
HOUSE BILL 2436

State of Washington 61st Legislature 2010 Regular Session

By Representatives Moeller, Green, Clibborn, Pedersen, Carlyle, Morrell, and Jacks

Prefiled 12/07/09. Read first time 01/11/10. Referred to Committee on Transportation.

1 AN ACT Relating to vehicle license fraud; amending RCW 46.16.010;
2 making an appropriation; and providing an effective date.

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

4 **Sec. 1.** RCW 46.16.010 and 2007 c 242 s 2 are each amended to read
5 as follows:

6 (1) It is unlawful for a person to operate any vehicle over and
7 along a public highway of this state without first having obtained and
8 having in full force and effect a current and proper vehicle license
9 and display vehicle license number plates therefor as by this chapter
10 provided.

11 (2) Failure to make initial registration before operation on the
12 highways of this state is a traffic infraction, and any person
13 committing this infraction (~~shall~~) must pay a penalty of five hundred
14 twenty-nine dollars, no part of which may be suspended or deferred.

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

17 (4)(a) The licensing of a vehicle in another state by a resident of
18 this state, as defined in RCW 46.16.028, evading the payment of any tax

1 or license fee imposed in connection with registration, is a gross
2 misdemeanor punishable as follows:

3 ~~((a))~~ (i) For a first offense, up to one year in the county jail
4 and payment of a fine of five hundred twenty-nine dollars plus twice
5 the amount of delinquent taxes and fees, no part of which may be
6 suspended or deferred; and

7 ~~((b))~~ (ii) For a second or subsequent offense, up to one year in
8 the county jail and payment of a fine of five hundred twenty-nine
9 dollars plus four times the amount of delinquent taxes and fees, no
10 part of which may be suspended or deferred(~~(+~~

11 ~~(c) For fines levied under (b) of this subsection,~~).

12 (b) An amount equal to the fines charged and the ((avoided))
13 delinquent taxes and fees ((owed will)) imposed under (a)(i) and (ii)
14 of this subsection must be deposited in the vehicle licensing fraud
15 account created in the state treasury(~~(+~~

16 ~~(d) The avoided taxes and fees shall be deposited and distributed~~
17 ~~in the same manner as if the taxes and fees were properly paid in a~~
18 ~~timely fashion)) in RCW 46.68.250 and used only for the purposes~~
19 provided in RCW 46.68.250.

20 (5) These provisions ~~((shall))~~ do not apply to the following
21 vehicles:

22 (a) Motorized foot scooters;

23 (b) Electric-assisted bicycles;

24 (c) Off-road vehicles operating on nonhighway roads under RCW
25 46.09.115;

26 (d) Farm vehicles if operated within a radius of fifteen miles of
27 the farm where principally used or garaged, farm tractors and farm
28 implements including trailers designed as cook or bunk houses used
29 exclusively for animal herding temporarily operating or drawn upon the
30 public highways, and trailers used exclusively to transport farm
31 implements from one farm to another during the daylight hours or at
32 night when such equipment has lights that comply with the law;

33 (e) Spray or fertilizer applicator rigs designed and used
34 exclusively for spraying or fertilization in the conduct of
35 agricultural operations and not primarily for the purpose of
36 transportation, and nurse rigs or equipment auxiliary to the use of and
37 designed or modified for the fueling, repairing, or loading of spray

1 and fertilizer applicator rigs and not used, designed, or modified
2 primarily for the purpose of transportation;

3 (f) Fork lifts operated during daylight hours on public highways
4 adjacent to and within five hundred feet of the warehouses which they
5 serve(~~(:—PROVIDED—FURTHER,—That))~~). However, these provisions
6 (~~shall~~) do not apply to vehicles used by the state parks and
7 recreation commission exclusively for park maintenance and operations
8 upon public highways within state parks;

9 (g) "Trams" used for transporting persons to and from facilities
10 related to the horse racing industry as regulated in chapter 67.16 RCW,
11 as long as the public right-of-way routes over which the trams operate
12 are not more than one mile from end to end, the public rights-of-way
13 over which the tram operates have an average daily traffic of not more
14 than 15,000 vehicles per day, and the activity is in conformity with
15 federal law. The operator must be a licensed driver and at least
16 eighteen years old. For the purposes of this section, "tram" also
17 means a vehicle, or combination of vehicles linked together with a
18 single mode of propulsion, used to transport persons from one location
19 to another;

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

1 equipment, or (iii) which are driven or moved upon a public highway
2 only for the purpose of crossing such highway from one property to
3 another, provided such movement does not exceed five hundred feet and
4 the vehicle is equipped with wheels or pads which will not damage the
5 roadway surface.

6 Exclusions:

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

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

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

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

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

28 (c) An off-road vehicle operated on a street, road, or highway as
29 authorized under RCW 46.09.180.

30 (7)(a) A motor vehicle subject to initial or renewal registration
31 under this section shall not be registered to a natural person unless
32 the person at time of application:

- 33 (i) Presents an unexpired Washington state driver's license; or
- 34 (ii) Certifies that he or she is:

35 (A) A Washington resident who does not operate a motor vehicle on
36 public roads; or

37 (B) Exempt from the requirement to obtain a Washington state
38 driver's license under RCW 46.20.025.

1 (b) For shared or joint ownership, the department will set up
2 procedures to verify that all owners meet the requirements of this
3 subsection.

4 (c) A person falsifying residency is guilty of a gross misdemeanor
5 punishable only by a fine of five hundred twenty-nine dollars.

6 (d) The department may adopt rules necessary to implement this
7 subsection, including rules under which a natural person applying for
8 registration may be exempt from the requirements of this subsection
9 where the person provides evidence satisfactory to the department that
10 he or she has a valid and compelling reason for not being able to meet
11 the requirements of this subsection.

12 (8) A vehicle with an expired registration of more than forty-five
13 days parked on a public street may be impounded by a police officer
14 under RCW 46.55.113(2).

15 NEW SECTION. **Sec. 2.** The sum of seventy-five thousand dollars per
16 fiscal year is appropriated to the department of revenue or as much
17 thereof as may be necessary and the sum of two hundred fifty thousand
18 dollars is appropriated to the Washington state patrol per fiscal year,
19 or as much thereof as may be necessary, from the vehicle license fraud
20 account for the purposes of vehicle license fraud enforcement and
21 collections by the Washington state patrol and the department of
22 revenue.

23 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2010.

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