
SENATE BILL 6185

State of Washington

58th Legislature

2004 Regular Session

By Senators Horn and Haugen

Read first time 01/14/2004. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to the disposition of title fees; amending RCW
2 46.12.040, 46.12.101, and 46.68.020; and providing an effective date.

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

4 **Sec. 1.** RCW 46.12.040 and 2002 c 352 s 3 are each amended to read
5 as follows:

6 (1) The application for an original certificate of ownership
7 accompanied by a draft, money order, certified bank check, or cash for
8 five dollars, together with the last preceding certificates or other
9 satisfactory evidence of ownership, shall be forwarded to the director.

10 (2) The fee shall be in addition to any other fee for the license
11 registration of the vehicle. The certificate of ownership shall not be
12 required to be renewed annually, or at any other time, except as by law
13 provided.

14 (3) In addition to the application fee and any other fee for the
15 license registration of a vehicle, the department shall collect from
16 the applicant a fee of fifteen dollars for vehicles previously
17 registered in any other state or country. The proceeds from the fee
18 shall be deposited in (~~the motor vehicle fund~~) accordance with RCW

1 46.68.020. For vehicles requiring a physical examination, the
2 inspection fee shall be fifty dollars and shall be deposited in (~~the~~
3 ~~motor vehicle fund~~) accordance with RCW 46.68.020.

4 **Sec. 2.** RCW 46.12.101 and 2003 c 264 s 7 are each amended to read
5 as follows:

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

8 (1) If an owner transfers his or her interest in a vehicle, other
9 than by the creation, deletion, or change of a security interest, the
10 owner shall, at the time of the delivery of the vehicle, execute an
11 assignment to the transferee and provide an odometer disclosure
12 statement under RCW 46.12.124 on the certificate of ownership or as the
13 department otherwise prescribes, and cause the certificate and
14 assignment to be transmitted to the transferee. The owner shall notify
15 the department or its agents or subagents, in writing, on the
16 appropriate form, of the date of the sale or transfer, the name and
17 address of the owner and of the transferee, the transferee's driver's
18 license number if available, and such description of the vehicle,
19 including the vehicle identification number, the license plate number,
20 or both, as may be required in the appropriate form provided or
21 approved for that purpose by the department. The report of sale will
22 be deemed properly filed if all information required in this section is
23 provided on the form and includes a department-authorized notation that
24 the document was received by the department, its agents, or subagents
25 on or before the fifth day after the sale of the vehicle, excluding
26 Saturdays, Sundays, and state and federal holidays. Agents and
27 subagents shall immediately electronically transmit the seller's report
28 of sale to the department. Reports of sale processed and recorded by
29 the department's agents or subagents may be subject to fees as
30 specified in RCW 46.01.140 (4)(a) or (5)(b). By January 1, 2003, the
31 department shall create a system enabling the seller of a vehicle to
32 transmit the report of sale electronically. The system created by the
33 department must immediately indicate on the department's vehicle record
34 that a seller's report of sale has been filed.

35 (2) The requirements of subsection (1) of this section to provide
36 an odometer disclosure statement apply to the transfer of vehicles held

1 for lease when transferred to a lessee and then to the lessor at the
2 end of the leasehold and to vehicles held in a fleet when transferred
3 to a purchaser.

4 (3) Except as provided in RCW 46.70.122 the transferee shall within
5 fifteen days after delivery to the transferee of the vehicle, execute
6 the application for a new certificate of ownership in the same space
7 provided therefor on the certificate or as the department prescribes,
8 and cause the certificates and application to be transmitted to the
9 department accompanied by a fee of five dollars in addition to any
10 other fees required.

11 (4) Upon request of the owner or transferee, a secured party in
12 possession of the certificate of ownership shall, unless the transfer
13 was a breach of its security agreement, either deliver the certificate
14 to the transferee for transmission to the department or, when the
15 secured party receives the owner's assignment from the transferee, it
16 shall transmit the transferee's application for a new certificate, the
17 existing certificate, and the required fee to the department.
18 Compliance with this section does not affect the rights of the secured
19 party.

20 (5) If a security interest is reserved or created at the time of
21 the transfer, the certificate of ownership shall be retained by or
22 delivered to the person who becomes the secured party, and the parties
23 shall comply with the provisions of RCW 46.12.170.

24 (6) If the purchaser or transferee fails or neglects to make
25 application to transfer the certificate of ownership and license
26 registration within fifteen days after the date of delivery of the
27 vehicle, he or she shall on making application for transfer be assessed
28 a twenty-five dollar penalty on the sixteenth day and two dollars
29 additional for each day thereafter, but not to exceed one hundred
30 dollars. The director may by rule establish conditions under which the
31 penalty will not be assessed when an application for transfer is
32 delayed for reasons beyond the control of the purchaser. Conditions
33 for not assessing the penalty may be established for but not limited to
34 delays caused by:

- 35 (a) The department requesting additional supporting documents;
- 36 (b) Extended hospitalization or illness of the purchaser;
- 37 (c) Failure of a legal owner to release his or her interest;

1 (d) Failure, negligence, or nonperformance of the department,
2 auditor, or subagent.

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

6 (7) Upon receipt of an application for reissue or replacement of a
7 certificate of ownership and transfer of license registration,
8 accompanied by the endorsed certificate of ownership or other
9 documentary evidence as is deemed necessary, the department shall, if
10 the application is in order and if all provisions relating to the
11 certificate of ownership and license registration have been complied
12 with, issue new certificates of title and license registration as in
13 the case of an original issue and shall transmit the fees together with
14 an itemized detailed report to the state treasurer.

15 (8) Once each quarter the department shall report to the department
16 of revenue a list of those vehicles for which a seller's report has
17 been received but no transfer of title has taken place.

18 **Sec. 3.** RCW 46.68.020 and 2003 c 264 s 8 are each amended to read
19 as follows:

20 The director shall forward all fees for certificates of ownership
21 or other moneys accruing under the provisions of chapter 46.12 RCW to
22 the state treasurer, together with a proper identifying detailed
23 report. The state treasurer shall credit such moneys as follows:

24 (1) The fees collected under RCW 46.12.040(1) and 46.12.101(6)
25 shall be credited to the multimodal transportation account in RCW
26 47.66.070.

27 (2)(a) Beginning July 27, 2003, and until July 1, 2008, the fees
28 collected under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181
29 shall be credited as follows:

30 (i) 58.12 percent shall be credited to a segregated subaccount of
31 the air pollution control account in RCW 70.94.015;

32 (ii) (~~15.71~~) 16.60 percent shall be credited to the vessel
33 response account created in RCW 90.56.335; and

34 (iii) The remainder shall be credited into the transportation 2003
35 account (nickel account).

36 (b) Beginning July 1, 2008, and thereafter, the fees collected

1 under RCW 46.12.080, 46.12.101(3), 46.12.170, and 46.12.181 shall be
2 credited to the transportation 2003 account (nickel account).

3 (3) (~~All other fees under chapter 46.12 RCW shall be credited to~~
4 ~~the motor vehicle account, unless specified otherwise~~) The fees
5 collected under RCW 46.12.040(3) and 46.12.060 shall be credited to the
6 motor vehicle account.

7 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2004.

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