

SENATE BILL REPORT

SB 6527

As Reported By Senate Committee On:
Judiciary, January 30, 2008

Title: An act relating to the transfer of motor vehicle certificate of ownership and license registration.

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

Sponsors: Senators Kastama and Kline.

Brief History:

Committee Activity: Judiciary: 1/23/08, 1/30/08 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 6527 be substituted therefor, and the substitute bill do pass.

Signed by Senators Kline, Chair; Tom, Vice Chair; McCaslin, Ranking Minority Member; Carrell, Hargrove, McDermott, Roach and Weinstein.

Staff: Dawn Noel (786-7472)

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 dollars for the 16th day, and two dollars each day thereafter, not to exceed 100 dollars. 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 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.

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.

Summary of Bill (Recommended Substitute): It is added that knowingly failing or neglecting to make application to transfer the certificate of ownership and license registration within 45 days after the vehicle's delivery date is a continuing offense for each day during which the purchaser or transferee does not make such application. It is clarified that despite the continuing nature of this offense, it must be considered a single offense, regardless of the number of days that have elapsed following the 45 day time period.

EFFECT OF CHANGES MADE BY JUDICIARY COMMITTEE (Recommended Substitute): Requires that the failure or neglect to apply to transfer vehicle ownership be done with knowledge in order to constitute a criminal offense. Clarifies that despite the continuing nature of the offense, it must be 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.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This is a common-sense bill. On the 45th and 46th day, it's okay to charge someone with a misdemeanor for failure to transfer vehicle ownership, but on the 47th day, it is not. If the vehicle title is not transferred in a timely manner, it's hard to track down the owner. This becomes a public safety concern when police get the license plate number in a crime such as a child abduction, yet the owner can't be tracked down because the title hasn't been transferred. This makes it difficult to follow up on cases.

OTHER: We are fully supportive of the bill's intent. However, its language should change to apply to the driver, not to the purchaser or owner.

Persons Testifying: PRO: Senator Kastama, prime sponsor; Sgt. Ryan Portmann, Sgt. Robert Thompson, Puyallup Police Department.

OTHER: Tammy Fellin, Association of Washington Cities.