

SHB 2053 - H AMD 774

By Representative Clibborn

WITHDRAWN 05/25/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature recognizes that for ensuing
4 biennia, the Washington state patrol, ferry operations, as well as
5 state and local roadway preservation and maintenance activities will
6 soon experience significant funding shortfalls. The legislature
7 further recognizes that existing law, enacted in 2002, requires the
8 department of licensing to submit a fee study every two years to the
9 transportation committees of the house of representatives and the
10 senate, the purpose of which is to ensure cost recovery for
11 transportation services. Based on the review of the department of
12 licensing's fee study, the legislature will review and adjust fees
13 accordingly each biennium to ensure that fees are adjusted and brought
14 up-to-date. The legislature further recognizes that previous studies
15 conducted by the joint transportation committee have recommended
16 various fees adjustments. The legislature finds that many of the fee
17 adjustments identified in these studies have not been made for several
18 years. Therefore, it is the intent of the legislature to adjust
19 certain fees for the sole purposes of addressing funding shortfalls in
20 certain transportation programs, providing gap funding for local
21 transportation entities along with roadway preservation for cities and
22 counties, and bringing fees in-line with costs. Accordingly, the
23 legislature intends to provide additional funding solely for: The
24 Washington state patrol; the Washington state ferry operating and
25 capital programs; the department of transportation highway maintenance
26 and preservation programs; the department of transportation public
27 transportation program; the transportation improvement board; the
28 county road administration board; the freight mobility strategic
29 investment board; the safe routes to schools program; and the state

1 treasurer, for the purposes of debt service and ancillary costs related
2 to bonds issued to fund the construction of a ferry boat vessel.

3 **I. APPROPRIATIONS**

4 NEW SECTION. **Sec. 2.** (1) Additive transportation funding is
5 hereby adopted and, subject to the provisions set forth, the several
6 amounts specified, or as much thereof as may be necessary to accomplish
7 the purposes designated, are hereby appropriated from the several
8 accounts and funds named to the designated state agencies and offices
9 for employee compensation and other expenses, for capital projects, and
10 for other specified purposes for the period ending June 30, 2013.

11 (2) Unless the context clearly requires otherwise, the definitions
12 in this subsection apply throughout the act:

13 (a) "Lapse" means the amount shall return to unappropriated status.

14 (b) "LEAP" means the legislative evaluation and accountability
15 program committee.

16 (c) "Provided solely" means the specified amount may be spent only
17 for the specified purpose. Unless otherwise specifically authorized in
18 this act, any portion of an amount provided solely for a specified
19 purpose that is not expended subject to the specified conditions and
20 limitations to fulfill the specified purpose shall lapse.

21 NEW SECTION. **Sec. 3. FOR THE WASHINGTON STATE PATROL**

22	State Patrol Highway Account--State Appropriation	\$6,000,000
23	Highway Safety Account--State Appropriation	\$14,000,000
24	TOTAL APPROPRIATION	\$20,000,000

25 The appropriations in this section are subject to the following
26 conditions and limitations:

27 (1) \$3,578,000 of the state patrol highway account--state
28 appropriation is provided solely for the auto theft investigation units
29 in King county, Spokane, and Tacoma.

30 (2) \$10,000,000 of the highway safety account--state appropriation
31 is provided solely for equipment acquisition, installation,
32 integration, and financing needs associated with the conversion of the
33 existing communication system to narrowbanding as required by the
34 federal communications commission.

1 (3) Except as otherwise provided in this section, the total
2 appropriation in this section must be used by the Washington state
3 patrol for the ongoing operations of the agency.

4 NEW SECTION. **Sec. 4. FOR THE DEPARTMENT OF TRANSPORTATION--**
5 **HIGHWAY MAINTENANCE--PROGRAM M**

6 Highway Safety Account--State Appropriation \$10,000,000

7 The appropriation in this section is subject to the following
8 conditions and limitations:

9 (1) \$5,057,000 of the highway safety account--state appropriation
10 is provided solely to further reduce the highway maintenance backlog in
11 order to maintain or increase levels of service.

12 (2) \$4,943,000 of the highway safety account--state appropriation
13 is provided solely for the department's compliance with its national
14 pollution discharge elimination system permit.

15 NEW SECTION. **Sec. 5. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC**
16 **TRANSPORTATION--PROGRAM V**

17 Multimodal Transportation Account--State
18 Appropriation \$13,000,000

19 The appropriation in this section is subject to the following
20 conditions and limitations:

21 (1)(a) \$440,000 of the multimodal transportation account--state
22 appropriation is provided solely for grants to nonprofit providers of
23 special needs transportation.

24 (b) \$1,560,000 of the multimodal transportation account--state
25 appropriation is provided solely for grants to transit agencies to
26 transport persons with special transportation needs.

27 (c) In administering grants under this subsection, the department
28 must use the same methodologies as are used for special needs grants
29 provided in chapter . . . (Engrossed Substitute House Bill No. 1175),
30 Laws of 2011 (the omnibus transportation appropriations act).

31 (2) \$11,000,000 of the multimodal transportation account--state
32 appropriation is provided solely for the following regional mobility
33 grant projects identified in LEAP Transportation Document 2011-B,
34 referenced in chapter . . . (Engrossed Substitute House Bill No. 1175),
35 Laws of 2011 (the omnibus transportation appropriations act):

- 1 (a) \$4,500,000 of the multimodal transportation account--state
- 2 appropriation is provided solely for the Lakewood to Seattle Commuter
- 3 Rail Expansion - Vehicles project.
- 4 (b) \$2,000,000 of the multimodal transportation account--state
- 5 appropriation is provided solely for the Sunday Service project.
- 6 (c) \$1,500,000 of the multimodal transportation account--state
- 7 appropriation is provided solely for the Southwest Seattle/Burien
- 8 Service Improvements project.
- 9 (d) \$3,000,000 of the multimodal transportation account--state
- 10 appropriation is provided solely for the RapidRide D Line project.

11 NEW SECTION. **Sec. 6. FOR THE DEPARTMENT OF TRANSPORTATION--**
 12 **MARINE--PROGRAM X**

13 Motor Vehicle Account--State Appropriation \$20,000,000

14 The appropriation in this section is subject to the following
 15 conditions and limitations:

- 16 (1) \$11,600,000 of the motor vehicle account--state appropriation
- 17 is provided solely for the purchase of fuel for marine operations.
- 18 (2) \$4,400,000 of the motor vehicle account--state appropriation is
- 19 provided solely to offset potential increases in fares during the 2011-
- 20 2013 fiscal biennium.
- 21 (3) \$4,000,000 of the motor vehicle account--state appropriation is
- 22 provided solely to maintain the same level of service provided in the
- 23 2009-2011 fiscal biennium.

24 NEW SECTION. **Sec. 7. FOR THE TRANSPORTATION IMPROVEMENT BOARD**
 25 Highway Safety Account--State Appropriation \$10,000,000

26 The appropriation in this section is subject to the following
 27 conditions and limitations:

- 28 (1) \$7,000,000 of the highway safety account--state appropriation
- 29 is provided solely to help cities meet urgent preservation needs.
- 30 (a) \$6,450,000 of the highway safety account--state appropriation
- 31 is provided solely for the urban arterial program.
- 32 (b) \$550,000 of the highway safety account--state appropriation is
- 33 provided solely for the small city pavement program.
- 34 (2) \$3,000,000 of the highway safety account--state appropriation
- 35 is for grants to cities to assist with compliance with storm water

1 permit requirements in connection with a funded transportation
2 improvement board project.

3 NEW SECTION. **Sec. 8. FOR THE COUNTY ROAD ADMINISTRATION BOARD**
4 Highway Safety Account--State Appropriation \$10,000,000

5 The appropriation in this section is subject to the following
6 conditions and limitations: The total appropriation in this section is
7 provided solely for the county arterial preservation program to help
8 counties meet urgent preservation needs.

9 NEW SECTION. **Sec. 9. FOR THE DEPARTMENT OF TRANSPORTATION--**
10 **PRESERVATION--PROGRAM P**

11 Highway Safety Account--State Appropriation \$10,000,000

12 The appropriation in this section is subject to the following
13 conditions and limitations: The total appropriation in this section is
14 provided solely for urgent preservation needs on the state highway
15 system.

16 NEW SECTION. **Sec. 10. FOR THE DEPARTMENT OF TRANSPORTATION--**
17 **WASHINGTON STATE FERRIES CONSTRUCTION--PROGRAM W**

18 Transportation 2003 Account (Nickel Account)--State
19 Appropriation \$144,000,000

20 The appropriation in this section is subject to the following
21 conditions and limitations:

22 (1) The transportation 2003 account (nickel account)--state
23 appropriation is provided solely for the purposes of constructing a
24 ferry boat vessel with a carrying capacity of at least one hundred
25 forty-four cars.

26 (2) The transportation 2003 account (nickel account)--state
27 appropriation includes up to \$144,000,000 in proceeds from the sale of
28 bonds authorized in RCW 47.10.861.

29 NEW SECTION. **Sec. 11. FOR THE DEPARTMENT OF TRANSPORTATION--LOCAL**
30 **PROGRAMS--PROGRAM Z--CAPITAL**

31 Highway Safety Account--State Appropriation \$5,000,000

32 The appropriation in this section is subject to the following
33 conditions and limitations:

1 (1) \$3,000,000 of the highway safety account--state appropriation
2 is provided solely to the freight mobility strategic investment board
3 for grants to meet urgent freight corridor improvement and preservation
4 needs.

5 (2) \$2,000,000 of the highway safety account--state appropriation
6 is provided solely for safe routes to schools program projects, in rank
7 order, and identified as contingency projects in the LEAP
8 Transportation Document 2011-A, pedestrian and bicycle safety program
9 projects and safe routes to school program projects, referenced in
10 chapter . . . (Engrossed Substitute House Bill No. 1175), Laws of 2011
11 (the omnibus transportation appropriations act).

12 NEW SECTION. **Sec. 12. FOR THE STATE TREASURER--BOND RETIREMENT**
13 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
14 **BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND**
15 **TRANSPORTATION FUND REVENUE**

16 Highway Bond Retirement Account--State Appropriation . . . \$10,350,000

17 NEW SECTION. **Sec. 13. FOR THE STATE TREASURER--BOND RETIREMENT**
18 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**
19 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

20 Transportation 2003 Account (Nickel Account)--State
21 Appropriation \$58,000

22 **II. DRIVER FEES**

23 **Sec. 14.** RCW 46.20.055 and 2010 c 223 s 1 are each amended to read
24 as follows:

25 (1) **Driver's instruction permit.** The department may issue a
26 driver's instruction permit with or without a photograph to an
27 applicant who has successfully passed all parts of the examination
28 other than the driving test, provided the information required by RCW
29 46.20.091, paid a fee (~~of twenty dollars~~) as required under
30 subsection (5) of this section, and meets the following requirements:

- 31 (a) Is at least fifteen and one-half years of age; or
- 32 (b) Is at least fifteen years of age and:
- 33 (i) Has submitted a proper application; and

1 (ii) Is enrolled in a traffic safety education program offered,
2 approved, and accredited by the superintendent of public instruction or
3 offered by a driver training school licensed and inspected by the
4 department of licensing under chapter 46.82 RCW, that includes practice
5 driving.

6 (2) **Waiver of written examination for instruction permit.** The
7 department may waive the written examination, if, at the time of
8 application, an applicant is enrolled in:

9 (a) A traffic safety education course as defined by RCW
10 28A.220.020(2); or

11 (b) A course of instruction offered by a licensed driver training
12 school as defined by RCW 46.82.280.

13 The department may require proof of registration in such a course
14 as it deems necessary.

15 (3) **Effect of instruction permit.** A person holding a driver's
16 instruction permit may drive a motor vehicle, other than a motorcycle,
17 upon the public highways if:

18 (a) The person has immediate possession of the permit;

19 (b) The person is not using a wireless communications device,
20 unless the person is using the device to report illegal activity,
21 summon medical or other emergency help, or prevent injury to a person
22 or property; and

23 (c) An approved instructor, or a licensed driver with at least five
24 years of driving experience, occupies the seat beside the driver.

25 (4) **Term of instruction permit.** A driver's instruction permit is
26 valid for one year from the date of issue.

27 (a) The department may issue one additional one-year permit.

28 (b) The department may issue a third driver's permit if it finds
29 after an investigation that the permittee is diligently seeking to
30 improve driving proficiency.

31 (c) A person applying to (~~renew an~~) receive a second or third
32 instruction permit must submit the application to the department in
33 person and pay a twenty-five dollar fee.

34 (5) **Examination fee.** An applicant who takes the examination
35 required under this section must pay a fee of thirty-five dollars for
36 each examination taken, irrespective of passage or failure.

1 **Sec. 15.** RCW 46.20.117 and 2005 c 314 s 305 are each amended to
2 read as follows:

3 (1) **Issuance.** The department shall issue an identicard, containing
4 a picture, if the applicant:

5 (a) Does not hold a valid Washington driver's license;

6 (b) Proves his or her identity as required by RCW 46.20.035; and

7 (c) Pays the required fee. The fee is (~~twenty~~) thirty dollars
8 unless an applicant is a recipient of continuing public assistance
9 grants under Title 74 RCW, who is referred in writing by the secretary
10 of social and health services. For those persons the fee must be the
11 actual cost of production of the identicard.

12 (2) **Design and term.** The identicard must:

13 (a) Be distinctly designed so that it will not be confused with the
14 official driver's license; and

15 (b) Expire on the fifth anniversary of the applicant's birthdate
16 after issuance.

17 (3) **Renewal.** An application for identicard renewal may be
18 submitted by means of:

19 (a) Personal appearance before the department; or

20 (b) Mail or electronic commerce, if permitted by rule of the
21 department and if the applicant did not renew his or her identicard by
22 mail or by electronic commerce when it last expired. However, the
23 department may accept an application for renewal of an identicard
24 submitted by means of mail or electronic commerce only if specific
25 authority and funding is provided for this purpose by June 30, 2004, in
26 the omnibus transportation appropriations act.

27 An identicard may not be renewed by mail or by electronic commerce
28 unless the renewal issued by the department includes a photograph of
29 the identicard holder.

30 (4) **Cancellation.** The department may cancel an identicard if the
31 holder of the identicard used the card or allowed others to use the
32 card in violation of RCW 46.20.0921.

33 **Sec. 16.** RCW 46.20.120 and 2005 c 314 s 306 and 2005 c 61 s 2 are
34 each reenacted and amended to read as follows:

35 An applicant for a new or renewed driver's license must
36 successfully pass a driver licensing examination to qualify for a

1 driver's license. The department shall give examinations at places and
2 times reasonably available to the people of this state.

3 (1) **Waiver.** The department may waive:

4 (a) All or any part of the examination of any person applying for
5 the renewal of a driver's license unless the department determines that
6 the applicant is not qualified to hold a driver's license under this
7 title; or

8 (b) All or any part of the examination involving operating a motor
9 vehicle if the applicant:

10 (i) Surrenders a valid driver's license issued by the person's
11 previous home state; or

12 (ii) Provides for verification a valid driver's license issued by
13 a foreign driver licensing jurisdiction with which the department has
14 an informal agreement under RCW 46.20.125; and

15 (iii) Is otherwise qualified to be licensed.

16 (2) **Fee.** Each applicant for a new license must pay an examination
17 fee of (~~twenty~~) thirty dollars.

18 (a) The examination fee is in addition to the fee charged for
19 issuance of the license.

20 (b) "New license" means a license issued to a driver:

21 (i) Who has not been previously licensed in this state; or

22 (ii) Whose last previous Washington license has been expired for
23 more than five years.

24 (3) An application for driver's license renewal may be submitted by
25 means of:

26 (a) Personal appearance before the department; or

27 (b) Mail or electronic commerce, if permitted by rule of the
28 department and if the applicant did not renew his or her license by
29 mail or by electronic commerce when it last expired. (~~However, the
30 department may accept an application for renewal of a driver's license
31 submitted by means of mail or electronic commerce only if specific
32 authority and funding is provided for this purpose by June 30, 2004, in
33 the omnibus transportation appropriations act.~~)

34 (4) A person whose license expired or will expire while he or she
35 is living outside the state, may:

36 (a) Apply to the department to extend the validity of his or her
37 license for no more than twelve months. If the person establishes to
38 the department's satisfaction that he or she is unable to return to

1 Washington before the date his or her license expires, the department
2 shall extend the person's license. The department may grant
3 consecutive extensions, but in no event may the cumulative total of
4 extensions exceed twelve months. An extension granted under this
5 section does not change the expiration date of the license for purposes
6 of RCW 46.20.181. The department shall charge a fee of thirty-five
7 dollars for each license extension;

8 (b) Apply to the department to renew his or her license by mail or,
9 if permitted by rule of the department, by electronic commerce even if
10 subsection (3)(b) of this section would not otherwise allow renewal by
11 that means. If the person establishes to the department's satisfaction
12 that he or she is unable to return to Washington within twelve months
13 of the date that his or her license expires, the department shall renew
14 the person's license by mail or, if permitted by rule of the
15 department, by electronic commerce.

16 (5) If a qualified person submits an application for renewal under
17 subsection (3)(b) or (4)(b) of this section, he or she is not required
18 to pass an examination nor provide an updated photograph. A license
19 renewed by mail or by electronic commerce that does not include a
20 photograph of the licensee must be labeled "not valid for
21 identification purposes."

22 **Sec. 17.** RCW 46.20.161 and 2000 c 115 s 6 are each amended to read
23 as follows:

24 The department, upon receipt of a fee of (~~twenty-five~~) forty-five
25 dollars, unless the driver's license is issued for a period other than
26 five years, in which case the fee shall be (~~five~~) nine dollars for
27 each year that the license is issued, which includes the fee for the
28 required photograph, shall issue to every qualifying applicant a
29 driver's license. A driver's license issued to a person under the age
30 of eighteen is an intermediate license, subject to the restrictions
31 imposed under RCW 46.20.075, until the person reaches the age of
32 eighteen. The license must include a distinguishing number assigned to
33 the licensee, the name of record, date of birth, Washington residence
34 address, photograph, a brief description of the licensee, and either a
35 facsimile of the signature of the licensee or a space upon which the
36 licensee shall write his or her usual signature with pen and ink

1 immediately upon receipt of the license. No license is valid until it
2 has been so signed by the licensee.

3 **Sec. 18.** RCW 46.20.181 and 1999 c 308 s 3 are each amended to read
4 as follows:

5 (1) Except as provided in subsection (4) of this section, every
6 driver's license expires on the fifth anniversary of the licensee's
7 birthdate following the issuance of the license.

8 (2) A person may renew his or her license on or before the
9 expiration date by submitting an application as prescribed by the
10 department and paying a fee of (~~twenty-five~~) forty dollars. This fee
11 includes the fee for the required photograph.

12 (3) A person renewing his or her driver's license more than sixty
13 days after the license has expired shall pay a penalty fee of (~~ten~~)
14 fifteen dollars in addition to the renewal fee, unless his or her
15 license expired when:

16 (a) The person was outside the state and he or she renews the
17 license within sixty days after returning to this state; or

18 (b) The person was incapacitated and he or she renews the license
19 within sixty days after the termination of the incapacity.

20 (4) During the period from July 1, 2000, to July 1, 2006, the
21 department may issue or renew a driver's license for a period other
22 than five years, or may extend by mail a license that has already been
23 issued, in order to evenly distribute, as nearly as possible, the
24 yearly renewal rate of licensed drivers. The fee for a driver's
25 license issued or renewed for a period other than five years, or that
26 has been extended by mail, is five dollars for each year that the
27 license is issued, renewed, or extended. The department may adopt any
28 rules as are necessary to carry out this subsection.

29 **Sec. 19.** RCW 46.20.200 and 2002 c 352 s 14 are each amended to
30 read as follows:

31 (1) If an instruction permit, identicard, or a driver's license is
32 lost or destroyed, the person to whom it was issued may obtain a
33 duplicate of it upon furnishing proof of such fact satisfactory to the
34 department and payment of a fee of (~~fifteen~~) twenty dollars to the
35 department.

1 (2) A replacement permit, identicard, or driver's license may be
2 obtained to change or correct material information upon payment of a
3 fee of (~~ten~~) fifteen dollars and surrender of the permit, identicard,
4 or driver's license being replaced.

5 **Sec. 20.** RCW 46.20.202 and 2007 c 7 s 1 are each amended to read
6 as follows:

7 (1) The department may enter into a memorandum of understanding
8 with any federal agency for the purposes of facilitating the crossing
9 of the border between the state of Washington and the Canadian province
10 of British Columbia.

11 (2) The department may enter into an agreement with the Canadian
12 province of British Columbia for the purposes of implementing a border-
13 crossing initiative.

14 (3)(a) The department may issue an enhanced driver's license or
15 identicard for the purposes of crossing the border between the state of
16 Washington and the Canadian province of British Columbia to an
17 applicant who provides the department with proof of: United States
18 citizenship, identity, and state residency. The department shall
19 continue to offer a standard driver's license and identicard. If the
20 department chooses to issue an enhanced driver's license, the
21 department must allow each applicant to choose between a standard
22 driver's license or identicard, or an enhanced driver's license or
23 identicard.

24 (b) The department shall implement a one-to-many biometric matching
25 system for the enhanced driver's license or identicard. An applicant
26 for an enhanced driver's license or identicard shall submit a biometric
27 identifier as designated by the department. The biometric identifier
28 must be used solely for the purpose of verifying the identity of the
29 holders and for any purpose set out in RCW 46.20.037. Applicants are
30 required to sign a declaration acknowledging their understanding of the
31 one-to-many biometric match.

32 (c) The enhanced driver's license or identicard must include
33 reasonable security measures to protect the privacy of Washington state
34 residents, including reasonable safeguards to protect against
35 unauthorized disclosure of data about Washington state residents. If
36 the enhanced driver's license or identicard includes a radio frequency

1 identification chip, or similar technology, the department shall ensure
2 that the technology is encrypted or otherwise secure from unauthorized
3 data access.

4 (d) The requirements of this subsection are in addition to the
5 requirements otherwise imposed on applicants for a driver's license or
6 identicard. The department shall adopt such rules as necessary to meet
7 the requirements of this subsection. From time to time the department
8 shall review technological innovations related to the security of
9 identity cards and amend the rules related to enhanced driver's
10 licenses and identicards as the director deems consistent with this
11 section and appropriate to protect the privacy of Washington state
12 residents.

13 (e) Notwithstanding RCW 46.20.118, the department may make images
14 associated with enhanced drivers' licenses or identicards from the
15 negative file available to United States customs and border agents for
16 the purposes of verifying identity.

17 (4)(a) The department (~~may set a~~) shall charge the following fees
18 for the issuance of enhanced drivers' licenses and identicards under
19 this section:

20 (i) The fee for an original enhanced driver's license is fifty-five
21 dollars.

22 (ii) The fee for a renewed or reissued enhanced driver's license is
23 thirty dollars.

24 (iii) The fee for an original enhanced identicard is fifty-five
25 dollars.

26 (iv) The fee for a renewed or reissued enhanced identicard is
27 thirty dollars.

28 (b) The fees under this section are in addition to the regular
29 driver's license and identicard fees.

30 **Sec. 21.** RCW 46.25.060 and 2011 c 153 s 1 are each amended to read
31 as follows:

32 (1)(a) No person may be issued a commercial driver's license unless
33 that person is a resident of this state, has successfully completed a
34 course of instruction in the operation of a commercial motor vehicle
35 that has been approved by the director or has been certified by an
36 employer as having the skills and training necessary to operate a
37 commercial motor vehicle safely, and has passed a knowledge and skills

1 test for driving a commercial motor vehicle that complies with minimum
2 federal standards established by federal regulation enumerated in 49
3 C.F.R. part 383, subparts G and H, and has satisfied all other
4 requirements of the CMVSA in addition to other requirements imposed by
5 state law or federal regulation. The tests must be prescribed and
6 conducted by the department. In addition to the fee charged for
7 issuance or renewal of any license, the applicant shall pay a fee of no
8 more than (~~ten~~) thirty dollars for each classified knowledge
9 examination, classified endorsement knowledge examination, or any
10 combination of classified license and endorsement knowledge
11 examinations. The applicant shall pay a fee of no more than one
12 hundred twenty-five dollars for each classified skill examination or
13 combination of classified skill examinations conducted by the
14 department.

15 (b) The department may authorize a person, including an agency of
16 this or another state, an employer, a private driver training facility,
17 or other private institution, or a department, agency, or
18 instrumentality of local government, to administer the skills test
19 specified by this section under the following conditions:

20 (i) The test is the same which would otherwise be administered by
21 the state;

22 (ii) The third party has entered into an agreement with the state
23 that complies with the requirements of 49 C.F.R. part 383.75; and

24 (iii) The director has adopted rules as to the third party testing
25 program and the development and justification for fees charged by any
26 third party.

27 (c) If the applicant's primary use of a commercial driver's license
28 is for any of the following, then the applicant shall pay a fee of no
29 more than seventy-five dollars for each classified skill examination or
30 combination of classified skill examinations whether conducted by the
31 department or a third-party tester:

32 (i) Public benefit not-for-profit corporations that are federally
33 supported head start programs; or

34 (ii) Public benefit not-for-profit corporations that support early
35 childhood education and assistance programs as described in RCW
36 43.215.405(2).

37 (2) The department shall work with the office of the superintendent
38 of public instruction to develop modified P1 and P2 skill examinations

1 that also include the skill examination components required to obtain
2 an "S" endorsement. In no event may a new applicant for an "S"
3 endorsement be required to take two separate examinations to obtain an
4 "S" endorsement and either a P1 or P2 endorsement, unless that
5 applicant is upgrading his or her existing commercial driver's license
6 to include an "S" endorsement. The combined P1/S or P2/S skill
7 examination must be offered to the applicant at the same cost as a
8 regular P1 or P2 skill examination.

9 (3)(a) The department may waive the skills test and the requirement
10 for completion of a course of instruction in the operation of a
11 commercial motor vehicle specified in this section for a commercial
12 driver's license applicant who meets the requirements of 49 C.F.R. part
13 383.77.

14 (b) An applicant who operates a commercial motor vehicle for
15 agribusiness purposes is exempt from the course of instruction
16 completion and employer skills and training certification requirements
17 under this section. By January 1, 2010, the department shall submit
18 recommendations regarding the continuance of this exemption to the
19 transportation committees of the legislature. For purposes of this
20 subsection (3)(b), "agribusiness" means a private carrier who in the
21 normal course of business primarily transports:

22 (i) Farm machinery, farm equipment, implements of husbandry, farm
23 supplies, and materials used in farming;

24 (ii) Agricultural inputs, such as seed, feed, fertilizer, and crop
25 protection products;

26 (iii) Unprocessed agricultural commodities, as defined in RCW
27 17.21.020, where such commodities are produced by farmers, ranchers,
28 vineyardists, or orchardists; or

29 (iv) Any combination of (b)(i) through (iii) of this subsection.

30 The department shall notify the transportation committees of the
31 legislature if the federal government takes action affecting the
32 exemption provided in this subsection (3)(b).

33 (4) A commercial driver's license or commercial driver's
34 instruction permit may not be issued to a person while the person is
35 subject to a disqualification from driving a commercial motor vehicle,
36 or while the person's driver's license is suspended, revoked, or
37 canceled in any state, nor may a commercial driver's license be issued

1 to a person who has a commercial driver's license issued by any other
2 state unless the person first surrenders all such licenses, which must
3 be returned to the issuing state for cancellation.

4 (5)(a) The department may issue a commercial driver's instruction
5 permit to an applicant who is at least eighteen years of age and holds
6 a valid Washington state driver's license and who has submitted a
7 proper application, passed the general knowledge examination required
8 for issuance of a commercial driver's license under subsection (1) of
9 this section, and paid the appropriate fee for the knowledge
10 examination and an application fee of (~~ten~~) thirty-five dollars.

11 (b) A commercial driver's instruction permit may not be issued for
12 a period to exceed six months. Only one renewal or reissuance may be
13 granted within a two-year period.

14 (c) The holder of a commercial driver's instruction permit may
15 drive a commercial motor vehicle on a highway only when accompanied by
16 the holder of a commercial driver's license valid for the type of
17 vehicle driven who occupies a seat beside the individual for the
18 purpose of giving instruction in driving the commercial motor vehicle.
19 The holder of a commercial driver's instruction permit is not
20 authorized to operate a commercial motor vehicle transporting hazardous
21 materials.

22 (d) The department shall transmit the fees collected for commercial
23 driver's instruction permits to the state treasurer.

24 **Sec. 22.** RCW 46.25.100 and 2002 c 272 s 4 are each amended to read
25 as follows:

26 When a person has been disqualified from operating a commercial
27 motor vehicle, the person is not entitled to have the commercial
28 driver's license restored until after the expiration of the appropriate
29 disqualification period required under RCW 46.25.090 or until the
30 department has received a drug and alcohol assessment and evidence is
31 presented of satisfactory participation in or completion of any
32 required drug or alcohol treatment program for ending the
33 disqualification under RCW 46.25.090(7). After expiration of the
34 appropriate period and upon payment of a requalification fee of
35 (~~twenty~~) twenty-five dollars, or (~~one~~) five hundred (~~fifty~~)
36 dollars if the person has been disqualified under RCW 46.25.090 (1)
37 (a), (b), (e), or (7), the person may apply for a new, duplicate, or

1 renewal commercial driver's license as provided by law. If the person
2 has been disqualified for a period of one year or more, the person
3 shall demonstrate that he or she meets the commercial driver's license
4 qualification standards specified in RCW 46.25.060.

5 **Sec. 23.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read
6 as follows:

7 (1) Any person who operates a motor vehicle within this state is
8 deemed to have given consent, subject to the provisions of RCW
9 46.61.506, to a test or tests of his or her breath or blood for the
10 purpose of determining the alcohol concentration or presence of any
11 drug in his or her breath or blood if arrested for any offense where,
12 at the time of the arrest, the arresting officer has reasonable grounds
13 to believe the person had been driving or was in actual physical
14 control of a motor vehicle while under the influence of intoxicating
15 liquor or any drug or was in violation of RCW 46.61.503. Neither
16 consent nor this section precludes a police officer from obtaining a
17 search warrant for a person's breath or blood.

18 (2) The test or tests of breath shall be administered at the
19 direction of a law enforcement officer having reasonable grounds to
20 believe the person to have been driving or in actual physical control
21 of a motor vehicle within this state while under the influence of
22 intoxicating liquor or any drug or the person to have been driving or
23 in actual physical control of a motor vehicle while having alcohol in
24 a concentration in violation of RCW 46.61.503 in his or her system and
25 being under the age of twenty-one. However, in those instances where
26 the person is incapable due to physical injury, physical incapacity, or
27 other physical limitation, of providing a breath sample or where the
28 person is being treated in a hospital, clinic, doctor's office,
29 emergency medical vehicle, ambulance, or other similar facility or
30 where the officer has reasonable grounds to believe that the person is
31 under the influence of a drug, a blood test shall be administered by a
32 qualified person as provided in RCW 46.61.506(5). The officer shall
33 inform the person of his or her right to refuse the breath or blood
34 test, and of his or her right to have additional tests administered by
35 any qualified person of his or her choosing as provided in RCW
36 46.61.506. The officer shall warn the driver, in substantially the
37 following language, that:

1 (a) If the driver refuses to take the test, the driver's license,
2 permit, or privilege to drive will be revoked or denied for at least
3 one year; and

4 (b) If the driver refuses to take the test, the driver's refusal to
5 take the test may be used in a criminal trial; and

6 (c) If the driver submits to the test and the test is administered,
7 the driver's license, permit, or privilege to drive will be suspended,
8 revoked, or denied for at least ninety days if the driver is age
9 twenty-one or over and the test indicates the alcohol concentration of
10 the driver's breath or blood is 0.08 or more, or if the driver is under
11 age twenty-one and the test indicates the alcohol concentration of the
12 driver's breath or blood is 0.02 or more, or if the driver is under age
13 twenty-one and the driver is in violation of RCW 46.61.502 or
14 46.61.504; and

15 (d) If the driver's license, permit, or privilege to drive is
16 suspended, revoked, or denied the driver may be eligible to immediately
17 apply for an ignition interlock driver's license.

18 (3) Except as provided in this section, the test administered shall
19 be of the breath only. If an individual is unconscious or is under
20 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
21 or vehicular assault as provided in RCW 46.61.522, or if an individual
22 is under arrest for the crime of driving while under the influence of
23 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
24 results from an accident in which there has been serious bodily injury
25 to another person, a breath or blood test may be administered without
26 the consent of the individual so arrested.

27 (4) Any person who is dead, unconscious, or who is otherwise in a
28 condition rendering him or her incapable of refusal, shall be deemed
29 not to have withdrawn the consent provided by subsection (1) of this
30 section and the test or tests may be administered, subject to the
31 provisions of RCW 46.61.506, and the person shall be deemed to have
32 received the warnings required under subsection (2) of this section.

33 (5) If, following his or her arrest and receipt of warnings under
34 subsection (2) of this section, the person arrested refuses upon the
35 request of a law enforcement officer to submit to a test or tests of
36 his or her breath or blood, no test shall be given except as authorized
37 under subsection (3) or (4) of this section.

1 (6) If, after arrest and after the other applicable conditions and
2 requirements of this section have been satisfied, a test or tests of
3 the person's blood or breath is administered and the test results
4 indicate that the alcohol concentration of the person's breath or blood
5 is 0.08 or more if the person is age twenty-one or over, or 0.02 or
6 more if the person is under the age of twenty-one, or the person
7 refuses to submit to a test, the arresting officer or other law
8 enforcement officer at whose direction any test has been given, or the
9 department, where applicable, if the arrest results in a test of the
10 person's blood, shall:

11 (a) Serve notice in writing on the person on behalf of the
12 department of its intention to suspend, revoke, or deny the person's
13 license, permit, or privilege to drive as required by subsection (7) of
14 this section;

15 (b) Serve notice in writing on the person on behalf of the
16 department of his or her right to a hearing, specifying the steps he or
17 she must take to obtain a hearing as provided by subsection (8) of this
18 section and that the person waives the right to a hearing if he or she
19 receives an ignition interlock driver's license;

20 (c) Mark the person's Washington state driver's license or permit
21 to drive, if any, in a manner authorized by the department;

22 (d) Serve notice in writing that the marked license or permit, if
23 any, is a temporary license that is valid for sixty days from the date
24 of arrest or from the date notice has been given in the event notice is
25 given by the department following a blood test, or until the
26 suspension, revocation, or denial of the person's license, permit, or
27 privilege to drive is sustained at a hearing pursuant to subsection (8)
28 of this section, whichever occurs first. No temporary license is valid
29 to any greater degree than the license or permit that it replaces; and

30 (e) Immediately notify the department of the arrest and transmit to
31 the department within seventy-two hours, except as delayed as the
32 result of a blood test, a sworn report or report under a declaration
33 authorized by RCW 9A.72.085 that states:

34 (i) That the officer had reasonable grounds to believe the arrested
35 person had been driving or was in actual physical control of a motor
36 vehicle within this state while under the influence of intoxicating
37 liquor or drugs, or both, or was under the age of twenty-one years and

1 had been driving or was in actual physical control of a motor vehicle
2 while having an alcohol concentration in violation of RCW 46.61.503;

3 (ii) That after receipt of the warnings required by subsection (2)
4 of this section the person refused to submit to a test of his or her
5 blood or breath, or a test was administered and the results indicated
6 that the alcohol concentration of the person's breath or blood was 0.08
7 or more if the person is age twenty-one or over, or was 0.02 or more if
8 the person is under the age of twenty-one; and

9 (iii) Any other information that the director may require by rule.

10 (7) The department of licensing, upon the receipt of a sworn report
11 or report under a declaration authorized by RCW 9A.72.085 under
12 subsection (6)(e) of this section, shall suspend, revoke, or deny the
13 person's license, permit, or privilege to drive or any nonresident
14 operating privilege, as provided in RCW 46.20.3101, such suspension,
15 revocation, or denial to be effective beginning sixty days from the
16 date of arrest or from the date notice has been given in the event
17 notice is given by the department following a blood test, or when
18 sustained at a hearing pursuant to subsection (8) of this section,
19 whichever occurs first.

20 (8) A person receiving notification under subsection (6)(b) of this
21 section may, within twenty days after the notice has been given,
22 request in writing a formal hearing before the department. The person
23 shall pay a fee of (~~two~~) three hundred seventy-five dollars as part
24 of the request. If the request is mailed, it must be postmarked within
25 twenty days after receipt of the notification. Upon timely receipt of
26 such a request for a formal hearing, including receipt of the required
27 (~~two~~) three hundred seventy-five dollar fee, the department shall
28 afford the person an opportunity for a hearing. The department may
29 waive the required (~~two~~) three hundred seventy-five dollar fee if the
30 person is an indigent as defined in RCW 10.101.010. Except as
31 otherwise provided in this section, the hearing is subject to and shall
32 be scheduled and conducted in accordance with RCW 46.20.329 and
33 46.20.332. The hearing shall be conducted in the county of the arrest,
34 except that all or part of the hearing may, at the discretion of the
35 department, be conducted by telephone or other electronic means. The
36 hearing shall be held within sixty days following the arrest or
37 following the date notice has been given in the event notice is given
38 by the department following a blood test, unless otherwise agreed to by

1 the department and the person, in which case the action by the
2 department shall be stayed, and any valid temporary license marked
3 under subsection (6)(c) of this section extended, if the person is
4 otherwise eligible for licensing. For the purposes of this section,
5 the scope of the hearing shall cover the issues of whether a law
6 enforcement officer had reasonable grounds to believe the person had
7 been driving or was in actual physical control of a motor vehicle
8 within this state while under the influence of intoxicating liquor or
9 any drug or had been driving or was in actual physical control of a
10 motor vehicle within this state while having alcohol in his or her
11 system in a concentration of 0.02 or more if the person was under the
12 age of twenty-one, whether the person was placed under arrest, and (a)
13 whether the person refused to submit to the test or tests upon request
14 of the officer after having been informed that such refusal would
15 result in the revocation of the person's license, permit, or privilege
16 to drive, or (b) if a test or tests were administered, whether the
17 applicable requirements of this section were satisfied before the
18 administration of the test or tests, whether the person submitted to
19 the test or tests, or whether a test was administered without express
20 consent as permitted under this section, and whether the test or tests
21 indicated that the alcohol concentration of the person's breath or
22 blood was 0.08 or more if the person was age twenty-one or over at the
23 time of the arrest, or 0.02 or more if the person was under the age of
24 twenty-one at the time of the arrest. The sworn report or report under
25 a declaration authorized by RCW 9A.72.085 submitted by a law
26 enforcement officer is prima facie evidence that the officer had
27 reasonable grounds to believe the person had been driving or was in
28 actual physical control of a motor vehicle within this state while
29 under the influence of intoxicating liquor or drugs, or both, or the
30 person had been driving or was in actual physical control of a motor
31 vehicle within this state while having alcohol in his or her system in
32 a concentration of 0.02 or more and was under the age of twenty-one and
33 that the officer complied with the requirements of this section.

34 A hearing officer shall conduct the hearing, may issue subpoenas
35 for the attendance of witnesses and the production of documents, and
36 shall administer oaths to witnesses. The hearing officer shall not
37 issue a subpoena for the attendance of a witness at the request of the
38 person unless the request is accompanied by the fee required by RCW

1 5.56.010 for a witness in district court. The sworn report or report
2 under a declaration authorized by RCW 9A.72.085 of the law enforcement
3 officer and any other evidence accompanying the report shall be
4 admissible without further evidentiary foundation and the
5 certifications authorized by the criminal rules for courts of limited
6 jurisdiction shall be admissible without further evidentiary
7 foundation. The person may be represented by counsel, may question
8 witnesses, may present evidence, and may testify. The department shall
9 order that the suspension, revocation, or denial either be rescinded or
10 sustained.

11 (9) If the suspension, revocation, or denial is sustained after
12 such a hearing, the person whose license, privilege, or permit is
13 suspended, revoked, or denied has the right to file a petition in the
14 superior court of the county of arrest to review the final order of
15 revocation by the department in the same manner as an appeal from a
16 decision of a court of limited jurisdiction. Notice of appeal must be
17 filed within thirty days after the date the final order is served or
18 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
19 1.1, or other statutes or rules referencing de novo review, the appeal
20 shall be limited to a review of the record of the administrative
21 hearing. The appellant must pay the costs associated with obtaining
22 the record of the hearing before the hearing officer. The filing of
23 the appeal does not stay the effective date of the suspension,
24 revocation, or denial. A petition filed under this subsection must
25 include the petitioner's grounds for requesting review. Upon granting
26 petitioner's request for review, the court shall review the
27 department's final order of suspension, revocation, or denial as
28 expeditiously as possible. The review must be limited to a
29 determination of whether the department has committed any errors of
30 law. The superior court shall accept those factual determinations
31 supported by substantial evidence in the record: (a) That were
32 expressly made by the department; or (b) that may reasonably be
33 inferred from the final order of the department. The superior court
34 may reverse, affirm, or modify the decision of the department or remand
35 the case back to the department for further proceedings. The decision
36 of the superior court must be in writing and filed in the clerk's
37 office with the other papers in the case. The court shall state the
38 reasons for the decision. If judicial relief is sought for a stay or

1 other temporary remedy from the department's action, the court shall
2 not grant such relief unless the court finds that the appellant is
3 likely to prevail in the appeal and that without a stay the appellant
4 will suffer irreparable injury. If the court stays the suspension,
5 revocation, or denial it may impose conditions on such stay.

6 (10)(a) If a person whose driver's license, permit, or privilege to
7 drive has been or will be suspended, revoked, or denied under
8 subsection (7) of this section, other than as a result of a breath or
9 blood test refusal, and who has not committed an offense for which he
10 or she was granted a deferred prosecution under chapter 10.05 RCW,
11 petitions a court for a deferred prosecution on criminal charges
12 arising out of the arrest for which action has been or will be taken
13 under subsection (7) of this section, or notifies the department of
14 licensing of the intent to seek such a deferred prosecution, then the
15 license suspension or revocation shall be stayed pending entry of the
16 deferred prosecution. The stay shall not be longer than one hundred
17 fifty days after the date charges are filed, or two years after the
18 date of the arrest, whichever time period is shorter. If the court
19 stays the suspension, revocation, or denial, it may impose conditions
20 on such stay. If the person is otherwise eligible for licensing, the
21 department shall issue a temporary license, or extend any valid
22 temporary license marked under subsection (6) of this section, for the
23 period of the stay. If a deferred prosecution treatment plan is not
24 recommended in the report made under RCW 10.05.050, or if treatment is
25 rejected by the court, or if the person declines to accept an offered
26 treatment plan, or if the person violates any condition imposed by the
27 court, then the court shall immediately direct the department to cancel
28 the stay and any temporary marked license or extension of a temporary
29 license issued under this subsection.

30 (b) A suspension, revocation, or denial imposed under this section,
31 other than as a result of a breath or blood test refusal, shall be
32 stayed if the person is accepted for deferred prosecution as provided
33 in chapter 10.05 RCW for the incident upon which the suspension,
34 revocation, or denial is based. If the deferred prosecution is
35 terminated, the stay shall be lifted and the suspension, revocation, or
36 denial reinstated. If the deferred prosecution is completed, the stay
37 shall be lifted and the suspension, revocation, or denial canceled.

1 (c) The provisions of (b) of this subsection relating to a stay of
2 a suspension, revocation, or denial and the cancellation of any
3 suspension, revocation, or denial do not apply to the suspension,
4 revocation, denial, or disqualification of a person's commercial
5 driver's license or privilege to operate a commercial motor vehicle.

6 (11) When it has been finally determined under the procedures of
7 this section that a nonresident's privilege to operate a motor vehicle
8 in this state has been suspended, revoked, or denied, the department
9 shall give information in writing of the action taken to the motor
10 vehicle administrator of the state of the person's residence and of any
11 state in which he or she has a license.

12 **Sec. 24.** RCW 46.20.380 and 2008 c 282 s 5 are each amended to read
13 as follows:

14 No person may file an application for an occupational driver's
15 license, a temporary restricted driver's license, or an ignition
16 interlock driver's license as provided in RCW 46.20.391 and 46.20.385
17 unless he or she first pays to the director or other person authorized
18 to accept applications and fees for driver's licenses a fee of one
19 hundred ten dollars. The applicant shall receive upon payment an
20 official receipt for the payment of such fee. All such fees shall be
21 forwarded to the director who shall transmit such fees to the state
22 treasurer in the same manner as other driver's license fees.

23 **III. VEHICLE FEES**

24 **Sec. 25.** RCW 46.17.230 and 2011 c 171 s 59 are each amended to
25 read as follows:

26 Before accepting an application for a replacement license tab or
27 windshield emblem, the department, county auditor or other agent, or
28 subagent appointed by the director shall charge a (~~one~~) two dollar
29 fee for each pair of tabs or windshield emblem. The license tab or
30 windshield emblem replacement fee must be deposited in the motor
31 vehicle fund created in RCW 46.68.070.

32 **Sec. 26.** RCW 46.17.310 and 2010 c 161 s 523 are each amended to
33 read as follows:

34 Before accepting an application for a change of class as required

1 under RCW 46.16A.200(6), the department, county auditor or other agent,
2 or subagent appointed by the director shall require the applicant to
3 pay a ((one)) two dollar fee. The ((one-dollar)) change of class fee
4 must be deposited in the motor vehicle fund created in RCW 46.68.070.

5 **Sec. 27.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to
6 read as follows:

7 (1) Before accepting an application for one of the following
8 permits, the department, county auditor or other agent, or subagent
9 appointed by the director shall require the applicant to pay the
10 following permit fee by permit type in addition to any other fee or tax
11 required by law:

12 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
13 (a) Dealer temporary	\$15.00	RCW 46.16A.300	RCW 46.68.030
14 (b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
15 (c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
16 (d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
17 (e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
18 (f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460
19 (g) Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
20 (h) Vehicle trip	\$(25.00)	RCW 46.16A.320	RCW 46.68.455
21	<u>40.00</u>		

22 (2) Permit fees as provided in subsection (1) of this section are
23 in addition to the filing fee required under RCW 46.17.005, except an
24 additional filing fee may not be charged for:

- 25 (a) Dealer temporary permits;
26 (b) Special fuel trip permits; and
27 (c) Vehicle trip permits.

28 (3) Five dollars of the fifteen dollar dealer temporary permit fee
29 provided in subsection (1)(a) of this section must be credited to the
30 payment of vehicle license fees at the time application for
31 registration is made. The remainder must be deposited to the state
32 patrol highway account created in RCW 46.68.030.

1 or subagent appointed by the director shall require the applicant to
2 pay a ((five)) fifteen dollar application fee in addition to any other
3 fees and taxes required by law. The certificate of title application
4 fee must be distributed under RCW 46.68.020.

5 **Sec. 31.** RCW 46.17.140 and 2010 c 161 s 512 are each amended to
6 read as follows:

7 The penalty for a late transfer under RCW 46.12.650(7) is ((twenty-
8 five)) fifty dollars assessed on the sixteenth day after the date of
9 delivery and two dollars for each additional day thereafter, but the
10 total penalty must not exceed one hundred twenty-five dollars. The
11 penalty must be distributed under RCW 46.68.020.

12 **Sec. 32.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to
13 read as follows:

14 (1) In addition to all other fees and taxes required by law, the
15 department, county auditor or other agent, or subagent appointed by the
16 director shall charge:

17 (a) The following license plate fees for each license plate, unless
18 the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
<u>Original issue</u>	<u>\$10.00</u>	<u>RCW 46.68.070</u>
Reflectivity	\$2.00	RCW 46.68.070
Replacement	\$10.00	RCW 46.68.070
<u>Original issue,</u> <u>motorcycle</u>	<u>\$4.00</u>	<u>RCW 46.68.070</u>
Replacement, motorcycle	((\$2.00)) <u>\$4.00</u>	RCW 46.68.070
Original issue, moped	((\$1.50)) <u>\$3.00</u>	RCW 46.68.070

29 (b) A license plate retention fee, as required under RCW
30 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain
31 the current license plate number upon license plate replacement, unless
32 the owner or type of vehicle is exempt from payment. The twenty dollar

1 fee must be deposited in the multimodal transportation account created
2 in RCW 47.66.070.

3 (c) A ten dollar license plate transfer fee, as required under RCW
4 46.16A.200(8)(a), when transferring standard issue license plates from
5 one vehicle to another, unless the owner or type of vehicle is exempt
6 from payment. The ten dollar license plate transfer fee must be
7 deposited in the motor vehicle fund created in RCW 46.68.070.

8 (d) Former prisoner of war license plates, as described in RCW
9 46.18.235, may be transferred to a replacement vehicle upon payment of
10 a five dollar license plate fee, in addition to any other fee required
11 by law.

12 (2) The department may, upon request, provide license plates that
13 have been used and returned to the department to individuals for
14 nonvehicular use. The department may charge a fee of up to five
15 dollars per license plate to cover costs or recovery for postage and
16 handling. The department may waive the fee for license plates used in
17 educational projects and may, by rule, provide standards for the fee
18 waiver and restrictions on the number of license plates provided to any
19 one person. The fee must be deposited in the motor vehicle fund
20 created in RCW 46.68.070.

21 **IV. MISCELLANEOUS FEES**

22 **Sec. 33.** RCW 46.87.090 and 1994 c 262 s 14 are each amended to
23 read as follows:

24 (1) To replace an apportioned vehicle license plate(s), cab card,
25 or validation tab(s) due to loss, defacement, or destruction, the
26 registrant shall apply to the department on forms furnished for that
27 purpose. The application, together with proper payment and other
28 documentation as indicated, shall be filed with the department as
29 follows:

30 (a) Apportioned plate(s) - a fee of (~~ten~~) thirteen dollars shall
31 be charged for vehicles required to display two apportioned plates or
32 five dollars for vehicles required to display one apportioned plate.
33 The cab card of the vehicle for which a plate is requested shall
34 accompany the application. The department shall issue a new
35 apportioned plate(s) with validation tab(s) and a new cab card upon

1 acceptance of the completed application form, old cab card, and the
2 required replacement fee.

3 (b) Cab card - a fee of two dollars shall be charged for each card.
4 If this is a duplicate cab card, it will be noted thereon.

5 (c) Validation year tab(s) - a fee of two dollars shall be charged
6 for each vehicle.

7 (2) All fees collected under this section shall be deposited to the
8 motor vehicle fund.

9 **Sec. 34.** RCW 46.87.130 and 2005 c 194 s 8 are each amended to read
10 as follows:

11 In addition to all other fees prescribed for the proportional
12 registration of vehicles under this chapter, the department shall
13 collect a vehicle transaction fee of eight dollars each time a vehicle
14 is added to a Washington-based fleet, and each time the proportional
15 registration of a Washington-based vehicle is renewed. (~~The exact
16 amount of the vehicle transaction fee shall be fixed by rule but shall
17 not exceed ten dollars.~~) This fee shall be deposited in the motor
18 vehicle fund.

19 **Sec. 35.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read
20 as follows:

21 Upon a proper request, the department may furnish an abstract of a
22 person's driving record as permitted under this section.

23 (1) **Contents of abstract of driving record.** An abstract of a
24 person's driving record, whenever possible, must include:

25 (a) An enumeration of motor vehicle accidents in which the person
26 was driving, including:

27 (i) The total number of vehicles involved;

28 (ii) Whether the vehicles were legally parked or moving;

29 (iii) Whether the vehicles were occupied at the time of the
30 accident; and

31 (iv) Whether the accident resulted in a fatality;

32 (b) Any reported convictions, forfeitures of bail, or findings that
33 an infraction was committed based upon a violation of any motor vehicle
34 law;

35 (c) The status of the person's driving privilege in this state; and

1 (d) Any reports of failure to appear in response to a traffic
2 citation or failure to respond to a notice of infraction served upon
3 the named individual by an arresting officer.

4 (2) **Release of abstract of driving record.** An abstract of a
5 person's driving record may be furnished to the following persons or
6 entities:

7 (a) **Named individuals.** (i) An abstract of the full driving record
8 maintained by the department may be furnished to the individual named
9 in the abstract.

10 (ii) Nothing in this section prevents a court from providing a copy
11 of the driver's abstract to the individual named in the abstract,
12 provided that the named individual has a pending or open infraction or
13 criminal case in that court. A pending case includes criminal cases
14 that have not reached a disposition by plea, stipulation, trial, or
15 amended charge. An open infraction or criminal case includes cases on
16 probation, payment agreement or subject to, or in collections. Courts
17 may charge a reasonable fee for the production and copying of the
18 abstract for the individual.

19 (b) **Employers or prospective employers.** (i) An abstract of the
20 full driving record maintained by the department may be furnished to an
21 employer or prospective employer or an agent acting on behalf of an
22 employer or prospective employer of the named individual for purposes
23 related to driving by the individual as a condition of employment or
24 otherwise at the direction of the employer.

25 (ii) Release of an abstract of the driving record of an employee or
26 prospective employee requires a statement signed by: (A) The employee
27 or prospective employee that authorizes the release of the record; and
28 (B) the employer attesting that the information is necessary for
29 employment purposes related to driving by the individual as a condition
30 of employment or otherwise at the direction of the employer. If the
31 employer or prospective employer authorizes an agent to obtain this
32 information on their behalf, this must be noted in the statement.

33 (iii) Upon request of the person named in the abstract provided
34 under this subsection, and upon that same person furnishing copies of
35 court records ruling that the person was not at fault in a motor
36 vehicle accident, the department must indicate on any abstract provided
37 under this subsection that the person was not at fault in the motor
38 vehicle accident.

1 (c) **Volunteer organizations.** (i) An abstract of the full driving
2 record maintained by the department may be furnished to a volunteer
3 organization or an agent for a volunteer organization for which the
4 named individual has submitted an application for a position that would
5 require driving by the individual at the direction of the volunteer
6 organization.

7 (ii) Release of an abstract of the driving record of a prospective
8 volunteer requires a statement signed by: (A) The prospective
9 volunteer that authorizes the release of the record; and (B) the
10 volunteer organization attesting that the information is necessary for
11 purposes related to driving by the individual at the direction of the
12 volunteer organization. If the volunteer organization authorizes an
13 agent to obtain this information on their behalf, this must be noted in
14 the statement.

15 (d) **Transit authorities.** An abstract of the full driving record
16 maintained by the department may be furnished to an employee or agent
17 of a transit authority checking prospective volunteer vanpool drivers
18 for insurance and risk management needs.

19 (e) **Insurance carriers.** (i) An abstract of the driving record
20 maintained by the department covering the period of not more than the
21 last three years may be furnished to an insurance company or its agent:

22 (A) That has motor vehicle or life insurance in effect covering the
23 named individual;

24 (B) To which the named individual has applied; or

25 (C) That has insurance in effect covering the employer or a
26 prospective employer of the named individual.

27 (ii) The abstract provided to the insurance company must:

28 (A) Not contain any information related to actions committed by law
29 enforcement officers or firefighters, as both terms are defined in RCW
30 41.26.030, or by Washington state patrol officers, while driving
31 official vehicles in the performance of their occupational duty. This
32 does not apply to any situation where the vehicle was used in the
33 commission of a misdemeanor or felony;

34 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except
35 that the abstract must report the convictions only as negligent driving
36 without reference to whether they are for first or second degree
37 negligent driving; and

1 (C) Exclude any deferred prosecution under RCW 10.05.060, except
2 that if a person is removed from a deferred prosecution under RCW
3 10.05.090, the abstract must show the deferred prosecution as well as
4 the removal.

5 (iii) Any policy of insurance may not be canceled, nonrenewed,
6 denied, or have the rate increased on the basis of information
7 regarding an accident included in the abstract of a driving record,
8 unless the policyholder was determined to be at fault.

9 (iv) Any insurance company or its agent, for underwriting purposes
10 relating to the operation of commercial motor vehicles, may not use any
11 information contained in the abstract relative to any person's
12 operation of motor vehicles while not engaged in such employment. Any
13 insurance company or its agent, for underwriting purposes relating to
14 the operation of noncommercial motor vehicles, may not use any
15 information contained in the abstract relative to any person's
16 operation of commercial motor vehicles.

17 (v) The director may enter into a contractual agreement with an
18 insurance company or its agent for the limited purpose of reviewing the
19 driving records of existing policyholders for changes to the record
20 during specified periods of time. The department shall establish a fee
21 for this service, which must be deposited in the highway safety fund.
22 The fee for this service must be set at a level that will not result in
23 a net revenue loss to the state. Any information provided under this
24 subsection must be treated in the same manner and is subject to the
25 same restrictions as driving record abstracts.

26 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
27 the driving record maintained by the department covering the period of
28 not more than the last five years may be furnished to an alcohol/drug
29 assessment or treatment agency approved by the department of social and
30 health services to which the named individual has applied or been
31 assigned for evaluation or treatment, for purposes of assisting
32 employees in making a determination as to what level of treatment, if
33 any, is appropriate, except that the abstract must:

34 (i) Also include records of alcohol-related offenses, as defined in
35 RCW 46.01.260(2), covering a period of not more than the last ten
36 years; and

37 (ii) Indicate whether an alcohol-related offense was originally
38 charged as a violation of either RCW 46.61.502 or 46.61.504.

1 (g) **City attorneys and county prosecuting attorneys.** An abstract
2 of the full driving record maintained by the department, including
3 whether a recorded violation is an alcohol-related offense, as defined
4 in RCW 46.01.260(2), that was originally charged as a violation of
5 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys
6 or county prosecuting attorneys. City attorneys and county prosecuting
7 attorneys may provide the driving record to alcohol/drug assessment or
8 treatment agencies approved by the department of social and health
9 services to which the named individual has applied or been assigned for
10 evaluation or treatment.

11 (h) **State colleges, universities, or agencies, or units of local**
12 **government.** An abstract of the full driving record maintained by the
13 department may be furnished to (i) state colleges, universities, or
14 agencies for employment and risk management purposes or (ii) units of
15 local government authorized to self-insure under RCW 48.62.031 for
16 employment and risk management purposes.

17 (i) **Superintendent of public instruction.** An abstract of the full
18 driving record maintained by the department may be furnished to the
19 superintendent of public instruction for review of public school bus
20 driver records. The superintendent or superintendent's designee may
21 discuss information on the driving record with an authorized
22 representative of the employing school district for employment and risk
23 management purposes.

24 (3) **Release to third parties prohibited.** Any person or entity
25 receiving an abstract of a person's driving record under subsection
26 (2)(b) through (i) of this section shall use the abstract exclusively
27 for his, her, or its own purposes or as otherwise expressly permitted
28 under this section, and shall not divulge any information contained in
29 the abstract to a third party.

30 (4) **Fee.** The director shall collect a (~~ten-dollar~~) twelve dollar
31 fee for each abstract of a person's driving record furnished by the
32 department. Fifty percent of the fee must be deposited in the highway
33 safety fund, and fifty percent of the fee must be deposited according
34 to RCW 46.68.038.

35 (5) **Violation.** (a) Any negligent violation of this section is a
36 gross misdemeanor.

37 (b) Any intentional violation of this section is a class C felony.

1 **Sec. 36.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to
2 read as follows:

3 (1) The department shall upon request furnish any person or his or
4 her attorney a certified abstract of his or her driving record, which
5 abstract shall include enumeration of any motor vehicle accidents in
6 which such person has been involved. Such abstract shall (a) indicate
7 the total number of vehicles involved, whether the vehicles were
8 legally parked or moving, and whether the vehicles were occupied at the
9 time of the accident; and (b) contain reference to any convictions of
10 the person for violation of the motor vehicle laws as reported to the
11 department, reference to any findings that the person has committed a
12 traffic infraction which have been reported to the department, and a
13 record of any vehicles registered in the name of the person. ((The
14 department shall collect for each abstract the sum of ten dollars,
15 fifty percent of which shall be deposited in the highway safety fund
16 and fifty percent of which must be deposited according to RCW
17 46.68.038.))

18 (2) The department shall upon request furnish any person who may
19 have been injured in person or property by any motor vehicle, with an
20 abstract of all information of record in the department pertaining to
21 the evidence of the ability of any driver or owner of any motor vehicle
22 to respond in damages. ((The department shall collect for each
23 abstract the sum of ten dollars, fifty percent of which shall be
24 deposited in the highway safety fund and fifty percent of which must be
25 deposited according to RCW 46.68.038.))

26 (3) For each abstract furnished under this section, the department
27 must collect and administer a fee as required in RCW 46.52.130.

28 **Sec. 37.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read
29 as follows:

30 The department is authorized to provide juvenile courts with the
31 department's record of traffic charges compiled under RCW 46.52.101 and
32 13.50.200, against any minor upon the request of any state juvenile
33 court or duly authorized officer of any juvenile court of this state.
34 Further, the department is authorized to provide any juvenile court
35 with any requested service which the department can reasonably perform
36 which is not inconsistent with its legal authority which substantially

1 aids juvenile courts in handling traffic cases and which promotes
2 highway safety.

3 The department is authorized to furnish to the parent, parents, or
4 guardian of any person under eighteen years of age who is not
5 emancipated from such parent, parents, or guardian, the department
6 records of traffic charges compiled against the person and shall
7 collect for the copy a fee of (~~ten~~) twelve dollars, fifty percent of
8 which must be deposited in the highway safety fund and fifty percent of
9 which must be deposited according to RCW 46.68.038.

10 **Sec. 38.** RCW 46.82.310 and 2009 c 101 s 3 are each amended to read
11 as follows:

12 (1) No person shall engage in the business of conducting a driver
13 training school without a license issued by the director for that
14 purpose. The school's license must be displayed before the school may:

15 (a) Schedule, enroll, or engage any students in a course of
16 instruction;

17 (b) Issue a verification of enrollment to any student; or

18 (c) Begin any classroom or behind-the-wheel instruction.

19 (2) An application for a driver training school license shall be
20 filed with the director, containing such information as prescribed by
21 the director, including a uniform business identifier number,
22 accompanied by an application fee (~~as set by rule of the department~~)
23 of one thousand dollars, which shall in no event be refunded. Before
24 an application for a driver training school license is approved, the
25 business practices, facilities, records, vehicles, and insurance of the
26 proposed school must be inspected and reviewed by authorized
27 representatives of the director. If an application is approved by the
28 director, the applicant shall be granted a license valid for a period
29 of one year from the date of issuance.

30 (3) A driver training school may apply for a license to establish
31 a branch office or branch classroom by filing an application with the
32 director, containing such information as prescribed by the director,
33 accompanied by an application fee (~~as set by rule of the department~~)
34 of five hundred dollars, which shall in no event be refunded. Before
35 an application for a license to establish a branch office or branch
36 classroom is approved, the business practices, facilities, records,
37 vehicles, and insurance of the proposed branch location must be

1 inspected and reviewed by authorized representatives of the director.
2 If an application is approved by the director, the applicant shall be
3 granted a license valid for a period of one year from the date of
4 issuance.

5 (4) The annual fee for renewal of a driver training school (~~or~~
6 ~~branch location~~) license (~~shall be set by rule of the department~~) is
7 seven hundred fifty dollars. The annual fee for renewal of a driver
8 training school branch location license is one hundred fifty dollars.

9 Subject to the department's inspection of the business, the director
10 shall issue a license certificate to each licensee which shall be
11 conspicuously displayed in the place of business of the licensee. If
12 the director has not received a renewal application postmarked on or
13 before the date a license expires the license will be marked late. If
14 the renewal application and fee are not received within thirty days
15 after expiration of the license, the license will be void requiring a
16 new application as provided for in this chapter, including payment of
17 all fees. Instruction may not be given beyond the thirty days from the
18 expiration of the license.

19 (5) The person to whom a driver training school license has been
20 issued must notify the director in writing within ten business days
21 after any change is made in the officers, directors, or location of the
22 place of business of the school.

23 (6) Except as otherwise permitted by rule of the department, a
24 change involving the ownership of a driver training school requires a
25 new license application, including payment of all fees.

26 (a) The owner relinquishing the business must notify the director
27 in writing within ten business days.

28 (b) The new owner must submit an application and fee (~~as~~
29 ~~prescribed by rule of the department~~) of seven hundred fifty dollars
30 for transfer of the school's license to the director within ten
31 business days.

32 (c) Upon receipt of the required notification and the application
33 and fees for license transfer, the director shall permit continuance of
34 the business for a period not to exceed sixty days from the date of
35 transfer pending approval of the new application for a school license.

36 (d) The transferred license shall remain subject to suspension,
37 revocation, or denial in accordance with RCW 46.82.350 and 46.82.360.

1 (7) Evidence of liability insurance coverage for the instruction
2 vehicles and the building premises of the driver training school must
3 be filed with the director prior to the issuance or renewal of a school
4 license, and shall meet the following standards:

5 (a) Coverage must be provided by a company authorized to do
6 business in Washington state;

7 (b) Automobile liability coverage shall be in the amount of not
8 less than one million dollars, and shall include property damage and
9 uninsured motorists coverage;

10 (c) The required coverage shall be maintained in full force and
11 effect for the term of the school license;

12 (d) Changes in insurance coverage due to cancellation or expiration
13 require notification of the director and proof of continuing coverage
14 within ten working days following any change; and

15 (e) Coverage shall be issued in the name of the school and identify
16 the covered locations and vehicles.

17 **Sec. 39.** RCW 46.82.320 and 2009 c 101 s 4 are each amended to read
18 as follows:

19 (1) No person affiliated with a driver training school shall give
20 instruction in the operation of an automobile for a fee without a
21 license issued by the director for that purpose. An application for an
22 original or renewal instructor's license shall be filed with the
23 director, containing such information as prescribed by this chapter and
24 by the director, accompanied by an application fee (~~set by rule of the~~
25 ~~department~~) of three hundred twenty-five dollars for an original
26 license and three hundred dollars for a renewal license, which shall in
27 no event be refunded. An application for a renewal instructor's
28 license must be accompanied by proof of the applicant's continuing
29 professional development that meets the standards adopted by the
30 director. If the applicant satisfactorily meets the application
31 requirements and the examination requirements as prescribed in RCW
32 46.82.330, the applicant shall be granted a license valid for a period
33 of two years from the date of issuance.

34 (2) The director shall issue a license certificate to each
35 qualified applicant.

36 (a) An employing driver training school must conspicuously display

1 an instructor's license at its established place of business and
2 display copies of the instructor's license at any branch office where
3 the instructor provides instruction.

4 (b) Unless revoked, canceled, or denied by the director, the
5 license shall remain the property of the licensee in the event of
6 termination of employment or employment by another driver training
7 school.

8 (c) If the director has not received a renewal application on or
9 before the date a license expires, the license will be voided requiring
10 a new application as provided for in this chapter, including
11 examination and payment of all fees.

12 (d) If revoked, canceled, or denied by the director, the license
13 must be surrendered to the department within ten days following the
14 effective date of such action.

15 (3) Each licensee shall be provided with a wallet-size
16 identification card by the director at the time the license is issued
17 which shall be in the instructor's immediate possession at all times
18 while engaged in instructing.

19 (4) The person to whom an instructor's license has been issued
20 shall notify the director in writing within ten days of any change of
21 employment or termination of employment, providing the name and address
22 of the new driver training school by whom the instructor will be
23 employed.

24 **Sec. 40.** RCW 46.82.330 and 2010 1st sp.s. c 7 s 21 are each
25 amended to read as follows:

26 (1) The application for an instructor's license shall document the
27 applicant's fitness, knowledge, skills, and abilities to teach the
28 classroom and behind-the-wheel phases of a driver training education
29 program in a commercial driver training school.

30 (2) An applicant shall be eligible to apply for an original
31 instructor's certificate if the applicant possesses and meets the
32 following qualifications and conditions:

33 (a) Has been licensed to drive for five or more years and possesses
34 a current and valid Washington driver's license or is a resident of a
35 jurisdiction immediately adjacent to Washington state and possesses a
36 current and valid license issued by such jurisdiction, and does not
37 have on his or her driving record any of the violations or penalties

1 set forth in (a)(i), (ii), or (iii) of this subsection. The director
2 shall have the right to examine the driving record of the applicant
3 from the department of licensing and from other jurisdictions and from
4 these records determine if the applicant has had:

5 (i) Not more than one moving traffic violation within the preceding
6 twelve months or more than two moving traffic violations in the
7 preceding twenty-four months;

8 (ii) No drug or alcohol-related traffic violation or incident
9 within the preceding three years. If there are two or more drug or
10 alcohol-related traffic violations in the applicant's driving history,
11 the applicant is no longer eligible to be a driving instructor; and

12 (iii) No driver's license suspension, cancellation, revocation, or
13 denial within the preceding two years, or no more than two of these
14 occurrences in the preceding five years;

15 (b) Is a high school graduate or the equivalent and at least
16 twenty-one years of age;

17 (c) Has completed an acceptable application on a form prescribed by
18 the director;

19 (d) Has satisfactorily completed a course of instruction in the
20 training of drivers acceptable to the director that is no less than
21 sixty hours in length and includes instruction in classroom and behind-
22 the-wheel teaching methods and supervised practice behind-the-wheel
23 teaching of driving techniques; and

24 (e) Has paid an examination fee (~~((as set by rule of the~~
25 ~~department))~~ of thirty-five dollars and has successfully completed an
26 instructor's examination.

27 **Sec. 41.** RCW 46.82.340 and 2006 c 219 s 8 are each amended to read
28 as follows:

29 In case of the loss, mutilation, or destruction of a driver
30 training school license certificate or an instructor's license
31 certificate, the director shall issue a duplicate thereof upon proof of
32 the facts and payment of a fee (~~((as set by rule of the department))~~) of
33 twenty-five dollars.

34 **Sec. 42.** RCW 46.01.230 and 2010 c 161 s 205 are each amended to
35 read as follows:

36 (1) The department may accept checks and money orders for the

1 payment of drivers' licenses, certificates of title and vehicle
2 registrations, vehicle excise taxes, gross weight fees, and other fees
3 and taxes collected by the department. Whenever registrations,
4 licenses, or permits have been paid for by checks or money orders that
5 have been dishonored by nonacceptance or nonpayment, the department
6 shall:

7 (a) Cancel the registration, license, or permit;

8 (b) Send a notice of cancellation by first-class mail using the
9 last known address in department records for the holder of the
10 certificate, license, or permit, and complete an affidavit of first-
11 class mail; and

12 (c) Assess a handling fee(~~(, set by rule)~~) of thirty-five dollars.

13 (2) It is a traffic infraction to fail to surrender a certificate
14 of title, registration certificate, or permit to the department or to
15 an authorized agent within ten days of being notified that the
16 certificate, registration, or permit has been canceled.

17 (3) County auditors, agents, and subagents appointed by the
18 director may collect restitution for dishonored checks and money orders
19 and keep the handling fee.

20 (4) A person who has recently acquired a vehicle by purchase,
21 exchange, gift, lease, inheritance, or legal action is not liable or
22 responsible for the payment of uncollected fees and taxes that were
23 paid for by a predecessor's check or money order that was subsequently
24 dishonored. The department may not deny an application to transfer
25 ownership for the uncollected amount.

26 (5) The director may adopt rules to implement this section. The
27 rules must provide for the public's convenience consistent with sound
28 business practice and encourage annual renewal of vehicle registrations
29 by mail, authorizing checks and money orders for payment.

30 **Sec. 43.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to
31 read as follows:

32 (1) The annual fees for original licenses issued for twelve
33 consecutive months from the date of issuance under this chapter shall
34 be:

35 (a) Vehicle dealers, principal place of business for each and every
36 license classification: (~~Seven hundred fifty~~) Nine hundred seventy-
37 five dollars;

1 (b) Vehicle dealers, each subagency, and temporary subagency: One
2 hundred twenty-five dollars;

3 (c) Vehicle manufacturers: (~~Five~~) Seven hundred fifty dollars.

4 (2) The annual fee for renewal of any license issued pursuant to
5 this chapter shall be:

6 (a) Vehicle dealers, principal place of business for each and every
7 license classification: (~~Two~~) Three hundred (~~fifty~~) twenty-five
8 dollars;

9 (b) Vehicle dealer, each and every subagency: (~~Twenty-five~~)
10 Fifty dollars;

11 (c) Vehicle manufacturers: (~~Two~~) Five hundred (~~fifty~~) dollars.

12 If any licensee fails or neglects to apply for such renewal within
13 thirty days after the expiration of the license, or assigned renewal
14 date under a staggered licensing system, the license shall be declared
15 canceled by the director, in which case the licensee will be required
16 to apply for an original license and pay the fee required for the
17 original license.

18 (3) The fee for the transfer to another location of any license
19 classification issued pursuant to this chapter shall be twenty-five
20 dollars.

21 (4) The fee for vehicle dealer license plates and manufacturer
22 license plates shall be the amount required by law for vehicle license
23 plates exclusive of excise tax and gross weight and tonnage fees.

24 (5) All fees collected under this chapter shall be deposited in the
25 state treasury and credited to the motor vehicle fund.

26 (6) The fees prescribed in this section are in addition to any
27 excise taxes imposed by chapter 82.44 RCW.

28 **Sec. 44.** RCW 46.80.040 and 1995 c 256 s 6 are each amended to read
29 as follows:

30 The application, together with a fee of (~~twenty-five~~) one hundred
31 dollars, and a surety bond as provided in RCW 46.80.070, shall be
32 forwarded to the department. Upon receipt of the application the
33 department shall, if the application is in order, issue a vehicle
34 wrecker's license authorizing the wrecker to do business as such and
35 forward the fee to the state treasurer, to be deposited in the motor
36 vehicle fund. Upon receiving the certificate the owner shall cause it

1 to be prominently displayed in the place of business, where it may be
2 inspected by an investigating officer at any time.

3 **Sec. 45.** RCW 46.80.050 and 1995 c 256 s 7 are each amended to read
4 as follows:

5 A license issued on this application remains in force until
6 suspended or revoked and may be renewed annually upon reapplication
7 according to RCW 46.80.030 and upon payment of a fee of (~~ten~~) fifteen
8 dollars. A vehicle wrecker who fails or neglects to renew the license
9 before the assigned expiration date shall pay the fee for an original
10 vehicle wrecker license as provided in this chapter.

11 Whenever a vehicle wrecker ceases to do business as such or the
12 license has been suspended or revoked, the wrecker shall immediately
13 surrender the license to the department.

14 **Sec. 46.** RCW 46.80.060 and 1995 c 256 s 8 are each amended to read
15 as follows:

16 The vehicle wrecker shall obtain a special set of license plates in
17 addition to the regular licenses and plates required for the operation
18 of such vehicles. The special plates must be displayed on vehicles
19 owned and/or operated by the wrecker and used in the conduct of the
20 business. The fee for these plates (~~shall be five~~) is fifteen
21 dollars for the original plates and (~~two~~) fifteen dollars for each
22 additional set of plates bearing the same license number. The renewal
23 fee for these plates is fifteen dollars for the first set, and fifteen
24 dollars for each additional set. A wrecker with more than one licensed
25 location in the state may use special plates bearing the same license
26 number for vehicles operated out of any of the licensed locations.

27 **Sec. 47.** RCW 46.79.040 and 2010 c 8 s 9095 are each amended to
28 read as follows:

29 Application for a hulk hauler's license, together with a fee of
30 (~~ten~~) one hundred dollars, or application for a scrap processor's
31 license, together with a fee of (~~twenty-five~~) one hundred dollars,
32 shall be forwarded to the director. Upon receipt of the application
33 the director shall, if the application be in order, issue the license
34 applied for authorizing him or her to do business as such and forward
35 the fee, together with an itemized and detailed report, to the state

1 treasurer, to be deposited in the motor vehicle fund. Upon receiving
2 the certificate the owner shall cause it to be prominently displayed at
3 the address shown in his or her application, where it may be inspected
4 by an investigating officer at any time.

5 **Sec. 48.** RCW 46.79.050 and 1985 c 109 s 5 are each amended to read
6 as follows:

7 A license issued pursuant to this chapter expires on the date
8 assigned by the director, and may be renewed by filing a proper
9 application and payment of a fee of (~~ten~~) seventy-five dollars.

10 Whenever a hulk hauler or scrap processor ceases to do business or
11 the license has been suspended or revoked, the license shall
12 immediately be surrendered to the director.

13 **Sec. 49.** RCW 46.79.060 and 2010 c 8 s 9096 are each amended to
14 read as follows:

15 The hulk hauler or scrap processor shall obtain a special set of
16 license plates in addition to the regular licenses and plates required
17 for the operation of vehicles owned and/or operated by him or her and
18 used in the conduct of his or her business. Such special license shall
19 be displayed on the operational vehicles and shall be in lieu of a trip
20 permit or current license on any vehicle being transported. The fee
21 for these plates (~~shall be five~~) is fifteen dollars for the original
22 plates and (~~two~~) fifteen dollars for each additional set of plates
23 bearing the same license number. The renewal fee for these plates is
24 fifteen dollars for the first set, and fifteen dollars for each
25 additional set.

26 **Sec. 50.** RCW 46.76.040 and 1990 c 250 s 68 are each amended to
27 read as follows:

28 The fee for an original transporter's license is (~~twenty-five~~)
29 one hundred dollars. Transporter license number plates bearing an
30 appropriate symbol and serial number shall be attached to all vehicles
31 being delivered in the conduct of the business licensed under this
32 chapter. The plates may be obtained for a fee of (~~two~~) fifteen
33 dollars for each set. The renewal fee for these plates is fifteen
34 dollars for the first set, and fifteen dollars for each additional set.

1 **Sec. 51.** RCW 46.76.050 and 1985 c 109 s 3 are each amended to read
2 as follows:

3 A transporter's license expires on the date assigned by the
4 director, and may be renewed by filing a proper application and paying
5 an annual fee of (~~fifteen~~) seventy-five dollars.

6 **Sec. 52.** RCW 46.37.420 and 2007 c 140 s 2 are each amended to read
7 as follows:

8 (1) It is unlawful to operate a vehicle upon the public highways of
9 this state unless it is completely equipped with pneumatic rubber tires
10 except vehicles equipped with temporary-use spare tires that meet
11 federal standards that are installed and used in accordance with the
12 manufacturer's instructions.

13 (2) No tire on a vehicle moved on a highway may have on its
14 periphery any block, flange, cleat, or spike or any other protuberance
15 of any material other than rubber which projects beyond the tread of
16 the traction surface of the tire, except that it is permissible to use
17 farm machinery equipped with pneumatic tires or solid rubber tracks
18 having protuberances that will not injure the highway, and except also
19 that it is permissible to use tire chains or metal studs imbedded
20 within the tire of reasonable proportions and of a type conforming to
21 rules adopted by the state patrol, upon any vehicle when required for
22 safety because of snow, ice, or other conditions tending to cause a
23 vehicle to skid. It is unlawful to use metal studs imbedded within the
24 tire between April 1st and November 1st, except that a vehicle may be
25 equipped year-round with tires that have retractable studs if: (a) The
26 studs retract pneumatically or mechanically to below the wear bar of
27 the tire when not in use; and (b) the retractable studs are engaged
28 only between November 1st and April 1st. Retractable studs may be made
29 of metal or other material and are not subject to the lightweight stud
30 weight requirements under RCW 46.04.272. The state department of
31 transportation may, from time to time, determine additional periods in
32 which the use of tires with metal studs imbedded therein is lawful.

33 (3)(a) In addition to the fee required under RCW 70.95.510, there
34 is a five dollar fee on the retail sale of each new tire sold that
35 contains studs. The fee imposed under this subsection must be paid by
36 the buyer to the seller, and each seller shall collect from the buyer
37 the full amount of the fee. The fee collected from the buyer by the

1 seller must be paid to the department of revenue in accordance with RCW
2 82.32.045. The fee collected must be deposited in the motor vehicle
3 account and be used for road maintenance.

4 (b) The department of revenue must collect on the business excise
5 tax return from the businesses selling new tires that contain studs at
6 retail the number of tires sold and the fee imposed under this
7 subsection. The department of revenue must incorporate into the
8 agency's audit cycle a reconciliation of the number of tires sold and
9 the amount of revenue collected by the businesses selling new tires
10 that contain studs.

11 (c) All other applicable provisions of chapter 82.32 RCW have full
12 force and application with respect to the fee imposed under this
13 subsection.

14 (d) The department of revenue must administer this subsection.

15 (e) For the purposes of this subsection, "a new tire that contains
16 studs" means a new tire that is manufactured for vehicle purposes and
17 contains metal studs imbedded by the tire manufacturer or retailer, and
18 does not include bicycle tires or retreaded vehicle tires.

19 (4) The state department of transportation and local authorities in
20 their respective jurisdictions may issue special permits authorizing
21 the operation upon a highway of traction engines or tractors having
22 movable tracks with transverse corrugations upon the periphery of the
23 movable tracks or farm tractors or other farm machinery, the operation
24 of which upon a highway would otherwise be prohibited under this
25 section.

26 ~~((+4))~~ (5) Tires with metal studs imbedded therein may be used
27 between November 1st and April 1st upon school buses and fire
28 department vehicles, any law or regulation to the contrary
29 notwithstanding.

30 NEW SECTION. Sec. 53. A new section is added to chapter 46.37 RCW
31 to read as follows:

32 (1) The fee imposed under RCW 46.37.420(3), to be collected by the
33 seller, is deemed to be held in trust by the seller until paid to the
34 department of revenue, and any seller who appropriates or converts the
35 fee collected to his or her own use or to any use other than the
36 payment of the fee to the extent that the money required to be

1 collected is not available for payment on the due date is guilty of a
2 gross misdemeanor.

3 (2) If any seller fails to collect the fee imposed under RCW
4 46.37.420(3) or, having collected the fee, fails to pay the fee to the
5 department of revenue by the due date, whether such failure is the
6 result of his or her own acts or the result of acts or conditions
7 beyond his or her control, the seller is personally liable to the state
8 for the amount of the fee.

9 (3) The amount of the fee, until paid by the buyer to the seller or
10 to the department of revenue, constitutes a debt from the buyer to the
11 seller. Any seller who fails or refuses to collect the fee as required
12 with intent to violate RCW 46.37.420(3) or to gain some advantage or
13 benefit, either direct or indirect, and any buyer who refuses to pay
14 the fee due under RCW 46.37.420(3) is guilty of a misdemeanor.

15 **Sec. 54.** RCW 82.08.036 and 1989 c 431 s 45 are each amended to
16 read as follows:

17 The tax levied by RCW 82.08.020 shall not apply to consideration:
18 (1) Received as core deposits or credits in a retail or wholesale sale;
19 ~~((or))~~ (2) received or collected upon the sale of a new replacement
20 vehicle tire as a fee imposed under RCW 70.95.510; or (3) received or
21 collected upon the sale of a new studded tire as a fee imposed under
22 RCW 46.37.420(3). For purposes of this section, the term "core
23 deposits or credits" means the amount representing the value of
24 returnable products such as batteries, starters, brakes, and other
25 products with returnable value added for the purpose of recycling or
26 remanufacturing.

27 NEW SECTION. **Sec. 55.** If any provision of this act or its
28 application to any person or circumstance is held invalid, the
29 remainder of the act or the application of the provision to other
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 56.** Sections 14 through 54 of this act apply to
32 vehicle registrations that are due or become due on or after January 1,
33 2012.

34 NEW SECTION. **Sec. 57.** This act takes effect January 1, 2012."

1 Correct the title.

EFFECT: (1) Delays the effective date of the bill to January 1, 2012.

(2) Reduces the vehicle dealer licensing increases to about 30 percent above current law levels.

(3) Removes the vehicle dealer plate fee increases.

(4) Removes the modification to the commercial driver's license fee level.

(5) Removes the \$7 million transfer from the Highway Safety Account to the Multimodal Transportation Account.

(6) Removes the revision to the Highway Safety Account statute to authorize a transfer to the Multimodal Transportation Account for the 2011-13 fiscal biennium.

(7) Reduces appropriations to reflect an expected 18 months of fee proceeds collections, instead of 24 months.

(8) Increases the original fee for a driver training school license from \$750 to \$1000; increases the renewal fee for a driver training school from \$500 to \$750; and reduces the renewal fee for a driver training school branch location from \$375 to \$150.

(9) Increases the certificate of title fee from \$13 to \$15.

(10) Modifies the requirement that \$3 million of the appropriation for the Transportation Improvement Board be spent on storm water grants such that the funds may be reflected in any storm water aspects of projects selected by the board.

(11) Removes the requirement that \$3 million of the appropriation for the County Road Administration Board be spent on storm water grants and instead directs the entire appropriation to be spent on urgent preservation needs.

--- END ---