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HOUSE BILL 2957

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State of Washington

55th Legislature

1998 Regular Session

By Representatives Dunn, Ogden, Doumit, Carlson, Sherstad, Boldt, Dunshee, Thompson, Morris, Mason, Butler, Pennington, Wood and Gardner

Read first time 01/23/98. Referred to Committee on Transportation Policy & Budget.

1 AN ACT Relating to motor vehicle registration violations;  
2 reenacting and amending RCW 46.16.010 and 46.63.020; and prescribing  
3 penalties.

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

5 **Sec. 1.** RCW 46.16.010 and 1997 c 328 s 2 and 1997 c 241 s 13 are  
6 each reenacted and amended to read as follows:

7 (1) It is unlawful for a person to operate any vehicle over and  
8 along a public highway of this state without first having obtained and  
9 having in full force and effect a current and proper vehicle license  
10 and display vehicle license number plates therefor as by this chapter  
11 provided. Failure to make initial registration before operation on the  
12 highways of this state is a misdemeanor, and any person convicted  
13 thereof shall be punished by a fine of no less than three hundred  
14 thirty dollars, no part of which may be suspended or deferred. Failure  
15 to renew an expired registration before operation on the highways of  
16 this state is a traffic infraction.

17 (2) The licensing of a vehicle in another state by a resident of  
18 this state, as defined in RCW 46.16.028, evading the payment of any tax

1 or license fee imposed in connection with registration, is a (~~gross~~  
2 ~~misdemeanor~~) class C felony punishable as follows:

3 (a) For a first offense, up to (~~one year in the county jail~~) five  
4 years in a state correctional institution and a fine equal to (~~twice~~)  
5 four times the amount of delinquent taxes and fees, no part of which  
6 may be suspended or deferred;

7 (b) For a second or subsequent offense, up to (~~one year in the~~  
8 ~~county jail~~) five years in a state correctional institution and a fine  
9 equal to four times the amount of delinquent taxes and fees, no part of  
10 which may be suspended or deferred, and the offender's driver's license  
11 shall be suspended for ninety days;

12 (c) For fines levied under (a) or (b) of this subsection, an amount  
13 equal to the avoided taxes and fees owed shall be deposited in the  
14 vehicle licensing fraud account created in the state treasury;

15 (d) (~~The~~) For fines levied under (a) or (b) of this subsection,  
16 an amount equal to the avoided taxes and fees owed shall be deposited  
17 and distributed in the same manner as if the taxes and fees were  
18 properly paid in a timely fashion;

19 (e) For fines levied under (a) or (b) of this subsection, an amount  
20 equal to the avoided taxes and fees owed shall be distributed to the  
21 Washington state patrol or the agency issuing the citation for the  
22 violation;

23 (f) For fines levied under (a) or (b) of this subsection, an amount  
24 equal to the avoided taxes and fees owed shall be distributed to the  
25 court system that holds the original trial for the offense.

26 (3) These provisions shall not apply to the following vehicles:

27 (a) Electric-assisted bicycles;

28 (b) Farm vehicles if operated within a radius of fifteen miles of  
29 the farm where principally used or garaged, farm tractors and farm  
30 implements including trailers designed as cook or bunk houses used  
31 exclusively for animal herding temporarily operating or drawn upon the  
32 public highways, and trailers used exclusively to transport farm  
33 implements from one farm to another during the daylight hours or at  
34 night when such equipment has lights that comply with the law;

35 (c) Spray or fertilizer applicator rigs designed and used  
36 exclusively for spraying or fertilization in the conduct of  
37 agricultural operations and not primarily for the purpose of  
38 transportation, and nurse rigs or equipment auxiliary to the use of and  
39 designed or modified for the fueling, repairing, or loading of spray

1 and fertilizer applicator rigs and not used, designed, or modified  
2 primarily for the purpose of transportation;

3 (d) Fork lifts operated during daylight hours on public highways  
4 adjacent to and within five hundred feet of the warehouses which they  
5 serve: PROVIDED FURTHER, That these provisions shall not apply to  
6 vehicles used by the state parks and recreation commission exclusively  
7 for park maintenance and operations upon public highways within state  
8 parks;

9 (e) "Special highway construction equipment" defined as follows:  
10 Any vehicle which is designed and used primarily for grading of  
11 highways, paving of highways, earth moving, and other construction work  
12 on highways and which is not designed or used primarily for the  
13 transportation of persons or property on a public highway and which is  
14 only incidentally operated or moved over the highway. It includes, but  
15 is not limited to, road construction and maintenance machinery so  
16 designed and used such as portable air compressors, air drills, asphalt  
17 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
18 ditchers, leveling graders, finishing machines, motor graders, paving  
19 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
20 lighting plants, welders, pumps, power shovels and draglines, self-  
21 propelled and tractor-drawn earth moving equipment and machinery,  
22 including dump trucks and tractor-dump trailer combinations which  
23 either (i) are in excess of the legal width, or (ii) which, because of  
24 their length, height, or unladen weight, may not be moved on a public  
25 highway without the permit specified in RCW 46.44.090 and which are not  
26 operated laden except within the boundaries of the project limits as  
27 defined by the contract, and other similar types of construction  
28 equipment, or (iii) which are driven or moved upon a public highway  
29 only for the purpose of crossing such highway from one property to  
30 another, provided such movement does not exceed five hundred feet and  
31 the vehicle is equipped with wheels or pads which will not damage the  
32 roadway surface.

33 Exclusions:

34 "Special highway construction equipment" does not include any of  
35 the following:

36 Dump trucks originally designed to comply with the legal size and  
37 weight provisions of this code notwithstanding any subsequent  
38 modification which would require a permit, as specified in RCW  
39 46.44.090, to operate such vehicles on a public highway, including

1 trailers, truck-mounted transit mixers, cranes and shovels, or other  
2 vehicles designed for the transportation of persons or property to  
3 which machinery has been attached.

4 (4) The following vehicles, whether operated solo or in  
5 combination, are exempt from license registration and displaying  
6 license plates as required by this chapter:

7 (a) A converter gear used to convert a semitrailer into a trailer  
8 or a two-axle truck or tractor into a three or more axle truck or  
9 tractor or used in any other manner to increase the number of axles of  
10 a vehicle. Converter gear includes an auxiliary axle, booster axle,  
11 dolly, and jeep axle.

12 (b) A tow dolly that is used for towing a motor vehicle behind  
13 another motor vehicle. The front or rear wheels of the towed vehicle  
14 are secured to and rest on the tow dolly that is attached to the towing  
15 vehicle by a tow bar.

16 **Sec. 2.** RCW 46.63.020 and 1997 c 229 s 13 and 1997 c 66 s 8 are  
17 each reenacted and amended to read as follows:

18 Failure to perform any act required or the performance of any act  
19 prohibited by this title or an equivalent administrative regulation or  
20 local law, ordinance, regulation, or resolution relating to traffic  
21 including parking, standing, stopping, and pedestrian offenses, is  
22 designated as a traffic infraction and may not be classified as a  
23 criminal offense, except for an offense contained in the following  
24 provisions of this title or a violation of an equivalent administrative  
25 regulation or local law, ordinance, regulation, or resolution:

26 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
27 vehicle while under the influence of intoxicating liquor or a  
28 controlled substance;

29 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

30 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
31 while under the influence of intoxicating liquor or narcotics or  
32 habit-forming drugs or in a manner endangering the person of another;

33 (4) RCW 46.10.130 relating to the operation of snowmobiles;

34 (5) Chapter 46.12 RCW relating to certificates of ownership and  
35 registration and markings indicating that a vehicle has been destroyed  
36 or declared a total loss;

37 (6) RCW 46.16.010 relating to (~~initial~~) registration of motor  
38 vehicles;

1 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
2 drive;

3 (8) RCW 46.16.160 relating to vehicle trip permits;

4 (9) RCW 46.16.381 (6) or (9) relating to unauthorized use or  
5 acquisition of a special placard or license plate for disabled persons'  
6 parking;

7 (10) RCW 46.20.005 relating to driving without a valid driver's  
8 license;

9 (11) RCW 46.20.091 relating to false statements regarding a  
10 driver's license or instruction permit;

11 (12) RCW 46.20.336 relating to the unlawful possession and use of  
12 a driver's license;

13 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
14 license or status;

15 (14) RCW 46.20.410 relating to the violation of restrictions of an  
16 occupational driver's license;

17 (15) RCW 46.20.420 relating to the operation of a motor vehicle  
18 with a suspended or revoked license;

19 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
20 an ignition interlock device in violation of a license notation that  
21 the device is required;

22 (17) RCW 46.20.750 relating to assisting another person to start a  
23 vehicle equipped with an ignition interlock device;

24 (18) RCW 46.25.170 relating to commercial driver's licenses;

25 (19) Chapter 46.29 RCW relating to financial responsibility;

26 (20) RCW 46.30.040 relating to providing false evidence of  
27 financial responsibility;

28 (21) RCW 46.37.435 relating to wrongful installation of  
29 sunscreening material;

30 (22) RCW 46.44.180 relating to operation of mobile home pilot  
31 vehicles;

32 (23) RCW 46.48.175 relating to the transportation of dangerous  
33 articles;

34 (24) RCW 46.52.010 relating to duty on striking an unattended car  
35 or other property;

36 (25) RCW 46.52.020 relating to duty in case of injury to or death  
37 of a person or damage to an attended vehicle;

38 (26) RCW 46.52.090 relating to reports by repairmen, storagemen,  
39 and appraisers;

1 (27) RCW 46.52.100 relating to driving under the influence of  
2 liquor or drugs;

3 (28) RCW 46.52.130 relating to confidentiality of the driving  
4 record to be furnished to an insurance company, an employer, and an  
5 alcohol/drug assessment or treatment agency;

6 (29) RCW 46.55.020 relating to engaging in the activities of a  
7 registered tow truck operator without a registration certificate;

8 (30) RCW 46.55.035 relating to prohibited practices by tow truck  
9 operators;

10 (31) RCW 46.61.015 relating to obedience to police officers,  
11 flagmen, or fire fighters;

12 (32) RCW 46.61.020 relating to refusal to give information to or  
13 cooperate with an officer;

14 (33) RCW 46.61.022 relating to failure to stop and give  
15 identification to an officer;

16 (34) RCW 46.61.024 relating to attempting to elude pursuing police  
17 vehicles;

18 (35) RCW 46.61.500 relating to reckless driving;

19 (36) RCW 46.61.502 and 46.61.504 relating to persons under the  
20 influence of intoxicating liquor or drugs;

21 (37) RCW 46.61.503 relating to a person under age twenty-one  
22 driving a motor vehicle after consuming alcohol;

23 (38) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

24 (39) RCW 46.61.522 relating to vehicular assault;

25 (40) RCW 46.61.5249 relating to first degree negligent driving;

26 (41) RCW 46.61.527(4) relating to reckless endangerment of roadway  
27 workers;

28 (42) RCW 46.61.530 relating to racing of vehicles on highways;

29 (43) RCW 46.61.685 relating to leaving children in an unattended  
30 vehicle with the motor running;

31 (44) RCW 46.64.010 relating to unlawful cancellation of or attempt  
32 to cancel a traffic citation;

33 (45) RCW 46.64.048 relating to attempting, aiding, abetting,  
34 coercing, and committing crimes;

35 (46) Chapter 46.65 RCW relating to habitual traffic offenders;

36 (47) RCW 46.68.010 relating to false statements made to obtain a  
37 refund;

1 (48) Chapter 46.70 RCW relating to unfair motor vehicle business  
2 practices, except where that chapter provides for the assessment of  
3 monetary penalties of a civil nature;  
4 (49) Chapter 46.72 RCW relating to the transportation of passengers  
5 in for hire vehicles;  
6 (50) RCW 46.72A.060 relating to limousine carrier insurance;  
7 (51) RCW 46.72A.070 relating to operation of a limousine without a  
8 vehicle certificate;  
9 (52) RCW 46.72A.080 relating to false advertising by a limousine  
10 carrier;  
11 (53) Chapter 46.80 RCW relating to motor vehicle wreckers;  
12 (54) Chapter 46.82 RCW relating to driver's training schools;  
13 (55) RCW 46.87.260 relating to alteration or forgery of a cab card,  
14 letter of authority, or other temporary authority issued under chapter  
15 46.87 RCW;  
16 (56) RCW 46.87.290 relating to operation of an unregistered or  
17 unlicensed vehicle under chapter 46.87 RCW.

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