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SENATE BILL 5797

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State of Washington                      55th Legislature                      1997 Regular Session

By Senators Benton and Haugen; by request of Department of Licensing

Read first time 02/12/97. Referred to Committee on Transportation.

1            AN ACT Relating to permits and certificates issued by the  
2 department of licensing; amending RCW 46.09.070, 46.10.040, 46.12.010,  
3 46.12.080, 46.12.170, 46.12.181, 46.16.210, 46.16.220, 46.16.305,  
4 46.16.630, and 88.02.075; and adding a new section to chapter 46.16  
5 RCW.

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

7            **Sec. 1.** RCW 46.09.070 and 1986 c 206 s 4 are each amended to read  
8 as follows:

9            (1) Application for annual or temporary ORV use permits shall be  
10 made to the department or its authorized agent in such manner and upon  
11 such forms as the department shall prescribe and shall state the name  
12 and address of each owner of the off-road vehicle.

13            (2) An application for an annual permit shall be signed by at least  
14 one owner, and shall be accompanied by a fee of five dollars. Upon  
15 receipt of the annual permit application and the application fee, the  
16 off-road vehicle shall be assigned a use permit number tag or decal,  
17 which shall be affixed to the off-road vehicle in a manner prescribed  
18 by the department. The annual permit is valid for a period of one year  
19 and is renewable each year in such manner as the department may

1 prescribe for an additional period of one year upon payment of a  
2 renewal fee of five dollars.

3 Any person acquiring an off-road vehicle for which an annual permit  
4 has been issued who desires to continue to use the permit must, within  
5 fifteen days of the acquisition of the off-road vehicle, make  
6 application to the department or its authorized agent for transfer of  
7 the permit, and the application shall be accompanied by a transfer fee  
8 of one dollar and twenty-five cents.

9 (3) A temporary use permit is valid for sixty days. Application  
10 for a temporary permit shall be accompanied by a fee of two dollars.  
11 The permit shall be carried on the vehicle at all times during its  
12 operation in the state.

13 (4) Except as provided in RCW 46.09.050, any out-of-state operator  
14 of an off-road vehicle shall, when operating in this state, comply with  
15 this chapter, and if an ORV use permit is required under this chapter,  
16 the operator shall obtain an annual or temporary permit and tag.

17 **Sec. 2.** RCW 46.10.040 and 1996 c 164 s 1 are each amended to read  
18 as follows:

19 Application for registration shall be made to the department in the  
20 manner and upon forms the department prescribes, and shall state the  
21 name and address of each owner of the snowmobile to be registered, and  
22 shall be signed by at least one such owner, and shall be accompanied by  
23 an annual registration fee to be established by the commission, after  
24 consultation with the committee and any state-wide snowmobile user  
25 groups. The fee shall be fifteen dollars pending action by the  
26 commission to increase the fee. The commission shall increase the fee  
27 by two dollars and fifty cents effective September 30, 1996, and the  
28 commission shall increase the fee by another two dollars and fifty  
29 cents effective September 30, 1997. After the fee increase effective  
30 September 30, 1997, the commission shall not increase the fee. Upon  
31 receipt of the application and the application fee, the snowmobile  
32 shall be registered and a registration number assigned, which shall be  
33 affixed to the snowmobile in a manner provided in RCW 46.10.070.

34 The registration provided in this section shall be valid for a  
35 period of one year. At the end of the period of registration, every  
36 owner of a snowmobile in this state shall renew his or her registration  
37 in the manner the department prescribes, for an additional period of

1 one year, upon payment of the annual registration fee as determined by  
2 the commission.

3 Any person acquiring a snowmobile already validly registered under  
4 the provisions of this chapter must, within ten days of the acquisition  
5 or purchase of the snowmobile, make application to the department for  
6 transfer of the registration, and the application shall be accompanied  
7 by a transfer fee of one dollar and twenty-five cents.

8 A snowmobile owned by a resident of another state or Canadian  
9 province where registration is not required by law may be issued a  
10 nonresident registration permit valid for not more than sixty days.  
11 Application for the permit shall state the name and address of each  
12 owner of the snowmobile to be registered and shall be signed by at  
13 least one owner and shall be accompanied by a registration fee of five  
14 dollars. The registration permit shall be carried on the vehicle at  
15 all times during its operation in this state.

16 The registration fees provided in this section shall be in lieu of  
17 any personal property or excise tax heretofore imposed on snowmobiles  
18 by this state or any political subdivision thereof, and no city,  
19 county, or other municipality, and no state agency shall hereafter  
20 impose any other registration or license fee on any snowmobile in this  
21 state.

22 The department shall make available a pair of uniform decals  
23 consistent with the provisions of RCW 46.10.070. In addition to the  
24 registration fee provided in this section the department shall charge  
25 each applicant for registration the actual cost of the decal. The  
26 department shall make available replacement decals for a fee equivalent  
27 to the actual cost of the decals.

28 **Sec. 3.** RCW 46.12.010 and 1979 c 158 s 132 are each amended to  
29 read as follows:

30 It shall be unlawful for any person to operate any vehicle in this  
31 state under a certificate of license registration of this state without  
32 securing and having in full force and effect a certificate of ownership  
33 therefor that contains the name of the registered owner exactly as it  
34 appears on the certificate of license registration and it shall further  
35 be unlawful for any person to sell or transfer any vehicle without  
36 complying with all the provisions of this chapter relating to  
37 certificates of ownership and license registration of vehicles:  
38 PROVIDED, No certificate of title need be obtained for a vehicle owned

1 by a manufacturer or dealer and held for sale, even though incidentally  
2 moved on the highway or used for purposes of testing and demonstration,  
3 or a vehicle used by a manufacturer solely for testing: PROVIDED, That  
4 a security interest in a vehicle held as inventory by a manufacturer or  
5 dealer shall be perfected in accordance with RCW 62A.9-302(1) and no  
6 endorsement on the certificate of title shall be necessary for  
7 perfection: AND PROVIDED FURTHER, That nothing in this title shall be  
8 construed to prevent any person entitled thereto from securing a  
9 certificate of ownership upon a vehicle (~~other than a travel trailer~~  
10 ~~or camper~~)) without securing a certificate of license registration and  
11 vehicle license plates, when, in the judgment of the director of  
12 licensing, it is proper to do so.

13 **Sec. 4.** RCW 46.12.080 and 1979 ex.s. c 113 s 1 are each amended to  
14 read as follows:

15 Any person holding the certificate of (~~license registration~~)  
16 ownership for a motorcycle or any vehicle registered by its motor  
17 number in which there has been installed a new or different motor than  
18 that with which it was issued certificates of ownership and license  
19 registration shall forthwith and within five days after such  
20 installation forward and surrender such certificates to the department,  
21 together with an application for issue of corrected certificates of  
22 ownership and license registration and a fee of one dollar and twenty-  
23 five cents, and a statement of the disposition of the former motor.  
24 The possession by any person of any such certificates for such vehicle  
25 in which a new or different motor has been installed, after five days  
26 following such installation, shall be prima facie evidence of a  
27 violation of the provisions of this chapter and shall constitute a  
28 misdemeanor.

29 **Sec. 5.** RCW 46.12.170 and 1994 c 262 s 6 are each amended to read  
30 as follows:

31 If, after a certificate of ownership is issued, a security interest  
32 is granted on the vehicle described therein, the registered owner or  
33 secured party shall, within ten days thereafter, present an application  
34 to the department, to which shall be attached the certificate of  
35 ownership last issued covering the vehicle, or such other documentation  
36 as may be required by the department, which application shall be upon  
37 a form (~~provided~~) approved by the department and shall be accompanied

1 by a fee of one dollar and twenty-five cents in addition to all other  
2 fees. The department, if satisfied that there should be a reissue of  
3 the certificate, shall note such change upon the vehicle records and  
4 issue to the secured party a new certificate of ownership.

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

16 NEW SECTION. **Sec. 6.** A new section is added to chapter 46.16 RCW  
17 to read as follows:

18 If a certificate of license registration is lost, stolen,  
19 mutilated, or destroyed or becomes illegible, the registered owner or  
20 owners, as shown by the records of the department, shall promptly make  
21 application for and may obtain a duplicate upon tender of one dollar  
22 and twenty-five cents in addition to all other fees and upon furnishing  
23 information satisfactory to the department. The duplicate of the  
24 license registration shall contain the legend, "duplicate."

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

28 **Sec. 7.** RCW 46.12.181 and 1994 c 262 s 7 are each amended to read  
29 as follows:

30 If a certificate of ownership (~~or a certificate of license~~  
31 ~~registration~~) is lost, stolen, mutilated, or destroyed or becomes  
32 illegible, the first priority secured party or, if none, the owner or  
33 legal representative of the owner named in the certificate, as shown by  
34 the records of the department, shall promptly make application for and  
35 may obtain a duplicate upon tender of one dollar and twenty-five cents  
36 in addition to all other fees and upon furnishing information  
37 satisfactory to the department. The duplicate certificate of ownership

1 ((or license registration)) shall contain the legend, "((This is a))  
2 duplicate ((certificate))." It shall be ((mailed)) provided to the  
3 first priority secured party named in it or, if none, to the owner.

4 A person recovering an original certificate of ownership ((or title  
5 registration)) for which a duplicate has been issued shall promptly  
6 surrender the original certificate to the department.

7 **Sec. 8.** RCW 46.16.210 and 1994 c 262 s 9 are each amended to read  
8 as follows:

9 (1) Upon receipt of the application and proper fee for original  
10 vehicle license, the director shall make a recheck of the application  
11 and in the event that there is any error in the application it may be  
12 returned to the county auditor or other agent to effectively secure the  
13 correction of such error, who shall return the same corrected to the  
14 director.

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

27 (3) Persons expecting to be out of the state during the normal  
28 ((forty five day)) renewal period of a vehicle license may secure  
29 renewal of such vehicle license and have license plates or tabs  
30 preissued by making application to the director or his agents upon  
31 forms prescribed by the director. The application must be accompanied  
32 by the certificate of registration for the last registration period in  
33 which the vehicle was registered in Washington and be accompanied by  
34 such license fees, and excise tax as may be required by law.

35 (4) Application for the annual renewal of a vehicle license number  
36 plate to the director or ((his)) the director's agents shall not be  
37 required for those vehicles owned, rented, or leased by the state of  
38 Washington, or by any county, city, town, school district, or other

1 political subdivision of the state of Washington or a governing body of  
2 an Indian tribe located within this state and recognized as a  
3 governmental entity by the United States department of the interior.

4 **Sec. 9.** RCW 46.16.220 and 1991 c 339 s 20 are each amended to read  
5 as follows:

6 Vehicle licenses and vehicle license number plates may be renewed  
7 for the subsequent registration year (~~(on and after the forty-fifth day~~  
8 ~~prior to the end of))~~ up to eighteen months before the current  
9 ~~((registration year))~~ expiration date and must be used and displayed  
10 from the date of issue or from the day of the expiration of the  
11 preceding registration year, whichever date is later.

12 **Sec. 10.** RCW 46.16.305 and 1990 c 250 s 2 are each amended to read  
13 as follows:

14 The department shall continue to issue, under RCW 46.16.301 and the  
15 department's rules implementing RCW 46.16.301 through 46.16.332, the  
16 categories of special plates issued by the department under the  
17 sections repealed under section (~~(13))~~ 12 (1) through (7), chapter 250,  
18 Laws of 1990. Special license plates issued under those repealed  
19 sections before January 1, 1991, are valid to the extent and under the  
20 conditions provided in those repealed sections. The following  
21 conditions, limitations, or requirements apply to certain special  
22 license plates issued after January 1, 1991:

23 (1) A horseless carriage plate and a plate or plates issued for  
24 collectors' vehicles more than thirty years old, upon payment of the  
25 initial fees required by law and the additional special license plate  
26 fee established by the department, are valid for the life of the  
27 vehicle for which application is approved by the department. When a  
28 single plate is issued, it shall be displayed on the rear of the  
29 vehicle.

30 (2) The department may issue special license plates denoting  
31 amateur radio operator status only to persons having a valid official  
32 radio operator license issued (~~(for a term of five years))~~ by the  
33 federal communications commission.

34 (3) The department shall issue one set of special license plates to  
35 each resident of this state who has been awarded the Congressional  
36 Medal of Honor for use on a passenger vehicle registered to that

1 person. The department shall issue the plate without the payment of  
2 any fees.

3 (4) The department may issue for use on only one motor vehicle  
4 owned by the qualified applicant special license plates denoting that  
5 the recipient of the plate is a survivor of the attack on Pearl Harbor  
6 on December 7, 1941, to persons meeting all of the following criteria:

7 (a) Is a resident of this state;

8 (b) Was a member of the United States Armed Forces on December 7,  
9 1941;

10 (c) Was on station on December 7, 1941, during the hours of 7:55  
11 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor, the island of Oahu, or  
12 offshore at a distance not to exceed three miles;

13 (d) Received an honorable discharge from the United States Armed  
14 Forces; and

15 (e) Is certified by a Washington state chapter of the Pearl Harbor  
16 survivors association as satisfying the qualifications in (c) of this  
17 subsection.

18 The department may issue such plates to the surviving spouse of any  
19 deceased Pearl Harbor survivor who met the requirements of this  
20 subsection. If the surviving spouse remarries, he or she shall return  
21 the special plates to the department within fifteen days and apply for  
22 regular plates. The surviving spouse must be a resident of this state.

23 The department shall issue these plates upon payment by the  
24 applicant of all other license fees, but the department may not set or  
25 charge an additional fee for these special license plates under RCW  
26 46.16.313.

27 (5) The department shall replace, free of charge, special license  
28 plates issued under subsections (3) and (4) of this section if they are  
29 lost, stolen, damaged, defaced, or destroyed. Such plates shall remain  
30 with the persons upon transfer or other disposition of the vehicle for  
31 which they were initially issued, and may be used on another vehicle  
32 registered to the recipient in accordance with the provisions of RCW  
33 46.16.316(1).

34 **Sec. 11.** RCW 46.16.630 and 1979 ex.s. c 213 s 5 are each amended  
35 to read as follows:

36 Application for registration of a moped shall be made to the  
37 department of licensing in such manner and upon such forms as the  
38 department shall prescribe, and shall state the name and address of



1 each owner of the moped to be registered, the vehicle identification  
2 number, and such other information as the department may require, and  
3 shall be accompanied by a registration fee of three dollars. Upon  
4 receipt of the application and the application fee, the moped shall be  
5 registered and a registration number assigned, which shall be affixed  
6 to the moped in the manner as provided by rules adopted by the  
7 department. The registration provided in this section shall be valid  
8 for a period of twelve months.

9 Every owner of a moped in this state shall renew the registration,  
10 in such manner as the department shall prescribe, for an additional  
11 period of twelve months, upon payment of a renewal fee of three  
12 dollars.

13 Any person acquiring a moped already validly registered must,  
14 within fifteen days of the acquisition or purchase of the moped, make  
15 application to the department for transfer of the registration, and the  
16 application shall be accompanied by a transfer fee of one dollar and  
17 twenty-five cents.

18 The registration fees provided in this section shall be in lieu of  
19 any personal property tax or the vehicle excise tax imposed by chapter  
20 82.44 RCW.

21 The department shall, at the time the registration number is  
22 assigned, make available a decal or other identifying device to be  
23 displayed on the moped. A fee of one dollar and fifty cents shall be  
24 charged for the decal or other identifying device.

25 The provisions of RCW 46.01.130 and 46.01.140 shall apply to  
26 applications for the issuance of registration numbers or renewals or  
27 transfers thereof for mopeds as they do to the issuance of vehicle  
28 licenses, the appointment of agents, and the collection of application  
29 fees. Except for the fee collected pursuant to RCW 46.01.140, all fees  
30 collected under this section shall be deposited in the motor vehicle  
31 fund.

32 **Sec. 12.** RCW 88.02.075 and 1986 c 71 s 1 are each amended to read  
33 as follows:

34 (1) If a certificate of (~~title~~) ownership, a certificate of  
35 registration, or a pair of decals is lost, stolen, mutilated, or  
36 destroyed or becomes illegible, the first priority secured party or, if  
37 none, the owner or legal representative of the owner named in the  
38 certificate, as shown by the records of the department, shall promptly

1 apply for and may obtain a duplicate certificate or replacement decals  
2 upon payment of one dollar and twenty-five cents and furnishing  
3 information satisfactory to the department.

4 (a) An application for a duplicate certificate of title shall be  
5 accompanied by an affidavit of loss or destruction in a form approved  
6 by the department and signed by the first secured party or, if none,  
7 the owner or legal representative of the owner.

8 (b) An application for a duplicate certificate of registration or  
9 replacement decals shall be accompanied by an affidavit of loss or  
10 destruction in a form approved by the department and signed by the  
11 registered owner or legal representative of the owner.

12 (2) The duplicate certificate of ((title)) ownership or  
13 registration shall contain the legend, "((This is a)) duplicate  
14 ((certificate))." It shall be mailed to the first priority secured  
15 party named in it or, if none, to the owner.

16 (3) A person recovering an original certificate of ((title))  
17 ownership, certificate of registration, or decal for which a duplicate  
18 or replacement has been issued shall promptly surrender the original to  
19 the department.

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