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SENATE BILL 6038

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State of Washington

55th Legislature

1997 Regular Session

By Senator Benton

Read first time 03/03/97. Referred to Committee on Transportation.

1 AN ACT Relating to evasion of vehicle licensing fees; and amending  
2 RCW 46.16.010 and 46.68.250.

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

4 **Sec. 1.** RCW 46.16.010 and 1996 c 184 s 1 are each amended to read  
5 as follows:

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

16 (2) The licensing of a vehicle in another state by a resident of  
17 this state, as defined in RCW 46.16.028, evading the payment of any tax  
18 or license fee imposed in connection with registration, is a gross  
19 misdemeanor punishable as follows:

1 (a) For a first offense, up to one year in the county jail and a  
2 fine equal to twice the amount of delinquent taxes and fees, no part of  
3 which may be suspended or deferred;

4 (b) For a second or subsequent offense, up to one year in the  
5 county jail and a fine equal to four times the amount of delinquent  
6 taxes and fees, no part of which may be suspended or deferred;

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

10 (d) The avoided taxes and fees shall be deposited and distributed  
11 in the same manner as if the taxes and fees were properly paid in a  
12 timely fashion.

13 (3) In all cases where a person is found to have evaded the payment  
14 of taxes or license fees imposed in connection with the registration of  
15 a vehicle based upon information collected and presented to the  
16 department of revenue by another person, an additional fee of five  
17 hundred dollars shall be imposed. The fee shall be deposited into the  
18 vehicle licensing fraud account created under RCW 46.68.250.  
19 Additionally, twenty-five percent of all of the fines imposed under  
20 subsection (2)(a) through (d) of this section must be delivered to the  
21 individual that collected and presented the information concerning the  
22 evasion of the taxes or license fees to the department of revenue.

23 (4) These provisions shall not apply to farm vehicles as defined in  
24 RCW 46.04.181 if operated within a radius of fifteen miles of the farm  
25 where principally used or garaged, farm tractors and farm implements  
26 including trailers designed as cook or bunk houses used exclusively for  
27 animal herding temporarily operating or drawn upon the public highways,  
28 and trailers used exclusively to transport farm implements from one  
29 farm to another during the daylight hours or at night when such  
30 equipment has lights that comply with the law: PROVIDED FURTHER, That  
31 these provisions shall not apply to spray or fertilizer applicator rigs  
32 designed and used exclusively for spraying or fertilization in the  
33 conduct of agricultural operations and not primarily for the purpose of  
34 transportation, and nurse rigs or equipment auxiliary to the use of and  
35 designed or modified for the fueling, repairing or loading of spray and  
36 fertilizer applicator rigs and not used, designed or modified primarily  
37 for the purpose of transportation: PROVIDED FURTHER, That these  
38 provisions shall not apply to fork lifts operated during daylight hours  
39 on public highways adjacent to and within five hundred feet of the

1 warehouses which they serve: PROVIDED FURTHER, That these provisions  
2 shall not apply to equipment defined as follows:

3 "Special highway construction equipment" is any vehicle which is  
4 designed and used primarily for grading of highways, paving of  
5 highways, earth moving, and other construction work on highways and  
6 which is not designed or used primarily for the transportation of  
7 persons or property on a public highway and which is only incidentally  
8 operated or moved over the highway. It includes, but is not limited  
9 to, road construction and maintenance machinery so designed and used  
10 such as portable air compressors, air drills, asphalt spreaders,  
11 bituminous mixers, bucket loaders, track laying tractors, ditchers,  
12 leveling graders, finishing machines, motor graders, paving mixers,  
13 road rollers, scarifiers, earth moving scrapers and carryalls, lighting  
14 plants, welders, pumps, power shovels and draglines, self-propelled and  
15 tractor-drawn earth moving equipment and machinery, including dump  
16 trucks and tractor-dump trailer combinations which either ~~((1))~~ (a)  
17 are in excess of the legal width, or ~~((2))~~ (b) which, because of  
18 their length, height or unladen weight, may not be moved on a public  
19 highway without the permit specified in RCW 46.44.090 and which are not  
20 operated laden except within the boundaries of the project limits as  
21 defined by the contract, and other similar types of construction  
22 equipment, or ~~((3))~~ (c) which are driven or moved upon a public  
23 highway only for the purpose of crossing such highway from one property  
24 to another, provided such movement does not exceed five hundred feet  
25 and the vehicle is equipped with wheels or pads which will not damage  
26 the roadway surface.

27 Exclusions:

28 "Special highway construction equipment" does not include any of  
29 the following:

30 Dump trucks originally designed to comply with the legal size and  
31 weight provisions of this code notwithstanding any subsequent  
32 modification which would require a permit, as specified in RCW  
33 46.44.090, to operate such vehicles on a public highway, including  
34 trailers, truck-mounted transit mixers, cranes and shovels, or other  
35 vehicles designed for the transportation of persons or property to  
36 which machinery has been attached.

37 ~~((4))~~ (5) The following vehicles, whether operated solo or in  
38 combination, are exempt from license registration and displaying  
39 license plates as required by this chapter:

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

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

10 **Sec. 2.** RCW 46.68.250 and 1996 c 184 s 6 are each amended to read  
11 as follows:

12 The vehicle licensing fraud account is created in the custody of  
13 the state ((treasury)) treasurer. From penalties ((and)), fines, and  
14 fees imposed under RCW 46.16.010, 47.68.255, and 88.02.118, an amount  
15 equal to ((the)) any taxes and fees owed shall be deposited into the  
16 account. ((Moneys in the account may be spent only after  
17 appropriation.)) Expenditures from the account may be used only for  
18 vehicle license fraud enforcement and collections by the: (1)  
19 Washington state patrol ((and)); (2) the department of revenue; and (3)  
20 payments to individuals who present information to the department of  
21 revenue that leads to finding that a person has evaded the payment of  
22 a tax or license fee imposed in connection with registration of a  
23 vehicle. Only the director of the department of revenue or the  
24 director's designee may authorize expenditures from the account. The  
25 account is subject to allotment procedures under chapter 43.88 RCW, but  
26 an appropriation is not required for expenditures.

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