

CHAPTER 106.

[Sub. H. B. 360.]

MOTOR VEHICLES—UNIFORM ACT ON VEHICLE
RECIPROCITY.

AN ACT relating to vehicles; providing for the regulation and licensing thereof and of persons in relation thereto; providing for the collection and disposition of moneys; adopting a uniform act on vehicle reciprocity; repealing certain acts and parts of acts and chapter 46.84 RCW; providing penalties; and making an effective date.

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

Motor vehicle registration reciprocity. Declaration of policy.

SECTION 1. *Declaration of Policy.* It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered in this and such other states, provinces, territories and countries thus contributing to the economic and social development and growth of this state.

Definitions.

SEC. 2. *Definitions.* As used in this act: (1) "Commercial vehicle" means any vehicle which is operated in more than one state and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

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

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof

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

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

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

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

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

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

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

(6) The words "department," "motor vehicle," "person" and "vehicle" shall each have the meanings ascribed to them, respectively, by RCW 46.04.680, 46.04.320, 46.04.405 and 46.04.670.

(7) "Preceding year" means a period of twelve consecutive months fixed by the department which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

Motor vehicle
registration
reciprocity.
Commission
created.

SEC. 3. Reciprocity commission created. The reciprocity commission, hereby created, shall consist of the director of licenses, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the joint fact-finding committee on highways, streets and bridges, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed their actual and necessary expenses incurred in the performance of their official duties to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this act.

SEC. 4. Authority for reciprocity agreements;

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

Authority for agreements, provisions, standards.

SEC. 5. Base state registration reciprocity. An agreement or arrangement entered into, or a declaration issued under the authority of this act may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this state; and in such event the exemptions, benefits and privileges extended by such agreement, arrangement or declaration shall apply

Base state registration reciprocity.

to such vehicles, when properly licensed or registered in such base jurisdiction.

Motor vehicle registration reciprocity. Declarations of extent of, when.

SEC. 6. Declarations of extent of reciprocity, when. In the absence of an agreement or arrangement with another jurisdiction, the reciprocity commission may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the reciprocity commission, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce.

Extension of privileges to lessees.

SEC. 7. Extension of reciprocal privileges to lessees authorized. An agreement, or arrangement entered into, or a declaration issued under the authority of this act, may contain provisions under which a leased vehicle properly registered by the lessor thereof may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration.

Automatic reciprocity, when.

SEC. 8. Automatic reciprocity, when. On and after July 1, 1963, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this act, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this state. Reciprocity extended under this section

shall apply to commercial vehicles only when engaged exclusively in interstate commerce.

SEC. 9. Suspension of reciprocity benefits. Agreements, arrangements or declarations made under the authority of this act may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of such agreements, arrangements or declarations or who violates the laws of this state relating to motor vehicles or rules and regulations lawfully promulgated thereunder.

Suspension of reciprocity benefits.

SEC. 10. Agreements to be written, filed and available for distribution. All agreements, arrangements or declarations or amendments thereto shall be in writing and shall be filed in the office of the reciprocity commission. A copy of each agreement, arrangement or declaration, or amendment thereto, shall be filed by the reciprocity commission in the office of the director of licenses within ten days after execution or the effective date of the instrument whichever is later. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

Agreements to be written, filed, available for distribution.

SEC. 11. Reciprocity agreements in effect at time of act. All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles in force and effect at the time this act becomes effective shall continue in force and effect at the time this act becomes effective and until specifically amended or revoked as provided by law or by such agreements or arrangements.

Effect of present reciprocity agreements.

SEC. 12. Proportional registration of fleet vehicles, application, fee—formula and payment.

Motor vehicle
registration
reciprocity.
Proportional
registration of
fleet vehicles,
application fee
—Formula and
payment.

(1) Any owner engaged in operating one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

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

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

(c) "Reciprocity miles" as used in this section shall mean miles traveled by the motor vehicles of such fleet in another jurisdiction to which the fleet operator by virtue of reciprocity did not, either voluntarily or by operation of law or otherwise, pay full or proportional registration fees, trip permits, mileage taxes, weight distance taxes, gross receipt taxes, or any other fee or tax levied for the privilege of using the highway other than a tax on the fuel used for propelling such motor vehicles in such jurisdiction.

This state's pro rata share of "reciprocity miles" shall be determined by multiplying the total "reciprocity miles" by the fraction obtained by dividing the in-state miles by total fleet miles.

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

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

(a) Divide the sum of the in-state miles plus this state's pro rata share of reciprocity miles by total fleet miles.

(b) Determine the total amount necessary under the provisions referred to in subsection (1) of this section to register each and every vehicle in the fleet for which registration is requested, based on the regular annual fees or applicable fees for the unexpired portion of the registration year.

(c) Multiply the sum obtained under subsection (2) (b) hereof by the fraction obtained under subsection (2) (a) hereof.

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

(4) In no event shall the total fee payment be less than a minimum of three dollars per vehicle.

SEC. 13. Registration and identification of proportionally registered vehicles, effect of such registration. (1) The department shall register the vehicles so described and identified and may issue a license plate or plates, or a distinctive sticker, or other suitable identification device, for each vehicle described in the application upon payment of the appropriate fees for such application and for the stickers or devices issued. A fee of two dollars shall be paid for each license plate, sticker or device issued for each proportionally registered vehicle. A registration card shall be issued for each propor-

Registration,
identification,
of propor-
tionally regis-
tered vehicles
—Effect of
registration.

Motor vehicle registration reciprocity. Registration of proportionally registered vehicles—Effect.

tionally registered vehicle. Such registration card shall, in addition to the information required by RCW 46.12.050, bear upon its face the number of the license, sticker or other device issued for such proportionally registered vehicle and shall be carried in such vehicles at all times or, in the case of a combination, in the vehicle supplying the motive power.

(2) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle shall be operated in interstate or intrastate commerce in this state unless the owner thereof has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless said vehicle is being operated in conformity with such authority.

(3) The department may issue temporary pro-
 ration authorization permits to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar shall be collected for each permit issued. The department shall have the authority to adopt rules and regulations for issuance of the permits.

Proportional registration not in single jurisdiction.

SEC. 14. Proportional registration cannot be in a single jurisdiction. The right to the privilege and benefits of proportional registration of fleet vehicles extended by this act, or by any contract, agreement, arrangement or declaration made under the authority of this act, shall be subject to the condition that each fleet vehicle proportionally registered under the authority of this act also shall be proportionally or otherwise properly registered in at least one other

jurisdiction during the period for which it is proportionally registered in this state.

SEC. 15. Registration of additional fleet vehicles. Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicles for the remainder of the registration year.

Registration of additional fleet vehicles.

SEC. 16. Withdrawal of fleet vehicles, credits and accounting. If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under the provisions of this act, the owner of such fleet shall so notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cards and such other identification devices which have been issued with respect to such vehicle as the department may deem advisable. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the unused portion of the gross weight fee paid with respect to such vehicle, which shall be a sum equal to the amount of gross weight fee paid with respect to such vehicle when it was first proportionally registered in such registration year, reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current year in which the vehicle was registered and the date the notice of withdrawal is received by the department, shall be credited to the proportional registration account of such owner. Such credit shall be applied against the gross weight

Withdrawal of fleet vehicles, credits and accounting.

fee liability for subsequent additions to be prorated during such registration year or for additional gross weight fees due upon audit under section 19 of this act. If any such credit is less than five dollars, no credit shall be made or entered. In no event shall such amount be credited against fees other than those for such registration year nor shall any such amount be subject to refund.

Motor vehicle
registration
reciprocity.
New fleet—
Estimated
mileage.

SEC. 17. New fleet; estimated mileage. The initial application for proportional registration of a fleet shall state the mileage data with respect to such fleet for the preceding year in this and other jurisdictions. If no operations were conducted with such fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. The department shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness thereof.

Fleet registra-
tion denied,
when.

SEC. 18. Fleet registration may be denied, when. The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if the department shall find that such other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this state.

Preservation
of records,
audit, costs,
joint agree-
ments.

SEC. 19. Preservation of proportional registration records, audit, costs, joint agreements with other jurisdictions. Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner agrees to make such rec-

ords available to the department, at its designated office for audit as to accuracy of computations and payments and assessment of deficiencies or allowances for credit, or to pay the costs of an out of state audit by the department or its duly appointed representative at the applicant's home office. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this chapter the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, interest and penalties for such additional vehicle or vehicles which should have been registered, have been paid. The fees, interest and penalties determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, interest and penalties so determined, are paid, or a sufficient amount of such property sold for the payment thereof. The department may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six percent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under sections 11 and 12 of this act, a penalty of ten percent shall also be assessed.

SEC. 20. Relation to other state laws. The provisions of this act shall constitute complete authority for the registration of fleet vehicles upon a propor-

Relation to
other state
laws.

tional registration basis without reference to or application of any other statutes of this state except as in this act expressly provided.

Motor vehicle registration reciprocity. Proportional registration not exclusive.

SEC. 21. Proportional registration not exclusive. Nothing contained in this act relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged, including, but not by way of limitation, regular registration, temporary registration, or trip permit or registration.

Rules.

SEC. 22. Rules. The department may enter into agreements with other states on behalf of the state of Washington for the purpose of facilitating the administration of this act. In addition it may conclude arrangements or agreements with other states for the exchange of information for audit and enforcement activities in connection with such proportional registration. The department may adopt and promulgate such rules and regulations as it shall deem necessary to effectuate and administer the provisions of sections 11 and 12 of this act and the registration of fleet vehicles under said section shall be subject to the rights, terms and conditions granted or contained in any applicable agreement made by the department under the authority of this section.

Floater license plate. Authorized—Pre-requisites.

SEC. 23. Floater license plate—Authorized—Pre-requisites. Any owner eligible for proportional registration and licensing pursuant to this act but who is unable in the opinion of the reciprocity commission to comply with the reporting and application requirements thereof, may subject to prior approval of the commission and in lieu of registration of such vehicles under the provisions of chapter 46.16 RCW, and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, apply to the

director of licenses for issuance of a special "floater" license plate.

SEC. 24. Application—Fee. Application for each "floater" license plate shall be made upon forms prescribed by the director and shall be accompanied by a fee equivalent to double the total annual fees and taxes which would be due under the provisions of chapters 46.16 and 82.44 RCW and RCW 81.80.320 for licensing a semitrailer to the maximum gross weight of thirty-one thousand nine hundred ninety-nine pounds together with such additional fees, including filing and special fees, as are applicable upon annual registration and licensing of a semitrailer.

—Application—Fee.

SEC. 25. Valid only for intracity operation—Penalty for violation. Each "floater" license plate may be used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

—Valid only for intracity operation.

Every violation of this section shall be punishable as a misdemeanor and every peace officer witnessing any use of any "floater" license plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director.

SEC. 26. Design, size, etc.—Furnished as other plates. Each "floater" license plate shall be of distinctive design and shall be of such size and contain such symbols as are prescribed by the director. All such plates shall be obtained from the metal working plant of the state penitentiary at Walla Walla, if available therefrom, and shall upon application therefor and payment of all fees, be furnished in the manner provided for the annual licensing of vehicles of like class.

—Design, size, etc.

SEC. 27. Special reciprocity identification plate—Display. The reciprocity commission may require

Motor vehicle registration reciprocity. Special identification plate. Display.

the display of a special reciprocity identification plate upon any commercial vehicle operating within this state under the provisions of any reciprocal agreement between this state and the state or other jurisdiction in which such vehicle is properly licensed: *Provided*, That such reciprocal agreement is on file with the reciprocity commission: *Provided further*, That the issuance and display of such identification plate shall not be deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of such reciprocal agreement.

Proviso.

Proviso.

—Duration.

SEC. 28. Duration. Each identification plate shall be valid until the expiration date of the current and valid vehicle license issued by the state or other jurisdiction wherein such vehicle is licensed: *Provided*, That such identification plate shall become invalid upon the termination of any reciprocal agreement between this state and the state or jurisdiction wherein such vehicle is licensed.

Proviso.

—Application—Issuance—Fee, deposit.

SEC. 29. Application—Issuance—Fee, deposit. All special reciprocity identification plates shall be obtained by the director of licenses in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon application in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each vehicle. The fee therefor shall be two dollars plus a filing fee of fifty cents. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund.

Act supplemental.

SEC. 30. Act part of and supplemental to motor vehicle registration law. This act shall be, and construed as, a part of and supplemental to the motor vehicle registration law of this state.

Severability.

SEC. 31. Constitutionality. If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent

jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid.

SEC. 32. The following acts or parts of acts and RCW sections are hereby repealed: Repeal.

(1) Sections 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100, chapter 12, Laws of 1961 and RCW 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100;

(2) Section 46.84.020, chapter 12, Laws of 1961 as amended by section 37, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.020;

(3) Sections 1, 2, 3, and 4, chapter 266, Laws of 1961 and RCW 46.84.110, 46.84.120, 46.84.130 and 46.84.140; and

(4) Sections 38, 39, and 40, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.150, 46.84.160 and 46.84.170.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder. Savings.

SEC. 33. This act shall take effect and be in force on and after July 1, 1963. Effective date.

SEC. 34. Section captions as used in this act shall not constitute any part of the law. Captions not law.

Passed the House February 23, 1963.

Passed the Senate March 12, 1963.

Approved by the Governor March 25, 1963.