

charge and collect such additional amount as will constitute full payment of the fees or taxes due.

NEW SECTION. Sec. 11. Judicial review and appeals under this chapter shall be governed by the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION. Sec. 12. Sections 2 through 11 of this act shall be added to chapter 46.85 RCW.

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CHAPTER 222

[Substitute Senate Bill No. 3778]

RECIPROCAL AND PROPORTIONAL REGISTRATION OF VEHICLES— INTERSTATE COMMERCIAL VEHICLES, SINGLE CAB CARDS

AN ACT Relating to motor vehicles; amending section 2, chapter 106, Laws of 1963 and RCW 46.85.020; amending section 3, chapter 106, Laws of 1963 as last amended by section 1, chapter 92, Laws of 1977 ex. sess. and RCW 46.85.030; amending section 12, chapter 106, Laws of 1963 as last amended by section 1, chapter 115, Laws of 1973 and RCW 46.85.120; amending section 13, chapter 106, Laws of 1963 and RCW 46.85.130; amending section 5, chapter 51, Laws of 1971 and RCW 46.85.135; amending section 14, chapter 106, Laws of 1963 as amended by section 2, chapter 134, Laws of 1979 and RCW 46.85.140; amending section 22, chapter 106, Laws of 1963 and RCW 46.85.220; amending section 28, chapter 106, Laws of 1963 and RCW 46.85.280; amending section 29, chapter 106, Laws of 1963 as amended by section 116, chapter 32, Laws of 1967 and RCW 46.85.290; amending section 82.44.020, chapter 15, Laws of 1961 as last amended by section 230, chapter 158, Laws of 1979 and RCW 82.44.020; amending section 82.44-.050, chapter 15, Laws of 1961 as amended by section 3, chapter 199, Laws of 1963 and RCW 82.44.050; amending section 82.44.060, chapter 15, Laws of 1961 as last amended by section 233, chapter 158, Laws of 1979 and RCW 82.44.060; repealing section 23, chapter 106, Laws of 1963, section 115, chapter 32, Laws of 1967 and RCW 46.85.230; repealing section 24, chapter 106, Laws of 1963 and RCW 46.85.240; repealing section 25, chapter 106, Laws of 1963, section 99, chapter 136, Laws of 1979 ex. sess. and RCW 46.85.250; repealing section 26, chapter 106, Laws of 1963 and RCW 46.85.260; repealing section 2, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.010; repealing section 3, chapter 94, Laws of 1967 ex. sess., section 200, chapter 158, Laws of 1979 and RCW 46.86.020; repealing section 4, chapter 94, Laws of 1967 ex. sess., section 201, chapter 158, Laws of 1979 and RCW 46.86.030; repealing section 5, chapter 94, Laws of 1967 ex. sess., section 1, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.040; repealing section 6, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.050; repealing section 7, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.060; repealing section 8, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.070; repealing section 9, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.080; repealing section 10, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.090; repealing section 11, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.100; repealing section 12, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.110; repealing section 13, chapter 94, Laws of 1967 ex. sess., section 2, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.120; repealing section 14, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.130; and repealing section 7, chapter 143, Laws of 1971 ex. sess. and RCW 46.86.140.

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

Section 1. Section 2, chapter 106, Laws of 1963 and RCW 46.85.020 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

(6) The words "department," "motor vehicle," "person," and "vehicle" ~~((shall))~~ each have the meanings ascribed to them, respectively, by RCW ~~((46.04.680))~~ 46.04.690, 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 sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles.

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

Sec. 2. Section 3, chapter 106, Laws of 1963 as last amended by section 1, chapter 92, Laws of 1977 ex. sess. and RCW 46.85.030 are each amended to read as follows:

(1) The reciprocity commission, hereby created, shall consist of the director of ~~((motor vehicles))~~ licensing or a designee, the chief of the Washington state patrol or a designee, a designee of the state ~~((highway))~~ transportation commission, and, ex officio, the chairman and vice chairman of the legislative transportation committee~~((;))~~ or their duly designated representatives. ~~((Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof.))~~ The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed reimbursement for travel expenses incurred in the performance of their official duties in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements, or declarations to carry out the provisions of this chapter.

(2) The reciprocity commission 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 reciprocity commission enters into a multistate proportional registration agreement which prescribes a different procedure for vehicle identification, the agreement procedures shall control.

If the reciprocity commission enters into a multistate proportional registration agreement which requires this state to perform acts in a quasi agency relationship, the ~~((reciprocity commission))~~ 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 reciprocity commission enters into a multistate proportional registration agreement which prescribes procedures applicable to vehicles not specifically described in chapter 46.85 RCW, such as but not limited to "owner-operator" or "rental" vehicles, it shall promulgate rules accomplishing the procedures prescribed in such agreement.

If the reciprocity commission 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 reciprocity commission to continue to participate in such agreements and compacts as may be necessary and desirable in addition to the International Registration Plan(~~(- PROVIDED, That prior to the reciprocity commission entering into the International Registration Plan, the commission, with the assistance of the department of motor vehicles, shall conduct a fiscal impact study and report the findings of the study to the legislative transportation committee by October 15, 1977)).~~

Sec. 3. Section 12, chapter 106, Laws of 1963 as last amended by section 1, chapter 115, Laws of 1973 and RCW 46.85.120 are each amended to read as follows:

(1) Any owner engaged in (~~(operating)~~) interstate operation of one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of (~~(excise)~~) taxes and fees imposed by chapter 82.44 RCW and RCW 82.38.075, register and license each fleet for operation in this state by filing (~~(an)~~) a prorate application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

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

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

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

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

(a) Divide the sum of the in-state miles by total fleet miles.

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

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

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

(4) In no event shall the ~~((total))~~ proportional fee payment be less than a minimum of five dollars per motor truck, truck tractor, or auto stage, and three dollars per vehicle of any other type.

Sec. 4. Section 13, chapter 106, Laws of 1963 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 for such application and for the stickers or devices issued. A fee of two dollars shall be paid for each license plate, sticker, or device issued for each proportionally registered vehicle. A registration card shall be issued for each 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~~((sticker))~~ plate or other device issued ~~((for))~~ to such proportionally registered vehicle and shall be carried in such vehicles at all times or, in the case of a combination, in the vehicle supplying the motive power.

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

(3) The department may issue temporary proration authorization permits 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 and regulations 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, 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, 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, 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, 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. 5. Section 5, chapter 51, Laws of 1971 and RCW 46.85.135 are each amended to read as follows:

In addition to all other fees and taxes, a fee based upon the number of vehicles listed for registration purposes on each ((application or supplemental application for)) reciprocal or proportional registration ((of vehicles)) application shall be ((accompanied by an application fee, in addition to all other fees, of)) collected. This fee shall be five dollars for nine or ((less)) fewer vehicles, ten dollars for ten through twenty-four vehicles, and fifteen dollars for twenty-five or more vehicles.

Sec. 6. Section 14, chapter 106, Laws of 1963 as amended by section 2, chapter 134, Laws of 1979 and RCW 46.85.140 are each amended to read as follows:

The right to the privilege 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 this chapter, shall be subject to the conditions that (1) each fleet vehicle proportionally registered under the authority of this chapter also shall be 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 shall consist of the same vehicles in each jurisdiction in which the fleet is proportionally registered.

Sec. 7. Section 22, chapter 106, Laws of 1963 and RCW 46.85.220 are each amended to read as follows:

The department may enter into agreements with other ~~((states))~~ jurisdictions on behalf of the state of Washington for the purpose of facilitating the administration of this chapter. In addition it may conclude arrangements or agreements with other ~~((states))~~ jurisdictions for the exchange of information for audit and enforcement activities in connection with such proportional registration. The department may adopt and promulgate such rules and regulations as it shall deem necessary to effectuate and administer the provisions of RCW 46.85.110 and 46.85.120, and the registration of fleet vehicles under said sections shall be subject to the rights, terms, and conditions granted or contained in any applicable agreement made by the department under the authority of this section.

Sec. 8. Section 28, chapter 106, Laws of 1963 and RCW 46.85.280 are each amended to read as follows:

Each reciprocity identification plate shall be valid ~~((until the expiration date of the current and valid vehicle license issued by the state or other jurisdiction wherein such vehicle is licensed))~~ throughout the registration year in which it was issued: PROVIDED, That such identification plate shall become invalid upon the termination of any reciprocal agreement between this state and the state or jurisdiction wherein such vehicle is licensed.

Sec. 9. Section 29, chapter 106, Laws of 1963 as amended by section 116, chapter 32, Laws of 1967 and RCW 46.85.290 are each amended to read as follows:

All special reciprocity identification plates shall be obtained by the director in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon application in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each vehicle. The fee therefor shall be two dollars plus a filing fee of ~~((fifty cents))~~ one dollar. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund.

Sec. 10. Section 82.44.020, chapter 15, Laws of 1961 as last amended by section 230, chapter 158, Laws of 1979 and RCW 82.44.020 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using in the state any motor vehicle, except those operated under reciprocal agreements, the provisions of RCW 46.16.160 as now or hereafter amended, or dealer's licenses. The annual amount of such excise shall be two percent of the fair market value of such vehicle.

(2) From and after August 1, 1978, and until August 1, 2008, an additional excise tax is imposed, in addition to any other tax imposed by this section, for the privilege of using in the state any such motor vehicle, and the annual amount of such additional excise shall be two-tenths of one percent of the fair market value of such vehicle.

(3) The department of licensing and county auditors shall collect the additional tax imposed by subsection (2) of this section for any registration year for the months of that registration year in which such additional tax is effective, and in the same manner and at the same time as the tax imposed by subsection (1) of this section.

(4) In no case shall the total tax be less than two dollars except for proportionally registered vehicles.

Sec. 11. Section 82.44.050, chapter 15, Laws of 1961 as amended by section 3, chapter 199, Laws of 1963 and RCW 82.44.050 are each amended to read as follows:

Whenever a person applies to the county auditor for a license for a motor vehicle which does not appear upon the schedule, the applicant shall apply to the county assessor of his county for computation of the amount of excise tax due. Upon any such application the assessor shall appraise the vehicle at its fair market value from such automotive guidebooks or listings or other information as he may have available and ascertain the amount of excise tax by applying to such appraisal the rate ~~((of two percent))~~ prescribed in RCW 82.44.020, and thereupon the applicant shall be given a certificate showing the excise tax payable under this chapter.

Sec. 12. Section 82.44.060, chapter 15, Laws of 1961 as last amended by section 233, chapter 158, Laws of 1979 and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the department of licensing or its agents at the time of registration of a motor vehicle. Whenever an application is made to the department of licensing or its agents for a license for a motor vehicle there shall be collected, in addition to the amount of the license fee or renewal license fee, the amount of the excise tax imposed by this chapter prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each registration year: **PROVIDED**, That the excise tax upon a motor vehicle licensed for the first time in this state after the last day of any registration month shall only be levied for the remaining months of the registration year including the month in which the motor vehicle is being licensed: **PROVIDED FURTHER**, That the tax shall in no case be less than two dollars except for proportionally registered vehicles.

A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the registration year immediately preceding the registration year in which the application for license is made or when the vehicle has been registered in another jurisdiction subsequent to any prior registration in this state.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the registration year or fraction of a registration year in which transfer of ownership occurs.

NEW SECTION. Sec. 13. The following acts or parts of acts are each repealed:

(1) Section 23, chapter 106, Laws of 1963, section 115, chapter 32, Laws of 1967 and RCW 46.85.230;

(2) Section 24, chapter 106, Laws of 1963 and RCW 46.85.240;

(3) Section 25, chapter 106, Laws of 1963, section 99, chapter 136, Laws of 1979 ex. sess. and RCW 46.85.250;

(4) Section 26, chapter 106, Laws of 1963 and RCW 46.85.260;

(5) Section 2, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.010;

(6) Section 3, chapter 94, Laws of 1967 ex. sess., section 200, chapter 158, Laws of 1979 and RCW 46.86.020;

(7) Section 4, chapter 94, Laws of 1967 ex. sess., section 201, chapter 158, Laws of 1979 and RCW 46.86.030;

(8) Section 5, chapter 94, Laws of 1967 ex. sess., section 1, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.040;

(9) Section 6, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.050;

(10) Section 7, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.060;

(11) Section 8, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.070;

(12) Section 9, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.080;

(13) Section 10, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.090;

(14) Section 11, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.100;

(15) Section 12, chapter 94, Laws of 1967 ex. sess. and RCW 46.86.110;

(16) Section 13, chapter 94, Laws of 1967 ex. sess., section 2, chapter 42, Laws of 1975 1st ex. sess. and RCW 46.86.120;

(17) Section 14, chapter 94, Laws of 1967 ex. sess. and RCW 46.86-.130; and

(18) Section 7, chapter 143, Laws of 1971 ex. sess. and RCW 46.86.140.

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