

HOUSE BILL REPORT

SHB 1704

As Passed Legislature

Title: An act relating to motor vehicles.

Brief Description: Changing provisions relating to motor vehicles.

Sponsor(s): By House Committee on Transportation (originally sponsored by Representatives Cooper, Betrozoff and R. Johnson; by request of Department of Licensing).

Brief History:

Reported by House Committee on:
Transportation, February 27, 1991, DPS;
Passed House, March 12, 1991, 97-0;
Amended by Senate;
Conference Committee Report adopted;
Passed Legislature, 96-2.

**HOUSE COMMITTEE ON
TRANSPORTATION**

Majority Report: *That Substitute House Bill No. 1704 be substituted therefor, and the substitute bill do pass.*
Signed by 20 members: Representatives R. Fisher, Chair; R. Meyers, Vice Chair; Chandler, Assistant Ranking Minority Member; Cantwell; Cooper; Day; G. Fisher; Forner; Haugen; Heavey; Horn; P. Johnson; Jones; Kremen; Mitchell; Nelson; Orr; Prentice; Wood; and Zellinsky.

Staff: Brad Lovaas (786-7307).

Background: This proposed legislation is of a general nature with several revisions to correct and update provisions of the laws governing vehicle proportional licensing and fuel tax administration.

The Department of Licensing (DOL) administers vehicle and vessel title and registration programs, as well as programs relating to disabled parking. Several housekeeping changes are needed to modernize archaic language, to correct internal inconsistencies and to bring statutes into line with current practice.

As a result of interim work with the Governor's Commission on Disability and new federal regulations, several changes to the disabled parking statutes are necessary.

The director of the Department of Licensing (DOL) is responsible for the general supervision and control of issuing vehicle licenses and plates.

Current statute does not require the counties or subagents to disclose costs or revenue to the state.

Summary of Bill: This proposal sets forth the ability of the Department of Licensing (DOL) to assess motor vehicle fuel tax reports, mitigate penalties and interest for reasonable cause, and give distributors certain due process rights relative to their petitions for reassessment.

Persons who have property of the debtor-distributor in their possession are required not only to withhold the distributor's property, but to deliver that property upon demand of DOL. If the person does not respond to the notice from DOL, the department is authorized to go to court to obtain a default judgment.

The department is allowed to file a warrant, or judgment, in the superior court for the amount of the delinquent assessment. DOL can thus execute on this assessment in the same manner as a judgment creditor can execute on an unsatisfied judgment.

The definition of "motor vehicle" is amended to conform to the definition of motor vehicle used in other taxing statutes.

The department is allowed to consider mitigation of penalties and assessments in the special fuel area and the aircraft fuel area.

The veteran's emblem program is expanded to include active military personnel.

Provisions to implement the local option county fuel tax collection process are added.

County auditors must retain vehicle records for 18 months rather than 36.

Language is clarified regarding the five-day notification period for a seller's report of sale. The period does not include Saturdays, Sundays and legal holidays.

Under full-year registration, a grace period until the first day of the month following registration is no longer applicable. Vehicles are registered on a day-to-day basis effective July 1, 1991.

Changes to the handicapped parking statutes reflect the final report of the Handicapped Parking Regulatory Negotiation Advisory Committee presented to the U.S. Department of Transportation for adoption. The purpose of the final rule is to develop a uniform parking system for persons with disabilities.

Special parking privileges shall be granted to persons meeting the following criteria, as determined by a licensed physician: cannot walk 200 feet without stopping to rest; is severely limited in ability to walk due to arthritic, neurological, or orthopedic condition; cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, or other assistive device; or uses portable oxygen or whose arterial oxygen is less than 60 mm/hg on room air at rest.

The Department of Licensing will issue removable windshield placards instead of both a placard and a decal. Special disabled parking vehicle plates will be issued for one vehicle registered in the name of the disabled person. If no plate is requested, the disabled person is entitled to two placards.

Vessels registered in another state, which is the state of principal use, and documented vessels are exempt from registration in Washington.

A confidential vessel program is created to parallel the confidential vehicle program to enhance law enforcement efforts.

Vessel dealers must place deposits in excess of \$1,000, or deposits of any amount to be held in excess of 14 days, into a trust account.

The penalty for unauthorized use of a disabled parking placard or license plate is increased from a traffic infraction to a misdemeanor.

Renewal of disabled parking privileges is required only at the discretion of the director of the Department of Licensing.

The current \$2 fee charged by subagents for a title transaction without a registration is raised to \$5.50. The current \$4 fee charged by subagents for a title application

with a registration is raised to \$5.50. Currently there is no fee for preparation and verification of titles. This transaction fee is established at \$5.50 for subagents. The current "no-fee" permits are changed to transit permits, and a fee of \$2.25 is established for its issuance and any other renewal fee is raised to \$2.25. The subagent fee increase is effective July 1, 1991 through June 30, 1992.

The DOL is directed to conduct a study of all licensing agents' and subagents' costs and revenues by January 15, 1992.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The penalty and due process provisions for various special fuel distributors are made uniform.

Testimony Against: None.

Witnesses: Bob Anderson, Department of Licensing.