

Constitution, as amended, and laws adopted to facilitate the operation thereof.

Passed the House February 22, 1972.

Passed the Senate February 19, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 99

[Engrossed Senate Bill No. 13]

MOTOR VEHICLES--TRANSFERS, ODOMETER READINGS--
DEALER LICENSE PLATES, MOTOR HOME DEALERS

AN ACT Relating to motor vehicles; amending section 7, chapter 140, Laws of 1967 as last amended by section 38, chapter 281, Laws of 1969 ex. sess. and RCW 46.12.101; amending section 46.12.030, chapter 12, Laws of 1961 as amended by section 8, chapter 32, Laws of 1967 and RCW 46.12.030; amending section 46.12.120, chapter 12, Laws of 1961 as last amended by section 2, chapter 140, Laws of 1967 and RCW 46.12.120; amending section 46.70.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.060; and adding a new section to chapter 46.12 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 7, chapter 140, Laws of 1967 as last amended by section 38, chapter 281, Laws of 1969 ex. sess. and RCW 46.12.101 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) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and inscribe in ink the number of miles indicated on the odometer in the respective spaces provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be transmitted to the transferee or to the department.

(2) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him 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.

(3) 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 under his security agreement.

(4) 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.

(5) If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: PROVIDED, That such failure or neglect to transfer within forty-five days after date of delivery of said vehicle shall be a misdemeanor.

(6) Upon receipt of an application for the reissue of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership and such 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, to be deposited in the motor vehicle fund.

Sec. 2. Section 46.12.030, chapter 12, Laws of 1961 as amended by section 8, chapter 32, Laws of 1967 and RCW 46.12.030 are each amended to read as follows:

The application for certificate of ownership shall be upon a blank form to be furnished by the director and shall contain:

(1) A full description of the vehicle, which said description shall contain the manufacturer's serial number if it be a trailer, the motor number or proper identification number if it be a motor vehicle, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director may require: PROVIDED, That the director may in any instance, in addition to the

information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application.

Sec. 3. Section 46.12.120, [chapter 12, Laws of 1961] as last amended by section 2, chapter 140, Laws of 1967 and RCW 46.12.120 are each amended to read as follows:

If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, including recording on the application the odometer reading as recorded by the previous owner on the title at the time the dealer obtained the vehicle or, if the previous owner failed to record the mileage on the title, the dealer shall attach a signed statement attesting to the odometer reading as it appeared on the vehicle at the time the vehicle was obtained by the dealer. (and showing) Such assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale and the date of his security agreement, to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration: PROVIDED, That the title certificate issued for a motor 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 his 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: AND PROVIDED FURTHER, That failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest.

NEW SECTION. Sec. 4. There is added to chapter 46.12 RCW a new section to read as follows:

In any case in which the transferor to the dealer is from out of state and has not recorded the mileage at the time of transfer, or a car was in inventory prior to the effective date of this act, the dealer, when mailing or delivering the assigned certificates of ownership and license registration to the department, shall attach a

certificate indicating to the best of his knowledge or belief the mileage on the vehicle at the time it was placed into inventory.

Sec. 5. Section 46.70.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 74, Laws of 1971 ex. sess. and RCW 46.70.060 are each amended to read as follows:

The fee for original dealer license for each calendar year or fraction thereof shall be as follows: Motor vehicle dealers, fifty dollars; subagencies, five dollars; which shall include one set of dealer license plates. The annual renewal fee for motor vehicle dealers shall be twenty-five dollars, and five dollars for each subagency. Additional sets of the dealer license plates, bearing the same license number, may be obtained for three dollars per set: PROVIDED, HOWEVER, That the maximum number of sets of dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sales were unnaturally low for reasons beyond his control: PROVIDED FURTHER, That the department may, in its discretion, issue a reasonable number of additional sets in those cases where a dealer sells motor homes: AND PROVIDED FURTHER, That no dealer who sold less than twenty passenger cars and/or pickup trucks during the previous year shall be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated by subsections (1), (3) or (4) of RCW 46.70.090. If any dealer shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director, in which case the dealer will be required to apply for an original license and pay the fee required for such original license. The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW.

Passed the Senate February 15, 1972.

Passed the House February 12, 1972.

Approved by the Governor February 23, 1972.

Filed in Office of Secretary of State February 24, 1972.

CHAPTER 100
[Engrossed Senate Bill No. 27]
JUDICIAL SALARIES

AN ACT Relating to the salaries of supreme court justices, court of