
ENGROSSED SUBSTITUTE HOUSE BILL 2021

State of Washington

58th Legislature

2003 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Wallace, Boldt, Moeller, Upthegrove and Kenney)

READ FIRST TIME 3/10/03.

1 AN ACT Relating to salvage vehicles; and amending RCW 46.12.101.

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

3 **Sec. 1.** RCW 46.12.101 and 2002 c 279 s 1 are each amended to read
4 as follows:

5 A transfer of ownership in a motor vehicle is perfected by
6 compliance with the requirements of this section.

7 (1) If an owner transfers his or her interest in a vehicle, other
8 than by the creation, deletion, or change of a security interest, the
9 owner shall, at the time of the delivery of the vehicle, execute an
10 assignment to the transferee and provide an odometer disclosure
11 statement under RCW 46.12.124 on the certificate of ownership or as the
12 department otherwise prescribes, and cause the certificate and
13 assignment to be transmitted to the transferee. The owner shall notify
14 the department or its agents or subagents, in writing, on the
15 appropriate form, of the date of the sale or transfer, the name and
16 address of the owner and of the transferee, the transferee's driver's
17 license number if available, and such description of the vehicle,

1 including the vehicle identification number, the license plate number,
2 or both, as may be required in the appropriate form provided or
3 approved for that purpose by the department. The report of sale will
4 be deemed properly filed if all information required in this section is
5 provided on the form and includes a department-authorized notation that
6 the document was received by the department, its agents, or subagents
7 on or before the fifth day after the sale of the vehicle, excluding
8 Saturdays, Sundays, and state and federal holidays. Agents and
9 subagents shall immediately electronically transmit the seller's report
10 of sale to the department. Reports of sale processed and recorded by
11 the department's agents or subagents may be subject to fees as
12 specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the
13 department shall create a system enabling the seller of a vehicle to
14 transmit the report of sale electronically. The system created by the
15 department must immediately indicate on the department's vehicle record
16 that a seller's report of sale has been filed.

17 (2) When a vehicle is sold by a private party transaction between
18 the registered owner and a private buyer, the registered owner must
19 disclose if the vehicle being sold was or was not originally equipped
20 with air bags, to the best of his or her knowledge. Effective January
21 1, 2004, the report of sale form, as provided for in subsection (1) of
22 this section, must contain the following statements which the
23 registered owner must complete, in order for the report of sale to be
24 deemed properly filed: "The vehicle described in this report of sale,
25 to the best of my knowledge, does or does not (circle one) currently
26 contain the same number and type of operational air bags with which it
27 was originally equipped."

28 (3) The requirements of subsection (1) of this section to provide
29 an odometer disclosure statement apply to the transfer of vehicles held
30 for lease when transferred to a lessee and then to the lessor at the
31 end of the leasehold and to vehicles held in a fleet when transferred
32 to a purchaser.

33 ~~((+3))~~ (4) Except as provided in RCW 46.70.122 the transferee
34 shall within fifteen days after delivery to the transferee of the
35 vehicle, execute the application for a new certificate of ownership in
36 the same space provided therefor on the certificate or as the
37 department prescribes, and cause the certificates and application to be
38 transmitted to the department.

1 (~~(4)~~) (5) Upon request of the owner or transferee, a secured
2 party in possession of the certificate of ownership shall, unless the
3 transfer was a breach of its security agreement, either deliver the
4 certificate to the transferee for transmission to the department or,
5 when the secured party receives the owner's assignment from the
6 transferee, it shall transmit the transferee's application for a new
7 certificate, the existing certificate, and the required fee to the
8 department. Compliance with this section does not affect the rights of
9 the secured party.

10 (~~(5)~~) (6) If a security interest is reserved or created at the
11 time of the transfer, the certificate of ownership shall be retained by
12 or delivered to the person who becomes the secured party, and the
13 parties shall comply with the provisions of RCW 46.12.170.

14 (~~(6)~~) (7) If the purchaser or transferee fails or neglects to
15 make application to transfer the certificate of ownership and license
16 registration within fifteen days after the date of delivery of the
17 vehicle, he or she shall on making application for transfer be assessed
18 a twenty-five dollar penalty on the sixteenth day and two dollars
19 additional for each day thereafter, but not to exceed one hundred
20 dollars. The director may by rule establish conditions under which the
21 penalty will not be assessed when an application for transfer is
22 delayed for reasons beyond the control of the purchaser. Conditions
23 for not assessing the penalty may be established for but not limited to
24 delays caused by:

- 25 (a) The department requesting additional supporting documents;
- 26 (b) Extended hospitalization or illness of the purchaser;
- 27 (c) Failure of a legal owner to release his or her interest;
- 28 (d) Failure, negligence, or nonperformance of the department,
29 auditor, or subagent.

30 Failure or neglect to make application to transfer the certificate
31 of ownership and license registration within forty-five days after the
32 date of delivery of the vehicle is a misdemeanor.

33 (~~(7)~~) (8) Upon receipt of an application for reissue or
34 replacement of a certificate of ownership and transfer of license
35 registration, accompanied by the endorsed certificate of ownership or
36 other documentary evidence as is deemed necessary, the department
37 shall, if the application is in order and if all provisions relating to
38 the certificate of ownership and license registration have been

1 complied with, issue new certificates of title and license registration
2 as in the case of an original issue and shall transmit the fees
3 together with an itemized detailed report to the state treasurer, to be
4 deposited in the motor vehicle fund.

5 ~~((+8))~~ (9) Once each quarter the department shall report to the
6 department of revenue a list of those vehicles for which a seller's
7 report has been received but no transfer of title has taken place.

8 (10) For purposes of this section, "private party transaction"
9 means a transaction in which a vehicle is being sold by the registered
10 owner to a private buyer, and does not include any vehicle sale
11 transactions executed by a licensed business.

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