

**SUBSTITUTE HOUSE BILL 2053**

**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Transportation (originally sponsored by Representatives Clibborn, Morris, Rolfes, Llias, Reykdal, Billig, Ormsby, Finn, Seaquist, and Lytton)

READ FIRST TIME 04/18/11.

1           AN ACT Relating to additive transportation funding; amending RCW  
2 46.68.060, 46.20.055, 46.20.117, 46.20.161, 46.20.181, 46.20.200,  
3 46.20.202, 46.20.049, 46.25.060, 46.25.100, 46.20.308, 46.20.380,  
4 46.17.230, 46.17.310, 46.17.400, 46.17.400, 46.68.455, 46.17.005,  
5 46.17.100, 46.17.140, 46.17.200, 46.17.200, 46.87.090, 46.87.130,  
6 46.52.130, 46.29.050, 46.20.293, 46.82.310, 46.82.320, 46.82.330,  
7 46.82.340, 46.01.230, 46.70.061, 46.80.040, 46.80.050, 46.80.060,  
8 46.79.040, 46.79.050, 46.79.060, 46.76.040, 46.76.050, 46.37.420, and  
9 82.08.036; reenacting and amending RCW 46.20.120; adding a new section  
10 to chapter 46.37 RCW; creating new sections; prescribing penalties;  
11 making appropriations and authorizing expenditures for capital  
12 improvements; providing an effective date; providing contingent  
13 effective dates; and declaring an emergency.

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

15           NEW SECTION. **Sec. 1.** The legislature recognizes that for ensuing  
16 biennia, the Washington state patrol, ferry operations, as well as  
17 state and local roadway preservation and maintenance activities will  
18 soon experience significant funding shortfalls. The legislature  
19 further recognizes that existing law, enacted in 2002, requires the

1 department of licensing to submit a fee study every two years to the  
2 transportation committees of the house of representatives and the  
3 senate, the purpose of which is to ensure cost recovery for  
4 transportation services. Based on the review of the department of  
5 licensing's fee study, the legislature will review and adjust fees  
6 accordingly each biennium to ensure that fees are adjusted and brought  
7 up-to-date. The legislature further recognizes that previous studies  
8 conducted by the joint transportation committee have recommended  
9 various fees adjustments. Therefore, it is the intent of the  
10 legislature to ensure that funding shortfalls in certain transportation  
11 programs are addressed, to provide gap funding for local transportation  
12 entities along with roadway preservation for cities and counties, and  
13 to bring fees in-line with costs.

14 **I. APPROPRIATIONS**

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

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

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

25 (b) "LEAP" means the legislative evaluation and accountability  
26 program committee.

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

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

33 State Patrol Highway Account--State Appropriation . . . . .	\$5,500,000
34 Highway Safety Account--State Appropriation . . . . .	\$20,500,000
35 TOTAL APPROPRIATION . . . . .	\$26,000,000

1 The appropriations in this section are subject to the following  
2 conditions and limitations:

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

6 (2) \$10,000,000 of the highway safety account--state appropriation  
7 is provided solely for equipment acquisition, installation,  
8 integration, and financing needs associated with the conversion of the  
9 existing communication system to narrowbanding as required by the  
10 federal communications commission.

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

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

16 Highway Safety Account--State Appropriation . . . . . \$13,000,000

17 The appropriation in this section is subject to the following  
18 conditions and limitations:

19 (1) \$8,057,000 of the highway safety account--state appropriation  
20 is provided solely to further reduce the highway maintenance backlog in  
21 order to maintain or increase levels of service.

22 (2) \$4,943,000 of the highway safety account--state appropriation  
23 is provided solely for the department's compliance with its national  
24 pollution discharge elimination system permit.

25 NEW SECTION. **Sec. 5. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC**  
26 **TRANSPORTATION--PROGRAM V**

27 Multimodal Transportation Account--State  
28 Appropriation . . . . . \$19,000,000

29 The appropriation in this section is subject to the following  
30 conditions and limitations:

31 (1)(a) \$1,760,000 of the multimodal transportation account--state  
32 appropriation is provided solely for grants to nonprofit providers of  
33 special needs transportation.

34 (b) \$6,240,000 of the multimodal transportation account--state

1 appropriation is provided solely for grants to transit agencies to  
2 transport persons with special transportation needs.

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

7 (2) \$11,000,000 of the multimodal transportation account--state  
8 appropriation is provided solely for the following regional mobility  
9 grant projects identified in LEAP Transportation Document 2011-B,  
10 referenced in chapter . . . (Engrossed Substitute House Bill No.  
11 1175), Laws of 2011 (the omnibus transportation appropriations act):

12 (a) \$4,500,000 of the multimodal transportation account--state  
13 appropriation is provided solely for the Lakewood to Seattle Commuter  
14 Rail Expansion - Vehicles project.

15 (b) \$2,000,000 of the multimodal transportation account--state  
16 appropriation is provided solely for the Sunday Service project.

17 (c) \$1,500,000 of the multimodal transportation account--state  
18 appropriation is provided solely for the Southwest Seattle/Burien  
19 Service Improvements project.

20 (d) \$3,000,000 of the multimodal transportation account--state  
21 appropriation is provided solely for the RapidRide D Line project.

22 NEW SECTION. **Sec. 6. FOR THE DEPARTMENT OF TRANSPORTATION--**  
23 **MARINE--PROGRAM X**

24 Motor Vehicle Account--State Appropriation . . . . . \$22,000,000

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

27 (1) \$13,600,000 of the motor vehicle account--state appropriation  
28 is provided solely for the purchase of fuel for marine operations.

29 (2) \$4,400,000 of the motor vehicle account--state appropriation is  
30 provided solely to offset potential increases in fares during the 2011-  
31 2013 fiscal biennium.

32 (3) \$4,000,000 of the motor vehicle account--state appropriation is  
33 provided solely to maintain the same level of service provided in the  
34 2009-2011 fiscal biennium.

35 NEW SECTION. **Sec. 7. FOR THE TRANSPORTATION IMPROVEMENT BOARD**  
36 Highway Safety Account--State Appropriation . . . . . \$13,000,000

1 The appropriation in this section is subject to the following  
2 conditions and limitations:

3 (1) \$10,000,000 of the highway safety account--state appropriation  
4 is provided solely to help cities meet urgent preservation needs.

5 (a) \$9,250,000 of the highway safety account--state appropriation  
6 is provided solely for the urban arterial program.

7 (b) \$750,000 of the highway safety account--state appropriation is  
8 provided solely for the small city pavement program.

9 (2) \$3,000,000 of the highway safety account--state appropriation  
10 is for grants to cities to assist with compliance with storm water  
11 permit requirements.

12 NEW SECTION. **Sec. 8. FOR THE COUNTY ROAD ADMINISTRATION BOARD**

13 Highway Safety Account--State Appropriation . . . . . \$13,000,000

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

16 (1) \$10,000,000 of the highway safety account--state appropriation  
17 is provided solely for the county arterial preservation program to help  
18 counties meet urgent preservation needs.

19 (2) \$3,000,000 of the highway safety account--state appropriation  
20 is for the rural arterial program to fund grants to counties to assist  
21 with compliance with storm water permit requirements.

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

24 Motor Vehicle Account--State Appropriation . . . . . \$8,000,000

25 Highway Safety Account--State Appropriation . . . . . \$5,000,000

26 TOTAL APPROPRIATION . . . . . \$13,000,000

27 The appropriations in this section are subject to the following  
28 conditions and limitations: The total appropriation in this section is  
29 provided solely for urgent preservation needs on the state highway  
30 system.

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

33 Transportation 2003 Account (Nickel Account)--State  
34 Appropriation . . . . . \$144,000,000

1 The appropriation in this section is subject to the following  
2 conditions and limitations:

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

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

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

12	Motor Vehicle Account--State Appropriation . . . . .	\$3,000,000
13	Highway Safety Account--State Appropriation . . . . .	\$5,000,000
14	TOTAL APPROPRIATION . . . . .	\$8,000,000

15 The appropriations in this section are subject to the following  
16 conditions and limitations:

17 (1) \$3,000,000 of the highway safety account--state appropriation  
18 is provided solely to the freight mobility strategic investment board  
19 for grants to meet urgent freight corridor improvement and preservation  
20 needs.

21 (2) \$2,000,000 of the highway safety account--state appropriation  
22 and \$3,000,000 of the motor vehicle account--state appropriation are  
23 provided solely for safe routes to schools program projects, in rank  
24 order, and identified as contingency projects in the LEAP  
25 Transportation Document 2011-A, pedestrian and bicycle safety program  
26 projects and safe routes to school program projects, referenced in  
27 chapter . . . (Engrossed Substitute House Bill No. 1175), Laws of 2011  
28 (the omnibus transportation appropriations act).

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

33	Highway Bond Retirement Account--State Appropriation . . .	\$10,350,000
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34 NEW SECTION. **Sec. 13. FOR THE STATE TREASURER--BOND RETIREMENT**

1 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**  
2 **BOND SALE EXPENSES AND FISCAL AGENT CHARGES**

3 Transportation 2003 Account (Nickel Account)--State  
4 Appropriation . . . . . \$58,000

5 NEW SECTION. **Sec. 14. FOR THE STATE TREASURER--ADMINISTRATIVE**  
6 **TRANSFERS**

7 Highway Safety Account--State Appropriation: For  
8 transfer to the Multimodal Transportation Account--State . . \$7,000,000

9 **Sec. 15.** RCW 46.68.060 and 2009 c 470 s 711 are each amended to  
10 read as follows:

11 There is hereby created in the state treasury a fund to be known as  
12 the highway safety fund to the credit of which shall be deposited all  
13 moneys directed by law to be deposited therein. This fund shall be  
14 used for carrying out the provisions of law relating to driver  
15 licensing, driver improvement, financial responsibility, cost of  
16 furnishing abstracts of driving records and maintaining such case  
17 records, and to carry out the purposes set forth in RCW 43.59.010.  
18 During the ((2007-2009-and)) 2009-2011 and 2011-2013 fiscal biennia,  
19 the legislature may transfer from the highway safety fund to the motor  
20 vehicle fund and the multimodal transportation account such amounts as  
21 reflect the excess fund balance of the highway safety fund.

22 **II. DRIVER FEES**

23 **Sec. 16.** 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. 17.** 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. 18.** 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. 19.** 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. 20.** 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. 21.** 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. 22.** 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. 23.** RCW 46.20.049 and 2005 c 314 s 309 are each amended to  
31 read as follows:

32 There shall be an additional fee for issuing any class of  
33 commercial driver's license in addition to the prescribed fee required  
34 for the issuance of the original driver's license. The additional fee  
35 for each class shall be thirty-five dollars for the original commercial  
36 driver's license or subsequent renewals. If the commercial driver's  
37 license is renewed or extended for a period other than five years, the

1 fee for each class shall be (~~six~~) seven dollars for each year that  
2 the commercial driver's license is renewed or extended. The fee shall  
3 be deposited in the highway safety fund.

4 **Sec. 24.** RCW 46.25.060 and 2009 c 339 s 1 are each amended to read  
5 as follows:

6 (1)(a) No person may be issued a commercial driver's license unless  
7 that person is a resident of this state, has successfully completed a  
8 course of instruction in the operation of a commercial motor vehicle  
9 that has been approved by the director or has been certified by an  
10 employer as having the skills and training necessary to operate a  
11 commercial motor vehicle safely, and has passed a knowledge and skills  
12 test for driving a commercial motor vehicle that complies with minimum  
13 federal standards established by federal regulation enumerated in 49  
14 C.F.R. part 383, subparts G and H, and has satisfied all other  
15 requirements of the CMVSA in addition to other requirements imposed by  
16 state law or federal regulation. The tests must be prescribed and  
17 conducted by the department. In addition to the fee charged for  
18 issuance or renewal of any license, the applicant shall pay a fee of no  
19 more than (~~ten~~) thirty dollars for each classified knowledge  
20 examination, classified endorsement knowledge examination, or any  
21 combination of classified license and endorsement knowledge  
22 examinations. The applicant shall pay a fee of no more than one  
23 hundred twenty-five dollars for each classified skill examination or  
24 combination of classified skill examinations conducted by the  
25 department.

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

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

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

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

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

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

8 (ii) Public benefit not-for-profit corporations that support early  
9 childhood education and assistance programs as described in RCW  
10 43.215.405(~~(+4)~~) (2).

11 (2) The department shall work with the office of the superintendent  
12 of public instruction to develop modified P1 and P2 skill examinations  
13 that also include the skill examination components required to obtain  
14 an "S" endorsement. In no event may a new applicant for an "S"  
15 endorsement be required to take two separate examinations to obtain an  
16 "S" endorsement and either a P1 or P2 endorsement, unless that  
17 applicant is upgrading his or her existing commercial driver's license  
18 to include an "S" endorsement. The combined P1/S or P2/S skill  
19 examination must be offered to the applicant at the same cost as a  
20 regular P1 or P2 skill examination.

21 (3)(a) The department may waive the skills test and the requirement  
22 for completion of a course of instruction in the operation of a  
23 commercial motor vehicle specified in this section for a commercial  
24 driver's license applicant who meets the requirements of 49 C.F.R. part  
25 383.77.

26 (b) An applicant who operates a commercial motor vehicle for  
27 agribusiness purposes is exempt from the course of instruction  
28 completion and employer skills and training certification requirements  
29 under this section. By January 1, 2010, the department shall submit  
30 recommendations regarding the continuance of this exemption to the  
31 transportation committees of the legislature. For purposes of this  
32 subsection (3)(b), "agribusiness" means a private carrier who in the  
33 normal course of business primarily transports:

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

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



1 (iii) Unprocessed agricultural commodities, as defined in RCW  
2 17.21.020, where such commodities are produced by farmers, ranchers,  
3 vineyardists, or orchardists; or

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

5 This subsection (3)(b) expires July 1, 2011.

6 (4) A commercial driver's license or commercial driver's  
7 instruction permit may not be issued to a person while the person is  
8 subject to a disqualification from driving a commercial motor vehicle,  
9 or while the person's driver's license is suspended, revoked, or  
10 canceled in any state, nor may a commercial driver's license be issued  
11 to a person who has a commercial driver's license issued by any other  
12 state unless the person first surrenders all such licenses, which must  
13 be returned to the issuing state for cancellation.

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

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

24 (c) The holder of a commercial driver's instruction permit may  
25 drive a commercial motor vehicle on a highway only when accompanied by  
26 the holder of a commercial driver's license valid for the type of  
27 vehicle driven who occupies a seat beside the individual for the  
28 purpose of giving instruction in driving the commercial motor vehicle.  
29 The holder of a commercial driver's instruction permit is not  
30 authorized to operate a commercial motor vehicle transporting hazardous  
31 materials.

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

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

36 When a person has been disqualified from operating a commercial  
37 motor vehicle, the person is not entitled to have the commercial

1 driver's license restored until after the expiration of the appropriate  
2 disqualification period required under RCW 46.25.090 or until the  
3 department has received a drug and alcohol assessment and evidence is  
4 presented of satisfactory participation in or completion of any  
5 required drug or alcohol treatment program for ending the  
6 disqualification under RCW 46.25.090(7). After expiration of the  
7 appropriate period and upon payment of a requalification fee of  
8 ((~~twenty~~)) twenty-five dollars, or ((~~one~~)) five hundred ((~~fifty~~))  
9 dollars if the person has been disqualified under RCW 46.25.090 (1)  
10 (a), (b), (e), or (7), the person may apply for a new, duplicate, or  
11 renewal commercial driver's license as provided by law. If the person  
12 has been disqualified for a period of one year or more, the person  
13 shall demonstrate that he or she meets the commercial driver's license  
14 qualification standards specified in RCW 46.25.060.

15 **Sec. 26.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read  
16 as follows:

17 (1) Any person who operates a motor vehicle within this state is  
18 deemed to have given consent, subject to the provisions of RCW  
19 46.61.506, to a test or tests of his or her breath or blood for the  
20 purpose of determining the alcohol concentration or presence of any  
21 drug in his or her breath or blood if arrested for any offense where,  
22 at the time of the arrest, the arresting officer has reasonable grounds  
23 to believe the person had been driving or was in actual physical  
24 control of a motor vehicle while under the influence of intoxicating  
25 liquor or any drug or was in violation of RCW 46.61.503. Neither  
26 consent nor this section precludes a police officer from obtaining a  
27 search warrant for a person's breath or blood.

28 (2) The test or tests of breath shall be administered at the  
29 direction of a law enforcement officer having reasonable grounds to  
30 believe the person to have been driving or in actual physical control  
31 of a motor vehicle within this state while under the influence of  
32 intoxicating liquor or any drug or the person to have been driving or  
33 in actual physical control of a motor vehicle while having alcohol in  
34 a concentration in violation of RCW 46.61.503 in his or her system and  
35 being under the age of twenty-one. However, in those instances where  
36 the person is incapable due to physical injury, physical incapacity, or  
37 other physical limitation, of providing a breath sample or where the

1 person is being treated in a hospital, clinic, doctor's office,  
2 emergency medical vehicle, ambulance, or other similar facility or  
3 where the officer has reasonable grounds to believe that the person is  
4 under the influence of a drug, a blood test shall be administered by a  
5 qualified person as provided in RCW 46.61.506(5). The officer shall  
6 inform the person of his or her right to refuse the breath or blood  
7 test, and of his or her right to have additional tests administered by  
8 any qualified person of his or her choosing as provided in RCW  
9 46.61.506. The officer shall warn the driver, in substantially the  
10 following language, that:

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

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

16 (c) If the driver submits to the test and the test is administered,  
17 the driver's license, permit, or privilege to drive will be suspended,  
18 revoked, or denied for at least ninety days if the driver is age  
19 twenty-one or over and the test indicates the alcohol concentration of  
20 the driver's breath or blood is 0.08 or more, or if the driver is under  
21 age twenty-one and the test indicates the alcohol concentration of the  
22 driver's breath or blood is 0.02 or more, or if the driver is under age  
23 twenty-one and the driver is in violation of RCW 46.61.502 or  
24 46.61.504; and

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

28 (3) Except as provided in this section, the test administered shall  
29 be of the breath only. If an individual is unconscious or is under  
30 arrest for the crime of vehicular homicide as provided in RCW 46.61.520  
31 or vehicular assault as provided in RCW 46.61.522, or if an individual  
32 is under arrest for the crime of driving while under the influence of  
33 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest  
34 results from an accident in which there has been serious bodily injury  
35 to another person, a breath or blood test may be administered without  
36 the consent of the individual so arrested.

37 (4) Any person who is dead, unconscious, or who is otherwise in a  
38 condition rendering him or her incapable of refusal, shall be deemed

1 not to have withdrawn the consent provided by subsection (1) of this  
2 section and the test or tests may be administered, subject to the  
3 provisions of RCW 46.61.506, and the person shall be deemed to have  
4 received the warnings required under subsection (2) of this section.

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

10 (6) If, after arrest and after the other applicable conditions and  
11 requirements of this section have been satisfied, a test or tests of  
12 the person's blood or breath is administered and the test results  
13 indicate that the alcohol concentration of the person's breath or blood  
14 is 0.08 or more if the person is age twenty-one or over, or 0.02 or  
15 more if the person is under the age of twenty-one, or the person  
16 refuses to submit to a test, the arresting officer or other law  
17 enforcement officer at whose direction any test has been given, or the  
18 department, where applicable, if the arrest results in a test of the  
19 person's blood, shall:

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

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

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

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

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

5 (i) That the officer had reasonable grounds to believe the arrested  
6 person had been driving or was in actual physical control of a motor  
7 vehicle within this state while under the influence of intoxicating  
8 liquor or drugs, or both, or was under the age of twenty-one years and  
9 had been driving or was in actual physical control of a motor vehicle  
10 while having an alcohol concentration in violation of RCW 46.61.503;

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

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

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

28 (8) A person receiving notification under subsection (6)(b) of this  
29 section may, within twenty days after the notice has been given,  
30 request in writing a formal hearing before the department. The person  
31 shall pay a fee of (~~two~~) three hundred seventy-five dollars as part  
32 of the request. If the request is mailed, it must be postmarked within  
33 twenty days after receipt of the notification. Upon timely receipt of  
34 such a request for a formal hearing, including receipt of the required  
35 (~~two~~) three hundred seventy-five dollar fee, the department shall  
36 afford the person an opportunity for a hearing. The department may  
37 waive the required (~~two~~) three hundred seventy-five dollar fee if the  
38 person is an indigent as defined in RCW 10.101.010. Except as

1 otherwise provided in this section, the hearing is subject to and shall  
2 be scheduled and conducted in accordance with RCW 46.20.329 and  
3 46.20.332. The hearing shall be conducted in the county of the arrest,  
4 except that all or part of the hearing may, at the discretion of the  
5 department, be conducted by telephone or other electronic means. The  
6 hearing shall be held within sixty days following the arrest or  
7 following the date notice has been given in the event notice is given  
8 by the department following a blood test, unless otherwise agreed to by  
9 the department and the person, in which case the action by the  
10 department shall be stayed, and any valid temporary license marked  
11 under subsection (6)(c) of this section extended, if the person is  
12 otherwise eligible for licensing. For the purposes of this section,  
13 the scope of the hearing shall cover the issues of whether a law  
14 enforcement officer had reasonable grounds to believe the person had  
15 been driving or was in actual physical control of a motor vehicle  
16 within this state while under the influence of intoxicating liquor or  
17 any drug or had been driving or was in actual physical control of a  
18 motor vehicle within this state while having alcohol in his or her  
19 system in a concentration of 0.02 or more if the person was under the  
20 age of twenty-one, whether the person was placed under arrest, and (a)  
21 whether the person refused to submit to the test or tests upon request  
22 of the officer after having been informed that such refusal would  
23 result in the revocation of the person's license, permit, or privilege  
24 to drive, or (b) if a test or tests were administered, whether the  
25 applicable requirements of this section were satisfied before the  
26 administration of the test or tests, whether the person submitted to  
27 the test or tests, or whether a test was administered without express  
28 consent as permitted under this section, and whether the test or tests  
29 indicated that the alcohol concentration of the person's breath or  
30 blood was 0.08 or more if the person was age twenty-one or over at the  
31 time of the arrest, or 0.02 or more if the person was under the age of  
32 twenty-one at the time of the arrest. The sworn report or report under  
33 a declaration authorized by RCW 9A.72.085 submitted by a law  
34 enforcement officer is prima facie evidence that the officer had  
35 reasonable grounds to believe the person had been driving or was in  
36 actual physical control of a motor vehicle within this state while  
37 under the influence of intoxicating liquor or drugs, or both, or the  
38 person had been driving or was in actual physical control of a motor

1 vehicle within this state while having alcohol in his or her system in  
2 a concentration of 0.02 or more and was under the age of twenty-one and  
3 that the officer complied with the requirements of this section.

4 A hearing officer shall conduct the hearing, may issue subpoenas  
5 for the attendance of witnesses and the production of documents, and  
6 shall administer oaths to witnesses. The hearing officer shall not  
7 issue a subpoena for the attendance of a witness at the request of the  
8 person unless the request is accompanied by the fee required by RCW  
9 5.56.010 for a witness in district court. The sworn report or report  
10 under a declaration authorized by RCW 9A.72.085 of the law enforcement  
11 officer and any other evidence accompanying the report shall be  
12 admissible without further evidentiary foundation and the  
13 certifications authorized by the criminal rules for courts of limited  
14 jurisdiction shall be admissible without further evidentiary  
15 foundation. The person may be represented by counsel, may question  
16 witnesses, may present evidence, and may testify. The department shall  
17 order that the suspension, revocation, or denial either be rescinded or  
18 sustained.

19 (9) If the suspension, revocation, or denial is sustained after  
20 such a hearing, the person whose license, privilege, or permit is  
21 suspended, revoked, or denied has the right to file a petition in the  
22 superior court of the county of arrest to review the final order of  
23 revocation by the department in the same manner as an appeal from a  
24 decision of a court of limited jurisdiction. Notice of appeal must be  
25 filed within thirty days after the date the final order is served or  
26 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ  
27 1.1, or other statutes or rules referencing de novo review, the appeal  
28 shall be limited to a review of the record of the administrative  
29 hearing. The appellant must pay the costs associated with obtaining  
30 the record of the hearing before the hearing officer. The filing of  
31 the appeal does not stay the effective date of the suspension,  
32 revocation, or denial. A petition filed under this subsection must  
33 include the petitioner's grounds for requesting review. Upon granting  
34 petitioner's request for review, the court shall review the  
35 department's final order of suspension, revocation, or denial as  
36 expeditiously as possible. The review must be limited to a  
37 determination of whether the department has committed any errors of  
38 law. The superior court shall accept those factual determinations

1 supported by substantial evidence in the record: (a) That were  
2 expressly made by the department; or (b) that may reasonably be  
3 inferred from the final order of the department. The superior court  
4 may reverse, affirm, or modify the decision of the department or remand  
5 the case back to the department for further proceedings. The decision  
6 of the superior court must be in writing and filed in the clerk's  
7 office with the other papers in the case. The court shall state the  
8 reasons for the decision. If judicial relief is sought for a stay or  
9 other temporary remedy from the department's action, the court shall  
10 not grant such relief unless the court finds that the appellant is  
11 likely to prevail in the appeal and that without a stay the appellant  
12 will suffer irreparable injury. If the court stays the suspension,  
13 revocation, or denial it may impose conditions on such stay.

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



1 (b) A suspension, revocation, or denial imposed under this section,  
2 other than as a result of a breath or blood test refusal, shall be  
3 stayed if the person is accepted for deferred prosecution as provided  
4 in chapter 10.05 RCW for the incident upon which the suspension,  
5 revocation, or denial is based. If the deferred prosecution is  
6 terminated, the stay shall be lifted and the suspension, revocation, or  
7 denial reinstated. If the deferred prosecution is completed, the stay  
8 shall be lifted and the suspension, revocation, or denial canceled.

9 (c) The provisions of (b) of this subsection relating to a stay of  
10 a suspension, revocation, or denial and the cancellation of any  
11 suspension, revocation, or denial do not apply to the suspension,  
12 revocation, denial, or disqualification of a person's commercial  
13 driver's license or privilege to operate a commercial motor vehicle.

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

20 **Sec. 27.** RCW 46.20.380 and 2008 c 282 s 5 are each amended to read  
21 as follows:

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

### 31 **III. VEHICLE FEES**

32 **Sec. 28.** RCW 46.17.230 and 2010 c 161 s 519 are each amended to  
33 read as follows:

34 Before accepting an application for a replacement license tab, the  
35 department, county auditor or other agent, or subagent appointed by the

1 director shall charge a (~~one~~) two dollar fee for each pair of tabs or  
2 windshield emblem. The license tab or windshield emblem replacement  
3 fee must be deposited in the motor vehicle fund created in RCW  
4 46.68.070.

5 **Sec. 29.** RCW 46.17.310 and 2010 c 161 s 523 are each amended to  
6 read as follows:

7 Before accepting an application for a change of class as required  
8 under RCW 46.16A.200(6), the department, county auditor or other agent,  
9 or subagent appointed by the director shall require the applicant to  
10 pay a (~~one~~) two dollar fee. The (~~one-dollar~~) change of class fee  
11 must be deposited in the motor vehicle fund created in RCW 46.68.070.

12 **Sec. 30.** RCW 46.17.400 and 2010 c 161 s 535 are each amended to  
13 read as follows:

14 (1) Before accepting an application for one of the following  
15 permits, the department, county auditor or other agent, or subagent  
16 appointed by the director shall require the applicant to pay the  
17 following permit fee by permit type in addition to any other fee or tax  
18 required by law:

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

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

- 1 (a) Dealer temporary permits;
- 2 (b) Special fuel trip permits; and
- 3 (c) Vehicle trip permits.

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

9 ~~((4) A surcharge of five dollars must be collected when issuing a  
 10 special fuel trip permit or vehicle trip permit as provided in  
 11 subsection (1) of this section and must be distributed as follows:~~

- 12 ~~(a) Under RCW 46.68.460 for special fuel trip permits; and~~
- 13 ~~(b) Under RCW 46.68.455 for vehicle trip permits.)~~

14 **Sec. 31.** RCW 46.17.400 and 2011 c ... (ESB 5061) s 62 are each  
 15 amended to read as follows:

16 (1) Before accepting an application for one of the following  
 17 permits, the department, county auditor or other agent, or subagent  
 18 appointed by the director shall require the applicant to pay the  
 19 following permit fee by permit type in addition to any other fee or tax  
 20 required by law:

21 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
22 (a) Dealer temporary	\$15.00	RCW 46.16A.300	RCW 46.68.030
23 (b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
24 (c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
25 (d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
26 (e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
27 (f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460
28 (g) Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
29 (h) Vehicle trip	<del>\$(25.00)</del>	RCW 46.16A.320	RCW 46.68.455
30	<u>40.00</u>		

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

- 1 (a) Dealer temporary permits;
- 2 (b) Special fuel trip permits; and
- 3 (c) Vehicle trip permits.

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

9 **Sec. 32.** RCW 46.68.455 and 2010 c 161 s 815 are each amended to  
10 read as follows:

11 (1) Thirty-two dollars of the vehicle trip permit fee imposed under  
12 RCW 46.17.400(1)(h) must be distributed as follows:

13 (a) (~~Five~~) Twelve dollars to the state patrol highway account for  
14 commercial motor vehicle inspections;

15 (b) A one dollar excise tax to the state general fund;

16 (c) The amount of the filing fee imposed under RCW 46.17.005(1)(a)  
17 to be credited as required under RCW 46.68.400; and

18 (d) The remainder to the credit of the motor vehicle fund created  
19 in RCW 46.68.070 as an administrative fee.

20 (2) The administrative fee under subsection (1)(d) of this section  
21 must be increased or decreased in an equal amount if the amount of the  
22 filing fee imposed under RCW 46.17.005(1)(a) increases or decreases, so  
23 that the total trip permit fee is adjusted equally to compensate.

24 (3) Eight dollars of the vehicle trip permit (~~surcharge~~) fee  
25 imposed under RCW 46.17.400(~~(+4)~~) (1)(h) must be distributed as  
26 follows:

27 (a) The portion of the (~~surcharge~~) fee paid by motor carriers to  
28 the motor vehicle fund created in RCW 46.68.070 for the purpose of  
29 supporting vehicle weigh stations, weigh-in-motion programs, and the  
30 commercial vehicle information systems and networks program; and

31 (b) The remainder to the motor vehicle fund created in RCW  
32 46.68.070 for the purpose of supporting congestion relief programs.

33 **Sec. 33.** RCW 46.68.455 and 2011 c ... (ESB 5061) s 89 are each  
34 amended to read as follows:

35 The vehicle trip permit fee imposed under RCW 46.17.400(1)(h) must  
36 be distributed as follows:

1 (1) (~~Five~~) Twelve dollars to the state patrol highway account for  
2 commercial motor vehicle inspections;

3 (2) (~~Five~~) Eight dollars to the motor vehicle fund created in RCW  
4 46.68.070 to be distributed as follows:

5 (a) If paid by motor carriers, to be used for supporting vehicle  
6 weigh stations, weigh-in-motion programs, and the commercial vehicle  
7 information systems and networks programs; and

8 (b) If paid by a person other than a motor carrier, to be used for  
9 supporting congestion relief programs.

10 (3) A one dollar excise tax to the state general fund;

11 (4) The amount of the filing fee imposed under RCW 46.17.005(1) to  
12 be credited as required under RCW 46.68.400; and

13 (5) The remainder to the credit of the motor vehicle fund created  
14 in RCW 46.68.070 as an administrative fee. The administrative fee must  
15 be increased or decreased in an equal amount if the amount of the  
16 filing fee imposed under RCW 46.17.005(1) increases or decreases, so  
17 that the total trip permit fee is adjusted equally to compensate.

18 **Sec. 34.** RCW 46.17.005 and 2010 c 161 s 501 are each amended to  
19 read as follows:

20 (1) A person who applies for a vehicle registration or for any  
21 other right to operate a vehicle on the highways of this state shall  
22 pay a (~~three~~) seven dollar filing fee in addition to any other fees  
23 and taxes required by law.

24 (2) A person who applies for a certificate of title shall pay a  
25 (~~four~~) eight dollar filing fee in addition to any other fees and  
26 taxes required by law.

27 (3) The filing fees established in this section must be distributed  
28 under RCW 46.68.400.

29 **Sec. 35.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to  
30 read as follows:

31 Before accepting an application for a certificate of title as  
32 required in this title, the department, county auditor or other agent,  
33 or subagent appointed by the director shall require the applicant to  
34 pay a (~~five~~) thirteen dollar application fee in addition to any other  
35 fees and taxes required by law. The certificate of title application  
36 fee must be distributed under RCW 46.68.020.

1           **Sec. 36.** RCW 46.17.140 and 2010 c 161 s 512 are each amended to  
2 read as follows:

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

8           **Sec. 37.** RCW 46.17.200 and 2010 c 161 s 518 are each amended to  
9 read as follows:

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

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

15

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>\$ 4.00</u>	<u>RCW 46.68.070</u>
<u>motorcycle</u>		
Replacement,	<del>(\$2.00)</del>	RCW 46.68.070
motorcycle	<u>\$4.00</u>	
<u>Original issue,</u>	<u>\$ 3.00</u>	<u>RCW 46.68.070</u>
<u>moped</u>		

26           (b) A license plate retention fee, as required under RCW  
27 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain  
28 the current license plate number upon license plate replacement, unless  
29 the owner or type of vehicle is exempt from payment. The twenty dollar  
30 fee must be deposited in the multimodal transportation account created  
31 in RCW 47.66.070.

32           (c) A ten dollar license plate transfer fee, as required under RCW  
33 46.16A.200(8)(a), when transferring standard issue license plates from

1 one vehicle to another, unless the owner or type of vehicle is exempt  
2 from payment. The ten dollar license plate transfer fee must be  
3 deposited in the motor vehicle fund created in RCW 46.68.070.

4 (d) Former prisoner of war license plates, as described in RCW  
5 46.18.235, may be transferred to a replacement vehicle upon payment of  
6 a five dollar license plate fee, in addition to any other fee required  
7 by law.

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

17 **Sec. 38.** RCW 46.17.200 and 2011 c ... (ESB 5061) s 56 are each  
18 amended to read as follows:

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

22 (a) The following license plate fees for each license plate, unless  
23 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	<del>(\$2.00)</del> <u>\$ 4.00</u>	RCW 46.68.070
Original issue, moped	<del>(\$1.50)</del> <u>\$3.00</u>	RCW 46.68.070

1 (b) A license plate retention fee, as required under RCW  
2 46.16A.200(10)(c), of twenty dollars if the owner wishes to retain the  
3 current license plate number upon license plate replacement, unless the  
4 owner or type of vehicle is exempt from payment. The twenty dollar fee  
5 must be deposited in the multimodal transportation account created in  
6 RCW 47.66.070.

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

12 (d) Former prisoner of war license plates, as described in RCW  
13 46.18.235, may be transferred to a replacement vehicle upon payment of  
14 a five dollar license plate fee, in addition to any other fee required  
15 by law.

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

#### 25 IV. MISCELLANEOUS FEES

26 **Sec. 39.** RCW 46.87.090 and 1994 c 262 s 14 are each amended to  
27 read as follows:

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

34 (a) Apportioned plate(s) - a fee of (~~ten~~) thirteen dollars shall  
35 be charged for vehicles required to display two apportioned plates or  
36 five dollars for vehicles required to display one apportioned plate.



1 The cab card of the vehicle for which a plate is requested shall  
2 accompany the application. The department shall issue a new  
3 apportioned plate(s) with validation tab(s) and a new cab card upon  
4 acceptance of the completed application form, old cab card, and the  
5 required replacement fee.

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

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

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

12 **Sec. 40.** RCW 46.87.130 and 2005 c 194 s 8 are each amended to read  
13 as follows:

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

22 **Sec. 41.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read  
23 as follows:

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

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

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

30 (i) The total number of vehicles involved;

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

32 (iii) Whether the vehicles were occupied at the time of the  
33 accident; and

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

35 (b) Any reported convictions, forfeitures of bail, or findings that

1 an infraction was committed based upon a violation of any motor vehicle  
2 law;

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

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

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

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

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

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

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

36 (iii) Upon request of the person named in the abstract provided  
37 under this subsection, and upon that same person furnishing copies of  
38 court records ruling that the person was not at fault in a motor

1 vehicle accident, the department must indicate on any abstract provided  
2 under this subsection that the person was not at fault in the motor  
3 vehicle accident.

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

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

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

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

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

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

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

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

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

37 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except

1 that the abstract must report the convictions only as negligent driving  
2 without reference to whether they are for first or second degree  
3 negligent driving; and

4 (C) Exclude any deferred prosecution under RCW 10.05.060, except  
5 that if a person is removed from a deferred prosecution under RCW  
6 10.05.090, the abstract must show the deferred prosecution as well as  
7 the removal.

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

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

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

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

37 (i) Also include records of alcohol-related offenses, as defined in

1 RCW 46.01.260(2), covering a period of not more than the last ten  
2 years; and

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

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

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

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

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

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

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

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

4 **Sec. 42.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to  
5 read as follows:

6 (1) The department shall upon request furnish any person or his or  
7 her attorney a certified abstract of his or her driving record, which  
8 abstract shall include enumeration of any motor vehicle accidents in  
9 which such person has been involved. Such abstract shall (a) indicate  
10 the total number of vehicles involved, whether the vehicles were  
11 legally parked or moving, and whether the vehicles were occupied at the  
12 time of the accident; and (b) contain reference to any convictions of  
13 the person for violation of the motor vehicle laws as reported to the  
14 department, reference to any findings that the person has committed a  
15 traffic infraction which have been reported to the department, and a  
16 record of any vehicles registered in the name of the person. ((The  
17 department shall collect for each abstract the sum of ten dollars,  
18 fifty percent of which shall be deposited in the highway safety fund  
19 and fifty percent of which must be deposited according to RCW  
20 46.68.038.))

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

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

31 **Sec. 43.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read  
32 as follows:

33 The department is authorized to provide juvenile courts with the  
34 department's record of traffic charges compiled under RCW 46.52.101 and  
35 13.50.200, against any minor upon the request of any state juvenile  
36 court or duly authorized officer of any juvenile court of this state.

1 Further, the department is authorized to provide any juvenile court  
2 with any requested service which the department can reasonably perform  
3 which is not inconsistent with its legal authority which substantially  
4 aids juvenile courts in handling traffic cases and which promotes  
5 highway safety.

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

13 **Sec. 44.** RCW 46.82.310 and 2009 c 101 s 3 are each amended to read  
14 as follows:

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

18 (a) Schedule, enroll, or engage any students in a course of  
19 instruction;

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

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

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

33 (3) A driver training school may apply for a license to establish  
34 a branch office or branch classroom by filing an application with the  
35 director, containing such information as prescribed by the director,  
36 accompanied by an application fee (~~as set by rule of the department~~)  
37 of five hundred dollars, which shall in no event be refunded. Before

1 an application for a license to establish a branch office or branch  
2 classroom is approved, the business practices, facilities, records,  
3 vehicles, and insurance of the proposed branch location must be  
4 inspected and reviewed by authorized representatives of the director.  
5 If an application is approved by the director, the applicant shall be  
6 granted a license valid for a period of one year from the date of  
7 issuance.

8 (4) The annual fee for renewal of a driver training school (~~(or~~  
9 ~~branch location)~~) license (~~(shall be set by rule of the department)~~) is  
10 five hundred dollars. The annual fee for renewal of a driver training  
11 school branch location license is three hundred seventy-five dollars.  
12 Subject to the department's inspection of the business, the director  
13 shall issue a license certificate to each licensee which shall be  
14 conspicuously displayed in the place of business of the licensee. If  
15 the director has not received a renewal application postmarked on or  
16 before the date a license expires the license will be marked late. If  
17 the renewal application and fee are not received within thirty days  
18 after expiration of the license, the license will be void requiring a  
19 new application as provided for in this chapter, including payment of  
20 all fees. Instruction may not be given beyond the thirty days from the  
21 expiration of the license.

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

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

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

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

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



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

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

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

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

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

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

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

19 **Sec. 45.** RCW 46.82.320 and 2009 c 101 s 4 are each amended to read  
20 as follows:

21 (1) No person affiliated with a driver training school shall give  
22 instruction in the operation of an automobile for a fee without a  
23 license issued by the director for that purpose. An application for an  
24 original or renewal instructor's license shall be filed with the  
25 director, containing such information as prescribed by this chapter and  
26 by the director, accompanied by an application fee (~~set by rule of the~~  
27 ~~department~~) of three hundred twenty-five dollars for an original  
28 license and three hundred dollars for a renewal license, which shall in  
29 no event be refunded. An application for a renewal instructor's  
30 license must be accompanied by proof of the applicant's continuing  
31 professional development that meets the standards adopted by the  
32 director. If the applicant satisfactorily meets the application  
33 requirements and the examination requirements as prescribed in RCW  
34 46.82.330, the applicant shall be granted a license valid for a period  
35 of two years from the date of issuance.

36 (2) The director shall issue a license certificate to each  
37 qualified applicant.

1 (a) An employing driver training school must conspicuously display  
2 an instructor's license at its established place of business and  
3 display copies of the instructor's license at any branch office where  
4 the instructor provides instruction.

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

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

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

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

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

25 **Sec. 46.** RCW 46.82.330 and 2010 1st sp.s. c 7 s 21 are each  
26 amended to read as follows:

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

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

34 (a) Has been licensed to drive for five or more years and possesses  
35 a current and valid Washington driver's license or is a resident of a  
36 jurisdiction immediately adjacent to Washington state and possesses a  
37 current and valid license issued by such jurisdiction, and does not

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

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

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

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

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

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

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

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

28 **Sec. 47.** RCW 46.82.340 and 2006 c 219 s 8 are each amended to read  
29 as follows:

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

35 **Sec. 48.** RCW 46.01.230 and 2010 c 161 s 205 are each amended to  
36 read as follows:

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

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

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

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

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

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

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

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

31 **Sec. 49.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to  
32 read as follows:

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

36 (a) Vehicle dealers, principal place of business for each and every  
37 license classification: One thousand seven hundred fifty 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~~) Seven hundred (~~fifty~~) dollars;

8 (b) Vehicle dealer, each and every subagency: (~~Twenty-five~~) One  
9 hundred dollars;

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

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

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

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

24 (a) For original issue license plates, one hundred dollars;

25 (b) For replacement license plates, fifty dollars; and

26 (c) For renewal license plates, one hundred dollars.

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

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

31 **Sec. 50.** RCW 46.80.040 and 1995 c 256 s 6 are each amended to read  
32 as follows:

33 The application, together with a fee of (~~twenty-five~~) one hundred  
34 dollars, and a surety bond as provided in RCW 46.80.070, shall be  
35 forwarded to the department. Upon receipt of the application the  
36 department shall, if the application is in order, issue a vehicle  
37 wrecker's license authorizing the wrecker to do business as such and

1 forward the fee to the state treasurer, to be deposited in the motor  
2 vehicle fund. Upon receiving the certificate the owner shall cause it  
3 to be prominently displayed in the place of business, where it may be  
4 inspected by an investigating officer at any time.

5 **Sec. 51.** RCW 46.80.050 and 1995 c 256 s 7 are each amended to read  
6 as follows:

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

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

16 **Sec. 52.** RCW 46.80.060 and 1995 c 256 s 8 are each amended to read  
17 as follows:

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

29 **Sec. 53.** RCW 46.79.040 and 2010 c 8 s 9095 are each amended to  
30 read as follows:

31 Application for a hulk hauler's license, together with a fee of  
32 (~~ten~~) one hundred dollars, or application for a scrap processor's  
33 license, together with a fee of (~~twenty-five~~) one hundred dollars,  
34 shall be forwarded to the director. Upon receipt of the application  
35 the director shall, if the application be in order, issue the license

1 applied for authorizing him or her to do business as such and forward  
2 the fee, together with an itemized and detailed report, to the state  
3 treasurer, to be deposited in the motor vehicle fund. Upon receiving  
4 the certificate the owner shall cause it to be prominently displayed at  
5 the address shown in his or her application, where it may be inspected  
6 by an investigating officer at any time.

7 **Sec. 54.** RCW 46.79.050 and 1985 c 109 s 5 are each amended to read  
8 as follows:

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

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

15 **Sec. 55.** RCW 46.79.060 and 2010 c 8 s 9096 are each amended to  
16 read as follows:

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

28 **Sec. 56.** RCW 46.76.040 and 1990 c 250 s 68 are each amended to  
29 read as follows:

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

1 dollars for each set. The renewal fee for these plates is fifteen  
2 dollars for the first set, and fifteen dollars for each additional set.

3 **Sec. 57.** RCW 46.76.050 and 1985 c 109 s 3 are each amended to read  
4 as follows:

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

8 **Sec. 58.** RCW 46.37.420 and 2007 c 140 s 2 are each amended to read  
9 as follows:

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

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

35 (3)(a) In addition to the fee required under RCW 70.95.510, there  
36 is a five dollar fee on the retail sale of each new tire sold that



1 contains studs. The fee imposed under this subsection must be paid by  
2 the buyer to the seller, and each seller shall collect from the buyer  
3 the full amount of the fee. The fee collected from the buyer by the  
4 seller must be paid to the department of revenue in accordance with RCW  
5 82.32.045. The fee collected must be deposited in the motor vehicle  
6 account and be used for road maintenance.

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

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

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

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

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

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

33 NEW SECTION. Sec. 59. A new section is added to chapter 46.37 RCW  
34 to read as follows:

35 (1) The fee imposed under RCW 46.37.420(3), to be collected by the  
36 seller, is deemed to be held in trust by the seller until paid to the  
37 department of revenue, and any seller who appropriates or converts the

1 fee collected to his or her own use or to any use other than the  
2 payment of the fee to the extent that the money required to be  
3 collected is not available for payment on the due date is guilty of a  
4 gross misdemeanor.

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

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

17 **Sec. 60.** RCW 82.08.036 and 1989 c 431 s 45 are each amended to  
18 read as follows:

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

29 NEW SECTION. **Sec. 61.** If chapter . . . (Engrossed Senate Bill No.  
30 5061), Laws of 2011 is enacted by June 30, 2011, sections 31, 33, and  
31 38 of this act take effect.

32 NEW SECTION. **Sec. 62.** If chapter . . . (Engrossed Senate Bill No.  
33 5061), Laws of 2011 is not enacted by June 30, 2011, sections 30, 32,  
34 and 37 of this act take effect.

1        NEW SECTION.    **Sec. 63.**    If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 64.**    This act is necessary for the immediate  
6 preservation of the public peace, health, or safety, or support of the  
7 state government and its existing public institutions, and takes effect  
8 July 1, 2011.

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