

(1) Upon application by the criminally insane or conditionally released person, the secretary shall determine whether or not reasonable grounds exist for final discharge. If the secretary approves the final discharge he then shall authorize said person to petition the court.

(2) The petition shall be served upon the court and the prosecuting attorney. The court, upon receipt of the petition for final discharge, shall within forty-five days order a hearing. Continuance of the hearing date shall only be allowed for good cause shown. The prosecuting attorney shall represent the state, and shall have the right to have the petitioner examined by an expert or professional person of his choice. If the petitioner is indigent, and he so requests, the court shall appoint a qualified expert or professional person to examine him. The hearing shall be before a jury if demanded by either the petitioner or the prosecuting attorney. The burden of proof shall be upon the petitioner to show by a preponderance of the evidence that the petitioner may be finally discharged without substantial danger to other persons, ~~((or presents))~~ and without presenting a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

(3) Nothing contained in this chapter shall prohibit the patient from petitioning the court for final discharge or conditional release from the institution in which he or she is committed. The issue to be determined on such proceeding is whether the petitioner is a substantial danger to other persons, or presents a substantial likelihood of committing felonious acts jeopardizing public safety or security, unless kept under further control by the court or other persons or institutions.

Nothing contained in this chapter shall prohibit the committed person from petitioning for release by writ of habeas corpus.

Passed the House February 25, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

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## CHAPTER 26

[Substitute House Bill No. 143]

### MOTOR VEHICLE FEES AND LICENSES—NONRESIDENT REFUNDS

AN ACT Relating to vehicle fees; amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140; amending section 51, chapter 37, Laws of 1980 and RCW 82.12.0251; amending section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 120, Laws of 1979 and RCW 82.44.120; amending section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520; and repealing section 82.44-.070, chapter 15, Laws of 1961, section 5, chapter 139, Laws of 1969, section 2, chapter 54, Laws of 1974 ex. sess., section 234, chapter 158, Laws of 1979 and RCW 82.44.070.

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

Sec. 1. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 2, chapter 114, Laws of 1980 and RCW 46.01.140 are each amended to read as follows:

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 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 one dollar for each application in addition to any other fees required by law, which fee of one dollar, 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 treasurer 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))~~ If the fee is paid to another agent of the director, ((such)) the fee shall be used by ((such)) the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of one dollar and fifty cents: PROVIDED FURTHER, That ((in the event such)) if the fee is collected by the state patrol or the department of transportation, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. 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. 2. Section 51, chapter 37, Laws of 1980 and RCW 82.12.0251 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any article of tangible personal property brought into the state by a nonresident thereof for his use or enjoyment while temporarily within the state unless such property is used in conducting a nontransitory business activity within the state; or in respect to the use by a nonresident of this state of a motor vehicle or trailer which is registered or licensed under the laws of the state of his residence ~~((and is not used in this state more than three months))~~, and which is not required to be registered or licensed under the laws of this state; or in respect to the use of household goods, personal effects, and private automobiles by a bona fide resident of this state or nonresident members of the armed forces who are stationed in this state pursuant to military orders, if such articles were acquired and used by such person in another

state while a bona fide resident thereof and such acquisition and use occurred more than thirty days prior to the time he entered this state.

Sec. 3. Section 82.44.120, chapter 15, Laws of 1961 as last amended by section 2, chapter 120, Laws of 1979 and RCW 82.44.120 are each amended to read as follows:

Whenever any person has paid a motor vehicle license fee, and together therewith has paid an excise tax imposed under the provisions of 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 he 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 and 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.

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 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 such person is entitled to a refund in such amount.

In any case where due to error, a person has been required to pay an excise tax pursuant to this chapter which amounts to an overpayment of five 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 charge and collect the full amount of the excise tax due, which underpayment is in the amount of five dollars or more, the department shall charge and collect such additional amount as will constitute full payment of the tax.

~~((Any person authorized by the utilities and transportation commission to operate a motor vehicle for the conveyance of freight or passengers for hire as a common carrier or as a contract carrier, and so operating such vehicle partly within and partly outside of this state during any calendar year, shall be entitled to a refund of that portion of the full excise tax for such vehicle for such year that the mileage actually operated by such vehicle outside the state bears to the total mileage so operated both within and outside of the state. PROVIDED, If only one-half of the full excise fee was paid, the unpaid one-half shall be deducted from the amount of refund so determined. PROVIDED FURTHER, If only a one-half fee was paid, and the vehicle was operated in this state more than fifty percent of the total miles operated, a balance of the tax is due equal to an amount which is the~~

~~same percentage of the full excise fee as is the percentage of mileage the vehicle was operated in this state minus the one-half fee previously paid; and any balance due, is payable on or before the first day of June of the year in which the amount of the excise fee due the state has been determined, and until any such balance has been paid no identification plate or permit shall be thereafter issued for such vehicle or any other vehicle owned by the same person. Any claim for such refund shall be filed with the department of licensing at Olympia not later than December 31st of the calendar year following the year for which refund is claimed and any claim filed after said date shall not be allowed. When a claim is filed the applicant must therewith furnish to the department his affidavit, verified by oath, of the mileage so operated by such vehicle during the preceding year, within the state, outside of the state, and the total of all mileage so operated:))~~

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 herein provided for from the general fund and shall mail or deliver the same to the person entitled thereto.

~~Any person making any false statement((, in the affidavit herein mentioned;)) under which he obtains any amount of refund to which he is not entitled under the provisions of this section, ((shall be)) is guilty of a gross misdemeanor.~~

Sec. 4. Section 67, chapter 299, Laws of 1971 ex. sess. as amended by section 4, chapter 123, Laws of 1979 and RCW 82.50.520 are each amended to read as follows:

The following travel trailers or campers are specifically exempted from the operation of this chapter:

(1) Any unoccupied travel trailer or camper when it is part of an inventory of travel trailers or campers held for sale by a manufacturer or dealer in the course of his business.

(2) A travel trailer or camper owned by any government or political subdivision thereof.

(3) A travel trailer or camper owned by a nonresident and currently licensed in another state, unless such travel trailer or camper ~~((shall remain in this state for a period of six months or more during the calendar year))~~ is required by law to be licensed in this state.

For the purposes of this subsection only, a camper owned by a nonresident shall be considered licensed in another state if the vehicle to which such camper is attached is currently licensed in another state.

(4) Travel trailers eligible to be used under a dealer's license plate, and taxed under RCW 82.44.030 while so eligible.

NEW SECTION. Sec. 5. Section 82.44.070, chapter 15, Laws of 1961, section 5, chapter 139, Laws of 1969, section 2, chapter 54, Laws of 1974

ex. sess., section 234, chapter 158, Laws of 1979 and RCW 82.44.070 are each repealed.

Passed the House March 8, 1983.

Passed the Senate April 8, 1983.

Approved by the Governor April 18, 1983.

Filed in Office of Secretary of State April 18, 1983.

## CHAPTER 27

[House Bill No. 144]

### MOTOR VEHICLE LICENSE PLATES—REGISTRATION YEAR— PERSONALIZED PLATES

AN ACT Relating to vehicle license plates; amending section 1, chapter 118, Laws of 1975 1st ex. sess. as amended by section 1, chapter 214, Laws of 1981 and RCW 46.16.006; amending section 46.16.290, chapter 12, Laws of 1961 and RCW 46.16.290; amending section 1, chapter 201, Laws of 1961 as amended by section 25, chapter 32, Laws of 1967 and RCW 46.16.370; and amending section 3, chapter 200, Laws of 1973 1st ex. sess. as amended by section 2, chapter 59, Laws of 1975 and RCW 46.16.565.

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

Sec. 1. Section 1, chapter 118, Laws of 1975 1st ex. sess. as amended by section 1, chapter 214, Laws of 1981 and RCW 46.16.006 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 (~~shall~~) means the effective period of a vehicle license issued by the department. Such year (~~shall~~) commences at 12:01 a.m. on the date of the calendar year designated by the department and (~~shall~~) ends at 12:01 a.m. on the same date of the next succeeding calendar year. If a vehicle license previously issued in this state has been expired for more than thirty days 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.

(2) Each registration year may be divided into twelve registration months. Each registration month (~~shall~~) commences on the day numerically corresponding to the day of the calendar month on which the registration year begins, and (~~shall~~) terminates on the numerically corresponding day of the next succeeding calendar month.

(3) ~~(Each registration year may be divided into four registration quarters, each consisting of three registration months. The first quarter shall commence with registration month one.~~

(4) Where the term "last day of the month" is (~~utilized~~) used in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it (~~shall~~) means the last day of such calendar month or months irrespective of the numerical designation of that day.