

HOUSE BILL 2053

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Clibborn, Morris, Rolfes, Lias, Reykdal, Billig, Ormsby, Finn, Seaquist, and Lytton

Read first time 04/07/11. Referred to Committee on Transportation.

1 AN ACT Relating to additive transportation funding; amending RCW  
2 46.20.055, 46.20.117, 46.20.161, 46.20.181, 46.20.200, 46.20.202,  
3 46.20.049, 46.25.060, 46.25.100, 46.20.308, 46.20.380, 46.17.230,  
4 46.17.310, 46.17.315, 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, 46.20.293, 46.82.310, 46.82.320, 46.82.330, 46.82.340,  
7 46.01.230, 46.70.061, 46.55.030, 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, and 46.37.420;  
9 reenacting and amending RCW 46.20.120; creating new sections; making  
10 appropriations and authorizing expenditures for capital improvements;  
11 providing an effective date; and declaring an emergency.

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

13 NEW SECTION. **Sec. 1.** The legislature recognizes that for ensuing  
14 biennia, the Washington state patrol, ferry operations, as well as  
15 state and local roadway preservation and maintenance activities will  
16 soon experience significant funding shortfalls. The legislature  
17 further recognizes that existing law, enacted in 2002, requires the  
18 department of licensing to submit a fee study every two years to the  
19 transportation committees of the house of representatives and the

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

12 **I. APPROPRIATIONS**

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

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

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

23 (b) "LEAP" means the legislative evaluation and accountability  
24 program committee.

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

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

31 State Patrol Highway Account--State Appropriation . . . . .	\$8,500,000
32 Highway Safety Account--State Appropriation . . . . .	\$20,500,000
33 TOTAL APPROPRIATION . . . . .	\$29,000,000

34 The appropriations in this section are subject to the following  
35 conditions and limitations:

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

4 (2) \$10,000,000 of the highway safety account--state appropriation  
5 is provided solely for equipment acquisition, installation,  
6 integration, and financing needs associated with the conversion of the  
7 existing communication system to narrowbanding as required by the  
8 federal communications commission.

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

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

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

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

17 (1) \$8,057,000 of the highway safety account--state appropriation  
18 is provided solely to further reduce the highway maintenance backlog in  
19 order to maintain or increase levels of service.

20 (2) \$4,943,000 of the highway safety account--state appropriation  
21 is provided solely for the department's compliance with its national  
22 pollution discharge elimination system permit.

23 NEW SECTION. **Sec. 5. FOR THE DEPARTMENT OF TRANSPORTATION--PUBLIC**  
24 **TRANSPORTATION--PROGRAM V**

25 Multimodal Transportation Account--State  
26 Appropriation . . . . . \$8,000,000

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

29 (1) \$1,760,000 of the multimodal transportation account--state  
30 appropriation is provided solely for grants to nonprofit providers of  
31 special needs transportation.

32 (2) \$6,240,000 of the multimodal transportation account--state  
33 appropriation is provided solely for grants to transit agencies to  
34 transport persons with special transportation needs.

1        NEW SECTION.    **Sec. 6.    FOR THE DEPARTMENT OF TRANSPORTATION--**  
2 **MARINE--PROGRAM X**

3 Motor Vehicle Account--State Appropriation . . . . . \$25,000,000

4        The appropriation in this section is subject to the following  
5 conditions and limitations:

6        (1) \$16,600,000 of the motor vehicle account--state appropriation  
7 is provided solely for the purchase of fuel for marine operations.

8        (2) \$4,400,000 of the motor vehicle account--state appropriation is  
9 provided solely to offset potential increases in fares during the 2011-  
10 2013 fiscal biennium.

11        (3) \$4,000,000 of the motor vehicle account--state appropriation is  
12 provided solely to maintain the same level of service provided in the  
13 2009-2011 fiscal biennium.

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

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

18        (1) The appropriation in this section is provided solely to help  
19 cities meet urgent preservation needs.

20        (2) \$12,000,000 of the highway safety account--state appropriation  
21 is provided solely for the urban arterial program.

22        (3) \$1,000,000 of the highway safety account--state appropriation  
23 is provided solely for the small city pavement program.

24        NEW SECTION.    **Sec. 8.    FOR THE COUNTY ROAD ADMINISTRATION BOARD**  
25 Highway Safety Account--State Appropriation . . . . . \$13,000,000

26        The appropriation in this section is subject to the following  
27 conditions and limitations:    The appropriation in this section is  
28 provided solely for the county arterial preservation program to help  
29 counties meet urgent preservation needs.

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

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

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

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

1 The appropriations in this section are subject to the following  
2 conditions and limitations: The total appropriation in this section is  
3 provided solely for urgent preservation needs on the state highway  
4 system.

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

7 Transportation 2003 Account (Nickel Account)--State  
8 Appropriation . . . . . \$144,000,000

9 The appropriation in this section is subject to the following  
10 conditions and limitations:

11 (1) The transportation 2003 account (nickel account)--state  
12 appropriation is provided solely for the purposes of constructing a  
13 ferry boat vessel with a carrying capacity of at least one hundred  
14 thirty cars.

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

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

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

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

23 (1) \$3,000,000 of the highway safety account--state appropriation  
24 is provided solely to the freight mobility strategic investment board  
25 for grants to meet urgent freight corridor improvement and preservation  
26 needs.

27 (2) \$2,000,000 of the highway safety account--state appropriation  
28 is provided solely for safe routes to schools program projects, in rank  
29 order, and identified as contingency projects in the LEAP  
30 Transportation Document 2011-A, pedestrian and bicycle safety program  
31 projects and safe routes to school program projects, referenced in the  
32 omnibus transportation appropriations act.

33 NEW SECTION. **Sec. 12. FOR THE STATE TREASURER--BOND RETIREMENT**  
34 **AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR**

1 BOND SALES DISCOUNTS AND DEBT TO BE PAID BY MOTOR VEHICLE ACCOUNT AND  
2 TRANSPORTATION FUND REVENUE

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

4 NEW SECTION. Sec. 13. FOR THE STATE TREASURER--BOND RETIREMENT  
5 AND INTEREST, AND ONGOING BOND REGISTRATION AND TRANSFER CHARGES: FOR  
6 BOND SALE EXPENSES AND FISCAL AGENT CHARGES

7 Transportation 2003 Account (Nickel Account)--State  
8 Appropriation . . . . . \$58,000

9 II. DRIVER FEES

10 Sec. 14. RCW 46.20.055 and 2010 c 223 s 1 are each amended to read  
11 as follows:

12 (1) **Driver's instruction permit.** The department may issue a  
13 driver's instruction permit with or without a photograph to an  
14 applicant who has successfully passed all parts of the examination  
15 other than the driving test, provided the information required by RCW  
16 46.20.091, paid a fee (~~of twenty dollars~~) as required under  
17 subsection (5) of this section, and meets the following requirements:

- 18 (a) Is at least fifteen and one-half years of age; or
- 19 (b) Is at least fifteen years of age and:
  - 20 (i) Has submitted a proper application; and
  - 21 (ii) Is enrolled in a traffic safety education program offered,  
22 approved, and accredited by the superintendent of public instruction or  
23 offered by a driver training school licensed and inspected by the  
24 department of licensing under chapter 46.82 RCW, that includes practice  
25 driving.

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

- 29 (a) A traffic safety education course as defined by RCW  
30 28A.220.020(2); or
- 31 (b) A course of instruction offered by a licensed driver training  
32 school as defined by RCW 46.82.280.

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

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

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

5 (b) The person is not using a wireless communications device,  
6 unless the person is using the device to report illegal activity,  
7 summon medical or other emergency help, or prevent injury to a person  
8 or property; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (a) Personal appearance before the department; or

6 (b) Mail or electronic commerce, if permitted by rule of the  
7 department and if the applicant did not renew his or her identicard by  
8 mail or by electronic commerce when it last expired. However, the  
9 department may accept an application for renewal of an identicard  
10 submitted by means of mail or electronic commerce only if specific  
11 authority and funding is provided for this purpose by June 30, 2004, in  
12 the omnibus transportation appropriations act.

13 An identicard may not be renewed by mail or by electronic commerce  
14 unless the renewal issued by the department includes a photograph of  
15 the identicard holder.

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

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

21 An applicant for a new or renewed driver's license must  
22 successfully pass a driver licensing examination to qualify for a  
23 driver's license. The department shall give examinations at places and  
24 times reasonably available to the people of this state.

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

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

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

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

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

37 (iii) Is otherwise qualified to be licensed.



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

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

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

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

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

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

11 (a) Personal appearance before the department; or

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

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

21 (a) Apply to the department to extend the validity of his or her  
22 license for no more than twelve months. If the person establishes to  
23 the department's satisfaction that he or she is unable to return to  
24 Washington before the date his or her license expires, the department  
25 shall extend the person's license. The department may grant  
26 consecutive extensions, but in no event may the cumulative total of  
27 extensions exceed twelve months. An extension granted under this  
28 section does not change the expiration date of the license for purposes  
29 of RCW 46.20.181. The department shall charge a fee of thirty-five  
30 dollars for each license extension;

31 (b) Apply to the department to renew his or her license by mail or,  
32 if permitted by rule of the department, by electronic commerce even if  
33 subsection (3)(b) of this section would not otherwise allow renewal by  
34 that means. If the person establishes to the department's satisfaction  
35 that he or she is unable to return to Washington within twelve months  
36 of the date that his or her license expires, the department shall renew  
37 the person's license by mail or, if permitted by rule of the  
38 department, by electronic commerce.

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

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

9 The department, upon receipt of a fee of (~~twenty-five~~) forty-five  
10 dollars, unless the driver's license is issued for a period other than  
11 five years, in which case the fee shall be (~~five~~) nine dollars for  
12 each year that the license is issued, which includes the fee for the  
13 required photograph, shall issue to every qualifying applicant a  
14 driver's license. A driver's license issued to a person under the age  
15 of eighteen is an intermediate license, subject to the restrictions  
16 imposed under RCW 46.20.075, until the person reaches the age of  
17 eighteen. The license must include a distinguishing number assigned to  
18 the licensee, the name of record, date of birth, Washington residence  
19 address, photograph, a brief description of the licensee, and either a  
20 facsimile of the signature of the licensee or a space upon which the  
21 licensee shall write his or her usual signature with pen and ink  
22 immediately upon receipt of the license. No license is valid until it  
23 has been so signed by the licensee.

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

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

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

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

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

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

5 (4) During the period from July 1, 2000, to July 1, 2006, the  
6 department may issue or renew a driver's license for a period other  
7 than five years, or may extend by mail a license that has already been  
8 issued, in order to evenly distribute, as nearly as possible, the  
9 yearly renewal rate of licensed drivers. The fee for a driver's  
10 license issued or renewed for a period other than five years, or that  
11 has been extended by mail, is five dollars for each year that the  
12 license is issued, renewed, or extended. The department may adopt any  
13 rules as are necessary to carry out this subsection.

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

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

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

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

27 (1) The department may enter into a memorandum of understanding  
28 with any federal agency for the purposes of facilitating the crossing  
29 of the border between the state of Washington and the Canadian province  
30 of British Columbia.

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

34 (3)(a) The department may issue an enhanced driver's license or  
35 identicard for the purposes of crossing the border between the state of  
36 Washington and the Canadian province of British Columbia to an

1 applicant who provides the department with proof of: United States  
2 citizenship, identity, and state residency. The department shall  
3 continue to offer a standard driver's license and identicard. If the  
4 department chooses to issue an enhanced driver's license, the  
5 department must allow each applicant to choose between a standard  
6 driver's license or identicard, or an enhanced driver's license or  
7 identicard.

8 (b) The department shall implement a one-to-many biometric matching  
9 system for the enhanced driver's license or identicard. An applicant  
10 for an enhanced driver's license or identicard shall submit a biometric  
11 identifier as designated by the department. The biometric identifier  
12 must be used solely for the purpose of verifying the identity of the  
13 holders and for any purpose set out in RCW 46.20.037. Applicants are  
14 required to sign a declaration acknowledging their understanding of the  
15 one-to-many biometric match.

16 (c) The enhanced driver's license or identicard must include  
17 reasonable security measures to protect the privacy of Washington state  
18 residents, including reasonable safeguards to protect against  
19 unauthorized disclosure of data about Washington state residents. If  
20 the enhanced driver's license or identicard includes a radio frequency  
21 identification chip, or similar technology, the department shall ensure  
22 that the technology is encrypted or otherwise secure from unauthorized  
23 data access.

24 (d) The requirements of this subsection are in addition to the  
25 requirements otherwise imposed on applicants for a driver's license or  
26 identicard. The department shall adopt such rules as necessary to meet  
27 the requirements of this subsection. From time to time the department  
28 shall review technological innovations related to the security of  
29 identity cards and amend the rules related to enhanced driver's  
30 licenses and identicards as the director deems consistent with this  
31 section and appropriate to protect the privacy of Washington state  
32 residents.

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

37 (4)(a) The department (~~may set a~~) shall charge the following fees

1 for the issuance of enhanced drivers' licenses and identicards under  
2 this section:

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

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

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

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

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

13 **Sec. 21.** RCW 46.20.049 and 2005 c 314 s 309 are each amended to  
14 read as follows:

15 There shall be an additional fee for issuing any class of  
16 commercial driver's license in addition to the prescribed fee required  
17 for the issuance of the original driver's license. The additional fee  
18 for each class shall be thirty-five dollars for the original commercial  
19 driver's license or subsequent renewals. If the commercial driver's  
20 license is renewed or extended for a period other than five years, the  
21 fee for each class shall be (~~six~~) seven dollars for each year that  
22 the commercial driver's license is renewed or extended. The fee shall  
23 be deposited in the highway safety fund.

24 **Sec. 22.** RCW 46.25.060 and 2009 c 339 s 1 are each amended to read  
25 as follows:

26 (1)(a) No person may be issued a commercial driver's license unless  
27 that person is a resident of this state, has successfully completed a  
28 course of instruction in the operation of a commercial motor vehicle  
29 that has been approved by the director or has been certified by an  
30 employer as having the skills and training necessary to operate a  
31 commercial motor vehicle safely, and has passed a knowledge and skills  
32 test for driving a commercial motor vehicle that complies with minimum  
33 federal standards established by federal regulation enumerated in 49  
34 C.F.R. part 383, subparts G and H, and has satisfied all other  
35 requirements of the CMVSA in addition to other requirements imposed by  
36 state law or federal regulation. The tests must be prescribed and

1 conducted by the department. In addition to the fee charged for  
2 issuance or renewal of any license, the applicant shall pay a fee of no  
3 more than (~~ten~~) thirty dollars for each classified knowledge  
4 examination, classified endorsement knowledge examination, or any  
5 combination of classified license and endorsement knowledge  
6 examinations. The applicant shall pay a fee of no more than one  
7 hundred twenty-five dollars for each classified skill examination or  
8 combination of classified skill examinations conducted by the  
9 department.

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

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

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

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

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

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

29 (ii) Public benefit not-for-profit corporations that support early  
30 childhood education and assistance programs as described in RCW  
31 43.215.405(~~(+4)~~) (2).

32 (2) The department shall work with the office of the superintendent  
33 of public instruction to develop modified P1 and P2 skill examinations  
34 that also include the skill examination components required to obtain  
35 an "S" endorsement. In no event may a new applicant for an "S"  
36 endorsement be required to take two separate examinations to obtain an  
37 "S" endorsement and either a P1 or P2 endorsement, unless that  
38 applicant is upgrading his or her existing commercial driver's license

1 to include an "S" endorsement. The combined P1/S or P2/S skill  
2 examination must be offered to the applicant at the same cost as a  
3 regular P1 or P2 skill examination.

4 (3)(a) The department may waive the skills test and the requirement  
5 for completion of a course of instruction in the operation of a  
6 commercial motor vehicle specified in this section for a commercial  
7 driver's license applicant who meets the requirements of 49 C.F.R. part  
8 383.77.

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

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

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

21 (iii) Unprocessed agricultural commodities, as defined in RCW  
22 17.21.020, where such commodities are produced by farmers, ranchers,  
23 vineyardists, or orchardists; or

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

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

26 (4) A commercial driver's license or commercial driver's  
27 instruction permit may not be issued to a person while the person is  
28 subject to a disqualification from driving a commercial motor vehicle,  
29 or while the person's driver's license is suspended, revoked, or  
30 canceled in any state, nor may a commercial driver's license be issued  
31 to a person who has a commercial driver's license issued by any other  
32 state unless the person first surrenders all such licenses, which must  
33 be returned to the issuing state for cancellation.

34 (5)(a) The department may issue a commercial driver's instruction  
35 permit to an applicant who is at least eighteen years of age and holds  
36 a valid Washington state driver's license and who has submitted a  
37 proper application, passed the general knowledge examination required

1 for issuance of a commercial driver's license under subsection (1) of  
2 this section, and paid the appropriate fee for the knowledge  
3 examination and an application fee of (~~ten~~) thirty-five dollars.

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

7 (c) The holder of a commercial driver's instruction permit may  
8 drive a commercial motor vehicle on a highway only when accompanied by  
9 the holder of a commercial driver's license valid for the type of  
10 vehicle driven who occupies a seat beside the individual for the  
11 purpose of giving instruction in driving the commercial motor vehicle.  
12 The holder of a commercial driver's instruction permit is not  
13 authorized to operate a commercial motor vehicle transporting hazardous  
14 materials.

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

17 **Sec. 23.** RCW 46.25.100 and 2002 c 272 s 4 are each amended to read  
18 as follows:

19 When a person has been disqualified from operating a commercial  
20 motor vehicle, the person is not entitled to have the commercial  
21 driver's license restored until after the expiration of the appropriate  
22 disqualification period required under RCW 46.25.090 or until the  
23 department has received a drug and alcohol assessment and evidence is  
24 presented of satisfactory participation in or completion of any  
25 required drug or alcohol treatment program for ending the  
26 disqualification under RCW 46.25.090(7). After expiration of the  
27 appropriate period and upon payment of a requalification fee of  
28 (~~twenty~~) twenty-five dollars, or (~~one~~) five hundred (~~fifty~~)  
29 dollars if the person has been disqualified under RCW 46.25.090(7), the  
30 person may apply for a new, duplicate, or renewal commercial driver's  
31 license as provided by law. If the person has been disqualified for a  
32 period of one year or more, the person shall demonstrate that he or she  
33 meets the commercial driver's license qualification standards specified  
34 in RCW 46.25.060.

35 **Sec. 24.** RCW 46.20.308 and 2008 c 282 s 2 are each amended to read  
36 as follows:



1 (1) Any person who operates a motor vehicle within this state is  
2 deemed to have given consent, subject to the provisions of RCW  
3 46.61.506, to a test or tests of his or her breath or blood for the  
4 purpose of determining the alcohol concentration or presence of any  
5 drug in his or her breath or blood if arrested for any offense where,  
6 at the time of the arrest, the arresting officer has reasonable grounds  
7 to believe the person had been driving or was in actual physical  
8 control of a motor vehicle while under the influence of intoxicating  
9 liquor or any drug or was in violation of RCW 46.61.503. Neither  
10 consent nor this section precludes a police officer from obtaining a  
11 search warrant for a person's breath or blood.

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

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

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

37 (c) If the driver submits to the test and the test is administered,  
38 the driver's license, permit, or privilege to drive will be suspended,

1 revoked, or denied for at least ninety days if the driver is age  
2 twenty-one or over and the test indicates the alcohol concentration of  
3 the driver's breath or blood is 0.08 or more, or if the driver is under  
4 age twenty-one and the test indicates the alcohol concentration of the  
5 driver's breath or blood is 0.02 or more, or if the driver is under age  
6 twenty-one and the driver is in violation of RCW 46.61.502 or  
7 46.61.504; and

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

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

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

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

31 (6) If, after arrest and after the other applicable conditions and  
32 requirements of this section have been satisfied, a test or tests of  
33 the person's blood or breath is administered and the test results  
34 indicate that the alcohol concentration of the person's breath or blood  
35 is 0.08 or more if the person is age twenty-one or over, or 0.02 or  
36 more if the person is under the age of twenty-one, or the person  
37 refuses to submit to a test, the arresting officer or other law

1 enforcement officer at whose direction any test has been given, or the  
2 department, where applicable, if the arrest results in a test of the  
3 person's blood, shall:

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

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

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

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

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

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

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

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

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

12 (8) A person receiving notification under subsection (6)(b) of this  
13 section may, within twenty days after the notice has been given,  
14 request in writing a formal hearing before the department. The person  
15 shall pay a fee of (~~two~~) three hundred seventy-five dollars as part  
16 of the request. If the request is mailed, it must be postmarked within  
17 twenty days after receipt of the notification. Upon timely receipt of  
18 such a request for a formal hearing, including receipt of the required  
19 (~~two~~) three hundred seventy-five dollar fee, the department shall  
20 afford the person an opportunity for a hearing. The department may  
21 waive the required (~~two~~) three hundred seventy-five dollar fee if the  
22 person is an indigent as defined in RCW 10.101.010. Except as  
23 otherwise provided in this section, the hearing is subject to and shall  
24 be scheduled and conducted in accordance with RCW 46.20.329 and  
25 46.20.332. The hearing shall be conducted in the county of the arrest,  
26 except that all or part of the hearing may, at the discretion of the  
27 department, be conducted by telephone or other electronic means. The  
28 hearing shall be held within sixty days following the arrest or  
29 following the date notice has been given in the event notice is given  
30 by the department following a blood test, unless otherwise agreed to by  
31 the department and the person, in which case the action by the  
32 department shall be stayed, and any valid temporary license marked  
33 under subsection (6)(c) of this section extended, if the person is  
34 otherwise eligible for licensing. For the purposes of this section,  
35 the scope of the hearing shall cover the issues of whether a law  
36 enforcement officer had reasonable grounds to believe the person had  
37 been driving or was in actual physical control of a motor vehicle  
38 within this state while under the influence of intoxicating liquor or

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

26 A hearing officer shall conduct the hearing, may issue subpoenas  
27 for the attendance of witnesses and the production of documents, and  
28 shall administer oaths to witnesses. The hearing officer shall not  
29 issue a subpoena for the attendance of a witness at the request of the  
30 person unless the request is accompanied by the fee required by RCW  
31 5.56.010 for a witness in district court. The sworn report or report  
32 under a declaration authorized by RCW 9A.72.085 of the law enforcement  
33 officer and any other evidence accompanying the report shall be  
34 admissible without further evidentiary foundation and the  
35 certifications authorized by the criminal rules for courts of limited  
36 jurisdiction shall be admissible without further evidentiary  
37 foundation. The person may be represented by counsel, may question

1 witnesses, may present evidence, and may testify. The department shall  
2 order that the suspension, revocation, or denial either be rescinded or  
3 sustained.

4 (9) If the suspension, revocation, or denial is sustained after  
5 such a hearing, the person whose license, privilege, or permit is  
6 suspended, revoked, or denied has the right to file a petition in the  
7 superior court of the county of arrest to review the final order of  
8 revocation by the department in the same manner as an appeal from a  
9 decision of a court of limited jurisdiction. Notice of appeal must be  
10 filed within thirty days after the date the final order is served or  
11 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ  
12 1.1, or other statutes or rules referencing de novo review, the appeal  
13 shall be limited to a review of the record of the administrative  
14 hearing. The appellant must pay the costs associated with obtaining  
15 the record of the hearing before the hearing officer. The filing of  
16 the appeal does not stay the effective date of the suspension,  
17 revocation, or denial. A petition filed under this subsection must  
18 include the petitioner's grounds for requesting review. Upon granting  
19 petitioner's request for review, the court shall review the  
20 department's final order of suspension, revocation, or denial as  
21 expeditiously as possible. The review must be limited to a  
22 determination of whether the department has committed any errors of  
23 law. The superior court shall accept those factual determinations  
24 supported by substantial evidence in the record: (a) That were  
25 expressly made by the department; or (b) that may reasonably be  
26 inferred from the final order of the department. The superior court  
27 may reverse, affirm, or modify the decision of the department or remand  
28 the case back to the department for further proceedings. The decision  
29 of the superior court must be in writing and filed in the clerk's  
30 office with the other papers in the case. The court shall state the  
31 reasons for the decision. If judicial relief is sought for a stay or  
32 other temporary remedy from the department's action, the court shall  
33 not grant such relief unless the court finds that the appellant is  
34 likely to prevail in the appeal and that without a stay the appellant  
35 will suffer irreparable injury. If the court stays the suspension,  
36 revocation, or denial it may impose conditions on such stay.

37 (10)(a) If a person whose driver's license, permit, or privilege to  
38 drive has been or will be suspended, revoked, or denied under

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

23 (b) A suspension, revocation, or denial imposed under this section,  
24 other than as a result of a breath or blood test refusal, shall be  
25 stayed if the person is accepted for deferred prosecution as provided  
26 in chapter 10.05 RCW for the incident upon which the suspension,  
27 revocation, or denial is based. If the deferred prosecution is  
28 terminated, the stay shall be lifted and the suspension, revocation, or  
29 denial reinstated. If the deferred prosecution is completed, the stay  
30 shall be lifted and the suspension, revocation, or denial canceled.

31 (c) The provisions of (b) of this subsection relating to a stay of  
32 a suspension, revocation, or denial and the cancellation of any  
33 suspension, revocation, or denial do not apply to the suspension,  
34 revocation, denial, or disqualification of a person's commercial  
35 driver's license or privilege to operate a commercial motor vehicle.

36 (11) When it has been finally determined under the procedures of  
37 this section that a nonresident's privilege to operate a motor vehicle  
38 in this state has been suspended, revoked, or denied, the department

1 shall give information in writing of the action taken to the motor  
2 vehicle administrator of the state of the person's residence and of any  
3 state in which he or she has a license.

4 **Sec. 25.** RCW 46.20.380 and 2008 c 282 s 5 are each amended to read  
5 as follows:

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

15 **III. VEHICLE FEES**

16 **Sec. 26.** RCW 46.17.230 and 2010 c 161 s 519 are each amended to  
17 read as follows:

18 Before accepting an application for a replacement license tab, the  
19 department, county auditor or other agent, or subagent appointed by the  
20 director shall charge a one dollar and twenty-five cent fee for each  
21 pair of tabs or windshield emblem. The license tab or windshield  
22 emblem replacement fee must be deposited in the motor vehicle fund  
23 created in RCW 46.68.070.

24 **Sec. 27.** RCW 46.17.310 and 2010 c 161 s 523 are each amended to  
25 read as follows:

26 Before accepting an application for a change of class as required  
27 under RCW 46.16A.200(6), the department, county auditor or other agent,  
28 or subagent appointed by the director shall require the applicant to  
29 pay a one dollar and twenty-five cent fee. The (~~one-dollar~~) change  
30 of class fee must be deposited in the motor vehicle fund created in RCW  
31 46.68.070.

32 **Sec. 28.** RCW 46.17.315 and 2010 c 161 s 524 are each amended to  
33 read as follows:



1 (1) Before accepting an application for a motor vehicle base plated  
2 in the state of Washington that is subject to highway inspections and  
3 compliance reviews under RCW 46.32.080 or the international  
4 registration plan if base plated in a foreign jurisdiction, the  
5 department, county auditor or other agent, or subagent appointed by the  
6 director shall require the applicant to pay a (~~sixteen~~) twenty-five  
7 dollar commercial vehicle safety enforcement fee in addition to any  
8 other fees and taxes required by law. The (~~sixteen~~) twenty-five  
9 dollar fee:

10 (a) Must be apportioned for those vehicles operating interstate and  
11 registered under the international registration plan;

12 (b) Does not apply to trailers; and

13 (c) Is not refundable when the motor vehicle is no longer subject  
14 to RCW 46.32.080.

15 (2) The department may deduct an amount equal to the cost of  
16 administering the program. All remaining fees must be deposited with  
17 the state treasurer and credited to the state patrol highway account of  
18 the motor vehicle fund created in RCW 46.68.070.

19 **Sec. 29.** RCW 46.17.400 and 2010 c 161 s 535 are each amended to  
20 read as follows:

21 (1) Before accepting an application for one of the following  
22 permits, the department, county auditor or other agent, or subagent  
23 appointed by the director shall require the applicant to pay the  
24 following permit fee by permit type in addition to any other fee or tax  
25 required by law:

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

1 (h) Vehicle trip \$(~~25.00~~) RCW 46.16A.320 RCW 46.68.455  
 2 40.00

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

- 6 (a) Dealer temporary permits;
- 7 (b) Special fuel trip permits; and
- 8 (c) Vehicle trip permits.

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

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

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

19 **Sec. 30.** RCW 46.17.400 and 2011 c ... (ESB 5061) s 62 are each  
 20 amended to read as follows:

21 (1) Before accepting an application for one of the following  
 22 permits, the department, county auditor or other agent, or subagent  
 23 appointed by the director shall require the applicant to pay the  
 24 following permit fee by permit type in addition to any other fee or tax  
 25 required by law:

26 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
27 (a) Dealer temporary	\$15.00	RCW 46.16A.300	RCW 46.68.030
28 (b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
29 (c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
30 (d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
31 (e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
32 (f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460

1	(g) Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
2	(h) Vehicle trip	<del>\$(25.00)</del>	RCW 46.16A.320	RCW 46.68.455
3		<u>40.00</u>		

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

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

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

**Sec. 31.** RCW 46.68.455 and 2010 c 161 s 815 are each amended to read as follows:

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

- (a) (~~Five~~) Twelve dollars to the state patrol highway account for commercial motor vehicle inspections;
- (b) A one dollar excise tax to the state general fund;
- (c) The amount of the filing fee imposed under RCW 46.17.005(1)(a) to be credited as required under RCW 46.68.400; and
- (d) The remainder to the credit of the motor vehicle fund created in RCW 46.68.070 as an administrative fee.

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

(3) The vehicle trip permit surcharge imposed under RCW 46.17.400(4) must be distributed as follows:

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

1 (b) The remainder to the motor vehicle fund created in RCW  
2 46.68.070 for the purpose of supporting congestion relief programs.

3 **Sec. 32.** RCW 46.17.005 and 2010 c 161 s 501 are each amended to  
4 read as follows:

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

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

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

14 **Sec. 33.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to  
15 read as follows:

16 Before accepting an application for a certificate of title as  
17 required in this title, the department, county auditor or other agent,  
18 or subagent appointed by the director shall require the applicant to  
19 pay a (~~five~~) twelve dollars and fifty cents application fee in  
20 addition to any other fees and taxes required by law. The certificate  
21 of title application fee must be distributed under RCW 46.68.020.

22 **Sec. 34.** RCW 46.17.140 and 2010 c 161 s 512 are each amended to  
23 read as follows:

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

29 **Sec. 35.** RCW 46.17.200 and 2010 c 161 s 518 are each amended to  
30 read as follows:

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

1 (a) The following license plate fees for each license plate, unless  
2 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>\$ 3.75</u>	<u>RCW 46.68.070</u>
<u>motorcycle</u>		
Replacement,	<del>\$(2.00)</del>	RCW 46.68.070
motorcycle	<u>\$3.75</u>	
<u>Original issue,</u>	<u>\$ 2.50</u>	<u>RCW 46.68.070</u>
<u>moped</u>		

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13 (b) A license plate retention fee, as required under RCW  
14 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain  
15 the current license plate number upon license plate replacement, unless  
16 the owner or type of vehicle is exempt from payment. The twenty dollar  
17 fee must be deposited in the multimodal transportation account created  
18 in RCW 47.66.070.

19 (c) A ten dollar license plate transfer fee, as required under RCW  
20 46.16A.200(8)(a), when transferring standard issue license plates from  
21 one vehicle to another, unless the owner or type of vehicle is exempt  
22 from payment. The ten dollar license plate transfer fee must be  
23 deposited in the motor vehicle fund created in RCW 46.68.070.

24 (d) Former prisoner of war license plates, as described in RCW  
25 46.18.235, may be transferred to a replacement vehicle upon payment of  
26 a five dollar license plate fee, in addition to any other fee required  
27 by law.

28 (2) The department may, upon request, provide license plates that  
29 have been used and returned to the department to individuals for  
30 nonvehicular use. The department may charge a fee of up to five  
31 dollars per license plate to cover costs or recovery for postage and  
32 handling. The department may waive the fee for license plates used in  
33 educational projects and may, by rule, provide standards for the fee  
34 waiver and restrictions on the number of license plates provided to any

1 one person. The fee must be deposited in the motor vehicle fund  
2 created in RCW 46.68.070.

3 **Sec. 36.** RCW 46.17.200 and 2011 c ... (ESB 5061) s 56 are each  
4 amended to read as follows:

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

8 (a) The following license plate fees for each license plate, unless  
9 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>\$3.75</u>	<u>RCW 46.68.070</u>
Replacement, motorcycle	<del>\$(2.00)</del> <u>3.75</u>	RCW 46.68.070
Original issue, moped	<del>\$(1.50)</del> <u>\$2.50</u>	RCW 46.68.070

20 (b) A license plate retention fee, as required under RCW  
21 46.16A.200(10)(c), of twenty dollars if the owner wishes to retain the  
22 current license plate number upon license plate replacement, unless the  
23 owner or type of vehicle is exempt from payment. The twenty dollar fee  
24 must be deposited in the multimodal transportation account created in  
25 RCW 47.66.070.

26 (c) A ten dollar license plate transfer fee, as required under RCW  
27 46.16A.200(8)(a), when transferring standard issue license plates from  
28 one vehicle to another, unless the owner or type of vehicle is exempt  
29 from payment. The ten dollar license plate transfer fee must be  
30 deposited in the motor vehicle fund created in RCW 46.68.070.

31 (d) Former prisoner of war license plates, as described in RCW  
32 46.18.235, may be transferred to a replacement vehicle upon payment of  
33 a five dollar license plate fee, in addition to any other fee required  
34 by law.

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

10 **IV. MISCELLANEOUS FEES**

11 **Sec. 37.** RCW 46.87.090 and 1994 c 262 s 14 are each amended to  
12 read as follows:

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

19 (a) Apportioned plate(s) - a fee of (~~ten~~) thirteen dollars shall  
20 be charged for vehicles required to display two apportioned plates or  
21 five dollars for vehicles required to display one apportioned plate.  
22 The cab card of the vehicle for which a plate is requested shall  
23 accompany the application. The department shall issue a new  
24 apportioned plate(s) with validation tab(s) and a new cab card upon  
25 acceptance of the completed application form, old cab card, and the  
26 required replacement fee.

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

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

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

33 **Sec. 38.** RCW 46.87.130 and 2005 c 194 s 8 are each amended to read  
34 as follows:

35 In addition to all other fees prescribed for the proportional

1 registration of vehicles under this chapter, the department shall  
2 collect a vehicle transaction fee of eight dollars each time a vehicle  
3 is added to a Washington-based fleet, and each time the proportional  
4 registration of a Washington-based vehicle is renewed. (~~The exact~~  
5 ~~amount of the vehicle transaction fee shall be fixed by rule but shall~~  
6 ~~not exceed ten dollars.~~) This fee shall be deposited in the motor  
7 vehicle fund.

8 **Sec. 39.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read  
9 as follows:

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

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

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

16 (i) The total number of vehicles involved;

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

18 (iii) Whether the vehicles were occupied at the time of the  
19 accident; and

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

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

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

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

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

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

34 (ii) Nothing in this section prevents a court from providing a copy  
35 of the driver's abstract to the individual named in the abstract,  
36 provided that the named individual has a pending or open infraction or  
37 criminal case in that court. A pending case includes criminal cases



1 that have not reached a disposition by plea, stipulation, trial, or  
2 amended charge. An open infraction or criminal case includes cases on  
3 probation, payment agreement or subject to, or in collections. Courts  
4 may charge a reasonable fee for the production and copying of the  
5 abstract for the individual.

6 (b) **Employers or prospective employers.** (i) An abstract of the  
7 full driving record maintained by the department may be furnished to an  
8 employer or prospective employer or an agent acting on behalf of an  
9 employer or prospective employer of the named individual for purposes  
10 related to driving by the individual as a condition of employment or  
11 otherwise at the direction of the employer.

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

20 (iii) Upon request of the person named in the abstract provided  
21 under this subsection, and upon that same person furnishing copies of  
22 court records ruling that the person was not at fault in a motor  
23 vehicle accident, the department must indicate on any abstract provided  
24 under this subsection that the person was not at fault in the motor  
25 vehicle accident.

26 (c) **Volunteer organizations.** (i) An abstract of the full driving  
27 record maintained by the department may be furnished to a volunteer  
28 organization or an agent for a volunteer organization for which the  
29 named individual has submitted an application for a position that would  
30 require driving by the individual at the direction of the volunteer  
31 organization.

32 (ii) Release of an abstract of the driving record of a prospective  
33 volunteer requires a statement signed by: (A) The prospective  
34 volunteer that authorizes the release of the record; and (B) the  
35 volunteer organization attesting that the information is necessary for  
36 purposes related to driving by the individual at the direction of the  
37 volunteer organization. If the volunteer organization authorizes an

1 agent to obtain this information on their behalf, this must be noted in  
2 the statement.

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

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

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

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

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

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

16 (A) Not contain any information related to actions committed by law  
17 enforcement officers or firefighters, as both terms are defined in RCW  
18 41.26.030, or by Washington state patrol officers, while driving  
19 official vehicles in the performance of their occupational duty. This  
20 does not apply to any situation where the vehicle was used in the  
21 commission of a misdemeanor or felony;

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

26 (C) Exclude any deferred prosecution under RCW 10.05.060, except  
27 that if a person is removed from a deferred prosecution under RCW  
28 10.05.090, the abstract must show the deferred prosecution as well as  
29 the removal.

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

34 (iv) Any insurance company or its agent, for underwriting purposes  
35 relating to the operation of commercial motor vehicles, may not use any  
36 information contained in the abstract relative to any person's  
37 operation of motor vehicles while not engaged in such employment. Any  
38 insurance company or its agent, for underwriting purposes relating to

1 the operation of noncommercial motor vehicles, may not use any  
2 information contained in the abstract relative to any person's  
3 operation of commercial motor vehicles.

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

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

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

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

26 (g) **City attorneys and county prosecuting attorneys.** An abstract  
27 of the full driving record maintained by the department, including  
28 whether a recorded violation is an alcohol-related offense, as defined  
29 in RCW 46.01.260(2), that was originally charged as a violation of  
30 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys  
31 or county prosecuting attorneys. City attorneys and county prosecuting  
32 attorneys may provide the driving record to alcohol/drug assessment or  
33 treatment agencies approved by the department of social and health  
34 services to which the named individual has applied or been assigned for  
35 evaluation or treatment.

36 (h) **State colleges, universities, or agencies, or units of local  
37 government.** An abstract of the full driving record maintained by the  
38 department may be furnished to (i) state colleges, universities, or

1 agencies for employment and risk management purposes or (ii) units of  
2 local government authorized to self-insure under RCW 48.62.031 for  
3 employment and risk management purposes.

4 (i) **Superintendent of public instruction.** An abstract of the full  
5 driving record maintained by the department may be furnished to the  
6 superintendent of public instruction for review of public school bus  
7 driver records. The superintendent or superintendent's designee may  
8 discuss information on the driving record with an authorized  
9 representative of the employing school district for employment and risk  
10 management purposes.

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

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

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

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

25 **Sec. 40.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read  
26 as follows:

27 The department is authorized to provide juvenile courts with the  
28 department's record of traffic charges compiled under RCW 46.52.101 and  
29 13.50.200, against any minor upon the request of any state juvenile  
30 court or duly authorized officer of any juvenile court of this state.  
31 Further, the department is authorized to provide any juvenile court  
32 with any requested service which the department can reasonably perform  
33 which is not inconsistent with its legal authority which substantially  
34 aids juvenile courts in handling traffic cases and which promotes  
35 highway safety.

36 The department is authorized to furnish to the parent, parents, or  
37 guardian of any person under eighteen years of age who is not

1 emancipated from such parent, parents, or guardian, the department  
2 records of traffic charges compiled against the person and shall  
3 collect for the copy a fee of (~~ten~~) twelve dollars, fifty percent of  
4 which must be deposited in the highway safety fund and fifty percent of  
5 which must be deposited according to RCW 46.68.038.

6 **Sec. 41.** RCW 46.82.310 and 2009 c 101 s 3 are each amended to read  
7 as follows:

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

11 (a) Schedule, enroll, or engage any students in a course of  
12 instruction;

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

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

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

26 (3) A driver training school may apply for a license to establish  
27 a branch office or branch classroom by filing an application with the  
28 director, containing such information as prescribed by the director,  
29 accompanied by an application fee (~~as set by rule of the department~~)  
30 of five hundred dollars, which shall in no event be refunded. Before  
31 an application for a license to establish a branch office or branch  
32 classroom is approved, the business practices, facilities, records,  
33 vehicles, and insurance of the proposed branch location must be  
34 inspected and reviewed by authorized representatives of the director.  
35 If an application is approved by the director, the applicant shall be  
36 granted a license valid for a period of one year from the date of  
37 issuance.

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

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

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

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

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

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

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

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

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

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

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

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

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

13 **Sec. 42.** RCW 46.82.320 and 2009 c 101 s 4 are each amended to read  
14 as follows:

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

30 (2) The director shall issue a license certificate to each  
31 qualified applicant.

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

36 (b) Unless revoked, canceled, or denied by the director, the

1 license shall remain the property of the licensee in the event of  
2 termination of employment or employment by another driver training  
3 school.

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

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

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

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

20 **Sec. 43.** RCW 46.82.330 and 2010 1st sp.s. c 7 s 21 are each  
21 amended to read as follows:

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

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

29 (a) Has been licensed to drive for five or more years and possesses  
30 a current and valid Washington driver's license or is a resident of a  
31 jurisdiction immediately adjacent to Washington state and possesses a  
32 current and valid license issued by such jurisdiction, and does not  
33 have on his or her driving record any of the violations or penalties  
34 set forth in (a)(i), (ii), or (iii) of this subsection. The director  
35 shall have the right to examine the driving record of the applicant  
36 from the department of licensing and from other jurisdictions and from  
37 these records determine if the applicant has had:



1 (i) Not more than one moving traffic violation within the preceding  
2 twelve months or more than two moving traffic violations in the  
3 preceding twenty-four months;

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

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

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

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

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

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

23 **Sec. 44.** RCW 46.82.340 and 2006 c 219 s 8 are each amended to read  
24 as follows:

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

30 **Sec. 45.** RCW 46.01.230 and 2010 c 161 s 205 are each amended to  
31 read as follows:

32 (1) The department may accept checks and money orders for the  
33 payment of drivers' licenses, certificates of title and vehicle  
34 registrations, vehicle excise taxes, gross weight fees, and other fees  
35 and taxes collected by the department. Whenever registrations,

1 licenses, or permits have been paid for by checks or money orders that  
2 have been dishonored by nonacceptance or nonpayment, the department  
3 shall:

- 4 (a) Cancel the registration, license, or permit;
- 5 (b) Send a notice of cancellation by first-class mail using the  
6 last known address in department records for the holder of the  
7 certificate, license, or permit, and complete an affidavit of first-  
8 class mail; and
- 9 (c) Assess a handling fee(~~(, set by rule)~~) of thirty-five dollars.

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

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

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

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

27 **Sec. 46.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to  
28 read as follows:

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

- 32 (a) Vehicle dealers, principal place of business for each and every  
33 license classification: One thousand seven hundred fifty dollars;
- 34 (b) Vehicle dealers, each subagency, and temporary subagency: One  
35 hundred twenty-five dollars;
- 36 (c) Vehicle manufacturers: (~~(Five)~~) Seven hundred fifty dollars.

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

3 (a) Vehicle dealers, principal place of business for each and every  
4 license classification: ~~((Two))~~ Nine hundred ~~((fifty))~~ dollars;

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

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

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

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

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

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

22 (b) For replacement license plates, one hundred dollars; and

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

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

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

28 **Sec. 47.** RCW 46.55.030 and 2010 c 8 s 9061 are each amended to  
29 read as follows:

30 (1) Application for licensing as a registered tow truck operator  
31 shall be made on forms furnished by the department, shall be  
32 accompanied by an inspection certification from the Washington state  
33 patrol, shall be signed by the applicant or an agent, and shall include  
34 the following information:

35 (a) The name and address of the person, firm, partnership,  
36 association, or corporation under whose name the business is to be  
37 conducted;

1 (b) The names and addresses of all persons having an interest in  
2 the business, or if the owner is a corporation, the names and addresses  
3 of the officers of the corporation;

4 (c) The names and addresses of all employees who serve as tow truck  
5 drivers;

6 (d) Proof of minimum insurance required by subsection (3) of this  
7 section;

8 (e) The vehicle license and vehicle identification numbers of all  
9 tow trucks of which the applicant is the registered owner;

10 (f) Any other information the department may require; and

11 (g) A certificate of approval from the Washington state patrol  
12 certifying that:

13 (i) The applicant has an established place of business and that  
14 mail is received at the address shown on the application;

15 (ii) The address of any storage locations where vehicles may be  
16 stored is correctly stated on the application;

17 (iii) The place of business has an office area that is accessible  
18 to the public without entering the storage area; and

19 (iv) The place of business has adequate and secure storage  
20 facilities, as defined in this chapter and the rules of the department,  
21 where vehicles and their contents can be properly stored and protected.

22 (2) Before issuing a registration certificate to an applicant the  
23 department shall require the applicant to file with the department a  
24 surety bond in the amount of five thousand dollars running to the state  
25 and executed by a surety company authorized to do business in this  
26 state. The bond shall be approved as to form by the attorney general  
27 and conditioned that the operator shall conduct his or her business in  
28 conformity with the provisions of this chapter pertaining to abandoned  
29 or unauthorized vehicles, and to compensate any person, company, or the  
30 state for failure to comply with this chapter or the rules adopted  
31 hereunder, or for fraud, negligence, or misrepresentation in the  
32 handling of these vehicles. Any person injured by the tow truck  
33 operator's failure to fully perform duties imposed by this chapter and  
34 the rules adopted hereunder, or an ordinance or resolution adopted by  
35 a city, town, or county is entitled to recover actual damages,  
36 including reasonable attorney's fees against the surety and the tow  
37 truck operator. Successive recoveries against the bond shall be  
38 permitted, but the aggregate liability of the surety to all persons

1 shall not exceed the amount of the bond. As a condition of authority  
2 to do business, the operator shall keep the bond in full force and  
3 effect. Failure to maintain the penalty value of the bond or  
4 cancellation of the bond by the surety automatically cancels the  
5 operator's registration.

6 (3) Before the department may issue a registration certificate to  
7 an applicant, the applicant shall provide proof of minimum insurance  
8 requirements of:

9 (a) One hundred thousand dollars for liability for bodily injury or  
10 property damage per occurrence; and

11 (b) Fifty thousand dollars of legal liability per occurrence, to  
12 protect against vehicle damage, including but not limited to fire and  
13 theft, from the time a vehicle comes into the custody of an operator  
14 until it is redeemed or sold.

15 Cancellation of or failure to maintain the insurance required by  
16 (a) and (b) of this subsection automatically cancels the operator's  
17 registration.

18 (4) The fee for each original registration is four hundred fifty  
19 dollars, and for each annual registration renewal is ((one)) four  
20 hundred twenty-five dollars, per company, plus fifty dollars per truck.  
21 The department shall forward the registration fee to the state  
22 treasurer for deposit in the motor vehicle fund.

23 (5) The applicant must submit an inspection certificate from the  
24 state patrol before the department may issue or renew an operator's  
25 registration certificate or tow truck permits.

26 (6) Upon approval of the application, the department shall issue a  
27 registration certificate to the registered operator to be displayed  
28 prominently at the operator's place of business.

29 **Sec. 48.** RCW 46.80.040 and 1995 c 256 s 6 are each amended to read  
30 as follows:

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

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

4 **Sec. 49.** RCW 46.80.050 and 1995 c 256 s 7 are each amended to read  
5 as follows:

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

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

15 **Sec. 50.** RCW 46.80.060 and 1995 c 256 s 8 are each amended to read  
16 as follows:

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

28 **Sec. 51.** RCW 46.79.040 and 2010 c 8 s 9095 are each amended to  
29 read as follows:

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

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

6 **Sec. 52.** RCW 46.79.050 and 1985 c 109 s 5 are each amended to read  
7 as follows:

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

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

14 **Sec. 53.** RCW 46.79.060 and 2010 c 8 s 9096 are each amended to  
15 read as follows:

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

27 **Sec. 54.** RCW 46.76.040 and 1990 c 250 s 68 are each amended to  
28 read as follows:

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

1       **Sec. 55.** RCW 46.76.050 and 1985 c 109 s 3 are each amended to read  
2 as follows:

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

6       **Sec. 56.** RCW 46.37.420 and 2007 c 140 s 2 are each amended to read  
7 as follows:

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

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

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



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

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

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

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

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

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

25 ((+4)) (5) Tires with metal studs imbedded therein may be used  
26 between November 1st and April 1st upon school buses and fire  
27 department vehicles, any law or regulation to the contrary  
28 notwithstanding.

29 NEW SECTION. Sec. 57. If chapter . . . (Engrossed Senate Bill No.  
30 5061), Laws of 2011 is enacted by June 30, 2011, sections 29 and 35 of  
31 this act are null and void.

32 NEW SECTION. Sec. 58. If chapter . . . (Engrossed Senate Bill No.  
33 5061), Laws of 2011 is not enacted by June 30, 2011, sections 30 and 36  
34 of this act are null and void.

1        NEW SECTION.    **Sec. 59.**    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. 60.**    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.

--- END ---