
HOUSE BILL 1975

State of Washington 58th Legislature 2003 Regular Session

By Representatives Mielke, Sullivan, Ahern and Schindler

Read first time 02/18/2003. Referred to Committee on Transportation.

1 AN ACT Relating to raising revenues to construct bicycle lanes;
2 amending RCW 46.04.670, 46.16.010, 46.16.230, 46.16.260, 46.68.030, and
3 82.80.020; adding new sections to chapter 47.30 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that licensing
7 bicycles used upon Washington state's roads will ensure compliance with
8 the laws governing the operation of such vehicles upon Washington
9 state's roads, and will also aid in the deterrence of theft of the
10 bicycles and in the recovery of stolen bicycles.

11 **Sec. 2.** RCW 46.04.670 and 2002 c 247 s 5 are each amended to read
12 as follows:

13 "Vehicle" includes every device capable of being moved upon a
14 public highway and in, upon, or by which any persons or property is or
15 may be transported or drawn upon a public highway, including bicycles.
16 The term does not include devices other than bicycles moved by human or
17 animal power or used exclusively upon stationary rails or tracks.
18 Mopeds shall not be considered vehicles or motor vehicles for the

1 purposes of chapter 46.70 RCW. Bicycles shall not be considered
2 vehicles for the purposes of chapter 46.12(~~(46.16)~~) or 46.70 RCW.
3 Electric personal assistive mobility devices are not considered
4 vehicles or motor vehicles for the purposes of chapter 46.12, 46.16,
5 46.29, 46.37, or 46.70 RCW.

6 **Sec. 3.** RCW 46.16.010 and 2000 c 229 s 1 are each amended to read
7 as follows:

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

16 Failure to renew an expired registration before operation on the
17 highways of this state is a traffic infraction.

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

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

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

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

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

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

35 (a) (~~Electric-assisted bicycles;~~

36 ~~b))~~) Farm vehicles if operated within a radius of fifteen miles of
37 the farm where principally used or garaged, farm tractors and farm

1 implements including trailers designed as cook or bunk houses used
2 exclusively for animal herding temporarily operating or drawn upon the
3 public highways, and trailers used exclusively to transport farm
4 implements from one farm to another during the daylight hours or at
5 night when such equipment has lights that comply with the law;

6 ~~((e))~~ (b) Spray or fertilizer applicator rigs designed and used
7 exclusively for spraying or fertilization in the conduct of
8 agricultural operations and not primarily for the purpose of
9 transportation, and nurse rigs or equipment auxiliary to the use of and
10 designed or modified for the fueling, repairing, or loading of spray
11 and fertilizer applicator rigs and not used, designed, or modified
12 primarily for the purpose of transportation;

13 ~~((d))~~ (c) Fork lifts operated during daylight hours on public
14 highways adjacent to and within five hundred feet of the warehouses
15 which they serve: PROVIDED FURTHER, That these provisions shall not
16 apply to vehicles used by the state parks and recreation commission
17 exclusively for park maintenance and operations upon public highways
18 within state parks;

19 ~~((e))~~ (d) "Special highway construction equipment" defined as
20 follows: Any vehicle which is designed and used primarily for grading
21 of highways, paving of highways, earth moving, and other construction
22 work on highways and which is not designed or used primarily for the
23 transportation of persons or property on a public highway and which is
24 only incidentally operated or moved over the highway. It includes, but
25 is not limited to, road construction and maintenance machinery so
26 designed and used such as portable air compressors, air drills, asphalt
27 spreaders, bituminous mixers, bucket loaders, track laying tractors,
28 ditchers, leveling graders, finishing machines, motor graders, paving
29 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
30 lighting plants, welders, pumps, power shovels and draglines, self-
31 propelled and tractor-drawn earth moving equipment and machinery,
32 including dump trucks and tractor-dump trailer combinations which
33 either (i) are in excess of the legal width, or (ii) which, because of
34 their length, height, or unladen weight, may not be moved on a public
35 highway without the permit specified in RCW 46.44.090 and which are not
36 operated laden except within the boundaries of the project limits as
37 defined by the contract, and other similar types of construction
38 equipment, or (iii) which are driven or moved upon a public highway

1 only for the purpose of crossing such highway from one property to
2 another, provided such movement does not exceed five hundred feet and
3 the vehicle is equipped with wheels or pads which will not damage the
4 roadway surface.

5 Exclusions:

6 "Special highway construction equipment" does not include any of
7 the following:

8 Dump trucks originally designed to comply with the legal size and
9 weight provisions of this code notwithstanding any subsequent
10 modification which would require a permit, as specified in RCW
11 46.44.090, to operate such vehicles on a public highway, including
12 trailers, truck-mounted transit mixers, cranes and shovels, or other
13 vehicles designed for the transportation of persons or property to
14 which machinery has been attached.

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

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

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

27 **Sec. 4.** RCW 46.16.230 and 1992 c 7 s 41 are each amended to read
28 as follows:

29 The director shall furnish to all persons making satisfactory
30 application for vehicle license as provided by law, two identical
31 vehicle license number plates each containing the vehicle license
32 number to be displayed on such vehicle as by law required: PROVIDED,
33 That if the vehicle to be licensed is a trailer, semitrailer or
34 motorcycle only one vehicle license number plate shall be issued for
35 each thereof. The number and plate shall be of such size and color and
36 shall contain such symbols indicative of the registration period for
37 which the same is issued and of the state of Washington, as shall be

1 determined and prescribed by the director. The director may specify a
2 different license plate size for bicycles licensed under this chapter.
3 Any vehicle license number plate or plates issued to a dealer shall
4 contain thereon a sufficient and satisfactory indication that such
5 plates have been issued to a dealer in vehicles. All vehicle license
6 number plates may be obtained by the director from the metal working
7 plant of a state correctional facility or from any source in accordance
8 with existing state of Washington purchasing procedures.

9 Notwithstanding the foregoing provisions of this section, the
10 director may, in his discretion and under such rules and regulations as
11 he may prescribe, adopt a type of vehicle license number plates whereby
12 the same shall be used as long as legible on the vehicle for which
13 issued, with provision for tabs or emblems to be attached thereto or
14 elsewhere on the vehicle to signify renewals, in which event the term
15 "vehicle license number plate" as used in any enactment shall be deemed
16 to include in addition to such plate the tab or emblem signifying
17 renewal except when such plate contains the designation of the current
18 year without reference to any tab or emblem. Renewals shall be
19 effected by the issuance and display of such tab or emblem.

20 **Sec. 5.** RCW 46.16.260 and 1986 c 18 s 16 are each amended to read
21 as follows:

22 A certificate of license registration to be valid must have
23 endorsed thereon the signature of the registered owner (if a firm or
24 corporation, the signature of one of its officers or other duly
25 authorized agent) and must be carried in the vehicle for which it is
26 issued, at all times in the manner prescribed by the department. It
27 shall be unlawful for any person to operate or have in his possession
28 a vehicle without carrying thereon such certificate of license
29 registration. The operator of a bicycle licensed under this chapter
30 must carry the bicycle registration upon his or her person. Any person
31 in charge of such vehicle shall, upon demand of any of the local
32 authorities or of any police officer or of any representative of the
33 department, permit an inspection of such certificate of license
34 registration. This section does not apply to a vehicle for which
35 annual renewal of its license plates is not required and which is
36 marked in accordance with the provisions of RCW 46.08.065.

1 **Sec. 6.** RCW 46.68.030 and 2002 c 352 s 22 are each amended to read
2 as follows:

3 (1) Except for proceeds from fees for vehicle licensing for
4 vehicles paying such fees under RCW 46.16.070 and 46.16.085, and as
5 otherwise provided for in chapter 46.16 RCW, all fees received by the
6 director for vehicle licenses under the provisions of chapter 46.16 RCW
7 or in subsection (2) of this section, shall be forwarded to the state
8 treasurer, accompanied by a proper identifying detailed report, and be
9 deposited to the credit of the motor vehicle fund, except that the
10 proceeds from the vehicle license fee and renewal license fee shall be
11 deposited by the state treasurer as hereinafter provided. After July
12 1, 2002, \$20.35 of each original or renewal license fee must be
13 deposited in the state patrol highway account in the motor vehicle
14 fund, hereby created. Vehicle license fees, renewal license fees, and
15 all other funds in the state patrol highway account shall be for the
16 sole use of the Washington state patrol for highway activities of the
17 Washington state patrol, subject to proper appropriations and
18 reappropriations therefor. \$2.02 of each original vehicle license fee
19 and \$0.93 of each renewal license fee shall be deposited each biennium
20 in the Puget Sound ferry operations account. Any remaining amounts of
21 vehicle license fees and renewal license fees that are not distributed
22 otherwise under this section must be deposited in the motor vehicle
23 fund.

24 (2) All vehicle license fees for bicycles paid under chapter 46.16
25 RCW will be forwarded to the state treasurer, accompanied by a proper
26 identifying detailed report, and be deposited to the credit of the
27 bicycle lane construction account, after deducting from these fees
28 sufficient funds to pay for costs incurred by the department in
29 administering the licensing of bicycles.

30 **Sec. 7.** RCW 82.80.020 and 2001 c 64 s 15 are each amended to read
31 as follows:

32 (1) The legislative authority of a county, or subject to subsection
33 (7) of this section, a qualifying city or town located in a county that
34 has not imposed a fifteen-dollar fee under this section, may fix and
35 impose an additional fee, not to exceed fifteen dollars per vehicle,
36 for each vehicle, other than a bicycle, that is subject to license fees
37 under RCW 46.16.0621 and for each vehicle that is subject to RCW

1 46.16.070 with an unladen weight of six thousand pounds or less, and
2 that is determined by the department of licensing to be registered
3 within the boundaries of the county.

4 (2) The department of licensing shall administer and collect the
5 fee. The department shall deduct a percentage amount, as provided by
6 contract, not to exceed two percent of the taxes collected, for
7 administration and collection expenses incurred by it. The remaining
8 proceeds shall be remitted to the custody of the state treasurer for
9 monthly distribution under RCW 82.80.080.

10 (3) The proceeds of this fee shall be used strictly for
11 transportation purposes in accordance with RCW 82.80.070.

12 (4) A county or qualifying city or town imposing this fee or
13 initiating an exemption process shall delay the effective date at least
14 six months from the date the ordinance is enacted to allow the
15 department of licensing to implement administration and collection of
16 or exemption from the fee.

17 (5) The legislative authority of a county or qualifying city or
18 town may develop and initiate an exemption process of the fifteen
19 dollar fee for the registered owners of vehicles residing within the
20 boundaries of the county or qualifying city or town: (a) Who are
21 sixty-one years old or older at the time payment of the fee is due and
22 whose household income for the previous calendar year is less than an
23 amount prescribed by the county or qualifying city or town legislative
24 authority; or (b) who have a physical disability.

25 (6) The legislative authority of a county or qualifying city or
26 town shall develop and initiate an exemption process of the fifteen-
27 dollar fee for vehicles registered within the boundaries of the county
28 that are licensed under RCW 46.16.374.

29 (7) For purposes of this section, a "qualifying city or town" means
30 a city or town residing within a county having a population of greater
31 than seventy-five thousand in which is located all or part of a
32 national monument. A qualifying city or town may impose the fee
33 authorized in subsection (1) of this section subject to the following
34 conditions and limitations:

35 (a) The city or town may impose the fee only if authorized to do so
36 by a majority of voters voting at a general or special election on a
37 proposition for that purpose. At a minimum, the ballot measure shall
38 contain: (i) A description of the transportation project proposed for

1 funding, properly identified by mileposts or other designations that
2 specify the project parameters; (ii) the proposed number of months or
3 years necessary to fund the city or town's share of the project cost;
4 and (iii) the amount of fee to be imposed for the project.

5 (b) The city or town may not impose a fee that, if combined with
6 the county fee, exceeds fifteen dollars. If a county imposes or
7 increases a fee under this section that, if combined with the fee
8 imposed by a city or town, exceeds fifteen dollars, the city or town
9 fee shall be reduced or eliminated as needed so that in no city or town
10 does the combined fee exceed fifteen dollars. All revenues from
11 county-imposed fees shall be distributed as called for in RCW
12 82.80.080.

13 (c) Any fee imposed by a city or town under this section shall
14 expire at the end of the term of months or years provided in the ballot
15 measure, or when the city or town's bonded indebtedness on the project
16 is retired, whichever is sooner.

17 (8) The fee imposed under subsection (7) of this section shall
18 apply only to renewals and shall not apply to ownership transfer
19 transactions.

20 NEW SECTION. **Sec. 8.** A new section is added to chapter 47.30 RCW
21 to read as follows:

22 The bicycle lane construction account is created in the state
23 treasury. Moneys in the account may be spent only after appropriation.
24 Expenditures from the account may only be used for the purpose of
25 constructing lanes dedicated solely for use by bicycles as defined in
26 RCW 46.04.071.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 47.30 RCW
28 to read as follows:

29 The department may not construct bicycle lanes using funds from any
30 account other than the bicycle lane construction account.

31 NEW SECTION. **Sec. 10.** A new section is added to chapter 47.30 RCW
32 to read as follows:

33 The department may sign an interlocal agreement with any county,
34 city, or town that wishes to construct a bicycle lane. The department

1 shall adopt rules to govern a process by which grants to counties,
2 cities, and towns who wish to build bicycle lanes may apply, and shall
3 adopt criteria to govern the award of such grants.

4 NEW SECTION. **Sec. 11.** A new section is added to chapter 47.30 RCW
5 to read as follows:

6 No county, city, or town shall construct any lane solely for the
7 use of bicycles, as defined in RCW 46.04.071, except using grants
8 awarded by the department from the bicycle lane construction account.

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