
ENGROSSED HOUSE BILL 2660

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Clibborn, Ryu, Moeller, Finn, Billig, Eddy, Fitzgibbon, and Moscoso; by request of Governor Gregoire

Read first time 01/23/12. Referred to Committee on Transportation.

1 AN ACT Relating to transportation revenue; amending RCW 46.17.100,
2 46.17.140, 46.17.200, 46.20.293, 46.29.050, 46.52.130, 46.70.061,
3 46.70.180, 46.10.420, 46.12.675, and 46.16A.320; reenacting and
4 amending RCW 88.02.640; adding a new section to chapter 46.68 RCW;
5 adding a new section to chapter 46.17 RCW; creating a new section;
6 providing an effective date; providing an expiration date; and
7 providing a contingent expiration date.

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

9 **Sec. 1.** RCW 46.17.100 and 2010 c 161 s 508 are each amended to
10 read as follows:

11 Before accepting an application for a certificate of title as
12 required in this title, the department, county auditor or other agent,
13 or subagent appointed by the director shall require the applicant to
14 pay a (~~five~~) fifteen dollar application fee in addition to any other
15 fees and taxes required by law.

16 (1) Five dollars of the certificate of title application fee must
17 be distributed under RCW 46.68.020.

18 (2) Ten dollars of the certificate of title application fee must be

1 credited to the transportation 2003 account (nickel account) created in
2 RCW 46.68.280.

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

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

10 **Sec. 3.** RCW 46.17.200 and 2011 c 171 s 56 are each amended to read
11 as follows:

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

15 (a) The following license plate fees for each license plate, unless
16 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>\$ 4.00</u>	<u>RCW 46.68.070</u>
<u>motorcycle</u>		
Replacement,	(\$ 2.00)	RCW 46.68.070
motorcycle	<u>\$ 4.00</u>	
Original issue, moped	\$1.50	RCW 46.68.070

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

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

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

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

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

17 **Sec. 4.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read
18 as follows:

19 The department is authorized to provide juvenile courts with the
20 department's record of traffic charges compiled under RCW 46.52.101 and
21 13.50.200, against any minor upon the request of any state juvenile
22 court or duly authorized officer of any juvenile court of this state.
23 Further, the department is authorized to provide any juvenile court
24 with any requested service which the department can reasonably perform
25 which is not inconsistent with its legal authority which substantially
26 aids juvenile courts in handling traffic cases and which promotes
27 highway safety.

28 The department is authorized to furnish to the parent, parents, or
29 guardian of any person under eighteen years of age who is not
30 emancipated from such parent, parents, or guardian, the department
31 records of traffic charges compiled against the person and shall
32 collect for the copy a fee of (~~ten~~) thirteen dollars, fifty percent
33 of which must be deposited in the highway safety fund and fifty percent
34 of which must be deposited according to RCW 46.68.038.

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

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

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

24 **Sec. 6.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read
25 as follows:

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

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

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

32 (i) The total number of vehicles involved;

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

34 (iii) Whether the vehicles were occupied at the time of the
35 accident; and

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

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

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

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

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

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

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

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

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

37 (iii) Upon request of the person named in the abstract provided
38 under this subsection, and upon that same person furnishing copies of

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (4) **Fee.** The director shall collect a ((ten)) thirteen dollar fee
36 for each abstract of a person's driving record furnished by the
37 department. Fifty percent of the fee must be deposited in the highway

1 safety fund, and fifty percent of the fee must be deposited according
2 to RCW 46.68.038.

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

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

6 **Sec. 7.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to read
7 as follows:

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

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

14 (b) Vehicle dealers, each subagency, and temporary subagency: One
15 hundred dollars;

16 (c) Vehicle manufacturers: Five hundred dollars.

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

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

22 (b) Vehicle dealer, each and every subagency: Twenty-five dollars;

23 (c) Vehicle manufacturers: Two hundred fifty dollars.

24 If any licensee fails or neglects to apply for such renewal within
25 thirty days after the expiration of the license, or assigned renewal
26 date under a staggered licensing system, the license shall be declared
27 canceled by the director, in which case the licensee will be required
28 to apply for an original license and pay the fee required for the
29 original license.

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

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

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

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

3 **Sec. 8.** RCW 46.70.180 and 2010 c 161 s 1136 are each amended to
4 read as follows:

5 Each of the following acts or practices is unlawful:

6 (1) To cause or permit to be advertised, printed, displayed,
7 published, distributed, broadcasted, televised, or disseminated in any
8 manner whatsoever, any statement or representation with regard to the
9 sale, lease, or financing of a vehicle which is false, deceptive, or
10 misleading, including but not limited to the following:

11 (a) That no down payment is required in connection with the sale of
12 a vehicle when a down payment is in fact required, or that a vehicle
13 may be purchased for a smaller down payment than is actually required;

14 (b) That a certain percentage of the sale price of a vehicle may be
15 financed when such financing is not offered in a single document
16 evidencing the entire security transaction;

17 (c) That a certain percentage is the amount of the service charge
18 to be charged for financing, without stating whether this percentage
19 charge is a monthly amount or an amount to be charged per year;

20 (d) That a new vehicle will be sold for a certain amount above or
21 below cost without computing cost as the exact amount of the factory
22 invoice on the specific vehicle to be sold;

23 (e) That a vehicle will be sold upon a monthly payment of a certain
24 amount, without including in the statement the number of payments of
25 that same amount which are required to liquidate the unpaid purchase
26 price.

27 (2)(a)(i) To incorporate within the terms of any purchase and sale
28 or lease agreement any statement or representation with regard to the
29 sale, lease, or financing of a vehicle which is false, deceptive, or
30 misleading, including but not limited to terms that include as an added
31 cost to the selling price or capitalized cost of a vehicle an amount
32 for licensing or transfer of title of that vehicle which is not
33 actually due to the state, unless such amount has in fact been paid by
34 the dealer prior to such sale.

35 (ii) However, an amount not to exceed (~~the applicable amount~~
36 ~~provided in (iii)(A) and (B) of this subsection (2)(a)) one hundred
37 fifty dollars per vehicle sale or lease may be charged by a dealer to~~

1 recover administrative costs for collecting motor vehicle excise taxes,
2 licensing and registration fees and other agency fees, verifying and
3 clearing titles, transferring titles, perfecting, releasing, or
4 satisfying liens or other security interests, and other administrative
5 and documentary services rendered by a dealer in connection with the
6 sale or lease of a vehicle and in carrying out the requirements of this
7 chapter or any other provisions of state law.

8 ~~((iii) A dealer may charge under (a)(ii) of this subsection:~~

9 ~~(A) As of July 26, 2009, through June 30, 2014, an amount not to~~
10 ~~exceed one hundred fifty dollars; and~~

11 ~~(B) As of July 1, 2014, an amount not to exceed fifty dollars.))~~

12 (b) A dealer may charge the documentary service fee in (a) of this
13 subsection under the following conditions:

14 (i) The documentary service fee is disclosed in writing to a
15 prospective purchaser or lessee before the execution of a purchase and
16 sale or lease agreement;

17 (ii) The dealer discloses to the purchaser or lessee in writing
18 that the documentary service fee is a negotiable fee. The disclosure
19 must be written in a typeface that is at least as large as the typeface
20 used in the standard text of the document that contains the disclosure
21 and that is bold faced, capitalized, underlined, or otherwise set out
22 from the surrounding material so as to be conspicuous. The dealer
23 shall not represent to the purchaser or lessee that the fee or charge
24 is required by the state to be paid by either the dealer or prospective
25 purchaser or lessee;

26 (iii) The documentary service fee is separately designated from the
27 selling price or capitalized cost of the vehicle and from any other
28 taxes, fees, or charges; and

29 (iv) Dealers disclose in any advertisement that a documentary
30 service fee in an amount ~~((provided in (iv)(A) and (B) of this~~
31 ~~subsection (2)(b))~~ up to one hundred fifty dollars may be added to the
32 sale price or the capitalized cost((÷

33 ~~(A) As of July 26, 2009, through June 30, 2014, an amount up to one~~
34 ~~hundred fifty dollars; and~~

35 ~~(B) As of July 1, 2014, an amount up to fifty dollars)).~~

36 For the purposes of this subsection (2), the term "documentary
37 service fee" means the optional amount charged by a dealer to provide
38 the services specified in (a) of this subsection.

1 (3) To set up, promote, or aid in the promotion of a plan by which
2 vehicles are to be sold or leased to a person for a consideration and
3 upon further consideration that the purchaser or lessee agrees to
4 secure one or more persons to participate in the plan by respectively
5 making a similar purchase and in turn agreeing to secure one or more
6 persons likewise to join in said plan, each purchaser or lessee being
7 given the right to secure money, credits, goods, or something of value,
8 depending upon the number of persons joining the plan.

9 (4) To commit, allow, or ratify any act of "bushing" which is
10 defined as follows: Entering into a written contract, written purchase
11 order or agreement, retail installment sales agreement, note and
12 security agreement, or written lease agreement, hereinafter
13 collectively referred to as contract or lease, signed by the
14 prospective buyer or lessee of a vehicle, which:

15 (a) Is subject to any conditions or the dealer's or his or her
16 authorized representative's future acceptance, and the dealer fails or
17 refuses within four calendar days, exclusive of Saturday, Sunday, or
18 legal holiday, and prior to any further negotiations with said buyer or
19 lessee to inform the buyer or lessee either: (i) That the dealer
20 unconditionally accepts the contract or lease, having satisfied,
21 removed, or waived all conditions to acceptance or performance,
22 including, but not limited to, financing, assignment, or lease
23 approval; or (ii) that the dealer rejects the contract or lease,
24 thereby automatically voiding the contract or lease, as long as such
25 voiding does not negate commercially reasonable contract or lease
26 provisions pertaining to the return of the subject vehicle and any
27 physical damage, excessive mileage after the demand for return of the
28 vehicle, and attorneys' fees authorized by law, and tenders the refund
29 of any initial payment or security made or given by the buyer or
30 lessee, including, but not limited to, any down payment, and tenders
31 return of the trade-in vehicle, key, other trade-in, or certificate of
32 title to a trade-in. Tender may be conditioned on return of the
33 subject vehicle if previously delivered to the buyer or lessee.

34 The provisions of this subsection (4)(a) do not impair, prejudice,
35 or abrogate the rights of a dealer to assert a claim against the buyer
36 or lessee for misrepresentation or breach of contract and to exercise
37 all remedies available at law or in equity, including those under
38 chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing

1 company discovers that approval of the contract or financing or
2 approval of the lease was based upon material misrepresentations made
3 by the buyer or lessee, including, but not limited to,
4 misrepresentations regarding income, employment, or debt of the buyer
5 or lessee, as long as the dealer, or his or her staff, has not, with
6 knowledge of the material misrepresentation, aided, assisted,
7 encouraged, or participated, directly or indirectly, in the
8 misrepresentation. A dealer shall not be in violation of this
9 subsection (4)(a) if the buyer or lessee made a material
10 misrepresentation to the dealer, as long as the dealer, or his or her
11 staff, has not, with knowledge of the material misrepresentation,
12 aided, assisted, encouraged, or participated, directly or indirectly,
13 in the misrepresentation.

14 When a dealer informs a buyer or lessee under this subsection
15 (4)(a) regarding the unconditional acceptance or rejection of the
16 contract, lease, or financing by an electronic mail message, the dealer
17 must also transmit the communication by any additional means;

18 (b) Permits the dealer to renegotiate a dollar amount specified as
19 trade-in allowance on a vehicle delivered or to be delivered by the
20 buyer or lessee as part of the purchase price or lease, for any reason
21 except:

22 (i) Failure to disclose that the vehicle's certificate of title has
23 been branded for any reason, including, but not limited to, status as
24 a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

25 (ii) Substantial physical damage or latent mechanical defect
26 occurring before the dealer took possession of the vehicle and which
27 could not have been reasonably discoverable at the time of the taking
28 of the order, offer, or contract; or

29 (iii) Excessive additional miles or a discrepancy in the mileage.
30 "Excessive additional miles" means the addition of five hundred miles
31 or more, as reflected on the vehicle's odometer, between the time the
32 vehicle was first valued by the dealer for purposes of determining its
33 trade-in value and the time of actual delivery of the vehicle to the
34 dealer. "A discrepancy in the mileage" means (A) a discrepancy between
35 the mileage reflected on the vehicle's odometer and the stated mileage
36 on the signed odometer statement; or (B) a discrepancy between the
37 mileage stated on the signed odometer statement and the actual mileage
38 on the vehicle; or

1 (c) Fails to comply with the obligation of any written warranty or
2 guarantee given by the dealer requiring the furnishing of services or
3 repairs within a reasonable time.

4 (5) To commit any offense relating to odometers, as such offenses
5 are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A
6 violation of this subsection is a class C felony punishable under
7 chapter 9A.20 RCW.

8 (6) For any vehicle dealer or vehicle salesperson to refuse to
9 furnish, upon request of a prospective purchaser or lessee, for
10 vehicles previously registered to a business or governmental entity,
11 the name and address of the business or governmental entity.

12 (7) To commit any other offense under RCW 46.37.423, 46.37.424, or
13 46.37.425.

14 (8) To commit any offense relating to a dealer's temporary license
15 permit, including but not limited to failure to properly complete each
16 such permit, or the issuance of more than one such permit on any one
17 vehicle. However, a dealer may issue a second temporary permit on a
18 vehicle if the following conditions are met:

19 (a) The lienholder fails to deliver the vehicle title to the dealer
20 within the required time period;

21 (b) The dealer has satisfied the lien; and

22 (c) The dealer has proof that payment of the lien was made within
23 two calendar days, exclusive of Saturday, Sunday, or a legal holiday,
24 after the sales contract has been executed by all parties and all
25 conditions and contingencies in the sales contract have been met or
26 otherwise satisfied.

27 (9) For a dealer, salesperson, or mobile home manufacturer, having
28 taken an instrument or cash "on deposit" from a purchaser or lessee
29 prior to the delivery of the bargained-for vehicle, to commingle the
30 "on deposit" funds with assets of the dealer, salesperson, or mobile
31 home manufacturer instead of holding the "on deposit" funds as trustee
32 in a separate trust account until the purchaser or lessee has taken
33 delivery of the bargained-for vehicle. Delivery of a manufactured home
34 shall be deemed to occur in accordance with RCW 46.70.135(5). Failure,
35 immediately upon receipt, to endorse "on deposit" instruments to such
36 a trust account, or to set aside "on deposit" cash for deposit in such
37 trust account, and failure to deposit such instruments or cash in such
38 trust account by the close of banking hours on the day following

1 receipt thereof, shall be evidence of intent to commit this unlawful
2 practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a
3 separate trust account which equals his or her customary total customer
4 deposits for vehicles for future delivery. For purposes of this
5 section, "on deposit" funds received from a purchaser of a manufactured
6 home means those funds that a seller requires a purchaser to advance
7 before ordering the manufactured home, but does not include any loan
8 proceeds or moneys that might have been paid on an installment
9 contract.

10 (10) For a dealer or manufacturer to fail to comply with the
11 obligations of any written warranty or guarantee given by the dealer or
12 manufacturer requiring the furnishing of goods and services or repairs
13 within a reasonable period of time, or to fail to furnish to a
14 purchaser or lessee, all parts which attach to the manufactured unit
15 including but not limited to the undercarriage, and all items specified
16 in the terms of a sales or lease agreement signed by the seller and
17 buyer or lessee.

18 (11) For a vehicle dealer to pay to or receive from any person,
19 firm, partnership, association, or corporation acting, either directly
20 or through a subsidiary, as a buyer's agent for consumers, any
21 compensation, fee, purchase moneys or funds that have been deposited
22 into or withdrawn out of any account controlled or used by any buyer's
23 agent, gratuity, or reward in connection with the purchase, sale, or
24 lease of a new motor vehicle.

25 (12) For a buyer's agent, acting directly or through a subsidiary,
26 to pay to or to receive from any motor vehicle dealer any compensation,
27 fee, gratuity, or reward in connection with the purchase, sale, or
28 lease of a new motor vehicle. In addition, it is unlawful for any
29 buyer's agent to engage in any of the following acts on behalf of or in
30 the name of the consumer:

31 (a) Receiving or paying any purchase moneys or funds into or out of
32 any account controlled or used by any buyer's agent;

33 (b) Signing any vehicle purchase orders, sales contracts, leases,
34 odometer statements, or title documents, or having the name of the
35 buyer's agent appear on the vehicle purchase order, sales contract,
36 lease, or title; or

37 (c) Signing any other documentation relating to the purchase, sale,
38 lease, or transfer of any new motor vehicle.

1 It is unlawful for a buyer's agent to use a power of attorney
2 obtained from the consumer to accomplish or effect the purchase, sale,
3 lease, or transfer of ownership documents of any new motor vehicle by
4 any means which would otherwise be prohibited under (a) through (c) of
5 this subsection. However, the buyer's agent may use a power of
6 attorney for physical delivery of motor vehicle license plates to the
7 consumer.

8 Further, it is unlawful for a buyer's agent to engage in any false,
9 deceptive, or misleading advertising, disseminated in any manner
10 whatsoever, including but not limited to making any claim or statement
11 that the buyer's agent offers, obtains, or guarantees the lowest price
12 on any motor vehicle or words to similar effect.

13 (13) For a buyer's agent to arrange for or to negotiate the
14 purchase, or both, of a new motor vehicle through an out-of-state
15 dealer without disclosing in writing to the customer that the new
16 vehicle would not be subject to chapter 19.118 RCW. This subsection
17 also applies to leased vehicles. In addition, it is unlawful for any
18 buyer's agent to fail to have a written agreement with the customer
19 that: (a) Sets forth the terms of the parties' agreement; (b)
20 discloses to the customer the total amount of any fees or other
21 compensation being paid by the customer to the buyer's agent for the
22 agent's services; and (c) further discloses whether the fee or any
23 portion of the fee is refundable.

24 (14) Being a manufacturer, other than a motorcycle manufacturer
25 governed by chapter 46.93 RCW, to:

26 (a) Coerce or attempt to coerce any vehicle dealer to order or
27 accept delivery of any vehicle or vehicles, parts or accessories, or
28 any other commodities which have not been voluntarily ordered by the
29 vehicle dealer: PROVIDED, That recommendation, endorsement,
30 exposition, persuasion, urging, or argument are not deemed to
31 constitute coercion;

32 (b) Cancel or fail to renew the franchise or selling agreement of
33 any vehicle dealer doing business in this state without fairly
34 compensating the dealer at a fair going business value for his or her
35 capital investment which shall include but not be limited to tools,
36 equipment, and parts inventory possessed by the dealer on the day he or
37 she is notified of such cancellation or termination and which are still
38 within the dealer's possession on the day the cancellation or

1 termination is effective, if: (i) The capital investment has been
2 entered into with reasonable and prudent business judgment for the
3 purpose of fulfilling the franchise; and (ii) the cancellation or
4 nonrenewal was not done in good faith. Good faith is defined as the
5 duty of each party to any franchise to act in a fair and equitable
6 manner towards each other, so as to guarantee one party freedom from
7 coercion, intimidation, or threats of coercion or intimidation from the
8 other party: PROVIDED, That recommendation, endorsement, exposition,
9 persuasion, urging, or argument are not deemed to constitute a lack of
10 good faith;

11 (c) Encourage, aid, abet, or teach a vehicle dealer to sell or
12 lease vehicles through any false, deceptive, or misleading sales or
13 financing practices including but not limited to those practices
14 declared unlawful in this section;

15 (d) Coerce or attempt to coerce a vehicle dealer to engage in any
16 practice forbidden in this section by either threats of actual
17 cancellation or failure to renew the dealer's franchise agreement;

18 (e) Refuse to deliver any vehicle publicly advertised for immediate
19 delivery to any duly licensed vehicle dealer having a franchise or
20 contractual agreement for the retail sale or lease of new and unused
21 vehicles sold or distributed by such manufacturer within sixty days
22 after such dealer's order has been received in writing unless caused by
23 inability to deliver because of shortage or curtailment of material,
24 labor, transportation, or utility services, or by any labor or
25 production difficulty, or by any cause beyond the reasonable control of
26 the manufacturer;

27 (f) To provide under the terms of any warranty that a purchaser or
28 lessee of any new or unused vehicle that has been sold or leased,
29 distributed for sale or lease, or transferred into this state for
30 resale or lease by the vehicle manufacturer may only make any warranty
31 claim on any item included as an integral part of the vehicle against
32 the manufacturer of that item.

33 Nothing in this section may be construed to impair the obligations
34 of a contract or to prevent a manufacturer, distributor,
35 representative, or any other person, whether or not licensed under this
36 chapter, from requiring performance of a written contract entered into
37 with any licensee hereunder, nor does the requirement of such
38 performance constitute a violation of any of the provisions of this

1 section if any such contract or the terms thereof requiring
2 performance, have been freely entered into and executed between the
3 contracting parties. This paragraph and subsection (14)(b) of this
4 section do not apply to new motor vehicle manufacturers governed by
5 chapter 46.96 RCW.

6 (15) Unlawful transfer of an ownership interest in a motor vehicle
7 as defined in RCW 19.116.050.

8 (16) To knowingly and intentionally engage in collusion with a
9 registered owner of a vehicle to repossess and return or resell the
10 vehicle to the registered owner in an attempt to avoid a suspended
11 license impound under chapter 46.55 RCW. However, compliance with
12 chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise
13 disposing of the vehicle, including providing redemption rights to the
14 debtor, is not a violation of this section.

15 (17)(a) For a dealer to enter into a new motor vehicle sales
16 contract without disclosing in writing to a buyer of the new motor
17 vehicle, or to a dealer in the case of an unregistered motor vehicle,
18 any known damage and repair to the new motor vehicle if the damage
19 exceeds five percent of the manufacturer's suggested retail price as
20 calculated at the dealer's authorized warranty rate for labor and
21 parts, or one thousand dollars, whichever amount is greater. A
22 manufacturer or new motor vehicle dealer is not required to disclose to
23 a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a
24 new motor vehicle were damaged at any time if the damaged item has been
25 replaced with original or comparable equipment. A replaced part is not
26 part of the cumulative damage required to be disclosed under this
27 subsection.

28 (b) A manufacturer is required to provide the same disclosure to a
29 dealer of any known damage or repair as required in (a) of this
30 subsection.

31 (c) If disclosure of any known damage or repair is not required
32 under this section, a buyer may not revoke or rescind a sales contract
33 due to the fact that the new motor vehicle was damaged and repaired
34 before completion of the sale.

35 (d) As used in this section:

36 (i) "Cosmetic parts" means parts that are attached by and can be
37 replaced in total through the use of screws, bolts, or other fasteners

1 without the use of welding or thermal cutting, and includes
2 windshields, bumpers, hoods, or trim panels.

3 (ii) "Manufacturer's suggested retail price" means the retail price
4 of the new motor vehicle suggested by the manufacturer, and includes
5 the retail delivered price suggested by the manufacturer for each
6 accessory or item of optional equipment physically attached to the new
7 motor vehicle at the time of delivery to the new motor vehicle dealer
8 that is not included within the retail price suggested by the
9 manufacturer for the new motor vehicle.

10 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.68 RCW
11 to read as follows:

12 The public transportation grant program account is created in the
13 state treasury. Moneys in the account may be spent only after
14 appropriation. Expenditures from the account may be used only for
15 grants to aid transit authorities with operations.

16 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.17 RCW
17 to read as follows:

18 (1) Before accepting an application for an annual vehicle
19 registration renewal for an electric vehicle that uses propulsion units
20 powered solely by electricity, the department, county auditor or other
21 agent, or subagent appointed by the director must require the applicant
22 to pay a one hundred dollar fee in addition to any other fees and taxes
23 required by law. The one hundred dollar fee is due only at the time of
24 annual registration renewal.

25 (2) This section only applies to:

26 (a) A vehicle that is designed to have the capability to drive at
27 a speed of more than thirty-five miles per hour; and

28 (b) An annual vehicle registration renewal that is due on or after
29 February 1, 2013.

30 (3)(a) The fee under this section is imposed to provide funds to
31 mitigate the impact of vehicles on state roads and highways and for the
32 purpose of evaluating the feasibility of transitioning from a revenue
33 collection system based on fuel taxes to a road user assessment system,
34 and is separate and distinct from other vehicle license fees. Proceeds
35 from the fee must be used for highway purposes, and must be deposited

1 in the motor vehicle fund created in RCW 46.68.070, subject to (b) of
2 this subsection.

3 (b) If in any year the amount of proceeds from the fee collected
4 under this section exceeds one million dollars, the excess amount over
5 one million dollars must be deposited as follows:

6 (i) Seventy percent to the motor vehicle fund created in RCW
7 46.68.070;

8 (ii) Fifteen percent to the transportation improvement account
9 created in RCW 47.26.084; and

10 (iii) Fifteen percent to the rural arterial trust account created
11 in RCW 36.79.020.

12 NEW SECTION. **Sec. 11.** Section 10 of this act expires on the
13 effective date of legislation enacted by the legislature that imposes
14 a vehicle miles traveled fee or tax.

15 NEW SECTION. **Sec. 12.** The department of licensing must provide
16 written notice of the expiration date of section 10 of this act to
17 affected parties, the chief clerk of the house of representatives, the
18 secretary of the senate, the office of the code reviser, and others as
19 deemed appropriate by the department.

20 **Sec. 13.** RCW 46.10.420 and 2010 c 161 s 231 are each amended to
21 read as follows:

22 (1) Each dealer of snowmobiles in this state shall obtain a
23 snowmobile dealer license from the department in a manner prescribed by
24 the department. Upon receipt of an application for a snowmobile
25 dealer's license and the fee provided in subsection (2) of this
26 section, the dealer is licensed and a snowmobile dealer license number
27 must be assigned.

28 (2) The annual license fee for a snowmobile dealer is twenty-five
29 dollars, which covers all of the snowmobiles offered by a dealer for
30 sale and not rented on a regular, commercial basis. Snowmobiles rented
31 on a regular commercial basis by a snowmobile dealer must be registered
32 separately under RCW 46.10.310, 46.10.400, 46.10.430, and 46.10.440.

33 (3) Upon the issuance of a snowmobile dealer license, a snowmobile
34 dealer may purchase, at a cost to be determined by the department,
35 snowmobile dealer license plates of a size and color to be determined

1 by the department. The snowmobile dealer license plates must contain
2 the snowmobile license number assigned to the dealer. Each snowmobile
3 operated by a dealer, dealer representative, or prospective customer
4 for the purposes of demonstration or testing shall display snowmobile
5 dealer license plates in a clearly visible manner.

6 (4) Only a dealer, dealer representative, or prospective customer
7 may display a snowmobile dealer plate, and only a dealer, dealer
8 representative, or prospective customer may use a snowmobile dealer's
9 license plate for the purposes described in subsection (3) of this
10 section.

11 (5) Snowmobile dealer licenses are nontransferable.

12 (6) It is unlawful for any snowmobile dealer to sell a snowmobile
13 at wholesale or retail, or to test or demonstrate any snowmobile,
14 within the state, unless the dealer has a snowmobile dealer license as
15 required under this section.

16 (7) When a snowmobile is sold by a snowmobile dealer, the dealer:

17 (a) Shall apply for licensing in the purchaser's name (~~within~~
18 ~~fifteen days following the sale~~) as provided by rules adopted by the
19 department; and

20 (b) May issue a temporary license as provided by rules adopted by
21 the department.

22 **Sec. 14.** RCW 46.12.675 and 2010 c 161 s 316 are each amended to
23 read as follows:

24 (1) A security interest in a vehicle other than one held as
25 inventory by a manufacturer or a dealer and for which a certificate of
26 title is required is perfected only by:

27 (a) Complying with the requirements of RCW 46.12.660 or this
28 section;

29 (b) Receipt by the department, county auditor or other agent, or
30 subagent appointed by the director of:

31 (i) The existing certificate of title, if any;

32 (ii) An application for a certificate of title containing the name
33 and address of the secured party; and

34 (iii) Payment of the required fees.

35 (2) A security interest is perfected when it is created if the
36 secured party's name and address appear on the most recently issued
37 certificate of title or, if not, it is created when the department,

1 county auditor or other agent, or subagent appointed by the director
2 receives the certificate of title or an application for a certificate
3 of title and the fees required in subsection (1) of this section.

4 (3) If a vehicle is subject to a security interest when brought
5 into this state, perfection of the security interest is determined by
6 the law of the jurisdiction where the vehicle was when the security
7 interest was attached, subject to the following:

8 (a) The security interest continues perfected in this state if the
9 name of the secured party is shown on the existing certificate of title
10 issued by that jurisdiction. The name of the secured party must be
11 shown on the certificate of title issued for the vehicle by this state.
12 The security interest continues perfected in this state when the
13 department issues the certificate of title.

14 (b) If the security interest was not perfected under the law of the
15 jurisdiction where the vehicle was when the security interest was
16 attached, it may be perfected in this state. Perfection begins when
17 the department receives the information and fees required in subsection
18 (1) of this section.

19 (4)(a) After a certificate of title has been issued, the registered
20 owner or secured party must apply to the department, county auditor or
21 other agent, or subagent appointed by the director for a new
22 certificate of title when a security interest is granted on a vehicle.
23 Within ten days after creating a security agreement, the registered
24 owner or secured party must submit:

25 (i) An application for a certificate of title;

26 (ii) The certificate of title last issued for the vehicle, or other
27 documentation required by the department; and

28 (iii) The fee required in RCW 46.17.100.

29 (b) If satisfied that a certificate of title should be reissued,
30 the department shall change the vehicle record and issue a new
31 certificate of title to the secured party.

32 (5) A secured party shall release the security interest when the
33 conditions within the security agreement have been met and there is no
34 further secured obligation. The secured party must either:

35 (a) Assign the certificate of title to the registered owner or the
36 registered owner's designee and send the certificate of title to the
37 department, county auditor or other agent, or subagent appointed by the
38 director with the fee required in RCW 46.17.100; or

1 (b) Assign the certificate of title to the person acquiring the
2 vehicle from the registered owner with the registered owner's release
3 of interest.

4 (6) The department shall issue a new certificate of title to the
5 registered owner when the department receives the release of interest
6 and required fees as provided in subsection (5)(a) of this section.

7 (7) A secured party is liable for one hundred dollars payable to
8 the registered owner or person acquiring the vehicle from the
9 registered owner when:

10 (a) The secured party fails to either assign the certificate of
11 title to the registered owner or to the person acquiring the vehicle
12 from the registered owner or apply for a new certificate of title
13 within ten days after proper demand; and

14 (b) The failure of the secured party to act as described in (a) of
15 this subsection results in a loss to the registered owner or person
16 acquiring the vehicle from the registered owner.

17 **Sec. 15.** RCW 46.16A.320 and 2010 c 161 s 425 are each amended to
18 read as follows:

19 (1)(a) A vehicle owner may operate an unregistered vehicle on
20 public highways under the authority of a trip permit issued by this
21 state. For purposes of trip permits, a vehicle is considered
22 unregistered if:

23 (i) Under reciprocal relations with another jurisdiction, the owner
24 would be required to register the vehicle in this state;

25 (ii) Not registered when registration is required under this
26 chapter;

27 (iii) The license tabs have expired; or

28 ~~((+iii))~~ (iv) The current gross weight license is insufficient for
29 the load being carried. The licensed gross weight may not exceed
30 eighty thousand pounds for a combination of vehicles or forty thousand
31 pounds for a single unit vehicle with three or more axles.

32 (b) Trip permits are required to move mobile homes or park model
33 trailers and may only be issued if property taxes are paid in full.

34 (2) Trip permits may not be:

35 (a) Issued to vehicles registered under RCW 46.16A.455(5) in lieu
36 of further registration within the same registration year; or

1 (b) Used for commercial motor vehicles owned by a motor carrier
2 subject to RCW 46.32.080 if the motor carrier's department of
3 transportation number has been placed out of service by the Washington
4 state patrol. A violation of or a failure to comply with this
5 subsection is a gross misdemeanor, subject to a minimum monetary
6 penalty of two thousand five hundred dollars for the first violation
7 and five thousand dollars for each subsequent violation.

8 (3)(a) Each trip permit authorizes the operation of a single
9 vehicle at the maximum legal weight limit for the vehicle for a period
10 of three consecutive days beginning with the day of first use. No more
11 than three trip permits may be used for any one vehicle in any thirty
12 consecutive day period. No more than two trip permits may be used for
13 any one recreational vehicle, as defined in RCW 43.22.335, in a one-
14 year period. Every trip permit must:

- 15 (i) Identify the vehicle for which it is issued;
- 16 (ii) Be completed in its entirety;
- 17 (iii) Be signed by the operator before operation of the vehicle on
18 the public highways of this state;
- 19 (iv) Not be altered or corrected. Altering or correcting data on
20 the trip permit invalidates the trip permit; and
- 21 (v) Be displayed on the vehicle for which it is issued as required
22 by the department.

23 (b) Vehicles operating under the authority of trip permits are
24 subject to all laws, rules, and regulations affecting the operation of
25 similar vehicles in this state.

26 (4) Prorate operators operating commercial vehicles on trip permits
27 in Washington shall retain the customer copy of each permit for four
28 years.

29 (5) Trip permits may be obtained from field offices of the
30 department of transportation, department of licensing, county auditors
31 or other agents, and subagents appointed by the department for the fee
32 provided in RCW 46.17.400(1)(h). Exchanges, credits, or refunds may
33 not be given for trip permits after they have been purchased.

34 (6) Except as provided in subsection (2)(b) of this section, a
35 violation of or a failure to comply with this section is a gross
36 misdemeanor.

37 (7) The department may adopt rules necessary to administer this
38 section.

1 **Sec. 16.** RCW 88.02.640 and 2011 c 326 s 5, 2011 c 171 s 134, and
 2 2011 c 169 s 1 are each reenacted and amended to read as follows:

3 (1) In addition to any other fees and taxes required by law, the
 4 department, county auditor or other agent, or subagent appointed by the
 5 director shall charge the following vessel fees and surcharge:

6	FEE	AMOUNT	AUTHORITY	DISTRIBUTION
7	(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
8	(b) Derelict vessel and	Subsection (3) of this	Subsection (3) of this	Subsection (3) of this
9	invasive species removal	section	section	section
10	(c) Derelict vessel removal	\$1.00	Subsection (4) of this	Subsection (4) of this
11	surcharge		section	section
12	(d) <u>Duplicate certificate of</u>	<u>\$1.25</u>	<u>RCW 88.02.530(1)(c)</u>	<u>General fund</u>
13	<u>title</u>			
14	(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
15	((e)) (f) Filing	RCW 46.17.005	RCW ((46.17.005))	RCW 46.68.400
16			<u>88.02.560(2)</u>	
17	((f)) (g) License plate	RCW 46.17.015	RCW ((46.17.015))	RCW 46.68.370
18	technology		<u>88.02.560(2)</u>	
19	((g)) (h) License service	RCW 46.17.025	RCW ((46.17.025))	RCW 46.68.220
20			<u>88.02.560(2)</u>	
21	((h)) (i) Nonresident	\$25.00	RCW 88.02.620(3)	Subsection (5) of this
22	vessel permit			section
23	((i)) (j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this
24				section
25	((j)) (k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
26	((k)) (l) Replacement	\$1.25	RCW 88.02.595(1)(c)	General fund
27	decal			
28	((l)) (m) Title application	\$5.00	RCW 88.02.515	General fund
29	((m)) (n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
30	((n)) (o) Vessel visitor	\$30.00	RCW 88.02.610(3)	Subsection (6) of this
31	permit			section

32 (2) The five dollar dealer temporary permit fee required in
 33 subsection (1) of this section must be credited to the payment of
 34 registration fees at the time application for registration is made.

1 (3)(a) The derelict vessel and invasive species removal fee
2 required in subsection (1) of this section is five dollars and must be
3 distributed as follows:

4 (i) One dollar and fifty cents must be deposited in the aquatic
5 invasive species prevention account created in RCW 77.12.879;

6 (ii) One dollar must be deposited into the aquatic algae control
7 account created in RCW 43.21A.667;

8 (iii) Fifty cents must be deposited into the aquatic invasive
9 species enforcement account created in RCW 43.43.400; and

10 (iv) Two dollars must be deposited in the derelict vessel removal
11 account created in RCW 79.100.100.

12 (b) If the department of natural resources indicates that the
13 balance of the derelict vessel removal account, not including any
14 transfer or appropriation of funds into the account or funds deposited
15 into the account collected under subsection (5) of this section reaches
16 one million dollars as of March 1st of any year, the collection of the
17 two dollars of the derelict vessel and invasive species removal fee
18 that is deposited into the derelict vessel removal account as
19 authorized in (a)(iv) of this subsection must be suspended for the
20 following fiscal year.

21 (4) Until January 1, 2014, an annual derelict vessel removal
22 surcharge of one dollar must be charged with each vessel registration.
23 The surcharge:

24 (a) Is to address the significant backlog of derelict vessels
25 accumulated in Washington state waters that pose a threat to the health
26 and safety of the people and to the environment;

27 (b) Is to be used only for the removal of vessels that are less
28 than seventy-five feet in length; and

29 (c) Must be deposited into the derelict vessel removal account
30 created in RCW 79.100.100.

31 (5) The twenty-five dollar nonresident vessel permit fee must be
32 paid by the vessel owner to the department for the cost of providing
33 the identification document by the department. Any moneys remaining
34 from the fee after the payment of costs must be allocated to counties
35 by the state treasurer for approved boating safety programs under RCW
36 88.02.650.

37 (6) The thirty dollar vessel visitor permit fee must be distributed
38 as follows:

1 (a) Five dollars must be deposited in the derelict vessel removal
2 account created in RCW 79.100.100;

3 (b) The department may keep an amount to cover costs for providing
4 the vessel visitor permit;

5 (c) Any moneys remaining must be allocated to counties by the state
6 treasurer for approved boating safety programs under RCW 88.02.650; and

7 (d) Any fees required for licensing agents under RCW 46.17.005 are
8 in addition to any other fee or tax due for the titling and
9 registration of vessels.

10 (7)(a) The fifty dollar quick title service fee must be distributed
11 as follows:

12 (i) If the fee is paid to the director, the fee must be deposited
13 to the general fund.

14 (ii) If the fee is paid to the participating county auditor or
15 other agent or subagent appointed by the director, twenty-five dollars
16 must be deposited to the general fund. The remainder must be retained
17 by the county treasurer in the same manner as other fees collected by
18 the county auditor.

19 (b) For the purposes of this subsection, "quick title" has the same
20 meaning as in RCW 88.02.540.

21 NEW SECTION. **Sec. 17.** Sections 1 through 12 of this act take
22 effect October 1, 2012.

23 NEW SECTION. **Sec. 18.** Section 9 of this act expires July 1, 2015.

--- END ---