
**Public Safety & Emergency
Preparedness Committee**

SSB 6527

Brief Description: Addressing the failure to transfer motor vehicle title and registration.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Kastama and Kline).

Brief Summary of Substitute Bill

- Provides that the act of "knowingly" failing or neglecting to apply for a transfer of ownership and license registration within 45 days after the vehicle's delivery date or thereafter is a misdemeanor offense.

Hearing Date: 2/25/08

Staff: Yvonne Walker (786-7841).

Background:

A person who purchases a motor vehicle must apply to transfer vehicle ownership and license registration within 15 days following delivery of the vehicle. If the person does not do so, he or she will be assessed \$25 for the 16-day, and \$2 each day thereafter, not to exceed \$100. Failure to apply for a transfer of ownership and license registration within 45 days after delivery of the vehicle is a misdemeanor.

In the 2004 case, *State v. Green*, the Washington Supreme Court considered a situation in which police stopped the defendant for failing to apply for a transfer in vehicle ownership within 45 days. During the stop, the police arrested the defendant for this failure. During a search incident to arrest, the police found a small quantity of cocaine in the defendant's purse. The defendant moved to suppress the evidence of drug possession, claiming that the police could not arrest her for a misdemeanor that she did not commit in their presence. The court agreed, reasoning that the defendant's misdemeanor failure to apply for a transfer of ownership within 45 days of vehicle delivery was complete in 45 days, and was therefore not a continuing offense that occurred in the officers' presence, since the 45 days had already elapsed by the time of the stop. Washington law

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

generally requires that a misdemeanor occur within an officer's presence for an officer to make a warrantless arrest, and to make a search incident to that arrest. The court therefore granted the defendant's motion to suppress the evidence.

Summary of Bill:

The act of "knowingly" failing or neglecting to apply for a transfer of ownership and license registration within 45 days after the vehicle's delivery date is a misdemeanor offense. It is a continuing offense for each day thereafter in which the purchaser or transferee does not make application to transfer the certificate of ownership and license registration. It is clarified that despite the continuing nature of the offense, it is considered a single offense regardless of the number of days that have elapsed following the 45-day time period.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.