

## CHAPTER 25

[Engrossed Senate Bill No. 2078]  
MOTOR VEHICLES—OWNERSHIP AND  
REGISTRATION—LICENSING

AN ACT Relating to motor vehicles; amending section 46.04.270, chapter 12, Laws of 1961 and RCW 46.04.270; amending section 46.04.380, chapter 12, Laws of 1961 and RCW 46.04.380; amending section 46.04.460, chapter 12, Laws of 1961 and RCW 46.04.460; amending section 46.12.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 140, Laws of 1967 and RCW 46.12.010; amending section 46.12.020, chapter 12, Laws of 1961 as amended by section 7, chapter 32, Laws of 1967 and RCW 46.12.020; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.030; amending section 46.12.050, chapter 12, Laws of 1961 as amended by section 9, chapter 32, Laws of 1967 and RCW 46.12.050; amending section 46.12.060, chapter 12, Laws of 1961 as amended by section 1, chapter 36, Laws of 1974 ex. sess. and RCW 46.12.060; amending section 46.12.120, chapter 12, Laws of 1961 as last amended by section 3, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.120; amending section 46.12.160, chapter 12, Laws of 1961 and RCW 46.12.160; amending section 46.12.170, chapter 12, Laws of 1961 as amended by section 4, chapter 140, Laws of 1967 and RCW 46.12.170; amending section 46.12.230, chapter 12, Laws of 1961 as amended by section 13, chapter 32, Laws of 1967 and RCW 46.12.230; amending section 2, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.040; amending section 1, chapter 18, Laws of 1963 and RCW 46.16.079; amending section 46.16.080, chapter 12, Laws of 1961 and RCW 46.16.080; amending section 46.16.100, chapter 12, Laws of 1961 as last amended by section 10, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.100; amending section 46.16.230, chapter 12, Laws of 1961 and RCW 46.16.230; and creating new sections.

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

Section 1. Section 46.04.270, chapter 12, Laws of 1961 and RCW 46.04.270 are each amended to read as follows:

"Legal owner" means a ~~((mortgagee or owner of the legal title to a vehicle))~~ person having a security interest in a vehicle perfected in accordance with chapter 46.12 RCW or the registered owner of a vehicle unencumbered by a security interest or the lessor of a vehicle unencumbered by a security interest.

Sec. 2. Section 46.04.380, chapter 12, Laws of 1961 and RCW 46.04.380 are each amended to read as follows:

"Owner" means a person who ~~((holds a title of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days))~~ has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle 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.

Sec. 3. Section 46.04.460, chapter 12, Laws of 1961 and RCW 46.04.460 are each amended to read as follows:

"Registered owner" means ~~((a person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a~~

lawful right of possession or use and control for a period of ten or more successive days)) the person whose lawful right of possession of a vehicle has most recently been recorded with the department.

NEW SECTION. Sec. 4. There is added to chapter 46.04 RCW a new section to read as follows:

The term "department" shall mean the department of motor vehicles unless a different department is specified.

NEW SECTION. Sec. 5. There is added to chapter 46.04 RCW a new section to read as follows:

The term "director" shall mean the director of motor vehicles unless the director of a different department of government is specified.

Sec. 6. Section 46.12.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 140, Laws of 1967 and RCW 46.12.010 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 therefor 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 other than a travel trailer or camper without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of motor vehicles, it is proper to do so.

Sec. 7. Section 46.12.020, chapter 12, Laws of 1961 as amended by section 7, chapter 32, Laws of 1967 and RCW 46.12.020 are each amended to read as follows:

No vehicle license number plates or certificate of license registration, whether original issues or duplicates, shall be issued or furnished by the ~~((director))~~ department unless the applicant therefor shall at the same time make satisfactory application for a certificate of ownership or shall present satisfactory evidence that such a certificate of ownership covering such vehicle has been previously issued.

Sec. 8. Section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. 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))~~ department and shall contain:

(1) A full description of the vehicle, which said description 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;

(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))~~ 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;

(3) Such other information as the ~~((director))~~ department may require: PROVIDED, That the ~~((director))~~ department 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: PROVIDED FURTHER, That a physical examination of the vehicle is mandatory if it previously was registered in any other state or country. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the ~~((director))~~ department to make such inspections.

Such application shall be subscribed by the ~~((applicant))~~ registered owner and be sworn to by ~~((him))~~ that person 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. 9. Section 46.12.050, chapter 12, Laws of 1961 as amended by section 9, chapter 32, Laws of 1967 and RCW 46.12.050 are each amended to read as follows:

The ~~((director))~~ department, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in ~~((his))~~ the applicant's name, shall thereupon issue an appropriate certificate of ownership, over ~~((his))~~ the director's signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, the date of ~~((issue))~~ 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 ~~((motor number or proper))~~ vehicle identification number, ~~((if the certificate is for a motor vehicle, or the serial number, if the certificate is for a trailer,))~~ and such other description of the vehicle and facts as the ~~((director))~~ 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 is less than four years old and has been

rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

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 ~~((director))~~ 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.

Sec. 10. Section 46.12.060, chapter 12, Laws of 1961 as amended by section 1, chapter 36, Laws of 1974 ex. sess. and RCW 46.12.060 are each amended to read as follows:

Before the ~~((director))~~ department shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the ~~((director))~~ department, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the ~~((director))~~ department for the assignment of a special number for such vehicle. Upon receipt of such application, the ~~((director))~~ department, if ~~((he is))~~ satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by ~~((and in the office of))~~ the ~~((director))~~ department. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the ~~((director))~~ department. Upon receipt by the ~~((director))~~ department of a certificate by an officer of the Washington state patrol, or other person authorized by the ~~((director))~~ department, that ~~((he has inspected such vehicle))~~ the vehicle has been inspected and that the identification number or the special number plate, has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the ~~((director))~~ department shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership ~~((he))~~ that may thereafter ((issue)) be issued therefor.

Sec. 11. Section 46.12.120, chapter 12, Laws of 1961 as last amended by section 3, chapter 99, Laws of 1972 ex. sess. 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. 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.

Sec. 12. Section 46.12.160, chapter 12, Laws of 1961 and RCW 46.12.160 are each amended to read as follows:

If the director determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, he may refuse to issue such certificate or to license the vehicle and he may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. The notice shall be served personally or sent by (~~registered~~) certified mail return receipt requested. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued and any person removing, driving, or operating such vehicle after the refusal of the director to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor.

Sec. 13. Section 46.12.170, chapter 12, Laws of 1961 as amended by section 4, chapter 140, Laws of 1967 and RCW 46.12.170 are each amended to read as follows:

If, after a certificate of ownership is issued, a security agreement is placed on the vehicle described therein, the registered owner or secured party shall, within ten days thereafter, present (~~his~~) an application to the (~~director~~) department, signed by the registered owner and the secured party, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering the vehicle, which application shall be upon a form provided by the (~~director~~) department and shall be accompanied by a (~~money order, bank draft, or certified bank check for~~) fee of one dollar. The (~~director~~) department, if (~~he is~~) satisfied that there should be a reissue of the certificates, shall note such change upon (~~his~~) the vehicle records and issue to the registered owner a new certificate of license registration and to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership and transmit it to

the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the debtor within ten days after proper demand, ~~((he))~~ that secured party shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure.

Sec. 14. Section 46.12.230, chapter 12, Laws of 1961 as amended by section 13, chapter 32, Laws of 1967 and RCW 46.12.230 are each amended to read as follows:

Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the ~~((director))~~ department for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the ~~((director))~~ department, upon receipt of a fee of one dollar, in a form to be prescribed by the ~~((director))~~ department to authorize such wrecker to wreck or junk such vehicle, or any part thereof.

Sec. 15. Section 2, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.040 are each amended to read as follows:

Application for original vehicle license shall be made on form furnished for the purpose by the ~~((director))~~ department. Such application shall be made by the owner of the vehicle or ~~((his))~~ duly authorized agent over the signature of such owner or agent, and ~~((he))~~ the applicant shall certify that the statements therein are true to the best of ~~((his))~~ 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 ~~((motor number or))~~ identification number thereof ~~((if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer));~~

(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 maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, truck tractors, trailers and semitrailers shall be the maximum gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;

(6) The 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 director.

Sec. 16. Section 1, chapter 18, Laws of 1963 and RCW 46.16.079 are each amended to read as follows:

The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a fee of twenty-

five dollars in lieu of the additional fees provided in RCW 46.16.070 (~~or 46.16.072~~).

Sec. 17. Section 46.16.080, chapter 12, Laws of 1961 and RCW 46.16.080 are each amended to read as follows:

In lieu of the additional fee provided in RCW 46.16.070 (~~or 46.16.072~~) there shall be collected a fee of five dollars on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such motor truck, trailer, or semitrailer: PROVIDED, That no additional fee shall be collected under this section or under RCW 46.16.070 (~~or 46.16.072~~) on any ~~(house)~~ travel trailer: PROVIDED FURTHER, That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars.

Sec. 18. Section 46.16.100, chapter 12, Laws of 1961 as last amended by section 10, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.100 are each amended to read as follows:

When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the ~~((director))~~ department may issue a special permit therefor upon an application presented ~~((to him))~~ in such form as shall be approved by the ~~((director))~~ department and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: PROVIDED, ~~((That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars. PROVIDED FURTHER;))~~ That a special permit or one-transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.085 pursuant to RCW 46.16.105.

Sec. 19. Section 46.16.230, chapter 12, Laws of 1961 and RCW 46.16.230 are each amended to read as follows:

The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: PROVIDED, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates ~~((shall))~~ may be obtained by the director from the metal working plant of the state penitentiary at Walla

Walla(~~(, if available therefrom)~~) or from any source in accordance with existing state of Washington purchasing procedures.

Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate" as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem.

Passed the Senate March 11, 1975.

Passed the House March 6, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

## CHAPTER 26

[Senate Bill No. 2107]

### JUDGMENTS AGAINST STATE OR LOCAL GOVERNMENTS—INTEREST

AN ACT Relating to judgments; and adding a new section to chapter 4.56 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.56 RCW a new section to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest at the rate of eight percent per annum from the date of entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered.

Passed the Senate March 11, 1975.

Passed the House March 6, 1975.

Approved by the Governor March 24, 1975.

Filed in Office of Secretary of State March 25, 1975.

## CHAPTER 27

[Engrossed Senate Bill No. 2147]

### HERBICIDE USE—SPECIAL PROGRAMS—FEES

AN ACT Relating to the use of herbicides; adding a new section to chapter 17.21 RCW; and providing for the expiration thereof.