

SEC. 10. 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. Severability.

SEC. 11. This act is necessary for the immediate preservation of the public peace, health and safety, and for the support of the state government, and shall take effect immediately. Emergency.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 23, 1965.

CHAPTER 156.

[Senate Bill No. 51.]

DEPARTMENT OF MOTOR VEHICLES.

AN ACT relating to state government; establishing a department of motor vehicles; providing for succession of powers and duties relating to motor vehicles from the director of licenses to the department of motor vehicles; establishing a division of professional licensing; providing for the transfer of certain functions of the state patrol to the department of motor vehicles; defining powers and duties; providing for the transfer of certain records, books, accounts, equipment, funds, appropriations, and property, real, personal and mixed; amending section 46.08.140, chapter 12, Laws of 1961 and RCW 46.08.140; amending section 46.08.090, chapter 12, Laws of 1961 and RCW 46.08.090; amending section 46.08.100, chapter 12, Laws of 1961 as amended by section 1, chapter 85, Laws of 1963, and RCW 46.08.100; creating a new chapter as part of chapter 12, Laws of 1961 and Title 46 RCW and recodifying certain sections herein amended therein; amending section 43.17.010, chapter 8, Laws of 1965 and RCW 43.17.010; amending section 43.17.020, chapter 8, Laws of 1965 and RCW 43.17.020; and providing an effective date.

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

SECTION 1. Due to the tremendous increase in motor vehicles on our highways and the attendant Purpose.

Motor vehicles,
department of.
Purpose.

tragic death and accident tolls, the effective regulation and control of motor vehicles and drivers is now a major state responsibility.

It is the purpose of this amendatory act to establish a department of state government to be known as the department of motor vehicles, vested with the power and charged with the responsibility for efficiently administering the motor vehicle laws of this state.

Department
created—Powers
and duties
vested.

SEC. 2. (1) A department of the government of this state to be known as the "department of motor vehicles" is hereby created.

(2) The department shall succeed to and is hereby vested with all powers, duties and jurisdiction relating to motor vehicles now vested in the director of licenses.

Laws department
to administer and
recommend
improvements
in.

SEC. 3. The department shall be 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;
- (6) certificates of license registration 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 state safety council;
- (11) such other activities as the legislature may provide.

SEC. 4. The department of motor vehicles is vested with all powers, functions, and duties of the director of licenses with respect to and including the following:

Powers, functions, duties of director of licenses vested in.

- (1) the motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) the use fuel tax as provided in chapter 82.40 RCW;
- (3) the motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) the house trailer 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 and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) the registration and licensing of motor vehicles as provided in chapters 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 the highway user tax structure as provided in chapter 46.84 RCW;
- (12) the licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) operators' 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;

Motor vehicles, department of. (17) disposition of revenues as provided in chapter 46.68 RCW; and

(18) the administration of all other laws relating to motor vehicles now vested in the director of licenses.

Division of professional licenses—Created—Powers, duties, transferred to.

SEC. 5. All powers, functions and duties now vested by law in the director of licenses or the department of licenses, other than those enumerated in section 4 of this amendatory act, shall be transferred to a division of professional licensing hereby created within the department of motor vehicles.

Records, accounts, funds, etc., transferred to department.

SEC. 6. On July 1, 1965, all records, books, accounts, equipment, funds, appropriations, and all other property, real, personal, and mixed now or hereafter held by the department of licenses shall be transferred to the department of motor vehicles.

State patrol functions transferred to department.

SEC. 7. Functions named in section 3 of this amendatory act which have heretofore been performed by the state patrol as agent of the director of licenses shall be performed by the department of motor vehicles after June 30, 1965.

Records, accounts, funds, etc., transferred to department—Segregation.

SEC. 8. On July 1, 1965, all records, books, accounts, equipment, funds and all other personal property now or hereafter held for the use of the Washington state patrol in performing driver licensing and driver improvement functions shall be transferred to the possession and control of the department of motor vehicles. In all cases where any question shall arise as to the proper custody of any such property or pending business, the governor shall determine the question.

Such property used jointly for driver licensing and driver improvement functions, and enforcement functions of the Washington state patrol shall be segregated between the department of motor vehicles

and the Washington state patrol as shall be determined by the governor.

SEC. 9. The department shall be under the control of an executive officer to be known as the director of motor vehicles. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director shall be selected with special reference to his experience, capacity and interest in the field of motor vehicle administration or highway safety.

Director. Appointment, term, qualifications.

SEC. 10. The director shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department effectively.

—Duties.

SEC. 11. Section 46.08.140, chapter 12, Laws of 1961 and RCW 46.08.140 are each amended to read as follows:

RCW 46.08.140 amended.

The director of motor vehicles is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW.

Rules and regulations.

SEC. 12. The lawfully adopted rules and regulations of the director of licenses in effect on June 30, 1965 shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the director of motor vehicles. Any references in such rules and regulations to the director of licenses shall be considered to be references to the director of motor vehicles.

—Prior rules and regulations, effect.

SEC. 13. Section 46.08.090, chapter 12, Laws of 1961 and RCW 46.08.090 are each amended to read as follows:

RCW 46.08.090 amended.

Motor vehicles,
department of.
Powers of
director.

The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; the director shall have the power to appoint and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles.

RCW 46.08.100
amended.

SEC. 14. Section 46.08.100, chapter 12, Laws of 1961 as amended by section 1, chapter 85, Laws of 1963, and RCW 46.08.100 are each amended to read as follows:

County audi-
tor, others, as
agent for
director—Ap-
plication fee.

The county auditor, if appointed by the director of motor vehicles 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 to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treas-

urer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: *Provided*, That in the event such 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. All such filing 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.

SEC. 15. The department may maintain such branch offices within the state as the director may deem necessary properly to carry out the powers and duties vested in the department. Branch offices.

SEC. 16. The director shall prescribe and provide suitable forms of applications, certificates of ownership and registration, drivers' licenses and all other forms and licenses requisite or deemed necessary to carry out the provisions of Title 46 RCW and any other laws the enforcement and administration of which are vested in the department. Applications, licenses, other documents, forms.

SEC. 17. The department shall have an official seal with the words "Department of Motor Vehicles of Washington" engraved thereon. Official seal.

SEC. 18. Officers and employees of the department designated by the director are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures and shall do so without fee. Oaths, acknowledgments, employees may administer.

SEC. 19. The director of motor vehicles may designate the Washington State Patrol as an agent to secure the surrender of drivers' licenses which have State patrol as agent of department.

Motor vehicles,
department of.

been suspended, revoked, or cancelled pursuant to law.

RCW 43.17.010
amended.

SEC. 20. Section 43.17.010, chapter 8, Laws of 1965 and RCW 43.17.010 are each amended to read as follows:

Administra-
tive depart-
ments—State.
Created.

There shall be departments of the state government which shall be known as (1) the department of public assistance, (2) the department of institutions, (3) the department of health, (4) the department of conservation, (5) the department of labor and industries, (6) the department of agriculture, (7) the department of fisheries, (8) the department of game, (9) the department of highways, (10) the department of motor vehicles, (11) the department of general administration and (12) the department of commerce and economic development, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

RCW 43.17.020
amended.

SEC. 21. Section 43.17.020, chapter 8, Laws of 1965 and RCW 43.17.020 are each amended to read as follows:

Chief execu-
tive officers—
State. Ap-
pointment.

There shall be a chief executive officer of each department to be known as: (1) The director of public assistance, (2) the director of institutions, (3) the director of health, (4) the director of conservation, (5) the director of labor and industries, (6) the director of agriculture, (7) the director of fisheries, (8) the director of game, (9) the director of highways, (10) the director of motor vehicles, (11) the director of general administration and (12) the director of commerce and economic development.

Such officers, except the director of highways, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of

the governor. If a vacancy occurs while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, when he shall present to that body his nomination for the office. The director of highways shall be appointed by the state highway commission.

SEC. 22. (1) All employees of the department of licenses who are employed exclusively or principally in performing the functions vested in the department of motor vehicles shall, upon the effective date of this amendatory act, be transferred to the department of motor vehicles.

Transfer of employees to new department.

(2) All civilian employees of the Washington state patrol who are employed exclusively or principally in performing driver examining and licensing functions and driver improvement functions shall, upon the effective date of this amendatory act, be transferred to the department of motor vehicles.

(3) All such employees transferred to the department of motor vehicles as provided in this section shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law without any loss of rights granted by said law.

SEC. 23. Sections 1 through 18 of this amendatory act are added to chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 11, 13 and 14, as herein amended, shall be recodified as and be a part of said chapter.

New chapter designated.

SEC. 24. The effective date of this amendatory act shall be July 1, 1965.

Effective date.

Passed the Senate March 5, 1965.

Passed the House March 9, 1965.

Approved by the Governor March 23, 1965.