
SENATE BILL 6467

State of Washington 56th Legislature 2000 Regular Session

By Senators Goings, Haugen, Eide, Sellar and Winsley

Read first time 01/17/2000. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle, vessel, and aircraft license fraud;
2 amending RCW 46.16.010, 46.16.0101, 47.68.255, 82.48.020, 82.49.010,
3 and 88.02.118; and reenacting and amending RCW 46.16.240.

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

5 **Sec. 1.** RCW 46.16.010 and 1999 c 277 s 4 are each amended to read
6 as follows:

7 (1) It is a violation 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.

12 (a) Failure to make initial registration of a vehicle before
13 operating it on the highways of this state is a violation of this
14 section. Anyone who violates this section is liable for a penalty of
15 three hundred fifty dollars for each violation in addition to all other
16 penalties provided by law. Persons violating this subsection shall
17 make payment as prescribed in subsection (2)(b) of this section.

1 (b) Failure to renew an expired registration before operation on
2 the highways of this state is a traffic infraction, which shall not be
3 resolved through the civil process instituted under this section.

4 (2)(a) The licensing of a vehicle in another state by a resident of
5 this state, as defined in RCW 46.16.028, to avoid the payment of any
6 tax or license fee imposed in connection with registration, is a
7 violation of this section, and violators are liable for a monetary
8 penalty not less than one thousand dollars but not more than ten
9 thousand dollars for each violation.

10 (b) The penalty provided in subsection (1)(a) of this section and
11 this subsection is due and payable when the person incurring it
12 receives a notice in writing (~~((from the state patrol))~~) describing the
13 violation and advising the person that the penalty is due. (~~((The state
14 patrol may, upon written application for review, received within
15 fifteen days, remit or mitigate a penalty provided for in this section
16 or discontinue an action to recover the penalty upon such terms it
17 deems proper and may ascertain the facts in a manner and under rules it
18 deems proper. If the amount of the penalty is not paid to the state
19 patrol within fifteen days after receipt of the notice imposing the
20 penalty, or application for remission or mitigation has not been made
21 within fifteen days after the violator has received notice of the
22 disposition of the application, the attorney general shall bring an
23 action in the name of the state of Washington in the superior court of
24 Thurston county or of any other county in which the violator resides or
25 does business, to recover the penalty, administrative fees, and
26 attorneys' fees and costs incurred in recovering the penalties. All
27 penalties recovered under this section shall be paid into the state
28 treasury and credited to the state patrol highway account of the motor
29 vehicle fund for the license fraud task force.~~

30 (e)) If the person determined to have committed the violation does
31 not contest the determination, the person shall respond by completing
32 the appropriate portion of the notice of violation and submitting it,
33 either by mail or in person, to the court specified on the notice. A
34 check or money order in the amount of the penalty prescribed for the
35 violation must be submitted with the response. If the person
36 determined to have committed the violation wishes to contest the
37 determination, the person shall respond by completing the portion of
38 the notice of violation requesting a hearing and submitting it, either
39 by mail or in person, to the court specified on the notice. The court

1 shall notify the person in writing of the time, place, and date of the
2 hearing, and that date may not be sooner than seven days from the date
3 of the notice, except by agreement.

4 (c) All penalties recovered under this section will be paid into
5 the state treasury and credited to the vehicle licensing fraud account
6 created in the state treasury.

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

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

11 (a) Electric-assisted bicycles;

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

19 (c) Spray or fertilizer applicator rigs designed and used
20 exclusively for spraying or fertilization in the conduct of
21 agricultural operations and not primarily for the purpose of
22 transportation, and nurse rigs or equipment auxiliary to the use of and
23 designed or modified for the fueling, repairing, or loading of spray
24 and fertilizer applicator rigs and not used, designed, or modified
25 primarily for the purpose of transportation;

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

32 (e) "Special highway construction equipment" defined as follows:
33 Any vehicle which is designed and used primarily for grading of
34 highways, paving of highways, earth moving, and other construction work
35 on highways and which is not designed or used primarily for the
36 transportation of persons or property on a public highway and which is
37 only incidentally operated or moved over the highway. It includes, but
38 is not limited to, road construction and maintenance machinery so
39 designed and used such as portable air compressors, air drills, asphalt

1 spreaders, bituminous mixers, bucket loaders, track laying tractors,
2 ditchers, leveling graders, finishing machines, motor graders, paving
3 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
4 lighting plants, welders, pumps, power shovels and draglines, self-
5 propelled and tractor-drawn earth moving equipment and machinery,
6 including dump trucks and tractor-dump trailer combinations which
7 either (i) are in excess of the legal width, or (ii) which, because of
8 their length, height, or unladen weight, may not be moved on a public
9 highway without the permit specified in RCW 46.44.090 and which are not
10 operated laden except within the boundaries of the project limits as
11 defined by the contract, and other similar types of construction
12 equipment, or (iii) which are driven or moved upon a public highway
13 only for the purpose of crossing such highway from one property to
14 another, provided such movement does not exceed five hundred feet and
15 the vehicle is equipped with wheels or pads which will not damage the
16 roadway surface.

17 Exclusions:

18 "Special highway construction equipment" does not include any of
19 the following:

20 Dump trucks originally designed to comply with the legal size and
21 weight provisions of this code notwithstanding any subsequent
22 modification which would require a permit, as specified in RCW
23 46.44.090, to operate such vehicles on a public highway, including
24 trailers, truck-mounted transit mixers, cranes and shovels, or other
25 vehicles designed for the transportation of persons or property to
26 which machinery has been attached.

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

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

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

1 **Sec. 2.** RCW 46.16.0101 and 1999 c 277 s 3 are each amended to read
2 as follows:

3 A penalty assessed pursuant to RCW 46.16.010 (1)(a) and (2),
4 47.68.255, or 82.48.020 is due and payable when the person incurring it
5 receives a notice in writing (~~((from the state patrol))~~) stating the
6 violation and advising the person that the penalty is due. (~~((The state
7 patrol may, upon written application for review received within fifteen
8 days from the date of the penalty assessment, remit or mitigate a
9 penalty. Procedures for these actions are governed by chapter 34.05
10 RCW. The penalty notice has the effect of an agency order.))~~) If the
11 person determined to have committed the violation does not contest the
12 determination, the person shall respond by completing the appropriate
13 portion of the notice of violation and submitting it, either by mail or
14 in person, to the court specified on the notice. A check or money
15 order in the amount of the penalty prescribed for the violation must be
16 submitted with the response. If the person determined to have
17 committed the violation wishes to contest the determination, the person
18 shall respond by completing the portion of the notice of violation
19 requesting a hearing and submitting it, either by mail or in person, to
20 the court specified on the notice. The court shall notify the person
21 in writing of the time, place, and date of the hearing, and that date
22 may not be sooner than seven days from the date of the notice, except
23 by agreement.

24 **Sec. 3.** RCW 46.16.240 and 1987 c 330 s 704 and 1987 c 142 s 3 are
25 each reenacted and amended to read as follows:

26 The vehicle license number plates shall be attached conspicuously
27 at the front and rear of each vehicle for which the same are issued and
28 in such a manner that they can be plainly seen and read at all times:
29 PROVIDED, That if only one license number plate is legally issued for
30 any vehicle such plate shall be conspicuously attached to the rear of
31 such vehicle. Each vehicle license number plate shall be placed or
32 hung in a horizontal position at a distance of not less than one foot
33 nor more than four feet from the ground and shall be kept clean so as
34 to be plainly seen and read at all times: PROVIDED, HOWEVER, That in
35 cases where the body construction of the vehicle is such that
36 compliance with this section is impossible, permission to deviate
37 therefrom may be granted by the state patrol. It shall be unlawful to
38 display upon the front or rear of any vehicle, vehicle license number

1 plate or plates other than those furnished by the director for such
2 vehicle or to display upon any vehicle any vehicle license number plate
3 or plates which have been in any manner changed, altered, disfigured or
4 have become illegible. License plate frames may be used on vehicle
5 license number plates only if the frames do not obscure license tabs or
6 identifying letters or numbers on the plates and the plates can be
7 plainly seen and read at all times. It is unlawful to use any holders,
8 frames, or any materials that in any manner change, alter, or make the
9 vehicle license number plates illegible. It shall be unlawful for any
10 person to operate any vehicle unless there shall be displayed thereon
11 valid vehicle license number plates attached as herein provided.
12 Failure to comply with this section is unlawful and may not be resolved
13 through the civil process of RCW 46.16.010.

14 **Sec. 4.** RCW 47.68.255 and 1999 c 277 s 6 are each amended to read
15 as follows:

16 (1) A person who is required to register an aircraft under this
17 chapter and who registers an aircraft in another state or foreign
18 country avoiding the Washington aircraft taxes, commits a violation of
19 this section and is liable for those unpaid taxes and for a monetary
20 penalty not less than one thousand dollars but not more than ten
21 thousand dollars for each violation.

22 (2) The penalty provided in this section is due and payable when
23 the person incurring it receives a notice in writing (~~from the state~~
24 ~~patrol~~) describing the violation and advising the person that the
25 penalty is due. (~~The state patrol may, upon written application for~~
26 ~~review, received within fifteen days, remit or mitigate a penalty~~
27 ~~provided for in this section or discontinue an action to recover the~~
28 ~~penalty upon such terms it deems proper and may ascertain the facts in~~
29 ~~a manner and under rules it deems proper. If the amount of the penalty~~
30 ~~is not paid to the state patrol within fifteen days after receipt of~~
31 ~~the notice imposing the penalty, or application for remission or~~
32 ~~mitigation has not been made within fifteen days after the violator has~~
33 ~~received notice of the disposition of the application, the attorney~~
34 ~~general shall bring an action in the name of the state of Washington in~~
35 ~~the superior court of Thurston county or of any other county in which~~
36 ~~the violator does business, to recover the penalty, administrative~~
37 ~~fees, and attorneys' fees. All penalties recovered under this section~~
38 ~~shall be paid into the state treasury and credited to the state patrol~~

1 ~~highway account of the motor vehicle fund for the license fraud task~~
2 ~~force.)~~ If the person determined to have committed the violation does
3 not contest the determination, the person shall respond by completing
4 the appropriate portion of the notice of violation and submitting it,
5 either by mail or in person, to the court specified on the notice. A
6 check or money order in the amount of the penalty prescribed for the
7 violation must be submitted with the response. If the person
8 determined to have committed the violation wishes to contest the
9 determination, the person shall respond by completing the portion of
10 the notice of violation requesting a hearing and submitting it, either
11 by mail or in person, to the court specified on the notice. The court
12 shall notify the person in writing of the time, place, and date of the
13 hearing, and that date may not be sooner than seven days from the date
14 of the notice, except by agreement. The department of revenue may
15 assess and collect the unpaid excise tax under chapter 82.32 RCW,
16 including the penalties and interest provided in chapter 82.32 RCW.

17 **Sec. 5.** RCW 82.48.020 and 1999 c 277 s 7 are each amended to read
18 as follows:

19 (1) An annual excise tax is hereby imposed for the privilege of
20 using any aircraft in the state. A current certificate of air
21 worthiness with a current inspection date from the appropriate federal
22 agency and/or the purchase of aviation fuel shall constitute the
23 necessary evidence of aircraft use or intended use. The tax shall be
24 collected annually or under a staggered collection schedule as required
25 by the secretary by rule. No additional tax shall be imposed under
26 this chapter upon any aircraft upon the transfer of ownership thereof,
27 if the tax imposed by this chapter with respect to such aircraft has
28 already been paid for the year in which transfer of ownership occurs.
29 A violation of this subsection is a misdemeanor punishable as provided
30 under chapter 9A.20 RCW.

31 (2)(a) Persons who are required to register aircraft under chapter
32 47.68 RCW and who register aircraft in another state or foreign country
33 and avoid the Washington aircraft taxes, violate this section and are
34 liable for a monetary penalty of not less than one thousand dollars but
35 not more than ten thousand dollars for each violation.

36 (b) The penalty provided in this section is due and payable when
37 the person incurring it receives a notice in writing (~~from the state~~
38 ~~patrol~~) describing the violation and advising the person that the

1 penalty is due. (~~The state patrol may, upon written application for~~
2 ~~review, received within fifteen days, remit or mitigate a penalty~~
3 ~~provided for in this section or discontinue an action to recover the~~
4 ~~penalty upon such terms it deems proper and may ascertain the facts in~~
5 ~~a manner and under rules it deems proper. If the amount of the penalty~~
6 ~~is not paid to the state patrol within fifteen days after receipt of~~
7 ~~the notice imposing the penalty, or application for remission or~~
8 ~~mitigation has not been made within fifteen days after the violator has~~
9 ~~received notice of the disposition of the application, the attorney~~
10 ~~general shall bring an action in the name of the state of Washington in~~
11 ~~the superior court of Thurston county or of any other county in which~~
12 ~~the violator resides or does business, to recover the penalty,~~
13 ~~administrative fees, and attorneys' fees. In all such actions, the~~
14 ~~procedure and rules of evidence are the same as an ordinary civil~~
15 ~~action except as otherwise provided in this chapter. All penalties~~
16 ~~recovered under this section shall be paid into the state treasury and~~
17 ~~credited to the state patrol highway account of the motor vehicle fund~~
18 ~~for the license fraud task force.)) If the person determined to have
19 committed the violation does not contest the determination, the person
20 shall respond by completing the appropriate portion of the notice of
21 violation and submitting it, either by mail or in person, to the court
22 specified on the notice. A check or money order in the amount of the
23 penalty prescribed for the violation must be submitted with the
24 response. If the person determined to have committed the violation
25 wishes to contest the determination, the person shall respond by
26 completing the portion of the notice of violation requesting a hearing
27 and submitting it, either by mail or in person, to the court specified
28 on the notice. The court shall notify the person in writing of the
29 time, place, and date of the hearing, and that date may not be sooner
30 than seven days from the date of the notice, except by agreement.~~

31 (3) The department of revenue may assess and collect the unpaid
32 excise tax under chapter 82.32 RCW, including the penalties and
33 interest provided in chapter 82.32 RCW.

34 (4) Except as provided under subsections (1) and (2) of this
35 section, a violation of this chapter is a misdemeanor punishable as
36 provided in chapter 9A.20 RCW.

37 **Sec. 6.** RCW 82.49.010 and 1999 c 277 s 8 are each amended to read
38 as follows:

1 (1) An excise tax is imposed for the privilege of using a vessel
2 upon the waters of this state, except vessels exempt under RCW
3 82.49.020. The annual amount of the excise tax is one-half of one
4 percent of fair market value, as determined under this chapter, or five
5 dollars, whichever is greater. Violation of this subsection is a
6 misdemeanor.

7 (2)(a) A person who is required under chapter 88.02 RCW to register
8 a vessel in this state and who registers the vessel in another state or
9 foreign country and avoids the Washington watercraft taxes, violates
10 this section and is liable for those taxes and a monetary penalty not
11 less than one thousand dollars but not more than ten thousand dollars
12 for each violation.

13 (b) The penalty provided in this section is due and payable when
14 the person incurring it receives a notice in writing (~~from the state~~
15 ~~patrol~~) describing the violation and advising the person that the
16 penalty is due. (~~The state patrol may, upon written application for~~
17 ~~review, received within fifteen days, remit or mitigate a penalty~~
18 ~~provided for in this section or discontinue an action to recover the~~
19 ~~penalty upon such terms it deems proper and may ascertain the facts in~~
20 ~~a manner and under rules it deems proper. If the amount of the penalty~~
21 ~~is not paid to the state patrol within fifteen days after receipt of~~
22 ~~the notice imposing the penalty, or application for remission or~~
23 ~~mitigation has not been made within fifteen days after the violator has~~
24 ~~received notice of the disposition of the application, the attorney~~
25 ~~general shall bring an action in the name of the state of Washington in~~
26 ~~the superior court of Thurston county or of any other county in which~~
27 ~~the violator resides or does business, to recover the penalty,~~
28 ~~administrative fees, and attorneys' fees. All penalties recovered~~
29 ~~under this section shall be paid into the state treasury and credited~~
30 ~~to the state patrol highway account of the motor vehicle fund for the~~
31 ~~license fraud task force.)) If the person determined to have committed
32 the violation does not contest the determination, the person shall
33 respond by completing the appropriate portion of the notice of
34 violation and submitting it, either by mail or in person, to the court
35 specified on the notice. A check or money order in the amount of the
36 penalty prescribed for the violation must be submitted with the
37 response. If the person determined to have committed the violation
38 wishes to contest the determination, the person shall respond by
39 completing the portion of the notice of violation requesting a hearing~~

1 and submitting it, either by mail or in person, to the court specified
2 on the notice. The court shall notify the person in writing of the
3 time, place, and date of the hearing, and that date may not be sooner
4 than seven days from the date of the notice, except by agreement.

5 (3) The excise tax upon a vessel registered for the first time in
6 this state shall be imposed for a twelve-month period, including the
7 month in which the vessel is registered, unless the director of
8 licensing extends or diminishes vessel registration periods for the
9 purpose of staggered renewal periods under RCW 88.02.050. A vessel is
10 registered for the first time in this state when the vessel was not
11 registered in this state for the immediately preceding registration
12 year, or when the vessel was registered in another jurisdiction for the
13 immediately preceding year. (~~The excise tax on vessels required to be~~
14 ~~registered in this state on June 30, 1983, shall be paid by June 30,~~
15 ~~1983.~~)

16 **Sec. 7.** RCW 88.02.118 and 1999 c 277 s 10 are each amended to read
17 as follows:

18 (1)(a) It is a violation for any person owning a vessel subject to
19 taxation under chapter 82.49 RCW to register a vessel in another state
20 to avoid Washington state vessel taxes required under chapter 82.49 RCW
21 or to obtain a vessel dealer's registration for the purpose of avoiding
22 taxes on vessels under chapter 82.49 RCW.

23 (b) The monetary penalty is not less than one thousand dollars but
24 not more than ten thousand dollars for each violation.

25 (2) The penalty provided in this section is due and payable when
26 the person incurring it receives a notice in writing (~~from the state~~
27 ~~patrol~~) describing the violation and advising the person that the
28 penalty is due. (~~The state patrol may, upon written application for~~
29 ~~review, received within fifteen days, remit or mitigate a penalty~~
30 ~~provided for in this section or discontinue an action to recover the~~
31 ~~penalty upon such terms it deems proper and may ascertain the facts in~~
32 ~~a manner and under rules it deems proper. If the amount of the penalty~~
33 ~~is not paid to the state patrol within fifteen days after receipt of~~
34 ~~the notice imposing the penalty, or application for remission or~~
35 ~~mitigation has not been made within fifteen days after the violator has~~
36 ~~received notice of the disposition of the application, the attorney~~
37 ~~general shall bring an action in the name of the state of Washington in~~
38 ~~the superior court of Thurston county or of any other county in which~~

1 ~~the violator resides or does business, to recover the penalty,~~
2 ~~administrative fees, and attorneys' fees. In all such actions, the~~
3 ~~procedure and rules of evidence are the same as an ordinary civil~~
4 ~~action except as otherwise provided in this chapter. All penalties~~
5 ~~recovered under this section shall be paid into the state treasury and~~
6 ~~credited to the state patrol highway account of the motor vehicle fund~~
7 ~~for the license fraud task force.)) If the person determined to have~~
8 ~~committed the violation does not contest the determination, the person~~
9 ~~shall respond by completing the appropriate portion of the notice of~~
10 ~~violation and submitting it, either by mail or in person, to the court~~
11 ~~specified on the notice. A check or money order in the amount of the~~
12 ~~penalty prescribed for the violation must be submitted with the~~
13 ~~response. If the person determined to have committed the violation~~
14 ~~wishes to contest the determination, the person shall respond by~~
15 ~~completing the portion of the notice of violation requesting a hearing~~
16 ~~and submitting it, either by mail or in person, to the court specified~~
17 ~~on the notice. The court shall notify the person in writing of the~~
18 ~~time, place, and date of the hearing, and that date may not be sooner~~
19 ~~than seven days from the date of the notice, except by agreement.~~

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