
HOUSE BILL 2224

State of Washington

53rd Legislature

1994 Regular Session

By Representatives R. Fisher, Zellinsky, Forner and Cothorn; by request of Department of Licensing

Read first time 01/11/94. Referred to Committee on Transportation.

1 AN ACT Relating to department of licensing regulatory programs
2 concerning motor vehicles, vessels, and fuel taxes; and amending RCW
3 46.04.670, 46.10.150, 46.10.170, 46.12.170, 46.12.181, 46.16.070,
4 46.16.210, 46.87.020, 46.87.040, 46.87.090, 46.87.335, 46.87.350,
5 70.84.090, 82.36.030, 82.36.070, 82.36.120, 82.38.020, 82.38.090,
6 82.38.130, 82.38.170, 82.38.220, and 88.02.125.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **Sec. 1.** RCW 46.04.670 and 1991 c 214 s 2 are each amended to read
9 as follows:

10 "Vehicle" includes every device capable of being moved upon a
11 public highway and in, upon, or by which any persons or property is or
12 may be transported or drawn upon a public highway, including bicycles.
13 The term does not include devices other than bicycles moved by human or
14 animal power or used exclusively upon stationary rails or tracks.
15 Mopeds shall not be considered vehicles or motor vehicles (~~only for~~
16 ~~the purposes of chapter 46.12 RCW, but not~~) for the purposes of
17 chapter 46.70 RCW. Bicycles shall not be considered vehicles for the
18 purposes of chapter 46.12, 46.16, or 46.70 RCW.

1 **Sec. 2.** RCW 46.10.150 and 1979 ex.s. c 182 s 12 are each amended
2 to read as follows:

3 From time to time, but at least once each biennium, the director
4 shall request the state treasurer to refund from the motor vehicle fund
5 amounts which have been determined to be a tax on snowmobile fuel, and
6 the treasurer shall refund such amounts (~~(, less the cost of making the~~
7 ~~determination))~~ determined under RCW 46.10.170, and place them in the
8 snowmobile account in the general fund.

9 **Sec. 3.** RCW 46.10.170 and 1993 c 54 s 7 are each amended to read
10 as follows:

11 From time to time, but at least once each four years, the
12 department shall determine the amount (~~(or proportion))~~ of moneys paid
13 to it as motor vehicle fuel tax (~~(, based on the tax rate in effect~~
14 ~~January 1, 1990, which))~~ that is tax on snowmobile fuel. Such
15 determination (~~(may be made in any manner which is, in the judgment of~~
16 ~~the director, reasonable, but the manner used to make such~~
17 ~~determination shall be reported at the end of each four year period to~~
18 ~~the legislature. To offset the actual cost of making such~~
19 ~~determination the treasurer shall retain in, and the department is~~
20 ~~authorized to expend from, the motor vehicle fund a sum equal to such~~
21 ~~actual cost))~~ shall use one hundred fifty gallons as the average yearly
22 fuel usage per snowmobile, the number of registered snowmobiles during
23 the calendar year under determination, and the fuel tax rate in effect
24 January 1, 1990.

25 **Sec. 4.** RCW 46.12.170 and 1979 ex.s. c 113 s 2 are each amended to
26 read as follows:

27 If, after a certificate of ownership is issued, a security interest
28 is granted on the vehicle described therein, the registered owner or
29 secured party shall, within ten days thereafter, present an application
30 to the department, to which shall be attached the certificate of
31 ownership last issued covering the vehicle, or such other documentation
32 as may be required by the department, which application shall be upon
33 a form provided by the department and shall be accompanied by a fee of
34 one dollar and twenty-five cents in addition to all other fees. The
35 department, if satisfied that there should be a reissue of the
36 certificate, shall note such change upon the vehicle records and issue
37 to the secured party a new certificate of ownership.

1 Whenever there is no outstanding secured obligation and no
2 commitment to make advances and incur obligations or otherwise give
3 value, the secured party must assign the certificate of ownership to
4 the debtor or the debtor's assignee and transmit the certificate to the
5 department with an accompanying fee of one dollar and twenty-five cents
6 in addition to all other fees. The department shall then issue a new
7 certificate of ownership and transmit it to the owner. If the affected
8 secured party fails to either assign or transmit the certificate of
9 ownership to the department within ten days after proper demand, that
10 secured party shall be liable to the debtor for one hundred dollars,
11 and in addition for any loss caused to the debtor by such failure.

12 **Sec. 5.** RCW 46.12.181 and 1990 c 250 s 31 are each amended to read
13 as follows:

14 If a certificate of ownership or a certificate of license
15 registration is lost, stolen, mutilated or destroyed or becomes
16 illegible, the first priority secured party or, if none, the owner or
17 legal representative of the owner named in the certificate, as shown by
18 the records of the department, shall promptly make application for and
19 may obtain a duplicate upon tender of one dollar and twenty-five cents
20 in addition to all other fees and upon furnishing information
21 satisfactory to the department. The duplicate certificate of ownership
22 or license registration shall contain the legend, "This is a duplicate
23 certificate." It shall be mailed to the first priority secured party
24 named in it or, if none, to the owner.

25 A person recovering an original certificate of ownership or title
26 registration for which a duplicate has been issued shall promptly
27 surrender the original certificate to the department.

28 **Sec. 6.** RCW 46.16.070 and 1993 sp.s. c 23 s 60 are each amended to
29 read as follows:

30 (1) In lieu of all other vehicle licensing fees, unless
31 specifically exempt, and in addition to the excise tax prescribed in
32 chapter 82.44 RCW and the mileage fees prescribed for buses and stages
33 in RCW 46.16.125, there shall be paid and collected annually for each
34 truck, motor truck, truck tractor, road tractor, tractor, bus, auto
35 stage, or for hire vehicle with seating capacity of more than six,
36 based upon the declared combined gross weight or declared gross weight

1 thereof pursuant to the provisions of chapter 46.44 RCW, the following
2 licensing fees by such gross weight:

3	4,000 lbs.	.\$	37.00
4	6,000 lbs.	.\$	44.00
5	8,000 lbs.	.\$	55.00
6	10,000 lbs.	.\$	62.00
7	12,000 lbs.	.\$	72.00
8	14,000 lbs.	.\$	82.00
9	16,000 lbs.	.\$	92.00
10	18,000 lbs.	.\$	137.00
11	20,000 lbs.	.\$	152.00
12	22,000 lbs.	.\$	164.00
13	24,000 lbs.	.\$	177.00
14	26,000 lbs.	.\$	187.00
15	28,000 lbs.	.\$	220.00
16	30,000 lbs.	.\$	253.00
17	32,000 lbs.	.\$	304.00
18	34,000 lbs.	.\$	323.00
19	36,000 lbs.	.\$	350.00
20	38,000 lbs.	.\$	384.00
21	40,000 lbs.	.\$	439.00
22	42,000 lbs.	.\$	546.00
23	44,000 lbs.	.\$	556.00
24	46,000 lbs.	.\$	591.00
25	48,000 lbs.	.\$	612.00
26	50,000 lbs.	.\$	656.00
27	52,000 lbs.	.\$	685.00
28	54,000 lbs.	.\$	732.00
29	56,000 lbs.	.\$	767.00
30	58,000 lbs.	.\$	794.00
31	60,000 lbs.	.\$	840.00
32	62,000 lbs.	.\$	894.00
33	64,000 lbs.	.\$	912.00
34	66,000 lbs.	.\$	1,005.00
35	68,000 lbs.	.\$	1,044.00
36	70,000 lbs.	.\$	1,117.00
37	72,000 lbs.	.\$	1,188.00
38	74,000 lbs.	.\$	1,283.00
39	76,000 lbs.	.\$	1,379.00

1	78,000 lbs.	\$ 1,497.00
2	80,000 lbs.	\$ 1,608.00
3	82,000 lbs.	\$ 1,713.00
4	84,000 lbs.	\$ 1,818.00
5	86,000 lbs.	\$ 1,923.00
6	88,000 lbs.	\$ 2,028.00
7	90,000 lbs.	\$ 2,133.00
8	92,000 lbs.	\$ 2,238.00
9	94,000 lbs.	\$ 2,343.00
10	96,000 lbs.	\$ 2,448.00
11	98,000 lbs.	\$ 2,553.00
12	100,000 lbs.	\$ 2,658.00
13	102,000 lbs.	\$ 2,763.00
14	104,000 lbs.	\$ 2,868.00
15	105,500 lbs.	\$ 2,973.00

16 Every truck, motor truck, truck tractor, and tractor exceeding
17 6,000 pounds empty scale weight registered under chapter 46.16, 46.87,
18 or 46.88 RCW shall be licensed for not less than one hundred fifty
19 percent of its empty weight unless the amount would be in excess of the
20 legal limits prescribed for such a vehicle in RCW 46.44.041 or
21 46.44.042, in which event the vehicle shall be licensed for the maximum
22 weight authorized for such a vehicle.

23 The following provisions apply when increasing gross or combined
24 gross weight for a vehicle licensed under this section:

25 (a) The new license fee will be one-twelfth of the fee listed above
26 for the new gross weight, multiplied by the number of months remaining
27 in the period for which licensing fees have been paid, including the
28 month in which the new gross weight is effective.

29 (b) Upon surrender of the current certificate of registration or
30 cab card, the new licensing fees due shall be reduced by the amount of
31 the licensing fees previously paid for the same period for which new
32 fees are being charged.

33 (2) The proceeds from the fees collected under subsection (1) of
34 this section shall be distributed in accordance with RCW 46.68.035.

35 **Sec. 7.** RCW 46.16.210 and 1977 c 8 s 1 are each amended to read as
36 follows:

37 (1) Upon receipt of the application and proper fee for original
38 vehicle license, the director shall make a recheck of the application

1 and in the event that there is any error in the application it may be
2 returned to the county auditor or other agent to effectively secure the
3 correction of such error, who shall return the same corrected to the
4 director.

5 (2) Application for the renewal of a vehicle license shall be made
6 to the director or his agents, including county auditors, by the
7 registered owner on a form prescribed by the director. The application
8 must be accompanied by the certificate of registration for the last
9 registration period in which the vehicle was registered in Washington
10 unless the applicant submits a preprinted application mailed from
11 Olympia, and the payment of such license fees and excise tax as may be
12 required by law. Such application shall be handled in the same manner
13 and the fees transmitted to the state treasurer in the same manner as
14 in the case of an original application. Any such application which
15 upon validation becomes a renewal certificate need not have entered
16 upon it the name of the lien holder, if any, of the vehicle concerned.

17 (3) Persons expecting to be out of the state during the normal
18 forty-five day renewal period of a vehicle license may secure renewal
19 of such vehicle license (~~((for a period of thirty days prior thereto))~~)
20 and have license plates or tabs preissued by making application to the
21 director or his agents upon forms prescribed by the director. The
22 application must be accompanied by the certificate of registration for
23 the last registration period in which the vehicle was registered in
24 Washington and be accompanied by such license fees, (~~((including a
25 special handling fee of two dollars; one dollar to be retained by the
26 issuing agency, and one dollar to be deposited in the highway safety
27 fund,))~~) and excise tax as may be required by law.

28 (4) Application for the annual renewal of a vehicle license number
29 plate to the director or his agents shall not be required for those
30 vehicles owned, rented, or leased by the state of Washington, or by any
31 county, city, town, school district, or other political subdivision of
32 the state of Washington.

33 **Sec. 8.** RCW 46.87.020 and 1993 c 307 s 12 are each amended to read
34 as follows:

35 Terms used in this chapter have the meaning given to them in the
36 International Registration Plan (IRP), the Uniform Vehicle
37 Registration, Proration, and Reciprocity Agreement (Western Compact),
38 chapter 46.04 RCW, or as otherwise defined in this section.

1 Definitions given to terms by the IRP and the Western Compact, as
2 applicable, shall prevail unless given a different meaning in this
3 chapter or in rules adopted under authority of this chapter.

4 (1) "Apportionable vehicle" has the meaning given by the IRP,
5 except that it does not include vehicles with a declared gross weight
6 of twelve thousand pounds or less. Apportionable vehicles include
7 trucks, tractors, truck tractors, road tractors, and buses, each as
8 separate and licensable vehicles. For IRP jurisdictions that require
9 the registration of nonmotor vehicles, this term may include trailers,
10 semitrailers, and pole trailers as applicable, each as separate and
11 licensable vehicles.

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

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

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

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

29 (c) Is a motor vehicle, trailer, pole trailer, or semitrailer used
30 in combination when the gross weight or declared gross weight of the
31 combination exceeds twenty-six thousand pounds combined gross weight.
32 The nonmotor vehicles mentioned are only applicable to those
33 jurisdictions requiring the registration of such vehicles.

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

1 proportional registration. The nonmotor vehicles mentioned are only
2 applicable to those jurisdictions requiring the registration of such
3 vehicles.

4 Commercial vehicles include trucks, tractors, truck tractors, road
5 tractors, and buses. Trailers, pole trailers, and semitrailers, will
6 also be considered as commercial vehicles for those jurisdictions who
7 require registration of such vehicles.

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

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

16 (6) "Declared gross weight" means the total unladen weight of any
17 vehicle plus the weight of the maximum load to be carried on the
18 vehicle as set by the registrant in the application pursuant to chapter
19 46.44 RCW and for which registration fees have been or are to be paid.
20 In the case of a bus, auto stage, or a passenger-carrying for hire
21 vehicle with a seating capacity of more than six, the declared gross
22 weight shall be determined by multiplying the average load factor of
23 one hundred and fifty pounds by the number of seats in the vehicle,
24 including the driver's seat, and add this amount to the unladen weight
25 of the vehicle. If the resultant gross weight is not listed in RCW
26 46.16.070, it will be increased to the next higher gross weight so
27 listed pursuant to chapter 46.44 RCW.

28 (7) "Department" means the department of licensing.

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

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

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

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

1 (12) "Owner" means a person or business firm who holds the legal
2 title to a vehicle, or if a vehicle is the subject of an agreement for
3 its conditional sale with the right of purchase upon performance of the
4 conditions stated in the agreement and with an immediate right of
5 possession vested in the conditional vendee, or if a vehicle is subject
6 to a lease, contract, or other legal arrangement vesting right of
7 possession or control, for security or otherwise, or if a mortgagor of
8 a vehicle is entitled to possession, then the owner is deemed to be the
9 person or business firm in whom is vested right of possession or
10 control.

11 (13) "Preceding year" means the period of twelve consecutive months
12 ending (~~(three months before the registration or license year)~~) on the
13 last full calendar quarter, at least four months before the beginning
14 of the registration year for which proportional registration is sought.

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

17 (a) In the case of a commercial vehicle, the jurisdiction in which
18 it is registered if the commercial enterprise in which the vehicle is
19 used has a place of business therein, and, if the vehicle is most
20 frequently dispatched, garaged, serviced, maintained, operated, or
21 otherwise controlled in or from that place of business, and the vehicle
22 has been assigned to that place of business; or

23 (b) In the case of a commercial vehicle, the jurisdiction where,
24 because of an agreement or arrangement between two or more
25 jurisdictions, or pursuant to a declaration, the vehicle has been
26 registered as required by that jurisdiction.

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

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

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

1 (17) "Registration year" means the twelve-month period during which
2 the registration plates issued by the base jurisdiction are valid
3 according to the laws of the base jurisdiction.

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

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

11 **Sec. 9.** RCW 46.87.040 and 1987 c 244 s 19 are each amended to read
12 as follows:

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

26 **Sec. 10.** RCW 46.87.090 and 1987 c 244 s 24 are each amended to
27 read as follows:

28 (1) To replace an apportioned vehicle license plate(s), cab card,
29 or validation tab(s) due to loss, defacement, or destruction, the
30 registrant shall apply to the department on forms furnished for that
31 purpose. The application, together with proper payment and other
32 documentation as indicated, shall be filed with the department as
33 follows:

34 (a) Apportioned plate(s) - a fee of ten dollars shall be charged
35 for vehicles required to display two apportioned plates or five dollars
36 for vehicles required to display one apportioned plate. The cab card
37 of the vehicle for which a plate is requested shall accompany the

1 application. The department shall issue a new apportioned plate(s)
2 with validation tab(s) and a new cab card upon acceptance of the
3 completed application form, old cab card, and the required replacement
4 fee.

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

7 (c) Validation year tab(s) - a fee of two dollars shall be charged
8 for each vehicle.

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

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

16 **Sec. 11.** RCW 46.87.335 and 1991 c 339 s 5 are each amended to read
17 as follows:

18 Except in the case of violations of filing a false or fraudulent
19 application, if the department deems mitigation of penalties, fees, and
20 interest to be reasonable and in the best interests of carrying out the
21 purpose of this chapter, it may mitigate such assessments upon whatever
22 terms the department deems proper, giving consideration to the degree
23 and extent of the lack of records and reporting errors. The department
24 may ascertain the facts regarding recordkeeping and payment penalties
25 in lieu of more elaborate proceedings under this chapter.

26 **Sec. 12.** RCW 46.87.350 and 1987 c 244 s 48 are each amended to
27 read as follows:

28 If an owner of proportionally registered vehicles for which an
29 assessment has become final is delinquent in the payment of an
30 obligation imposed under this chapter, the department may give notice
31 of the amount of the delinquency by registered or certified mail to all
32 persons having in their possession or under their control any credits
33 or other personal property belonging to the vehicle owner or owing any
34 debts to the owner, at the time of the receipt by them of the notice.
35 Thereafter, a person so notified shall neither transfer nor make other
36 disposition of those credits, personal property, or debts until the
37 department consents to a transfer or other disposition. A person so

1 notified shall, within twenty days after receipt of the notice, advise
2 the department of any and all such credits, personal property, or debts
3 in their possession, under their control or owing by them, as the case
4 may be, and shall forthwith deliver such credits, personal property, or
5 debts to the department or its duly authorized representative to be
6 applied to the indebtedness involved.

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

13 Upon service, the notice and order to withhold and deliver
14 constitutes a continuing lien on property of the taxpayer. The
15 department shall include in the caption of the notice to withhold and
16 deliver "continuing lien." The effective date of a notice to withhold
17 and deliver served under this section is the date of service of the
18 notice.

19 **Sec. 13.** RCW 70.84.090 and 1985 c 309 s 1 are each amended to read
20 as follows:

21 (1) Every person, firm, partnership, association, trustee, or
22 corporation which operates a gasoline service station, or other
23 facility which offers gasoline or other motor vehicle fuel for sale to
24 the public from such a facility, shall provide, upon request, refueling
25 service to disabled drivers, unaccompanied by passengers capable of
26 safely providing refueling service, of vehicles which display a
27 disabled person's license plate(~~(, -decal,)~~) or (~~(special-card)~~) placard
28 issued by the department of licensing. The price charged for the motor
29 vehicle fuel in such a case shall be no greater than that which the
30 facility otherwise would charge the public generally to purchase motor
31 vehicle fuel without refueling service. This section does not require
32 a facility to provide disabled drivers with services, including but not
33 limited to checking oil or cleaning windshields, other than refueling
34 services.

35 (2) This section does not apply to:

36 (a) Exclusive self-service gas stations which have remotely
37 controlled gas pumps and which never provide pump island service; and

1 (b) Convenience stores which sell gasoline, which have remotely
2 controlled gas pumps and which never provide pump island service.

3 (3) Any person who, as a responsible managing individual setting
4 service policy of a station or facility or as an employee acting
5 independently against set service policy, acts in violation of this
6 section is guilty of a misdemeanor. This subsection shall be enforced
7 by the prosecuting attorney.

8 (4) The human rights commission shall, upon the filing of a
9 verified written complaint by any person, investigate the actions of
10 any person, firm, partnership, association, trustee, or corporation
11 alleged to have violated this section. The complaint shall be in the
12 form prescribed by the commission. The commission may, upon its own
13 motion, issue complaints and conduct investigations of alleged
14 violations of this section.

15 RCW 49.60.240 through 49.60.280 shall apply to complaints under
16 this section.

17 (5) In addition to those matters referred pursuant to subsection
18 (3) of this section, the prosecuting attorney may investigate and
19 prosecute alleged violations of this section.

20 (6) Any person who intentionally displays a license plate(~~(~~
21 ~~decal~~~~)~~) or (~~(special card)~~) placard which is invalid, or which was not
22 lawfully issued to that person, for the purpose of obtaining refueling
23 service under subsection (1) of this section shall be subject to a
24 civil fine of one hundred dollars for each such violation.

25 (7) A notice setting forth the provisions of this section shall be
26 provided by the department of licensing to every person, firm,
27 partnership, association, trustee, or corporation which operates a
28 gasoline service station, or other facility which offers gasoline or
29 other motor vehicle fuel for sale to the public from such a facility.

30 (8) A notice setting forth the provisions of this section shall be
31 provided by the department of licensing to every person who is issued
32 a disabled person's license plate(~~(~~
33 ~~decal~~~~)~~) or (~~(special card)~~)
placard.

34 (9) For the purposes of this section, "refueling service" means the
35 service of pumping motor vehicle fuel into the fuel tank of a motor
36 vehicle.

37 (10) Nothing in this section limits or restricts the rights or
38 remedies provided under chapter 49.60 RCW.

1 **Sec. 14.** RCW 82.36.030 and 1993 c 54 s 2 are each amended to read
2 as follows:

3 Every distributor shall on or before the twenty-fifth day of each
4 calendar month file, on forms furnished by the department, a statement
5 signed by the distributor or his authorized agent showing the total
6 number of gallons of motor vehicle fuel sold, distributed, or used by
7 such distributor within this state during the preceding calendar month
8 and, for counties within which an additional excise tax on motor
9 vehicle fuel has been levied by that jurisdiction under RCW 82.80.010,
10 showing the total number of gallons of motor vehicle fuel sold,
11 distributed, or used by the distributor within the boundaries of the
12 county during the preceding calendar month.

13 ~~((If any distributor fails to file such report, the department
14 shall proceed forthwith to determine from the best available sources,
15 the amount of motor vehicle fuel sold, distributed, or used by such
16 distributor for the unreported period, and said determination shall be
17 presumed to be correct for that period until proved by competent
18 evidence to be otherwise. The department shall immediately assess the
19 excise tax in the amount so determined, adding thereto a penalty of up
20 to ten percent for failure to report. Such penalty shall be cumulative
21 of other penalties herein provided. All statements filed with the
22 department, as required in this section, shall be public records.~~

23 ~~If any distributor establishes by a fair preponderance of evidence
24 that his or her failure to file a report by the due date was
25 attributable to reasonable cause and was not intentional or willful,
26 the department may waive the penalty imposed by this section.))~~

27 **Sec. 15.** RCW 82.36.070 and 1973 c 96 s 2 are each amended to read
28 as follows:

29 The application in proper form having been accepted for filing, the
30 filing fee paid, and the bond or other security having been accepted
31 and approved, the department shall issue to the applicant a license to
32 transact business as a distributor in the state, and such license shall
33 be valid until canceled or revoked.

34 The license so issued by the department shall not be assignable,
35 and shall be valid only for the distributor in whose name issued.

36 The department shall keep and file all applications and bonds with
37 an alphabetical index thereof, together with a record of all licensed
38 distributors.

1 Each distributor shall be assigned a license number upon qualifying
2 for a license hereunder, and the department shall issue to each such
3 licensee a license certificate which shall be displayed conspicuously
4 by the distributor at his principal place of business. ((The
5 department shall also issue separate license cards for each bulk
6 storage plant operated by such distributor. Such license cards shall
7 indicate the number so assigned the distributor, the location of the
8 storage plant for which the card is used, and such other information as
9 the department may prescribe. The license card shall be conspicuously
10 displayed at each bulk storage plant to which it is assigned, and it
11 shall be unlawful for any distributor to operate or maintain a bulk
12 storage plant in this state for the purpose of storing motor fuel
13 without displaying such license card as herein provided. Bulk plant
14 licenses shall be continuing until canceled or revoked. The
15 distributor shall report on forms prescribed by the department any
16 change in the number or capacity of bulk storage plants operated or
17 maintained at the time such change occurs.

18 In the event an application for a license to transact business as
19 a distributor is filed by any person whose license has heretofore been
20 canceled for cause by the department, or if the department is of the
21 opinion that the application is not filed in good faith, or that the
22 application is filed by some person as a subterfuge for the real person
23 in interest whose license has heretofore been canceled for cause, the
24 department, after a hearing, of which the applicant shall be given five
25 days' notice in writing and at which the applicant may appear in person
26 or by counsel and present testimony, may refuse to issue such a person
27 a license to transact business as a distributor.)) The department may
28 refuse to issue or may revoke a motor vehicle fuel distributor license,
29 to a person: (1) Who formerly held a motor vehicle fuel distributor's
30 license that, before the time of filing for application, has been
31 revoked or canceled for cause; (2) who is a subterfuge for the real
32 party in interest whose license has been revoked or canceled for cause;
33 (3) who, as an individual licensee or officer, director, owner, or
34 managing employee of a nonindividual licensee, has had a motor vehicle
35 fuel distributor license revoked or canceled for cause; (4) who has an
36 unsatisfied debt to the state assessed under either chapter 82.36,
37 82.37, 82.38, 82.42, or 46.87 RCW; or (5) upon other sufficient cause
38 being shown. Before such a refusal or revocation, the department shall

1 grant the applicant a hearing and shall give the applicant at least
2 twenty days' written notice of the time and place of the hearing.

3 The department may, in the exercise of reasonable discretion,
4 suspend a motor vehicle distributor license at any time before and
5 pending such a hearing for unpaid taxes or reasonable cause.

6 **Sec. 16.** RCW 82.36.120 and 1991 c 339 s 3 are each amended to read
7 as follows:

8 If a distributor is delinquent in the payment of an obligation
9 imposed under this chapter, the department may give notice of the
10 amount of the delinquency by registered or certified mail to all
11 persons having in their possession or under their control any credits
12 or other personal property belonging to such distributor, or owing any
13 debts to such distributor at the time of receipt by them of such
14 notice. Upon service, the notice and order to withhold and deliver
15 constitutes a continuing lien on property of the taxpayer. The
16 department shall include in the caption of the notice to withhold and
17 deliver "continuing lien." The effective date of a notice to withhold
18 and deliver served under this section is the date of service of the
19 notice. A person so notified shall neither transfer nor make any other
20 disposition of such credits, personal property, or debts until the
21 department consents to a transfer or other disposition. All persons so
22 notified must, within twenty days after receipt of the notice, advise
23 the department of any and all such credits, personal property, or debts
24 in their possession, under their control or owing by them, as the case
25 may be, and shall deliver upon demand the credits, personal property,
26 or debts to the department or its duly authorized representative to be
27 applied to the indebtedness involved.

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

34 **Sec. 17.** RCW 82.38.020 and 1988 c 122 s 1 are each amended to read
35 as follows:

36 As hereinafter used in this chapter:

1 (1) "Person" means every natural person, fiduciary, association or
2 corporation. The term "person" as applied to an association means and
3 includes the partners or members thereof, and as applied to
4 corporations, the officers thereof.

5 (2) "Department" means the department of licensing.

6 (3) "Highway" means every way or place open to the use of the
7 public, as a matter of right, for the purpose of vehicular travel.

8 (4) "Motor vehicle" means every self-propelled vehicle designed for
9 operation upon land utilizing special fuel as the means of propulsion.

10 (5) "Special fuel" means and includes all combustible gases and
11 liquids suitable for the generation of power for propulsion of motor
12 vehicles, except that it does not include motor vehicle fuel as defined
13 in chapter 82.36 RCW.

14 (6) "Bulk storage" means the placing of special fuel by a special
15 fuel dealer into a receptacle other than the fuel supply tank of a
16 motor vehicle.

17 (7) "Special fuel dealer" means any person engaged in the business
18 of delivering special fuel into the fuel supply tank or tanks of a
19 motor vehicle not then owned or controlled by him, or into bulk storage
20 facilities for subsequent use in a motor vehicle. For this purpose the
21 term "fuel supply tank or tanks" does not include cargo tanks even
22 though fuel is withdrawn directly therefrom for propulsion of the
23 vehicle.

24 (8) "Special fuel user" means any person purchasing special fuel
25 into bulk storage without payment of the special fuel tax for
26 subsequent use in a motor vehicle, or any person engaged in interstate
27 commercial operation of motor vehicles any part of which is within this
28 state.

29 ~~(9) ("Special fuel supplier" means any person engaged in the~~
30 ~~business of selling special fuel where delivery thereof is made other~~
31 ~~than, or in addition to, the manner prescribed under the definition of~~
32 ~~"special fuel dealer", but does not include any person making retail~~
33 ~~sales of special fuel exclusively for heating purposes.~~

34 ~~(10))~~ "Service station" means any location at which fueling of
35 motor vehicles is offered to the general public.

36 ~~((11))~~ (10) "Unbonded service station" means any service station
37 at which an unbonded special fuel dealer regularly makes sales of
38 special fuel by means of delivery thereof into the fuel supply tanks of
39 motor vehicles.

1 (~~(12)~~) (11) "Bond" means: (a) A bond duly executed by such
2 special fuel dealer or special fuel user as principal with a corporate
3 surety qualified under the provisions of chapter 48.28 RCW which bond
4 shall be payable to the state of Washington conditioned upon faithful
5 performance of all requirements of this chapter, including the payment
6 of all taxes, penalties, and other obligations of such dealer, arising
7 out of this chapter; or (b) a deposit with the state treasurer by the
8 special fuel dealer or special fuel user, under such terms and
9 conditions as the department may prescribe, a like amount of lawful
10 money of the United States or bonds or other obligations of the United
11 States, the state of Washington, or any county of said state, of an
12 actual market value not less than the amount so fixed by the
13 department; or (c) such other instruments as the department may
14 determine and prescribe by rule to protect the interests of the state
15 and to insure compliance of the requirements of this chapter.

16 (~~(13)~~) (12) "Lessor" means any person (a) whose principal
17 business is the bona fide leasing or renting of motor vehicles without
18 drivers for compensation to the general public, and (b) who maintains
19 established places of business and whose lease or rental contracts
20 require such motor vehicles to be returned to the established places of
21 business.

22 (~~(14)~~) (13) "Natural gas" means naturally occurring mixtures of
23 hydrocarbon gases and vapors consisting principally of methane, whether
24 in gaseous or liquid form.

25 (~~(15)~~) (14) "Standard pressure and temperature" means fourteen
26 and seventy-three hundredths pounds of pressure per square inch at
27 sixty degrees Fahrenheit.

28 **Sec. 18.** RCW 82.38.090 and 1993 c 54 s 6 are each amended to read
29 as follows:

30 It shall be unlawful for any person to act as a special fuel
31 dealer(~~(, a special fuel supplier)~~) or a special fuel user in this
32 state unless such person is the holder of an uncanceled special fuel
33 dealer's(~~(, a special fuel supplier's)~~) or a special fuel user's
34 license issued to him or her by the department. (~~(A special fuel
35 supplier's license authorizes a person to sell special fuel without
36 collecting the special fuel tax to other suppliers and dealers holding
37 valid special fuel licenses.)~~)

1 A special fuel dealer's license authorizes a person to deliver
2 previously untaxed special fuel into the fuel supply tanks of motor
3 vehicles, collect the special fuel tax on behalf of the state at the
4 time of delivery, and remit the taxes collected to the state as
5 provided herein. A licensed special fuel dealer may also deliver
6 untaxed special fuel into bulk storage facilities of a licensed special
7 fuel user or dealer without collecting the special fuel tax. Special
8 fuel dealers (~~and suppliers~~), when making deliveries of special fuel
9 into bulk storage to any person not holding a valid special fuel
10 license, must collect the special fuel tax at time of delivery, unless
11 the person to whom the delivery is made is specifically exempted from
12 the tax as provided herein.

13 A special fuel user's license authorizes a person to purchase
14 special fuel into bulk storage for use in motor vehicles either on or
15 off the public highways of this state without payment of the special
16 fuel tax at time of purchase. Holders of special fuel licenses are all
17 subject to the bonding, reporting, tax payment, and record-keeping
18 provisions of this chapter. All purchases of special fuel by a
19 licensed special fuel user directly into the fuel supply tank of a
20 motor vehicle are subject to the special fuel tax at time of purchase.
21 Special authorization may be given to farmers, logging companies, and
22 construction companies to purchase special fuel directly into the
23 supply tanks of nonhighway equipment or into portable slip tanks for
24 nonhighway use without payment of the special fuel tax. Persons
25 utilizing special fuel for heating purposes only are not required to be
26 licensed.

27 Special fuel users operating motor vehicles in interstate commerce
28 having two axles and a gross vehicle weight or registered gross vehicle
29 weight not exceeding twenty-six thousand pounds are not required to be
30 licensed. Special fuel users operating motor vehicles in interstate
31 commerce having two axles and a gross vehicle weight or registered
32 gross vehicle weight exceeding twenty-six thousand pounds, or having
33 three or more axles regardless of weight, or a combination of vehicles,
34 when the combination exceeds twenty-six thousand pounds gross vehicle
35 weight, must comply with the licensing and reporting requirements of
36 this chapter. A copy of the license must be carried in each motor
37 vehicle entering this state from another state or province.

1 **Sec. 19.** RCW 82.38.130 and 1979 c 40 s 9 are each amended to read
2 as follows:

3 The department may revoke the license of any special fuel dealer,
4 (~~special fuel supplier,~~) or special fuel user for any of the grounds
5 constituting cause for denial of a license set forth in RCW 82.38.120
6 or for other reasonable cause. Before revoking such license the
7 department shall notify the licensee to show cause within twenty days
8 of the date of the notice why the license should not be revoked:
9 PROVIDED, That at any time prior to and pending such hearing the
10 department may, in the exercise of reasonable discretion, suspend such
11 license.

12 The department shall cancel any license to act as a special fuel
13 dealer, (~~a special fuel supplier,~~) or a special fuel user immediately
14 upon surrender thereof by the holder.

15 (~~It shall be presumed that a special fuel dealer's bond is in
16 effect until such time as the department notifies all licensed special
17 fuel suppliers to the contrary by mailing to their current address of
18 record.~~)

19 Any surety on a bond furnished by a special fuel dealer or special
20 fuel user as provided herein shall be released and discharged from any
21 and all liability to the state accruing on such bond after the
22 expiration of forty-five days from the date which such surety shall
23 have lodged with the department a written request to be released and
24 discharged, but this provision shall not operate to relieve, release,
25 or discharge the surety from any liability already accrued or which
26 shall accrue before the expiration of the forty-five day period. The
27 department shall promptly, upon receiving any such request, notify the
28 special fuel dealer or special fuel user who furnished the bond, and
29 unless the special fuel dealer or special fuel user shall, on or before
30 the expiration of the forty-five day period, file a new bond, in
31 accordance with the requirements of this section, or make a deposit in
32 lieu thereof as provided in (~~subsection (12) of~~) RCW 82.38.020(11),
33 the department forthwith shall cancel the special fuel dealer's or
34 special fuel user's license.

35 The department may require a special fuel dealer or special fuel
36 user to give a new or additional surety bond or to deposit additional
37 securities of the character specified in (~~subsection (12) of~~) RCW
38 82.38.020(11) if, in its opinion, the security of the surety bond
39 therefor filed by such special fuel dealer or special fuel user, or the

1 market value of the properties deposited as security by such special
2 fuel dealer or special fuel user, shall become impaired or inadequate.
3 Upon failure of the special fuel dealer or special fuel user to give
4 such new or additional surety bond or to deposit additional securities
5 within forty-five days after being requested to do so by the
6 department, or after he shall fail or refuse to file reports and remit
7 or pay taxes at the intervals fixed by the department, the department
8 forthwith shall cancel his or her license.

9 **Sec. 20.** RCW 82.38.170 and 1991 c 339 s 7 are each amended to read
10 as follows:

11 (1) If any special fuel dealer or special fuel user fails to pay
12 any taxes collected or due the state of Washington by said dealer or
13 user within the time prescribed by RCW 82.38.150 and 82.38.160, said
14 dealer or user shall pay in addition to such tax a penalty of ten
15 percent of the amount thereof.

16 (2) If it be determined by the department that the tax reported by
17 any special fuel dealer or special fuel user is deficient it (~~shall~~)
18 may proceed to assess the deficiency on the basis of information
19 available to it and there shall be added to this deficiency a penalty
20 of ten percent of the amount of the deficiency.

21 (3) If any special fuel dealer or special fuel user, whether or not
22 he or she is licensed as such, fails, neglects, or refuses to file a
23 special fuel tax report, the department (~~shall~~) may, on the basis of
24 information available to it, determine the tax liability of the special
25 fuel dealer or the special fuel user for the period during which no
26 report was filed, and to the tax as thus determined, the department
27 shall add the penalty and interest provided in subsection (2) of this
28 section. An assessment made by the department pursuant to this
29 subsection or to subsection (2) of this section shall be presumed to be
30 correct, and in any case where the validity of the assessment is drawn
31 in question, the burden shall be on the person who challenges the
32 assessment to establish by a fair preponderance of the evidence that it
33 is erroneous or excessive as the case may be.

34 (4) If any special fuel dealer or special fuel user shall establish
35 by a fair preponderance of evidence that his or her failure to file a
36 report or pay the proper amount of tax within the time prescribed was
37 due to reasonable cause and was not intentional or willful, the

1 department may waive the penalty prescribed in subsections (1), (2),
2 and (3) of this section.

3 (5) If any special fuel dealer or special fuel user shall file a
4 false or fraudulent report with intent to evade the tax imposed by this
5 chapter, there shall be added to the amount of deficiency determined by
6 the department a penalty equal to twenty-five percent of the
7 deficiency, in addition to the penalty provided in subsection (2) of
8 this section and all other penalties prescribed by law.

9 (6) Any fuel tax, penalties, and interest payable under this
10 chapter shall bear interest at the rate of one percent per month, or
11 fraction thereof, from the first day of the calendar month after the
12 amount or any portion thereof should have been paid until the date of
13 payment: PROVIDED, That the department may waive the interest when it
14 determines that the cost of processing the collection of the interest
15 exceeds the amount of interest due.

16 (7) Except in the case of violations of filing a false or
17 fraudulent report, if the department deems mitigation of penalties and
18 interest to be reasonable and in the best interests of carrying out the
19 purpose of this chapter, it may mitigate such assessments upon whatever
20 terms the department deems proper, giving consideration to the degree
21 and extent of the lack of records and reporting errors. The department
22 may ascertain the facts regarding recordkeeping and payment penalties
23 in lieu of more elaborate proceedings under this chapter.

24 (8) Except in the case of a fraudulent report or of neglect or
25 refusal to make a report, every deficiency shall be assessed under
26 subsection (2) of this section within three years from the twenty-fifth
27 day of the next succeeding calendar month following the reporting
28 period for which the amount is proposed to be determined or within
29 three years after the return is filed, whichever period expires the
30 later.

31 (9) Any special fuel dealer or special fuel user against whom an
32 assessment is made under the provisions of subsections (2) or (3) of
33 this section may petition for a reassessment thereof within thirty days
34 after service upon the special fuel dealer or special fuel user of
35 notice thereof. If such petition is not filed within such thirty day
36 period, the amount of the assessment becomes final at the expiration
37 thereof.

38 If a petition for reassessment is filed within the thirty day
39 period, the department shall reconsider the assessment and, if the

1 special fuel dealer or special fuel user has so requested in his or her
2 petition, shall grant such special fuel dealer or special fuel user an
3 oral hearing and give the special fuel dealer or special fuel user ten
4 days' notice of the time and place thereof. The department may
5 continue the hearing from time to time. The decision of the department
6 upon a petition for reassessment shall become final thirty days after
7 service upon the special fuel dealer or special fuel user of notice
8 thereof.

9 Every assessment made by the department shall become due and
10 payable at the time it becomes final and if not paid to the department
11 when due and payable, there shall be added thereto a penalty of ten
12 percent of the amount of the tax.

13 (10) Any notice of assessment required by this section shall be
14 served personally or by mail; if by mail, service shall be made by
15 depositing such notice in the United States mail, postage prepaid
16 addressed to the special fuel dealer or special fuel user at his or her
17 address as the same appears in the records of the department.

18 (11) Any licensee who has had their special fuel user license,
19 special fuel dealer license, special fuel supplier license, or
20 combination thereof revoked shall pay a one hundred dollar penalty
21 prior to the issuance of a new license.

22 (12) Any person who, upon audit or investigation by the department,
23 is found to have not paid special fuel taxes as required by this
24 chapter shall be subject to cancellation of all vehicle registrations
25 for vehicles utilizing special fuel as a means of propulsion. Any
26 unexpired Washington tonnage on the vehicles in question may be
27 transferred to a purchaser of the vehicles upon application to the
28 department who shall hold such tonnage in its custody until a sale of
29 the vehicle is made or the tonnage has expired.

30 **Sec. 21.** RCW 82.38.220 and 1983 c 242 s 5 are each amended to read
31 as follows:

32 In the event any special fuel user or special fuel dealer is
33 delinquent in the payment of any obligation imposed under this chapter,
34 the department may give notice of the amount of such delinquency by
35 registered or certified mail to all persons having in their possession
36 or under their control any credits or other personal property belonging
37 to such user or dealer or owing any debts to such user or dealer, at
38 the time of the receipt by them of such notice. Any person so notified

1 shall neither transfer nor make other disposition of such credits,
2 personal property, or debts until the department consents to a transfer
3 or other disposition. All persons so notified must, within twenty days
4 after receipt of the notice, advise the department of any and all such
5 credits, personal property, or debts in their possession, under their
6 control or owing by them, as the case may be, and shall immediately
7 deliver such credits, personal property, or debts to the department or
8 its duly authorized representative to be applied to the indebtedness
9 involved.

10 Upon service, the notice and order to withhold and deliver
11 constitutes a continuing lien on property of the taxpayer. The
12 department shall include in the caption of the notice to withhold and
13 deliver "continuing lien." The effective date of a notice to withhold
14 and deliver served under this section is the date of service of the
15 notice.

16 If a person fails to answer the notice within the time prescribed
17 by this section, it is lawful for the court, upon application of the
18 department and after the time to answer the notice has expired, to
19 render judgment by default against ~~((such person))~~ the party named in
20 the notice to withhold and deliver for the full amount claimed by the
21 department in the notice to withhold and deliver, together with costs.

22 **Sec. 22.** RCW 88.02.125 and 1987 c 149 s 8 are each amended to read
23 as follows:

24 (1) Vessel dealers shall possess a certificate of ~~((title for each~~
25 ~~used vessel or))~~ ownership, a manufacturer's statement of origin, a
26 carpenter's certificate, or a factory invoice ~~((with))~~ or other
27 evidence of ownership approved by the department for each ~~((new))~~
28 vessel in the vessel dealer's inventory unless the vessel for sale is
29 consigned or subject to an inventory security agreement. ~~((Each~~
30 ~~certificate of title))~~ Evidence of ownership shall be either in the
31 name of the dealer or in the name of the dealer's immediate vendor
32 properly assigned.

33 (2) A vessel dealer may display and sell consigned vessels or
34 vessels subject to an inventory security agreement if there is a
35 written and signed consignment agreement for each vessel or an
36 inventory security agreement covering all inventory vessels. The
37 consignment agreement shall include verification by the vessel dealer
38 that ~~((a vessel title or manufacturer's statement of origin))~~ evidence

1 of ownership by the consignor exists and its location, the name and
2 address of the registered owner, and the legal owner, if any. Vessels
3 that are subject to an inventory security interest shall be supported
4 with ~~((a certificate of title or manufacturer's statement of origin))~~
5 evidence of ownership that is in the dealer's possession or the
6 possession of the inventory security party. Upon payment of the debt
7 secured for that vessel, the secured party shall deliver the
8 ~~((certificate of title or the manufacturer's statement of origin))~~
9 ownership document, appropriately released, to the dealer. It is the
10 vessel dealer's responsibility to ensure that ~~((title))~~ ownership
11 documents are available for ~~((title))~~ ownership transfer upon the sale
12 of the vessel.

13 (3) Following the retail sale of any vessel, the dealer shall
14 promptly make application and execute the assignment and warranty of
15 the certificate of ~~((title))~~ ownership. Such assignment shall show any
16 secured party holding a security interest created at the time of sale.
17 The dealer shall deliver the certificate of ~~((title))~~ ownership and
18 application for registration to the department.

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