

criminal trial without any comment (~~and with a jury instruction, where applicable, that there shall be no speculation as to the reason for the refusal and that no inference is to be drawn from the refusal~~)).

NEW SECTION. Sec. 22. 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.

NEW SECTION. Sec. 23. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately except for section 1 of this act, which shall take effect July 1, 1985.

Passed the Senate April 28, 1985.

Passed the House April 28, 1985.

Approved by the Governor May 20, 1985.

Filed in Office of Secretary of State May 20, 1985.

CHAPTER 353

[Substitute Senate Bill No. 3007]

MOTOR VEHICLE LICENSE REGISTRATION

AN ACT Relating to motor vehicles; amending RCW 46.63.020, 46.85.060, 82.12.0251, and 82.12.045; adding a new section to chapter 46.16 RCW; prescribing penalties; declaring an emergency; and providing an effective date.

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

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

(1) For the purposes of vehicle license registration, a resident is a person who:

(a) Owns a vehicle that is licenseable under this chapter and that is physically present in the state of Washington more than six months in any continuous twelve-month period; or

(b) Resides in this state more than six months in any continuous twelve-month period; or

(c) Becomes a registered voter in this state; or

(d) Receives benefits under one of the Washington public assistance programs; or

(e) Declares himself to be a resident for the purpose of obtaining a state license or tuition fees at resident rates.

(2) A resident of the state shall register under chapters 46.12 and 46.16 RCW a motor vehicle to be operated on the highways of the state.

(3) It is a misdemeanor for a person to violate this section.

Sec. 2. Section 12, chapter 10, Laws of 1982 as amended by section 6, chapter 164, Laws of 1983 and RCW 46.63.020 are each amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) Section 1 of this act relating to registration of motor vehicles by residents;

(7) RCW 46.16.160 relating to vehicle trip permits;

~~((7))~~ (8) RCW 46.20.021 relating to driving without a valid driver's license;

~~((8))~~ (9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

~~((9))~~ (10) RCW 46.20.342 relating to driving with a suspended or revoked license;

~~((10))~~ (11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

~~((11))~~ (12) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

~~((12))~~ (13) Chapter 46.29 RCW relating to financial responsibility;

~~((13))~~ (14) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((14))~~ (15) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((15))~~ (16) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((16))~~ (17) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

- ~~((17))~~ (18) RCW 46.52.090 relating to reports by repairmen, storage, and appraisers;
- ~~((18))~~ (19) RCW 46.52.100 relating to driving under the influence of liquor or drugs;
- ~~((19))~~ (20) RCW 46.52.108 relating to disposal of abandoned vehicles or hulks;
- ~~((20))~~ (21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;
- ~~((21))~~ (22) RCW 46.52.210 relating to abandoned vehicles or hulks;
- ~~((22))~~ (23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;
- ~~((23))~~ (24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;
- ~~((24))~~ (25) RCW 46.61.022 relating to failure to stop and give identification to an officer;
- ~~((25))~~ (26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;
- ~~((26))~~ (27) RCW 46.61.500 relating to reckless driving;
- ~~((27))~~ (28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;
- ~~((28))~~ (29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;
- ~~((29))~~ (30) RCW 46.61.522 relating to vehicular assault;
- ~~((30))~~ (31) RCW 46.61.525 relating to negligent driving;
- ~~((31))~~ (32) RCW 46.61.530 relating to racing of vehicles on highways;
- ~~((32))~~ (33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;
- ~~((33))~~ (34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;
- ~~((34))~~ (35) RCW 46.64.020 relating to nonappearance after a written promise;
- ~~((35))~~ (36) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;
- ~~((36))~~ (37) Chapter 46.65 RCW relating to habitual traffic offenders;
- ~~((37))~~ (38) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;
- ~~((38))~~ (39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;
- ~~((39))~~ (40) Chapter 46.80 RCW relating to motor vehicle wreckers;
- ~~((40))~~ (41) Chapter 46.82 RCW relating to driver's training schools.

Sec. 3. Section 6, chapter 106, Laws of 1963 as amended by section 21, chapter 227, Laws of 1982 and RCW 46.85.060 are each amended to read as follows:

In the absence of an agreement or arrangement with another jurisdiction, the department 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 department, 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. Declarations of exemptions, benefits, and privileges issued by the department shall include at least the following exemptions:

(1) Nonresident persons may operate a vehicle in this state that is currently licensed in another jurisdiction for a period not to exceed one hundred eighty days in a calendar year, but a nonresident person employed in Washington for more than one hundred eighty days may operate a vehicle licensed in another jurisdiction as long as no permanent, temporary, or part-time residence is maintained in this state.

(2) Nonresident salespersons based at a location outside Washington are permitted to operate vehicles not to exceed twelve thousand pounds registered gross vehicle weight licensed in another jurisdiction in this state without registration.

(3) A vehicle or a combination of vehicles, not exceeding a registered gross or combined gross vehicle weight of twelve thousand pounds, which is properly base licensed in another jurisdiction, and used for business purposes in this state is not required to obtain Washington vehicle license registration except when such vehicle is owned or operated by a business or branch office of a business located in Washington.

(4) The department of licensing, after consultation with the department of revenue, shall adopt such rules as it deems necessary for the administration of these exemptions, benefits, and privileges.

Sec. 4. Section 51, chapter 37, Laws of 1980 as amended by section 2, chapter 26, Laws of 1983 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 which is not required to be registered or licensed

under the laws of this state, including motor vehicles or trailers exempt pursuant to a declaration issued by the department of licensing under RCW 46.85.060; 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)) ninety days prior to the time he entered this state.

***Sec. 5. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:**

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. When provided with a bill of sale signed by both parties the value of the article used for the purpose of determining the amount of use tax payable by the applicant under this chapter shall not exceed the value of the vehicle declared by the applicant, except in the case of a motor vehicle for which no consideration is paid or contracted to be paid. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his

collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

*Sec. 5 was vetoed, see message at end of chapter.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except for section 1 of this act, which shall take effect September 1, 1985.

Passed the Senate April 12, 1985.

Passed the House April 9, 1985.

Approved by the Governor May 20, 1985, with the exception of certain items which are vetoed.

Filed in Office of Secretary of State May 20, 1985.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith without my approval as to Section 5, Substitute Senate Bill No. 3007, entitled:

"AN ACT Relating to motor vehicles;"

Section 5 provides that the value of a motor vehicle for the purpose of paying a use tax will be determined by a bill of sale signed by both parties. Such a proviso would require the acceptance of an unverified document as proof of sales price.

It is my belief that this is an improper way to administer the laws relating to tax collection on vehicles. The Departments of Revenue and Licensing have indicated that they will administratively provide instructions to Licensing's agents to insure the best collection method for use tax on motor vehicles.

With the exception of Section 5, which I have vetoed, Substitute Senate Bill No. 3007 is approved."

CHAPTER 354

[Engrossed Substitute Senate Bill No. 3099]

MENTAL HEALTH CARE AND TREATMENT FOR MINORS

AN ACT Relating to juvenile mental health services; amending RCW 13.04.030, 13.04.093, 71.05.030, 71.06.010, and 71.06.260; adding a new chapter to Title 71 RCW; creating a new section; repealing RCW 71.06.150, 71.06.160, 71.06.170, 71.06.180, 71.06.190, 71.06.200, 71.06.210, 71.06.220, 71.06.230, 71.06.240, 71.06.250, and 72.23.070; and providing an effective date.

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

NEW SECTION. Sec. 1. It is the purpose of this legislation to ensure that minors in need of mental health care and treatment receive appropriate care and treatment, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their minor children, and to protect minors against needless hospitalization and deprivations of liberty.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Child psychiatrist" means a person having a license as a physician and surgeon in this state, who has had graduate training in child psychiatry in a program approved by the American Medical Association or the American Osteopathic Association, and who is board eligible or board certified in child psychiatry.

(2) "Children's mental health specialist" means:

(a) A mental health professional who has completed a minimum of one hundred actual hours, not quarter or semester hours, of specialized training devoted to the study of child development and the treatment of children; and

(b) A mental health professional who has the equivalent of one year of full-time experience in the treatment of children under the supervision of a children's mental health specialist.

(3) "Commitment" means a determination by a judge or court commissioner, made after a commitment hearing, that the minor is in need of inpatient diagnosis, evaluation, or treatment or that the minor is in need of less restrictive alternative treatment.

(4) "County-designated mental health professional" means a mental health professional designated by one or more counties to perform the functions of a county-designated mental health professional described in this chapter.

(5) "Department" means the department of social and health services.