exterior sign with the business name. In the absence of other identifiers that the business conducted is a marine business, the sign must identify the nature of the business, such as marine sales, service, repair, or manufacturing.

**Sec. 1035.** RCW 88.02.188 and 1987 c 149 s 12 are each amended to read as follows:

(1) Except as otherwise provided in this chapter, the director may by order deny, suspend, or revoke ~~((the registration of any))~~ a vessel dealer license, or in lieu ~~((there))~~ of or in addition ~~((there))~~ to, may by order assess monetary penalties of a civil nature not to exceed one

thousand dollars per violation, if the director finds that the applicant or ~~((registrant))~~ licensee:

- ~~((1))~~ (a) Is applying for a dealer's ~~((registration))~~ license or has obtained a dealer's ~~((registration))~~ license for the purpose of evading excise taxes on vessels; ~~((or~~  
~~((2))~~ (b) Has been adjudged guilty of a felony that directly relates to marine trade and the time elapsed since the adjudication is less than ten years. For purposes of this section, "adjudged guilty" means, in addition to a final conviction in court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended; ~~((or~~  
~~((3))~~ (c) Has failed to comply with the trust account requirements of this chapter; ~~((or~~  
~~((4))~~ (d) Has failed to transfer a certificate of title to a purchaser as required in this chapter; ~~((or~~  
~~((5))~~ (e) Has misrepresented the facts at the time of application for registration or renewal; or  
~~((6))~~ (f) Has failed to comply with applicable provisions of this chapter or any rules adopted under it.

(2) The director may deny a vessel dealer license under this chapter if the application is a subterfuge that conceals the real person in interest whose vessel dealer license has been denied, suspended, or revoked for cause under this chapter and (a) the terms have not been fulfilled or a civil penalty has not been paid or (b) the director finds that the application was not filed in good faith. This subsection does not prevent the department from taking an action against a current vessel dealer licensee.

**Sec. 1036.** RCW 88.02.112 and 1987 c 149 s 3 are each amended to read as follows:

Any person engaging in vessel dealer activities without first obtaining a ~~((registration certificate))~~ vessel dealer license is guilty of a gross misdemeanor.

**Sec. 1037.** RCW 88.02.115 and 1987 c 149 s 6 are each amended to read as follows:

(1) In addition to other penalties imposed ~~((by))~~ under this chapter for unauthorized or personal use of vessel dealer display decals, the director may:

~~((a))~~ Confiscate all vessel dealer display decals for ~~((such))~~ a period ~~((as))~~ that the director deems appropriate ~~((, and in addition, or in lieu of other sanctions, the director may)); and~~

~~((b))~~ Impose a monetary penalty not exceeding twice the amount of excise tax that should have been paid to properly register each vessel ~~((properly))~~. ~~((A))~~ The monetary penalty ~~((assessment));~~

~~((i))~~ May be in addition to or in lieu of other sanctions; and  
~~((ii))~~ Is in addition to any fees owing to properly register each vessel ~~((properly))~~.

(2) Any monetary penalty imposed or vessel dealer display decals confiscated ~~((shall))~~ must be done in accordance with chapter 34.05 RCW. Any monetary penalty imposed by the director and the delinquent excise taxes collected ~~((shall))~~ must be deposited in the general fund.

**Sec. 1038.** RCW 88.02.189 and 1997 c 58 s 863 are each amended to read as follows:

The department shall immediately suspend the vessel registration or vessel dealer's ~~((registration))~~ license of a person who has been certified pursuant to RCW 74.20A.320 by the department of social and health services as a person who is not in compliance with a support order ~~((or a residential or visitation order))~~. If the person has continued to meet all other requirements for reinstatement during the suspension, reissuance of the registration ~~((shall))~~ must be automatic upon the department's receipt of a release issued by the department of social and health services stating that the licensee is in compliance with the order.

**Sec. 1039.** RCW 88.02.220 and 1991 c 339 s 33 are each amended to read as follows:

(1) A vessel dealer who receives cash or a negotiable instrument of deposit in excess of one thousand dollars, or a deposit of any amount that will be held for more than fourteen calendar days, shall place the funds in a separate trust account.

~~((1))~~ The cash or negotiable instrument must be:

~~((a))~~ Set aside immediately upon receipt for the trust account, or endorsed to ~~((such a))~~ the trust account immediately upon receipt ~~((or~~

~~((2))~~ The cash or negotiable instrument must be); and

~~((b))~~ Deposited in the trust account by the close of banking hours on the day following the receipt.

~~((3))~~ (2) After delivery of the purchaser's vessel, the vessel dealer shall remove the deposited funds from the trust account.

~~((4))~~ (3) The dealer shall not commingle the purchaser's funds with any other funds at any time.

~~((5))~~ (4) The funds ~~((shall))~~ must remain in the trust account until the delivery of the purchased vessel. However, upon written agreement from the purchaser, the vessel dealer may remove and release trust funds before delivery.

**Sec. 1040.** RCW 88.02.210 and 1987 c 149 s 10 are each amended to read as follows:

(1) A vessel dealer shall complete and maintain for a period of at least three years a record of the purchase and sale of all vessels purchased or consigned and sold by the vessel dealer. Records ~~((shall))~~ must be made available for inspection by the department during normal business hours.

(2) Before renewal of the vessel dealer ~~((registration))~~ license, the department shall require, on the forms prescribed, a record of the number of vessels sold during the ~~((registration))~~ license year. Vessel dealers who assert that they qualify for the exemption provided in RCW 88.02.060 ~~((1))~~ (2) (as recodified by this act) shall also record, on forms prescribed, the highest retail value of any vessel sold in the ~~((registration))~~ license year.

**Sec. 1041.** RCW 88.02.023 and 1987 c 149 s 4 are each amended to read as follows:

(1) Vessel dealer display decals ~~((shall))~~ must only be used:

~~((1))~~ (a) To demonstrate vessels held for sale when operated by a prospective customer holding a dated demonstration permit ~~((, and shall)).~~ The demonstration permit must be carried in the vessel at all times when it is being operated by ~~((such individual))~~ a prospective customer;

~~((2))~~ (b) On vessels owned or consigned for sale that are ~~((in fact))~~ available for sale and being used only for vessel dealer business purposes by an officer of the corporation, a partner, a proprietor, or by a bona fide employee of the firm ~~((#)).~~ A card ~~((#))~~ identifying ~~((any such))~~ the individual ~~((is))~~ as described in this section must be carried in the vessel at all times it is ~~((#))~~ being operated.

(2) A vessel held for sale by a licensed vessel dealer is not required to be registered and display a registration number and a valid vessel decal.

**Sec. 1042.** RCW 88.02.184 and 1987 c 149 s 9 are each amended to read as follows:

(1) The department may authorize vessel dealers properly ~~((registered pursuant to))~~ licensed under this chapter to issue temporary permits to operate vessels under ~~((such))~~ rules ~~((as))~~ adopted by the department ~~((adopts)).~~

(2) The ~~((fee))~~ department, county auditor or other agent, or subagent appointed by the director shall collect the fee required under section 1028(1)(a) of this act for each temporary permit application ~~((distributed))~~ sold to an authorized vessel dealer ~~((shall be five dollars, which shall be credited to the payment of registration fees at the time application for registration is made)).~~

**Sec. 1043.** RCW 88.02.125 and 1994 c 262 s 27 are each amended to read as follows:

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(1) A vessel dealer(s) shall possess a certificate of ~~((ownership))~~ title, a manufacturer's statement of origin, a carpenter's certificate, or a factory invoice or other evidence of ownership approved by the department for each vessel in the vessel dealer's inventory unless the vessel for sale is consigned or subject to an inventory security agreement. Evidence of ownership ~~((shall))~~ must be either in the name of the dealer or in the name of the dealer's immediate vendor properly assigned.

(2) A vessel dealer may display and sell consigned vessels or vessels subject to an inventory security agreement if there is a written and signed consignment agreement for each vessel or an inventory security agreement covering all inventory vessels. The consignment agreement ~~((shall))~~ must include verification by the vessel dealer that evidence of ownership by the consignor exists and its location, the name and address of the registered owner, and the legal owner, if any. Vessels that are subject to an inventory security interest ~~((shall))~~ must be supported with evidence of ownership that is in the dealer's possession or the possession of the inventory security party. Upon payment of the debt secured for that vessel, the secured party shall deliver the ownership document, appropriately released, to the dealer. It is the vessel dealer's responsibility to ensure that ownership documents are available for ownership transfer upon the sale of the vessel.

(3) Following the retail sale of any vessel, the dealer shall promptly make application and execute the assignment and warranty of the certificate of ~~((ownership))~~ title. ~~((Such))~~ The assignment ~~((shall))~~ must show any secured party holding a security interest created at the time of sale. The dealer shall deliver the certificate of ~~((ownership))~~ of title and application for registration to the department, county auditor or other agent, or subagent appointed by the director.

#### G. WATERCRAFT EXCISE TAX

**Sec. 1044.** RCW 82.49.010 and 2000 c 229 s 5 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater. Violation of this subsection is a misdemeanor.

(2) Persons who are required under chapter 88.02 RCW to register a vessel in this state and who register the vessel in another state or foreign country and avoid the Washington watercraft excise tax are guilty of a gross misdemeanor and are liable for such unpaid excise tax. The department of revenue may assess and collect the unpaid excise tax under chapter 82.32 RCW, including the penalties and interest provided in chapter 82.32 RCW.

(3) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050 (as recodified by this act). A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. ~~((The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.))~~

**Sec. 1045.** RCW 82.49.030 and 2000 c 103 s 18 are each amended to read as follows:

(1) The excise tax imposed under this chapter is due and payable to the department of licensing ~~((or its agents)),~~ county auditor or other agent, or subagent appointed by the director of the department

of licensing at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until the tax is paid in full.

(2) The excise tax collected under this chapter ~~((shall))~~ must be deposited in the general fund.

**Sec. 1046.** RCW 82.49.065 and 2003 c 53 s 405 are each amended to read as follows:

~~((1))~~ Whenever any person has paid a vessel license fee, and with the fee has paid an excise tax imposed under this chapter, and the director of licensing determines that the payor is entitled to a refund of the entire amount of the license fee as provided by law, then the payor shall also be entitled to a refund of the entire excise tax collected under this chapter together with interest at the rate specified in RCW 82.32.060. If the director determines that any person is entitled to a refund of only a part of the license fee paid, the payor shall be entitled to a refund of the difference, if any, between the excise tax collected and that which should have been collected together with interest at the rate specified in RCW 82.32.060. The state treasurer shall determine the amount of such refund by reference to the applicable excise tax schedule prepared by the department of revenue in cooperation with the department of licensing.

(2) If no claim is to be made for the refund of the license fee, or any part of the fee, but claim is made by any person that he or she has paid an erroneously excessive amount of excise tax, the department of licensing shall determine in the manner generally provided in this chapter the amount of such excess, if any, that has been paid and shall certify to the state treasurer that the person is entitled to a refund in that amount together with interest at the rate specified in RCW 82.32.060.

(3) If due to error a person has been required to pay an excise tax pursuant to this chapter and a license fee under chapter 88.02 RCW which amounts to an overpayment of ten dollars or more, such person shall be entitled to a refund of the entire amount of such overpayment, together with interest at the rate specified in RCW 82.32.060, regardless of whether a refund of the overpayment has been requested. If due to error the department or its agents has failed to collect the full amount of the license fee and excise tax due, which underpayment is in the amount of ten dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax and any penalties or interest at the rate specified in RCW 82.32.050.

(4) If the department approves the claim, it shall notify the state treasurer to that effect and the treasurer shall make such approved refunds and the other refunds provided for in this section from the general fund and shall mail or deliver the same to the person entitled to the refund.

(5) Any person who makes a false statement under which he or she obtains a refund to which he or she is not entitled under this section is guilty of a gross misdemeanor.)

(1) Refunds of the excise tax imposed under this chapter must be handled in the same manner and under the same terms and conditions as provided in RCW 88.02.055 (as recodified by this act).

(2) The excise tax imposed under this chapter may be refunded to the person who paid the excise tax at the same time the registration fee under chapter 88.02 RCW was paid. The amount of the excise tax that may be refunded includes:

(a) The entire amount of the excise tax, if the entire amount of the registration fee is also refunded; or

(b) Any amount that was greater than the amount due.

(3) Excise tax refunds include interest at the rate specified in RCW 82.32.060.

#### H. MISCELLANEOUS

**NEW SECTION. Sec. 1047.** The following acts or parts of acts are each repealed:

- (1) RCW 88.02.025 (Registration of vessels numbered under the federal boat safety act) and 1984 c 250 s 3;
- (2) RCW 88.02.028 (Registration of rented vessels--Dealer's vessels--Dealer registration numbers not transferable) and 1987 c 149 s 5;
- (3) RCW 88.02.090 (Inspection of registration--Violation of chapter--Penalty) and 2006 c 29 s 2 & 1983 c 7 s 21;
- (4) RCW 88.02.100 (Rule-making authority) and 1983 c 7 s 20;
- (5) RCW 88.02.130 (Class A title certificates) and 1985 c 258 s 7;
- (6) RCW 88.02.140 (Issuance of class A title certificates--Required evidence) and 1985 c 258 s 8;
- (7) RCW 88.02.150 (Issuance of class A title certificates--Limitation) and 1985 c 258 s 9;
- (8) RCW 88.02.160 (Class B title certificates) and 1985 c 258 s 2;
- (9) RCW 88.02.170 (Class A and class B title certificates to have apparent distinctions--Class B certificate to bear legend) and 1985 c 258 s 5;
- (10) RCW 88.02.190 (Inspection of vessels) and 1985 c 258 s 10;
- (11) RCW 88.02.235 (Denial of license) and 1997 c 432 s 3; and
- (12) RCW 88.02.270 (Derelict vessel removal surcharge) and 2007 c 342 s 7.

#### PART XI. MISCELLANEOUS I

**Sec. 1101.** RCW 19.116.050 and 2000 c 171 s 71 are each amended to read as follows:

A dealer engages in an act of unlawful transfer of ownership interest in motor vehicles when all of the following circumstances are met:

- (1) The dealer does not pay off any balance due to the secured party on a vehicle acquired by the dealer, no later than the close of the second business day after the acquisition date of the vehicle; and
- (2) The dealer does not obtain a certificate of ~~((ownership))~~ title under RCW 46.70.124 for each used vehicle kept in his or her possession unless that certificate is in the possession of the person holding a security interest in the dealer's inventory; and
- (3) The dealer does not transfer the certificate of ~~((ownership))~~ title after the transferee has taken possession of the motor vehicle.

**Sec. 1102.** RCW 28B.10.890 and 1994 c 194 s 7 are each amended to read as follows:

A collegiate license plate fund is established in the custody of the state treasurer for each college or university with a collegiate license plate program approved by the department ~~((of licensing))~~ of licensing under RCW 46.16.324 (as recodified by this act). All receipts from collegiate license plates authorized under ~~((RCW 46.16.301 shall))~~ section 521 of this act must be deposited in the appropriate local college or university nonappropriated, nonallotted fund. Expenditures from the funds may be used only for student scholarships. Only the president of the college or university or the president's designee may authorize expenditures from the fund.

**Sec. 1103.** RCW 29A.04.037 and 2003 c 111 s 107 are each amended to read as follows:

"Disabled voter" means any registered voter who qualifies for special parking privileges under ~~((RCW 46.16.381))~~ section 701 of this act, or who is defined as blind under RCW 74.18.020, or who qualifies to require assistance with voting under RCW 29A.44.240.

**Sec. 1104.** RCW 35A.46.010 and 1967 ex.s. c 119 s 35A.46.010 are each amended to read as follows:

The provisions of Title 46 ~~((of the Revised Code of Washington))~~ RCW relating to regulation of motor vehicles shall be applicable to code cities~~((s))~~ and its officers and employees to the

same extent as such provisions grant powers and impose duties upon cities of any class~~((s))~~ and their officers and agents, including without limitation the following: (1) Authority to provide for angle parking on certain city streets designated as forming a route of a primary state highway as authorized in RCW 46.61.575; (2) application of city police regulations to port districts as authorized by RCW 53.08.230; (3) authority to establish local regulations relating to city streets forming a part of the state highway system as authorized by RCW 46.44.080; (4) ~~((authority to install and operate a station for the inspection of vehicle equipment in conformity with rules, regulations, procedure and standards prescribed by the Washington state patrol as authorized under RCW 46.32.030; (5)))~~ exemption from the payment of vehicle license fees for city owned vehicles as authorized by RCW 46.16.020 (as recodified by this act) and ~~((46.16.290))~~ section 422(8) of this act; ~~((6))~~ (5) authority to establish traffic schools as provided by chapter 46.83 RCW; and ~~((7))~~ (6) authority to enforce the provisions of RCW 81.48.050 relating to railroad crossings.

**Sec. 1105.** RCW 41.04.007 and 2007 c 448 s 1 are each amended to read as follows:

"Veteran" includes every person, who at the time he or she seeks the benefits of section 613 of this act, section 619 of this act, or RCW ((46.16.30920)) 72.36.030, 41.04.010, 73.04.090, ((73.04.110)) 73.08.010, 73.08.070, 73.08.080, or 43.180.250 has received an honorable discharge or received a discharge for medical reasons with an honorable record, where applicable, and who has served in at least one of the following capacities:

- (1) As a member in any branch of the armed forces of the United States, including the national guard and armed forces reserves, and has fulfilled his or her initial military service obligation;
- (2) As a member of the women's air forces service pilot;
- (3) As a member of the armed forces reserves, national guard, or coast guard, and has been called into federal service by a presidential select reserve call up for at least one hundred eighty cumulative days;
- (4) As a civil service crewmember with service aboard a U.S. army transport service or U.S. naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946;
- (5) As a member of the Philippine armed forces/scouts during the period of armed conflict from December 7, 1941, through August 15, 1945; or
- (6) A United States documented merchant mariner with service aboard an oceangoing vessel operated by the department of defense, or its agents, from both June 25, 1950, through July 27, 1953, in Korean territorial waters and from August 5, 1964, through May 7, 1975, in Vietnam territorial waters, and who received a military commendation.

**Sec. 1106.** RCW 43.60A.140 and 2008 c 183 s 3 are each amended to read as follows:

(1) The veterans stewardship account is created in the custody of the state treasurer. Disbursements of funds must be on the authorization of the director or the director's designee, and only for the purposes stated in subsection (4) of this section. In order to maintain an effective expenditure and revenue control, funds are subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of the funds.

(2) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, including funds generated by the issuance of the armed forces license plate collection under chapter ~~((46.16))~~ 46... RCW (the new chapter created in section 1224 of this act).

(3) All receipts~~((, except as provided in RCW 46.16.313(20)(a) and (b))~~ from the sale of armed forces license plates as required under section 521(1)(b) of this act must be deposited into the veterans stewardship account.

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(4) All moneys deposited into the veterans stewardship account must be used by the department for activities that benefit veterans or their families, including but not limited to, providing programs and services for homeless veterans; establishing memorials honoring veterans; and maintaining a future state veterans' cemetery. Funds from the account may not be used to supplant existing funds received by the department.

**Sec. 1107.** RCW 46.01.030 and 1990 c 250 s 14 are each amended to read as follows:

The department (~~(shall be)~~) is responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) Driver examining and licensing;
- (2) Driver improvement;
- (3) Driver records;
- (4) Financial responsibility;
- (5) Certificates of ((ownership)) title;
- (6) (~~(certificates of license))~~ Vehicle registration certificates and license plates;
- (7) Proration and reciprocity;
- (8) Liquid fuel tax collections;
- (9) Licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) General highway safety promotion in cooperation with the Washington state patrol and traffic safety commission; and
- (11) Such other activities as the legislature may provide.

**Sec. 1108.** RCW 46.01.040 and 1983 c 3 s 117 are each amended to read as follows:

The department (~~(of licensing))~~ is vested with all powers, functions, and duties with respect to and including the following:

- (1) The motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) The special fuel tax as provided in chapter 82.38 RCW;
- (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) The (~~(house trailer))~~ travel trailers and campers excise tax as provided in chapter 82.50 RCW;
- (5) All general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) Certificates of ((ownership)) title and registration certificates as provided in chapters 46.12 and 46.16 RCW;
- (7) The registration (~~(and licensing))~~ of motor vehicles as provided in chapter(~~(s 46.12 and))~~ 46.16 RCW;
- (8) Dealers' licenses as provided in chapter 46.70 RCW;
- (9) The licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) The licensing of (~~(motor))~~ vehicle wreckers as provided in chapter 46.80 RCW;
- (11) The administration of the laws relating to reciprocal or proportional registration of motor vehicles as provided in chapter 46.85 RCW;
- (12) The licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) (~~(Operators))~~ Drivers' licenses as provided in chapter 46.20 RCW;
- (14) Commercial driver training schools as provided in chapter 46.82 RCW;
- (15) Financial responsibility as provided in chapter 46.29 RCW;
- (16) Accident reporting as provided in chapter 46.52 RCW;
- (17) Disposition of revenues as provided in chapter 46.68 RCW; and
- (18) The administration of all other laws relating to motor vehicles vested in the director of licenses on June 30, 1965.

**Sec. 1109.** RCW 46.01.160 and 1965 c 156 s 16 are each amended to read as follows:

The director shall prescribe and provide suitable forms of applications, certificates of (~~(ownership))~~ title and registration certificates, drivers' licenses, and all other forms and licenses requisite or deemed necessary to carry out the provisions of this title (~~(46 RCW))~~ and any other laws the enforcement and administration of which are vested in the department.

**Sec. 1110.** RCW 46.01.320 and 2005 c 319 s 115 are each amended to read as follows:

The title and registration advisory committee is created within the department. The committee consists of the director or a designee, who shall serve as chair, the assistant director for vehicle services, the administrator of title and registration services, two members from each of the house and senate transportation committees, two county auditors nominated by the Washington association of county officials, and two representatives of subagents nominated by an association of vehicle subagents. The committee shall meet at least twice a year, and may meet as often as is necessary.

The committee's purpose is to foster communication between the legislature, the department, county auditors, and subagents. The committee shall make recommendations about revisions to fee structures, implications of fee revisions on cost sharing, and the development of standard contracts provided for in RCW 46.01.140(~~((3))~~) (1)(a) and (4)(a).

**Sec. 1111.** RCW 46.08.010 and 1990 c 42 s 207 are each amended to read as follows:

The provisions of this title relating to (~~(the))~~ certificates of ((ownership)) title, ((certificate of license)) registration certificates, vehicle licenses, vehicle license plates, and ((vehicle operator's)) drivers' licenses shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose (~~(except as provided in RCW 82.80.020))~~, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein.

**Sec. 1112.** RCW 46.08.150 and 1995 c 384 s 2 are each amended to read as follows:

The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. However, the monetary penalty for parking a motor vehicle without a valid special license plate or placard in a parking place reserved for (~~(physically disabled))~~ persons with physical disabilities shall be the same as provided in (~~(RCW 46.16.381))~~ section 706 of this act. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper.

**Sec. 1113.** RCW 46.20.025 and 1999 c 6 s 6 are each amended to read as follows:

The following persons may operate a motor vehicle on a Washington highway without a valid Washington driver's license:

- (1) A member of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, or in the service of the National Guard of this state or any other state, if licensed by the military to operate an official motor vehicle in such service;
- (2) A nonresident driver who is at least:
  - (a) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home state; or
  - (b) Fifteen years of age with:
    - (i) A valid instruction permit issued to the driver by his or her home state; and
    - (ii) A licensed driver who has had at least five years of driving experience occupying a seat beside the driver; or

(c) Sixteen years of age and has immediate possession of a valid driver's license issued to the driver by his or her home country. A nonresident driver may operate a motor vehicle in this state under this subsection (2)(c) for up to one year;

(3) Any person operating special highway construction equipment as defined in ~~((RCW 46.16.010))~~ section 144 of this act;

(4) Any person while driving or operating any farm tractor or implement of husbandry that is only incidentally operated or moved over a highway; or

(5) An operator of a locomotive upon rails, including a railroad crossing over a public highway. A locomotive operator is not required to display a driver's license to any law enforcement officer in connection with the operation of a locomotive or train within this state.

**Sec. 1114.** RCW 46.29.605 and 1981 c 309 s 6 are each amended to read as follows:

(1) Whenever the involvement in a motor vehicle accident in this state results in the driving privilege of a person being suspended for failure to pay a judgment or deposit security, the department shall suspend the Washington registration of the motor vehicle if the person driving at the time of the accident was also the registered owner of the motor vehicle.

(2) A notice of suspension shall be mailed by first-class mail to the owner's last known address of record in the department and shall be effective notwithstanding the owner's failure to receive the notice.

(3) Upon suspension of the registration of a motor vehicle, the registered owner shall surrender all vehicle license plates registered to the vehicle. The department shall destroy the license plates and, upon reinstatement of the registration, shall issue new vehicle license plates as provided in ~~((RCW 46.16.270))~~ section 422(9) of this act.

(4) Failure to surrender license plates under subsection (3) of this section is a misdemeanor punishable by imprisonment for not less than one day nor more than five days and by a fine of not less than fifty dollars nor more than two hundred fifty dollars.

(5) No vehicle license plates ~~((or)),~~ certificate of ~~((ownership))~~ title, or registration certificate for a motor vehicle may be issued, and no vehicle ~~((license))~~ registration may be renewed during the time the registration of the motor vehicle is suspended.

(6) Any person who operates a vehicle in this state while the registration of the vehicle is suspended is guilty of a gross misdemeanor and upon conviction thereof shall be imprisoned for not less than two days nor more than five days and fined not less than one hundred dollars nor more than five hundred dollars.

**Sec. 1115.** RCW 46.30.020 and 2003 c 221 s 1 are each amended to read as follows:

(1)(a) No person may operate a motor vehicle subject to registration under chapter 46.16 RCW in this state unless the person is insured under a motor vehicle liability policy with liability limits of at least the amounts provided in RCW 46.29.090, is self-insured as provided in RCW 46.29.630, is covered by a certificate of deposit in conformance with RCW 46.29.550, or is covered by a liability bond of at least the amounts provided in RCW 46.29.090. Written proof of financial responsibility for motor vehicle operation must be provided on the request of a law enforcement officer in the format specified under RCW 46.30.030.

(b) A person who drives a motor vehicle that is required to be registered in another state that requires drivers and owners of vehicles in that state to maintain insurance or financial responsibility shall, when requested by a law enforcement officer, provide evidence of financial responsibility or insurance as is required by the laws of the state in which the vehicle is registered.

(c) When asked to do so by a law enforcement officer, failure to display an insurance identification card as specified under RCW

46.30.030 creates a presumption that the person does not have motor vehicle insurance.

(d) Failure to provide proof of motor vehicle insurance is a traffic infraction and is subject to penalties as set by the supreme court under RCW 46.63.110 or community restitution.

(2) If a person cited for a violation of subsection (1) of this section appears in person before the court or a violations bureau and provides written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, the citation shall be dismissed and the court or violations bureau may assess court administrative costs of twenty-five dollars at the time of dismissal. In lieu of personal appearance, a person cited for a violation of subsection (1) of this section may, before the date scheduled for the person's appearance before the court or violations bureau, submit by mail to the court or violations bureau written evidence that at the time the person was cited, he or she was in compliance with the financial responsibility requirements of subsection (1) of this section, in which case the citation shall be dismissed without cost, except that the court or violations bureau may assess court administrative costs of twenty-five dollars at the time of dismissal.

(3) The provisions of this chapter shall not govern:

(a) The operation of a motor vehicle registered under ~~((RCW 46.16.305(1)))~~ section 623 of this act, governed by RCW 46.16.020 ~~((as recodified by this act))~~, or registered with the Washington utilities and transportation commission as common or contract carriers; or

(b) The operation of a motorcycle as defined in RCW 46.04.330, a motor-driven cycle as defined in RCW 46.04.332, or a moped as defined in RCW 46.04.304.

(4) RCW 46.29.490 shall not be deemed to govern all motor vehicle liability policies required by this chapter but only those certified for the purposes stated in chapter 46.29 RCW.

**Sec. 1116.** RCW 46.32.100 and 2009 c 46 s 4 are each amended to read as follows:

(1)(a) In addition to all other penalties provided by law, and except as provided otherwise in (a)(i), (ii), or (iii) of this subsection, a commercial motor vehicle that is subject to compliance reviews under this chapter and an officer, agent, or employee of a company operating a commercial motor vehicle who violates or who procures, aids, or abets in the violation of this title or any order or rule of the state patrol is liable for a penalty of one hundred dollars for each violation.

(i) It is a violation of this chapter for a person operating a commercial motor vehicle to fail to comply with the requirements of 49 C.F.R. Pt. 382, controlled substances and alcohol use and testing, 49 C.F.R. Sec. 391.15, disqualification of drivers, and 49 C.F.R. Sec. 396.9(c)(2), moving a vehicle placed out of service before the out of service defects have been satisfactorily repaired. For each violation the person is liable for a penalty of five hundred dollars.

(ii) The driver of a commercial motor vehicle who violates an out-of-service order is liable for a penalty of at least one thousand one hundred dollars but not more than two thousand seven hundred fifty dollars for each violation.

(iii) An employer who allows a driver to operate a commercial motor vehicle when there is an out-of-service order is liable for a penalty of at least two thousand seven hundred fifty dollars but not more than eleven thousand dollars for each violation.

(iv) Each violation under this subsection (1)(a) is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

(b) In addition to all other penalties provided by law, any motor carrier, company, or any officer or agent of a motor carrier or company operating a commercial motor vehicle subject to compliance reviews under this chapter who refuses entry or to make the required records, documents, and vehicles available to a duly authorized agent of the state patrol is liable for a penalty of at least



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five thousand dollars as well as an out-of-service order being placed on the department of transportation number, as defined in RCW 46.16.004 (as recodified by this act), and vehicle registration to operate. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

(c) A motor carrier operating a commercial motor vehicle after receiving a final unsatisfactory rating or being placed out of service is liable for a penalty of not more than eleven thousand dollars for each violation. Each violation is a separate and distinct offense, and in case of a continuing violation every day's continuance is a separate and distinct violation.

(d) A high-risk carrier is liable for double the amount of the penalty of a prior violation if the high-risk carrier repeats the same violation during a follow-up compliance review. Each repeat violation is a separate and distinct offense, and in case of a repeat continuing violation every day's continuance is a separate and distinct violation.

(2) The Washington state patrol may place an out-of-service order on a department of transportation number, as defined in RCW 46.16.004 (as recodified by this act), for violations of this chapter or for nonpayment of any monetary penalties assessed by the state patrol or the utilities and transportation commission, as a result of compliance reviews, or for violations of cease and desist orders issued by the utilities and transportation commission. The state patrol shall notify the department of licensing when an out-of-service order has been placed on a motor carrier's department of transportation number. The state patrol shall notify the motor carrier when there has been an out-of-service order placed on the motor carrier's department of transportation number and the vehicle registrations have been revoked by sending a notice by first-class mail using the last known address for the registered or legal owner or owners, and recording the transmittal on an affidavit of first-class mail. Notices under this section fulfill the requirements of RCW 46.12.160 (as recodified by this act). Motor carriers may not be eligible for a new department of transportation number, vehicle registration, or temporary permits to operate unless the violations that resulted in the out-of-service order have been corrected.

(3) Any penalty provided in this section is due and payable when the person incurring it receives a notice in writing from the state patrol describing the violation and advising the person that the penalty is due.

(a)(i) Any motor carrier who incurs a penalty as provided in this section, except for a high-risk carrier that incurs a penalty for a repeat violation during a follow-up compliance review, may, upon written application, request that the state patrol mitigate the penalty. An application for mitigation must be received by the state patrol within twenty days of the receipt of notice.

(ii) The state patrol may decline to consider any application for mitigation.

(b) Any motor carrier who incurs a penalty as provided in this section has a right to an administrative hearing under chapter 34.05 RCW to contest the violation or the penalty imposed, or both. In all such hearings, the procedure and rules of evidence are as specified in chapter 34.05 RCW except as otherwise provided in this chapter. Any request for an administrative hearing must be made in writing and must be received by the state patrol within twenty days after the later of (i) receipt of the notice imposing the penalty, or (ii) disposition of a request for mitigation, or the right to a hearing is waived.

(c) All penalties recovered under this section shall be paid into the state treasury and credited to the state patrol highway account of the motor vehicle fund.

**Sec. 1117.** RCW 46.44.0941 and 2004 c 109 s 1 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected, except the amount retained by authorized agents of the department as provided in RCW 46.44.096, shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

- All overlegal loads, except overweight, single trip \$ 10.00
- Continuous operation of overlegal loads having either overwidth or overheight features only, for a period not to exceed thirty days \$ 20.00
- Continuous operations of overlegal loads having overlength features only, for a period not to exceed thirty days \$ 10.00
- Continuous operation of a combination of vehicles having one trailing unit that exceeds fifty-three feet and is not more than fifty-six feet in length, for a period of one year \$ 100.00
- Continuous operation of a combination of vehicles having two trailing units which together exceed sixty-one feet and are not more than sixty-eight feet in length, for a period of one year \$ 100.00
- Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight, for a period not to exceed thirty days \$ 70.00
- Continuous operation of a four-axle fixed load vehicle meeting the requirements of RCW 46.44.091(1) and weighing less than 86,000 pounds gross weight, not to exceed thirty days \$ 90.00
- Continuous movement of a mobile home or manufactured home having nonreducible features not to exceed eighty-five feet in total length and fourteen feet in width, for a period of one year \$ 150.00
- Continuous operation of a class C tow truck or a class E tow truck with a class C rating while performing emergency and nonemergency tows of oversize or overweight, or both, vehicles and vehicle combinations, under rules adopted by the transportation commission, for a period of one year \$ 150.00
- Continuous operation of a class B tow truck or a class E tow truck with a class B rating while performing emergency and nonemergency tows of oversize or overweight, or both, vehicles and vehicle combinations, under rules adopted by the transportation commission, for a period of one year \$ 75.00
- Continuous operation of a two or three-axle collection truck, actually engaged in the collection of solid waste or recyclables, or both, under chapter 81.77 or 35.21 RCW or by contract under RCW 36.58.090, for one year with an additional six thousand pounds more than the weight authorized in RCW 46.16.070 (as recodified by this act) on the rear axle of a two-axle truck or eight thousand pounds for the tandem axles of a three-axle truck. RCW 46.44.041 and 46.44.091 notwithstanding, the tire limits

specified in RCW 46.44.042 apply, but none of the excess weight is valid or may be permitted on any part of the federal interstate highway system \$ 42.00 per thousand pounds

The department may issue any of the above-listed permits that involve height, length, or width for an expanded period of consecutive months, not to exceed one year.

Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:

- (1) Farmers in the course of farming activities, for any three-month period \$ 10.00
- (2) Farmers in the course of farming activities, for a period not to exceed one year \$ 25.00
- (3) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for any three-month period \$ 25.00
- (4) Persons engaged in the business of the sale, repair, or maintenance of such farm implements, for a period not to exceed one year \$ 100.00

Overweight Fee Schedule

| Excess weight over legal capacity,<br>as provided in RCW 46.44.041. | Cost per mile. |
|---|----------------|
| 0- 9,999 pounds .....   | \$ .07         |
| 10,000-14,999 pounds .....  | \$ .14         |
| 15,000-19,999 pounds .....  | \$ .21         |
| 20,000-24,999 pounds .....  | \$ .28         |
| 25,000-29,999 pounds .....  | \$ .35         |
| 30,000-34,999 pounds .....  | \$ .49         |
| 35,000-39,999 pounds .....  | \$ .63         |
| 40,000-44,999 pounds .....  | \$ .79         |
| 45,000-49,999 pounds .....  | \$ .93         |
| 50,000-54,999 pounds .....  | \$ 1.14        |
| 55,000-59,999 pounds .....  | \$ 1.35        |
| 60,000-64,999 pounds .....  | \$ 1.56        |
| 65,000-69,999 pounds .....  | \$ 1.77        |
| 70,000-74,999 pounds .....  | \$ 2.12        |
| 75,000-79,999 pounds .....  | \$ 2.47        |
| 80,000-84,999 pounds .....  | \$ 2.82        |
| 85,000-89,999 pounds .....  | \$ 3.17        |
| 90,000-94,999 pounds .....  | \$ 3.52        |
| 95,000-99,999 pounds .....  | \$ 3.87        |
| 100,000 pounds .....  | \$ 4.25        |

The fee for weights in excess of 100,000 pounds is \$4.25 plus fifty cents for each 5,000 pound increment or portion thereof exceeding 100,000 pounds.

PROVIDED: (a) The minimum fee for any overweight permit shall be \$14.00, (b) the fee for issuance of a duplicate permit shall be \$14.00, (c) when computing overweight fees prescribed in this section or in RCW 46.44.095 that result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

The fees levied in this section and RCW 46.44.095 do not apply to vehicles owned and operated by the state of Washington, a county within the state, a city or town or metropolitan municipal corporation within the state, or the federal government.

**Sec. 1118.** RCW 46.44.170 and 2005 c 399 s 1 are each amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 or a park model trailer as defined in RCW 46.04.622 upon public highways of the state must obtain:

(a) A special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096; and

(b) For mobile homes constructed before June 15, 1976, and already situated in the state: (i) A certification from the department of labor and industries that the mobile home was inspected for fire safety; or (ii) an affidavit in the form prescribed by the department of ~~((community, trade, and economic development))~~ commerce signed by the owner at the county treasurer's office at the time of the application for the movement permit stating that the mobile home is being moved by the owner for his or her continued occupation or use; or (iii) a copy of the certificate of ~~((ownership or))~~ title together with an affidavit signed under penalty of perjury by the certified owner stating that the mobile home is being transferred to a wrecking yard or similar facility for disposal. In addition, the destroyed mobile home must be removed from the assessment rolls of the county and any outstanding taxes on the destroyed mobile home must be removed by the county treasurer.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home or a park model trailer that is assessed for purposes of property taxes shall not be valid until the county treasurer of the county in which the mobile home or park model trailer is located shall endorse or attach his or her certificate that all property taxes which are a lien or which are delinquent, or both, upon the mobile home or park model trailer being moved have been satisfied. Further, any mobile home or park model trailer required to have a special movement permit under this section shall display an easily recognizable decal. However, endorsement or certification by the county treasurer and the display of the decal is not required:

(a) When a mobile home or park model trailer is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets;

(b) When a signed affidavit of destruction is filed with the county assessor and the mobile home or park model trailer is being moved to a disposal site by a landlord as defined in RCW 59.20.030 after (i) the mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (ii) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the mobile home or park model trailer. The mobile home or park model trailer will be removed from the tax rolls and, upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer will be removed by the county treasurer; or

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(c) When a signed affidavit of destruction is filed with the county assessor by any mobile home or park model trailer owner or any property owner with an abandoned mobile home or park model trailer, the same shall be removed from the tax rolls and upon notification by the assessor, any outstanding taxes on the destroyed mobile home or park model trailer shall be removed by the county treasurer.

(3) If the landlord of a mobile home park takes ownership of a mobile home or park model trailer with the intent to resell or rent the same under RCW 59.20.030 after (a) the mobile home or park model trailer has been abandoned as defined in RCW 59.20.030; or (b) a final judgment for restitution of the premises under RCW 59.18.410 has been executed in favor of the landlord with regard to the mobile home or park model trailer, the outstanding taxes become the responsibility of the landlord.

(4) It is the responsibility of the owner of the mobile home or park model trailer subject to property taxes or the agent to obtain the endorsement and decal from the county treasurer before a mobile home or park model trailer is moved.

(5) This section does not prohibit the issuance of vehicle license plates for a mobile home or park model trailer subject to property taxes, but plates shall not be issued unless the mobile home or park model trailer subject to property taxes for which plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for the license has been paid.

(6) The department of transportation, the department of labor and industries, and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section. ~~((By January 1, 2006,))~~ The department of labor and industries shall ~~((also))~~ adopt procedures for notifying destination local jurisdictions concerning the arrival of mobile homes that failed safety inspections.

**Sec. 1119.** RCW 46.55.105 and 2002 c 279 s 10 are each amended to read as follows:

(1) The abandonment of any vehicle creates a prima facie presumption that the last registered owner of record is responsible for the abandonment and is liable for costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(2) If an unauthorized vehicle is found abandoned under subsection (1) of this section and removed at the direction of law enforcement, the last registered owner of record is guilty of the traffic infraction of "littering--abandoned vehicle," unless the vehicle is redeemed as provided in RCW 46.55.120. In addition to any other monetary penalty payable under chapter 46.63 RCW, the court shall not consider all monetary penalties as having been paid until the court is satisfied that the person found to have committed the infraction has made restitution in the amount of the deficiency remaining after disposal of the vehicle under RCW 46.55.140.

(3) A vehicle theft report filed with a law enforcement agency relieves the last registered owner of liability under subsection (2) of this section for failure to redeem the vehicle. However, the last registered owner remains liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle under subsection (1) of this section. Nothing in this section limits in any way the registered owner's rights in a civil action or as restitution in a criminal action against a person responsible for the theft of the vehicle.

(4) Properly filing a report of sale or transfer regarding the vehicle involved in accordance with RCW 46.12.101 (1) through (3) (as recodified by this act) relieves the last registered owner of

liability under subsections (1) and (2) of this section. If the date of sale as indicated on the report of sale is on or before the date of impoundment, the buyer identified on the latest properly filed report of sale with the department is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction. If the date of sale is after the date of impoundment, the previous registered owner is assumed to be liable for such costs. A licensed vehicle dealer is not liable under subsections (1) and (2) of this section if the dealer, as transferee or assignee of the last registered owner of the vehicle involved, has complied with the requirements of RCW 46.70.122 upon selling or otherwise disposing of the vehicle, or if the dealer has timely filed a transitional ownership record or report of sale under RCW 46.12.103 (as recodified by this act). In that case the person to whom the licensed vehicle dealer has sold or transferred the vehicle is assumed liable for the costs incurred in removing, storing, and disposing of the abandoned vehicle, less amounts realized at auction.

(5) For the purposes of reporting notices of traffic infraction to the department under RCW 46.20.270 and 46.52.101, and for purposes of reporting notices of failure to appear, respond, or comply regarding a notice of traffic infraction to the department under RCW 46.63.070(6), a traffic infraction under subsection (2) of this section is not considered to be a standing, stopping, or parking violation.

(6) A notice of infraction for a violation of this section may be filed with a court of limited jurisdiction organized under Title 3, 35, or 35A RCW, or with a violations bureau subject to the court's jurisdiction.

**Sec. 1120.** RCW 46.55.113 and 2007 c 242 s 1 and 2007 c 86 s 1 are each reenacted and amended to read as follows:

(1) Whenever the driver of a vehicle is arrested for a violation of RCW 46.61.502, 46.61.504, 46.20.342, or 46.20.345, the vehicle is subject to summary impoundment, pursuant to the terms and conditions of an applicable local ordinance or state agency rule at the direction of a law enforcement officer.

(2) In addition, a police officer may take custody of a vehicle, at his or her discretion, and provide for its prompt removal to a place of safety under any of the following circumstances:

(a) Whenever a police officer finds a vehicle standing upon the roadway in violation of any of the provisions of RCW 46.61.560, the officer may provide for the removal of the vehicle or require the driver or other person in charge of the vehicle to move the vehicle to a position off the roadway;

(b) Whenever a police officer finds a vehicle unattended upon a highway where the vehicle constitutes an obstruction to traffic or jeopardizes public safety;

(c) Whenever a police officer finds an unattended vehicle at the scene of an accident or when the driver of a vehicle involved in an accident is physically or mentally incapable of deciding upon steps to be taken to protect his or her property;

(d) Whenever the driver of a vehicle is arrested and taken into custody by a police officer;

(e) Whenever a police officer discovers a vehicle that the officer determines to be a stolen vehicle;

(f) Whenever a vehicle without a special license plate, placard, or decal indicating that the vehicle is being used to transport a person with disabilities under ~~((RCW 46.16.381))~~ section 701 of this act is parked in a stall or space clearly and conspicuously marked under RCW 46.61.581 which space is provided on private property without charge or on public property;

(g) Upon determining that a person is operating a motor vehicle without a valid and, if required, a specially endorsed driver's license or with a license that has been expired for ninety days or more;

(h) When a vehicle is illegally occupying a truck, commercial loading zone, restricted parking zone, bus, loading, hooded-meter, taxi, street construction or maintenance, or other similar zone where, by order of the director of transportation or chiefs of police or fire or their designees, parking is limited to designated classes of vehicles or is prohibited during certain hours, on designated days or at all times, if the zone has been established with signage for at least twenty-four hours and where the vehicle is interfering with the proper and intended use of the zone. Signage must give notice to the public that a vehicle will be removed if illegally parked in the zone;

(i) When a vehicle with an expired registration of more than forty-five days is parked on a public street.

(3) When an arrest is made for a violation of RCW 46.20.342, if the vehicle is a commercial vehicle and the driver of the vehicle is not the owner of the vehicle, before the summary impoundment directed under subsection (1) of this section, the police officer shall attempt in a reasonable and timely manner to contact the owner of the vehicle and may release the vehicle to the owner if the owner is reasonably available, as long as the owner was not in the vehicle at the time of the stop and arrest and the owner has not received a prior release under this subsection or RCW 46.55.120(1)(a)(ii).

(4) Nothing in this section may derogate from the powers of police officers under the common law. For the purposes of this section, a place of safety may include the business location of a registered tow truck operator.

**Sec. 1121.** RCW 46.55.140 and 1995 c 360 s 8 are each amended to read as follows:

(1) A registered tow truck operator who has a valid and signed impoundment authorization has a lien upon the impounded vehicle for services provided in the towing and storage of the vehicle, unless the impoundment is determined to have been invalid. The lien does not apply to personal property in or upon the vehicle that is not permanently attached to or is not an integral part of the vehicle except for items of personal property registered or titled with the department. The registered tow truck operator also has a deficiency claim against the registered owner of the vehicle for services provided in the towing and storage of the vehicle not to exceed the sum of five hundred dollars after deduction of the amount bid at auction, and for vehicles of over ten thousand pounds gross vehicle weight, the operator has a deficiency claim of one thousand dollars after deduction of the amount bid at auction, unless the impound is determined to be invalid. The limitation on towing and storage deficiency claims does not apply to an impound directed by a law enforcement officer. In no case may the cost of the auction or a buyer's fee be added to the amount charged for the vehicle at the auction, the vehicle's lien, or the overage due. A registered owner who has completed and filed with the department the ((seller's)) report of sale as provided for ((by)) in RCW 46.12.101 (as recodified by this act) and has timely and properly filed the ((seller's)) report of sale is relieved of liability under this section. The person named as the new owner of the vehicle on the timely and properly filed ((seller's)) report of sale shall assume liability under this section.

(2) Any person who tows, removes, or otherwise disturbs any vehicle parked, stalled, or otherwise left on privately owned or controlled property, and any person owning or controlling the private property, or either of them, are liable to the owner or operator of a vehicle, or each of them, for consequential and incidental damages arising from any interference with the ownership or use of the vehicle which does not comply with the requirements of this chapter.

**Sec. 1122.** RCW 46.55.240 and 1994 c 176 s 2 are each amended to read as follows:

(1) A city, town, or county that adopts an ordinance or resolution concerning unauthorized, abandoned, or impounded vehicles shall include the applicable provisions of this chapter.

(a) A city, town, or county may, by ordinance, authorize other impound situations that may arise locally upon the public right-of-way or other publicly owned or controlled property.

(b) A city, town, or county ordinance shall contain language that establishes a written form of authorization to impound, which may include a law enforcement notice of infraction or citation, clearly denoting the agency's authorization to impound.

(c) A city, town, or county may, by ordinance, provide for release of an impounded vehicle by means of a promissory note in lieu of immediate payment, if at the time of redemption the legal or registered owner requests a hearing on the validity of the impoundment. If the municipal ordinance directs the release of an impounded vehicle before the payment of the impoundment charges, the municipality is responsible for the payment of those charges to the registered tow truck operator within thirty days of the hearing date.

(d) The hearing specified in RCW 46.55.120(2) and in this section may be conducted by an administrative hearings officer instead of in the district court. A decision made by an administrative hearing officer may be appealed to the district court for final judgment.

(2) A city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of junk vehicles or parts thereof from private property. Costs of removal may be assessed against the registered owner of the vehicle if the identity of the owner can be determined, unless the owner in the transfer of ownership of the vehicle has complied with RCW 46.12.101 (as recodified by this act), or the costs may be assessed against the owner of the property on which the vehicle is stored. A city, town, or county may also provide for the payment to the tow truck operator or wrecker as a part of a neighborhood revitalization program.

(3) Ordinances pertaining to public nuisances shall contain:

(a) A provision requiring notice to the last registered owner of record and the property owner of record that a hearing may be requested and that if no hearing is requested, the vehicle will be removed;

(b) A provision requiring that if a request for a hearing is received, a notice giving the time, location, and date of the hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified mail, with a five-day return receipt requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership;

(c) A provision that the ordinance shall not apply to (i) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (ii) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler or licensed vehicle dealer and is fenced according to RCW 46.80.130;

(d) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the cost from the owner;

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(e) A provision that after notice has been given of the intent of the city, town, or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof shall be removed at the request of a law enforcement officer with notice to the Washington state patrol and the department of licensing that the vehicle has been wrecked. The city, town, or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap.

(4) A registered disposer under contract to a city or county for the impounding of vehicles shall comply with any administrative regulations adopted by the city or county on the handling and disposing of vehicles.

**Sec. 1123.** RCW 46.61.581 and 2005 c 390 s 1 are each amended to read as follows:

A parking space or stall for a person with a disability shall be indicated by a vertical sign with the international symbol of access, whose colors are white on a blue background, described under RCW 70.92.120. The sign may include additional language such as, but not limited to, an indication of the amount of the monetary penalty defined in ~~((RCW 46.16.381))~~ section 706 of this act for parking in the space without a valid permit.

Failure of the person owning or controlling the property where required parking spaces are located to erect and maintain the sign is a class 2 civil infraction under chapter 7.80 RCW for each parking space that should be so designated. The person owning or controlling the property where the required parking spaces are located shall ensure that the parking spaces are not blocked or made inaccessible, and failure to do so is a class 2 civil infraction.

**Sec. 1124.** RCW 46.61.582 and 1991 c 339 s 25 are each amended to read as follows:

Any person who meets the criteria for special parking privileges under ~~((RCW 46.16.381))~~ section 701 of this act shall be allowed free of charge to park a vehicle being used to transport that person for unlimited periods of time in parking zones or areas including zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted. This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special placard or license plate under ~~((RCW 46.16.381))~~ section 701 of this act to be eligible for the privileges under this section.

**Sec. 1125.** RCW 46.63.020 and 2009 c 485 s 6 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) (as recodified by this act) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 (as recodified by this act) relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) (as recodified by this act) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 (as recodified by this act) relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ~~((ownership and))~~ title, registration certificates, and markings indicating that a vehicle has been destroyed or declared a total loss;

(6) RCW 46.16.010 (as recodified by this act) and section 405(3) of this act relating to the nonpayment of taxes and fees by failure to register a vehicle and falsifying residency when registering a motor vehicle;

(7) RCW 46.16.011 (as recodified by this act) relating to permitting unauthorized persons to drive;

(8) RCW 46.16.160 (as recodified by this act) relating to vehicle trip permits;

(9) ~~((RCW 46.16.381(2)))~~ Section 706 of this act relating to knowingly providing false information in conjunction with an application for a special placard or license plate for disabled persons' parking;

(10) RCW 46.20.005 relating to driving without a valid driver's license;

(11) RCW 46.20.091 relating to false statements regarding a driver's license or instruction permit;

(12) RCW 46.20.0921 relating to the unlawful possession and use of a driver's license;

(13) RCW 46.20.342 relating to driving with a suspended or revoked license or status;

(14) RCW 46.20.345 relating to the operation of a motor vehicle with a suspended or revoked license;

(15) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license, temporary restricted driver's license, or ignition interlock driver's license;

(16) RCW 46.20.740 relating to operation of a motor vehicle without an ignition interlock device in violation of a license notation that the device is required;

(17) RCW 46.20.750 relating to circumventing an ignition interlock device;

(18) RCW 46.25.170 relating to commercial driver's licenses;

(19) Chapter 46.29 RCW relating to financial responsibility;

(20) RCW 46.30.040 relating to providing false evidence of financial responsibility;

(21) RCW 46.35.030 relating to recording device information;

~~((22))~~ (22) RCW 46.37.435 relating to wrongful installation of sunscreening material;

~~((23))~~ (23) RCW 46.37.650 relating to the sale, resale, distribution, or installation of a previously deployed air bag;

~~((24))~~ (24) RCW 46.37.671 through 46.37.675 relating to signal preemption devices;

~~((24))~~ (25) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((25))~~ (26) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((26))~~ (27) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((27))~~ (28) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((28))~~ (29) RCW 46.52.090 relating to reports by repairmen, storage men, and appraisers;

~~((29))~~ (30) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company, an employer, and an alcohol/drug assessment or treatment agency;

~~((30))~~ (31) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((31))~~ (32) RCW 46.55.035 relating to prohibited practices by tow truck operators;

~~((32))~~ (33) RCW 46.55.300 relating to vehicle immobilization;

~~((33))~~ (34) RCW 46.61.015 relating to obedience to police officers, flaggers, or firefighters;

~~((34))~~ (35) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((35))~~ (36) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((36))~~ (37) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((37))~~ (38) RCW 46.61.500 relating to reckless driving;

~~((38))~~ (39) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((39))~~ (40) RCW 46.61.503 relating to a person under age twenty- one driving a motor vehicle after consuming alcohol;

~~((40))~~ (41) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((41))~~ (42) RCW 46.61.522 relating to vehicular assault;

~~((42))~~ (43) RCW 46.61.5249 relating to first degree negligent driving;

~~((43))~~ (44) RCW 46.61.527(4) relating to reckless endangerment of roadway workers;

~~((44))~~ (45) RCW 46.61.530 relating to racing of vehicles on highways;

~~((45))~~ (46) RCW 46.61.655(7) (a) and (b) relating to failure to secure a load;

~~((46))~~ (47) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((47))~~ (48) RCW 46.61.740 relating to theft of motor vehicle fuel;

~~((48))~~ (49) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((49))~~ (50) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((50))~~ (51) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((51))~~ (52) RCW 46.68.010 relating to false statements made to obtain a refund;

((52) RCW 46.35.030 relating to recording device information;)

(53) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

(54) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(55) RCW 46.72A.060 relating to limousine carrier insurance;

(56) RCW 46.72A.070 relating to operation of a limousine without a vehicle certificate;

(57) RCW 46.72A.080 relating to false advertising by a limousine carrier;

(58) Chapter 46.80 RCW relating to motor vehicle wreckers;

(59) Chapter 46.82 RCW relating to driver's training schools;

(60) RCW 46.87.260 relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(61) RCW 46.87.290 relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

**Sec. 1126.** RCW 46.63.160 and 2009 c 272 s 1 are each amended to read as follows:

(1) This section applies only to infractions issued under RCW 46.61.690 for toll collection evasion.

(2) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(3) Toll collection systems include manual cash collection, electronic toll collection, and photo enforcement systems.

(4) "Electronic toll collection system" means a system of collecting tolls or charges that is capable of charging the account of the toll patron the appropriate toll or charge by electronic transmission from the motor vehicle to the toll collection system, which information is used to charge the appropriate toll or charge to the patron's account.

(5) "Photo enforcement system" means a vehicle sensor installed to work in conjunction with an electronic toll collection system that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of a vehicle operated in violation of an infraction under this chapter.

(6) The use of a toll collection system is subject to the following requirements:

(a) The department of transportation shall adopt rules that allow an open standard for automatic vehicle identification transponders used for electronic toll collection to be compatible with other electronic payment devices or transponders from the Washington state ferry system, other public transportation systems, or other toll collection systems to the extent that technology permits. The rules must also allow for multiple vendors providing electronic payment devices or transponders as technology permits.

(b) The department of transportation may not sell, distribute, or make available in any way, the names and addresses of electronic toll collection system account holders.

(7) The use of a photo enforcement system for issuance of notices of infraction is subject to the following requirements:

(a) Photo enforcement systems may take photographs, digital photographs, microphotographs, videotapes, or other recorded images of the vehicle and vehicle license plate only.

(b) A notice of infraction must be mailed to the registered owner of the vehicle or to the renter of a vehicle within sixty days of the violation. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by a photo enforcement system, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, digital photographs, microphotographs, videotape, or other recorded images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction.

(c) Notwithstanding any other provision of law, all photographs, digital photographs, microphotographs, videotape, or other recorded images prepared under this chapter are for the exclusive use of the tolling agency and law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this chapter. No photograph, digital photograph, microphotograph, videotape, or other recorded image may be used for any purpose other than enforcement of violations under this chapter nor retained longer than necessary to enforce this chapter or verify that tolls are paid.

(d) All locations where a photo enforcement system is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by a photo enforcement system.

(8) Infractions detected through the use of photo enforcement systems are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of photo enforcement systems under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16.216 (as recodified by this act), and 46.20.270(3).

(9) The penalty for an infraction detected through the use of a photo enforcement system shall be forty dollars plus an additional

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toll penalty. The toll penalty is equal to three times the cash toll for a standard passenger car during peak hours. The toll penalty may not be reduced. The court shall remit the toll penalty to the department of transportation or a private entity under contract with the department of transportation for deposit in the statewide account in which tolls are deposited for the tolling facility at which the violation occurred. If the driver is found not to have committed an infraction under this section, the driver shall pay the toll due at the time the photograph was taken, unless the toll has already been paid.

(10) If the registered owner of the vehicle is a rental car business the department of transportation or a law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of the mailing of the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable toll and fee.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

**Sec. 1127.** RCW 46.63.170 and 2009 c 470 s 714 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009 if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations.

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a

proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(e) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16.216 (as recodified by this act), and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for other parking infractions within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009.

(6) During the 2009-2011 fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of section 218(2), chapter 470, Laws of 2009.

**Sec. 1128.** RCW 46.68.080 and 2006 c 337 s 12 are each amended to read as follows:

(1) ~~(Motor)~~ Vehicle license fees collected under ~~((RCW 46.16.0621 and 46.16.070))~~ sections 530 and 531 of this act and fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such vehicle fuel tax, be paid to the county treasurer of each such county to be by him or her disbursed as hereinafter provided.

(2) One-half of the ~~(motor)~~ vehicle license fees collected under ~~((RCW 46.16.0621 and 46.16.070))~~ sections 530 and 531 of this act and one-half of the fuel taxes collected under RCW 82.36.025(1) and 82.38.030(1) and directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him or her disbursed as hereinafter provided.

(3) All funds paid to the county treasurer of the counties of either class referred to in subsections (1) and (2) of this section, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

(4) The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the ~~(motor)~~ vehicle license fees paid by the residents of counties composed entirely of islands bears to the total ~~(motor)~~ vehicle license fees paid by the residents of the state.

(5)(a) An amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the

difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of ~~((motor))~~ vehicle license fees collected under ~~((RCW 46.16.0621 and 46.16.070))~~ sections 530 and 531 of this act from counties described in subsection (1) of this section divided by the total amount of ~~((motor))~~ vehicle license fees collected in the state under ~~((RCW 46.16.0621 and 46.16.070))~~ sections 530 and 531 of this act.

(b) An additional amount of fuel taxes shall be deposited into the Puget Sound ferry operations account. This amount shall equal the difference between the total amount of fuel taxes collected in the state under RCW 82.36.020 and 82.38.030 less the total amount of fuel taxes collected in the state under RCW 82.36.020(1) and 82.38.030(1) and be multiplied by a fraction. The fraction shall equal the amount of ~~((motor))~~ vehicle license fees collected under ~~((RCW 46.16.0621 and 46.16.070))~~ sections 530 and 531 of this act from counties described in subsection (2) of this section divided by the total amount of ~~((motor))~~ vehicle license fees collected in the state under ~~((RCW 46.16.0621 and 46.16.070))~~ sections 530 and 531 of this act, and this shall be multiplied by one-half.

**Sec. 1129.** RCW 46.68.250 and 1996 c 184 s 6 are each amended to read as follows:

The vehicle licensing fraud account is created in the state treasury. From penalties and fines imposed under RCW 46.16.010 ~~(as recodified by this act)~~, 47.68.255, and 88.02.118 ~~(as recodified by this act)~~, an amount equal to the taxes and fees owed shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for vehicle license fraud enforcement and collections by the Washington state patrol and the department of revenue.

**Sec. 1130.** RCW 46.70.011 and 2006 c 364 s 1 are each amended to read as follows:

As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons 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.

(2) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under this title ~~((46 RCW, Motor Vehicles))~~.

(3) "Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicle, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot.

(4) "Vehicle dealer" means any person, firm, association, corporation, or trust, not excluded by subsection (5) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles, or arranging or offering or attempting to solicit or negotiate on behalf of others, a sale, purchase, or exchange of an interest in new or used motor vehicles, irrespective of whether the motor vehicles are owned by that person. Vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" is a vehicle dealer that deals in new or used motor vehicles, or both;

(b) A "mobile home and travel trailer dealer" is a vehicle dealer that deals in mobile homes, park trailers, or travel trailers, or more than one type of these vehicles;



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(c) A "miscellaneous vehicle dealer" is a vehicle dealer that deals in motorcycles or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles;

(d) A "recreational vehicle dealer" is a vehicle dealer that deals in travel trailers, motor homes, truck campers, or camping trailers that are primarily designed and used as temporary living quarters, are either self-propelled or mounted on or drawn by another vehicle, are transient, are not occupied as a primary residence, and are not immobilized or permanently affixed to a mobile home lot.

(5) ~~(The term)~~ "Vehicle dealer" does not include, nor do the licensing requirements of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which that person is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or an affiliated licensee, who, on behalf of another negotiates the purchase, sale, lease, or exchange of a manufactured or mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the manufactured or mobile home is, or will be, located; or

(g) Owners who are also operators of ~~(the)~~ special highway construction equipment, as defined in section 144 of this act, or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required ~~(as defined in RCW 46.16.010)~~; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, credit union, and any parent, subsidiary, or affiliate thereof, authorized to do business in this state under state or federal law with respect to the sale or other disposition of a motor vehicle owned and used in their business; or with respect to the acquisition and sale or other disposition of a motor vehicle in which the entity has acquired an interest as a lessor, lessee, or secured party; or

(i) Any person who is regularly engaged in the business of acquiring leases or installment contracts by assignment, with respect to the acquisition and sale or other disposition of a motor vehicle in which the person has acquired an interest as a result of the business.

(6) "Vehicle salesperson" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(7) "Department" means the department of licensing, which shall administer and enforce the provisions of this chapter.

(8) "Director" means the director of licensing.

(9) "Manufacturer" means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and further includes the terms:

(a) "Distributor," which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch," which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and further includes any sales promotion

organization, whether a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative," which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of their vehicles or for supervising or contracting with their dealers or prospective dealers.

(10) "Established place of business" means a location meeting the requirements of RCW 46.70.023(1) at which a vehicle dealer conducts business in this state.

(11) "Principal place of business" means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(12) "Subagency" means any place of business of a vehicle dealer within the state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the state, at which place the firm does business using a name other than the principal name of the firm, or both.

(13) "Temporary subagency" means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures. No more than six temporary subagency licenses may be issued to a licensee in any twelve-month period.

(14) "Wholesale vehicle dealer" means a vehicle dealer who buys and sells other than at retail.

(15) "Retail vehicle dealer" means a vehicle dealer who may buy and sell at both wholesale and retail.

(16) "Listing dealer" means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

(17) "Auction" means a transaction conducted by means of exchanges between an auctioneer and the members of the audience, constituting a series of oral invitations for offers for the purchase of vehicles made by the auctioneer, offers to purchase by members of the audience, and the acceptance of the highest or most favorable offer to purchase.

(18) "Auction company" means a sole proprietorship, partnership, corporation, or other legal or commercial entity licensed under chapter 18.11 RCW that only sells or offers to sell vehicles at auction or only arranges or sponsors auctions.

(19) "Buyer's agent" means any person, firm, partnership, association, limited liability company, limited liability partnership, or corporation retained or employed by a consumer to arrange for or to negotiate, or both, the purchase or lease of a new motor vehicle on behalf of the consumer, and who is paid a fee or receives other compensation from the consumer for its services.

(20) "New motor vehicle" means any motor vehicle that is self-propelled and is required to be registered and titled under this title ~~((46-RCW))~~, has not been previously titled to a retail purchaser or lessee, and is not a "used vehicle" as defined under RCW 46.04.660.

**Sec. 1131.** RCW 46.70.051 and 2001 c 272 s 4 are each amended to read as follows:

(1) After the application has been filed, the fee paid, and bond posted, if required, the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.101, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer. Nothing prohibits a vehicle dealer from obtaining licenses for more than one classification, and nothing prevents any vehicle dealer from dealing in other classes of vehicles on an isolated basis.

(2) An auction company licensed under chapter 18.11 RCW may sell at auction all classifications of vehicles under a motor vehicle dealer's license issued under this chapter including motor vehicles, miscellaneous type vehicles, and mobile homes and travel trailers.

(3) At the time the department issues a vehicle dealer license, the department shall provide to the dealer a current, up-to-date vehicle dealer manual that may be provided electronically setting forth the various statutes and rules applicable to vehicle dealers. In addition, at the time any such license is renewed under RCW 46.70.083, the department shall provide the dealer with any updates or current revisions to the vehicle dealer manual. These updates or current revisions may be provided electronically.

(4) The department may contract with responsible private parties to provide them elements of the vehicle database on a regular basis. The private parties may only disseminate this information to licensed vehicle dealers.

(a) Subject to the disclosure agreement provisions of RCW 46.12.380 (as recodified by this act) and the requirements of Executive Order 97- 01, the department may provide to the contracted private parties the following information:

(i) All vehicle and title data necessary to accurately disclose known title defects, brands, or flags and odometer discrepancies;

(ii) All registered and legal owner information necessary to determine true ownership of the vehicle and the existence of any recorded liens, including but not limited to liens of the department of social and health services or its successor; and

(iii) Any data in the department's possession necessary to calculate the motor vehicle excise tax, license, and registration fees including information necessary to determine the applicability of regional transit authority excise and use tax surcharges.

(b) The department may provide this information in any form the contracted private party and the department agree upon, but if the data is to be transmitted over the Internet or similar public network from the department to the contracted private party, it must be encrypted.

(c) The department shall give these contracted private parties advance written notice of any change in the information referred to in (a)(i), (ii), or (iii) of this subsection, including information pertaining to the calculation of motor vehicle excise taxes.

(d) The department shall revoke a contract made under this subsection (4) with a private party who disseminates information from the vehicle database to anyone other than a licensed vehicle dealer. A private party who obtains information from the vehicle database under a contract with the department and disseminates any of that information to anyone other than a licensed vehicle dealer is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

(e) Nothing in this subsection (4) authorizes a vehicle dealer or any other organization or entity not otherwise appointed as a vehicle licensing subagent under RCW 46.01.140 to perform any of the functions of a vehicle licensing subagent so appointed.

**Sec. 1132.** RCW 46.70.101 and 2001 c 272 s 6 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer or vehicle manufacturer or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department,

or which license was suspended for cause and the terms of the suspension have not been fulfilled or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, "adjudged guilty" (~~shall~~) means in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his or her application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Has knowingly, or with reason to know, provided the department with false information relating to the number of vehicle sales transacted during the past one year in order to obtain a vehicle dealer license plate;

(v) Does not have an established place of business as required in this chapter;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same, except for sales by wholesale motor vehicle auction dealers to franchise motor vehicle dealers of the same make licensed under this title (~~(46 RCW)~~) or franchise motor vehicle dealers of the same make licensed by any other state;

(viii) Is insolvent, either in the sense that their liabilities exceed their assets, or in the sense that they cannot meet their obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

(x) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(xi) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180;

(xii) Fails to have a current certificate or registration with the department of revenue.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser or owner a certificate of (~~ownership~~) title to a vehicle which he or she has sold or leased;

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(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles, except for sales by wholesale motor vehicle auction dealers to motor vehicle dealers and vehicle wreckers licensed under this title ((46-RCW)) or motor vehicle dealers licensed by any other state;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means;

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds; or

(xi) Has sold any vehicle with actual knowledge that:

(A) It has any of the following brands on the title: "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

(B) It has been declared totaled out by an insurance carrier and then rebuilt; or

(C) The vehicle title contains the specific comment that the vehicle is "rebuilt"; without clearly disclosing that brand or comment in writing.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his or her application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale, lease, or transfer of a vehicle;

(e) Has purchased, sold, leased, disposed of, or has in his or her possession, any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale or for lease, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of

Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale or for lease unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold, leased, or distributed in this state or transferred into this state for resale or for lease by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including, but not limited to, failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

**Sec. 1133.** RCW 46.70.122 and 2001 c 272 s 8 are each amended to read as follows:

(1) If the purchaser or transferee is a dealer he or she shall, on selling, leasing, or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe.

(2) The assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale or lease, to which shall be attached the assigned certificate((s)) of ((ownership)) title and ((license)) registration certificate received by the dealer. The dealer shall mail or deliver them to the department with the transferee's application for the issuance of new certificate((s)) of ((ownership)) title and ((license)) registration certificate. The ((title)) certificate of title issued for a vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of the security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department. Failure of a dealer to deliver the ((title)) certificate of title to the secured party does not affect perfection of the security interest.

**Sec. 1134.** RCW 46.70.124 and 1994 c 262 s 11 are each amended to read as follows:

A vehicle dealer((s)) shall possess a separate certificate of ((ownership)) title or other evidence of ownership approved by the department for each used vehicle kept in the dealer's possession. Evidence of ownership shall be either in the name of the dealer or in the name of the dealer's immediate vendor properly assigned. In the case of consigned vehicles, the vehicle dealer may possess a completed consignment contract that includes a guaranteed title from the seller in lieu of the required certificate of ((ownership)) title.

**Sec. 1135.** RCW 46.70.135 and 1994 c 284 s 11 are each amended to read as follows:

Mobile home manufacturers and mobile home dealers who sell mobile homes to be assembled on site and used as residences in this state shall conform to the following requirements:

(1) No new manufactured home may be sold unless the purchaser is provided with a manufacturer's written warranty for construction of the home in compliance with the Magnuson-Moss

Warranty Act (88 Stat. 2183; 15 U.S.C. Sec. 47 et seq.; 15 U.S.C. Sec. 2301 et seq.).

(2) No new manufactured home may be sold unless the purchaser is provided with a dealer's written warranty for all installation services performed by the dealer.

(3) The warranties required by subsections (1) and (2) of this section shall be valid for a minimum of one year measured from the date of delivery and shall not be invalidated by resale by the original purchaser to a subsequent purchaser or by the certificate of ((ownership)) title being eliminated or not issued as described in chapter 65.20 RCW. Copies of the warranties shall be given to the purchaser upon signing a purchase agreement and shall include an explanation of remedies available to the purchaser under state and federal law for breach of warranty, the name and address of the federal department of housing and urban development and the state departments of licensing and labor and industries, and a brief description of the duties of these agencies concerning mobile homes.

(4) Warranty service shall be completed within forty-five days after the owner gives written notice of the defect unless there is a bona fide dispute between the parties. Warranty service for a defect affecting health or safety shall be completed within seventy-two hours of receipt of written notice. Warranty service shall be performed on site and a written work order describing labor performed and parts used shall be completed and signed by the service agent and the owner. If the owner's signature cannot be obtained, the reasons shall be described on the work order. Work orders shall be retained by the dealer or manufacturer for a period of three years.

(5) Before delivery of possession of the home to the purchaser, an inspection shall be performed by the dealer or his or her agent and by the purchaser or his or her agent which shall include a test of all systems of the home to insure proper operation, unless such systems test is delayed pursuant to this subsection. At the time of the inspection, the purchaser shall be given copies of all documents required by state or federal agencies to be supplied by the manufacturer with the home which have not previously been provided as required under subsection (3) of this section, and the dealer shall complete any required purchaser information card and forward the card to the manufacturer. A purchaser is deemed to have taken delivery of the manufactured home when all three of the following events have occurred: (a) The contractual obligations between the purchaser and the seller have been met; (b) the inspection of the home is completed; and (c) the systems test of the home has been completed subsequent to the installation of the home, or fifteen days has elapsed since the transport of the home to the site where it will be installed, whichever is earlier. Occupancy of the manufactured home shall only occur after the systems test has occurred and all required utility connections have been approved after inspection.

(6) Manufacturer and dealer advertising which states the dimensions of a home shall not include the length of the draw bar assembly in a listed dimension, and shall state the square footage of the actual floor area.

**Sec. 1136.** RCW 46.70.180 and 2009 c 123 s 1 and 2009 c 49 s 1 are each reenacted and amended to read as follows:

Each of the following acts or practices is unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2)(a)(i) To incorporate within the terms of any purchase and sale or lease agreement any statement or representation with regard to the sale, lease, or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price or capitalized cost of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(ii) However, an amount not to exceed the applicable amount provided in (iii)(A) and (B) of this subsection (2)(a) per vehicle sale or lease may be charged by a dealer to recover administrative costs for collecting motor vehicle excise taxes, licensing and registration fees and other agency fees, verifying and clearing titles, transferring titles, perfecting, releasing, or satisfying liens or other security interests, and other administrative and documentary services rendered by a dealer in connection with the sale or lease of a vehicle and in carrying out the requirements of this chapter or any other provisions of state law.

(iii) A dealer may charge under (a)(ii) of this subsection:

(A) As of July 26, 2009, through June 30, 2014, an amount not to exceed one hundred fifty dollars; and

(B) As of July 1, 2014, an amount not to exceed fifty dollars.

(b) A dealer may charge the documentary service fee in (a) of this subsection under the following conditions:

(i) The documentary service fee is disclosed in writing to a prospective purchaser or lessee before the execution of a purchase and sale or lease agreement;

(ii) The dealer discloses to the purchaser or lessee in writing that the documentary service fee is a negotiable fee. The disclosure must be written in a typeface that is at least as large as the typeface used in the standard text of the document that contains the disclosure and that is bold faced, capitalized, underlined, or otherwise set out from the surrounding material so as to be conspicuous. The dealer shall not represent to the purchaser or lessee that the fee or charge is required by the state to be paid by either the dealer or prospective purchaser or lessee;

(iii) The documentary service fee is separately designated from the selling price or capitalized cost of the vehicle and from any other taxes, fees, or charges; and

(iv) Dealers disclose in any advertisement that a documentary service fee in an amount provided in (iv)(A) and (B) of this subsection (2)(b) may be added to the sale price or the capitalized cost:

(A) As of July 26, 2009, through June 30, 2014, an amount up to one hundred fifty dollars; and

(B) As of July 1, 2014, an amount up to fifty dollars.

For the purposes of this subsection (2), the term "documentary service fee" means the optional amount charged by a dealer to provide the services specified in (a) of this subsection.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold or leased to a person for a consideration and upon further consideration that the purchaser or lessee agrees to secure one or more persons to participate in the plan

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by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser or lessee being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Entering into a written contract, written purchase order or agreement, retail installment sales agreement, note and security agreement, or written lease agreement, hereinafter collectively referred to as contract or lease, signed by the prospective buyer or lessee of a vehicle, which:

(a) Is subject to any conditions or the dealer's or his or her authorized representative's future acceptance, and the dealer fails or refuses within four calendar days, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer or lessee to inform the buyer or lessee either: (i) That the dealer unconditionally accepts the contract or lease, having satisfied, removed, or waived all conditions to acceptance or performance, including, but not limited to, financing, assignment, or lease approval; or (ii) that the dealer rejects the contract or lease, thereby automatically voiding the contract or lease, as long as such voiding does not negate commercially reasonable contract or lease provisions pertaining to the return of the subject vehicle and any physical damage, excessive mileage after the demand for return of the vehicle, and attorneys' fees authorized by law, and tenders the refund of any initial payment or security made or given by the buyer or lessee, including, but not limited to, any down payment, and tenders return of the trade-in vehicle, key, other trade-in, or certificate of title to a trade-in. Tender may be conditioned on return of the subject vehicle if previously delivered to the buyer or lessee.

The provisions of this subsection (4)(a) do not impair, prejudice, or abrogate the rights of a dealer to assert a claim against the buyer or lessee for misrepresentation or breach of contract and to exercise all remedies available at law or in equity, including those under chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing company discovers that approval of the contract or financing or approval of the lease was based upon material misrepresentations made by the buyer or lessee, including, but not limited to, misrepresentations regarding income, employment, or debt of the buyer or lessee, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation. A dealer shall not be in violation of this subsection (4)(a) if the buyer or lessee made a material misrepresentation to the dealer, as long as the dealer, or his or her staff, has not, with knowledge of the material misrepresentation, aided, assisted, encouraged, or participated, directly or indirectly, in the misrepresentation.

When a dealer informs a buyer or lessee under this subsection (4)(a) regarding the unconditional acceptance or rejection of the contract, lease, or financing by an electronic mail message, the dealer must also transmit the communication by any additional means:

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer or lessee as part of the purchase price or lease, for any reason except:

(i) Failure to disclose that the vehicle's certificate of ~~(ownership)~~ title has been branded for any reason, including, but not limited to, status as a rebuilt vehicle as provided in RCW 46.12.050 ~~(as recodified by this act)~~ and ~~((46.12.075))~~ section 303 of this act; or

(ii) Substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which

could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(iii) Excessive additional miles or a discrepancy in the mileage. "Excessive additional miles" means the addition of five hundred miles or more, as reflected on the vehicle's odometer, between the time the vehicle was first valued by the dealer for purposes of determining its trade-in value and the time of actual delivery of the vehicle to the dealer. "A discrepancy in the mileage" means (A) a discrepancy between the mileage reflected on the vehicle's odometer and the stated mileage on the signed odometer statement; or (B) a discrepancy between the mileage stated on the signed odometer statement and the actual mileage on the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesperson to refuse to furnish, upon request of a prospective purchaser or lessee, for vehicles previously registered to a business or governmental entity, the name and address of the business or governmental entity.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle. However, a dealer may issue a second temporary permit on a vehicle if the following conditions are met:

(a) The lienholder fails to deliver the vehicle title to the dealer within the required time period;

(b) The dealer has satisfied the lien; and

(c) The dealer has proof that payment of the lien was made within two calendar days, exclusive of Saturday, Sunday, or a legal holiday, after the sales contract has been executed by all parties and all conditions and contingencies in the sales contract have been met or otherwise satisfied.

(9) For a dealer, salesperson, or mobile home manufacturer, having taken an instrument or cash "on deposit" from a purchaser or lessee prior to the delivery of the bargained-for vehicle, to commingle the "on deposit" funds with assets of the dealer, salesperson, or mobile home manufacturer instead of holding the "on deposit" funds as trustee in a separate trust account until the purchaser or lessee has taken delivery of the bargained-for vehicle. Delivery of a manufactured home shall be deemed to occur in accordance with RCW 46.70.135(5). Failure, immediately upon receipt, to endorse "on deposit" instruments to such a trust account, or to set aside "on deposit" cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his or her customary total customer deposits for vehicles for future delivery. For purposes of this section, "on deposit" funds received from a purchaser of a manufactured home means those funds that a seller requires a purchaser to advance before ordering the manufactured home, but does not include any loan proceeds or moneys that might have been paid on an installment contract.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser or lessee, all parts which attach to the manufactured unit

including but not limited to the undercarriage, and all items specified in the terms of a sales or lease agreement signed by the seller and buyer or lessee.

(11) For a vehicle dealer to pay to or receive from any person, firm, partnership, association, or corporation acting, either directly or through a subsidiary, as a buyer's agent for consumers, any compensation, fee, purchase moneys or funds that have been deposited into or withdrawn out of any account controlled or used by any buyer's agent, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle.

(12) For a buyer's agent, acting directly or through a subsidiary, to pay to or to receive from any motor vehicle dealer any compensation, fee, gratuity, or reward in connection with the purchase, sale, or lease of a new motor vehicle. In addition, it is unlawful for any buyer's agent to engage in any of the following acts on behalf of or in the name of the consumer:

(a) Receiving or paying any purchase moneys or funds into or out of any account controlled or used by any buyer's agent;

(b) Signing any vehicle purchase orders, sales contracts, leases, odometer statements, or title documents, or having the name of the buyer's agent appear on the vehicle purchase order, sales contract, lease, or title; or

(c) Signing any other documentation relating to the purchase, sale, lease, or transfer of any new motor vehicle.

It is unlawful for a buyer's agent to use a power of attorney obtained from the consumer to accomplish or effect the purchase, sale, lease, or transfer of ownership documents of any new motor vehicle by any means which would otherwise be prohibited under (a) through (c) of this subsection. However, the buyer's agent may use a power of attorney for physical delivery of motor vehicle license plates to the consumer.

Further, it is unlawful for a buyer's agent to engage in any false, deceptive, or misleading advertising, disseminated in any manner whatsoever, including but not limited to making any claim or statement that the buyer's agent offers, obtains, or guarantees the lowest price on any motor vehicle or words to similar effect.

(13) For a buyer's agent to arrange for or to negotiate the purchase, or both, of a new motor vehicle through an out-of-state dealer without disclosing in writing to the customer that the new vehicle would not be subject to chapter 19.118 RCW. This subsection also applies to leased vehicles. In addition, it is unlawful for any buyer's agent to fail to have a written agreement with the customer that: (a) Sets forth the terms of the parties' agreement; (b) discloses to the customer the total amount of any fees or other compensation being paid by the customer to the buyer's agent for the agent's services; and (c) further discloses whether the fee or any portion of the fee is refundable.

(14) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.93 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his or her capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he or she is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) the cancellation or nonrenewal was not done in good faith. Good faith is defined as

the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith;

(c) Encourage, aid, abet, or teach a vehicle dealer to sell or lease vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale or lease of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser or lessee of any new or unused vehicle that has been sold or leased, distributed for sale or lease, or transferred into this state for resale or lease by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties. This paragraph and subsection (14)(b) of this section do not apply to new motor vehicle manufacturers governed by chapter 46.96 RCW.

(15) Unlawful transfer of an ownership interest in a motor vehicle as defined in RCW 19.116.050.

(16) To knowingly and intentionally engage in collusion with a registered owner of a vehicle to repossess and return or resell the vehicle to the registered owner in an attempt to avoid a suspended license impound under chapter 46.55 RCW. However, compliance with chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise disposing of the vehicle, including providing redemption rights to the debtor, is not a violation of this section.

(17)(a) For a dealer to enter into a new motor vehicle sales contract without disclosing in writing to a buyer of the new motor vehicle, or to a dealer in the case of an unregistered motor vehicle, any known damage and repair to the new motor vehicle if the damage exceeds five percent of the manufacturer's suggested retail price as calculated at the dealer's authorized warranty rate for labor and parts, or one thousand dollars, whichever amount is greater. A manufacturer or new motor vehicle dealer is not required to disclose to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a new motor vehicle were damaged at any time if the damaged item has been replaced with original or comparable equipment. A replaced part is not part of the cumulative damage required to be disclosed under this subsection.

(b) A manufacturer is required to provide the same disclosure to a dealer of any known damage or repair as required in (a) of this subsection.

(c) If disclosure of any known damage or repair is not required under this section, a buyer may not revoke or rescind a sales contract

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due to the fact that the new motor vehicle was damaged and repaired before completion of the sale.

(d) As used in this section:

(i) "Cosmetic parts" means parts that are attached by and can be replaced in total through the use of screws, bolts, or other fasteners without the use of welding or thermal cutting, and includes windshields, bumpers, hoods, or trim panels.

(ii) "Manufacturer's suggested retail price" means the retail price of the new motor vehicle suggested by the manufacturer, and includes the retail delivered price suggested by the manufacturer for each accessory or item of optional equipment physically attached to the new motor vehicle at the time of delivery to the new motor vehicle dealer that is not included within the retail price suggested by the manufacturer for the new motor vehicle.

**Sec. 1137.** RCW 46.72.060 and 1961 c 12 s 46.72.060 are each amended to read as follows:

Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers (~~over and along~~) on any public street, road or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond.

**Sec. 1138.** RCW 46.80.010 and 1999 c 278 s 1 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be (~~licensed~~) registered under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of a vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, or who deals in secondhand vehicle parts.

(2) "Core" means a major component part received by a vehicle wrecker in exchange for a like part sold by the vehicle wrecker, is not resold as a major component part except for scrap metal value or for remanufacture, and the vehicle wrecker maintains records for three years from the date of acquisition to identify the name of the person from whom the core was received.

(3) "Established place of business" means a building or enclosure which the vehicle wrecker occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with zoning regulations.

(4) "Interim owner" means the owner of a vehicle who has the original certificate of (~~ownership~~) title for the vehicle, which certificate has been released by the person named on the certificate and assigned to the person offering to sell the vehicle to the wrecker.

(5) "Major component part" includes at least each of the following vehicle parts: (a) Engines and short blocks; (b) frame; (c) transmission and/or transfer case; (d) cab; (e) door; (f) front or rear differential; (g) front or rear clip; (h) quarter panel; (i) truck bed or box; (j) seat; (k) hood; (l) bumper; (m) fender; and (n) airbag. The director may supplement this list by rule.

(6) "Wrecked vehicle" means a vehicle which is disassembled or dismantled or a vehicle which is acquired with the intent to dismantle or disassemble and never again to operate as a vehicle, or

a vehicle which has sustained such damage that its cost to repair exceeds the fair market value of a like vehicle which has not sustained such damage, or a damaged vehicle whose salvage value plus cost to repair equals or exceeds its fair market value, if repaired, or a vehicle which has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state for which the salvage value plus cost to repair exceeds its fair market value, if repaired; further, it is presumed that a vehicle is a wreck if it has sustained such damage or deterioration that it may not lawfully operate upon the highways of this state.

**Sec. 1139.** RCW 46.80.090 and 1999 c 278 s 3 are each amended to read as follows:

Within thirty days after acquiring a vehicle, the vehicle wrecker shall furnish a written report to the department. This report shall be in such form as the department shall prescribe and shall be accompanied by evidence of ownership as determined by the department. No vehicle wrecker may acquire a vehicle, including a vehicle from an interim owner, without first obtaining evidence of ownership as determined by the department. For a vehicle from an interim owner, the evidence of ownership may not require that a title be issued in the name of the interim owner as required by RCW 46.12.101 (as recodified by this act). The vehicle wrecker shall furnish a monthly report of all acquired vehicles. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the vehicle wrecker or an authorized representative and the facts therein sworn to before a notary public, or before an officer or employee of the department designated by the director to administer oaths or acknowledge signatures, pursuant to RCW 46.01.180.

**Sec. 1140.** RCW 46.87.010 and 2005 c 194 s 1 are each amended to read as follows:

This chapter applies to proportional registration and reciprocity granted under the provisions of the International Registration Plan (IRP). This chapter shall become effective and be implemented beginning with the 1988 registration year.

(1) Provisions and terms of the IRP prevail unless given a different meaning in chapter 46.04 RCW, this chapter, or in rules adopted under the authority of this chapter.

(2) The director may adopt and enforce rules deemed necessary to implement and administer this chapter.

(3) Owners having a fleet of apportionable vehicles operating in two or more IRP member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of the IRP and this chapter in lieu of full or temporary registration as provided for in chapter(~~s~~) 46.16 (~~or 46.88~~) RCW.

(4) If a due date or an expiration date established under authority of this chapter falls on a Saturday, Sunday, or a state legal holiday, such period is automatically extended through the end of the next business day.

**Sec. 1141.** RCW 46.87.020 and 2005 c 194 s 2 are each amended to read as follows:

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), in chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Credentials" means cab cards, apportioned plates (for Washington-based fleets), and validation tabs issued for proportionally registered vehicles.

(4) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

(5) "Declared gross weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on the vehicle as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight shall be determined by multiplying the average load factor of one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in (~~RCW 46.16.070~~) section 530 of this act, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

(6) "Department" means the department of licensing.

(7) "Fleet" means one or more apportionable vehicles in the IRP.

(8) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(9) "IRP" means the International Registration Plan.

(10) "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.

(11) "Motor carrier" means an entity engaged in the transportation of goods or persons. The term includes a for-hire motor carrier, private motor carrier, contract motor carrier, or exempt motor carrier. The term includes a registrant licensed under this chapter, a motor vehicle lessor, and a motor vehicle lessee.

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale 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 if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months immediately before July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought.

(14) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(15) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(16) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction.

(17) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by

vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

**Sec. 1142.** RCW 46.87.030 and 2005 c 194 s 3 are each amended to read as follows:

(1) When application to register an apportionable vehicle is made, the Washington prorated fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. If a vehicle is being added to a currently registered fleet, the prorate percentage previously established for the fleet for such registration year shall be used in the computation of the proportional fees and taxes due.

(2) If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under this chapter, the registrant of the fleet shall notify the department on appropriate forms prescribed by the department. The department may require the registrant to surrender credentials that were issued to the vehicle. If a motor vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the fleet registrant, the unused portion of the (~~licensing~~) license fee paid under (~~RCW 46.16.070~~) section 530 of this act with respect to the vehicle reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current registration year in which the vehicle was registered and the date the notice of withdrawal, accompanied by such credentials as may be required, is received in the department, shall be credited to the fleet proportional registration account of the registrant. Credit shall be applied against the (~~licensing~~) license fee liability for subsequent additions of motor vehicles to be proportionally registered in the fleet during such registration year or for additional (~~licensing~~) license fees due under (~~RCW 46.16.070~~) section 530 of this act or to be due upon audit under RCW 46.87.310. If any credit is less than fifteen dollars, no credit will be entered. In lieu of credit, the registrant may choose to transfer the unused portion of the (~~licensing~~) license fee for the motor vehicle to the new owner, in which case it shall remain with the motor vehicle for which it was originally paid. In no event may any amount be credited against fees other than those for the registration year from which the credit was obtained nor is any amount subject to refund.

**Sec. 1143.** RCW 46.87.140 and 2005 c 194 s 9 are each amended to read as follows:

(1) Any owner engaged in interstate operations of one or more fleets of apportionable vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet.

(b) The member jurisdictions in which registration is desired and such other information as member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule for each fleet.

(d) The USDOT number issued to the registrant and the USDOT number of the motor carrier responsible for the safety of the vehicle, if different.

(e) A completed Motor Carrier Identification Report (MCS-150) at the time of fleet renewal or at the time of vehicle registration, if required by the department.

(f) The Taxpayer Identification Number of the registrant and the motor carrier responsible for the safety of the vehicle, if different.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:



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(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorate percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated.

Applicable fees and taxes for vehicles of Washington-based fleets are those prescribed under ~~((RCW 46.16.070))~~ section 530 of this act, ((46.16.085)) section 531(1)(c) of this act, and RCW 82.38.075, as applicable. If, during the registration period, the lessor of an apportioned vehicle changes and the vehicle remains in the fleet of the registrant, the department shall only charge those fees prescribed for the issuance of new apportioned license plates, validation tabs, and cab card.

(c) Multiply the total, proratable fees or taxes for each motor vehicle by the prorate percentage applicable to the desired jurisdiction and round the results to the nearest cent.

(d) Add the total fees and taxes determined in (c) of this subsection for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of RCW 46.87.130.

(e) The amount due and payable for the application is the sum of the fees and taxes calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

**Sec. 1144.** RCW 46.87.220 and 1987 c 244 s 35 are each amended to read as follows:

The gross weight in the case of a motor truck, tractor, or truck tractor is the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed by it, to which shall be added the weight of the maximum load to be carried on it or towed by it as set forth by the licensee in the application providing it does not exceed the weight limitations prescribed by chapter 46.44 RCW.

The gross weight in the case of a bus, auto stage, or for hire vehicle, except a taxicab, with a seating capacity over six, is the scale weight of the bus, auto stage, or for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in ~~((RCW 46.16.070))~~ section 530 of this act, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

A motor vehicle or combination of vehicles found to be loaded beyond the licensed gross weight of the motor vehicle registered under this chapter shall be cited and handled under RCW 46.16.140 and 46.16.145 (as recodified by this act).

**NEW SECTION. Sec. 1145.** A new section is added to chapter 47.06 RCW to read as follows:

(1) The department of transportation may increase the recreational vehicle sanitary disposal fee charged under section 534 of this act as authorized in RCW 43.135.055 by a percentage that exceeds the fiscal growth factor. After consultation with citizen representatives of the recreational vehicle user community, the

department of transportation may implement RV account fee adjustments no more than once every four years. RV account fee adjustments must be preceded by an evaluation of the following factors:

(a) Maintenance of a self-supporting program;

(b) Levels of service at existing recreational vehicle sanitary disposal facilities;

(c) Identified needs for improved recreational vehicle service at safety rest areas statewide;

(d) Sewage treatment costs; and

(e) Inflation.

(2) If the department of transportation chooses to adjust the RV account fee, it shall notify the department of licensing six months before implementation of the fee increase. Adjustments in the RV account fee must be in increments of no more than fifty cents per biennium.

**Sec. 1146.** RCW 47.10.704 and 1961 c 13 s 47.10.704 are each amended to read as follows:

In order to facilitate vehicular traffic through and between the cities of Tacoma, Seattle, and Everett and to remove the present handicaps and hazards ~~((over and along))~~ on primary state highway No. 1 as presently established, the state highway commission is authorized to realign, redesign, and reconstruct primary state highway No. 1 upon a newly located right-of-way or upon portions of existing right-of-way through and between the cities of Tacoma, Seattle, and Everett and as an additional alternate route bypassing Seattle east of Lake Washington. The route of the proposed project is established as follows: Beginning in the vicinity of Ponders Corner, thence in a general northeasterly and northerly direction through the cities of Tacoma and Seattle to a point in the vicinity of the city of Everett and as an additional alternate route bypassing Seattle east of Lake Washington.

**Sec. 1147.** RCW 47.68.255 and 2003 c 53 s 266 are each amended to read as follows:

A person who is required to register an aircraft under this chapter and who registers an aircraft in another state or foreign country evading the Washington aircraft excise tax is guilty of a gross misdemeanor. For a second or subsequent offense, the person convicted is also subject to a fine equal to four times the amount of avoided taxes and fees, no part of which may be suspended or deferred. Excise taxes owed and fines assessed will be deposited in the manner provided under RCW 46.16.010~~((4))~~ (6) (as recodified by this act).

**Sec. 1148.** RCW 48.22.110 and 2003 c 248 s 10 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this section and RCW 48.22.115 through 48.22.135.

(1) "Borrower" means a person who receives a loan or enters into a retail installment contract under chapter 63.14 RCW to purchase a motor vehicle or vessel in which the secured party holds an interest.

(2) "Motor vehicle" means a motor vehicle in this state subject to registration under chapter 46.16 RCW, except motor vehicles governed by RCW 46.16.020 (as recodified by this act) or registered with the Washington utilities and transportation commission as common or contract carriers.

(3) "Secured party" means a person, corporation, association, partnership, or venture that possesses a bona fide security interest in a motor vehicle or vessel.

(4) "Vendor single-interest" or "collateral protection coverage" means insurance coverage insuring primarily or solely the interest of a secured party but which may include the interest of the borrower in a motor vehicle or vessel serving as collateral and obtained by the secured party or its agent after the borrower has failed to obtain or

maintain insurance coverage required by the financing agreement for the motor vehicle or vessel. Vendor single-interest or collateral protection coverage does not include insurance coverage purchased by a secured party for which the borrower is not charged.

(5) "Vessel" means a vessel as defined in RCW 88.02.010 (as recodified by this act) and includes personal watercraft as defined in RCW 79A.60.010.

**Sec. 1149.** RCW 59.21.050 and 2002 c 257 s 4 are each amended to read as follows:

(1) The existence of the mobile home park relocation fund in the custody of the state treasurer is affirmed. Expenditures from the fund may be used only for relocation assistance awarded under this chapter. Only the director or the director's designee may authorize expenditures from the fund. All relocation payments to tenants shall be made from the fund. The fund is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) A park tenant is eligible for assistance under this chapter only after an application is submitted by that tenant or an organization acting on the tenant's account under RCW 59.21.021(4) on a form approved by the director which shall include:

(a) For those persons who maintained ownership of and relocated their homes or removed their homes from the park: (i) A copy of the notice from the park-owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use; (ii) a copy of the rental agreement then in force, or other proof that the applicant was a tenant at the time of notice of closure; (iii) a copy of the contract for relocating the home which includes the date of relocation, or other proof of actual relocation expenses incurred on a date certain; and (iv) a statement of any other available assistance;

(b) For those persons who sold their homes and incurred no relocation expenses: (i) A copy of the notice from the park-owner, or other adequate proof, that the tenancy is terminated due to closure of the park or its conversion to another use; (ii) a copy of the rental agreement then in force, or other proof that the applicant was a tenant at the time of notice of closure; and (iii) a copy of the record of title transfer issued by the department of licensing when the tenant sold the home rather than relocate it due to park closure or conversion.

(3) The department may deduct a percentage amount of the fee collected under (RCW 59.21.055) section 511 of this act, not to exceed five percent of the fees received, for administration expenses incurred by the department.

**Sec. 1150.** RCW 59.22.020 and 2009 c 565 s 48 are each reenacted and amended to read as follows:

The following definitions shall apply throughout this chapter unless the context clearly requires otherwise:

(1) "Account" means the manufactured housing account created under RCW 59.22.070.

(2) "Affordable" means that, where feasible, low-income residents should not pay more than thirty percent of their monthly income for housing costs.

(3) "Conversion costs" includes the cost of acquiring the mobile home park, the costs of planning and processing the conversion, the costs of any needed repairs or rehabilitation, and any expenditures required by a government agency or lender for the project.

(4) "Department" means the department of commerce.

(5) "Fee" means the mobile home title transfer fee imposed under (RCW 59.22.080) section 510 of this act.

(6) "Fund" or "park purchase account" means the mobile home park purchase account created pursuant to RCW 59.22.030.

(7) "Housing costs" means the total cost of owning, occupying, and maintaining a mobile home and a lot or space in a mobile home park.

(8) "Individual interest in a mobile home park" means any interest which is fee ownership or a lesser interest which entitles the holder to occupy a lot or space in a mobile home park for a period of not less than either fifteen years or the life of the holder. Individual interests in a mobile home park include, but are not limited to, the following:

(a) Ownership of a lot or space in a mobile home park or subdivision;

(b) A membership or shares in a stock cooperative, or a limited equity housing cooperative; or

(c) Membership in a nonprofit mutual benefit corporation which owns, operates, or owns and operates the mobile home park.

(9) "Landlord" shall have the same meaning as it does in RCW 59.20.030.

(10) "Low-income resident" means an individual or household who resided in the mobile home park prior to application for a loan pursuant to this chapter and with an annual income at or below eighty percent of the median income for the county of standard metropolitan statistical area of residence. Net worth shall be considered in the calculation of income with the exception of the resident's mobile/home which is used as their primary residence.

(11) "Low-income spaces" means those spaces in a mobile home park operated by a resident organization which are occupied by low-income residents.

(12) "Manufactured housing" means residences constructed on one or more chassis for transportation, and which bear an insignia issued by a state or federal regulatory agency indication compliance with all applicable construction standards of the United States department of housing and urban development.

(13) "Mobile home" shall have the same meaning as it does in RCW 46.04.302.

(14) "Mobile home lot" shall have the same meaning as it does in RCW 59.20.030.

(15) "Mobile home park" means a mobile home park, as defined in RCW 59.20.030(10), or a manufactured home park subdivision as defined by RCW 59.20.030(12) created by the conversion to resident ownership of a mobile home park.

(16) "Resident organization" means a group of mobile home park residents who have formed a nonprofit corporation, cooperative corporation, or other entity or organization for the purpose of acquiring the mobile home park in which they reside and converting the mobile home park to resident ownership. The membership of a resident organization shall include at least two-thirds of the households residing in the mobile home park at the time of application for assistance from the department.

(17) "Resident ownership" means, depending on the context, either the ownership, by a resident organization, as defined in this section, of an interest in a mobile home park which entitles the resident organization to control the operations of the mobile home park for a term of no less than fifteen years, or the ownership of individual interests in a mobile home park, or both.

(18) "Tenant" means a person who rents a mobile home lot for a term of one month or longer and owns the mobile home on the lot.

**Sec. 1151.** RCW 62A.9A-311 and 2001 c 32 s 25 are each amended to read as follows:

(a) **Security interest subject to other law.** Except as otherwise provided in subsection (d) of this section, the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) A statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt RCW 62A.9A-310(a);

(2) RCW (46.12.095) 46.12.170 or 88.02.070 (as recodified by this act), or chapter 65.12 RCW; or

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(3) A certificate-of-title statute of another jurisdiction which provides for a security interest to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) **Compliance with other law.** Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) of this section for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this Article. Except as otherwise provided in subsection (d) of this section, RCW 62A.9A-313, and 62A.9A-316 (d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) of this section may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) **Duration and renewal of perfection.** Except as otherwise provided in subsection (d) of this section and RCW 62A.9A-316 (d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) of this section are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this Article.

(d) **Inapplicability to certain inventory.** During any period in which collateral subject to RCW 46.12.095 or 88.02.070 (as recodified by this act), or chapter 65.12 RCW is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

**Sec. 1152.** RCW 63.14.010 and 2009 c 334 s 11 are each reenacted and amended to read as follows:

In this chapter, unless the context otherwise requires:

(1) "Financial institution" means any bank or trust company, mutual savings bank, credit union, or savings and loan association organized pursuant to the laws of any one of the United States of America or the United States of America, or the laws of a foreign country if also qualified to conduct business in any one of the United States of America or pursuant to the laws of the United States of America;

(2) "Goods" means all chattels personal when purchased primarily for personal, family, or household use and not for commercial or business use, but not including money or, except as provided in the next sentence, things in action. The term includes but is not limited to merchandise certificates or coupons, issued by a retail seller, to be used in their face amount in lieu of cash in exchange for goods or services sold by such a seller and goods which, at the time of sale or subsequently, are to be so affixed to real property as to become a part thereof, whether or not severable therefrom;

(3) "Lender credit card" means a card or device under a lender credit card agreement pursuant to which the issuer gives to a cardholder residing in this state the privilege of obtaining credit from the issuer or other persons in purchasing or leasing property or services, obtaining loans, or otherwise, and the issuer of which is not: (a) Principally engaged in the business of selling goods; or (b) a financial institution;

(4) "Lender credit card agreement" means an agreement entered into or performed in this state prescribing the terms of retail installment transactions pursuant to which the issuer may, with the buyer's consent, purchase or acquire one or more retail sellers' indebtedness of the buyer under a sales slip or memorandum evidencing the purchase, lease, loan, or otherwise to be paid in accordance with the agreement. The issuer of a lender credit card

agreement shall not be principally engaged in the business of selling goods or be a financial institution;

(5) "Official fees" means the amount of the fees prescribed by law and payable to the state, county, or other governmental agency for filing, recording, or otherwise perfecting, and releasing or satisfying, a retained title, lien, or other security interest created by a retail installment transaction;

(6) "Person" means an individual, partnership, joint venture, corporation, association, or any other group, however organized;

(7) "Principal balance" means the sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and official fees; and the amount actually paid or to be paid by the retail seller pursuant to an agreement with the buyer to discharge a security interest or lien on like-kind goods traded in or lease interest in the circumstance of a lease for like goods being terminated in conjunction with the sale pursuant to a retail installment contract;

(8) "Rate" means the percentage which, when multiplied times the outstanding balance for each month or other installment period, yields the amount of the service charge for such month or period;

(9) "Retail buyer" or "buyer" means a person who buys or agrees to buy goods or obtain services or agrees to have services rendered or furnished, from a retail seller;

(10) "Retail charge agreement," "revolving charge agreement," or "charge agreement" means an agreement between a retail buyer and a retail seller that is entered into or performed in this state and that prescribes the terms of retail installment transactions with one or more sellers which may be made thereunder from time to time and under the terms of which a service charge, as defined in this section, is to be computed in relation to the buyer's unpaid balance from time to time;

(11) "Retail installment contract" or "contract" means a contract, other than a retail charge agreement, a lender credit card agreement, or an instrument reflecting a sale made pursuant thereto, entered into or performed in this state for a retail installment transaction. The term "retail installment contract" may include a chattel mortgage, a conditional sale contract, and a contract in the form of a bailment or a lease if the bailee or lessee contracts to pay as compensation for their use a sum substantially equivalent to or in excess of the value of the goods sold and if it is agreed that the bailee or lessee is bound to become, or for no other or a merely nominal consideration, has the option of becoming the owner of the goods upon full compliance with the provisions of the bailment or lease. The term "retail installment contract" does not include: (a) A "consumer lease," heretofore or hereafter entered into, as defined in RCW 63.10.020; (b) a lease which would constitute such "consumer lease" but for the fact that: (i) It was entered into before April 29, 1983; (ii) the lessee was not a natural person; (iii) the lease was not primarily for personal, family, or household purposes; or (iv) the total contractual obligations exceeded twenty-five thousand dollars; or (c) a lease-purchase agreement under chapter 63.19 RCW;

(12) "Retail installment transaction" means any transaction in which a retail buyer purchases goods or services from a retail seller pursuant to a retail installment contract, a retail charge agreement, or a lender credit card agreement, as defined in this section, which provides for a service charge, as defined in this section, and under which the buyer agrees to pay the unpaid principal balance in one or more installments or which provides for no service charge and under which the buyer agrees to pay the unpaid balance in more than four installments;

(13) "Retail seller" or "seller" means a person engaged in the business of selling goods or services to retail buyers;

(14) "Sale price" means the price for which the seller would have sold or furnished to the buyer, and the buyer would have bought or obtained from the seller, the goods or services which are the subject matter of a retail installment transaction. The sale price may include any taxes, registration and vehicle license fees, the cost of a guaranteed asset protection waiver, any vehicle dealer administrative fee, any vehicle dealer documentary service fee, and charges for transferring vehicle titles, delivery, installation, servicing, repairs, alterations, or improvements;

(15) "Service charge" however denominated or expressed, means the amount which is paid or payable for the privilege of purchasing goods or services to be paid for by the buyer in installments over a period of time. It does not include the amount, if any, charged for insurance premiums, delinquency charges, attorneys' fees, court costs, any vehicle dealer administrative fee under ~~((RCW 46.12.042))~~ section 820(1) of this act, any vehicle dealer documentary service fee under RCW 46.70.180(2), or official fees;

(16) "Services" means work, labor, or services of any kind when purchased primarily for personal, family, or household use and not for commercial or business use whether or not furnished in connection with the delivery, installation, servicing, repair, or improvement of goods and includes repairs, alterations, or improvements upon or in connection with real property, but does not include services for which the price charged is required by law to be determined or approved by or to be filed, subject to approval or disapproval, with the United States or any state, or any department, division, agency, officer, or official of either as in the case of transportation services;

(17) "Time balance" means the principal balance plus the service charge.

**Sec. 1153.** RCW 63.14.130 and 2003 c 368 s 3 are each amended to read as follows:

The service charge shall be inclusive of all charges incident to investigating and making the retail installment contract or charge agreement and for the privilege of making the installment payments thereunder and no other fee, expense or charge whatsoever shall be taken, received, reserved, or contracted therefor from the buyer, except for any vehicle dealer administrative fee under ~~((RCW 46.12.042))~~ section 820(1) of this act or for any vehicle dealer documentary service fee under RCW 46.70.180(2).

(1) The service charge, in a retail installment contract, shall not exceed the dollar amount or rate agreed to by contract and disclosed under RCW 63.14.040(1)(h).

(2) The service charge in a retail charge agreement, revolving charge agreement, lender credit card agreement, or charge agreement, shall not exceed the schedule or rate agreed to by contract and disclosed under RCW 63.14.120(1). If the service charge so computed is less than one dollar for any month, then one dollar may be charged.

**Sec. 1154.** RCW 65.20.020 and 1989 c 343 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Affixed" means that the manufactured home is installed in accordance with the installation standards in state law.

(2) "Department" means the department of licensing.

(3) "Eliminating the title" means to cancel an existing certificate of title issued by this state or a foreign jurisdiction or to waive the certificate of ~~((ownership))~~ title required ~~((by))~~ in chapter 46.12 RCW and recording the appropriate documents in the county real property records pursuant to this chapter.

(4) "Homeowner" means the owner of a manufactured home.

(5) "Land" means real property excluding the manufactured home.

(6) "Manufactured home" or "mobile home" means a structure, designed and constructed to be transportable in one or more sections and is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities that include plumbing, heating, and electrical systems contained therein. The structure must comply with the national mobile home construction and safety standards act of 1974 as adopted by chapter 43.22 RCW if applicable. "Manufactured home" does not include a modular home. A structure which met the definition of a "manufactured home" at the time of manufacture is still considered to meet this definition notwithstanding that it is no longer transportable.

(7) "Owner" means, when referring to a manufactured home that is titled, the person who is the registered owner. When referring to a mobile home that is untitled pursuant to this chapter, the owner is the person who owns the land. When referring to land, the person may have fee simple title, have a leasehold estate of thirty-five years or more, or be purchasing the property on a real estate contract. Owners include joint tenants, tenants in common, holders of legal life estates, and holders of remainder interests.

(8) "Person" means any individual, trustee, partnership, corporation, or other legal entity. "Person" may refer to more than one individual or entity.

(9) "Secured party" means the legal owner when referring to a titled mobile home, or the lender securing a loan through a mortgage, deed of trust, or real estate contract when referring to land or land containing an untitled manufactured home pursuant to this chapter.

(10) "Security interest" means an interest in property to secure payment of a loan made by a secured party to a borrower.

(11) "Title" or "titled" means a certificate of ~~((ownership))~~ title issued pursuant to chapter 46.12 RCW.

**Sec. 1155.** RCW 65.20.040 and 1989 c 343 s 4 are each amended to read as follows:

If a manufactured home is affixed to land that is owned by the homeowner, the homeowner may apply to the department to have the title to the manufactured home eliminated. The application package shall consist of the following:

(1) An affidavit, in the form prescribed by the department, signed by all the owners of the manufactured home and containing:

(a) The date;

(b) The names of all of the owners of record of the manufactured home;

(c) The legal description of the real property;

(d) A description of the manufactured home including model year, make, width, length, and vehicle identification number;

(e) The names of all secured parties in the manufactured home; and

(f) A statement that the owner of the manufactured home owns the real property to which it is affixed;

(2) Certificate of ~~((ownership))~~ title for the manufactured home, or the manufacturer's statement of origin in the case of a new manufactured home. Where title is held by the secured party as legal owner, the consent of the secured party must be indicated by the legal owner releasing his or her security interest;

(3) A certification by the local government indicating that the manufactured home is affixed to the land;

(4) Payment of all ~~((licensing))~~ vehicle license fees, excise tax, use tax, real estate tax, recording fees, and proof of payment of all property taxes then due; and

(5) Any other information the department may require.

**Sec. 1156.** RCW 68.64.010 and 2008 c 139 s 2 are each amended to read as follows:

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

(1) "Adult" means an individual who is at least eighteen years old.

(2) "Agent" means an individual:

(a) Authorized to make health care decisions on the principal's behalf by a power of attorney for health care; or

(b) Expressly authorized to make an anatomical gift on the principal's behalf by any other record signed by the principal.

(3) "Anatomical gift" means a donation of all or part of a human body to take effect after the donor's death for the purpose of transplantation, therapy, research, or education.

(4) "Decedent" means a deceased individual whose body or part is or may be the source of an anatomical gift.

(5) "Disinterested witness" means a witness other than the spouse or state registered domestic partner, child, parent, sibling, grandchild, grandparent, or guardian of the individual who makes, amends, revokes, or refuses to make an anatomical gift. The term does not include a person to which an anatomical gift could pass under RCW 68.64.100.

(6) "Document of gift" means a donor card or other record used to make an anatomical gift. The term includes a statement or symbol on a driver's license, identification card, or donor registry.

(7) "Donor" means an individual whose body or part is the subject of an anatomical gift.

(8) "Donor registry" means a database that contains records of anatomical gifts and amendments to or revocations of anatomical gifts.

(9) "Driver's license" means a license or permit issued by the department of licensing to operate a vehicle, whether or not conditions are attached to the license or permit.

(10) "Eye bank" means a person that is licensed, accredited, or regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of human eyes or portions of human eyes.

(11) "Guardian" means a person appointed by a court to make decisions regarding the support, care, education, health, or welfare of an individual. The term does not include a guardian ad litem.

(12) "Hospital" means a facility licensed as a hospital under the law of any state or a facility operated as a hospital by the United States, a state, or a subdivision of a state.

(13) "Identification card" means an identification card issued by the department of licensing.

(14) "Know" means to have actual knowledge.

(15) "Minor" means an individual who is less than eighteen years old.

(16) "Organ procurement organization" means a person designated by the secretary of the United States department of health and human services as an organ procurement organization.

(17) "Parent" means a parent whose parental rights have not been terminated.

(18) "Part" means an organ, an eye, or tissue of a human being. The term does not include the whole body.

(19) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(20) "Physician" means an individual licensed or otherwise authorized to practice medicine and surgery or osteopathic medicine and surgery under the law of any state.

(21) "Procurement organization" means an eye bank, organ procurement organization, or tissue bank.

(22) "Prospective donor" means an individual whose death is imminent and has been determined by a procurement organization

to have a part that could be medically suitable for transplantation, therapy, research, or education. "Prospective donor" does not include an individual who has made a refusal.

(23) "Reasonable costs" include: (a) Programming and software installation and upgrades; (b) employee training that is specific to the organ and tissue donor registry or the donation program created in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act); (c) literature that is specific to the organ and tissue donor registry or the donation program created in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act); and (d) hardware upgrades or other issues important to the organ and tissue donor registry or the donation program created in RCW ((46.12.510)) 46.16.076(2) (as recodified by this act) that have been mutually agreed upon in advance by the department of licensing and the Washington state organ procurement organizations.

(24) "Reasonably available" means able to be contacted by a procurement organization without undue effort and willing and able to act in a timely manner consistent with existing medical criteria necessary for the making of an anatomical gift.

(25) "Recipient" means an individual into whose body a decedent's part has been or is intended to be transplanted.

(26) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(27) "Refusal" means a record created under RCW 68.64.060 that expressly states an intent to bar other persons from making an anatomical gift of an individual's body or part.

(28) "Sign" means, with the present intent to authenticate or adopt a record:

(a) To execute or adopt a tangible symbol; or

(b) To attach to or logically associate with the record an electronic symbol, sound, or process.

(29) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(30) "Technician" means an individual determined to be qualified to remove or process parts by an appropriate organization that is licensed, accredited, or regulated under federal or state law. The term includes an enucleator.

(31) "Tissue" means a portion of the human body other than an organ or an eye. The term does not include blood unless the blood is donated for the purpose of research or education.

(32) "Tissue bank" means a person that is licensed to conduct business in this state, accredited, and regulated under federal or state law to engage in the recovery, screening, testing, processing, storage, or distribution of tissue.

(33) "Transplant hospital" means a hospital that furnishes organ transplants and other medical and surgical specialty services required for the care of transplant patients.

(34) "Washington state organ procurement organization" means an organ procurement organization that has been designated by the United States department of health and human services to coordinate organ procurement activities for any portion of Washington state.

**Sec. 1157.** RCW 68.64.210 and 2003 c 94 s 7 are each amended to read as follows:

(1) The organ and tissue donation awareness account is created in the custody of the state treasurer. All receipts from donations made under RCW ((46.12.510)) 46.16.076(2) (as recodified by this act), and other contributions and appropriations specifically made for the purposes of organ and tissue donor awareness, shall be deposited into the account. Except as provided in subsection (2) of this section, expenditures from the account may be authorized by the

director of the department of licensing or the director's designee and do not require an appropriation.

(2) The department of licensing shall submit a funding request to the legislature covering the reasonable costs associated with the ongoing maintenance associated with the electronic transfer of the donor information to the organ and tissue donor registry and the donation program established in RCW ~~((46.12.510))~~ 46.16.076(2)(as recodified by this act). The legislature shall appropriate to the department of licensing an amount it deems reasonable from the organ and tissue donation awareness account to the department of licensing for these purposes.

(3) At least quarterly, the department of licensing shall transmit any remaining moneys in the organ and tissue donation awareness account to the foundation established in RCW ~~((46.12.510))~~ 46.16.076(2)(as recodified by this act) for the costs associated with educating the public about the organ and tissue donor registry and related organ and tissue donation education programs.

(4) Funding for donation awareness programs must be proportional across the state regardless of which Washington state organ procurement organization may be designated by the United States department of health and human services to serve a particular geographic area. No funds from the account may be used to fund activities outside Washington state.

**Sec. 1158.** RCW 70.168.040 and 2002 c 371 s 922 are each amended to read as follows:

The emergency medical services and trauma care system trust account is hereby created in the state treasury. Moneys shall be transferred to the emergency medical services and trauma care system trust account from the public safety education account or other sources as appropriated, and as collected under RCW 46.63.110~~((6))~~ (7) and ~~((46.12.042))~~ section 820 of this act. Disbursements shall be made by the department subject to legislative appropriation. Expenditures may be made only for the purposes of the state trauma care system under this chapter, including emergency medical services, trauma care services, rehabilitative services, and the planning and development of related services under this chapter and for reimbursement by the department of social and health services for trauma care services provided by designated trauma centers. ~~((During the 2001-2003 fiscal biennium, the legislature may transfer from the emergency medical services and trauma care system trust account to the state general fund such amounts as reflect the excess fund balance of the account.))~~

**Sec. 1159.** RCW 73.04.115 and 2008 c 6 s 511 are each amended to read as follows:

(1) The department shall issue to the surviving spouse or surviving domestic partner of any deceased former prisoner of war described in ~~((RCW 73.04.110(1)(b)))~~ section 619(1)(c) of this act, one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

(2) The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. If the surviving spouse remarries or the surviving domestic partner registers in a new domestic partnership, he or she shall return the special plates to the department within fifteen days and apply for regular license plates.

(3) For purposes of this section, the term "special license plates" does not include any plate from the armed forces license plate collection established in ~~((RCW 46.16.30920))~~ section 611(3) of this act.

**Sec. 1160.** RCW 77.12.471 and 2007 c 246 s 3 are each amended to read as follows:

The wildlife rehabilitation account is created in the state treasury. All receipts from moneys directed to the account from ~~((RCW 46.16.606))~~ section 821 of this act must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for the support of the wildlife rehabilitation program created under RCW 77.12.467.

**Sec. 1161.** RCW 79.100.100 and 2007 c 342 s 4 are each amended to read as follows:

(1) The derelict vessel removal account is created in the state treasury. All receipts from RCW 79.100.050 and 79.100.060 and those moneys specified in ~~((RCW 88.02.030 and 88.02.050))~~ section 1028 of this act must be deposited into the account. The account is authorized to receive fund transfers and appropriations from the general fund, deposits from the derelict vessel removal surcharge under ~~((RCW 88.02.270))~~ section 1028(4) of this act, as well as gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of this chapter and expend the same or any income according to the terms of the gifts, grants, or endowments provided those terms do not conflict with any provisions of this section or any guidelines developed to prioritize reimbursement of removal projects associated with this chapter. Moneys in the account may only be spent after appropriation. Expenditures from the account ~~((shall))~~ must be used by the department to reimburse authorized public entities for up to ninety percent of the total reasonable and auditable administrative, removal, disposal, and environmental damage costs of abandoned or derelict vessels when the previous owner is either unknown after a reasonable search effort or insolvent. Reimbursement ~~((shall))~~ may not be made unless the department determines that the public entity has made reasonable efforts to identify and locate the party responsible for the vessel, regardless of the title of owner of the vessel. Funds in the account resulting from transfers from the general fund or from the deposit of funds from the watercraft excise tax as provided for under RCW 82.49.030 ~~((shall))~~ must be used to reimburse one hundred percent of these costs and should be prioritized for the removal of large vessels. Costs associated with removal and disposal of an abandoned or derelict vessel under the authority granted in RCW 53.08.320 also qualify for reimbursement from the derelict vessel removal account. In each biennium, up to twenty percent of the expenditures from the account may be used for administrative expenses of the department of licensing and department of natural resources in implementing this chapter.

(2) If the balance of the account reaches one million dollars as of March 1st of any year, exclusive of any transfer or appropriation of funds into the account or funds deposited into the account collected under ~~((RCW 88.02.270))~~ section 1028(5) of this act, the department must notify the department of licensing and the collection of any fees associated with this account must be suspended for the following fiscal year.

(3) Priority for use of this account is for the removal of derelict and abandoned vessels that are in danger of sinking, breaking up, or blocking navigation channels, or that present environmental risks such as leaking fuel or other hazardous substances. The department must develop criteria, in the form of informal guidelines, to prioritize removal projects associated with this chapter, but may not consider whether the applicant is a state or local entity when prioritizing. The guidelines must also include guidance to the authorized public entities as to what removal activities and associated costs are reasonable and eligible for reimbursement.

(4) The department must keep all authorized public entities apprized of the balance of the derelict vessel removal account and the funds available for reimbursement. The guidelines developed by the department must also be made available to the other authorized public entities. This subsection (4) must be satisfied by

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utilizing the least costly method, including maintaining the information on the department's internet web site, or any other cost-effective method.

(5) An authorized public entity may contribute its ten percent of costs that are not eligible for reimbursement by using in-kind services, including the use of existing staff, equipment, and volunteers.

(6) This chapter does not guarantee reimbursement for an authorized public entity. Authorized public entities seeking certainty in reimbursement prior to taking action under this chapter may first notify the department of their proposed action and the estimated total costs. Upon notification by an authorized public entity, the department must make the authorized public entity aware of the status of the fund and the likelihood of reimbursement being available. The department may offer technical assistance and assure reimbursement for up to two years following the removal action if an assurance is appropriate given the balance of the fund and the details of the proposed action.

**Sec. 1162.** RCW 79A.05.059 and 2005 c 44 s 4 are each amended to read as follows:

The state parks education and enhancement account is created in the custody of the state treasurer. All receipts from the sale of Washington state parks and recreation commission special license plates, after the deductions permitted by ~~((RCW 46.16.313(13)))~~ section 810 of this act, must be deposited into the account. Expenditures from the account may only be used to provide public educational opportunities and enhancement of Washington state parks. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec. 1163.** RCW 79A.05.065 and 2008 c 238 s 1 are each amended to read as follows:

(1)(a) The commission shall grant to any person who meets the eligibility requirements specified in this section a senior citizen's pass which shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) The commission shall grant a senior citizen's pass to any person who applies for the senior citizen's pass and who meets the following requirements:

(i) The person is at least sixty-two years of age;

(ii) The person is a domiciliary of the state of Washington and meets reasonable residency requirements prescribed by the commission; and

(iii) The person and his or her spouse have a combined income that would qualify the person for a property tax exemption pursuant to RCW 84.36.381. The financial eligibility requirements of this subsection (1)(b)(iii) apply regardless of whether the applicant for a senior citizen's pass owns taxable property or has obtained or applied for such property tax exemption.

(c) Each senior citizen's pass granted pursuant to this section is valid as long as the senior citizen meets the requirements of (b)(ii) of this subsection. A senior citizen meeting the eligibility requirements of this section may make a voluntary donation for the upkeep and maintenance of state parks.

(d) A holder of a senior citizen's pass shall surrender the pass upon request of a commission employee when the employee has reason to believe the holder fails to meet the criteria in (b) of this subsection. The holder shall have the pass returned upon providing proof to the satisfaction of the director that the holder meets the eligibility criteria for obtaining the senior citizen's pass.

(2)(a) Any resident of Washington who is disabled as defined by the social security administration and who receives social

security benefits for that disability, or any other benefits for that disability from any other governmental or nongovernmental source, or who is entitled to benefits for permanent disability under RCW 71A.10.020(3) due to unemployment full time at the minimum wage, or who is legally blind or profoundly deaf, or who has been issued a card, decal, or special license plate for a permanent disability under RCW 46.16.381 shall be entitled to receive, regardless of age and upon making application therefor, a disability pass at no cost to the holder. The pass shall: (i) Entitle such a person, and members of his or her camping unit, to a fifty percent reduction in the campsite rental fee prescribed by the commission; and (ii) entitle such a person to free admission to any state park.

(b) A card, decal, or special license plate issued for a permanent disability under ~~((RCW 46.16.381))~~ section 701 of this act may serve as a pass for the holder to entitle that person and members of the person's camping unit to a fifty percent reduction in the campsite rental fee prescribed by the commission, and to allow the holder free admission to state parks.

(3) Any resident of Washington who is a veteran and has a service-connected disability of at least thirty percent shall be entitled to receive a lifetime veteran's disability pass at no cost to the holder. The pass shall: (a) Entitle such a person, and members of his or her camping unit, to free use of any campsite within any state park; (b) entitle such a person to free admission to any state park; and (c) entitle such a person to an exemption from any reservation fees.

(4)(a) Any Washington state resident who provides out-of-home care to a child, as either a licensed foster-family home or a person related to the child, is entitled to a foster home pass.

(b) An applicant for a foster home pass must request a pass in the manner required by the commission. Upon receipt of a properly submitted request, the commission shall verify with the department of social and health services that the applicant qualifies under (a) of this subsection. Once issued, a foster home pass is valid for the period, which may not be less than one year, designated by the commission.

(c) When accompanied by a child receiving out-of-home care from the pass holder, a foster home pass: (i) Entitles such a person, and members of his or her camping unit, to free use of any campsite within any state park; and (ii) entitles such a person to free admission to any state park.

(d) For the purposes of this subsection (4):

(i) "Out-of-home care" means placement in a foster-family home or with a person related to the child under the authority of chapter 13.32A, 13.34, or 74.13 RCW;

(ii) "Foster-family home" has the same meaning as defined in RCW 74.15.020; and

(iii) "Person related to the child" means those persons referred to in RCW 74.15.020(2)(a) (i) through (vi).

(5) All passes issued pursuant to this section are valid at all parks any time during the year. However, the pass is not valid for admission to concessionaire operated facilities.

(6) The commission shall negotiate payment and costs, to allow holders of a foster home pass free access and usage of park campsites, with the following nonoperated, nonstate-owned parks: Central Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek state general fund reimbursement on a biennial basis.

(7) The commission may deny or revoke any Washington state park pass issued under this section for cause, including but not limited to the following:

(a) Residency outside the state of Washington;

(b) Violation of laws or state park rules resulting in eviction from a state park;

(c) Intimidating, obstructing, or assaulting a park employee or park volunteer who is engaged in the performance of official duties;

(d) Fraudulent use of a pass;

(e) Providing false information or documentation in the application for a state parks pass;

(f) Refusing to display or show the pass to park employees when requested; or

(g) Failing to provide current eligibility information upon request by the agency or when eligibility ceases or changes.

(8) This section shall not affect or otherwise impair the power of the commission to continue or discontinue any other programs it has adopted for senior citizens.

(9) The commission may engage in a mutually agreed upon reciprocal or discounted program for all or specific pass programs with other outdoor recreation agencies.

(10) The commission shall adopt those rules as it finds appropriate for the administration of this section. Among other things, the rules shall prescribe a definition of "camping unit" which will authorize a reasonable number of persons traveling with the person having a pass to stay at the campsite rented by such a person, a minimum Washington residency requirement for applicants for a senior citizen's pass, and an application form to be completed by applicants for a senior citizen's pass.

**Sec. 1164.** RCW 79A.05.215 and 2007 c 340 s 2 are each amended to read as follows:

The state parks renewal and stewardship account is created in the state treasury. Except as otherwise provided in this chapter, all receipts from user fees, concessions, leases, donations collected under RCW 46.16.076(3) (as recodified by this act), and other state park-based activities shall be deposited into the account. Expenditures from the account may be used for operating state parks, developing and renovating park facilities, undertaking deferred maintenance, enhancing park stewardship, and other state park purposes. Expenditures from the account may be made only after appropriation by the legislature.

**Sec. 1165.** RCW 82.08.0264 and 2007 c 135 s 1 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 does not apply to sales of motor vehicles, trailers, or campers to nonresidents of this state for use outside of this state, even when delivery is made within this state, but only if:

(a) The motor vehicles, trailers, or campers will be taken from the point of delivery in this state directly to a point outside this state under the authority of a vehicle trip permit issued by the department of licensing pursuant to ~~((the provisions of))~~ RCW 46.16.160 (as recodified by this act), or any agency of another state that has authority to issue similar permits; or

(b) The motor vehicles, trailers, or campers will be registered and licensed immediately under the laws of the state of the buyer's residence, will not be used in this state more than three months, and will not be required to be registered and licensed under the laws of this state.

(2) For the purposes of this section, the seller of a motor vehicle, trailer, or camper is not required to collect and shall not be found liable for the tax levied by RCW 82.08.020 on the sale if the tax is not collected and the seller retains the following documents, which must be made available upon request of the department:

(a) A copy of the buyer's currently valid out-of-state driver's license or other official picture identification issued by a jurisdiction other than Washington state;

(b) A copy of any one of the following documents, on which there is an out-of-state address for the buyer:

(i) A current residential rental agreement;

(ii) A property tax statement from the current or previous year;

(iii) A utility bill, dated within the previous two months;

(iv) A state income tax return from the previous year;

(v) A voter registration card;

(vi) A current credit report; or

(vii) Any other document determined by the department to be acceptable;

(c) A witnessed declaration in the form designated by the department, signed by the buyer, and stating that the buyer's purchase meets the requirements of this section; and

(d) A seller's certification, in the form designated by the department, that either a vehicle trip permit was issued or the vehicle was immediately registered and licensed in another state as required under subsection (1) of this section.

(3) If the department has information indicating the buyer is a Washington resident, or if the addresses for the buyer shown on the documentation provided under subsection (2) of this section are not the same, the department may contact the buyer to verify the buyer's eligibility for the exemption provided under this section. This subsection does not prevent the department from contacting a buyer as a result of information obtained from a source other than the seller's records.

(4)(a) Any person making fraudulent statements, which includes the offer of fraudulent identification or fraudulently procured identification to a seller, in order to purchase a motor vehicle, trailer, or camper without paying retail sales tax is guilty of perjury under chapter 9A.72 RCW.

(b) Any person making tax exempt purchases under this section by displaying proof of identification not his or her own, or counterfeit identification, with intent to violate the provisions of this section, is guilty of a misdemeanor and, in addition, is liable for the tax and subject to a penalty equal to the greater of one hundred dollars or the tax due on such purchases.

(5)(a) Any seller that makes sales without collecting the tax to a person who does not provide the documents required under subsection (2) of this section, and any seller who fails to retain the documents required under subsection (2) of this section for the period prescribed by RCW 82.32.070, is personally liable for the amount of tax due.

(b) Any seller that makes sales without collecting the retail sales tax under this section and who has actual knowledge that the buyer's documentation required by subsection (2) of this section is fraudulent is guilty of a misdemeanor and, in addition, is liable for the tax and subject to a penalty equal to the greater of one thousand dollars or the tax due on such sales. In addition, both the buyer and the seller are liable for any penalties and interest assessable under chapter 82.32 RCW.

(6) For purposes of this section, ~~((the term))~~ "buyer" does not include cosigners or financial guarantors, unless those parties are listed as a registered owner on the vehicle title.

**Sec. 1166.** RCW 82.44.010 and 1990 c 42 s 301 are each amended to read as follows:

For the purposes of this chapter, unless ~~((the))~~ the context otherwise requires:

(1) "Department" means the department of licensing.

(2) "Motor vehicle" means all motor vehicles, trailers and semitrailers used, or of the type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads and facilities for human habitation; but shall not include (a) vehicles carrying exempt licenses, (b) dock and warehouse tractors and their cars or trailers, lumber carriers of the type known as spiders, and all other automotive equipment not designed primarily for use upon public streets, or highways, (c) motor vehicles or their trailers used entirely upon private property, (d) mobile homes and travel trailers as defined in RCW 82.50.010, or (e) motor vehicles owned by nonresident military personnel of the armed forces of the United States stationed in the state of



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Washington provided personnel were also nonresident at the time of their entry into military service.

(3) "Truck-type power or trailing unit" means any vehicle that is subject to the fees under ~~((RCW 46.16.070))~~ section 530 of this act, except vehicles with an unladen weight of six thousand pounds or less, ~~((RCW 46.16.079, 46.16.080, 46.16.085))~~ section 528 of this act, section 531(1)(c) of this act, or RCW 46.16.090 (as recodified by this act).

**Sec. 1167.** RCW 84.37.070 and 2007 sp.s. c 2 s 7 are each amended to read as follows:

Whenever a person's special assessment or real property tax obligation, or both, is deferred under ~~((the provisions of))~~ this chapter, the amount deferred and required to be paid pursuant to RCW 84.38.120 shall become a lien in favor of the state upon his or her property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who requires an accumulation of reserves out of which real estate taxes are paid shall have priority to said deferred lien. This lien may accumulate up to forty percent of the amount of the claimant's equity value in said property and the rate of interest shall be an average of the federal short-term rate as defined in 26 U.S.C. Sec. 1274(d) plus two percentage points. The rate set for each new year shall be computed by taking an arithmetical average to the nearest percentage point of the federal short-term rate, compounded annually. That average shall be calculated using the rates from four months: January, April, and July of the calendar year immediately preceding the new year, and October of the previous preceding year. The interest shall be calculated from the time it could have been paid before delinquency until said obligation is paid. In the case of a mobile home, the department of licensing shall show the state's lien on the certificate of ~~((ownership))~~ title for the mobile home. In the case of all other property, the department of revenue shall file a notice of the deferral with the county recorder or auditor.

**Sec. 1168.** RCW 84.38.100 and 2006 c 275 s 1 are each amended to read as follows:

Whenever a person's special assessment and/or real property tax obligation is deferred under the provisions of this chapter, the amount deferred and required to be paid pursuant to RCW 84.38.120 shall become a lien in favor of the state upon his or her property and shall have priority as provided in chapters 35.50 and 84.60 RCW: PROVIDED, That the interest of a mortgage or purchase contract holder who is required to cosign a declaration of deferral under RCW 84.38.090, shall have priority to said deferred lien. This lien may accumulate up to eighty percent of the amount of the claimant's equity value in said property and shall bear interest at the rate of five percent per year from the time it could have been paid before delinquency until said obligation is paid; PROVIDED, That when taxes are deferred as provided in RCW 84.64.050, the amount shall bear interest at the rate of five percent per year from the date the declaration is filed until the obligation is paid. In the case of a mobile home, the department of licensing shall show the state's lien on the certificate of ~~((ownership))~~ title for the mobile home. In the case of all other property, the department of revenue shall file a notice of the deferral with the county recorder or auditor.

**NEW SECTION. Sec. 1169.** The following acts or parts of acts are each repealed:

(1) RCW 46.04.144 (Cooper Jones Act license plate emblems) and 2002 c 264 s 2;

(2) RCW 46.32.090 (Fees) and 2009 c 46 s 3, 2007 c 419 s 11, 1996 c 86 s 1, & 1995 c 272 s 2;

(3) RCW 46.88.010 (Commercial vehicles registered in another state--Permits for intrastate operations) and 1986 c 18 s 25, 1979 c 158 s 202, & 1969 ex.s. c 281 s 32;

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(4) RCW 59.21.055 (Fee imposed on transfer of title--Circumstances--Deposit--Rules) and 2002 c 257 s 3;

(5) RCW 59.22.080 (Transfer of title--Fee--Department of licensing--Rules) and 1991 c 327 s 1;

(6) RCW 59.22.085 (Transfer of title--Fee supersedes other fee) and 1991 c 327 s 7;

(7) RCW 64.44.045 (Vehicle and vessel titles--Notice of contamination or decontamination--Penalty) and 2008 c 201 s 2; and

(8) RCW 73.04.110 (Free license plates for veterans with disabilities, prisoners of war--Penalty) and 2008 c 183 s 4 & 2005 c 216 s 6.

## PART XII. MISCELLANEOUS II

**NEW SECTION. Sec. 1201.** The senate and house of representatives transportation committees, in consultation with the office of the code reviser, shall prepare legislation for the 2011 regular legislative session that reconciles and conforms amendments made during the 2010 legislative session in this act.

**NEW SECTION. Sec. 1202.** RCW 46.09.010, 46.09.020, 46.09.080, 46.09.140, 46.09.180, 46.09.200, 46.09.250, and 46.09.280 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "general provisions."

**NEW SECTION. Sec. 1203.** RCW 46.09.030, 46.09.040, 46.09.050, and 46.09.070 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "registrations."

**NEW SECTION. Sec. 1204.** RCW 46.09.115, 46.09.117, 46.09.120, 46.09.130 and 46.09.190 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "violations."

**NEW SECTION. Sec. 1205.** RCW 46.09.150, 46.09.165, 46.09.170, and 46.09.240 are each recodified as sections in chapter 46.09 RCW with the subchapter heading of "revenue."

**NEW SECTION. Sec. 1206.** RCW 46.10.010, 46.10.020, 46.10.140, 46.10.180, 46.10.185, 46.10.200, 46.10.210, and 46.10.220 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "general provisions."

**NEW SECTION. Sec. 1207.** RCW 46.10.030, 46.10.040, 46.10.043, 46.10.050, 46.10.060, and 46.10.070 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "registration and permits."

**NEW SECTION. Sec. 1208.** RCW 46.10.055, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, and 46.10.190 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "violations and uses."

**NEW SECTION. Sec. 1209.** RCW 46.10.150, 46.10.160, and 46.10.170 are each recodified as sections in chapter 46.10 RCW with the subchapter heading of "revenue."

**NEW SECTION. Sec. 1210.** RCW 46.12.010, 46.12.030, 46.12.047, 46.12.050, 46.12.070, 46.12.080, 46.12.160, 46.12.181, 46.12.190, 46.12.370, 46.12.380, and 46.12.390 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "general provisions."

**NEW SECTION. Sec. 1211.** RCW 46.12.101, 46.12.102, 46.12.103, 46.12.124, 46.12.130, 46.12.151, and 46.12.170 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "vehicle sales, transfers, and security interests."

**NEW SECTION. Sec. 1212.** RCW 46.12.280, 46.12.290, 46.12.420, 46.12.430, and 46.12.440 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "specific vehicles."

**NEW SECTION. Sec. 1213.** RCW 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, and 46.12.350 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "serial numbers."

**NEW SECTION. Sec. 1214.** RCW 46.12.210 and 46.12.250 are each recodified as sections in chapter 46.12 RCW with the subchapter heading of "violations."

**NEW SECTION. Sec. 1215.** RCW 46.16.004, 46.16.006, 46.16.010, 46.16.015, 46.16.020, 46.16.022, 46.16.028, 46.16.029, 46.16.030, 46.16.040, 46.16.073, 46.16.076, 46.16.210, 46.16.212, 46.16.216, 46.16.225, 46.16.260, 46.16.265, 46.16.276, 46.16.280, 46.16.295, 46.16.327, and 46.16.332 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "general provisions."

**NEW SECTION. Sec. 1216.** RCW 46.16.045, 46.16.047, 46.16.048, 46.16.160, 46.16.162, and 46.16.460 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "permits and uses."

**NEW SECTION. Sec. 1217.** RCW 46.16.025, 46.16.068, 46.16.070, 46.16.086, 46.16.090, and 46.16.615 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "specific vehicles."

**NEW SECTION. Sec. 1218.** RCW 46.16.011, 46.16.012, 46.16.140, 46.16.145, 46.16.180, and 46.16.500 are each recodified as sections in chapter 46.16 RCW with the subchapter heading of "liability and violations."

**NEW SECTION. Sec. 1219.** Sections 501 through 507 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "filing and service fees."

**NEW SECTION. Sec. 1220.** Sections 508 through 515 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "certificate of title fees."

**NEW SECTION. Sec. 1221.** Sections 516 through 521 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "license plate fees."

**NEW SECTION. Sec. 1222.** Sections 522 through 534 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "vehicle license fees."

**NEW SECTION. Sec. 1223.** Sections 535 through 537 of this act are each added to chapter 46.17 RCW and codified with the subchapter heading of "permit and transfer fees."

**NEW SECTION. Sec. 1224.** Sections 611 through 613 and 616 through 630 of this act constitute a new chapter in Title 46 RCW and are codified under the subchapter heading "plate types, decals, and emblems."

**NEW SECTION. Sec. 1225.** RCW 46.16.309, 46.16.314, 46.16.335, and 46.16.390 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "general provisions."

**NEW SECTION. Sec. 1226.** RCW 46.16.700, 46.16.705, 46.16.715, and 46.16.725 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "review board."

**NEW SECTION. Sec. 1227.** RCW 46.16.690, 46.16.735, 46.16.745, 46.16.755, 46.16.765, and 46.16.775 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "requirements and procedures."

**NEW SECTION. Sec. 1228.** RCW 46.16.301, 46.16.319, and 46.16.324 are each recodified as sections in the new chapter created under section 1224 of this act with the subchapter heading of "plate types, decals, and emblems."

**NEW SECTION. Sec. 1229.** Sections 701 through 706 of this act constitute a new chapter in Title 46 RCW.

**NEW SECTION. Sec. 1230.** RCW 46.09.110, 46.10.075, and 46.16.685 are each recodified as sections in chapter 46.68 RCW.

**NEW SECTION. Sec. 1231.** RCW 88.02.010, 88.02.035, 88.02.055, 88.02.110, 88.02.118, and 88.02.200 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "general provisions."

**NEW SECTION. Sec. 1232.** RCW 88.02.070, 88.02.075, 88.02.120, and 88.02.180 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "certificates of title."

**NEW SECTION. Sec. 1233.** RCW 88.02.020, 88.02.030, 88.02.050, 88.02.052, 88.02.250, and 88.02.260 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "registration certificates."

**NEW SECTION. Sec. 1234.** RCW 88.02.040, 88.02.045, and 88.02.053 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "title/registration fees and distribution."

**NEW SECTION. Sec. 1235.** RCW 88.02.023, 88.02.060, 88.02.078, 88.02.112, 88.02.115, 88.02.125, 88.02.184, 88.02.188, 88.02.189, 88.02.210, 88.02.220, and 88.02.230 are each recodified as sections in chapter 88.02 RCW with the subchapter heading of "dealer registration."

**NEW SECTION. Sec. 1236.** RCW 46.16.125 is recodified as a section in chapter 81.24 RCW.

**NEW SECTION. Sec. 1237.** RCW 46.16.450 is decodified.

**NEW SECTION. Sec. 1238.** Except for section 1020 of this act, this act takes effect July 1, 2011.

**NEW SECTION. Sec. 1239.** Section 1020 of this act takes effect June 30, 2012.

**NEW SECTION. Sec. 1240.** Section 1019 of this act expires June 30, 2012."

Correct the title.  
and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

#### MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Senate Bill No. 6379.

Senators Haugen and Swecker spoke in favor of passage of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Senate Bill No. 6379.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Senate Bill No. 6379 by voice vote.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6379, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6379, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator McCaslin

SENATE BILL NO. 6379, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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## MESSAGE FROM THE HOUSE

March 2, 2010

MR. PRESIDENT:

The House passed SUBSTITUTE SENATE BILL NO. 6208 with the following amendment(s): 6208-S AMH TR H5429.1 6208-S AMH TR H5429.1,

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 47.42.020 and 2005 c 398 s 2 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter.

(1) "Department" means the Washington state department of transportation.

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code.

(4) "Maintain" means to allow to exist.

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual or individuals.

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code.

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025 or located within areas zoned by the governing county for predominantly commercial and industrial uses, and having development visible to the highway, as determined by the department.

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or other thing that is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway. "Sign" does not include a display authorized under RCW 47.36.030(3) promoting a local agency sponsored event that does not include advertising.

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned or zoned for general uses by a county or municipal code, that area occupied by three or more separate and distinct commercial or industrial activities, or any combination thereof, within a space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, or storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which the activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right-of-way;

(f) Activities conducted in a building principally used as a residence.

If any commercial or industrial activity that has been used in defining or delineating an unzoned area ceases to operate for a period of six continuous months, any signs located within the former unzoned area become nonconforming and shall not be maintained by any person.

(10) "Roadside area information panel or display" means a panel or display located so as not to be readable from the main traveled way, erected in a safety rest area, scenic overlook, or similar roadside area, for providing motorists with information in the specific interest of the traveling public.

(11) "Temporary agricultural directional sign" means a sign on private property adjacent to a state highway right-of-way, or on a state highway right-of-way, to provide directional information to places of business offering for sale seasonal agricultural products on the property where the sale is taking place.

Sec. 2. RCW 47.42.120 and 1999 c 276 s 1 are each amended to read as follows:

Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs that advertise activities conducted upon the properties where the signs are located, may be erected or maintained without a permit issued by the department. Application for a permit shall be made to the department on forms furnished by it. The forms shall contain a statement that the owner or lessee of the land in question has consented thereto. For type 8 signs (temporary agricultural directional signs), when the land in question is owned by the department, the consent statement must be reviewed and, if the sign does not create a safety concern, be approved within ten days of application by the department. The application shall be accompanied by a fee established by department rule to be deposited with the state treasurer to the credit of the motor vehicle fund. Permits shall be for the remainder of the calendar year in which they are issued, and accompanying fees shall not be prorated for fractions of the year. Permits must be renewed annually through a certification process established by department rule. Advertising copy may be changed at any time without the payment of an additional fee. Assignment of permits in good standing is effective only upon receipt of written notice of assignment by the department. A permit may be revoked after hearing if the department finds that any statement made in the application or annual certification process was false or misleading, or that the sign covered is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, if the false or misleading information has not been corrected and the sign has not been brought into compliance with this chapter or rules adopted under it within thirty days after written notification."

Correct the title.

and the same are herewith transmitted.

BARBARA BAKER, Chief Clerk

MOTION

Senator Haugen moved that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6208.

Senator Haugen spoke in favor of the motion.

The President declared the question before the Senate to be the motion by Senator Haugen that the Senate concur in the House amendment(s) to Substitute Senate Bill No. 6208.

The motion by Senator Haugen carried and the Senate concurred in the House amendment(s) to Substitute Senate Bill No. 6208 by voice vote.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6208, as amended by the House.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6208, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Hewitt, Hobbs, Holmquist, Honeyford, Jacobsen, Kastama, Kauffman, Keiser, Kilmner, King, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Morton, Murray, Oemig, Parlette, Pflug, Prentice, Pridemore, Ranker, Regala, Roach, Rockefeller, Schoesler, Sheldon, Shin, Stevens, Swecker, Tom and Zarelli

Excused: Senator McCaslin

SUBSTITUTE SENATE BILL NO. 6208, as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

#### SECOND READING

SENATE BILL NO. 6143, by Senator Prentice

Relating to revenue and taxation. Revised for 1st Substitute: Modifying excise tax laws to preserve funding for public schools, colleges, and universities, as well as other public systems essential for the safety, health, and security of all Washingtonians.

#### MOTION

Senator Prentice moved that Substitute Senate Bill No. 6143 be substituted for Senate Bill No. 6143 and the substitute bill be placed on the second reading and read the second time.

#### POINT OF ORDER

Senator Benton: "Thank you Mr. President. Senate Rule 25 requires that no bill contain more than one subject. I believe that this bill is not properly before the Senate as it appears to have more than one subject and should not be placed on the second reading calendar. I offer the following arguments for your consideration. Senate Rule 25 is based on Article II, Section 19 of the Washington State Constitution. It has been interpreted on a number of occasions by our State Supreme Court. This provision is placed in the Constitution and appears in Senate Rule 25 to prevent a practice known as 'log rolling.' Defined in Webster's Dictionary 'log rolling' is the exchanging of a assistance or favors specifically the training of votes by legislation to secure..."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Benton, you may give a brief explanation, not the history. Just a brief explanation to your point please."

#### POINT OF ORDER

Senator Benton: "Our Supreme Court has repeatedly stated Mr. President, that one of the purposes of Article II, Section 19 is to prevent the combining of different bills or policies but could not pass on their own. This bill contains twenty-one different taxes and I don't believe that each of these could stand on its own. For these reasons, I believe the bill is improperly before us under Rule 25 of the Rules of the Senate and ask that you rule thereon."

Senator Eide spoke against the point of order.

#### RULING BY THE PRESIDENT

President Owen: "In ruling on the point of order raised by Senator Benton, Rule 25 essentially requires that the subject matter of the bill be reflected in the title of the bill. This title refers to the modification of excise tax laws, and each of the different matters contained in the bill fits within the broad title. The title properly reflects the contents of the bill.

For these reasons, Sen. Benton's Point is not well taken."

The President declared the question before the Senate to be the motion by Senator Prentice that Substitute Senate Bill No. 6143 be substituted for Senate Bill No. 6143 and the substitute bill be placed on the second reading calendar.

The motion by Senator Prentice carried and the substitute bill was substituted.

#### MOTION

Senator Schoesler moved that the following amendment by Senator Schoesler be adopted:

On page 12, line 27, after "(3)," strike "(4), (5), (6), (7), (8), (9), and (12)" and insert "(5), (6), (7), (8), (9), (10), and (13)"

On page 12, line 34, after "82.04.260" strike "(13)" and insert "(14)"

On page 12, line 37, after "82.04.260" strike "(13)" and insert "(14)"

Beginning on page 31, after line 33, strike all of Part IV Renummer the remaining parts and sections consecutively and correct any internal references accordingly.

On page 112, line 5, strike "406,"

On page 112, after line 9, strike all of sections 2210 and 2211 Renummer the remaining sections consecutively.

On page 1, beginning on line 6 of the title, after "82.04.423," strike all material through "48.14.080," on line 8

On page 1, line 14 of the title, after "82.45.010," strike all material through "82.04.440,"

Senator Schoesler spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Schoesler on page 12, line 27 to Substitute Senate Bill No. 6143.

The motion by Senator Schoesler failed and the amendment was not adopted by voice vote.

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## MOTION

Senator Regala moved that the following amendment by Senators Regala and Zarelli be adopted:

On page 14, line 31, beginning with "as existing" strike everything through page 14, line 33, "section." And insert " and includes eligible assets as defined by Rule 3Aa-7 of the Investment Company Act, as the law and rule existing on the effective date of this section or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section."

Renumber the sections consecutively and correct any internal references accordingly.

Senators Regala and Zarelli spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Regala and Zarelli on page 14, line 31 to Substitute Senate Bill No. 6143.

The motion by Senator Regala carried and the amendment was adopted by voice vote.

## MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

On page 15, beginning on line 1, strike everything through page 20 line 3 and insert the following:

**NEW SECTION. Sec. 201.** A new section is added to chapter 82.32 RCW to read as follows:

(1) Unless otherwise specifically provided in statute, the department must respect the form of a transaction.-

(2) The following transactions are considered to be "specified tax avoidance transactions:"

(a) Joint venture arrangements between construction contractors and the owner/developer of construction projects that are in essence guaranteed payments for the purchase of construction services specifically characterized by a failure of the joint venture agreements to provide for the contractor to share substantial profits and bear significant risk in the venture;

(b) A transaction, related series of transactions or other arrangement without a valid business purpose that result in a person avoiding tax on the receipt of income that would otherwise without such planning be subject to taxation in Washington provided that such income derives from a transaction with a person that is not affiliated with the taxpayer; and

(c) For purposes of this subsection, "affiliated" means under common control. "Control" means the possession, directly or indirectly, of more than fifty percent of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting shares, by contract, or otherwise.

(3) Solely for purposes of denying the tax benefit that would otherwise result on specified tax avoidance transactions, the department may take any reasonable steps necessary to deny the tax benefit that would otherwise arise as a result of the specified tax avoidance transaction.—

(3) The department must by rule provide guidance on specified tax transactions. The adoption of a rule as required under this subsection is not a condition precedent for the department to use the authority provided in this section to correct specified tax avoidance transactions. The rule adopted under this section must include examples of specified tax avoidance transactions.

**NEW SECTION. Sec. 202.** A new section is added to chapter 82. RCW to read as follows:

(1)(a) The department may not use section 201 of this act to disregard any transaction, plan, or arrangement initiated before April 1, 2010.

**Sec. 203.** RCW 82.32.090 and 2006 c 256 s 6 are each amended to read as follows:

(1) If payment of any tax due on a return to be filed by a taxpayer is not received by the department of revenue by the due date, there (~~(shall be)~~) is assessed a penalty of five percent of the amount of the tax; and if the tax is not received on or before the last day of the month following the due date, there (~~(shall be)~~) is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if the tax is not received on or before the last day of the second month following the due date, there (~~(shall be)~~) is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added shall be less than five dollars.

(2) If the department of revenue determines that any tax has been substantially underpaid, there (~~(shall be)~~) is assessed a penalty of five percent of the amount of the tax determined by the department to be due. If payment of any tax determined by the department to be due is not received by the department by the due date specified in the notice, or any extension thereof, there (~~(shall be)~~) is assessed a total penalty of fifteen percent of the amount of the tax under this subsection; and if payment of any tax determined by the department to be due is not received on or before the thirtieth day following the due date specified in the notice of tax due, or any extension thereof, there (~~(shall be)~~) is assessed a total penalty of twenty-five percent of the amount of the tax under this subsection. No penalty so added (~~(shall)~~) may be less than five dollars. As used in this section, "substantially underpaid" means that the taxpayer has paid less than eighty percent of the amount of tax determined by the department to be due for all of the types of taxes included in, and for the entire period of time covered by, the department's examination, and the amount of underpayment is at least one thousand dollars.

(3) If a warrant (~~(be)~~) is issued by the department (~~(of revenue)~~) for the collection of taxes, increases, and penalties, there (~~(shall be)~~) is added thereto a penalty of ten percent of the amount of the tax, but not less than ten dollars.

(4) If the department finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the department a registration certificate as required by RCW 82.32.030, the department (~~(shall)~~) must impose a penalty of five percent of the amount of tax due from that person for the period that the person was not registered as required by RCW 82.32.030. The department (~~(shall)~~) may not impose the penalty under this subsection (4) if a person who has engaged in business taxable under this title without first having registered as required by RCW 82.32.030, prior to any notification by the department of the need to register, obtains a registration certificate from the department.

(5) If the department finds that all or any part of a deficiency resulted from the disregard of specific written instructions as to reporting or tax liabilities, the department (~~(shall)~~) must add a penalty of ten percent of the amount of the additional tax found due because of the failure to follow the instructions. A taxpayer disregards specific written instructions when the department (~~(of revenue)~~) has informed the taxpayer in writing of the taxpayer's tax obligations and the taxpayer fails to act in accordance with those instructions unless the department has not issued final instructions because the matter is under appeal pursuant to this chapter or departmental regulations. The department (~~(shall)~~) may not assess the penalty under this section upon any taxpayer who has made a good faith effort to comply with the specific written instructions provided by the department to that taxpayer. Specific written instructions may be given as a part of a tax assessment, audit,

determination, or closing agreement, provided that such specific written instructions (~~(shall)~~) apply only to the taxpayer addressed or referenced on such documents. Any specific written instructions by the department (~~(of revenue shall)~~) must be clearly identified as such and (~~(shall)~~) must inform the taxpayer that failure to follow the instructions may subject the taxpayer to the penalties imposed by this subsection.

(6) If the department finds that all or any part of a deficiency resulted from engaging in a specified tax avoidance transaction, as described in section 201(2) of this act, the department must assess a penalty of thirty-five percent of the additional tax found to be due as a result of engaging in the specified tax avoidance transaction. The penalty provided in this subsection may be assessed together with any other applicable penalties provided in this section on the same tax found to be due, except for the evasion penalty provided in subsection (7) of this section. The department may not assess the penalty under this subsection if, before the department discovers the taxpayer's use of the specified tax avoidance transaction, the taxpayer discloses its participation in the transaction to the department.

~~(7)~~ (7) If the department finds that all or any part of the deficiency resulted from an intent to evade the tax payable (~~(hereunder)~~), a further penalty of fifty percent of the additional tax found to be due (~~(shall)~~) must be added.

~~((7))~~ (8) The penalties imposed under subsections (1) through (4) of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.

~~((8))~~ (9) The department (~~(of revenue)~~) may not impose both the evasion penalty and the penalty for disregarding specific written instructions or the penalty provided in subsection (6) of this section on the same tax found to be due.

~~((9))~~ (10) For the purposes of this section, "return" means any document a person is required by the state of Washington to file to satisfy or establish a tax or fee obligation that is administered or collected by the department (~~(of revenue)~~), and that has a statutorily defined due date.

**NEW SECTION. Sec. 204.** (1) The legislature finds that this state's tax policy with respect to the taxation of transactions between affiliated entities and the income derived from such transactions (intercompany transactions) has motivated some taxpayers to engage in transactions designed solely or primarily to minimize the tax effects of intercompany transactions. The legislature further finds that some intercompany transactions result from taxpayers that are required to establish affiliated entities to comply with regulatory mandates and that transactions between such affiliates effectively increases the tax burden in this state on the affiliated group of entities. The legislature also finds that certain legal doctrines available in other jurisdictions may be beneficial in administering state excise taxes.

(2) Therefore, the department of revenue is directed to conduct a review of the state's tax policy with respect to the taxation of intercompany transactions. The review must include the impacts of such transactions under the state's business and occupation tax and state and local sales and use taxes. The department may include other taxes in the review as it deems appropriate. The department shall also study the necessity for and desirability of adopting certain interpretive and judicial doctrines in administering excise taxes.

(3) In conducting the review, the department must examine how this state's tax policy compares to the tax policy of other states with respect to the taxation of intercompany transactions and the use of certain interpretive doctrines. The department's review must include an analysis of potential alternatives to the current policy of taxing intercompany transactions, including their estimated revenue impacts if practicable.

(4) In conducting this review, the department must seek input from members of the business community and others as it deems appropriate.

(5) The department must report its findings to the fiscal committees of the house of representatives and senate by December 1, 2010. However, if the department has not completed its review by December 1, 2010, the department must provide the fiscal committees of the legislature with a brief status report by December 1, 2010, and the final report by December 1, 2011."

On page 111, beginning on line 14, strike everything through page 111, line 22.

ReNUMBER the sections consecutively and correct any internal references accordingly.

Senators Benton, Delvin, Honeyford, Pflug, Carrell and Roach spoke in favor of adoption of the amendment.

Senators Tom, Rockefeller and Murray spoke against adoption of the amendment.

#### POINT OF ORDER

Senator Roach: "I object."

#### REPLY BY THE PRESIDENT

President Owen: "I don't know what you're objecting too."

#### POINT OF ORDER

Senator Roach: "Because there was not one mention of any state employee and I'm being criticized for criticizing employees. I did not do that."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Roach. Senator Roach. Continue (to previous speaker)."

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 15, line 1 to Substitute Senate Bill No. 6143.

The motion by Senator Benton failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Stevens moved that the following amendment by Senator Stevens be adopted:

On page 31, line 3, after "(1)" strike "Prior to July 1, 2010, t" and insert "T"

Senators Stevens and Pflug spoke in favor of adoption of the amendment.

Senators Tom and Keiser spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Stevens on page 31, line 3 to Substitute Senate Bill No. 6143.

The motion by Senator Stevens failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted:

Beginning on page 61, after line 13, strike all of Part VI

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Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 111, after line 27, strike all of section 2207. Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, beginning on line 9 of the title, strike "82.45.010, 82.45.080,"

Senator Benton spoke in favor of adoption of the amendment. Senator Tom spoke against adoption of the amendment.

POINT OF ORDER

Senator Benton: "Mr. President."

REPLY BY THE PRESIDENT

President Owen: "Senator Benton, he did not insult you or--as far as I can tell. I think we're being a little sensitive about the remarks of people out here referencing as he did... Well, you may have and you can correct that when you close debate. That would be a better way of dealing with it I believe. Thank you, Senator Tom."

Senators Carrell, Pflug and Stevens spoke in favor of adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 61, after line 13 to Substitute Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Benton and the amendment was adopted by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hewitt, Hobbs, Holmquist, Honeyford, Kauffman, Kilmer, King, Marr, Morton, Parlette, Pflug, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala, Rockefeller, Shin and Tom

Excused: Senator McCaslin

MOTION

On motion of Senator Eide, Rule 15 was suspended for the remainder of the day for the purpose of allowing continued floor action.

EDITOR'S NOTE: Senate Rule 15 establishes the floor schedule and calls for a lunch and dinner break of 90 minutes each per day during regular daily sessions.

MOTION

Senator Hewitt moved that the following amendment by Senator Hewitt be adopted:

On page 66, beginning on line 27, after "(3)" strike all material through "liability" on line 32 and insert "Liability"

Senators Hewitt, Zarelli, Swecker, Carrell, Pflug, Schoesler, Benton and Roach spoke in favor of adoption of the amendment.

Senators Tom, Eide and Murray spoke against adoption of the amendment.

POINT OF ORDER

Senator Brown: "The Senator used the words 'vindictive' and 'predatory' and I'm wondering to whom she is attributing the vindictiveness and the predatory nature because it is the rules of the Senate that members motives shall not be impugned. I believe it is verging on insulting people's character to talk about vindictiveness and predatory."

REPLY BY THE PRESIDENT

President Owen: "Senator Roach, let her finish. Senator Roach."

POINT OF ORDER

Senator Brown: "Mr. President, I believe the rules of the Senate indicate that we discuss policy. A piece of paper cannot be predatory. An individual or an animal can be predatory so I would just like to point out, once again, that the rules of decorum of the Senate indicate that we speak to policy and the pros and cons of policy. Not to motives or attributing character issues to individuals who may be makers of bills or who may be voting for bills."

REPLY BY THE PRESIDENT

President Owen: "Senator Brown, you are correct. However those remarks and, let the President remind you and others that this seems to come from both sides. Alright. Now the remarks accordingly to the rules as the President reads them must be directed at a member or even if it's hidden directed at a member. In a more general state, I'm not convinced that the remarks were directed at a specific member or a specific member's motives. However, the President would once again remind members to be very careful about your remarks and that they are relative to the subject matter at hand and not pointed at any members."

POINT OF ORDER

Senator Pflug: "Thank you Mr. President. You know, an objection may not be used to, to impugn either."

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hewitt on page 66, line 27 to Substitute Senate Bill No. 6143.

The motion by Senator Hewitt failed and the amendment was not adopted by voice vote.

WITHDRAWAL OF AMENDMENT

On motion of Senator Parlette, the amendment by Senator Parlette on page 69, after line 17 to Substitute Senate Bill No. 6143 was withdrawn.

Senator Parlette spoke on the amendment.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted:

Beginning on page 82, after line 14, strike all of Part XIII

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 1, line 10 of the title, after "82.14.230," strike "82.16.110,

Senators Carrell, Schoesler and Honeyford spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 82, after line 14 to Substitute Senate Bill No. 6143.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Regala moved that the following amendment by Senators Regala and Zarelli be adopted:

On page 77, starting on line 1, strike all of sections 1201 and 1202.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 10 of the title, after "82.12.037," strike "82.12.010, 82.14.230,"

Senator Regala spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Regala and Zarelli on page 77, line 1 to Substitute Senate Bill No. 6143.

The motion by Senator Regala carried and the amendment was adopted by voice vote.

#### MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted:

Beginning on page 84, line 1, strike all of part XIV.

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 10 of the title, strike "82.08.890, 82.12.890"

Senators Carrell and Schoesler spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 87, line 28 to Substitute Senate Bill No. 6143.

The motion by Senator Carrell failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Brandland moved that the following amendment by Senators Brandland, Fraser and Swecker be adopted:

(0) On page 87, beginning on line 28, strike everything through page, 88, line 4 and insert the following:

"**Sec. 1601.** RCW 82.08.811 and 1997 c 368 s 4 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Air pollution control facilities" means any treatment works, control devices and disposal systems, machinery, equipment, structure, property, property improvements, and accessories, that are installed or acquired for the primary purpose

of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation; and

(b) "Generation facility" means a coal-fired thermal electric generation facility placed in operation after December 3, 1969, and before July 1, 1975.

(2) Beginning January 1, 1999, the tax levied by RCW 82.08.020 does not apply to sales of coal used to generate electric power at a generation facility operated by a business if the following conditions are met:

(a) The owners must make an application to the department of revenue for a tax exemption;

(b) The owners must make a demonstration to the department of ecology that the owners have made reasonable initial progress to install air pollution control facilities to meet applicable regulatory requirements established under state or federal law, including the Washington clean air act, chapter 70.94 RCW;

(c) Continued progress must be made on the development of air pollution control facilities to meet the requirements of the permit; and

(d) The generation facility must emit no more than ten thousand tons of sulfur dioxide during a previous consecutive twelve-month period.

(e) Beginning July 1, 2010, the owners must make an annual demonstration to the department of ecology that the owners are acting in good faith to make reasonable progress to decrease the use of coal or replace coal as a fuel for generating electricity in accordance with Section 1(d) of Executive Order 09-05.

(f) By July 1, 2012, the owners must have installed and operate controls specifically designed to reduce mercury emissions. The owners must report mercury emissions data to the department of ecology and the appropriate air pollution control authority on at least a quarterly basis. The mercury emissions data must be accessible to the public upon request.

(3) During a consecutive twelve-month period, if the generation facility is found to be in violation of excessive sulfur dioxide emissions from a regional air pollution control authority or the department of ecology, the department of ecology shall notify the department of revenue and the owners of the generation facility shall lose their tax exemption under this section. The owners of a generation facility may reapply for the tax exemption when they have once again met the conditions of subsection (2)(d) of this section.

(4) RCW 82.32.393 applies to this section.

(5) This section expires on January 1, 2025.

**Sec. 2302.** RCW 82.12.811 and 1997 c 368 s 6 are each amended to read as follows:

(1) For the purposes of this section:

(a) "Air pollution control facilities" means any treatment works, control devices and disposal systems, machinery, equipment, structure, property, property improvements, and accessories, that are installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste that, if released to the outdoor atmosphere, could cause air pollution, or that are required to meet regulatory requirements applicable to their construction, installation, or operation; and

(b) "Generation facility" means a coal-fired thermal electric generation facility placed in operation after December 3, 1969, and before July 1, 1975.

(2) Beginning January 1, 1999, the provisions of this chapter do not apply in respect to the use of coal to generate electric power at a generation facility operated by a business if the following conditions are met:

(a) The owners must make an application to the department of revenue for a tax exemption;



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(b) The owners must make a demonstration to the department of ecology that the owners have made reasonable initial progress to install air pollution control facilities to meet applicable regulatory requirements established under state or federal law, including the Washington clean air act, chapter 70.94 RCW;

(c) Continued progress must be made on the development of air pollution control facilities to meet the requirements of the permit; and

(d) The generation facility must emit no more than ten thousand tons of sulfur dioxide during a previous consecutive twelve-month period.

(e) Beginning July 1, 2010, the owners must make an annual demonstration to the department of ecology that the owners are acting in good faith to make reasonable progress to decrease the use of coal or replace coal as a fuel for generating electricity in accordance with Section 1(d) of Executive Order 09-05.

(f) By July 1, 2012, the owners must have installed and operate controls specifically designed to reduce mercury emissions. The owners must report mercury emissions data to the department of ecology and the appropriate air pollution control authority on at least a quarterly basis. The mercury emissions data must be accessible to the public upon request.

(3) During a consecutive twelve-month period, if the generation facility is found to be in violation of excessive sulfur dioxide emissions from a regional air pollution control authority or the department of ecology, the department of ecology shall notify the department of revenue and the owners of the generation facility shall lose their tax exemption under this section. The owners of a generation facility may reapply for the tax exemption when they have once again met the conditions of subsection (2)(d) of this section.

(4) This section expires on January 1, 2025."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 13 of the title, after "67.28.181", insert "82.08.811, 82.12.811"

Senators Brandland, Swecker, King, Sheldon and Benton, spoke in favor of adoption of the amendment.

Senators Gordon, Franklin and Brown spoke against adoption of the amendment.

REMARKS BY SENATOR HEWITT

Senator Hewitt: "Thank you Mr. President. Well, I would ask all the members that we not direct comments to each other and we keep the debate to the policy. I ask that to both sides of the aisle today. Thank you Mr. President."

Senators Pflug, Schoesler, Zarelli, Carrell, Honeyford and Stevens spoke in favor of adoption of the amendment.

Senators Rockefeller, Marr, Regala and McDermott spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

POINT OF ORDER

Senator Schoesler: "Thank you Mr. President. You have suggested earlier to the body that we contain our remarks. Only recently the Minority Leader asked, not interrupting suggesting that we keep our remarks in tone. Talking about McCarthyism I think is taking this in a direction the President has asked us not to

go and I would ask the gentleman from the Thirty-Seventh District to stay on the subject as you've requested."

REPLY BY THE PRESIDENT

President Owen: "Senator Schoesler, I have no idea where he was going with that remark until he makes the remark. And I think that would have been appropriate but you might take this as a warning of where we might go, should you drift, Senator Kline."

Senator Kline spoke against the adoption of the amendment.

PERSONAL PRIVILEGE

Senator Franklin: "Mr. President, I'm getting a headache. Could we continue and try to get this business over with?"

MOTION

On motion of Senator Hatfield, Senator Shin was excused.

The President declared the question before the Senate to be the adoption of the amendment by Senators Brandland, Fraser and Swecker on page 87, line 28 to Substitute Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senators Brandland, Fraser and Swecker and the amendment was not adopted by the following vote: Yeas, 20; Nays, 26; Absent, 1; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Fraser, Hewitt, Holmquist, Honeyford, King, Morton, Parlette, Pflug, Pridemore, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Gordon, Hatfield, Haugen, Hobbs, Jacobsen, Kastama, Kauffman, Keiser, Kilmer, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Ranker, Regala, Rockefeller and Tom

Absent: Senator Hargrove

Excused: Senators McCaslin and Shin

MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

Beginning on page 88, after line 4, strike all of Part XVII Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 1, line 11 of the title, after "54.28.011," strike "82.08.962, 82.12.962,"

Senators Honeyford and Carrell spoke in favor of adoption of the amendment.

Senator Rockefeller spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 88, after line 4 to Substitute Senate Bill No. 6143.

ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and the amendment was not adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Hatfield, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, King, Morton, Parlette, Pflug, Pridemore, Ranker, Roach, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Gordon, Hargrove, Haugen, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, Marr, McAuliffe, McDermott, Murray, Oemig, Prentice, Regala, Rockefeller and Tom

Excused: Senators McCaslin and Shin

#### MOTION

Senator Honeyford moved that the following amendment by Senator Honeyford be adopted:

Beginning on page 93, after line 31, strike all of Part XVIII

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 1, line 18 of the title, after "82.08.811," strike all material through "82.04.394" and insert "and 82.12.811"

Senator Honeyford spoke in favor of adoption of the amendment.

Senators Tom and Marr spoke against adoption of the amendment.

Senator Schoesler demanded a roll call.

The President declared that one-sixth of the members supported the demand and the demand was sustained.

The President declared the question before the Senate to be the adoption of the amendment by Senator Honeyford on page 93, after line 31 to Substitute Senate Bill No. 6143.

#### ROLL CALL

The Secretary called the roll on the adoption of the amendment by Senator Honeyford and the amendment was adopted by the following vote: Yeas, 23; Nays, 24; Absent, 0; Excused, 2.

Voting yea: Senators Becker, Benton, Brandland, Carrell, Delvin, Gordon, Hewitt, Hobbs, Holmquist, Honeyford, Kilmer, King, Marr, Morton, Parlette, Pflug, Roach, Rockefeller, Schoesler, Sheldon, Stevens, Swecker and Zarelli

Voting nay: Senators Berkey, Brown, Eide, Fairley, Franklin, Fraser, Hargrove, Hatfield, Haugen, Jacobsen, Kastama, Kauffman, Keiser, Kline, Kohl-Welles, McAuliffe, McDermott, Murray, Oemig, Prentice, Pridemore, Ranker, Regala and Tom

Excused: Senators McCaslin and Shin

#### MOTION

Senator Zarelli moved that the following amendment by Senators Zarelli, Carrell and Schoesler be adopted:

(0) On page 93, after line 36, insert the following:

"**Sec. 1802.** RCW 82.04.394 and 1998 c 338 s 2 are each amended to read as follows:

(1) This chapter does not apply to amounts received by a property management company from the owner of a property for gross wages and benefits paid directly to or on behalf of on-site personnel from property management trust accounts that are required to be maintained under RCW ((~~18.85.340~~)) 18.85.285.

(2) As used in this section, "on-site personnel" means a person who meets all of the following conditions: (a) The person works

primarily at the owner's property; (b) the person's duties include leasing property units, maintaining the property, collecting rents, or similar activities; and (c) under a written property management agreement: (i) The person's compensation is the ultimate obligation of the property owner and not the property manager; (ii) the property manager is liable for payment only as agent of the owner; and (iii) the property manager is the agent of the owner with respect to the on-site personnel and that all actions, including, but not limited to, hiring, firing, compensation, and conditions of employment, taken by the property manager with respect to the on-site personnel are subject to the approval of the property owner.

On page 112, line 5, after "406," insert "1802,"

On page 112, after line 18, insert the following:

"**NEW SECTION. Sec. 2214.** Section 1802 of this act takes effect June 1, 2015."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 11 of the title, after "82.12.962," insert "82.04.394"

Senators Zarelli and King spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Zarelli, Carrel and Schoesler on page 93, after line 36 to Substitute Senate Bill No. 6143.

The motion by Senator Zarelli failed and the amendment was not adopted by a rising vote.

#### MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted:

Beginning on page 94, line 1, strike all of Part XIX

Renumber the remaining parts and sections consecutively and correct any internal references accordingly.

On page 1, line 11 of the title, after "82.12.962," strike "82.08.0293, 82.12.0293,"

On page 1, beginning on line 16 of the title, after "chapter 82.32 RCW;" strike all material through "82.12 RCW;" on line 17

Senators Carrell and King spoke in favor of adoption of the amendment.

Senator Tom spoke against adoption of the amendment.

#### POINT OF INQUIRY

Senator Honeyford: "Would Senator Tom yield to a question? Definition of bottled water. Is it defined? and so is that also include five gallon containers that we use in our water dispensers throughout the Capitol and all the government buildings?"

Senator Tom: "Thank you Senator from the Fifteenth. It is my understanding that it does include that. I do believe that there is an exemption in here for people who do not have potable water so we have that taken into consideration."

Senators Benton and Honeyford spoke in favor of adoption of the amendment.

Senator Keiser spoke against adoption of the amendment.

#### POINT OF INQUIRY

Senator Delvin: "Would Senator Tom yield to a question?"

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Senator Tom: "No."

The President declared the question before the Senate to be the adoption of the amendment by Senator Carrell on page 94, line 1 to Substitute Senate Bill No. 6143.

The motion by Senator Carrell failed and the amendment was not adopted by a rising vote.

#### MOTION

Senator Haugen moved that the following amendment by Senator Haugen be adopted:

0) On page 98, after line 14, insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of bottled water for human use to persons who do not otherwise have a readily available source of potable water and who provide the seller with an exemption certificate in a form and manner prescribed by the department. The seller shall retain a copy of the certificate for the seller's files.

(2) The department may waive the requirement for an exemption certificate in the event of disaster or similar circumstance.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply in respect to the use of bottled water for human use by persons who do not otherwise have a readily available source of potable water."

Re-number the sections consecutively and correct any internal references accordingly.

On page 1, line 16 of the title, strike "adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW", insert "adding new sections to chapter 82.08; adding new sections to chapter 82.12 RCW"

Senators Haugen and Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Haugen on page 98, after line 14 to Substitute Senate Bill No. 6143.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

#### MOTION

Senator Becker moved that the following amendment by Senator Becker be adopted.

Beginning on page 98, after line 14, strike all of Part XX

Re-number the remaining parts and sections consecutively and correct any internal references accordingly.

On page 1, at the beginning of line 12 of the title, strike "82.04.4451, 82.32.045,"

Senators Becker, Carrell, Zarelli, Parlette, King, Holmquist, Pflug and Sheldon spoke in favor of adoption of the amendment.

Senators Tom, Hargrove and Gordon spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Becker on page 98, after line 14 to Substitute Senate Bill No. 6143.

The motion by Senator Becker failed and the amendment was not adopted by a rising vote.

#### MOTION

Senator Ranker moved that the following amendment by Senators Ranker and Brandland be adopted.

On page 98, line 23, strike "82.04.255"

Re-number the sections consecutively and correct any internal references accordingly.

Senator Ranker spoke in favor of adoption of the amendment.

Senators Zarelli and Pflug spoke against adoption of the amendment.

#### POINT OF INQUIRY

Senator Sheldon: "Would Senator Ranker yield to a question? The amendment you've offered I see the effect section here. It says, 'eliminates real estate brokers from the increase B & O tax. Does this amendment eliminate real estate agents from the tax?'"

Senator Ranker: "Yes, actually, I got a clarification on that this morning. I had the same question when I saw the intent language or the effect language. My understanding is that agents are under brokers. It is an umbrella the way the commission works and it splits between the two and the RCW which is 82.04.255, specifically goes into detail there. So my understanding from our Ways & Means staff is yes, in fact it does. This would voting in favor of this amendment would remove brokers and agents from the B & O tax."

The President declared the question before the Senate to be the adoption of the amendment by Senators Ranker and Brandland on page 98, line 23 to Substitute Senate Bill No. 6143.

The motion by Senator Ranker failed and the amendment was not adopted by voice vote.

#### MOTION

Senator Franklin moved that the following amendment by Senators Franklin and Kastama be adopted:

On page 98, beginning on line 29, strike "the additional tax rate under section 2001 of this act" and insert "tax under RCW's 82.04.290(2)(a), 82.04.255, and 82.04.285"

On page 98, beginning on line 32, strike "subject to the additional tax rate under section 2001 of this act" and insert "subject to the tax under RCW's 82.04.290(2)(a), 82.04.255, and 82.04.285"

On page 100, beginning on line 4, strike "additional rate under section 2001 of this act," and insert "tax under RCW's 82.04.290(2)(a), 82.04.255, and 82.04.285"

Re-number the sections consecutively and correct any internal references accordingly.

Senator Franklin spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Franklin and Kastama on page 98, line 29 to Substitute Senate Bill No. 6143.

The motion by Senator Franklin carried and the amendment was adopted by voice vote.

#### MOTION

Senator Holmquist moved that the following amendment by Senator Holmquist be adopted:

Beginning on page 100, after line 12, strike all of Part XXI

Re-number the remaining parts and sections consecutively and correct any internal references accordingly.

On page 112, line 5, after "406," strike "2103,"

On page 112, after line 18, strike all of sections 2214 and 2215  
 Renumber the remaining sections consecutively and correct any  
 internal references accordingly.

On page 1, beginning on line 12 of the title, after "82.04.4451,"  
 strike all material through "82.14.410" on line 13 and insert "and  
 82.32.045"

On page 1, line 14 of the title, after "82.04.440," strike all  
 material through "82.08.064" and insert "and 82.04.360"

On page 1, beginning on line 18 of the title, after "82.04.394;"  
 strike "making an appropriation;"

Senators Holmquist, Schoesler and Benton spoke in favor of  
 adoption of the amendment.

Senators Brown, Murray and Hargrove spoke against  
 adoption of the amendment.

Senator Delvin spoke on adoption of the amendment.

Senator Pflug spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Eide: "I guess I'm confused, I'm confused Mr.  
 President. I thought we were talking about an amendment. We're  
 not talking about the overall bill that's before us. I guess I'm  
 confused."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Eide is correct and members have  
 been swaying way away from the amendment but until a person  
 makes a point of order that's what going to happen. She's made  
 the point of order, please talk to the amendment."

Senator McAuliffe spoke against adoption of the amendment.

Senator Carrell spoke in favor of adoption of the amendment.

#### POINT OF ORDER

Senator Eide: "We are not discussing 960. We are  
 discussing the revenue before us."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Carrell, she is correct. You are to  
 speak to the amendment."

#### REMARKS BY SENATOR CARRELL

Senator Carrell: "I understand, but I'm trying, Mr.  
 President, to help this body understand the frustration that the  
 people in my district are feeling about the actions being taken  
 here today. I'm not impugning anybody's motives, I don't see  
 why this is a problem."

#### REPLY BY THE PRESIDENT

President Owen: "Well, Senator, the rule requires that you  
 speak to the merits and demerits of the amendment itself."

Senator Keiser spoke against adoption of the amendment.

Senators Roach, Sheldon and Honeyford spoke in favor of  
 adoption of the amendment.

The President declared the question before the Senate to be  
 the adoption of the amendment by Senator Holmquist on page  
 100, after line 12 to Substitute Senate Bill No. 6143.

The motion by Senator Holmquist failed and the amendment  
 was not adopted by voice vote.

#### WITHDRAWAL OF AMENDMENT

On motion of Senator Brown, the amendment by Senator  
 Shin on page 101, line 15 to Substitute Senate Bill No. 6143 was  
 withdrawn.

#### MOTION

Senator Zarelli moved that the following amendment by  
 Senator Zarelli be adopted:

On page 102, line 26, after "price.", insert "During any period in  
 which the tax in this subsection (5) is imposed beyond June 30,  
 2013, no member of the legislature shall receive any allowances for  
 expenses under Title 44 RCW, including per diem expenses and  
 quarterly expense allowances."

On page 102, after line 36, insert the following:

"**Sec. 2104.** RCW 44.04.120 and 2009 c 549 s 6002 are each  
 amended to read as follows:

Except as provided in RCW 82.08.020(5), each member of the  
 senate or house of representatives when serving on official  
 legislative business shall be entitled to receive, in lieu of per diem or  
 any other payment, for each day or major portion thereof in which  
 he or she is actually engaged in legislative business or business of  
 the committee, commission, or council, notwithstanding any laws to  
 the contrary, an allowance in an amount fixed by the secretary of the  
 senate and chief clerk of the house, respectively, in accordance with  
 applicable rules and resolutions of each body. Such allowance  
 shall be reasonably calculated to reimburse expenses, exclusive of  
 mileage, which are ordinary and necessary in the conduct of  
 legislative business, recognizing cost variances which are  
 encountered in different locales. The allowance authorized shall  
 not exceed the greater of forty-four dollars per day or the maximum  
 daily amount determined under RCW 43.03.050, as now or  
 hereafter amended. In addition, a mileage allowance shall be paid  
 at the rate per mile provided for in RCW 43.03.060, as now or  
 hereafter amended, when authorized by the house, committee,  
 commission, or council of which he or she is a member and on the  
 business of which he or she is engaged."

Renumber the sections consecutively and correct internal  
 references accordingly.

On page 1, line 12 of the title, after "82.08.020," insert  
 "44.04.120,"

Senators Zarelli and Tom spoke in favor of adoption of the  
 amendment.

The President declared the question before the Senate to be  
 the adoption of the amendment by Senator Zarelli on page 102,  
 line 26 to Substitute Senate Bill No. 6143.

The motion by Senator Zarelli carried and the amendment  
 was adopted by voice vote.

#### MOTION

Senator Brown moved that the following amendment by  
 Senators Brown and Zarelli be adopted:

On page 103, line 1, strike all of section 2104.

On page 106, line 14, strike all of section 2107.

Renumber the sections consecutively and correct any internal  
 references accordingly.

On page 1, line 12 of the title, after "82.08.0206," strike  
 "43.135.035,"

Senators Brown and Zarelli spoke in favor of adoption of the  
 amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senators Brown and Zarelli on page 103, line 1 to Substitute Senate Bill No. 6143.

The motion by Senator Brown carried and the amendment was adopted by voice vote.

MOTION

Senator Holmquist moved that the following amendment by Senators Holmquist and Benton be adopted:

0) On page 112, beginning on line 1, strike all material through line 9.

Renumber the sections consecutively and correct any internal references accordingly.

On page 113, after line 6, insert the following:

**"NEW SECTION. Sec. 2219.** The secretary of state shall submit this act to the people for their adoption and ratification, or rejection, at the next general election to be held in this state, in accordance with Article II, section 1 of the state Constitution and the laws adopted to facilitate its operation."

On page 1, line 20 of the title, after "and", strike the remainder of the title and insert "providing for submission of this act to a vote of the people."

Senator Holmquist spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Eide: "I believe that we are discussing an amendment before us not polls and 960 again. I don't even know what she's talking about I guess."

REPLY BY THE PRESIDENT

President Owen: "Senator Eide, the President believes that her remarks are appropriate in the fact that both of them are a ballot issue placing these revenues on the ballot. Senator Holmquist please continue."

Senator Benton spoke in favor of adoption of the amendment.

Senators Tom and Jacobsen spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Holmquist and Benton on page 112, line 1 to Substitute Senate Bill No. 6143.

The motion by Senator Holmquist failed and the amendment was not adopted by a rising vote.

MOTION

Senator Carrell moved that the following amendment by Senator Carrell be adopted:

0) On page 112, line 5, after "406," insert "1901, 1902, 1903, 1904,"

On page 112, after line 24, insert the following:

**"NEW SECTION. Sec. 2217.** Sections 1901, 1902, 1903, and 1904 take effect at such time the national streamline sales tax agreement is amended to allow for the sales tax to apply to bottled water."

Renumber the remaining sections consecutively and correct any internal references accordingly.

WITHDRAWAL OF AMENDMENT

On motion of Senator Carrell, the amendment by Senator Carrell on page 112, line 5 to Substitute Senate Bill No. 6143 was withdrawn.

MOTION

Senator Hatfield moved that the following amendment by Senator Hatfield be adopted:

On page 112, on line 24, strike "2015" and insert "2013"

Renumber the sections consecutively and correct any internal references accordingly.

Senator Hatfield spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Hatfield on page 112, line 24 to Substitute Senate Bill No. 6143.

The motion by Senator Hatfield carried and the amendment was adopted by voice vote.

MOTION

Senator Brown moved that the following striking amendment by Senator Shin be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature finds that the economic crisis has impacted the many Washington families which do not earn enough annually to keep pace with increasing health care, child care, and work-related expenses. The legislature further finds that revenues are insufficient to maintain necessary funding for education, public safety, health care, and safety net services for elderly, disabled, and vulnerable people during the unprecedented economic crisis in the 2009-2011 fiscal biennium. Therefore, it is the intent of the legislature to provide a means to stabilize revenue collections by imposing a temporary sales and use tax. It is also the legislature's intent to provide relief to lower-income working families in Washington in the form of a sales and use tax exemption.

**Sec. 2.** RCW 82.08.020 and 2009 c 469 s 802 are each amended to read as follows:

(1) There is levied and ~~((there shall be))~~ collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and ~~((there shall be))~~ collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection ~~((shall))~~ **must** be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection ~~((shall))~~ **must** be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5)(a) From June 1, 2010, until June 30, 2013, in addition to the tax imposed upon each retail sale in this state set forth in subsection (1) of this section, there is imposed a tax in an amount equal to one percent of the selling price.

(b)(i) When the state's unemployment rate decreases to six and

five-tenths percent for four continuous months, the rate of one percent in this subsection (5) must be reduced to one-half of one percent.

(ii) When the state's unemployment rate decreases to five percent for four continuous months, no additional tax may be imposed under this subsection (5).

(6) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section ~~((shall))~~ must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection ~~((shall))~~ must be deposited in the performance audits of government account created in RCW 43.09.475.

~~((6))~~ (7) The taxes imposed under this chapter ~~((shall))~~ apply to successive retail sales of the same property.

~~((7))~~ (8)(a) Until January 1, 2011, the tax imposed in subsection (3) of this section and the dedication of revenue provided for in subsection ~~((5))~~ (6) of this section ~~((s))~~ do not apply with respect to the sales of new passenger cars, light duty trucks, and medium duty passenger vehicles, which utilize hybrid technology and have a United States environmental protection agency estimated highway gasoline mileage rating of at least forty miles per gallon.

(b) As used in this subsection, "hybrid technology" means propulsion units powered by both electricity and gasoline.

~~((8))~~ (9) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 3.** RCW 82.08.020 and 2006 c 1 s 3 are each amended to read as follows:

(1) There is levied and ~~((there shall be))~~ collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) There is levied and ~~((there shall be))~~ collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection ~~((shall))~~ must be deposited in the multimodal transportation account created in RCW 47.66.070.

(3) Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection ~~((shall))~~ must be deposited in the multimodal transportation account created in RCW 47.66.070.

(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.

(5)(a) From June 1, 2010, until June 30, 2013, in addition to the tax imposed upon each retail sale in this state set forth in subsection (1) of this section, there is imposed a tax in an amount equal to one percent of the selling price.

(b)(i) When the state's unemployment rate decreases to six and five-tenths percent for four continuous months, the rate of one percent in this subsection (5) must be reduced to one-half of one percent.

(ii) When the state's unemployment rate decreases to five percent for four continuous months, no additional tax may be imposed under this subsection (5).

(6) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section ~~((shall))~~ must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection ~~((shall))~~ must be deposited in the performance audits of government account created in RCW 43.09.475.

~~((6))~~ (7) The taxes imposed under this chapter ~~((shall))~~ apply to successive retail sales of the same property.

~~((7))~~ (8) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

**Sec. 4.** RCW 82.08.0206 and 2008 c 325 s 2 are each amended to read as follows:

(1) A working families' tax exemption, in the form of a remittance tax due under this chapter and chapter 82.12 RCW, is provided to eligible low-income persons for sales taxes paid under this chapter after ~~((January 1, 2008))~~ June 1, 2010.

(2) For purposes of the exemption in this section, an eligible low-income person is:

(a) An individual, or an individual and that individual's spouse if they file a federal joint income tax return;

(b) ~~((An individual who))~~ An individual who is eligible for, and is granted, the credit provided in ~~((Title))~~ 26 U.S.C. Sec. 32 of the federal internal revenue code; and

(c) ~~((An individual who))~~ An individual who properly files a federal income tax return as a Washington resident, and has been a resident of the state of Washington more than one hundred eighty days of the year for which the exemption is claimed.

(3)(a) For remittances made in ~~((2009 and 2010))~~ 2011, the working families' tax exemption for the prior year is a retail sales tax exemption equal to the greater of twenty-five dollars or five percent of the credit granted as a result of ((Title)) 26 U.S.C. Sec. 32 of the federal internal revenue code in the most recent year for which data is available ((or twenty five dollars)), adjusted by a proportionate amount reflecting the seven months of increased tax imposed in sections 2 and 3 of this act in calendar year 2010.

(b) For remittances made in 2012, the working families' tax exemption for the prior year is a retail sales tax exemption equal to the greater of five percent of the credit granted as a result of 26 U.S.C. Sec. 32 of the federal internal revenue code in the most recent year for which data is available or twenty-five dollars.

(c) For ((2011)) 2013 and thereafter, the working families' tax exemption for the prior year is equal to the greater of ten percent of the credit granted as a result of ((Title)) 26 U.S.C. Sec. 32 of the federal internal revenue code in the most recent year for which data is available or fifty dollars.

(4) For any fiscal period, the working families' tax exemption authorized under this section ~~((shall))~~ must be approved by the legislature in the state omnibus appropriations act before persons may claim the exemption during the fiscal period.

(5) The working families' tax exemption ~~((shall))~~ must be administered as provided in this subsection.

(a) An eligible low-income person claiming an exemption under this section must pay the tax imposed under chapters 82.08, 82.12, and 82.14 RCW in the year for which the exemption is claimed. The eligible low-income person may then apply to the department for the remittance as calculated under subsection (3) of this section.

(b) Application ~~((shall))~~ must be made to the department in a form and manner determined by the department, ~~((but the))~~ except for the following:

(i) The department must provide alternative filing methods for applicants who do not have access to electronic filing; and

(ii) The department must allow joint filing for exemptions claimed under this section in 2012 and thereafter with the federal joint income tax return.

(c) Application for the exemption remittance under this section must be made in the year following the year for which the federal return was filed, but in no case may any remittance be provided for any period before ~~((January 1, 2008))~~ June 1, 2010. The department may use the best available data to process the exemption remittance. The department ~~((shall))~~ must begin accepting applications ~~((October 1, 2009))~~ January 1, 2011.

(d) The department ~~((shall))~~ must review the application and determine eligibility for the working families' tax exemption based on information provided by the applicant and through audit and

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other administrative records, including, when it deems it necessary, verification through internal revenue service data.

(e) The department ~~((shall))~~ must remit the exempted amounts to eligible low-income persons as a result of information received from the internal revenue service under such conditions and requirements as the internal revenue service may by law require.

(f) The department may, in conjunction with other agencies or organizations, design and implement a public information campaign to inform potentially eligible persons of the existence of and requirements for this exemption.

(g) The department may contact persons who appear to be eligible low-income persons as a result of information received from the internal revenue service under such conditions and requirements as the internal revenue service may by law require.

(6) The provisions of chapter 82.32 RCW apply to the exemption in this section.

(7) The department may adopt rules necessary to implement this section.

~~(8) For the remittances provided in fiscal year 2015 and thereafter, the department ((shall)) must limit its ongoing costs ((for)) to administer the exemption program to ((the initial start up costs to implement the program. The state omnibus appropriations act shall specify funding to be used for the ongoing administrative costs of the program. These ongoing administrative costs include, but are not limited to, costs for: The processing of internet and mail applications, verification of application claims, compliance and collections, additional full time employees at the department's call center, processing warrants, updating printed materials and web information, media advertising, and support and maintenance of computer systems)) no more than five percent of the total exemptions provided each year.~~

**Sec. 5.** RCW 82.08.064 and 2003 c 361 s 304 and 2003 c 168 s 205 are each reenacted and amended to read as follows:

(1) A sales and use tax rate change under this chapter or chapter 82.12 RCW shall be imposed (a) no sooner than seventy-five days after its enactment into law and (b) only on the first day of January, April, July, or October.

(2) Subsection (1) of this section does not apply to the tax rate change in section 301, chapter 361, Laws of 2003 or to the tax rate changes in sections 2 and 3 of this act.

(3)(a) A sales and use tax rate increase under this chapter or chapter 82.12 RCW imposed on services applies to the first billing period starting on or after the effective date of the increase.

(b) A sales and use tax rate decrease under this chapter or chapter 82.12 RCW imposed on services applies to bills rendered on or after the effective date of the decrease.

(c) For the purposes of this subsection (3), "services" means retail services such as installing and constructing and retail services

such as telecommunications, but does not include services such as tattooing.

NEW SECTION. **Sec. 6.** Section 2 of this act expires January 1, 2011.

NEW SECTION. **Sec. 7.** Section 3 of this act takes effect January 1, 2011.

NEW SECTION. **Sec. 8.** Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect June 1, 2010."

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 4 of the title, after "amending RCW", strike through page 1 line 20 "declaring an emergency.", and insert "82.08.020, 82.08.020, 82.08.0206; reenacting and amending 82.08.064; creating a new section; providing effective dates; providing an expiration date; and declaring an emergency."

Senator Brown spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Shin to Engrossed Substitute Senate Bill No. 6143.

The motion by Senator Brown failed and the striking amendment was not adopted by voice vote.

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 6143 was deferred and the bill held its place on the days calendar.

#### MOTION

At 3:50 p.m., on motion of Senator McDermott, the Senate adjourned until 12:00 noon, Sunday, March 7, 2010.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

|  |   |  |                                   |
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