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HOUSE BILL 2079

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State of Washington

55th Legislature

1997 Regular Session

By Representative Carrell

Read first time 02/19/97. Referred to Committee on Financial Institutions & Insurance.

1 AN ACT Relating to mandatory automobile liability insurance;  
2 amending RCW 46.16.212, 46.16.210, 46.30.040, 46.30.020, and 46.30.030;  
3 adding a new section to chapter 48.22 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 46.16.212 and 1989 c 353 s 10 are each amended to read  
6 as follows:

7 (1) The department of licensing shall notify the public of the  
8 requirements of RCW 46.30.020 through 46.30.040 at the time of new  
9 vehicle registration and when the department sends a registration  
10 renewal notice.

11 (2) The department of licensing shall not issue an original vehicle  
12 license or renew a vehicle license unless the applicant provides  
13 written proof of meeting the financial responsibility requirements for  
14 operating a motor vehicle as provided in RCW 46.30.020.

15 **Sec. 2.** RCW 46.16.210 and 1994 c 262 s 9 are each amended to read  
16 as follows:

17 (1) Upon receipt of the application and proper fee for original  
18 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 and have license plates or tabs preissued by  
20 making application to the director or his agents upon forms prescribed  
21 by the director. The application must be accompanied by the  
22 certificate of registration for the last registration period in which  
23 the vehicle was registered in Washington and be accompanied by such  
24 license fees, and excise tax as may be required by law.

25 (4) Every applicant for an original vehicle license or for the  
26 renewal of a vehicle license shall provide current proof of financial  
27 responsibility to operate a vehicle as required in RCW 46.30.020. The  
28 department may adopt rules regarding valid proof of financial  
29 responsibility for persons applying for or renewing a vehicle license.

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

35 **Sec. 3.** RCW 46.30.040 and 1991 sp.s. c 25 s 2 are each amended to  
36 read as follows:

37 Any person who knowingly provides false evidence of financial  
38 responsibility to a law enforcement officer (~~(or)~~), to a court, or to

1 the department of licensing on an application for an original vehicle  
2 license or the renewal of a vehicle license, including an expired or  
3 canceled insurance policy, bond, or certificate of deposit is guilty of  
4 a misdemeanor.

5 **Sec. 4.** RCW 46.30.020 and 1991 sp.s. c 25 s 1 are each amended to  
6 read as follows:

7 (1)(a) No person may operate a motor vehicle subject to  
8 registration under chapter 46.16 RCW in this state unless the person is  
9 insured under a motor vehicle liability policy with liability limits of  
10 at least the amounts provided in RCW 46.29.090, is self-insured as  
11 provided in RCW 46.29.630, is covered by a certificate of deposit in  
12 conformance with RCW 46.29.550, or is covered by a liability bond of at  
13 least the amounts provided in RCW 46.29.090. Written proof of  
14 financial responsibility for motor vehicle operation must be provided  
15 on the request of a law enforcement officer in the format specified  
16 under RCW 46.30.030.

17 (b) A person who drives a motor vehicle that is required to be  
18 registered in another state that requires drivers and owners of  
19 vehicles in that state to maintain insurance or financial  
20 responsibility shall, when requested by a law enforcement officer,  
21 provide evidence of financial responsibility or insurance as is  
22 required by the laws of the state in which the vehicle is registered.

23 (c) When asked to do so by a law enforcement officer, failure to  
24 display an insurance identification card as specified under RCW  
25 46.30.030 creates a presumption that the person does not have motor  
26 vehicle insurance.

27 (d)(i) Failure to provide proof of motor vehicle insurance is a  
28 traffic infraction and is subject to penalties as set by the supreme  
29 court under RCW 46.63.110 or community service.

30 (ii) The second and subsequent times a person fails to provide  
31 proof of motor vehicle liability insurance, provided the citations have  
32 not been dismissed under subsection (2) of this section, in addition to  
33 the penalty under (d)(i) of this subsection, the driver's license of  
34 that person shall be suspended for one year. The court shall notify  
35 the department of licensing when this subsection (1)(d)(ii) applies and  
36 the driver's license is to be suspended. The department of licensing  
37 shall suspend the driver's license under RCW 46.20.291(1).

1 (2) If a person cited for a violation of subsection (1) of this  
2 section appears in person before the court and provides written  
3 evidence that at the time the person was cited, he or she was in  
4 compliance with the financial responsibility requirements of subsection  
5 (1) of this section, the citation shall be dismissed. In lieu of  
6 personal appearance, a person cited for a violation of subsection (1)  
7 of this section may, before the date scheduled for the person's  
8 appearance before the court, submit by mail to the court written  
9 evidence that at the time the person was cited, he or she was in  
10 compliance with the financial responsibility requirements of subsection  
11 (1) of this section, in which case the citation shall be dismissed  
12 without cost, except that the court may assess court administrative  
13 costs of twenty-five dollars at the time of dismissal.

14 (3) The provisions of this chapter shall not govern:

15 (a) The operation of a motor vehicle registered under RCW  
16 46.16.305(1), governed by RCW 46.16.020, or registered with the  
17 Washington utilities and transportation commission as common or  
18 contract carriers; or

19 (b) The operation of a motorcycle as defined in RCW 46.04.330, a  
20 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined  
21 in RCW 46.04.304.

22 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle  
23 liability policies required by this chapter but only those certified  
24 for the purposes stated in chapter 46.29 RCW.

25 **Sec. 5.** RCW 46.30.030 and 1989 c 353 s 3 are each amended to read  
26 as follows:

27 (1) Whenever an insurance company issues or renews a motor vehicle  
28 liability insurance policy, the company shall provide the policyholder  
29 with an identification card as specified by the department of  
30 licensing. The insurance company shall provide the policyholder with  
31 a new identification card every three months. At the policyholder's  
32 request, the insurer shall provide the policyholder a card for each  
33 vehicle covered under the policy.

34 (2) The department of licensing shall adopt rules specifying the  
35 type, style, and content of insurance identification cards to be used  
36 for proof of compliance with RCW 46.30.020, including the method for  
37 issuance of such identification cards by persons or organizations  
38 providing proof of compliance through self-insurance, certificate of

1 deposit, or bond. In adopting such rules the department shall consider  
2 the guidelines for insurance identification cards developed by the  
3 insurance industry committee on motor vehicle administration.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 48.22 RCW  
5 to read as follows:

6 Insurers offering automobile liability insurance policies shall  
7 comply with RCW 46.30.030.

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