

FINAL BILL REPORT

SHB 1704

PARTIAL VETO

C 339 L 91

Brief Description: Changing provisions relating to motor vehicles.

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

House Committee on Transportation
Senate Committee on Transportation

Background: The Department of Licensing (DOL) administers many programs relating to motor vehicles and vessels. These programs include: vehicle and vessel titles and registrations; disabled parking permits; and fuel taxes. The statutes creating these programs were enacted at various times and have been amended in varying degrees over the years. In some instances, the DOL has recommended changes to modernize archaic language, to correct internal inconsistencies and to bring statutes into line with current practice.

With DOL approval, a county auditor may appoint a subagent to perform vehicle and vessel titling and registration work.

Under the state's Implied Consent Law, a driver who has been lawfully stopped by a police officer may be required to submit to a breath test if the officer has grounds to believe the person is under the influence of alcohol or drugs. If the driver refuses to take the test, the DOL must revoke the driver's privilege to drive. This administrative revocation is independent of the outcome of any criminal proceeding that may arise out of the same incident.

Summary: Various changes are made to programs administered by the DOL.

Fuel Taxes: Provisions relating to taxes on motor vehicle fuels, aviation fuels, and special fuels are generally made more uniform.

With respect to all three taxes, the DOL is given authority to mitigate penalties for non-fraudulent violations of tax information filing requirements.

Distributors of motor vehicle fuels are given explicit procedural rights regarding petitions for reassessment of deficiencies and penalties assessed by the DOL.

Motor vehicles using special fuel are exempted from the special fuel license otherwise required if they are operated in interstate commerce, have only two axles, and have a gross weight of 26,000 pounds or less.

Provisions are added to allow implementation of the local option county fuel tax that was enacted in 1990.

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

A grace period regarding expired motor vehicle registration is removed.

Vessels registered and principally used in other states and documented vessels are exempt from registration in Washington.

A confidential law enforcement vessel registration program is created. The vessel program is similar to the confidential motor vehicle program already in use with respect to motor vehicles.

Temporary increases are provided in the \$2.00 service charge allowed to licensing subagents. The fee to be charged by subagents for a title transaction with or without a registration renewal is set at \$5.50. A transaction fee for preparation and verification of titles is established at \$5.50. A fee of \$2.25 is established for registration renewal, for transit permits, or for any other service by a subagent. These subagent fee increases are 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.

Handicapped Parking: Changes to the handicapped parking statutes are made in accordance with the final report of the Handicapped Parking Regulatory Negotiation Advisory Committee presented to the U.S. Department of Transportation for adoption.

The criteria for determining eligibility for special parking privileges are liberalized. New criteria include: the inability to walk 200 feet without stopping to rest;

severely limited ability to walk due to arthritic, neurological, or orthopedic condition; the inability to walk without the assistance of a brace, cane, another person, prosthetic device, or other assistive device; or the presence of restrictive lung disease as measured by an arterial oxygen tension standard.

Persons who are eligible for special parking privileges are to be issued removable windshield placards instead of both a placard and a decal. The DOL will also issue special disabled parking vehicle plates for one vehicle registered in the name of an eligible disabled person. If no plate is requested, the disabled person is entitled to two placards.

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

Implied Consent Law: Revocation of a driver's license for refusal to submit to a breath test may be rescinded under certain circumstances. The DOL is to rescind the revocation when notified by a court that the driver has been found not guilty of DWI and that the police officer's grounds for requesting the test, or the driver's reason for refusing the test, was based on a medical condition rather than alcohol or drug consumption.

Miscellaneous: The veteran's emblem program is expanded to include active military personnel as well as military veterans.

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

An exception is provided for the requirement that deposits on vessel purchases must be placed into a trust account. Vessel dealers must place purchase deposits into a trust account only if the deposits are in excess of \$1,000, or if they are to be held for more than 14 days.

Votes on Final Passage:

House	97	0	
Senate	47	0	(Senate amended)
House			(House refused to concur)

Conference Committee

Senate	38	1
House	96	2

Effective: July 28, 1991

Partial Veto Summary: Two sections of the bill that was enacted were vetoed by the governor.

The first section mandated that the Department of Licensing conduct a study of the use of vehicle licensing agents, county auditors, and subagents to provide vehicle licensing services. The study was to include an analysis of costs and revenues associated with titling and registration services of motor vehicles.

The second section amended the implied consent statutes to provide that someone who refused to take a blood test or an alcohol test due to a medical condition and was subsequently found not guilty would not have his or her driver's license revoked.