

CHAPTER 244

[Senate Bill No. 5605]

PROPORTIONAL REGISTRATION OF MOTOR VEHICLES

AN ACT Relating to proportional registration of motor vehicles; amending RCW 46.12.020, 46.16.040, 46.16.070, 46.16.085, 46.16.111, 46.16.160, 46.16.280, 46.85.010, 46.85.020, 46.85.030, 46.85.050, 46.85.090, 46.85.100, 46.85.130, 46.87.010, 46.87.020, 46.87.030, 46.87.040, 46.87.050, 46.87.060, 46.87.070, 46.87.080, 46.87.090, 46.63.020, and 82.44.170; adding new sections to chapter 46.87 RCW; repealing RCW 46.85.120, 46.85.125, 46.85.130, 46.85.140, 46.85.145, 46.85.150, 46.85.160, 46.85.170, 46.85.180, 46.85.190, 46.85.200, 46.85.210, 46.85.220, 46.85.270, 46.85.280, 46.85.290, 46.85.300, 46.85.310, 46.85.320, 46.85.330, 46.85.340, 46.85.350, 46.85.360, 46.85.370, 46.85.380, and 46.85.390; prescribing penalties; and providing effective dates.

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

Sec. 1. Section 46.12.020, chapter 12, Laws of 1961 as last amended by section 1, chapter 424, Laws of 1985 and RCW 46.12.020 are each amended to read as follows:

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

(2) Except as otherwise provided in this section, no (~~renewal or duplicate~~) vehicle license number plates or certificate of license registration, whether original issues or duplicates, and no renewed vehicle license may be issued by the department unless the applicant possesses a valid driver's license. In the case of joint application by more than one person, each applicant shall possess a valid driver's license.

(3) Subsection (2) of this section applies only to applicants who are individual persons and does not apply to corporations, other businesses, or vehicles proportionally registered under chapter 46.87 RCW.

(4) Subsection (2) of this section does not apply to any applicant with respect to whom the department determines that:

(a) The applicant's driver's license is not currently suspended or revoked and the applicant is not in suspended or revoked status;

(b) The applicant has not been convicted of a violation of RCW 46.20.021, 46.20.342, 46.20.416, 46.20.420, or 46.65.090; and

(c) Circumstances not related to any violation of Title 46 RCW account for the applicant's current lack of a driver's license and the applicant's need to register a vehicle. The applicant shall by affidavit indicate:

(i) The reason for the applicant's lack of a driver's license;

(ii) The need the applicant has for registering a vehicle; and

(iii) That the applicant will not knowingly allow a person without a driver's license to drive any vehicle registered in the applicant's name.

(5) It is unlawful for any person in whose name a vehicle is registered knowingly to allow another person to drive the vehicle knowing that the other person is not authorized to do so under the laws of this state.

(6) A violation of subsection (5) of this section, or a knowingly made material misstatement on an affidavit under subsection (4)(c) of this section is a misdemeanor.

(7) No denial under this section of issuance or of renewal of plates or certificates affects the right of any person to maintain, transfer, or acquire title in any vehicle. Unless the parties to the contract agree otherwise, no such denial affects the rights or obligations of any party to a contract for the purchase, or for the financing of the purchase, of a motor vehicle.

Sec. 2. Section 2, chapter 170, Laws of 1969 ex. sess. as amended by section 15, chapter 25, Laws of 1975 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 department. Such application shall be made by the owner of the vehicle or duly authorized agent over the signature of such owner or agent, and the applicant shall certify that the statements therein are true to the best of 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 identification number thereof;

(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))~~ licensed gross ~~((license))~~ weight for such vehicle which in the case of for hire vehicles and auto stages with seating capacity of more than six shall be the ~~((maximum))~~ adult seating capacity thereof, ~~((exclusive of))~~ including the operator, ~~((and))~~ as provided for in RCW 46.16.111. In ~~((cases))~~ the case of motor trucks, tractors, and truck tractors, ~~((trailers and semitrailers))~~ the licensed gross weight shall be the ~~((maximum))~~ gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;

(6) The unladen 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))~~ department.

Sec. 3. Section 46.16.070, chapter 12, Laws of 1961 as last amended by section 4, chapter 18, Laws of 1986 and RCW 46.16.070 are each amended to read as follows:

In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the excise tax prescribed in chapter 82.44 RCW and the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six ((or more)), based upon the declared combined gross ((vehicle)) weight or declared gross ((vehicle)) weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross ((vehicle)) weight:

4,000 lbs.	\$ 27.75
6,000 lbs.	\$ 32.72
8,000 lbs.	\$ 40.30
10,000 lbs.	\$ 45.37
12,000 lbs.	\$ 52.62
14,000 lbs.	\$ 59.86
16,000 lbs.	\$ 67.31
18,000 lbs.	\$ 99.02
20,000 lbs.	\$ 109.94
22,000 lbs.	\$ 118.76
24,000 lbs.	\$ 127.95
26,000 lbs.	\$ 135.08
28,000 lbs.	\$ 158.66
30,000 lbs.	\$ 182.18
32,000 lbs.	\$ 218.78
34,000 lbs.	\$ 232.06
36,000 lbs.	\$ 251.39
38,000 lbs.	\$ 275.51
40,000 lbs.	\$ 314.99
42,000 lbs.	\$ 327.16
44,000 lbs.	\$ 334.02
46,000 lbs.	\$ 358.91
48,000 lbs.	\$ 374.19
50,000 lbs.	\$ 405.36
52,000 lbs.	\$ 426.45
54,000 lbs.	\$ 460.02
56,000 lbs.	\$ 485.21
58,000 lbs.	\$ 504.53
60,000 lbs.	\$ 537.29
62,000 lbs.	\$ 575.50
64,000 lbs.	\$ 588.75
66,000 lbs.	\$ 655.14

68,000 lbs.	\$ 682.99
70,000 lbs.	\$ 735.14
72,000 lbs.	\$ 785.36
74,000 lbs.	\$ 853.15
76,000 lbs.	\$ 922.05
78,000 lbs.	\$ 1,006.10
80,000 lbs.	\$ 1,085.95

The proceeds from such fees shall be distributed in accordance with RCW 46.68.035.

Every motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, (~~46.85,~~) 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section: (1) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining in the period for which licensing fees have been paid, including the month in which the new gross weight is effective. (2) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

Sec. 4. Section 16, chapter 380, Laws of 1985 as amended by section 8, chapter 18, Laws of 1986 and RCW 46.16.085 are each amended to read as follows:

In lieu of all other licensing fees, an annual license fee of thirty-five dollars shall be collected in addition to the excise tax prescribed in chapter 82.44 RCW for: (1) Each trailer and semitrailer not subject to the license fee under RCW 46.16.065 or the capacity fees under RCW 46.16.080; (2) every pole trailer; (3) every converter gear or auxiliary axle not licensed as a combination under the provisions of RCW 46.16.083. The proceeds from this fee shall be distributed in accordance with RCW 46.68.035. This section does not pertain to travel trailers or personal use trailers that are not used for commercial purposes or owned by commercial enterprises.

Sec. 5. Section 57, chapter 83, Laws of 1967 ex. sess. as last amended by section 11, chapter 18, Laws of 1986 and RCW 46.16.111 are each amended to read as follows:

The (~~maximum~~) gross weight in the case of any motor truck, tractor, or truck tractor shall be the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter

gear, or pole trailer to be towed thereby, to which shall be added the weight of the maximum load to be carried thereon or towed thereby as set by the licensee in the application if it does not exceed the weight limitations prescribed by chapter 46.44 RCW. If the sum of the scale weight and maximum load of the trailer is not greater than four thousand pounds, that sum shall not be computed as part of the ~~((maximum))~~ gross weight of any motor truck, tractor, or truck tractor. Where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer, for the personal use of the owner of the truck, tractor, or truck tractor, and not for sale or commercial purposes, the gross weight of such trailer and its load shall not be computed as part of the ~~((maximum))~~ gross weight of any motor truck, tractor, or truck tractor. The weight of any camper is exempt from the determination of gross weight in the computation of any licensing fees required under RCW 46.16.070.

The ~~((maximum))~~ gross weight in the case of any bus, auto stage, or for hire vehicle, except taxicabs, with a seating capacity over six, shall be the scale weight of each bus, auto stage, and for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in RCW 46.16.070, it shall be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

Sec. 6. Section 46.16.160, chapter 12, Laws of 1961 as last amended by section 1, chapter 318, Laws of 1981 and RCW 46.16.160 are each amended to read as follows:

(1) The owner of a vehicle which under reciprocal relations with another jurisdiction would be required to obtain a license registration in this state or an unlicensed vehicle which would be required to obtain a license registration for operation on public highways of this state may, as an alternative to such license registration, secure and operate such vehicle under authority of a trip permit issued by this state in lieu of a Washington certificate of ~~((ownership;))~~ license registration, and licensed gross weight ~~((or load-license))~~ if applicable. Trip permits may also be issued for movement of mobile homes pursuant to RCW 46.44.170. For the purpose of this section, a vehicle is considered unlicensed if the licensed gross weight ~~((or load license))~~ currently in effect for the vehicle or combination of vehicles is not adequate for the load being carried. Vehicles registered under RCW 46.16.135 shall not be operated under authority of trip permits in lieu of further registration within the same registration year.

(2) Each trip permit shall authorize the operation of a single vehicle at the maximum legal weight limit for such vehicle for a period of three consecutive days commencing with the day of first use. No more than three such permits may be used for any one vehicle in any period of thirty consecutive days. Every permit shall identify, as the department may require,

the vehicle for which it is issued and shall be completed in its entirety(;) and signed(~~(, and dated)~~) by the operator before operation of the vehicle on the public highways of this state. Correction of data on the permit such as dates, license number, or vehicle identification number invalidates the permit. The trip permit shall be displayed on the vehicle to which it is issued as prescribed by the department.

(3) Vehicles operating under authority of trip permits are subject to all laws, rules, and regulations affecting the operation of like vehicles in this state.

(4) Prorate operators operating commercial vehicles on trip permits in Washington shall retain the customer copy of such permit for four years.

(5) Blank trip permits may be obtained from field offices of the department of transportation, Washington state patrol, department of licensing, or other agents appointed by the department. For each permit issued, there shall be collected a filing fee as provided by RCW 46.01.140, an administrative fee of eight dollars, and an excise tax of one dollar. If the filing fee amount of one dollar prescribed by RCW 46.01.140 is increased or decreased after January 1, 1981, the administrative fee shall be adjusted to compensate for such change to insure that the total amount collected for the filing fee, administrative fee, and excise tax remain at ten dollars. These fees and taxes are in lieu of all other vehicle license fees and taxes. No exchange, credits, or refunds may be given for trip permits after they have been purchased.

(6) The department may appoint county auditors or businesses as agents for the purpose of selling trip permits to the public. County auditors or businesses so appointed may retain the filing fee collected for each trip permit to defray expenses incurred in handling and selling the permits.

(7) A violation of or a failure to comply with any provision of this section is a gross misdemeanor.

(8) The department of licensing may adopt rules as it deems necessary to administer this section.

(9) All administrative fees and excise taxes collected under the provisions of this chapter shall be forwarded by the department with proper identifying detailed report to the state treasurer who shall deposit the administrative fees to the credit of the motor vehicle fund and the excise taxes to the credit of the general fund. Filing fees will be forwarded and reported to the state treasurer by the department as prescribed in RCW 46.01.140.

Sec. 7. Section 46.16.280, chapter 12, Laws of 1961 as last amended by section 17, chapter 18, Laws of 1986 and RCW 46.16.280 are each amended to read as follows:

In case of loss, destruction, sale, or transfer of any motor vehicle with a registered gross weight in excess of twelve thousand pounds and subject to the license fees under RCW 46.16.070, the registered owner thereof may, under the following conditions, obtain credit for the unused portion of the

licensing fee paid for the vehicle or may transfer such credit to the new owner if desired:

(1) The licensing fee paid for the motor vehicle will be reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first month of the current registration year in which the motor vehicle was registered and the month the registrant surrenders the vehicle's registration certificate for the registration year to the department or an authorized agent of the department.

(2) If any such credit is less than fifteen dollars, no credit may be given.

(3) The credit may only be applied against the licensing fee liability due under RCW 46.16.070 for the replacement motor vehicle or if such credit was transferred to the new owner, it shall remain with the vehicle. The credit may only be used during the registration year from which it was obtained.

(4) In no event is such credit subject to refund.

Whenever any vehicle has been so altered as to change its license classification in such a manner that the vehicle license number plates are rendered improper, the current license plates shall be surrendered to the department. New license plates shall be issued upon application accompanied by a one dollar fee in addition to any other or different charge by reason of licensing under a new classification. Such application shall be on forms prescribed by the department and forwarded with the proper fee to the department or the office of a duly authorized agent of the department.

Sec. 8. Section 1, chapter 106, Laws of 1963 and RCW 46.85.010 are each amended to read as follows:

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.

Sec. 9. Section 2, chapter 106, Laws of 1963 as last amended by section 2, chapter 173, Laws of 1985 and RCW 46.85.020 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) (~~"Commercial vehicle" means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government-owned or leased vehicles, that is operated in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property or for drawing other vehicles so designed, used, or maintained and:~~

~~(a) Is a motor vehicle having a declared gross vehicle weight in excess of twenty-six thousand pounds; or~~

~~(b) Is a motor vehicle having three or more axles with a declared gross vehicle weight in excess of twelve thousand pounds; or~~

~~(c) Is a motor vehicle, trailer, or semitrailer used in combination when the declared gross weight of the combination exceeds twenty-six thousand pounds combined gross vehicle weight; or~~

~~(d) Is a converter gear.~~

~~Although a two-axle motor vehicle, trailer, semitrailer, or any combination of such vehicles with a registered gross weight or registered combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand pounds is not considered to be a commercial vehicle under subsection (1) (a) and (c) of this section, such vehicles, at the option of the owner, may be considered as "commercial vehicles" for the purposes of proportional registration:~~

~~Commercial vehicles include trucks, tractors, truck tractors, road tractors, buses, converter gears (auxiliary axles), and semi and full trailers, each as separate vehicles.~~

~~(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)) (2) "Owner" means a person, business firm, or corporation 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)) (3) "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 one or more commercial vehicles.~~

(6) The words "department," "motor vehicle," "person," and "vehicle" each have the meanings ascribed to them, respectively, by RCW 46.04.690; 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 eighteen 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.~~

~~(8) "Registration year" means the period from January 1st through December 31st of each calendar year.)~~

Sec. 10. Section 3, chapter 106, Laws of 1963 as last amended by section 19, chapter 227, Laws of 1982 and RCW 46.85.030 are each amended to read as follows:

The department of licensing shall have the authority to execute agreements, arrangements, or declarations to carry out the provisions of chapter 46.87 RCW and this chapter.

~~((The department may enter into a multistate proportional registration agreement which prescribes a different definition of any terms defined in chapter 46.85 RCW. The agreement definition shall control unless appropriate exception is taken thereto.~~

~~If the department enters into a multistate proportional registration agreement which prescribes a different procedure for vehicle identification, the agreement procedures shall control:))~~

If the department enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the department may collect and forward applicable registration fees and applications to other jurisdictions on behalf of the applicant or on behalf of another jurisdiction and may take such other action as will facilitate the administration of such agreement.

If the department enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter ~~((46.85))~~ 46.87 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules taking exception to or accomplishing the procedures prescribed in such agreement.

~~((If the department enters into a multistate proportional registration agreement which prohibits the collection of minimum fees or taxes provided~~

for in this chapter or elsewhere for the ownership or operation of motor vehicles, the prohibitions contained in the agreement shall control:))

It is the purpose and intent of this subsection to facilitate the membership in the International Registration Plan and at the same time allow the department to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan.

Sec. 11. Section 5, chapter 106, Laws of 1963 and RCW 46.85.050 are each amended to read as follows:

An agreement or arrangement entered into, or a declaration issued under the authority of chapter 46.87 RCW or this chapter 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 to such vehicles, when properly licensed or registered in such base jurisdiction.

Sec. 12. Section 9, chapter 106, Laws of 1963 and RCW 46.85.090 are each amended to read as follows:

Agreements, arrangements or declarations made under the authority of this chapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits, or privileges granted thereunder to ((a person)) an owner 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.

Sec. 13. Section 10, chapter 106, Laws of 1963 as last amended by section 22, chapter 227, Laws of 1982 and RCW 46.85.100 are each amended to read as follows:

All agreements, arrangements, or declarations or amendments thereto shall be in writing and shall be filed with the department. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030, chapter 46.87 RCW, or this chapter to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request.

Sec. 14. Section 13, chapter 106, Laws of 1963 as last amended by section 20, chapter 18, Laws of 1986 and RCW 46.85.130 are each amended to read as follows:

(1) The department, upon acceptance and approval of a prorate application, 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 and taxes for such application. A registration cab card

shall be issued for each proportionally 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 plate issued to such proportionally registered vehicle and shall be carried in such vehicles at all times or, in the case of a combination, it may be carried in the vehicle supplying the motive power. The department shall collect a fee of two dollars for each replacement backing plate, cab card, validation tab, or other device issued for proportionally registered vehicles.

(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 authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee shall be collected for each permit issued. The permit fee shall be deposited in the motor vehicle fund, and the filing fee shall be distributed pursuant to RCW 46.01.140. The department shall have the authority to adopt rules for use and issuance of the permits.

(4) The department may refuse to issue any license or permit authorized by subsections (1) or (3) of this section to any person: (a) Who formerly held any type of license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (b) who is a subterfuge for the real party in interest whose license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW and has been revoked for cause, which cause has not been removed; or (c) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (d) who has an unsatisfied debt to the state assessed under either chapter 46.16, 46.85, 46.87, 82.36, 82.37, 82.38, or 82.44 RCW.

(5) The department may revoke the license or permit authorized by subsections (1) or (3) of this section issued to any person for any of the grounds constituting cause for denial of licenses or permits set forth in subsection (4) of this section.

(6) Before such refusal or revocation under subsections (4) or (5) of this section, the department shall grant the applicant a hearing and shall grant him at least ten days written notice of the time and place thereof.

Sec. 15. Section 1, chapter 380, Laws of 1985 as amended by section 22, chapter 18, Laws of 1986 and RCW 46.87.010 are each amended to read as follows:

This chapter applies to proportional registration and reciprocity granted under the provisions of the International Registration Plan (IRP) and ~~((with)) the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact)~~. This chapter shall become effective and be implemented beginning with the ~~((first)) 1988~~ registration year ~~((following the year in which))~~; however, if Washington ~~((becomes a member))~~ is not then registering vehicles under the provisions of the IRP, the effective date and implementation date for the IRP shall both be delayed until such time as Washington begins registering vehicles under the provisions of the IRP.

(1) Provisions and terms of the IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in chapter 46.04 RCW, this chapter, or in rules adopted under the authority of this chapter.

(2) The director may adopt and enforce rules deemed necessary to implement and administer this chapter.

(3) Beginning with the first registration year in which the state of Washington begins registering fleets under provisions of the IRP, ~~((registrants))~~ owners having a fleet of ~~((apportioned))~~ apportionable vehicles operating in two or more IRP member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of the IRP and this chapter in lieu of full~~((, proportionat,))~~ or temporary registration as provided for in chapters 46.16~~((, 46.85,))~~ or 46.88 RCW.

(4) Owners having a fleet of commercial vehicles operating and registered in at least one Western Compact member jurisdiction other than Washington may elect to proportionally register the vehicles of the fleet under provisions of the Western Compact and this chapter in lieu of full or temporary registration as provided for in chapter 46.16 or 46.88 RCW.

(5) If a due date or an expiration date established under authority of this chapter falls on a Saturday, Sunday, or a state legal holiday, such period is automatically extended through the end of the next business day.

Sec. 16. Section 2, chapter 380, Laws of 1985 and RCW 46.87.020 are each amended to read as follows:

Terms used in this chapter have the meaning given to them in the International Registration Plan (IRP), the Uniform Vehicle Registration, Proration, and Reciprocity Agreement (Western Compact), chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the ~~((International Registration Plan))~~ IRP and the Western Compact, as applicable, shall prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. Apportionable vehicles include trucks, tractors, truck tractors, road tractors, buses, converter gears (auxiliary axles), trailers, semitrailers, and pole trailers, each as separate and licensable vehicles.

(2) "Cab card" is a certificate of registration issued for a vehicle by the registering jurisdiction under the Western Compact. Under the IRP, it is a certificate of registration issued by the base jurisdiction for a vehicle upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered.

(3) "Commercial vehicle" is a term used by the Western Compact and means any vehicle, except recreational vehicles, vehicles displaying restricted plates, and government owned or leased vehicles, that is operated and registered in more than one jurisdiction and is used or maintained for the transportation of persons for hire, compensation, or profit, or is designed, used, or maintained primarily for the transportation of property and:

(a) Is a motor vehicle having a declared gross weight in excess of twenty-six thousand pounds; or

(b) Is a motor vehicle having three or more axles with a declared gross weight in excess of twelve thousand pounds; or

(c) Is a motor vehicle, trailer, pole trailer, or semitrailer used in combination when the declared gross weight of the combination exceeds twenty-six thousand pounds combined gross weight; or

(d) Is a converter gear (auxiliary axle).

Although a two-axle motor vehicle, trailer, pole trailer, semitrailer, or any combination of such vehicles with a declared gross weight or declared combined gross weight exceeding twelve thousand pounds but not more than twenty-six thousand is not considered to be a commercial vehicle, at the option of the owner, such vehicles may be considered as "commercial vehicles" for the purpose of proportional registration.

Commercial vehicles include trucks, tractors, truck tractors, road tractors, buses, converter gear (auxiliary axles), trailers, pole trailers, and semitrailers, each as separate and licensable vehicles.

(4) "Credentials" means cab cards, apportioned plates (for Washington based fleets), and validation tabs issued for proportionally registered vehicles.

(5) "Declared combined gross ((vehicle)) weight" means the total unladen weight of any combination of vehicles plus the weight of the maximum load to be carried on ((that)) the combination of vehicles as set by the registrant in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid.

((~~3~~)) (6) "Declared gross ((vehicle)) weight" means the total unladen weight of any vehicle plus the weight of the maximum load to be carried on ((that)) the vehicle as set by the registrant in the application

pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid. In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the ~~((maximum load may))~~ declared gross weight shall be determined by multiplying the average load factor of ~~((seventy-five))~~ one hundred and fifty pounds by the number of seats in the vehicle, including the driver's seat, and add this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

~~((4))~~ (7) "Department" means the department of licensing.

~~((5))~~ (8) "Fleet" means one or more commercial vehicles in the Western Compact and one or more apportionable vehicles in the IRP.

(9) "In-jurisdiction miles" means the total miles accumulated in a jurisdiction during the preceding year by vehicles of the fleet while they were a part of the fleet.

(10) "IRP" means the International Registration Plan.

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

(12) "Owner" means a person or business firm who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale 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 if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business firm in whom is vested right of possession or control.

(13) "Preceding year" means the period of twelve consecutive months immediately prior to July 1st of the year immediately preceding the commencement of the registration or license year for which proportional registration is sought.

(14) "Properly registered," as applied to the place of registration under the provisions of the Western Compact, means:

(a) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which the 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 that place of business, and the vehicle has been assigned to that place of business; or

(b) 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 that jurisdiction.

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

(15) "Prorate percentage" is the factor that is applied to the total proratable fees and taxes to determine the apportionable or prorate fees required for registration in a particular jurisdiction. It is determined by dividing the in-jurisdiction miles for a particular jurisdiction by the total miles. This term is synonymous with the term "mileage percentage."

(16) "Registrant" means a person, business firm, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(17) "Registration year" means the twelve-month period during which the registration plates issued by the base jurisdiction are valid according to the laws of the base jurisdiction. The "registration year" for Washington is the period from January 1st through December 31st of each calendar year.

(18) "Total miles" means the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage accumulated by vehicles of the fleet that did not engage in interstate operations is not included in the fleet miles.

(19) "Western Compact" means the Uniform Vehicle Registration, Proration, and Reciprocity Agreement.

NEW SECTION. Sec. 17. All vehicles being added to an existing Washington-based fleet or those vehicles that make up a new Washington-based fleet shall be titled in the name of the fleet owner at time of registration, or evidence of filing application for title for such vehicles in the name of the owner shall accompany the application for proportional registration.

Sec. 18. Section 3, chapter 380, Laws of 1985 as amended by section 23, chapter 18, Laws of 1986 and RCW 46.87.030 are each amended to read as follows:

(1) When application to register an ~~((apportioned))~~ apportionable or commercial vehicle is made after March 31st of a registration year, the ~~((apportionable))~~ Washington prorated fees may be reduced by one-twelfth for each full registration month that has elapsed at the time a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as an application for registration is received in the department. The filing of any application with the department incurs liability for the fees and taxes applicable to the vehicles contained in the application. If ~~((the))~~ a vehicle is being added to a currently registered fleet, the ~~((mileage))~~ prorate percentage previously established for the fleet for such registration year shall be used in the computation of the proportional fees and taxes due.

~~(2) ((A motor vehicle permanently withdrawn from service that was previously registered as part of a proportionally registered fleet may be deleted from the fleet by the registrant by submitting a supplemental application to the department. Upon receipt of the application and surrender of the~~

~~original cab card and license plates of the vehicle, the unused portion of the fees paid for each full month of the registration year remaining shall be applied against liability of the registrant for license fees due for motor vehicles added to the fleet during the remainder of the same registration year. If any such credit is less than fifteen dollars, no credit will be given. In no event is the amount subject to refund:))~~ If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under this chapter, the registrant of the fleet shall notify the department on appropriate forms prescribed by the department. The department may require the registrant to surrender credentials that were issued to the vehicle. If a motor vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise completely removed from the service of the fleet registrant, the unused portion of the licensing fee paid under RCW 46.16.070 with respect to the vehicle reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current registration year in which the vehicle was registered and the date the notice of withdrawal, accompanied by such credentials as may be required, is received in the department, shall be credited to the fleet proportional registration account of the registrant. Credit shall be applied against the licensing fee liability for subsequent additions of motor vehicles to be proportionally registered in the fleet during such registration year or for additional licensing fees due under RCW 46.16.070 or to be due upon audit under section 44 of this act. If any credit is less than fifteen dollars, no credit will be entered. In lieu of credit, the registrant may choose to transfer the unused portion of the licensing fee for the motor vehicle to the new owner, in which case it shall remain with the motor vehicle for which it was originally paid. In no event may any amount be credited against fees other than those for the registration year from which the credit was obtained nor is any amount subject to refund.

Sec. 19. Section 4, chapter 380, Laws of 1985 and RCW 46.87.040 are each amended to read as follows:

Additional gross weight may be purchased for ~~((apportionable))~~ proportionally registered motor vehicles to the limits authorized under chapter 46.44 RCW. Reregistration at the higher gross weight (maximum gross weights under this chapter are forty thousand pounds for a solo three-axle truck or eighty thousand pounds for a combination) for the balance of the registration year, including the full registration month in which the vehicle is initially licensed at the higher gross weight. The apportionable or proportional fee initially paid to the state of Washington, reduced for the number of full registration months the license was in effect, will be deducted from the total fee to be paid to this state for licensing at the higher gross weight for the balance of the registration year. No credit or refund will be given for a reduction of gross weight.

Sec. 20. Section 5, chapter 380, Laws of 1985 and RCW 46.87.050 are each amended to read as follows:

Each day the department shall forward to the state treasurer the fees collected under this chapter, and within ten days of the end of each registration quarter, a detailed report identifying the amount to be deposited to each account for which fees are required for the licensing of ~~((apportionable))~~ proportionally registered vehicles. Such fees shall be deposited pursuant to RCW 46.68.035, 82.44.110, and 82.44.170.

Sec. 21. Section 6, chapter 380, Laws of 1985 and RCW 46.87.060 are each amended to read as follows:

The apportionment of fees to IRP member jurisdictions shall be in accordance with the provisions of the IRP agreement based on the apportionable fee multiplied by the ~~((mitage))~~ prorate percentage for each jurisdiction in which the fleet will ~~((operate))~~ be registered or is currently registered.

Sec. 22. Section 7, chapter 380, Laws of 1985 and RCW 46.87.070 are each amended to read as follows:

Any trailer, semitrailer, converter gear (auxiliary axles), or pole trailer being pulled by a motor vehicle that is ~~((apportioned))~~ proportionally registered under the terms of this chapter shall display a valid vehicle license plate issued by the base jurisdiction and be registered in this state.

Sec. 23. Section 8, chapter 380, Laws of 1985 and RCW 46.87.080 are each amended to read as follows:

(1) Upon making satisfactory application and payment of applicable fees and taxes for proportional registration under ~~((the IRP))~~ this chapter, the department shall issue a cab card and validation tab for each vehicle, and to vehicles of Washington-based fleets, two distinctive apportionable license plates for each motor vehicle and one such plate for each trailer, semitrailer, pole trailer, or converter gear listed on the application. License plates shall be displayed on vehicles as required by RCW 46.16.240. The number and plate shall be of a design, size, and color determined by the department. The plates shall be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPOR-TIONED," both words to appear in full and without abbreviation.

(2) The cab card serves as the certificate of registration for a proportionally registered vehicle. The face of the cab card shall contain the name and address of the registrant as contained in the records of the department, the license plate number assigned to the vehicle by the base jurisdiction, the vehicle identification number, and such other description of the vehicle and data as the department may require. The cab card shall be signed by the registrant, or a designated person if the registrant is a business firm, and shall at all times be carried in or on the vehicle to which it was issued. In the case of nonpowered vehicles, the cab card may be carried in or on the

vehicle supplying the motive power instead of in or on the nonpowered vehicle.

(3) The ((vehicle)) apportioned license plates are not transferrable from vehicle to vehicle and shall be used only on the vehicle to which they are assigned by the department for as long as they are legible or until such time as the department requires them to be removed and returned to the department.

(4) A distinctive validation tab ((or emblem)) of a design, size, and color determined by the department shall be affixed to the apportioned license plate(s) as prescribed by the department to indicate the year for which the vehicle is registered. Foreign based vehicles proportionally registered in this state under the provisions of the Western Compact shall display the validation tab on a backing plate or as otherwise prescribed by the department.

(5) Renewals shall be effected by the issuance and display of such tab ((or emblem)) after making satisfactory application and payment of applicable fees and taxes.

(6) 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. However, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle may be operated in interstate or intrastate commerce in this state unless the owner 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 the vehicle is being operated in conformity with that authority.

(7) The department may issue temporary authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee shall be collected for each permit issued. The permit fee shall be deposited in the motor vehicle fund, and the filing fee shall be deposited in the highway safety fund. The department may adopt rules for use and issuance of the permits.

(8) The department may refuse to issue any license or permit authorized by subsection (1) or (7) of this section to any person: (a) Who formerly held any type of license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW that has been revoked for cause, which cause has not been removed; or (b) who is a subterfuge for the real party in interest whose license or permit issued by the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW and has been revoked for cause, which cause has not been removed; or (c) who, as an individual licensee, or officer, director, owner, or managing employee of a nonindividual licensee, has had a license or permit issued by

the department pursuant to chapter 46.16, 46.85, 46.87, 82.36, 82.37, or 82.38 RCW which has been revoked for cause, which cause has not been removed; or (d) who has an unsatisfied debt to the state assessed under either chapter 46.16, 46.85, 46.87, 82.36, 82.37, 82.38, or 82.44 RCW.

(9) The department may revoke the license or permit authorized by subsection (1) or (7) of this section issued to any person for any of the grounds constituting cause for denial of licenses or permits set forth in subsection (8) of this section.

(10) Before such refusal or revocation under subsection (8) or (9) of this section, the department shall grant the applicant a hearing and at least ten days written notice of the time and place of the hearing.

Sec. 24. Section 9, chapter 380, Laws of 1985 as amended by section 24, chapter 18, Laws of 1986 and RCW 46.87.090 are each amended to read as follows:

(1) To replace ((a)) an apportioned vehicle license plate(s), cab card, or validation tab(s) due to ((the)) loss, defacement, or destruction ((of the plate(s) issued for an apportioned vehicle)), the ((owner)) registrant shall apply ((for new apportioned vehicle license plates)) to the department on ((a)) forms furnished ((by the department)) for that purpose. The application, together with ((the cab card of the vehicle)) proper payment and other documentation as indicated, shall be filed with the department((-)) as follows:

(a) Apportioned plate(s) – a fee of ten dollars shall be charged for vehicles required to display two apportioned ((vehicle license)) plates or five dollars for vehicles required to display one apportioned ((vehicle license)) plate. The cab card of the vehicle for which a plate is requested shall accompany the application. The department shall issue a new apportioned ((vehicle license)) plate(s) with validation tab(s) and a new cab card upon acceptance of the completed application form, old cab card, and the required replacement fee.

(b) Cab card – a fee of two dollars shall be charged for each card. If this is a duplicate cab card, it will be noted thereon.

(c) Validation tab(s) – a fee of two dollars shall be charged for each vehicle.

(2) If available, backing plates may be purchased from the department for a fee of two dollars each. These plates are used on vehicles registered under provisions of the Western Compact to display validation tabs issued by the prorate jurisdictions as evidence of proportional registration for each vehicle so registered.

(3) All fees collected under this section shall be deposited to the motor vehicle fund.

NEW SECTION. Sec. 25. (1) The initial application for proportional registration of a fleet shall state the mileage data with respect to the fleet for the preceding year in this and other jurisdictions. If no operations were

conducted with the fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness.

(2) When the nonmotor vehicles of a fleet are operated in jurisdictions in addition to those in which the motor vehicles of the fleet are operated, or when the nonmotor vehicles of a fleet are operated with motor vehicles that are not part of the fleet, the registrant shall place such nonmotor vehicles in a separate fleet.

(3) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation. Under the provisions of the Western Compact, this subsection applies to any fleet proportionally registered in Washington irrespective of the fleet's base jurisdiction.

NEW SECTION. Sec. 26. In addition to all other fees prescribed for the proportional registration of vehicles under this chapter, the department shall collect a vehicle transaction fee each time a vehicle is added to a Washington based fleet, and each time the proportional registration of a Washington based vehicle is renewed. The transaction fee is also applicable to all foreign based vehicles for which this state calculates and assesses fees/taxes for the state of Washington. The exact amount of the vehicle transaction fee shall be fixed by rule but shall not exceed ten dollars. This fee shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 27. (1) Any owner engaged in interstate operations of one or more fleets of apportionable or commercial vehicles may, in lieu of registration of the vehicles under chapter 46.16 RCW, register and license the vehicles of each fleet under this chapter by filing a proportional registration application for each fleet with the department. The application shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) A description and identification of each vehicle of the fleet. If the fleet contains both power units and nonpower units, the power units shall be listed first on the application, followed by the nonpower units. However, if the nonpower units are occasionally pulled by power units which are not part of this fleet, the nonpower units shall be placed in a separate fleet.

(b) If registering under the provisions of the IRP, the registrant shall also indicate member jurisdictions in which registration is desired and furnish such other information as those member jurisdictions require.

(c) An original or renewal application shall also be accompanied by a mileage schedule.

(2) Each application shall, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction miles by the total miles and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543%). This factor is known as the prorated percentage.

(b) Determine the total proratable fees and taxes required for each vehicle in the fleet for which registration is requested, based on the regular annual fees and taxes or applicable fees and taxes for the unexpired portion of the registration year under the laws of each jurisdiction for which fees or taxes are to be calculated. Applicable fees and taxes for vehicles of Washington based fleets are those prescribed under RCW 46.16.070, 46.16.085, 82.38.075, and 82.44.020, as applicable.

(c) Multiply the total, proratable fees or taxes for each vehicle by the prorated percentage applicable to the desired jurisdiction and round the results to the nearest cent.

(d) Add the total fees and taxes determined in subsection (2)(c) of this section for each vehicle to the nonproratable fees required under the laws of the jurisdiction for which fees are being calculated. Nonproratable fees required for vehicles of Washington-based fleets are the administrative fee required by RCW 82.38.075, if applicable, and the vehicle transaction fee pursuant to the provisions of section 26 of this act.

(e) Add the total fees and taxes determined in subsection (2)(d) of this section for each vehicle listed on the application. Assuming the fees and taxes calculated were for Washington, this would be the amount due and payable for the application under the provisions of the Western Compact. Under the provisions of the IRP, the amount due and payable for the application would be the sum of the fees and taxes referred to in subsection (2)(d) of this section, calculated for each member jurisdiction in which registration of the fleet is desired.

(3) All assessments for proportional registration fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due under this section within thirty days of the date of original service as provided for in this chapter.

NEW SECTION. Sec. 28. Whenever a person has been required to pay a fee or tax pursuant to this chapter that amounts to an overpayment of five dollars or more, the person is entitled to a refund of the entire amount

of such overpayment, regardless of whether or not a refund of the overpayment has been requested. Nothing in this subsection precludes anyone from applying for a refund of such overpayment if the overpayment is less than five dollars. Conversely, if the department or its agents has failed to charge and collect the full amount of fees or taxes pursuant to this chapter, 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 fees and taxes due.

NEW SECTION. Sec. 29. (1) Washington-based fleets may pay Washington proportional registration licensing fees on a quarterly basis at the option of the registrant, if the following criteria are met and maintained:

(a) The fleet has a Washington prorate percentage of sixty percent or more;

(b) The fleet contains a minimum of three motor vehicles;

(c) All motor vehicles in the fleet are licensed in Washington for at least sixty-eight thousand pounds combined gross weight.

(2) Quarterly licensing is based on calendar quarters and expires at midnight on the last day of each quarter: March 31st, June 30th, September 30th, and December 31st. It shall be renewed each quarter for each motor vehicle in the fleet that has not been permanently removed from the fleet.

(3) Quarterly licensing renewal fees shall be paid before the beginning of the quarter for which the fees are due. No letters of authority may be issued in the case of late renewals.

(4) Failure to comply with the requirements of this section is cause for suspension or cancellation of the registrant's quarterly licensing privileges. Upon cancellation of these privileges, licensing fees for the remainder of the registration year become immediately due and payable for all motor vehicles in the fleet.

(5) In addition to the quarterly licensing fee due for each motor vehicle in the fleet each quarter, the department shall collect a fee of two dollars. This fee shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 30. If the department determines that a Washington-based carrier has proportionally registered a fleet in this state under provisions of the Western Compact and this chapter and has not fully or proportionally registered the fleet in another member jurisdiction(s) after indicating their intent to do so in their application to this state, the mileage traveled in such jurisdiction(s) shall be added to the Washington in-jurisdiction miles. The department shall then recalculate the carrier's Washington prorate percentage and shall assess and bill the registrant for the additional fees and taxes due the state of Washington.

NEW SECTION. Sec. 31. The privileges and benefits of proportional registration of fleet vehicles extended by this chapter, or by any contract, agreement, arrangement, or declaration made under the authority of chapter 46.85 RCW or this chapter are subject to the conditions that:

(1) Each vehicle of the fleet proportionally registered under the authority of this chapter is also fully or proportionally registered in at least one other jurisdiction during the period for which it is proportionally registered in this state; and

(2) A fleet consists of the same vehicles in each jurisdiction in which the fleet is proportionally registered.

NEW SECTION. Sec. 32. The department may suspend or cancel the exemptions, benefits, or privileges granted under chapter 46.85 RCW or this chapter to any person or business firm who violates any of the conditions or terms of the IRP, Western Compact, or declarations, or who violates the laws of this state relating to the operation or registration of vehicles or rules lawfully adopted thereunder.

NEW SECTION. Sec. 33. The department may refuse registration of a vehicle if the applicant has failed to furnish proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the internal revenue code of 1954 has been suspended or paid. The department may adopt rules as deemed necessary to administer this section.

NEW SECTION. Sec. 34. The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if the department finds that the other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this state.

NEW SECTION. Sec. 35. The gross weight in the case of a motor truck, tractor, or truck tractor is the scale weight of the motor truck, tractor, or truck tractor, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed by it, to which shall be added the weight of the maximum load to be carried on it or towed by it as set forth by the licensee in the application providing it does not exceed the weight limitations prescribed by chapter 46.44 RCW.

The gross weight in the case of a bus, auto stage, or for hire vehicle, except a taxicab, with a seating capacity over six, is the scale weight of the bus, auto stage, or for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred and fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in RCW 46.16.070, it will be increased to the next higher gross weight so listed pursuant to chapter 46.44 RCW.

A motor vehicle or combination of vehicles found to be loaded beyond the licensed gross weight of the motor vehicle registered under this chapter shall be cited and handled under RCW 46.16.140 and 46.16.145.

NEW SECTION. Sec. 36. Whenever an act or omission is declared to be unlawful under chapter 46.12, 46.16, or 46.44 RCW or this chapter, and if the operator of the vehicle is not the owner or lessee of the vehicle but is so operating or moving the vehicle with the express or implied permission of the owner or lessee, then the operator and the owner or lessee are both subject to this chapter, with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or the lessee of the vehicle, that person is fully authorized to accept the citation or notice of infraction and execute the promise to appear on behalf of the owner or lessee.

NEW SECTION. Sec. 37. Under the provisions of the IRP, the department may act in a quasi-agency relationship with other jurisdictions. The department may collect and forward applicable registration fees and taxes and applications to other jurisdictions on behalf of the applicant or another jurisdiction and may take other action that facilitates the administration of the plan.

NEW SECTION. Sec. 38. This chapter constitutes complete authority for the registration of fleet vehicles upon a proportional registration basis without reference to or application of any other statutes of this state except as expressly provided in this chapter.

NEW SECTION. Sec. 39. Any person who alters or forges or causes to be altered or forged any cab card, letter of authority, or other temporary authority issued by the department under this chapter or holds or uses a cab card, letter of authority, or other temporary authority, knowing the document to have been altered or forged, is guilty of a felony.

NEW SECTION. Sec. 40. Every motor vehicle registered under this chapter shall have the maximum gross weight or maximum combined gross weight for which the vehicle is licensed in this state, painted or stenciled in letters or numbers of contrasting color not less than two inches in height in a conspicuous place on the right and left sides of the vehicle. It is unlawful for the owner or operator of any motor vehicle to display a maximum gross weight or maximum combined gross weight other than that shown on the current cab card of the vehicle.

NEW SECTION. Sec. 41. Nothing contained in this chapter relating to proportional registration of fleet vehicles requires any vehicle to be proportionally registered if it is otherwise registered for operation on the highways of this state.

NEW SECTION. Sec. 42. If the director or the director's designee determines at any time that an applicant for proportional registration of a vehicle or a fleet of vehicles is not entitled to a cab card for a vehicle or fleet of vehicles, the director may refuse to issue the cab card(s) or to license the vehicle or fleet of vehicles and may for like reason, after notice, and in the

exercise of discretion, cancel the cab card(s) and license plate(s) already issued. The notice shall be served personally or sent by certified mail (registered mail for Canadian addresses), return receipt requested. If sent by mail, service is deemed to have been accomplished on the date the notice was deposited in the United States mail, postage prepaid, addressed to the owner of the vehicle in question at the owner's address as it appears in the proportional registration records of the department. It is then unlawful for any person to remove, drive, or operate the vehicle(s) until a proper certificate(s) of registration or cab card(s) has been issued. Any person removing, driving, or operating the vehicle(s) after the refusal of the director or the director's designee to issue a cab card(s), certificate(s) of registration, license plate(s), or the revocation thereof is guilty of a gross misdemeanor. At the discretion of the director or the director's designee, a vehicle that has been moved, driven, or operated in violation of this section may be impounded by the Washington state patrol, county sheriff, or city police in a manner directed for such cases by the chief of the Washington state patrol until proper registration and license plate have been issued.

NEW SECTION. Sec. 43. The suspension, revocation, cancellation, or refusal by the director, or the director's designee, of a license plate(s), certificate(s) of registration, or cab card(s) provided for in this chapter is conclusive unless the person whose license plate(s), certificate(s) of registration, or cab card(s) is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at the person's option if a resident of Washington, to the superior court of his or her county of residence, for the purpose of having the suspension, revocation, cancellation, or refusal of the license plate(s), certificate(s) of registration, or cab card(s) set aside. Notice of appeal shall be filed within ten calendar days after service of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the appeal, the court shall issue an order to the director to show cause why the license(s) should not be granted or reinstated. The director shall respond to the order within ten days after the date of service of the order upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters related to the suspension, revocation, cancellation, or refusal of the license plate(s), certificate(s) of registration, or cab card(s) and shall enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

NEW SECTION. Sec. 44. 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 preceding year or period upon which the application is based. These records shall be complete and shall include, but not be limited to, the following: Copies of proportional registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with

other jurisdictions; vehicle license or trip permits; temporary authorization permits; documents establishing the latest purchase year and cost of each fleet vehicle in ready-for-the-road condition; weight certificates indicating the unladen, ready-for-the-road, weight of each vehicle in the fleet; periodic summaries of mileage by fleet and by individual vehicles; individual trip reports, driver's daily logs, or other source documents maintained for each individual trip that provide trip dates, points of origin and destinations, total miles traveled, miles traveled in each jurisdiction, routes traveled, vehicle equipment number, driver's full name, and all other information pertinent to each trip. Upon request of the department, the owner shall make the records available to the department at its designated office for audit as to accuracy of records, computations, and payments. The department shall assess and collect any unpaid fees and taxes found to be due the state and provide credits or refunds for overpayments of Washington fees and taxes as determined in accordance with formulas and other requirements prescribed in this chapter. If the owner fails to maintain complete records as required by this section, the department shall attempt to reconstruct or reestablish such records. However, if the department is unable to do so and the missing or incomplete records involve mileages accrued by vehicles while they are part of the fleet, the department may assess an amount not to exceed the difference between the Washington proportional fees and taxes paid and one hundred percent of the fees and taxes. Further, if the owner fails to maintain complete records as required by this section, or if the department determines that the owner should have registered more vehicles in this state under this chapter, the department may deny the owner the right of any further benefits provided by this chapter until any final audit or assessment made under this chapter has been satisfied.

The department may audit the records of any owner and 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 fees, taxes, penalties, or interest found to be due and owing the state upon audit shall bear interest at twelve percent per annum from the date on which the deficiency is incurred until the date of payment. If the audit discloses a deliberate and willful intent to evade the requirements of payment under section 27 of this act, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of five dollars has been made, the department shall certify the overpayment to the state treasurer who shall issue a warrant for the overpayment to the vehicle operator. Overpayments shall bear interest at the rate of eight percent per annum from the date on which the overpayment is incurred until the date of payment.

NEW SECTION. Sec. 45. The department may initiate and conduct audits and investigations as may be reasonably necessary to establish the existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it.

For the purpose of any audit, investigation, or proceeding under this chapter the director or any designee of the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, paper, correspondence, memoranda, agreements, or other documents or records that the department deems relevant or material to the inquiry.

In case of contumacy or refusal to obey a subpoena issued to any person, any court of competent jurisdiction upon application by the department, may issue an order requiring that person to appear before the director or the officer designated by the director to produce testimony or other evidence touching the matter under audit, investigation, or in question. Failure to obey an order of the court may be punishable by contempt.

NEW SECTION. Sec. 46. An owner of proportionally registered vehicles against whom an assessment is made under section 27 or 44 of this act may petition for reassessment thereof within thirty days after service of notice of the assessment upon the owner of the proportionally registered vehicles. If the petition is not filed within the thirty-day period, the amount of the assessment becomes final at the expiration of that time period.

If a petition for reassessment is filed within the thirty-day period, the department shall reconsider the assessment and, if the petitioner has so requested in the petition, shall grant the petitioner an oral hearing and give the petitioner ten days notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service upon the petitioner of notice of the decision.

Every assessment made under this chapter becomes due and payable at the time it is served on the owner. If the assessment is not paid in full when it becomes final, the department shall add a penalty of ten percent of the amount of the assessment.

Any notice of assessment, reassessment, oral hearing, or decision required by this section shall be served personally or by mail. If served by mail, service is deemed to have been accomplished on the date the notice was deposited in the United States mail, postage prepaid, addressed to the owner of the proportionally registered vehicles at the owner's address as it appears in the proportional registration records of the department.

No injunction or writ of mandate or other legal or equitable process may be issued in any suit, action, or proceeding in any court against any officer of the state to prevent or enjoin the collection under this chapter of any fee or tax or any amount of fee or tax required to be collected, except as specifically provided for in chapter 34.04 RCW.

NEW SECTION. Sec. 47. If an owner of proportionally registered vehicles liable for the remittance of fees and taxes imposed by this chapter for which an assessment has become final fails to pay the fees and taxes, the amount thereof, including any interest, penalty, or addition to the fees and taxes together with any additional costs that may accrue, constitutes a lien in favor of the state upon all franchises, property, and rights to property, whether the property is employed by the person for personal or business use or is in the hands of a trustee, receiver, or assignee for the benefit of creditors, from the date the fees and taxes were due and payable until the amount of the lien is paid or the property is sold to pay the lien. The lien has priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that the lien is not valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached before the time the department has filed and recorded notice of the lien as provided in this chapter.

In order to avail itself of the lien created by this section, the department shall file with any county auditor a statement of claim and lien specifying the amount of delinquent fees and taxes, penalties, and interest claimed by the department. From the time of filing for record, the amount required to be paid constitutes a lien upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by the person in the county. Any lien as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state is of no effect, however, until the lien or a copy of it has been filed with the county auditor in the county where the property is located. When a lien is filed in compliance with this section and with the secretary of state, the filing has the same effect as if the lien had been duly filed for record in the office of each county auditor of this state.

NEW SECTION. Sec. 48. If an owner of proportionally registered vehicles for which an assessment has become final is delinquent in the payment of an obligation imposed under this chapter, the department may give notice of the amount of the delinquency by registered or certified mail to all persons having in their possession or under their control any credits or other personal property belonging to the vehicle owner or owing any debts to the owner, at the time of the receipt by them of the notice. Thereafter, a person so notified shall neither transfer nor make other disposition of those credits, personal property, or debts until the department consents to a transfer or other disposition. A person so notified shall, within twenty days after receipt of the notice, advise the department of any and all such credits, personal property, or debts in their possession, under their control or owing by them, as the case may be, and shall forthwith deliver such credits, personal property, or debts to the department or its duly authorized representative to be applied to the indebtedness involved.

If a person fails to answer the notice within the time prescribed by this section, it is lawful for the court upon application of the department and after the time to answer the notice has expired, to render judgment by default against the person for the full amount claimed by the department in the notice to withhold and deliver, together with costs.

NEW SECTION. Sec. 49. Whenever the owner of proportionally registered vehicles is delinquent in the payment of an obligation imposed under this chapter, and the delinquency continues after notice and demand for payment by the department, the department may proceed to collect the amount due from the owner in the following manner: The department shall seize any property subject to the lien of the fees, taxes, penalties, and interest and sell it at public auction to pay the obligation and any and all costs that may have been incurred because of the seizure and sale. Notice of the intended sale and its time and place shall be given to the delinquent owner and to all persons appearing of record to have an interest in the property. The notice shall be given in writing at least ten days before the date set for the sale by registered or certified mail addressed to the owner as appearing in the proportional registration records of the department and, in the case of any person appearing of record to have an interest in such property, addressed to that person at their last known residence or place of business. In addition, the notice shall be published at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property seized is to be sold. If there is no newspaper in the county, the notice shall be posted in three public places in the county for a period of ten days. The notice shall contain a description of the property to be sold, a statement of the amount due under this chapter, the name of the owner of the proportionally registered vehicles, and the further statement that unless the amount due is paid on or before the time fixed in the notice the property will be sold in accordance with law.

The department shall then proceed to sell the property in accordance with law and the notice, and shall deliver to the purchaser a bill of sale or deed that vests title in the purchaser. If upon any such sale the moneys received exceed the amount due to the state under this chapter from the delinquent owner, the excess shall be returned to the delinquent owner and his receipt obtained for it. The department may withhold payment of the excess to the delinquent owner if a person having an interest in or lien upon the property has filed with the department their notice of the lien or interest before the sale, pending determination of the rights of the respective parties thereto by a court of competent jurisdiction. If for any reason the receipt of the delinquent owner is not available, the department shall deposit the excess with the state treasurer as trustee for the delinquent owner.

NEW SECTION. Sec. 50. Whenever any assessment has become final in accordance with this chapter, the department may file with the clerk of

any county within this state a warrant in the amount of fees, taxes, penalties, interest, and a filing fee of five dollars. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant the name of the delinquent owner of proportionally registered vehicles mentioned in the warrant, the amount of the fees, taxes, penalties, interest, and filing fee, and the date when the warrant was filed. The aggregate amount of the warrant as docketed constitutes a lien upon the title to, and interest in, all real and personal property of the named person against whom the warrant is issued, the same as a judgment in a civil case duly docketed in the office of the clerk. A warrant so docketed is sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state in the manner provided by law in the case of civil judgment wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee of five dollars, which shall be added to the amount of the warrant.

NEW SECTION. Sec. 51. Whenever an owner of proportionally registered vehicles is delinquent in the payment of an obligation under this chapter the department may transmit notices of the delinquency to the attorney general who shall at once proceed to collect by appropriate legal action the amount due the state from the delinquent owner.

In a suit brought to enforce the rights of the state under this chapter, a certificate by the department showing the delinquency is prima facie evidence of the amount of the obligation, of the delinquency thereof, and of compliance by the department with all provisions of this chapter relating to the obligation.

NEW SECTION. Sec. 52. The remedies of the state in this chapter are cumulative, and no action taken by the department may be construed to be an election on the part of the state or any of its officers to pursue any remedy under this chapter to the exclusion of any other remedy provided for in this chapter.

NEW SECTION. Sec. 53. (1) The director, the state of Washington, and its political subdivisions are immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle.

(2) No suit or action may be commenced or prosecuted against the director or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter.

NEW SECTION. Sec. 54. This chapter may be known and cited as "Proportional Registration."

Sec. 55. Section 3, chapter 186, Laws of 1986 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) RCW 46.16.010 relating to initial registration of motor vehicles;

(7) RCW 46.16.160 relating to vehicle trip permits;

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

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

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

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

(12) RCW 46.20.416 relating to driving while in a suspended or revoked status;

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

(14) Chapter 46.29 RCW relating to financial responsibility;

(15) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

(16) RCW 46.48.175 relating to the transportation of dangerous articles;

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

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

(19) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

(20) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

(21) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

(22) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

(23) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

(24) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

(25) RCW 46.61.022 relating to failure to stop and give identification to an officer;

(26) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

(27) RCW 46.61.500 relating to reckless driving;

(28) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

(29) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

(30) RCW 46.61.522 relating to vehicular assault;

(31) RCW 46.61.525 relating to negligent driving;

(32) RCW 46.61.530 relating to racing of vehicles on highways;

(33) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

(34) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

(35) RCW 46.64.020 relating to nonappearance after a written promise;

(36) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

(37) Chapter 46.65 RCW relating to habitual traffic offenders;

(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;

(39) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

(40) Chapter 46.80 RCW relating to motor vehicle wreckers;

(41) Chapter 46.82 RCW relating to driver's training schools;

(42) Section 39 of this act relating to alteration or forgery of a cab card, letter of authority, or other temporary authority issued under chapter 46.87 RCW;

(43) Section 42 of this act relating to operation of an unregistered or unlicensed vehicle under chapter 46.87 RCW.

Sec. 56. Section 22, chapter 380, Laws of 1985 and RCW 82.44.170 are each amended to read as follows:

For each IRP jurisdiction that cannot report to the director the sums of dollars that are collected for the motor vehicle excise tax pursuant to

chapter 82.44 RCW separately from other vehicle licensing fees pursuant to RCW 46.16.070 and 46.16.085, the director shall (~~compute such amount of equivalent fee or motor vehicle excise tax by determining, from~~) distribute thirty-six percent of the total fees collected as reported on the IRP vehicle registration recap information forwarded to the director by such jurisdiction(~~(, the proportionate amount that such tax represents of the total sum of fees and taxes collected by such jurisdiction. Each percentage so computed shall then be applied to future sums of collected fees and taxes forwarded by such jurisdiction, the result of which shall be distributed)~~) pursuant to RCW 82.44.110, until such time as such jurisdiction begins reporting excise tax amounts separately from other vehicle licensing fees. The remainder of the fees collected shall be distributed in accordance with RCW 46.68.035.

NEW SECTION. Sec. 57. Sections 17 and 25 through 54 shall be added to chapter 46.87 RCW.

NEW SECTION. Sec. 58. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 106, Laws of 1963, section 1, chapter 51, Laws of 1971, section 1, chapter 115, Laws of 1973, section 3, chapter 222, Laws of 1981, section 4, chapter 173, Laws of 1985, section 19, chapter 18, Laws of 1986 and RCW 46.85.120;

(2) Section 2, chapter 79, Laws of 1985 and RCW 46.85.125;

(3) Section 13, chapter 106, Laws of 1963, section 4, chapter 222, Laws of 1981, section 20, chapter 18, Laws of 1986, section 14 of this act and RCW 46.85.130;

(4) Section 14, chapter 106, Laws of 1963, section 2, chapter 134, Laws of 1979, section 6, chapter 222, Laws of 1981 and RCW 46.85.140;

(5) Section 6, chapter 51, Laws of 1971, section 3, chapter 134, Laws of 1979 and RCW 46.85.145;

(6) Section 15, chapter 106, Laws of 1963 and RCW 46.85.150;

(7) Section 16, chapter 106, Laws of 1963, section 2, chapter 51, Laws of 1971, section 21, chapter 18, Laws of 1986 and RCW 46.85.160;

(8) Section 17, chapter 106, Laws of 1963, section 3, chapter 51, Laws of 1971 and RCW 46.85.170;

(9) Section 18, chapter 106, Laws of 1963 and RCW 46.85.180;

(10) Section 19, chapter 106, Laws of 1963, section 33, chapter 281, Laws of 1969 ex. sess., section 4, chapter 51, Laws of 1971, section 4, chapter 149, Laws of 1979 ex. sess., section 1, chapter 221, Laws of 1981, section 5, chapter 173, Laws of 1985 and RCW 46.85.190;

(11) Section 20, chapter 106, Laws of 1963 and RCW 46.85.200;

(12) Section 21, chapter 106, Laws of 1963 and RCW 46.85.210;

(13) Section 22, chapter 106, Laws of 1963, section 7, chapter 222, Laws of 1981 and RCW 46.85.220;

(14) Section 27, chapter 106, Laws of 1963, section 23, chapter 227, Laws of 1982, section 6, chapter 173, Laws of 1985 and RCW 46.85.270;

(15) Section 28, chapter 106, Laws of 1963, section 8, chapter 222, Laws of 1981, section 7, chapter 173, Laws of 1985 and RCW 46.85.280;

(16) Section 29, chapter 106, Laws of 1963, section 116, chapter 32, Laws of 1967, section 9, chapter 222, Laws of 1981, section 8, chapter 173, Laws of 1985 and RCW 46.85.290;

(17) Section 2, chapter 221, Laws of 1981 and RCW 46.85.300;

(18) Section 3, chapter 221, Laws of 1981 and RCW 46.85.310;

(19) Section 4, chapter 221, Laws of 1981 and RCW 46.85.320;

(20) Section 5, chapter 221, Laws of 1981 and RCW 46.85.330;

(21) Section 6, chapter 221, Laws of 1981 and RCW 46.85.340;

(22) Section 7, chapter 221, Laws of 1981 and RCW 46.85.350;

(23) Section 8, chapter 221, Laws of 1981 and RCW 46.85.360;

(24) Section 9, chapter 221, Laws of 1981 and RCW 46.85.370;

(25) Section 10, chapter 221, Laws of 1981 and RCW 46.85.380; and

(26) Section 11, chapter 221, Laws of 1981 and RCW 46.85.390.

NEW SECTION. Sec. 59. Section 1 of this act shall take effect on January 1, 1990. Sections 9, 10, and 15 through 58 of this act shall take effect on January 1, 1988.

Passed the Senate April 18, 1987.

Passed the House April 9, 1987.

Approved by the Governor May 1, 1987.

Filed in Office of Secretary of State May 1, 1987.

CHAPTER 245

[Substitute House Bill No. 198]

RETAIL SALES TAX FUNDS HELD IN TRUST—TAX LIABILITY

AN ACT Relating to the collection of retail sales taxes held in trust; adding a new section to chapter 82.32 RCW; and declaring an emergency.

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

NEW SECTION. Sec. 1. A new section is added to chapter 82.32 RCW to read as follows:

(1) Upon termination, dissolution, or abandonment of a corporate business, any officer or other person having control or supervision of retail sales tax funds collected and held in trust under RCW 82.08.050, or who is charged with the responsibility for the filing of returns or the payment of retail sales tax funds collected and held in trust under RCW 82.08.050, shall be personally liable for any unpaid taxes and interest and penalties on those taxes, if such officer or other person wilfully fails to pay or to cause to be paid any taxes due from the corporation pursuant to chapter 82.08 RCW. For the purposes of this section, any retail sales taxes that have been