

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5061**

62nd Legislature  
2011 Regular Session

Passed by the Senate April 14, 2011  
YEAS 46 NAYS 0

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**President of the Senate**

Passed by the House April 5, 2011  
YEAS 96 NAYS 0

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5061** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**ENGROSSED SENATE BILL 5061**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2011 Regular Session

**State of Washington                      62nd Legislature                      2011 Regular Session**

**By** Senators Swecker, Haugen, King, and Shin

Read first time 01/12/11. Referred to Committee on Transportation.

1            AN ACT Relating to reconciling changes made to vehicle and vessel  
2 registration and title provisions during the 2010 legislative sessions;  
3 amending RCW 4.24.210, 7.68.035, 18.27.100, 19.116.020, 19.118.170,  
4 43.21A.667, 43.43.400, 43.121.100, 46.01.040, 46.04.1945, 46.04.1951,  
5 46.04.249, 46.04.265, 46.04.3815, 46.04.429, 46.04.62260, 46.04.671,  
6 46.04.691, 46.04.692, 46.04.705, 46.09.320, 46.09.400, 46.09.420,  
7 46.09.450, 46.09.470, 46.09.490, 46.10.440, 46.10.470, 46.10.490,  
8 46.10.500, 46.10.510, 46.12.550, 46.12.600, 46.12.630, 46.12.700,  
9 46.12.730, 46.12.735, 46.12.740, 46.12.745, 46.16A.070, 46.16A.080,  
10 46.16A.200, 46.16A.210, 46.16A.215, 46.16A.405, 46.16A.455, 46.16A.510,  
11 46.16A.530, 46.16A.540, 46.16A.545, 46.17.040, 46.17.200, 46.17.210,  
12 46.17.220, 46.17.230, 46.17.315, 46.17.355, 46.17.400, 46.18.010,  
13 46.18.020, 46.18.200, 46.18.220, 46.18.255, 46.18.285, 46.18.295,  
14 46.19.050, 46.19.060, 46.30.020, 46.32.080, 46.32.120, 46.37.010,  
15 46.61.582, 46.61.710, 46.61.723, 46.61.725, 46.68.020, 46.68.030,  
16 46.68.380, 46.68.420, 46.68.425, 46.68.455, 46.70.027, 46.70.101,  
17 46.71.011, 46.71.080, 46.85.100, 46.87.010, 46.87.023, 46.87.080,  
18 46.87.140, 46.87.230, 46.87.294, 46.87.296, 46.93.020, 47.01.440,  
19 50.40.071, 64.44.050, 70.107.030, 70.120.010, 70.120.160, 70.120.170,  
20 70.285.020, 77.12.170, 77.12.879, 79A.05.020, 79A.05.065, 79A.05.225,  
21 79A.60.510, 79A.60.630, 79A.60.670, 82.08.020, 82.12.800, 82.12.801,

1 82.14.430, 82.50.250, 82.80.100, 84.36.080, 88.02.530, 88.02.560,  
2 88.02.560, 88.02.590, 88.02.595, 88.02.610, 88.02.620, 88.02.640, and  
3 88.02.650; amending 2010 c 161 s 438 (uncodified); reenacting and  
4 amending RCW 46.01.140, 46.04.670, 46.16A.030, 46.18.050, 46.18.060,  
5 46.18.110, 46.18.130, and 48.110.020; creating a new section;  
6 recodifying RCW 46.04.391 and 46.16.900; repealing RCW 46.04.1961,  
7 46.04.7051, 46.10.405, 46.16.30922, 46.18.030, and 88.02.655; providing  
8 effective dates; providing an expiration date; and declaring an  
9 emergency.

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

11 NEW SECTION. **Sec. 1.** This act is intended to reconcile and  
12 conform amendments made in chapter 161, Laws of 2010 with other  
13 legislation passed during the 2010 legislative sessions, as well as  
14 provide technical amendments to codified sections affected by chapter  
15 161, Laws of 2010. Any statutory changes made by this act should be  
16 interpreted as technical in nature and not be interpreted to have any  
17 substantive policy or legal implications.

18 **Sec. 2.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read  
19 as follows:

20 (1) Except as otherwise provided in subsection (3) or (4) of this  
21 section, any public or private landowners or others in lawful  
22 possession and control of any lands whether designated resource, rural,  
23 or urban, or water areas or channels and lands adjacent to such areas  
24 or channels, who allow members of the public to use them for the  
25 purposes of outdoor recreation, which term includes, but is not limited  
26 to, the cutting, gathering, and removing of firewood by private persons  
27 for their personal use without purchasing the firewood from the  
28 landowner, hunting, fishing, camping, picnicking, swimming, hiking,  
29 bicycling, skateboarding or other nonmotorized wheel-based activities,  
30 hanggliding, paragliding, rock climbing, the riding of horses or other  
31 animals, clam digging, pleasure driving of off-road vehicles,  
32 snowmobiles, and other vehicles, boating, nature study, winter or water  
33 sports, viewing or enjoying historical, archaeological, scenic, or  
34 scientific sites, without charging a fee of any kind therefor, shall  
35 not be liable for unintentional injuries to such users.

1 (2) Except as otherwise provided in subsection (3) or (4) of this  
2 section, any public or private landowner or others in lawful possession  
3 and control of any lands whether rural or urban, or water areas or  
4 channels and lands adjacent to such areas or channels, who offer or  
5 allow such land to be used for purposes of a fish or wildlife  
6 cooperative project, or allow access to such land for cleanup of litter  
7 or other solid waste, shall not be liable for unintentional injuries to  
8 any volunteer group or to any other users.

9 (3) Any public or private landowner, or others in lawful possession  
10 and control of the land, may charge an administrative fee of up to  
11 twenty-five dollars for the cutting, gathering, and removing of  
12 firewood from the land.

13 (4) Nothing in this section shall prevent the liability of a  
14 landowner or others in lawful possession and control for injuries  
15 sustained to users by reason of a known dangerous artificial latent  
16 condition for which warning signs have not been conspicuously posted.  
17 A fixed anchor used in rock climbing and put in place by someone other  
18 than a landowner is not a known dangerous artificial latent condition  
19 and a landowner under subsection (1) of this section shall not be  
20 liable for unintentional injuries resulting from the condition or use  
21 of such an anchor. Nothing in RCW 4.24.200 and this section limits or  
22 expands in any way the doctrine of attractive nuisance. Usage by  
23 members of the public, volunteer groups, or other users is permissive  
24 and does not support any claim of adverse possession.

25 (5) For purposes of this section, the following are not fees:

26 (a) A license or permit issued for statewide use under authority of  
27 chapter 79A.05 RCW or Title 77 RCW; and

28 (b) A daily charge not to exceed twenty dollars per person, per  
29 day, for access to a publicly owned ORV sports park, as defined in RCW  
30 (~~(46.09.020)~~) 46.09.310, or other public facility accessed by a  
31 highway, street, or nonhighway road for the purposes of off-road  
32 vehicle use.

33 **Sec. 3.** RCW 7.68.035 and 2009 c 479 s 8 are each amended to read  
34 as follows:

35 (1)(a) When any person is found guilty in any superior court of  
36 having committed a crime, except as provided in subsection (2) of this  
37 section, there shall be imposed by the court upon such convicted person

1 a penalty assessment. The assessment shall be in addition to any other  
2 penalty or fine imposed by law and shall be five hundred dollars for  
3 each case or cause of action that includes one or more convictions of  
4 a felony or gross misdemeanor and two hundred fifty dollars for any  
5 case or cause of action that includes convictions of only one or more  
6 misdemeanors.

7 (b) When any juvenile is adjudicated of any offense in any juvenile  
8 offense disposition under Title 13 RCW, except as provided in  
9 subsection (2) of this section, there shall be imposed upon the  
10 juvenile offender a penalty assessment. The assessment shall be in  
11 addition to any other penalty or fine imposed by law and shall be one  
12 hundred dollars for each case or cause of action that includes one or  
13 more adjudications for a felony or gross misdemeanor and seventy-five  
14 dollars for each case or cause of action that includes adjudications of  
15 only one or more misdemeanors.

16 (2) The assessment imposed by subsection (1) of this section shall  
17 not apply to motor vehicle crimes defined in Title 46 RCW except those  
18 defined in the following sections: RCW 46.61.520, 46.61.522,  
19 46.61.024, 46.52.090, 46.70.140, 46.61.502, 46.61.504, 46.52.101,  
20 46.20.410, 46.52.020, (~~46.10.130, 46.09.130,~~) 46.10.495, 46.09.480,  
21 46.61.5249, 46.61.525, 46.61.685, 46.61.530, 46.61.500, 46.61.015,  
22 46.52.010, 46.44.180, (~~46.10.090(2)~~) 46.10.490(2), and  
23 (~~46.09.120(2)~~) 46.09.470(2).

24 (3) When any person accused of having committed a crime posts bail  
25 in superior court pursuant to the provisions of chapter 10.19 RCW and  
26 such bail is forfeited, there shall be deducted from the proceeds of  
27 such forfeited bail a penalty assessment, in addition to any other  
28 penalty or fine imposed by law, equal to the assessment which would be  
29 applicable under subsection (1) of this section if the person had been  
30 convicted of the crime.

31 (4) Such penalty assessments shall be paid by the clerk of the  
32 superior court to the county treasurer who shall monthly transmit the  
33 money as provided in RCW 10.82.070. Each county shall deposit fifty  
34 percent of the money it receives per case or cause of action under  
35 subsection (1) of this section and retains under RCW 10.82.070, not  
36 less than one and seventy-five one-hundredths percent of the remaining  
37 money it retains under RCW 10.82.070 and the money it retains under  
38 chapter 3.62 RCW, and all money it receives under subsection (7) of

1 this section into a fund maintained exclusively for the support of  
2 comprehensive programs to encourage and facilitate testimony by the  
3 victims of crimes and witnesses to crimes. A program shall be  
4 considered "comprehensive" only after approval of the department upon  
5 application by the county prosecuting attorney. The department shall  
6 approve as comprehensive only programs which:

7 (a) Provide comprehensive services to victims and witnesses of all  
8 types of crime with particular emphasis on serious crimes against  
9 persons and property. It is the intent of the legislature to make  
10 funds available only to programs which do not restrict services to  
11 victims or witnesses of a particular type or types of crime and that  
12 such funds supplement, not supplant, existing local funding levels;

13 (b) Are administered by the county prosecuting attorney either  
14 directly through the prosecuting attorney's office or by contract  
15 between the county and agencies providing services to victims of crime;

16 (c) Make a reasonable effort to inform the known victim or his or  
17 her surviving dependents of the existence of this chapter and the  
18 procedure for making application for benefits;

19 (d) Assist victims in the restitution and adjudication process; and

20 (e) Assist victims of violent crimes in the preparation and  
21 presentation of their claims to the department of labor and industries  
22 under this chapter.

23 Before a program in any county west of the Cascade mountains is  
24 submitted to the department for approval, it shall be submitted for  
25 review and comment to each city within the county with a population of  
26 more than one hundred fifty thousand. The department will consider if  
27 the county's proposed comprehensive plan meets the needs of crime  
28 victims in cases adjudicated in municipal, district or superior courts  
29 and of crime victims located within the city and county.

30 (5) Upon submission to the department of a letter of intent to  
31 adopt a comprehensive program, the prosecuting attorney shall retain  
32 the money deposited by the county under subsection (4) of this section  
33 until such time as the county prosecuting attorney has obtained  
34 approval of a program from the department. Approval of the  
35 comprehensive plan by the department must be obtained within one year  
36 of the date of the letter of intent to adopt a comprehensive program.  
37 The county prosecuting attorney shall not make any expenditures from  
38 the money deposited under subsection (4) of this section until approval

1 of a comprehensive plan by the department. If a county prosecuting  
2 attorney has failed to obtain approval of a program from the department  
3 under subsection (4) of this section or failed to obtain approval of a  
4 comprehensive program within one year after submission of a letter of  
5 intent under this section, the county treasurer shall monthly transmit  
6 one hundred percent of the money deposited by the county under  
7 subsection (4) of this section to the state treasurer for deposit in  
8 the state general fund.

9 (6) County prosecuting attorneys are responsible to make every  
10 reasonable effort to insure that the penalty assessments of this  
11 chapter are imposed and collected.

12 (7) Every city and town shall transmit monthly one and seventy-five  
13 one-hundredths percent of all money, other than money received for  
14 parking infractions, retained under RCW 3.50.100 and 35.20.220 to the  
15 county treasurer for deposit as provided in subsection (4) of this  
16 section.

17 **Sec. 4.** RCW 18.27.100 and 2008 c 120 s 2 are each amended to read  
18 as follows:

19 (1) Except as provided in RCW 18.27.065 for partnerships and joint  
20 ventures, no person who has registered under one name as provided in  
21 this chapter shall engage in the business, or act in the capacity, of  
22 a contractor under any other name unless such name also is registered  
23 under this chapter.

24 (2) All advertising and all contracts, correspondence, cards,  
25 signs, posters, papers, and documents which show a contractor's name or  
26 address shall show the contractor's name or address as registered under  
27 this chapter.

28 (3)(a) All advertising that shows the contractor's name or address  
29 shall show the contractor's current registration number. The  
30 registration number may be omitted in an alphabetized listing of  
31 registered contractors stating only the name, address, and telephone  
32 number: PROVIDED, That signs on motor vehicles subject to RCW  
33 (~~(46.16.010)~~) 46.16A.030 and on-premise signs shall not constitute  
34 advertising as provided in this section. All materials used to  
35 directly solicit business from retail customers who are not businesses  
36 shall show the contractor's current registration number. A contractor  
37 shall not use a false or expired registration number in purchasing or

1 offering to purchase an advertisement for which a contractor  
2 registration number is required. Advertising by airwave transmission  
3 shall not be subject to this subsection (3)(a).

4 (b) The director may issue a subpoena to any person or entity  
5 selling any advertising subject to this section for the name, address,  
6 and telephone number provided to the seller of the advertising by the  
7 purchaser of the advertising. The subpoena must have enclosed a  
8 stamped, self-addressed envelope and blank form to be filled out by the  
9 seller of the advertising. If the seller of the advertising has the  
10 information on file, the seller shall, within a reasonable time, return  
11 the completed form to the department. The subpoena must be issued no  
12 more than two days after the expiration of the issue or publication  
13 containing the advertising or after the broadcast of the advertising.  
14 The good-faith compliance by a seller of advertising with a written  
15 request of the department for information concerning the purchaser of  
16 advertising shall constitute a complete defense to any civil or  
17 criminal action brought against the seller of advertising arising from  
18 such compliance. Advertising by airwave or electronic transmission is  
19 subject to this subsection (3)(b).

20 (4) No contractor shall advertise that he or she is bonded and  
21 insured because of the bond required to be filed and sufficiency of  
22 insurance as provided in this chapter.

23 (5) A contractor shall not falsify a registration number and use  
24 it, or use an expired registration number, in connection with any  
25 solicitation or identification as a contractor. All individual  
26 contractors and all partners, associates, agents, salesmen, solicitors,  
27 officers, and employees of contractors shall use their true names and  
28 addresses at all times while engaged in the business or capacity of a  
29 contractor or activities related thereto.

30 (6) Any advertising by a person, firm, or corporation soliciting  
31 work as a contractor when that person, firm, or corporation is not  
32 registered pursuant to this chapter is a violation of this chapter.

33 (7) An applicant or registrant who falsifies information on an  
34 application for registration commits a violation under this section.

35 (8)(a) The finding of a violation of this section by the director  
36 at a hearing held in accordance with the Administrative Procedure Act,  
37 chapter 34.05 RCW, shall subject the person committing the violation to



1 a penalty of not more than ten thousand dollars as determined by the  
2 director.

3 (b) Penalties under this section shall not apply to a violation  
4 determined to be an inadvertent error.

5 **Sec. 5.** RCW 19.116.020 and 1990 c 44 s 3 are each amended to read  
6 as follows:

7 The definitions set forth in this section apply throughout this  
8 chapter, unless the context requires otherwise:

9 (1) "Debtor" has the meaning set forth in RCW ((~~62A.9-105(1)(d)~~)  
10 62A.9A-102.

11 (2) "Motor vehicle" means a vehicle required to be registered under  
12 chapter ((~~46.16~~)) 46.16A RCW.

13 (3) "Person" means an individual, company, firm, association,  
14 partnership, trust, corporation, or other legal entity.

15 (4) "Security agreement" has the meaning set forth in RCW ((~~62A.9-~~  
16 ~~105(1)(1)~~)) 62A.9A-102.

17 (5) "Security interest" has the meaning set forth in RCW 62A.1-  
18 201(37).

19 (6) "Secured party" has the meaning set forth in RCW ((~~62A.9-~~  
20 ~~105(1)(m)~~)) 62A.9A-102.

21 **Sec. 6.** RCW 19.118.170 and 1995 c 254 s 9 are each amended to read  
22 as follows:

23 Notwithstanding RCW ((~~46.12.380~~)) 46.12.635, the department of  
24 licensing shall make available to the registered owner all title  
25 history information regarding the vehicle upon request of the  
26 registered owner and receipt of a statement that he or she is  
27 investigating or pursuing rights under this chapter.

28 **Sec. 7.** RCW 43.21A.667 and 2009 c 564 s 933 are each amended to  
29 read as follows:

30 (1) The freshwater aquatic algae control account is created in the  
31 state treasury. Moneys directed to the account from RCW ((~~88.02.050~~)  
32 88.02.640) must be deposited in the account. Expenditures from the  
33 account may only be used as provided in this section. Moneys in the  
34 account may be spent only after appropriation.

1 (2) Funds in the freshwater aquatic algae control account may be  
2 appropriated to the department to develop a freshwater aquatic algae  
3 control program. Funds must be expended as follows:

4 (a) As grants to cities, counties, tribes, special purpose  
5 districts, and state agencies to manage excessive freshwater algae,  
6 with priority for the treatment of lakes in which harmful algal blooms  
7 have occurred within the past three years; and during the 2009-2011  
8 fiscal biennium to provide grants for sea lettuce research and removal  
9 to assist Puget Sound communities that are impacted by hyperblooms of  
10 sea lettuce; and

11 (b) To provide technical assistance to applicants and the public  
12 about aquatic algae control.

13 (3) The department shall submit a biennial report to the  
14 appropriate legislative committees describing the actions taken to  
15 implement this section along with suggestions on how to better fulfill  
16 the intent of chapter 464, Laws of 2005. The first report is due  
17 December 1, 2007.

18 **Sec. 8.** RCW 43.43.400 and 2007 c 350 s 1 are each amended to read  
19 as follows:

20 (1) The definitions in this subsection apply throughout this  
21 section unless the context clearly requires otherwise:

22 (a) "Aquatic invasive species" means any invasive, prohibited,  
23 regulated, unregulated, or unlisted aquatic animal or plant species as  
24 defined under RCW 77.08.010 (~~((49) through (54))~~) (28), (40), (44),  
25 (58), and (59), aquatic noxious weeds as defined under RCW  
26 17.26.020(5)(c), and aquatic nuisance species as defined under RCW  
27 77.60.130(1).

28 (b) "Recreational and commercial watercraft" includes the boat, as  
29 well as equipment used to transport the boat, and any auxiliary  
30 equipment such as attached or detached outboard motors.

31 (2) The aquatic invasive species enforcement account is created in  
32 the state treasury. Moneys directed to the account from RCW  
33 (~~((88.02.050))~~) 88.02.640 must be deposited in the account. Expenditures  
34 from the account may only be used as provided in this section. Moneys  
35 in the account may be spent only after appropriation.

36 (3) Funds in the aquatic invasive species enforcement account may  
37 be appropriated to the Washington state patrol and the department of

1 fish and wildlife to develop an aquatic invasive species enforcement  
2 program for recreational and commercial watercraft, which includes  
3 equipment used to transport the watercraft and auxiliary equipment such  
4 as attached or detached outboard motors. Funds must be expended as  
5 follows:

6 (a) By the Washington state patrol, to inspect recreational and  
7 commercial watercraft that are required to stop at port of entry weigh  
8 stations managed by the Washington state patrol. The watercraft must  
9 be inspected for the presence of aquatic invasive species; and

10 (b) By the department of fish and wildlife to:

11 (i) Establish random check stations, to inspect recreational and  
12 commercial watercraft as provided for in RCW 77.12.879(3);

13 (ii) Inspect or delegate inspection of recreational and commercial  
14 watercraft. If the department conducts the inspection, there will be  
15 no cost to the person requesting the inspection;

16 (iii) Provide training to all department employees that are  
17 deployed in the field to inspect recreational and commercial  
18 watercraft; and

19 (iv) Provide an inspection receipt verifying that the watercraft is  
20 not contaminated after the watercraft has been inspected at a check  
21 station or has been inspected at the request of the owner of the  
22 recreational or commercial watercraft. The inspection receipt is valid  
23 until the watercraft is used again.

24 (4) The Washington state patrol and the department of fish and  
25 wildlife shall submit a biennial report to the appropriate legislative  
26 committees describing the actions taken to implement this section along  
27 with suggestions on how to better fulfill the intent of chapter 464,  
28 Laws of 2005. The first report is due December 1, 2007.

29 **Sec. 9.** RCW 43.121.100 and 2005 c 53 s 4 are each amended to read  
30 as follows:

31 The council may accept contributions, grants, or gifts in cash or  
32 otherwise, including funds generated by the sale of "heirloom" birth  
33 certificates under chapter 70.58 RCW from persons, associations, or  
34 corporations and funds generated through the issuance of the "Keep Kids  
35 Safe" license plate under chapter (~~46.16~~) 46.18 RCW. All moneys  
36 received by the council or any employee thereof from contributions,  
37 grants, or gifts and not through appropriation by the legislature shall

1 be deposited in a depository approved by the state treasurer to be  
2 known as the children's trust fund. Disbursements of such funds shall  
3 be on the authorization of the council or a duly authorized  
4 representative thereof and only for the purposes stated in RCW  
5 43.121.050. In order to maintain an effective expenditure and revenue  
6 control, such funds shall be subject in all respects to chapter 43.88  
7 RCW, but no appropriation shall be required to permit expenditure of  
8 such funds.

9 **Sec. 10.** RCW 46.01.040 and 2010 c 161 s 1108 are each amended to  
10 read as follows:

11 The department is vested with all powers, functions, and duties  
12 with respect to and including the following:

13 (1) The motor vehicle fuel excise tax as provided in chapter 82.36  
14 RCW;

15 (2) The special fuel tax as provided in chapter 82.38 RCW;

16 (3) The motor vehicle excise tax as provided in chapter 82.44 RCW;

17 (4) The travel trailers and campers excise tax as provided in  
18 chapter 82.50 RCW;

19 (5) All general powers and duties relating to motor vehicles as  
20 provided in chapter 46.08 RCW;

21 (6) Certificates of title and registration certificates as provided  
22 in chapters 46.12 and (~~46.16~~) 46.16A RCW;

23 (7) The registration of motor vehicles as provided in chapter  
24 (~~46.16~~) 46.16A RCW;

25 (8) Dealers' licenses as provided in chapter 46.70 RCW;

26 (9) The licensing of motor vehicle transporters as provided in  
27 chapter 46.76 RCW;

28 (10) The licensing of vehicle wreckers as provided in chapter 46.80  
29 RCW;

30 (11) The administration of the laws relating to reciprocal or  
31 proportional registration of motor vehicles as provided in chapter  
32 46.85 RCW;

33 (12) The licensing of passenger vehicles for hire as provided in  
34 chapter 46.72 RCW;

35 (13) Drivers' licenses as provided in chapter 46.20 RCW;

36 (14) Commercial driver training schools as provided in chapter  
37 46.82 RCW;

1 (15) Financial responsibility as provided in chapter 46.29 RCW;  
2 (16) Accident reporting as provided in chapter 46.52 RCW;  
3 (17) Disposition of revenues as provided in chapter 46.68 RCW; and  
4 (18) The administration of all other laws relating to motor  
5 vehicles vested in the director of licenses on June 30, 1965.

6 **Sec. 11.** RCW 46.01.140 and 2010 1st sp.s. c 7 s 139, 2010 c 221 s  
7 1, and 2010 c 161 s 204 are each reenacted and amended to read as  
8 follows:

9 (1) **County auditor/agent duties.** A county auditor or other agent  
10 appointed by the director shall:

11 (a) Enter into a standard contract provided by the director(~~(, as~~  
12 ~~developed in consultation with the advice of the title and registration~~  
13 ~~advisory committee));~~

14 (b) Provide all services authorized by the director for vehicle  
15 certificates of title and vehicle registration applications and  
16 issuance under the direction and supervision of the director including,  
17 but not limited to:

18 (i) Processing reports of sale;

19 (ii) Processing transitional ownership transactions;

20 (iii) Processing mail-in vehicle registration renewals until  
21 directed otherwise by legislative authority;

22 (iv) Issuing registrations and temporary ORV use permits for  
23 off-road vehicles as required under chapter 46.09 RCW;

24 (v) Issuing registrations for snowmobiles as required under chapter  
25 46.10 RCW; and

26 (vi) Collecting fees and taxes as required.

27 (2) **County auditor/agent assistants and subagents.** A county  
28 auditor or other agent appointed by the director may, with approval of  
29 the director:

30 (a) Appoint assistants as special deputies to accept applications  
31 for vehicle certificates of title and to issue vehicle registrations;  
32 and

33 (b) Recommend and request that the director appoint subagencies  
34 within the county to accept applications for vehicle certificates of  
35 title and vehicle registration application issuance.

36 (3) **Appointing subagents.** A county auditor or other agent

1 appointed by the director who requests a subagency shall, with approval  
2 of the director:

3 (a) Use an open competitive process including, but not limited to,  
4 a written business proposal and oral interview to determine the  
5 qualifications of all interested applicants; and

6 (b) Submit all proposals to the director with a recommendation for  
7 appointment of one or more subagents who have applied through the open  
8 competitive process. If a qualified successor who is an existing  
9 subagent's sibling, spouse, or child, or a subagency employee has  
10 applied, the county auditor shall provide the name of the qualified  
11 successor and the name of one other applicant who is qualified and was  
12 chosen through the open competitive process.

13 (4) **Subagent duties.** A subagent appointed by the director shall:

14 (a) Enter into a standard contract with the county auditor or agent  
15 provided by the director(~~(, as developed in consultation with the title  
16 and registration advisory committee))~~); and

17 (b) Provide all services authorized by the director for vehicle  
18 certificates of title and vehicle registration applications and  
19 issuance under the direction and supervision of the county auditor or  
20 agent and the director including, but not limited to:

21 (i) Processing reports of sale;

22 (ii) Processing transitional ownership transactions;

23 (iii) Mailing out vehicle registrations and replacement plates to  
24 internet payment option customers until directed otherwise by  
25 legislative authority;

26 (iv) Issuing registrations and temporary ORV use permits for  
27 off-road vehicles as required under chapter 46.09 RCW;

28 (v) Issuing registrations for snowmobiles as required under chapter  
29 46.10 RCW; and

30 (vi) Collecting fees and taxes as required.

31 (5) **Subagent successorship.** A subagent appointed by the director  
32 who no longer wants his or her appointment may recommend a successor  
33 who is the subagent's sibling, spouse, or child, or a subagency  
34 employee. The recommended successor must participate in the open  
35 competitive process used to select an applicant. In making successor  
36 recommendations and appointment determinations, the following  
37 provisions apply:

1 (a) If a subagency is held by a partnership or corporate entity,  
2 the nomination must be submitted on behalf of, and agreed to by, all  
3 partners or corporate officers;

4 (b) A subagent may not receive any direct or indirect compensation  
5 or remuneration from any party or entity in recognition of a successor  
6 nomination. A subagent may not receive any financial benefit from the  
7 transfer or termination of an appointment; and

8 (c) The appointment of a successor is intended to assist in the  
9 efficient transfer of appointments to minimize public inconvenience.  
10 The appointment of a successor does not create a proprietary or  
11 property interest in the appointment.

12 (6) **Standard contracts.** The standard contracts provided by the  
13 director in this section may include provisions that the director deems  
14 necessary to ensure that readily accessible and acceptable service is  
15 provided to the citizens of the state, including the full collection of  
16 fees and taxes. The standard contracts must include provisions that:

17 (a) Describe responsibilities and liabilities of each party related  
18 to service expectations and levels;

19 (b) Describe the equipment to be supplied by the department and  
20 equipment maintenance;

21 (c) Require specific types of insurance or bonds, or both, to  
22 protect the state against any loss of collected revenue or loss of  
23 equipment;

24 (d) Specify the amount of training that will be provided by each of  
25 the parties;

26 (e) Describe allowable costs that may be charged for vehicle  
27 registration activities as described in subsection (7) of this section;  
28 and

29 (f) Describe causes and procedures for termination of the contract,  
30 which may include mediation and binding arbitration.

31 (7) **County auditor/agent cost reimbursement.** A county auditor or  
32 other agent appointed by the director who does not cover expenses for  
33 services provided by the standard contract may submit to the department  
34 a request for cost-coverage moneys. The request must be submitted on  
35 a form developed by the department. The department shall develop  
36 procedures to standardize and identify allowable costs and to verify  
37 whether a request is reasonable. Payment must be made on those  
38 requests found to be allowable from the licensing services account.

1 (8) **County auditor/agent revenue disbursement.** County revenues  
2 that exceed the cost of providing services described in the standard  
3 contract, calculated in accordance with the procedures in subsection  
4 (7) of this section, must be expended as determined by the county  
5 legislative authority during the process established by law for  
6 adoption of county budgets.

7 (9) **Appointment authority.** The director has final appointment  
8 authority for county auditors or other agents or subagents.

9 (10) **Rules.** The director may adopt rules to implement this  
10 section.

11 **Sec. 12.** RCW 46.04.1945 and 2010 c 217 s 3 are each amended to  
12 read as follows:

13 "Golf cart" means a gas-powered or electric-powered four-wheeled  
14 vehicle originally designed and manufactured for operation on a golf  
15 course for sporting purposes and has a speed attainable in one mile of  
16 not more than twenty miles per hour. A golf cart is not a nonhighway  
17 vehicle or off-road vehicle as defined in RCW (~~(46.09.020)~~) 46.04.365.

18 **Sec. 13.** RCW 46.04.1951 and 2005 c 85 s 2 are each amended to read  
19 as follows:

20 "Gonzaga University alumni association license plates" means  
21 license plates issued under RCW (~~(46.16.30916)~~) 46.18.200 that display  
22 a symbol or artwork recognizing the efforts of the Gonzaga University  
23 alumni association in Washington state.

24 **Sec. 14.** RCW 46.04.249 and 2005 c 53 s 2 are each amended to read  
25 as follows:

26 "Keep Kids Safe license plates" means license plates issued under  
27 RCW (~~(46.16.30913)~~) 46.18.200 that display artwork recognizing efforts  
28 to prevent child abuse and neglect in Washington state.

29 **Sec. 15.** RCW 46.04.265 and 2004 c 221 s 2 are each amended to read  
30 as follows:

31 "Law enforcement memorial license plates" means license plates  
32 issued under RCW (~~(46.16.30905)~~) 46.18.200 that display a symbol  
33 honoring law enforcement officers in Washington killed in the line of  
34 duty.



1       **Sec. 16.** RCW 46.04.3815 and 2010 c 161 s 130 are each amended to  
2 read as follows:

3       "Parts car" means a motor vehicle that is owned by a collector to  
4 furnish parts for restoration or maintenance of a vehicle described in  
5 RCW 46.18.220(1) and 46.18.255, thus enabling a collector to preserve,  
6 restore, and maintain such a vehicle.

7       **Sec. 17.** RCW 46.04.429 and 2004 c 35 s 2 are each amended to read  
8 as follows:

9       "Professional firefighters and paramedics license plates" means  
10 license plates issued under RCW ((~~46.16.30901~~)) 46.18.200 that display  
11 a symbol denoting professional firefighters and paramedics.

12       **Sec. 18.** RCW 46.04.62260 and 2005 c 220 s 2 are each amended to  
13 read as follows:

14       "Ski & Ride Washington license plates" means license plates issued  
15 under RCW ((~~46.16.30922~~)) 46.18.200 that display a symbol or artwork  
16 recognizing the efforts of the Washington snowsports industry in this  
17 state.

18       **Sec. 19.** RCW 46.04.670 and 2010 c 217 s 2 and 2010 c 161 s 155 are  
19 each reenacted and amended to read as follows:

20       "Vehicle" includes every device capable of being moved upon a  
21 public highway and in, upon, or by which any persons or property is or  
22 may be transported or drawn upon a public highway, including bicycles.  
23 "Vehicle" does not include power wheelchairs or devices other than  
24 bicycles moved by human or animal power or used exclusively upon  
25 stationary rails or tracks. Mopeds are not considered vehicles or  
26 motor vehicles for the purposes of chapter 46.70 RCW. Bicycles are not  
27 considered vehicles for the purposes of chapter 46.12, ((~~46.16~~))  
28 46.16A, or 46.70 RCW or RCW 82.12.045. Electric personal assistive  
29 mobility devices are not considered vehicles or motor vehicles for the  
30 purposes of chapter 46.12, ((~~46.16~~)) 46.16A, 46.29, 46.37, or 46.70  
31 RCW. A golf cart is not considered a vehicle, except for the purposes  
32 of chapter 46.61 RCW.

33       **Sec. 20.** RCW 46.04.671 and 2010 c 161 s 156 are each amended to  
34 read as follows:

1 "Vehicle license fee" means a fee collected by the state of  
2 Washington as a license fee, as that term is construed in Article II,  
3 section 40 of the state Constitution, for the act of registering a  
4 vehicle under chapter ((46.16)) 46.16A RCW. "Vehicle license fee" does  
5 not include license plate fees, or taxes and fees collected by the  
6 department for other jurisdictions.

7 **Sec. 21.** RCW 46.04.691 and 2005 c 48 s 2 are each amended to read  
8 as follows:

9 "Washington Lighthouses license plates" means license plates issued  
10 under RCW ((46.16.30911)) 46.18.200 that display a symbol or artwork  
11 recognizing the efforts of lighthouse environmental programs in  
12 Washington state.

13 **Sec. 22.** RCW 46.04.692 and 2005 c 177 s 2 are each amended to read  
14 as follows:

15 "Washington's National Park Fund license plates" means license  
16 plates issued under RCW ((46.16.30918)) 46.18.200 that display a symbol  
17 or artwork recognizing the efforts of Washington's National Park Fund  
18 in preserving Washington's national parks for future generations in  
19 Washington state.

20 **Sec. 23.** RCW 46.04.705 and 2005 c 71 s 2 are each amended to read  
21 as follows:

22 "We love our pets license plates" means license plates issued under  
23 RCW ((46.16.30914)) 46.18.200 that display a symbol or artwork  
24 recognizing the efforts of the Washington state federation of animal  
25 care and control agencies in Washington state that assists local member  
26 agencies of the federation to promote and perform spay/neuter surgery  
27 of Washington state pets, in order to reduce pet overpopulation.

28 **Sec. 24.** RCW 46.09.320 and 2010 c 161 s 214 are each amended to  
29 read as follows:

30 The department shall issue a certificate of title to the owner of  
31 an off-road vehicle. The owner shall pay the fee established under RCW  
32 46.17.100. Issuance of the certificate of title does not qualify the  
33 vehicle for registration under chapter ((46.16)) 46.16A RCW.

1           **Sec. 25.** RCW 46.09.400 and 2010 c 161 s 215 are each amended to  
2 read as follows:

- 3           The department shall:
- 4           (1) Issue registrations and temporary ORV use permits for off-road  
5 vehicles;
  - 6           (2) Issue decals for off-road vehicles. The decals serve the same  
7 function as license plates for vehicles registered under chapter  
8 ((46.16)) 46.16A RCW; and
  - 9           (3) Charge a fee for each decal covering the actual cost of the  
10 decal.

11           **Sec. 26.** RCW 46.09.420 and 2010 c 161 s 217 are each amended to  
12 read as follows:

13           ORV registrations and decals are required under this chapter except  
14 for the following:

- 15           (1) Off-road vehicles owned and operated by the United States,  
16 another state, or a political subdivision of the United States or  
17 another state.
- 18           (2) Off-road vehicles owned and operated by this state, a  
19 municipality, or a political subdivision of this state or the  
20 municipality.
- 21           (3) Off-road vehicles operated on agricultural lands owned or  
22 leased by the off-road vehicle owner or operator.
- 23           (4) Off-road vehicles owned by a resident of another state that  
24 have a valid ORV use permit or vehicle registration issued in  
25 accordance with the laws of the other state. This exemption applies  
26 only to the extent that a similar exemption or privilege is granted  
27 under the laws of that state.
- 28           (5) Off-road vehicles while being used for search and rescue  
29 purposes under the authority or direction of an appropriate search and  
30 rescue or law enforcement agency.
- 31           (6) Vehicles registered under chapter ((46.16)) 46.16A RCW or, in  
32 the case of nonresidents, vehicles validly registered for operation  
33 over public highways in the jurisdiction of the owner's residence.

34           **Sec. 27.** RCW 46.09.450 and 2010 c 161 s 221 are each amended to  
35 read as follows:

1 (1) Except as otherwise provided in this section, it is lawful to  
2 operate an off-road vehicle upon:

3 (a) A nonhighway road and in parking areas serving designated off-  
4 road vehicle areas if the state, federal, local, or private authority  
5 responsible for the management of the nonhighway road authorizes the  
6 use of off-road vehicles; and

7 (b) A street, road, or highway as authorized under RCW 46.09.360.

8 (2) Operations of an off-road vehicle on a nonhighway road, or on  
9 a street, road, or highway as authorized under RCW 46.09.360, under  
10 this section is exempt from registration requirements of chapter  
11 ((46.16)) 46.16A RCW and vehicle lighting and equipment requirements of  
12 chapter 46.37 RCW.

13 (3) It is unlawful to operate an off-road vehicle upon a private  
14 nonhighway road if the road owner has not authorized the use of off-  
15 road vehicles.

16 (4) Nothing in this section authorizes trespass on private  
17 property.

18 (5) The provisions of RCW 4.24.210(5) shall apply to public  
19 landowners who allow members of the public to use public facilities  
20 accessed by a highway, street, or nonhighway road for recreational off-  
21 road vehicle use.

22 **Sec. 28.** RCW 46.09.470 and 2006 c 212 s 3 are each amended to read  
23 as follows:

24 (1) Except as provided in subsection (4) of this section, it is a  
25 traffic infraction for any person to operate any nonhighway vehicle:

26 (a) In such a manner as to endanger the property of another;

27 (b) On lands not owned by the operator or owner of the nonhighway  
28 vehicle without a lighted headlight and taillight between the hours of  
29 dusk and dawn, or when otherwise required for the safety of others  
30 regardless of ownership;

31 (c) On lands not owned by the operator or owner of the nonhighway  
32 vehicle without an adequate braking device or when otherwise required  
33 for the safety of others regardless of ownership;

34 (d) Without a spark arrester approved by the department of natural  
35 resources;

36 (e) Without an adequate, and operating, muffling device which  
37 effectively limits vehicle noise to no more than eighty-six decibels on

1 the "A" scale at fifty feet as measured by the Society of Automotive  
2 Engineers (SAE) test procedure J 331a, except that a maximum noise  
3 level of one hundred and five decibels on the "A" scale at a distance  
4 of twenty inches from the exhaust outlet shall be an acceptable  
5 substitute in lieu of the Society of Automotive Engineers test  
6 procedure J 331a when measured:

7 (i) At a forty-five degree angle at a distance of twenty inches  
8 from the exhaust outlet;

9 (ii) With the vehicle stationary and the engine running at a steady  
10 speed equal to one-half of the manufacturer's maximum allowable ("red  
11 line") engine speed or where the manufacturer's maximum allowable  
12 engine speed is not known the test speed in revolutions per minute  
13 calculated as sixty percent of the speed at which maximum horsepower is  
14 developed; and

15 (iii) With the microphone placed ten inches from the side of the  
16 vehicle, one-half way between the lowest part of the vehicle body and  
17 the ground plane, and in the same lateral plane as the rearmost exhaust  
18 outlet where the outlet of the exhaust pipe is under the vehicle;

19 (f) On lands not owned by the operator or owner of the nonhighway  
20 vehicle upon the shoulder or inside bank or slope of any nonhighway  
21 road or highway, or upon the median of any divided highway;

22 (g) On lands not owned by the operator or owner of the nonhighway  
23 vehicle in any area or in such a manner so as to unreasonably expose  
24 the underlying soil, or to create an erosion condition, or to injure,  
25 damage, or destroy trees, growing crops, or other vegetation;

26 (h) On lands not owned by the operator or owner of the nonhighway  
27 vehicle or on any nonhighway road or trail, when these are restricted  
28 to pedestrian or animal travel;

29 (i) On any public lands in violation of rules and regulations of  
30 the agency administering such lands; and

31 (j) On a private nonhighway road in violation of RCW  
32 (~~46.09.115(3)~~) 46.09.450(3).

33 (2) It is a misdemeanor for any person to operate any nonhighway  
34 vehicle while under the influence of intoxicating liquor or a  
35 controlled substance.

36 (3)(a) Except for an off-road vehicle equipped with seat belts and  
37 roll bars or an enclosed passenger compartment, it is a traffic  
38 infraction for any person to operate or ride an off-road vehicle on a

1 nonhighway road without wearing upon his or her head a motorcycle  
2 helmet fastened securely while in motion. For purposes of this  
3 section, "motorcycle helmet" has the same meaning as provided in RCW  
4 46.37.530.

5 (b) Subsection (3)(a) of this section does not apply to an off-road  
6 vehicle operator operating on his or her own land.

7 (c) Subsection (3)(a) of this section does not apply to an off-road  
8 vehicle operator operating on agricultural lands owned or leased by the  
9 off-road vehicle operator or the operator's employer.

10 (4) It is not a traffic infraction to operate an off-road vehicle  
11 on a street, road, or highway as authorized under RCW (~~46.09.180~~)  
12 46.09.360.

13 **Sec. 29.** RCW 46.09.490 and 1979 ex.s. c 136 s 42 are each amended  
14 to read as follows:

15 (1) Except as provided in RCW (~~46.09.120(2)~~) 46.09.470(2) and  
16 (~~46.09.130~~) 46.09.480 as now or hereafter amended, violation of the  
17 provisions of this chapter is a traffic infraction for which a penalty  
18 of not less than twenty-five dollars may be imposed.

19 (2) In addition to the penalties provided in subsection (1) of this  
20 section, the owner and/or the operator of any nonhighway vehicle shall  
21 be liable for any damage to property including damage to trees, shrubs,  
22 or growing crops injured as the result of travel by the nonhighway  
23 vehicle. The owner of such property may recover from the person  
24 responsible three times the amount of damage.

25 **Sec. 30.** RCW 46.10.440 and 2010 c 161 s 234 are each amended to  
26 read as follows:

27 (1) Snowmobile decals assigned to each snowmobile must be:  
28 (a) Permanently affixed to and displayed upon each snowmobile as  
29 provided by rules adopted by the department; and  
30 (b) Maintained in a legible condition.

31 (2) Dealer (~~number~~) license plates as provided for in RCW  
32 46.10.420 may be temporarily affixed.

33 (3) The department shall make available a pair of identical  
34 snowmobile decals consistent with subsection (1) of this section. The  
35 decals serve the same function as license plates for vehicles  
36 registered under chapter (~~46.16~~) 46.16A RCW. The department shall

1 charge each applicant for an original registration the actual cost of  
2 the snowmobile decal. The department shall make available replacement  
3 snowmobile decals for a fee equivalent to the actual cost of the  
4 snowmobile decals.

5 **Sec. 31.** RCW 46.10.470 and 1972 ex.s. c 153 s 23 are each amended  
6 to read as follows:

7 Notwithstanding the provisions of RCW (~~46.10.100~~) 46.10.460, it  
8 shall be lawful to operate a snowmobile upon a public roadway or  
9 highway:

10 Where such roadway or highway is completely covered with snow or  
11 ice and has been closed by the responsible governing body to motor  
12 vehicle traffic during the winter months; or

13 When the responsible governing body gives notice that such roadway  
14 or highway is open to snowmobiles or all-terrain vehicle use; or

15 In an emergency during the period of time when and at locations  
16 where snow upon the roadway or highway renders such impassible to  
17 travel by automobile; or

18 When traveling along a designated snowmobile trail.

19 **Sec. 32.** RCW 46.10.490 and 1980 c 148 s 1 are each amended to read  
20 as follows:

21 (1) It is a traffic infraction for any person to operate any  
22 snowmobile:

23 (a) At a rate of speed greater than reasonable and prudent under  
24 the existing conditions.

25 (b) In a manner so as to endanger the property of another.

26 (c) Without a lighted headlight and taillight between the hours of  
27 dusk and dawn, or when otherwise required for the safety of others.

28 (d) Without an adequate braking device which may be operated either  
29 by hand or foot.

30 (e) Without an adequate and operating muffling device which shall  
31 effectively blend the exhaust and motor noise in such a manner so as to  
32 preclude excessive or unusual noise, and, (i) on snowmobiles  
33 manufactured on or before January 4, 1973, which shall effectively  
34 limit such noise at a level of eighty-six decibels, or below, on the  
35 "A" scale at fifty feet, and (ii) on snowmobiles manufactured after  
36 January 4, 1973, which shall effectively limit such noise at a level of

1 eighty-two decibels, or below, on the "A" scale at fifty feet, and  
2 (iii) on snowmobiles manufactured after January 1, 1975, which shall  
3 effectively limit such noise at a level of seventy-eight decibels, or  
4 below, as measured on the "A" scale at a distance of fifty feet, under  
5 testing procedures as established by the department of ecology; except  
6 snowmobiles used in organized racing events in an area designated for  
7 that purpose may use a bypass or cutout device. This section shall not  
8 affect the power of the department of ecology to adopt noise  
9 performance standards for snowmobiles. Noise performance standards  
10 adopted or to be adopted by the department of ecology shall be in  
11 addition to the standards contained in this section, but the  
12 department's standards shall supersede this section to the extent of  
13 any inconsistency.

14 (f) Upon the paved portion or upon the shoulder or inside bank or  
15 slope of any public roadway or highway, or upon the median of any  
16 divided highway, except as provided in RCW (~~46.10.100~~) 46.10.460 and  
17 (~~46.10.110~~) 46.10.470.

18 (g) In any area or in such a manner so as to expose the underlying  
19 soil or vegetation, or to injure, damage, or destroy trees or growing  
20 crops.

21 (h) Without a current registration decal affixed thereon, if not  
22 exempted under RCW (~~46.10.030~~) 46.10.410 as now or hereafter amended.

23 (2) It is a misdemeanor for any person to operate any snowmobile so  
24 as to endanger the person of another or while under the influence of  
25 intoxicating liquor or narcotics or habit-forming drugs.

26 **Sec. 33.** RCW 46.10.500 and 1982 c 17 s 8 are each amended to read  
27 as follows:

28 (1) Except as provided in RCW (~~46.10.090(2), 46.10.055, and~~  
29 ~~46.10.130~~) 46.10.490(2), 46.10.485, and 46.10.495, any violation of  
30 the provisions of this chapter is a traffic infraction: PROVIDED, That  
31 the penalty for failing to display a valid registration decal under RCW  
32 (~~46.10.090~~) 46.10.490 as now or hereafter amended shall be a fine of  
33 forty dollars and such fine shall be remitted to the general fund of  
34 the governmental unit, which personnel issued the citation, for  
35 expenditure solely for snowmobile law enforcement.

36 (2) In addition to the penalties provided in RCW (~~46.10.090~~)  
37 46.10.490 and subsection (1) of this section, the operator and/or the



1 owner of any snowmobile used with the permission of the owner shall be  
2 liable for three times the amount of any damage to trees, shrubs,  
3 growing crops, or other property injured as the result of travel by  
4 such snowmobile over the property involved.

5 **Sec. 34.** RCW 46.10.510 and 1994 c 262 s 3 are each amended to read  
6 as follows:

7 From time to time, but at least once each biennium, the director  
8 shall request the state treasurer to refund from the motor vehicle fund  
9 amounts which have been determined to be a tax on snowmobile fuel, and  
10 the treasurer shall refund such amounts determined under RCW  
11 (~~46.10.170~~) 46.10.530, and place them in the snowmobile account in  
12 the general fund.

13 **Sec. 35.** RCW 46.12.550 and 2010 c 161 s 315 are each amended to  
14 read as follows:

15 (1) The department may refuse to issue or may cancel a certificate  
16 of title at any time if the department determines that an applicant for  
17 a certificate of title is not entitled to a certificate of title.  
18 Notice of cancellation may be accomplished by sending a notice by  
19 first-class mail using the last known address in department records for  
20 the registered or legal owner or owners, and completing an affidavit of  
21 first-class mail. It is unlawful for any person to remove, drive, or  
22 operate the vehicle until a proper certificate of title has been  
23 issued. Any person removing, driving, or operating a vehicle after the  
24 refusal to issue or cancellation of the certificate of title is guilty  
25 of a gross misdemeanor.

26 (2)(a) The suspension of, revocation of, cancellation of, or  
27 refusal to issue a certificate of title or vehicle registration  
28 provided for in chapters 46.12 and (~~46.16~~) 46.16A RCW by the director  
29 is conclusive unless the person whose registration or certificate is  
30 suspended, revoked, canceled, or refused appeals to the superior court  
31 of Thurston county or the person's county of residence.

32 (b) Notice of appeal must be filed within ten days after receipt of  
33 the notice of suspension, revocation, cancellation, or refusal. Upon  
34 the filing of the notice of appeal, the court shall issue an order to  
35 the director to show cause why the registration should not be granted  
36 or reinstated and return the order not less than ten days after the

1 date of service of the notice to the director. Service must be in the  
2 manner as prescribed for the service of a summons and complaint in  
3 other civil actions.

4 (c) Upon the hearing on the order to show cause, the court shall  
5 hear evidence concerning matters with reference to the suspension,  
6 revocation, cancellation, or refusal of the registration or certificate  
7 and enter judgment either affirming or setting aside the suspension,  
8 revocation, cancellation, or refusal.

9 **Sec. 36.** RCW 46.12.600 and 2010 c 161 s 306 are each amended to  
10 read as follows:

11 (1)(a) The registered owner or legal owner shall:

12 (i) Report the destruction of the vehicle issued a certificate of  
13 title or registration certificate to the department within fifteen days  
14 of its destruction; and

15 (ii) Submit the certificate of title or affidavit in lieu of title  
16 marked "DESTROYED." The registered owner's name, address, and the date  
17 of destruction must be clearly shown on the certificate of title or  
18 affidavit in lieu of title.

19 (b) It is a gross misdemeanor to fail to notify the department and  
20 be in possession of a certificate of title of a destroyed vehicle on  
21 the sixteenth day after the vehicle is destroyed and each day  
22 thereafter.

23 (2) The insurance company or self-insurer shall report the  
24 destruction or total loss of vehicles issued a certificate of title or  
25 registration certificate to the department within fifteen days after  
26 the settlement claim. The report must be submitted regardless of where  
27 or in what jurisdiction the total loss occurred. An insurer shall  
28 report total loss vehicles to the department in any of the following  
29 manners:

30 (a) Electronically through the department's online reporting  
31 system. An insurer choosing this option must immediately destroy  
32 ownership documents after filing the electronic report;

33 (b) Submitting the certificate of title or affidavit in lieu of  
34 title marked "DESTROYED." The insurer's name, address, and the date of  
35 loss must be clearly shown on the certificate of title or affidavit in  
36 lieu of title; or

1 (c) Submitting a properly completed total loss claim settlement  
2 form provided by the department.

3 (3) The registered owner, legal owner, or insurer reporting the  
4 destruction or total loss of a motor vehicle six years old or older  
5 must include a statement on whether the fair market value of the motor  
6 vehicle immediately before its destruction was at least equal to the  
7 market value threshold. The age of the motor vehicle is determined by  
8 subtracting the model year from the current calendar year.

9 (4) (~~Beginning January 1, 2011,~~) The market value threshold is  
10 six thousand seven hundred ninety dollars or a greater amount as set by  
11 rule of the department. The department shall:

12 (a) Increase the market value threshold amount:

13 (i) When the consumer price index for all urban consumers, compiled  
14 by the bureau of labor statistics, United States department of labor,  
15 or its successor, for the west region, in the expenditure category  
16 "used cars and trucks," shows an annual average increase over the  
17 previous year;

18 (ii) By the same percentage increase of the annual average shown in  
19 the consumer price index; and

20 (iii) On July 1st of the year immediately following the year with  
21 the increase of the annual average;

22 (b) Round each increase of the market value threshold to the  
23 nearest ten dollars;

24 (c) Not increase the market value threshold amount if the amount of  
25 the increase would be less than fifty dollars; and

26 (d) Carry forward any unmade increases to succeeding years until  
27 the cumulative increase is at least fifty dollars.

28 **Sec. 37.** RCW 46.12.630 and 2005 c 340 s 1 are each amended to read  
29 as follows:

30 In addition to any other authority which it may have, the  
31 department of licensing may furnish lists of registered and legal  
32 owners of motor vehicles only for the purposes specified in this  
33 section to:

34 (1) The manufacturers of motor vehicles, or their authorized  
35 agents, to be used to enable those manufacturers to carry out the  
36 provisions of the National Traffic and Motor Vehicle Safety Act of 1966

1 (15 U.S.C. sec. 1382-1418), including amendments or additions thereto,  
2 respecting safety-related defects in motor vehicles;

3 (2) Any governmental agency of the United States or Canada, or  
4 political subdivisions thereof, to be used by it or by its authorized  
5 commercial agents or contractors only in connection with the  
6 enforcement of motor vehicle or traffic laws by, or programs related to  
7 traffic safety of, that government agency. Only such parts of the list  
8 as are required for completion of the work required of the agent or  
9 contractor shall be provided to such agent or contractor;

10 (3) A commercial parking company requiring the names and addresses  
11 of registered owners to notify them of outstanding parking violations.  
12 Subject to the disclosure agreement provisions of RCW ((~~46.12.380~~))  
13 46.12.635 and the requirements of Executive Order 97-01, the department  
14 may provide only the parts of the list that are required for completion  
15 of the work required of the company;

16 (4) An authorized agent or contractor of the department, to be used  
17 only in connection with providing motor vehicle excise tax, licensing,  
18 title, and registration information to motor vehicle dealers;

19 (5) Any business regularly making loans to other persons to finance  
20 the purchase of motor vehicles, to be used to assist the person  
21 requesting the list to determine ownership of specific vehicles for the  
22 purpose of determining whether or not to provide such financing; or

23 (6) A company or its agents operating a toll facility under chapter  
24 47.46 RCW or other applicable authority requiring the names, addresses,  
25 and vehicle information of motor vehicle registered owners to identify  
26 toll violators.

27 Where both a mailing address and residence address are recorded on  
28 the vehicle record and are different, only the mailing address will be  
29 disclosed. Both addresses will be disclosed in response to requests  
30 for disclosure from courts, law enforcement agencies, or government  
31 entities with enforcement, investigative, or taxing authority and only  
32 for use in the normal course of conducting their business.

33 If a list of registered and legal owners of motor vehicles is used  
34 for any purpose other than that authorized in this section, the  
35 manufacturer, governmental agency, commercial parking company,  
36 authorized agent, contractor, financial institution, toll facility  
37 operator, or their authorized agents or contractors responsible for the

1 unauthorized disclosure or use will be denied further access to such  
2 information by the department of licensing.

3 **Sec. 38.** RCW 46.12.700 and 2010 c 161 s 322 are each amended to  
4 read as follows:

5 (1) **Titling options.** An owner of a manufactured home shall  
6 establish ownership in the manufactured home by either:

7 (a) Applying for a certificate of title as required under this  
8 chapter; or

9 (b) Eliminating the certificate of title under chapter 65.20 RCW.

10 (2) **Exemption.** This section does not apply to a manufactured home  
11 held for resale by a dealer or manufacturer.

12 (3) **Transferring ownership.** A registered owner of record must sign  
13 the certificate of title releasing the owner's interest when  
14 transferring ownership of a manufactured home. If the ((mobile))  
15 manufactured home was manufactured before June 15, 1976, the registered  
16 owner must sign an affidavit on a form approved by the department. The  
17 affidavit must state that the purchaser was notified that failure of  
18 the ((mobile)) manufactured home to meet federal housing and urban  
19 development standards or failure of the ((mobile)) manufactured home to  
20 meet a fire and safety inspection by the department of labor and  
21 industries may result in denial by a local jurisdiction of a permit to  
22 site the ((mobile)) manufactured home.

23 (4) **Evidence of taxes paid.** Before accepting an application for a  
24 certificate of title for a manufactured home, the department, county  
25 auditor or other agent, or subagent appointed by the director shall  
26 require the applicant to provide evidence that any taxes due on the  
27 sale of the manufactured home under chapters 82.45 and 84.52 RCW have  
28 been paid. Acceptable evidence includes a copy of:

29 (a) The real estate excise tax affidavit that has been stamped by  
30 the county treasurer; or

31 (b) A treasurer certificate that is prepared by the treasurer of  
32 the county in which a used manufactured home is located and that states  
33 that all property taxes due upon the used manufactured home being sold  
34 have been satisfied.

35 (5) **County assessor notification.** The department shall notify the  
36 county assessor of the county where the manufactured home is located

1 when ownership of a manufactured home is transferred. The notification  
2 must include the name and address of the former owner and the new  
3 owner.

4 (6) **Title elimination.** The certificate of title for a manufactured  
5 home may be eliminated or not issued when the manufactured home is  
6 registered under chapter 65.20 RCW. If the certificate of title is  
7 eliminated or not issued, the application must be recorded in the  
8 county property records of the county where the real property to which  
9 the home is affixed is located. All vehicle license fees and taxes  
10 applicable to manufactured homes under this chapter are due and must be  
11 collected before recording the ownership with the county auditor.

12 (7) **Rules.** The department may adopt rules as necessary to  
13 implement this section.

14 **Sec. 39.** RCW 46.12.730 and 2010 c 8 s 9009 are each amended to  
15 read as follows:

16 Unless a claim of ownership to the article or articles is  
17 established pursuant to RCW ((~~46.12.330~~)) 46.12.735, the law  
18 enforcement agency seizing the vehicle, watercraft, camper, or  
19 component part thereof may dispose of them by destruction, by selling  
20 at public auction to the highest bidder, or by holding the article or  
21 articles for the official use of the agency, when:

22 (1) The true identity of the article or articles cannot be  
23 established by restoring the original manufacturer's serial number or  
24 other distinguishing numbers or identification marks or by any other  
25 means;

26 (2) After the true identity of the article or articles has been  
27 established, the seizing law enforcement agency cannot locate the  
28 person who is the lawful owner or if such lawful owner or his or her  
29 successor in interest fails to claim the article or articles within  
30 forty-five days after receiving notice from the seizing law enforcement  
31 agency that the article or articles is in its possession.

32 No disposition of the article or articles pursuant to this section  
33 shall be undertaken until at least sixty days have elapsed from the  
34 date of seizure and written notice of the right to a hearing to  
35 establish a claim of ownership pursuant to RCW ((~~46.12.330~~)) 46.12.735  
36 and of the potential disposition of the article or articles shall have  
37 first been served upon the person who held possession or custody of the

1 article when it was impounded and upon any other person who, prior to  
2 the final disposition of the article, has notified the seizing law  
3 enforcement agency in writing of a claim to ownership or lawful right  
4 to possession thereof.

5 **Sec. 40.** RCW 46.12.735 and 1981 c 67 s 27 are each amended to read  
6 as follows:

7 (1) Any person may submit a written request for a hearing to  
8 establish a claim of ownership or right to lawful possession of the  
9 vehicle, watercraft, camper, or component part thereof seized pursuant  
10 to this section.

11 (2) Upon receipt of a request for hearing, one shall be held before  
12 the chief law enforcement officer of the seizing agency or an  
13 administrative law judge appointed under chapter 34.12 RCW.

14 (3) Such hearing shall be held within a reasonable time after  
15 receipt of a request therefor. Reasonable investigative activities,  
16 including efforts to establish the identity of the article or articles  
17 and the identity of the person entitled to the lawful possession or  
18 custody of the article or articles shall be considered in determining  
19 the reasonableness of the time within which a hearing must be held.

20 (4) The hearing and any appeal therefrom shall be conducted in  
21 accordance with Title 34 RCW.

22 (5) The burden of producing evidence shall be upon the person  
23 claiming to be the lawful owner or to have the lawful right of  
24 possession to the article or articles.

25 (6) Any person claiming ownership or right to possession of an  
26 article or articles subject to disposition under RCW (~~46.12.310~~)  
27 46.12.725 through (~~46.12.340~~) 46.12.740 may remove the matter to a  
28 court of competent jurisdiction if the aggregate value of the article  
29 or articles involved is two hundred dollars or more. In a court  
30 hearing between two or more claimants to the article or articles  
31 involved, the prevailing party shall be entitled to judgment for costs  
32 and reasonable attorney's fees. For purposes of this section the  
33 seizing law enforcement agency shall not be considered a claimant.

34 (7) The seizing law enforcement agency shall promptly release the  
35 article or articles to the claimant upon a determination by the  
36 administrative law judge or court that the claimant is the present  
37 lawful owner or is lawfully entitled to possession thereof.

1       **Sec. 41.** RCW 46.12.740 and 1975-'76 2nd ex.s. c 91 s 5 are each  
2 amended to read as follows:

3       The seizing law enforcement agency may release the article or  
4 articles impounded pursuant to this section to the person claiming  
5 ownership without a hearing pursuant to RCW (~~46.12.330~~) 46.12.735  
6 when such law enforcement agency is satisfied after an appropriate  
7 investigation as to the claimant's right to lawful possession. If no  
8 hearing is contemplated as provided for in RCW (~~46.12.330~~) 46.12.735  
9 such release shall be within a reasonable time following seizure.  
10 Reasonable investigative activity, including efforts to establish the  
11 identity of the article or articles and the identity of the person  
12 entitled to lawful possession or custody of the article or articles  
13 shall be considered in determining the reasonableness of the time in  
14 which release must be made.

15       **Sec. 42.** RCW 46.12.745 and 1979 c 158 s 138 are each amended to  
16 read as follows:

17       An identification number shall be assigned to any article impounded  
18 pursuant to RCW (~~46.12.310~~) 46.12.725 in accordance with the rules  
19 promulgated by the department of licensing prior to:

20       (1) The release of the article from the custody of the seizing  
21 agency; or

22       (2) The use of the article by the seizing agency.

23       **Sec. 43.** RCW 46.16A.030 and 2010 c 270 s 1, 2010 c 217 s 5, and  
24 2010 c 161 s 403 are each reenacted and amended to read as follows:

25       (1) Vehicles must be registered as required by this chapter and  
26 must display license plates or decals assigned by the department.

27       (2) It is unlawful for a person to operate any vehicle on a public  
28 highway of this state without having in full force and effect a current  
29 and proper vehicle registration and displaying license plates on the  
30 vehicle.

31       (3) Vehicle license plates or registration certificates, whether  
32 original issues or duplicates, may not be issued or furnished by the  
33 department until the applicant makes satisfactory application for a  
34 certificate of title or presents satisfactory evidence that a  
35 certificate of title covering the vehicle has been previously issued.



1 (4) Failure to make initial registration before operating a vehicle  
2 on the public highways of this state is a traffic infraction. A person  
3 committing this infraction (~~shall~~) must pay a (~~penalty~~) fine of  
4 five hundred twenty-nine dollars, which may not be suspended, deferred,  
5 or reduced. This fine is in addition to any delinquent taxes and fees  
6 that must be deposited and distributed in the same manner as if the  
7 taxes and fees were properly paid in a timely fashion. The five  
8 hundred twenty-nine dollar fine must be deposited into the vehicle  
9 licensing fraud account created in the state treasury in RCW 46.68.250.

10 (5) Failure to renew an expired registration before operating a  
11 vehicle on the public highways of this state is a traffic infraction.

12 (6) It is a gross misdemeanor for a resident, as identified in RCW  
13 46.16A.140, to register a vehicle in another state, evading the payment  
14 of any tax or vehicle license fee imposed in connection with  
15 registration. It is punishable, in lieu of the fine in subsection (4)  
16 of this section, as follows:

17 (a) For a first offense(~~(7)~~):

18 (i) Up to one year in the county jail (~~and~~);

19 (ii) Payment of a fine of five hundred twenty-nine dollars plus  
20 (~~twice the amount of delinquent taxes and fees, no part of~~) any  
21 applicable assessments, which may not be suspended, deferred, or  
22 reduced. The fine of five hundred twenty-nine dollars must be  
23 deposited into the vehicle licensing fraud account created in the state  
24 treasury in RCW 46.68.250;

25 (iii) A fine of one thousand dollars to be deposited into the  
26 vehicle licensing fraud account created in the state treasury in RCW  
27 46.68.250, which may not be suspended, deferred, or reduced; and

28 (iv) The delinquent taxes and fees, which must be deposited and  
29 distributed in the same manner as if the taxes and fees were properly  
30 paid in a timely fashion, and which may not be suspended (~~or~~),  
31 deferred, or reduced;

32 (b) For a second or subsequent offense(~~(7)~~):

33 (i) Up to one year in the county jail (~~and~~);

34 (ii) Payment of a fine of five hundred twenty-nine dollars plus  
35 (~~four times the amount of delinquent taxes and fees, no part of~~) any  
36 applicable assessments, which may not be suspended, deferred, or  
37 reduced. The fine of five hundred twenty-nine dollars must be

1 deposited into the vehicle licensing fraud account created in the state  
2 treasury in RCW 46.68.250;

3 (iii) A fine of five thousand dollars to be deposited into the  
4 vehicle licensing fraud account created in the state treasury in RCW  
5 46.68.250, which may not be suspended ((or)), deferred, or reduced;

6 ~~((c) For fines levied under (b) of this subsection, an amount~~  
7 ~~equal to the avoided taxes and fees owed will be deposited in the~~  
8 ~~vehicle licensing fraud account created in the state treasury;~~

9 ~~(d) The avoided taxes and fees shall be deposited and distributed~~  
10 ~~in the same manner as if the taxes and fees were properly paid in a~~  
11 ~~timely fashion)) and~~

12 (iv) The amount of delinquent taxes and fees, which must be  
13 deposited and distributed in the same manner as if the taxes and fees  
14 were properly paid in a timely fashion, and which may not be suspended,  
15 deferred, or reduced.

16 (7) A vehicle with an expired registration of more than forty-five  
17 days parked on a public street may be impounded by a police officer  
18 under RCW 46.55.113(2).

19 **Sec. 44.** RCW 46.16A.070 and 2010 c 161 s 414 are each amended to  
20 read as follows:

21 (1) The department may refuse to issue or may cancel a registration  
22 certificate at any time when the department determines that an  
23 applicant for registration is not entitled to ~~((one))~~ a registration  
24 certificate. Notice of cancellation may be accomplished by sending a  
25 notice by first-class mail using the last known address in department  
26 records for the registered or legal owner or owners, and completing an  
27 affidavit of first-class mail. It is unlawful for any person to  
28 remove, drive, or operate the vehicle until a proper registration  
29 certificate has been issued. A person removing, driving, or operating  
30 a vehicle after the refusal to issue or cancellation of the  
31 registration is guilty of a gross misdemeanor.

32 (2)(a) The suspension, revocation, cancellation, or refusal by the  
33 director of a registration certificate provided under this chapter is  
34 conclusive unless the person whose registration or certificate is  
35 suspended, revoked, canceled, or refused appeals to the superior court  
36 of Thurston county or the person's county of residence.

1        ~~((a))~~ (b) Notice of appeal must be filed within ten days after  
2 receipt of the notice of suspension, revocation, cancellation, or  
3 refusal. Upon the filing of the notice of appeal, the court shall  
4 issue an order to the director to show cause why the registration  
5 should not be granted or reinstated and return the order not less than  
6 ten days after the date of service to the director. Service must be in  
7 the same manner as prescribed for the service of a summons and  
8 complaint in other civil actions.

9        ~~((b))~~ (c) Upon the hearing on the order to show cause, the court  
10 shall hear evidence concerning matters with reference to the  
11 suspension, revocation, cancellation, or refusal of the registration  
12 and shall enter judgment either affirming or setting aside the  
13 suspension, revocation, cancellation, or refusal.

14        **Sec. 45.** RCW 46.16A.080 and 2010 c 161 s 404 are each amended to  
15 read as follows:

16        The following vehicles are not required to be registered under this  
17 chapter:

18        (1) Converter gears used to convert a semitrailer into a trailer or  
19 a two-axle truck or tractor into a three or more axle truck or tractor  
20 or used in any other manner to increase the number of axles of a  
21 vehicle;

22        (2) Electric-assisted bicycles;

23        (3)(a) Farm implements, tractors, trailers, and other farm vehicles  
24 (i) operated within a radius of fifteen miles of the farm where it is  
25 principally used or garaged, including trailers designed as cook or  
26 bunk houses, (ii) used exclusively for animal herding, and (iii)  
27 temporarily operating or drawn upon the public highways, and (b)  
28 trailers used exclusively to transport farm implements from one farm to  
29 another during daylight hours or at night when the trailer is equipped  
30 with lights that comply with applicable law;

31        (4) Forklifts operated during daylight hours on public highways  
32 adjacent to and within five hundred feet of the warehouses they serve;

33        (5) Golf carts, as defined in RCW 46.04.1945, operating within a  
34 designated golf cart zone as described in RCW 46.08.175;

35        (6) Motor vehicles operated solely within a national recreation  
36 area that is not accessible by a state highway, including motorcycles,

1 motor homes, passenger cars, and sport utility vehicles. This  
2 exemption applies only after initial registration;

3 ~~((+6))~~ (7) Motorized foot scooters;

4 ~~((+7))~~ (8) Nurse rigs or equipment auxiliary for the use of and  
5 designed or modified for the fueling, repairing, or loading of spray  
6 and fertilizer applicator rigs and not used, designed, or modified  
7 primarily for the purpose of transportation;

8 ~~((+8))~~ (9) Off-road vehicles operated on a street, road, or  
9 highway as authorized under RCW 46.09.360, or nonhighway roads under  
10 RCW 46.09.450;

11 ~~((+9))~~ (10) Special highway construction equipment;

12 ~~((+10))~~ (11) Dump trucks and tractor-dump trailer combinations  
13 that are:

14 (a) Designed and used primarily for construction work on highways;

15 (b) Not designed or used primarily for the transportation of  
16 persons or property on a public highway; and

17 (c) Only incidentally operated or moved over the highways;

18 ~~((+11))~~ (12) Spray or fertilizer applicator rigs designed and used  
19 exclusively for spraying or fertilization in the conduct of  
20 agricultural operations and not primarily for the purpose of  
21 transportation;

22 ~~((+12))~~ (13) Tow dollies;

23 ~~((+13))~~ (14) Trams used for transporting persons to and from  
24 facilities related to the horse racing industry as regulated in chapter  
25 67.16 RCW, as long as the public right-of-way routes over which the  
26 trams operate are not more than one mile from end to end, the public  
27 rights-of-way over which the tram operates have average daily traffic  
28 of not more than fifteen thousand vehicles per day, and the activity is  
29 in conformity with federal law. The operator must be a licensed driver  
30 and at least eighteen years old. For the purposes of this section,  
31 "tram" also means a vehicle, or combination of vehicles linked together  
32 with a single mode of propulsion, used to transport persons from one  
33 location to another; and

34 ~~((+14))~~ (15) Vehicles used by the state parks and recreation  
35 commission exclusively for park maintenance and operations upon public  
36 highways within state parks.

1       **Sec. 46.** RCW 46.16A.200 and 2010 c 161 s 422 are each amended to  
2 read as follows:

3       (1) **Design.** All license plates may be obtained by the director  
4 from the metal working plant of a state correctional facility or from  
5 any source in accordance with existing state of Washington purchasing  
6 procedures. License plates:

7           (a) May vary in background, color, and design;

8           (b) Must be legible and clearly identifiable as a Washington state  
9 license plate;

10          (c) Must designate the name of the state of Washington without  
11 abbreviation;

12          (d) Must be treated with fully reflectorized materials designed to  
13 increase visibility and legibility at night;

14          (e) Must be of a size and color and show the registration period as  
15 determined by the director; and

16          (f) Before July 1, 2010, may display a symbol or artwork approved  
17 by the former special license plate review board and the legislature.  
18 Beginning July 1, 2010, special license plate series approved by the  
19 department and enacted into law by the legislature may display a symbol  
20 or artwork approved by the department.

21       (2) **Exceptions to reflectorized materials.** License plates issued  
22 before January 1, 1968, are not required to be treated with  
23 reflectorized materials.

24       (3) **Dealer license plates.** License plates issued to a dealer must  
25 contain an indication that the license plates have been issued to a  
26 vehicle dealer.

27       (4)(a) **Furnished.** The director shall furnish to all persons making  
28 satisfactory application for a vehicle registration:

29           (i) Two identical license plates each containing the license plate  
30 number; or

31           (ii) One license plate if the vehicle is a trailer, semitrailer,  
32 camper, moped, collector vehicle, horseless carriage, or motorcycle.

33       (b) The director may adopt types of license plates to be used as  
34 long as the license plates are legible.

35       (5)(a) **Display.** License plates must be:

36           (i) Attached conspicuously at the front and rear of each vehicle if  
37 two license plates have been issued;

1 (ii) Attached to the rear of the vehicle if one license plate has  
2 been issued;

3 (iii) Kept clean and be able to be plainly seen and read at all  
4 times; and

5 (iv) Attached in a horizontal position at a distance of not more  
6 than four feet from the ground.

7 (b) The Washington state patrol may grant exceptions to this  
8 subsection if the body construction of the vehicle makes compliance  
9 with this section impossible.

10 (6) **Change of license classification.** A person who has altered a  
11 vehicle that makes the current license plate or plates invalid for the  
12 vehicle's use shall:

13 (a) Surrender the current license plate or plates to the  
14 department, county auditor or other agent, or subagent appointed by the  
15 director;

16 (b) Apply for a new license plate or plates; and

17 (c) Pay a change of classification fee required under RCW  
18 46.17.310.

19 (7) **Unlawful acts.** It is unlawful to:

20 (a) Display a license plate or plates on the front or rear of any  
21 vehicle that were not issued by the director for the vehicle;

22 (b) Display a license plate or plates on any vehicle that have been  
23 changed, altered, or disfigured, or have become illegible;

24 (c) Use holders, frames, or other materials that change, alter, or  
25 make a license plate or plates illegible. License plate frames may be  
26 used on license plates only if the frames do not obscure license tabs  
27 or identifying letters or numbers on the plates and the license plates  
28 can be plainly seen and read at all times;

29 (d) Operate a vehicle unless a valid license plate or plates are  
30 attached as required under this section;

31 (e) Transfer a license plate or plates issued under this chapter  
32 between two or more vehicles without first making application to  
33 transfer the license plates. A violation of this subsection (7)(e) is  
34 a traffic infraction subject to a fine not to exceed five hundred  
35 dollars. Any law enforcement agency that determines that a license  
36 plate or plates have been transferred between two or more vehicles  
37 shall confiscate the license plate or plates and return them to the  
38 department for nullification along with full details of the reasons for

1 confiscation. Each vehicle identified in the transfer will be issued  
2 a new license plate or plates upon application by the owner or owners  
3 and the payment of full fees and taxes; or

4 (f) Fail, neglect, or refuse to endorse the registration  
5 certificate and deliver the license plate or plates to the purchaser or  
6 transferee of the vehicle, except as authorized under this section.

7 (8) **Transfer.** (a) Standard issue license plates follow the vehicle  
8 when ownership of the vehicle changes unless the registered owner  
9 wishes to retain the license plates and transfer them to a replacement  
10 vehicle of the same use. A registered owner wishing to keep standard  
11 issue license plates shall pay the license plate transfer fee required  
12 under RCW 46.17.200(1)(c) when applying for license plate transfer.

13 (b) Special license plates and personalized license plates may be  
14 treated in the same manner as described in (a) of this subsection  
15 unless otherwise limited by law.

16 (c) License plates issued to the state or any county, city, town,  
17 school district, or other political subdivision entitled to exemption  
18 as provided by law may be treated in the same manner as described in  
19 (a) of this subsection.

20 (9) **Replacement.** (a) An owner or the owner's authorized  
21 representative shall apply for a replacement license plate or plates if  
22 the current license plate or plates assigned to the vehicle have been  
23 lost, defaced, or destroyed, or if one or both plates have become so  
24 illegible or are in such a condition as to be difficult to distinguish.  
25 An owner or the owner's authorized representative may apply for a  
26 replacement license plate or plates at any time the owner chooses.

27 (b) The application for a replacement license plate or plates must:

28 (i) Be on a form furnished or approved by the director; and

29 (ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

30 (c) The department shall not require the payment of any fee to  
31 replace a license plate or plates for vehicles owned, rented, or leased  
32 by foreign countries or international bodies to which the United States  
33 government is a signatory by treaty.

34 (10)((+a)) **Periodic replacement.** License plates must be replaced  
35 periodically to ensure maximum legibility and reflectivity. The  
36 department shall:

37 ((+i)) (a) Use empirical studies documenting the longevity of the  
38 reflective materials used to make license plates;

1        ~~((+ii+))~~ (b) Determine how frequently license plates must be  
2 replaced; and

3        ~~((+iii+))~~ (c) Offer to owners the option of retaining the current  
4 license plate number when obtaining replacement license plates for the  
5 fee required in RCW 46.17.200(1)(b).

6        ~~((b) Commercial motor vehicles with a gross weight in excess of  
7 twenty six thousand pounds are exempt from periodic license plate  
8 replacement.))~~

9        (11) **Periodic replacement--Exceptions.** The following license  
10 plates are not required to be periodically replaced as required in  
11 subsection (10) of this section:

12        (a) Horseless carriage license plates issued under RCW 46.18.255  
13 before January 1, 1987;

14        (b) Congressional Medal of Honor license plates issued under RCW  
15 46.18.230;

16        (c) License plates for commercial motor vehicles with a gross  
17 weight greater than twenty-six thousand pounds.

18        (12) **Rules.** The department may adopt rules to implement this  
19 section.

20        (13) **Tabs or emblems.** The director may issue tabs or emblems to be  
21 attached to license plates or elsewhere on the vehicle to signify  
22 initial registration and renewals. Renewals become effective when tabs  
23 or emblems have been issued and properly displayed on license plates.

24        **Sec. 47.** RCW 46.16A.210 and 1990 c 250 s 8 are each amended to  
25 read as follows:

26        ~~((Vehicle))~~ License plate emblems and veteran remembrance emblems  
27 ~~((shall))~~ must use fully reflectorized materials designed to provide  
28 visibility at night. Emblems ~~((shall))~~ must be designed to be affixed  
29 to a ~~((vehicle))~~ license ~~((number))~~ plate by pressure-sensitive  
30 adhesive so as not to obscure the plate identification numbers or  
31 letters.

32        Emblems ~~((will))~~ must be issued for display on the front and rear  
33 license ~~((number))~~ plates. Single emblems ~~((will))~~ must be issued for  
34 vehicles authorized to display one license ~~((number))~~ plate.

35        **Sec. 48.** RCW 46.16A.215 and 1994 c 194 s 5 are each amended to  
36 read as follows:



1 (1) The director may adopt fees to be charged by the department for  
2 emblems issued by the department under RCW (~~(46.16.319)~~) 46.18.295.

3 (2) The fee for each remembrance emblem issued under RCW  
4 (~~(46.16.319)~~) 46.18.295 shall be in an amount sufficient to offset the  
5 costs of production of remembrance emblems and the administration of  
6 that program by the department plus an amount for use by the department  
7 of veterans affairs, not to exceed a total fee of twenty-five dollars  
8 per emblem.

9 (3) The veterans' emblem account is created in the custody of the  
10 state treasurer. All receipts by the department from the issuance of  
11 remembrance emblems under RCW (~~(46.16.319)~~) 46.18.295 shall be  
12 deposited into this fund. Expenditures from the fund may be used only  
13 for the costs of production of remembrance emblems and administration  
14 of the program by the department of licensing, with the balance used  
15 only by the department of veterans affairs for projects that pay  
16 tribute to those living veterans and to those who have died defending  
17 freedom in our nation's wars and conflicts and for the upkeep and  
18 operations of existing memorials, as well as for planning, acquiring  
19 land for, and constructing future memorials. Only the director of  
20 licensing, the director of veterans affairs, or their designees may  
21 authorize expenditures from the fund. The fund is subject to allotment  
22 procedures under chapter 43.88 RCW, but no appropriation is required  
23 for expenditures.

24 **Sec. 49.** RCW 46.16A.405 and 2010 c 161 s 437 are each amended to  
25 read as follows:

26 This chapter applies to the following:

27 (1) Campers are considered vehicles for the purposes of vehicle  
28 registration and license plate display, except for campers held as part  
29 of a manufacturer's or dealer's inventory that:

30 (a) Are unoccupied at all times;

31 (b) Have been issued a dated demonstration permit that is valid for  
32 no more than seventy-two hours. The permit must be carried in the  
33 vehicle on which the camper is mounted; and

34 (c) Are mounted on a properly registered vehicle.

35 (2) Mopeds are considered vehicles for the purposes of vehicle  
36 registration and license plate display. The department, county auditor  
37 or other agent, or subagent appointed by the director shall charge the

1 fee required under RCW 46.17.200(1)(a) when issuing an original moped  
2 license plate. Mopeds are exempt from personal property taxes and  
3 vehicle excise taxes imposed under chapter 82.44 RCW.

4 (3) Wheelchair conveyances are considered vehicles for the purposes  
5 of vehicle registration and license plate display. Wheelchair  
6 conveyances that do not meet braking equipment requirements described  
7 in RCW 46.37.340 must be registered as mopeds.

8 **Sec. 50.** RCW 46.16A.455 and 2010 c 161 s 419 are each amended to  
9 read as follows:

10 (1) **Auto stage, bus, for hire vehicle - more than six seats.** The  
11 declared gross weight for an auto stage, bus, or for hire vehicle,  
12 except taxicabs, with a seating capacity of more than six is determined  
13 by:

14 (a) Multiplying the number of seats, including the driver, times  
15 one hundred fifty pounds per seat;

16 (b) Adding the scale weight to the product derived in (a) of this  
17 subsection; and

18 (c) Locating the sum derived in (b) of this subsection in the  
19 registration fee based on declared gross weight table provided in RCW  
20 46.17.355 and rounding up to the next greater weight.

21 (2) **Motor truck, road tractor, truck, truck tractor -sufficient**  
22 **declared gross weight required.** The declared gross weight for a motor  
23 truck, road tractor, truck, or truck tractor must have a sufficient  
24 declared gross weight, as required under chapter 46.44 RCW, to cover:

25 (a) Its empty scale weight plus the maximum load it will carry; and

26 (b) The empty scale weight of any trailer it will tow and the  
27 maximum load that the trailer will carry. The declared gross weight of  
28 the motor vehicle does not need to include the trailer if:

29 (i) The empty scale weight of the trailer and the maximum load the  
30 trailer will carry does not exceed four thousand pounds; or

31 (ii) The trailer is for personal use, such as a horse trailer,  
32 travel trailer, or utility trailer.

33 (3) **Motor truck, road tractor, truck, and truck tractor -exceeding**  
34 **six thousand pounds empty scale weight.** Every truck, motor truck,  
35 truck tractor, and tractor exceeding six thousand pounds empty scale  
36 weight registered under this chapter (~~46.16~~) or chapter 46.87 RCW

1 must be licensed for not less than one hundred fifty percent of its  
2 empty weight unless:

3 (a) The amount would exceed the legal limits described in RCW  
4 46.44.041 or 46.44.042, in which event the vehicle must be licensed for  
5 the maximum weight authorized for the vehicle; or

6 (b) The vehicle is a fixed load vehicle.

7 (4) **Increasing declared gross weight.** The following provisions  
8 apply when increasing declared gross weight for a motor vehicle  
9 licensed under this section:

10 (a) The declared gross weight must be increased to the end of the  
11 current registration year when the declared gross weight remains at  
12 12,000 pounds or less.

13 (b) For motor vehicles increasing to a declared gross weight of  
14 14,000 pounds or more, the declared gross weight must be increased, at  
15 a minimum, to the expiration of the current declared gross weight  
16 license.

17 (c) The new license fee is one-twelfth of the annual license fee  
18 listed in RCW 46.17.355 for each of the number of months remaining in  
19 the registration period. The department shall:

20 (i) Apply credit to any gross weight license fees already paid for  
21 the full months remaining in the registration period;

22 (ii) Charge the monthly declared gross weight license fee required  
23 under RCW 46.17.360, in addition to any other fees or taxes due; and

24 (iii) Not apply credit to monthly declared gross weight license  
25 fees already used.

26 (d) (c) of this subsection does not apply to motor vehicles  
27 described in (a) of this subsection.

28 (e) Upon surrender of the current registration certificate or cab  
29 card, credit must be applied as described in (c) of this subsection.

30 (5) **Monthly license--Authorized.** The annual license fees required  
31 in RCW 46.17.355 for any motor vehicle or combination of vehicles  
32 having a declared gross weight of twelve thousand one pounds or more  
33 may be paid for any full registration month or months at one-twelfth of  
34 the annual license fee plus the monthly declared gross weight license  
35 fee required in RCW 46.17.360. This sum must be multiplied by the  
36 number of full months for which the fees are paid if for less than a  
37 full year.

1           (6) **Monthly license--Penalty.** Operation of a vehicle registered  
2 under subsection (5) of this section by any person upon the public  
3 highways after the expiration of the monthly license is a traffic  
4 infraction. The person shall pay a license fee for the vehicle  
5 involved covering an entire registration year's operation, less the  
6 fees for any registration month or months of the registration year  
7 already paid. If, within five days, a license fee for a full  
8 registration year has not been paid as required, the Washington state  
9 patrol, county sheriff, or city police shall impound the vehicle until  
10 the fees have been paid.

11           (7) **Camper, school bus--Exemptions.** (a) The weight of a camper  
12 must not be included when determining declared gross weight.

13           (b) Motor vehicles used for the transportation of school children  
14 or teachers to and from school and other school activities are exempt  
15 from subsection (1) of this section and the seating capacity fee  
16 provided in RCW 46.17.340. If the motor vehicle is used for any other  
17 purpose, it must be appropriately registered as required under this  
18 chapter.

19           (8) **Credit for unused license fee.** A registered owner of a motor  
20 vehicle with a declared gross weight of more than twelve thousand  
21 pounds may obtain credit for the unused portion of the license fee paid  
22 or transfer the credit to a new owner under the following conditions:

23           (a) The motor vehicle must have been recently sold or transferred  
24 to another owner, is no longer in the possession of the owner, or is  
25 reported destroyed under RCW 46.12.600;

26           (b) The available credit must be fifteen dollars or more;

27           (c) Credit will be given for any unused months of the declared  
28 gross weight license already purchased at the rate of one-twelfth for  
29 each full or partial month of registration;

30           (d) Credit only applies to license fees due under RCW 46.17.355 for  
31 the registration year for which it was purchased;

32           (e) Credit as used in this section may not be refunded.

33           **Sec. 51.** RCW 46.16A.510 and 1986 c 186 s 5 are each amended to  
34 read as follows:

35           The director, the state of Washington, and its political  
36 subdivisions (~~shall be~~) are immune from civil liability arising from

1 the issuance of a vehicle ((~~license~~)) registration or license plates to  
2 a nonroadworthy vehicle.

3 **Sec. 52.** RCW 46.16A.530 and 1961 c 12 s 46.16.180 are each amended  
4 to read as follows:

5 It ((~~shall be~~)) is unlawful for the owner or operator of any  
6 vehicle not ((~~licensed~~)) registered annually for hire or as an auto  
7 stage and for which additional seating capacity fee as required by this  
8 chapter has not been paid, to carry passengers therein for hire.

9 **Sec. 53.** RCW 46.16A.540 and 1986 c 18 s 13 are each amended to  
10 read as follows:

11 It is a traffic infraction for any person to operate, or cause,  
12 permit, or suffer to be operated upon a public highway of this state  
13 any bus, auto stage, motor truck, truck tractor, or tractor, with  
14 passengers, or with a maximum gross weight, in excess of that for which  
15 the motor vehicle or combination is ((~~licensed~~)) registered.

16 Any person who operates or causes to be operated upon a public  
17 highway of this state any motor truck, truck tractor, or tractor with  
18 a maximum gross weight in excess of the maximum gross weight for which  
19 the vehicle is ((~~licensed~~)) registered shall be deemed to have set a  
20 new maximum gross weight and shall, in addition to any penalties  
21 otherwise provided, be required to purchase a new ((~~license~~))  
22 registration covering the new maximum gross weight, and any failure to  
23 secure such new ((~~license~~)) registration is a traffic infraction. No  
24 such person may be permitted or required to purchase the new  
25 ((~~license~~)) registration for a gross weight or combined gross weight  
26 which would exceed the maximum gross weight or combined gross weight  
27 allowed by law. This section does not apply to for hire vehicles,  
28 buses, or auto stages operating principally within cities and towns.

29 **Sec. 54.** RCW 46.16A.545 and 1979 ex.s. c 136 s 48 are each amended  
30 to read as follows:

31 Any person violating any of the provisions of RCW ((~~46.16.140~~))  
32 46.16A.540 shall, upon a first offense, pay a penalty of not less than  
33 twenty-five dollars nor more than fifty dollars; upon a second offense  
34 pay a penalty of not less than fifty dollars nor more than one hundred  
35 dollars, and in addition the court may suspend the registration

1 certificate (~~of license registration~~) of the vehicle for not more  
2 than thirty days; upon a third and subsequent offense pay a penalty of  
3 not less than one hundred dollars nor more than two hundred dollars,  
4 and in addition the court shall suspend the registration certificate  
5 (~~of license registration~~) of the vehicle for not less than thirty  
6 days nor more than ninety days.

7 Upon ordering the suspension of any registration certificate (~~of~~  
8 ~~license registration~~), the court or judge shall forthwith secure  
9 (~~such~~) the registration certificate and mail it to the director.

10 **Sec. 55.** RCW 46.17.040 and 2010 c 161 s 506 are each amended to  
11 read as follows:

12 A subagent appointed by the director shall collect a service fee  
13 of:

14 (1) (~~Ten~~) Twelve dollars for changes in a certificate of title,  
15 with or without registration renewal, or for verification of record and  
16 preparation of an affidavit of lost title other than at the time of the  
17 certificate of title application or transfer; and

18 (2) (~~Four~~) Five dollars for a registration renewal, issuing a  
19 transit permit, or any other service under this section.

20 **Sec. 56.** RCW 46.17.200 and 2010 c 161 s 518 are each amended to  
21 read as follows:

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

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

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

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

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

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

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

25 **Sec. 57.** RCW 46.17.210 and 2010 c 161 s 520 are each amended to  
26 read as follows:

27 In addition to all fees and taxes required to be paid upon  
28 application for a vehicle registration under chapter (~~46.16~~) 46.16A  
29 RCW, the holder of a personalized license plate shall pay an initial  
30 fee of forty-two dollars and thirty-two dollars for each renewal. The  
31 personalized license plate fee must be distributed as provided in RCW  
32 46.68.435.

33 **Sec. 58.** RCW 46.17.220 and 2010 c 161 s 521 are each amended to  
34 read as follows:

35 (1) In addition to all fees and taxes required to be paid upon

1 application for a vehicle registration in chapter ((46.16)) 46.16A RCW,  
 2 the holder of a special license plate shall pay the appropriate special  
 3 license plate fee as listed in this section.

4

5	PLATE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
6	(a) Amateur radio license	\$ 5.00	N/A	RCW 46.68.070
7	(b) Armed forces	\$ 40.00	\$ 30.00	RCW 46.68.425
8	(c) Baseball stadium	\$ 40.00	\$ 30.00	Subsection (2) of this
9				section
10	(d) Collector vehicle	\$ 35.00	N/A	RCW 46.68.030
11	(e) Collegiate	\$ 40.00	\$ 30.00	RCW 46.68.430
12	(f) Endangered wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
13	(g) Gonzaga University	\$ 40.00	\$ 30.00	RCW 46.68.420
14	alumni <u>association</u>			
15	(h) Helping kids speak	\$ 40.00	\$ 30.00	RCW 46.68.420
16	(i) Horseless carriage	\$ 35.00	N/A	RCW 46.68.030
17	(j) Keep kids safe	\$ 45.00	\$ 30.00	RCW 46.68.425
18	(k) Law enforcement	\$ 40.00	\$ 30.00	RCW 46.68.420
19	memorial			
20	(l) Military affiliate radio	\$ 5.00	N/A	RCW 46.68.070
21	system			
22	(m) Professional firefighters	\$ 40.00	\$ 30.00	RCW 46.68.420
23	and paramedics			
24	(n) Ride share	\$ 25.00	N/A	RCW 46.68.030
25	(o) Share the road	\$ 40.00	\$ 30.00	RCW 46.68.420
26	(p) Ski and ride Washington	\$ 40.00	\$ 30.00	RCW 46.68.420
27	(q) Square dancer	\$ 40.00	N/A	RCW 46.68.070
28	(r) Washington lighthouses	\$ 40.00	\$ 30.00	RCW 46.68.420
29	(s) Washington state parks	\$ 40.00	\$ 30.00	RCW 46.68.425
30	(t) Washington's national	\$ 40.00	\$ 30.00	RCW 46.68.420
31	parks			
32	(u) Washington's wildlife	\$ 40.00	\$ 30.00	RCW 46.68.425
33	collection			
34	(v) We love our pets	\$ 40.00	\$ 30.00	RCW 46.68.420
35	(w) Wild on Washington	\$ 40.00	\$ 30.00	RCW 46.68.425



1 (2) After deducting administration and collection expenses for the  
2 sale of baseball stadium license plates, the remaining proceeds must be  
3 distributed to a county for the purpose of paying the principal and  
4 interest payments on bonds issued by the county to construct a baseball  
5 stadium, as defined in RCW 82.14.0485, including reasonably necessary  
6 preconstruction costs, while the taxes are being collected under RCW  
7 82.14.360. After this date, the state treasurer shall credit the funds  
8 to the state general fund.

9 **Sec. 59.** RCW 46.17.230 and 2010 c 161 s 519 are each amended to  
10 read as follows:

11 Before accepting an application for a replacement license tab or  
12 windshield emblem, the department, county auditor or other agent, or  
13 subagent appointed by the director shall charge a one dollar fee for  
14 each pair of tabs or windshield emblem. The license tab or windshield  
15 emblem replacement fee must be deposited in the motor vehicle fund  
16 created in RCW 46.68.070.

17 **Sec. 60.** RCW 46.17.315 and 2010 c 161 s 524 are each amended to  
18 read as follows:

19 (1) Before accepting an application for a motor vehicle base plated  
20 in the state of Washington that is subject to highway inspections and  
21 compliance reviews by the Washington state patrol under RCW 46.32.080  
22 or the international registration plan if base plated in a foreign  
23 jurisdiction, the department, county auditor or other agent, or  
24 subagent appointed by the director shall require the applicant to pay  
25 a sixteen dollar commercial vehicle safety enforcement fee in addition  
26 to any other fees and taxes required by law. The sixteen dollar fee:

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

29 (b) Does not apply to trailers; and

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

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

1           **Sec. 61.** RCW 46.17.355 and 2010 c 161 s 530 are each amended to  
2 read as follows:

3           (1) In lieu of the vehicle license fee required under RCW 46.17.350  
4 and before accepting an application for a vehicle registration for  
5 motor vehicles described in RCW 46.16A.455, the department, county  
6 auditor or other agent, or subagent appointed by the director shall  
7 require the applicant, unless specifically exempt, to pay the following  
8 license fee by weight:

9	WEIGHT	SCHEDULE A	SCHEDULE B
10	4,000 pounds	\$ 38.00	\$ 38.00
11	6,000 pounds	\$ 48.00	\$ 48.00
12	8,000 pounds	\$ 58.00	\$ 58.00
13	10,000 pounds	\$ 60.00	\$ 60.00
14	12,000 pounds	\$ 77.00	\$ 77.00
15	14,000 pounds	\$ 88.00	\$ 88.00
16	16,000 pounds	\$ 100.00	\$ 100.00
17	18,000 pounds	\$ 152.00	\$ 152.00
18	20,000 pounds	\$ 169.00	\$ 169.00
19	22,000 pounds	\$ 183.00	\$ 183.00
20	24,000 pounds	\$ 198.00	\$ 198.00
21	26,000 pounds	\$ 209.00	\$ 209.00
22	28,000 pounds	\$ 247.00	\$ 247.00
23	30,000 pounds	\$ 285.00	\$ 285.00
24	32,000 pounds	\$ 344.00	\$ 344.00
25	34,000 pounds	\$ 366.00	\$ 366.00
26	36,000 pounds	\$ 397.00	\$ 397.00
27	<u>38,000 pounds</u>	<u>\$436.00</u>	<u>\$436.00</u>
28	40,000 pounds	\$ 499.00	\$ 499.00
29	42,000 pounds	\$ 519.00	\$ 609.00
30	44,000 pounds	\$ 530.00	\$ 620.00
31	46,000 pounds	\$ 570.00	\$ 660.00
32	48,000 pounds	\$ 594.00	\$ 684.00
33	50,000 pounds	\$ 645.00	\$ 735.00
34	52,000 pounds	\$ 678.00	\$ 768.00
35	54,000 pounds	\$ 732.00	\$ 822.00

1	56,000 pounds	\$ 773.00	\$ 863.00
2	58,000 pounds	\$ 804.00	\$ 894.00
3	60,000 pounds	\$ 857.00	\$ 947.00
4	62,000 pounds	\$ 919.00	\$ 1,009.00
5	64,000 pounds	\$ 939.00	\$ 1,029.00
6	66,000 pounds	\$ 1,046.00	\$ 1,136.00
7	68,000 pounds	\$ 1,091.00	\$ 1,181.00
8	70,000 pounds	\$ 1,175.00	\$ 1,265.00
9	72,000 pounds	\$ 1,257.00	\$ 1,347.00
10	74,000 pounds	\$ 1,366.00	\$ 1,456.00
11	76,000 pounds	\$ 1,476.00	\$ 1,566.00
12	78,000 pounds	\$ 1,612.00	\$ 1,702.00
13	80,000 pounds	\$ 1,740.00	\$ 1,830.00
14	82,000 pounds	\$ 1,861.00	\$ 1,951.00
15	84,000 pounds	\$ 1,981.00	\$ 2,071.00
16	86,000 pounds	\$ 2,102.00	\$ 2,192.00
17	88,000 pounds	\$ 2,223.00	\$ 2,313.00
18	90,000 pounds	\$ 2,344.00	\$ 2,434.00
19	92,000 pounds	\$ 2,464.00	\$ 2,554.00
20	94,000 pounds	\$ 2,585.00	\$ 2,675.00
21	96,000 pounds	\$ 2,706.00	\$ 2,796.00
22	98,000 pounds	\$ 2,827.00	\$ 2,917.00
23	100,000 pounds	\$ 2,947.00	\$ 3,037.00
24	102,000 pounds	\$ 3,068.00	\$ 3,158.00
25	104,000 pounds	\$ 3,189.00	\$ 3,279.00
26	105,500 pounds	\$ 3,310.00	\$ 3,400.00

27 (2) Schedule A applies to vehicles either used exclusively for  
28 hauling logs or that do not tow trailers. Schedule B applies to  
29 vehicles that tow trailers and are not covered under Schedule A.

30 (3) If the resultant gross weight is not listed in the table  
31 provided in subsection (1) of this section, it must be increased to the  
32 next higher weight.

33 (4) The license fees provided in subsection (1) of this section are  
34 in addition to the filing fee required under RCW 46.17.005 and any  
35 other fee or tax required by law.

36 (5) The license fee based on declared gross weight as provided in  
37 subsection (1) of this section must be distributed under RCW 46.68.035.

1           **Sec. 62.** RCW 46.17.400 and 2010 c 161 s 535 are each amended to  
 2 read as follows:

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

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

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

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

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

29           ~~((4) A surcharge of five dollars must be collected when issuing a  
 30 special fuel trip permit or vehicle trip permit as provided in  
 31 subsection (1) of this section and must be distributed as follows:  
 32           (a) Under RCW 46.68.460 for special fuel trip permits; and  
 33           (b) Under RCW 46.68.455 for vehicle trip permits.))~~

1       **Sec. 63.** RCW 46.18.010 and 1997 c 291 s 7 are each amended to read  
2 as follows:

3       Persons applying to the department for special license plates shall  
4 apply on forms obtained from the department and in accordance with RCW  
5 ((46.16.040)) 46.16A.040. The applicant shall provide all information  
6 as is required by the department in order to determine the applicant's  
7 eligibility for the special license plates.

8       **Sec. 64.** RCW 46.18.020 and 2010 c 161 s 631 are each amended to  
9 read as follows:

10       The director shall adopt rules to implement this chapter ((46.18  
11 RCW)), including the setting of fees.

12       **Sec. 65.** RCW 46.18.050 and 2010 1st sp.s. c 7 s 93 and 2010 c 161  
13 s 603 are each reenacted and amended to read as follows:

14       ~~((1) The board shall meet periodically at the call of the chair,~~  
15 ~~but must meet at least once each year within ninety days before an~~  
16 ~~upcoming regular session of the legislature. The board may adopt its~~  
17 ~~own rules and may establish its own procedures. It shall act~~  
18 ~~collectively in harmony with recorded resolutions or motions adopted by~~  
19 ~~a majority vote of the members, and it must have a quorum present to~~  
20 ~~take a vote on a special license plate application.~~

21       ~~(2) The board will be compensated from the general appropriation~~  
22 ~~for the department in accordance with RCW 43.03.250. Each board member~~  
23 ~~will be compensated in accordance with RCW 43.03.250 and reimbursed for~~  
24 ~~actual necessary traveling and other expenses in going to, attending,~~  
25 ~~and returning from meetings of the board or that are incurred in the~~  
26 ~~discharge of duties requested by the chair. However, a board member~~  
27 ~~may not be compensated in any year for more than one hundred twenty~~  
28 ~~days, except the chair may be compensated for not more than one hundred~~  
29 ~~fifty days. Service on the board does not qualify as a service credit~~  
30 ~~for the purposes of a public retirement system.~~

31       ~~(3) The board shall keep proper records and is subject to audit by~~  
32 ~~the state auditor or other auditing entities.~~

33       ~~(4) The department shall provide administrative support to the~~  
34 ~~board, which must include at least the following:~~

35       ~~(a) Provide general staffing to meet the administrative needs of~~  
36 ~~the board;~~

1 ~~(b) Report to the board on the reimbursement status of any new~~  
2 ~~special license plate series for which the state had to pay the start-~~  
3 ~~up costs;~~

4 ~~(c))~~ The department shall:

5 (1) Process special license plate applications and confirm that the  
6 sponsoring organization has submitted all required documentation. If  
7 an incomplete application is received, the department must return it to  
8 the sponsoring organization; and

9 ~~((d))~~ (2) Compile the annual financial reports submitted by  
10 sponsoring organizations with active special license plate series ~~((and~~  
11 ~~present those reports to the board for review and approval))~~.

12 **Sec. 66.** RCW 46.18.060 and 2010 1st sp.s. c 7 s 94 and 2010 c 161  
13 s 604 are each reenacted and amended to read as follows:

14 ~~(1) ((The creation of the board does not in any way preclude the~~  
15 ~~authority of the legislature to independently propose and enact special~~  
16 ~~license plate legislation.~~

17 ~~(2))~~ The ~~((board))~~ department must review and either approve or  
18 reject special license plate applications submitted by sponsoring  
19 organizations.

20 ~~((3))~~ (2) Duties of the ~~((board))~~ department include, but are not  
21 limited to, the following:

22 (a) Review and approve the annual financial reports submitted by  
23 sponsoring organizations with active special license plate series and  
24 present those annual financial reports to the senate and house  
25 transportation committees;

26 (b) Report annually to the senate and house of representatives  
27 transportation committees on the special license plate applications  
28 that were considered by the ~~((board))~~ department;

29 (c) Issue approval and rejection notification letters to sponsoring  
30 organizations, ~~((the department,))~~ the chairs of the senate and house  
31 of representatives transportation committees, and the legislative  
32 sponsors identified in each application. The letters must be issued  
33 within seven days of making a determination on the status of an  
34 application; and

35 (d) Review annually the number of plates sold for each special  
36 license plate series created after January 1, 2003. The ~~((board))~~

1 department may submit a recommendation to discontinue a special plate  
2 series to the chairs of the senate and house of representatives  
3 transportation committees(~~(; and~~

4 ~~(e) Provide policy guidance and directions to the department~~  
5 ~~concerning the adoption of rules necessary to limit the number of~~  
6 ~~special license plates for which an organization or a governmental~~  
7 ~~entity may apply)).~~

8 ~~((+4))~~ (3) Except as provided in RCW 46.18.245, in order to assess  
9 the effects and impact of the proliferation of special license plates,  
10 the legislature declares a temporary moratorium on the issuance of any  
11 additional plates until July 1, 2011. During this period of time,  
12 ~~((the special license plate review board created in RCW 46.16.705 and))~~  
13 the department ~~((are))~~ is prohibited from accepting, reviewing,  
14 processing, or approving any applications. Additionally, a special  
15 license plate may not be enacted by the legislature during the  
16 moratorium, unless the proposed license plate has been approved by the  
17 former special license plate review board before February 15, 2005.

18 **Sec. 67.** RCW 46.18.110 and 2010 1st sp.s. c 7 s 95 and 2010 c 161  
19 s 606 are each reenacted and amended to read as follows:

20 (1) A sponsoring organization meeting the requirements of RCW  
21 46.18.100, applying for the creation of a special license plate ~~((to~~  
22 ~~the special license plate review board))~~ must, on an application  
23 supplied by the department, provide the minimum application  
24 requirements in subsection (2) of this section.

25 (2) The sponsoring organization shall:

26 (a) Submit prepayment of all start-up costs associated with the  
27 creation and implementation of the special license plate in an amount  
28 determined by the department. The department shall place this money  
29 into the special license plate applicant trust account created under  
30 RCW 46.68.380;

31 (b) Provide a proposed license plate design;

32 (c) Provide a marketing strategy outlining short and long-term  
33 marketing plans for each special license plate and a financial analysis  
34 outlining the anticipated revenue and the planned expenditures of the  
35 revenues derived from the sale of the special license plate;

36 (d) Provide a signature of a legislative sponsor and proposed  
37 legislation creating the special license plate;

1 (e) Provide proof of organizational qualifications as determined by  
2 the department as provided for in RCW 46.18.100;

3 (f) Provide signature sheets that include signatures from  
4 individuals who intend to purchase the special license plate and the  
5 number of plates each individual intends to purchase. The sheets must  
6 reflect a minimum of three thousand five hundred intended purchases of  
7 the special license plate.

8 (3) After an application is approved by the (~~special license plate~~  
9 ~~review board~~) department, the application need not be reviewed again  
10 (~~by the board~~) for a period of three years.

11 **Sec. 68.** RCW 46.18.130 and 2010 1st sp.s. c 7 s 96 and 2010 c 161  
12 s 607 are each reenacted and amended to read as follows:

13 (1) Revenues generated from the sale of special license plates for  
14 those sponsoring organizations who used the application process in RCW  
15 46.68.110 must be deposited into the motor vehicle fund created in RCW  
16 46.68.070 until the department determines that the state's  
17 implementation costs have been fully reimbursed.

18 (2) When it is determined that the state has been fully reimbursed  
19 the department must notify the house of representatives and senate  
20 transportation committees, the sponsoring organization, and the state  
21 treasurer, and begin distributing the revenue as otherwise provided by  
22 law.

23 (3) If reimbursement does not occur within two years from the date  
24 the special license plate is first offered for sale to the public, the  
25 special license plate series must be placed in probationary status for  
26 a period of one year from that date. If the state is still not fully  
27 reimbursed for its implementation costs after the one-year probation,  
28 the special license plate series must be discontinued immediately.  
29 Special license plates issued before discontinuation are valid until  
30 replaced under RCW 46.16A.200(10).

31 (~~(4) (The special license plate applicant trust account is created~~  
32 ~~in the custody of the state treasurer. All receipts from special~~  
33 ~~license plate applicants must be deposited into the account. Only the~~  
34 ~~director of the department or the director's designee may authorize~~  
35 ~~disbursements from the account. The account is not subject to the~~  
36 ~~allotment procedures under chapter 43.88 RCW, nor is an appropriation~~  
37 ~~required for disbursements.~~



1       ~~(5)~~) The department shall:

2       (a) Provide the special license plate applicant with a written  
3 receipt for the payment; and

4       (b) Maintain a record of each special license plate applicant trust  
5 account deposit including, but not limited to, the name and address of  
6 each special license plate applicant whose funds are being deposited,  
7 the amount paid, and the date of the deposit.

8       ~~((6))~~ (5) After the department receives written notice that the  
9 special license plate applicant's application has been approved by the  
10 legislature, the director shall request that the money be transferred  
11 to the motor vehicle fund created in RCW 46.68.070.

12       ~~((7))~~ (6) After the department receives written notice that the  
13 special license plate applicant's application has been denied by the  
14 department or the legislature, the director shall provide a refund to  
15 the applicant within thirty days.

16       ~~((8))~~ (7) After the department receives written notice that the  
17 special license plate applicant's application has been withdrawn by the  
18 special license plate applicant, the director shall provide a refund to  
19 the applicant within thirty days.

20       **Sec. 69.** RCW 46.18.200 and 2010 c 161 s 611 are each amended to  
21 read as follows:

22       (1) ~~((The legislature recognizes that the special license plate  
23 review board established in RCW 46.16.705 reviews and approves  
24 applications for special license plate series.~~

25       ~~(2))~~ Special license plate series reviewed and approved by the  
26 ~~((special license plate review board))~~ department:

27       (a) May be issued in lieu of standard issue or personalized license  
28 plates for vehicles required to display one and two license plates  
29 unless otherwise specified;

30       (b) Must be issued under terms and conditions established by the  
31 department;

32       (c) Must not be issued for vehicles registered under chapter 46.87  
33 RCW; and

34       (d) Must display a symbol or artwork approved by the ~~((special  
35 license plate review board))~~ department.

36       ~~((3) The special license plate review board approves, and))~~ (2)

1 The department approves and shall issue((7)) the following special  
2 license plates:

3 LICENSE PLATE	DESCRIPTION, SYMBOL, OR ARTWORK
4 Armed forces collection	5 Recognizes the contribution of veterans, active duty 6 military personnel, reservists, and members of the national 7 guard, and includes six separate designs, each containing a 8 symbol representing a different branch of the armed forces 9 to include army, navy, air force, marine corps, coast guard, 10 and national guard.
11 Endangered wildlife	12 Displays a symbol or artwork, approved by the special 13 license plate review board and the legislature.
14 Gonzaga University alumni <u>association</u>	15 Recognizes the Gonzaga University alumni association.
16 Helping kids speak	17 Recognizes an organization that supports programs that 18 provide no-cost speech pathology programs to children.
19 Keep kids safe	20 Recognizes efforts to prevent child abuse and neglect.
21 Law enforcement memorial	22 Honors law enforcement officers in Washington killed in 23 the line of duty.
24 Professional firefighters and paramedics	25 Recognizes professional firefighters and paramedics who 26 are members of the Washington state council of 27 firefighters.
28 Share the road	29 Recognizes an organization that promotes bicycle safety 30 and awareness education.
31 Ski & ride Washington	32 Recognizes the Washington snowsports industry.
33 Washington lighthouses	34 Recognizes an organization that supports selected 35 Washington state lighthouses and provides environmental 36 education programs.
37 Washington state parks	38 Recognizes Washington state parks as premier destinations 39 of uncommon quality that preserve significant natural, 40 cultural, historical, and recreational resources.
41 Washington's national park fund	42 Builds awareness of Washington's national parks and 43 supports priority park programs and projects in 44 Washington's national parks, such as enhancing visitor 45 experience, promoting volunteerism, engaging 46 communities, and providing educational opportunities related to Washington's national parks.
47 Washington's wildlife collection	48 Recognizes Washington's wildlife.

1 We love our pets Recognizes an organization that assists local member  
2 agencies of the federation of animal welfare and control  
3 agencies to promote and perform spay/neuter surgery on  
4 Washington state pets to reduce pet overpopulation.  
5 Wild on Washington Symbolizes wildlife viewing in Washington state.

6 ~~((+4))~~ (3) Applicants for initial and renewal professional  
7 firefighters and paramedics special license plates must show proof  
8 eligibility by providing a certificate of current membership from the  
9 Washington state council of firefighters.

10 **Sec. 70.** RCW 46.18.220 and 2010 c 161 s 617 are each amended to  
11 read as follows:

12 (1) A registered owner may apply to the department, county auditor  
13 or other agent, or subagent appointed by the director for a collector  
14 vehicle license plate for a motor vehicle that is at least thirty years  
15 old. The motor vehicle must be operated primarily as a collector  
16 vehicle and be in good running order. The applicant for the collector  
17 vehicle license plate shall:

18 (a) Purchase a registration for the motor vehicle as required under  
19 chapters ~~((46.16))~~ 46.16A and 46.17 RCW; and

20 (b) Pay the special license plate fee established under RCW  
21 46.17.220(1)(d), in addition to any other fees or taxes required by  
22 law.

23 (2) A person applying for a collector vehicle license plate may:

24 (a) Receive a collector vehicle license plate assigned by the  
25 department; or

26 (b) Provide a Washington state issued license plate designated for  
27 general use in the year of the vehicle's manufacture.

28 (3) Collector vehicle license plates:

29 (a) Are valid for the life of the motor vehicle;

30 (b) Are not required to be renewed; and

31 (c) Must be displayed on the rear of the motor vehicle.

32 (4) A collector vehicle registered under this section may only be  
33 used for participation in club activities, exhibitions, tours, parades,  
34 and occasional pleasure driving.

35 (5) Collector vehicle license plates under subsection (2)(b) of  
36 this section may be transferred from one motor vehicle to another motor

1 vehicle described in subsection (1) of this section upon application to  
2 the department, county auditor or other agent, or subagent appointed by  
3 the director.

4 **Sec. 71.** RCW 46.18.255 and 2010 c 161 s 623 are each amended to  
5 read as follows:

6 (1) A registered owner may apply to the department, county auditor  
7 or other agent, or subagent appointed by the director for a horseless  
8 carriage license plate for a motor vehicle that is at least forty years  
9 old. The motor vehicle must be operated primarily as a collector  
10 vehicle and be in good running order. The applicant for the horseless  
11 carriage license plate shall:

12 (a) Purchase a registration for the motor vehicle as required under  
13 chapters (~~(46.16)~~) 46.16A and 46.17 RCW; and

14 (b) Pay the special license plate fee established under RCW  
15 46.17.220(1)(i), in addition to any other fees or taxes required by  
16 law.

17 (2) Horseless carriage license plates:

18 (a) Are valid for the life of the motor vehicle;

19 (b) Are not required to be renewed;

20 (c) Are not transferrable to any other motor vehicle; and

21 (d) Must be displayed on the rear of the motor vehicle.

22 **Sec. 72.** RCW 46.18.285 and 2010 c 161 s 629 are each amended to  
23 read as follows:

24 (~~(1)~~) (1) A registered owner who uses a passenger motor vehicle  
25 for commuter ride sharing or ride sharing for persons with special  
26 transportation needs, as defined in RCW 46.74.010, shall apply to the  
27 (~~director~~) department, county auditor or other agent, or subagent  
28 appointed by the director for special ride share license plates. The  
29 registered owner must qualify for the tax exemptions provided in RCW  
30 82.08.0287, 82.12.0282, or 82.44.015, and pay the special ride share  
31 license plate fee required under RCW 46.17.220(1)(n) when the special  
32 ride share license plates are initially issued.

33 (2) The special ride share license plates:

34 (a) Must be of a distinguishing separate numerical series or design  
35 as defined by the department;

1 (b) Must be returned to the department when no longer in use or  
2 when the registered owner no longer qualifies for the tax exemptions  
3 provided in subsection (1) of this section; and

4 (c) Are not required to be renewed annually for motor vehicles  
5 described in RCW 46.16A.170.

6 (3) Special ride share license plates may be transferred from one  
7 motor vehicle to another motor vehicle as described in subsection (1)  
8 of this section upon application to the department, county auditor or  
9 other agent, or subagent appointed by the director.

10 (4) Any person who knowingly makes a false statement of a material  
11 fact in the application for a special license plate under subsection  
12 (1) of this section is guilty of a gross misdemeanor.

13 **Sec. 73.** RCW 46.18.295 and 1997 c 234 s 1 are each amended to read  
14 as follows:

15 (1) Veterans discharged under honorable conditions (veterans) and  
16 individuals serving on active duty in the United States armed forces  
17 (active duty military personnel) may purchase a veterans remembrance  
18 emblem or campaign medal emblem. The emblem is to be displayed on  
19 (~~vehicle~~) license plates in the manner described by the department,  
20 existing vehicular (~~licensing~~) registration procedures, and current  
21 laws.

22 (2) Veterans and active duty military personnel who served during  
23 periods of war or armed conflict may purchase a remembrance emblem  
24 depicting campaign ribbons which they were awarded.

25 (3) The following campaign ribbon remembrance emblems are  
26 available:

- 27 (a) World War I victory medal;
- 28 (b) World War II Asiatic-Pacific campaign medal;
- 29 (c) World War II European-African Middle East campaign medal;
- 30 (d) World War II American campaign medal;
- 31 (e) Korean service medal;
- 32 (f) Vietnam service medal;
- 33 (g) Armed forces expeditionary medal awarded after 1958; and
- 34 (h) Southwest Asia medal.

35 The director may issue additional campaign ribbon emblems by rule  
36 as authorized decorations by the United States department of defense.

1 (4) Veterans or active duty military personnel requesting a veteran  
2 remembrance emblem or campaign medal emblem or emblems must:

3 (a) Pay a prescribed fee set by the department; and

4 (b) Show proof of eligibility through:

5 (i) Providing a DD-214 or discharge papers if a veteran;

6 (ii) Providing a copy of orders awarding a campaign ribbon if an  
7 individual serving on military active duty; or

8 (iii) Attesting in a notarized affidavit of their eligibility as  
9 required under this section.

10 (5) Veterans or active duty military personnel who purchase a  
11 veteran remembrance emblem or a campaign medal emblem must be the legal  
12 or registered owner of the vehicle on which the emblem is to be  
13 displayed.

14 **Sec. 74.** RCW 46.19.050 and 2010 c 161 s 706 are each amended to  
15 read as follows:

16 (1) **False information.** Knowingly providing false information in  
17 conjunction with the application for special parking privileges for  
18 persons with disabilities is a gross misdemeanor punishable under  
19 chapter 9A.20 RCW.

20 (2) **Unauthorized use.** Any unauthorized use of the special placard,  
21 special license, or identification card issued under this chapter is a  
22 (~~traffic~~) parking infraction with a monetary penalty of two hundred  
23 fifty dollars. In addition to any penalty or fine imposed under this  
24 subsection, two hundred dollars must be assessed.

25 (3) **Inaccessible access.** It is a parking infraction, with a  
26 monetary penalty of two hundred fifty dollars, for a person to park in,  
27 block, or otherwise make inaccessible the access aisle located next to  
28 a space reserved for persons with physical disabilities. In addition  
29 to any penalty or fine imposed under this subsection, two hundred  
30 dollars must be assessed. The clerk of the court shall report all  
31 violations related to this subsection to the department.

32 (4) **Parking without placard/plate.** It is a parking infraction,  
33 with a monetary penalty of two hundred fifty dollars, for any person to  
34 park a vehicle in a parking place provided on private property without  
35 charge or on public property reserved for persons with physical  
36 disabilities without a placard or special license plate issued under  
37 this chapter. In addition to any penalty or fine imposed under this

1 subsection, two hundred dollars must be assessed. If a person is  
2 charged with a violation, the person will not be determined to have  
3 committed an infraction if the person produces in court or before the  
4 court appearance the placard or special license plate issued under this  
5 chapter as required under this chapter. A local jurisdiction providing  
6 nonmetered, on-street parking places reserved for persons with physical  
7 disabilities may impose by ordinance time restrictions of no less than  
8 four hours on the use of these parking places.

9 (5) **Time restrictions.** A local jurisdiction may impose by  
10 ordinance time restrictions of no less than four hours on the use of  
11 nonreserved, on-street parking spaces by vehicles displaying the  
12 special parking placards or special license plates issued under this  
13 chapter. All time restrictions must be clearly posted.

14 (6) **Allocation and use of funds - reimbursement.** (~~Funds from the~~  
15 ~~penalties~~) (a) The assessment imposed under subsections (2), (3), and  
16 (4) of this section must be allocated as follows:

17 (i) One hundred dollars must be deposited in the accessible  
18 communities account created in RCW 50.40.071; and

19 (ii) One hundred dollars must be deposited in the multimodal  
20 transportation account under RCW 47.66.070 for the sole purpose of  
21 supplementing a grant program for special needs transportation provided  
22 by transit agencies and nonprofit providers of transportation that is  
23 administered by the department of transportation.

24 (b) Any reduction in any penalty or fine and assessment imposed  
25 under subsections (2), (3), and (4) of this section must be applied  
26 proportionally between the penalty or fine and the assessment. When a  
27 reduced penalty is imposed under subsection (2), (3), or (4) of this  
28 section, the amount deposited in the accounts identified in (a) of this  
29 subsection must be reduced equally and proportionally.

30 (c) The penalty or fine amounts must be used by that local  
31 jurisdiction exclusively for law enforcement. The court may also  
32 impose an additional penalty sufficient to reimburse the local  
33 jurisdiction for any costs that it may have incurred in the removal and  
34 storage of the improperly parked vehicle.

35 (7) **Illegal obtainment.** Except as provided in subsection (1) of  
36 this section, it is a traffic infraction with a monetary penalty of two  
37 hundred fifty dollars for any person willfully to obtain a special

1 license plate, placard, or identification card issued under this  
2 chapter in a manner other than that established under this chapter.

3 (8) **Volunteer appointment.** A law enforcement agency authorized to  
4 enforce parking laws may appoint volunteers, with a limited commission,  
5 to issue notices of infractions for violations of RCW 46.19.010 and  
6 46.19.030 or 46.61.581. Volunteers must be at least twenty-one years  
7 of age. The law enforcement agency appointing volunteers may establish  
8 any other qualifications that the agency deems desirable.

9 (a) An agency appointing volunteers under this section must provide  
10 training to the volunteers before authorizing them to issue notices of  
11 infractions.

12 (b) A notice of infraction issued by a volunteer appointed under  
13 this subsection has the same force and effect as a notice of infraction  
14 issued by a police officer for the same offense.

15 (c) A police officer or a volunteer may request a person to show  
16 the person's identification card or special parking placard when  
17 investigating the possibility of a violation of this section. If the  
18 request is refused, the person in charge of the vehicle may be issued  
19 a notice of infraction for a violation of this section.

20 (9) **Community restitution.** For second or subsequent violations of  
21 this section, in addition to a monetary penalty, the violator must  
22 complete a minimum of forty hours of:

23 (a) Community restitution for a nonprofit organization that serves  
24 persons with disabilities or disabling diseases; or

25 (b) Any other community restitution that may sensitize the violator  
26 to the needs and obstacles faced by persons with disabilities.

27 (10) **Fine suspension.** The court may not suspend more than one-half  
28 of any fine imposed under subsection (2), (3), (4), or (7) of this  
29 section.

30 **Sec. 75.** RCW 46.19.060 and 2010 c 161 s 705 are each amended to  
31 read as follows:

32 (1) An additional fee may not be charged for special license plates  
33 for persons with disabilities except for any other fees and taxes  
34 required to be paid upon registration of a motor vehicle.

35 (2) A registered owner who qualifies for special parking privileges  
36 as described in RCW 46.19.010 may apply to the department for special  
37 license plates for persons with disabilities or special license plates



1 with a special year tab for persons with disabilities. Special license  
2 plates with a special year tab for persons with disabilities are  
3 available on the following special license plate designs:

4	PLATE TYPE	ISSUED UNDER
5	Armed forces collection	RCW 46.18.210
6	Baseball stadium	RCW 46.18.215
7	Collegiate	RCW 46.18.225
8	Disabled American veteran	RCW 46.18.235
9	Endangered wildlife	RCW 46.18.200
10	Former prisoner of war	RCW 46.18.235
11	Helping kids speak	RCW 46.18.200
12	Keep kids safe	RCW 46.18.200
13	Law enforcement memorial	RCW 46.18.200
14	Pearl Harbor survivor	RCW 46.18.270
15	Personalized	RCW 46.18.275
16	Professional firefighters and paramedics	RCW 46.18.200
17	Purple Heart	RCW 46.18.280
18	Share the road	RCW 46.18.200
19	Ski & ride Washington	RCW 46.18.200
20	Square dancer	RCW 46.18.290
21	Washington lighthouses	RCW 46.18.200
22	Washington's national park fund	RCW 46.18.200
23	Washington state parks	RCW 46.18.200
24	Washington's wildlife collection	RCW 46.18.200
25	We love our pets	RCW 46.18.200
26	Wild on Washington	RCW 46.18.200

27 (3) A registered owner who chooses to purchase special license  
28 plates as described in subsection (2) of this section shall pay the  
29 applicable special license plate fee, in addition to any other fees or  
30 taxes required for registering a motor vehicle.

31 (4) Special license plates for persons with disabilities or special  
32 license plates with a special year tab for persons with disabilities  
33 must be renewed in the same manner and at the time required for the  
34 renewal of standard motor vehicle license plates under chapter  
35 (~~46.16~~) 46.16A RCW.

1 (5) Special license plates for persons with disabilities or special  
2 license plates with a special year tab for persons with disabilities  
3 may be transferred from one motor vehicle to another motor vehicle  
4 owned by the person with the parking privilege upon application to the  
5 department, county auditor or other agent, or subagent appointed by the  
6 director.

7 (6) Special license plates for persons with disabilities or special  
8 license plates with a special year tab for persons with disabilities  
9 must be removed from the motor vehicle when the person with  
10 disabilities transfers or assigns his or her interest in the motor  
11 vehicle.

12 **Sec. 76.** RCW 46.30.020 and 2010 c 161 s 1115 are each amended to  
13 read as follows:

14 (1)(a) No person may operate a motor vehicle subject to  
15 registration under chapter (~~46.16~~) 46.16A RCW in this state unless  
16 the person is insured under a motor vehicle liability policy with  
17 liability limits of at least the amounts provided in RCW 46.29.090, is  
18 self-insured as provided in RCW 46.29.630, is covered by a certificate  
19 of deposit in conformance with RCW 46.29.550, or is covered by a  
20 liability bond of at least the amounts provided in RCW 46.29.090.  
21 Written proof of financial responsibility for motor vehicle operation  
22 must be provided on the request of a law enforcement officer in the  
23 format specified under RCW 46.30.030.

24 (b) A person who drives a motor vehicle that is required to be  
25 registered in another state that requires drivers and owners of  
26 vehicles in that state to maintain insurance or financial  
27 responsibility shall, when requested by a law enforcement officer,  
28 provide evidence of financial responsibility or insurance as is  
29 required by the laws of the state in which the vehicle is registered.

30 (c) When asked to do so by a law enforcement officer, failure to  
31 display an insurance identification card as specified under RCW  
32 46.30.030 creates a presumption that the person does not have motor  
33 vehicle insurance.

34 (d) Failure to provide proof of motor vehicle insurance is a  
35 traffic infraction and is subject to penalties as set by the supreme  
36 court under RCW 46.63.110 or community restitution.

1 (2) If a person cited for a violation of subsection (1) of this  
2 section appears in person before the court or a violations bureau and  
3 provides written evidence that at the time the person was cited, he or  
4 she was in compliance with the financial responsibility requirements of  
5 subsection (1) of this section, the citation shall be dismissed and the  
6 court or violations bureau may assess court administrative costs of  
7 twenty-five dollars at the time of dismissal. In lieu of personal  
8 appearance, a person cited for a violation of subsection (1) of this  
9 section may, before the date scheduled for the person's appearance  
10 before the court or violations bureau, submit by mail to the court or  
11 violations bureau written evidence that at the time the person was  
12 cited, he or she was in compliance with the financial responsibility  
13 requirements of subsection (1) of this section, in which case the  
14 citation shall be dismissed without cost, except that the court or  
15 violations bureau may assess court administrative costs of twenty-five  
16 dollars at the time of dismissal.

17 (3) The provisions of this chapter shall not govern:

18 (a) The operation of a motor vehicle registered under RCW  
19 46.18.255, governed by RCW 46.16A.170, or registered with the  
20 Washington utilities and transportation commission as common or  
21 contract carriers; or

22 (b) The operation of a motorcycle as defined in RCW 46.04.330, a  
23 motor-driven cycle as defined in RCW 46.04.332, or a moped as defined  
24 in RCW 46.04.304.

25 (4) RCW 46.29.490 shall not be deemed to govern all motor vehicle  
26 liability policies required by this chapter but only those certified  
27 for the purposes stated in chapter 46.29 RCW.

28 **Sec. 77.** RCW 46.32.080 and 2009 c 46 s 1 are each amended to read  
29 as follows:

30 (1) The Washington state patrol is responsible for enforcement of  
31 safety requirements for commercial motor vehicles including, but not  
32 limited to, safety audits and compliance reviews. Those motor carriers  
33 that have operations in this state are subject to the patrol's safety  
34 audits and compliance review programs. Compliance reviews may result  
35 in the initiation of an enforcement action, which may include monetary  
36 penalties. The utilities and transportation commission is responsible  
37 for adoption and enforcement of safety requirements for vehicles

1 operated by entities holding authority under chapters 81.66, 81.68,  
2 81.70, and 81.77 RCW, and by household goods carriers holding authority  
3 under chapter 81.80 RCW.

4 (2) Motor vehicles owned and operated by farmers in the  
5 transportation of their own farm, orchard, or dairy products, including  
6 livestock and plant or animal wastes, from point of production to  
7 market or disposal, or supplies or commodities to be used on the farm,  
8 orchard, or dairy, must have a department of transportation number, as  
9 defined in RCW ((~~46.16.004~~)) 46.16A.010, but are exempt from safety  
10 audits and compliance reviews.

11 (3) All records and documents required of motor carriers with  
12 operations in this state must be available for review and inspection  
13 during normal business hours. Duly authorized agents of the state  
14 patrol conducting safety audits and compliance reviews may enter the  
15 motor carrier's place of business, or any location where records or  
16 equipment are located, at reasonable times and without advanced notice.  
17 Motor carriers who do not permit duly authorized agents to enter their  
18 place of business, or any location where records or equipment are  
19 located, for safety audits and compliance reviews are subject to  
20 enforcement action, including a monetary penalty.

21 (4)(a) All motor carriers with a commercial motor vehicle, as  
22 defined in RCW ((~~46.16.004~~)) 46.16A.010, that operate in this state  
23 must apply for a department of transportation number, as defined in RCW  
24 ((~~46.16.004~~)) 46.16A.010, by January 1, 2008. All entities with  
25 authority under chapters 81.66, 81.68, 81.70, and 81.77 RCW, and all  
26 household goods carriers with authority under chapter 81.80 RCW, must  
27 apply for a department of transportation number by January 1, 2010.

28 (b) All motor carriers operating in this state who (i) have not  
29 applied under (a) of this subsection for a department of transportation  
30 number, as defined in RCW ((~~46.16.004~~)) 46.16A.010, and (ii) have a  
31 commercial motor vehicle that has a gross vehicle weight rating of  
32 7,258 kilograms (16,001 pounds) or more, must apply for a department of  
33 transportation number by January 1, 2011.

34 (c) The state patrol may deny an application if the applicant does  
35 not meet the requirements and standards under this chapter. The state  
36 patrol shall not issue a department of transportation number to an  
37 applicant who at the time of application has been placed out of service  
38 by the federal motor carrier safety administration. Commercial motor

1 vehicles must be marked as prescribed by the state patrol. Those  
2 applicants with a current United States department of transportation  
3 number are exempt from applying for a department of transportation  
4 number.

5 (d) The state patrol may (i) place a motor carrier out of service  
6 or (ii) refuse to issue or recognize as valid a department of  
7 transportation number to an applicant who: (A) Formerly held a  
8 department of transportation number that was placed out of service for  
9 cause, and where cause has not been removed; (B) is a subterfuge for  
10 the real party in interest whose department of transportation number  
11 was placed out of service for cause, and where cause has not been  
12 removed; (C) as an individual licensee, or officer, director, owner, or  
13 managing employee of a nonindividual licensee, had a department of  
14 transportation number and was placed out of service for cause, and  
15 where cause has not been removed; or (D) has an unsatisfied debt to the  
16 state assessed under this chapter.

17 (e) Upon a finding by the chief of the state patrol or the chief's  
18 designee that a motor carrier is an imminent hazard or danger to the  
19 public health, safety, or welfare, the state patrol shall notify the  
20 department, and the department shall revoke the registrations for all  
21 commercial motor vehicles that are owned by the motor carrier subject  
22 to RCW 46.32.080. In determining whether a motor carrier is an  
23 imminent hazard or danger to the public health, safety, or welfare, the  
24 chief or the chief's designee shall consider safety factors.

25 **Sec. 78.** RCW 46.32.120 and 2009 c 46 s 7 are each amended to read  
26 as follows:

27 This chapter does not apply to vehicles exempted from registration  
28 by RCW ((~~46.16.020~~)) 46.16A.170.

29 **Sec. 79.** RCW 46.37.010 and 2010 c 217 s 6 are each amended to read  
30 as follows:

31 (1) It is a traffic infraction for any person to drive or move, or  
32 for a vehicle owner to cause or knowingly permit to be driven or moved,  
33 on any highway any vehicle or combination of vehicles that:

- 34 (a) Is in such unsafe condition as to endanger any person;  
35 (b) Is not at all times equipped with such lamps and other

1 equipment in proper working condition and adjustment as required by  
2 this chapter or by rules issued by the Washington state patrol;

3 (c) Contains any parts in violation of this chapter or rules issued  
4 by the Washington state patrol.

5 (2) It is a traffic infraction for any person to do any act  
6 forbidden or fail to perform any act required under this chapter or  
7 rules issued by the Washington state patrol.

8 (3) Nothing contained in this chapter or the state patrol's  
9 regulations shall be construed to prohibit the use of additional parts  
10 and accessories on any vehicle not inconsistent with the provisions of  
11 this chapter or the state patrol's regulations.

12 (4) The provisions of the chapter and the state patrol's  
13 regulations with respect to equipment on vehicles shall not apply to  
14 implements of husbandry, road machinery, road rollers, or farm tractors  
15 except as herein made applicable.

16 (5) No owner or operator of a farm tractor, self-propelled unit of  
17 farm equipment, or implement of husbandry shall be guilty of a crime or  
18 subject to penalty for violation of RCW 46.37.160 as now or hereafter  
19 amended unless such violation occurs on a public highway.

20 (6) It is a traffic infraction for any person to sell or offer for  
21 sale vehicle equipment which is required to be approved by the state  
22 patrol as prescribed in RCW 46.37.005 unless it has been approved by  
23 the state patrol.

24 (7) The provisions of this chapter with respect to equipment  
25 required on vehicles shall not apply to:

26 (a) Motorcycles or motor-driven cycles except as herein made  
27 applicable;

28 (b) Golf carts, as defined in RCW 46.04.1945, operating within a  
29 designated golf cart zone as described in RCW 46.08.175, except as  
30 provided in RCW 46.08.175(8).

31 (8) This chapter does not apply to off-road vehicles used on  
32 nonhighway roads or used on streets, roads, or highways as authorized  
33 under RCW (~~46.09.180~~) 46.09.360.

34 (9) This chapter does not apply to vehicles used by the state parks  
35 and recreation commission exclusively for park maintenance and  
36 operations upon public highways within state parks.

37 (10) Notices of traffic infraction issued to commercial drivers

1 under the provisions of this chapter with respect to equipment required  
2 on commercial motor vehicles shall not be considered for driver  
3 improvement purposes under chapter 46.20 RCW.

4 (11) Whenever a traffic infraction is chargeable to the owner or  
5 lessee of a vehicle under subsection (1) of this section, the driver  
6 shall not be arrested or issued a notice of traffic infraction unless  
7 the vehicle is registered in a jurisdiction other than Washington  
8 state, or unless the infraction is for an offense that is clearly  
9 within the responsibility of the driver.

10 (12) Whenever the owner or lessee is issued a notice of traffic  
11 infraction under this section the court may, on the request of the  
12 owner or lessee, take appropriate steps to make the driver of the  
13 vehicle, or any other person who directs the loading, maintenance, or  
14 operation of the vehicle, a codefendant. If the codefendant is held  
15 solely responsible and is found to have committed the traffic  
16 infraction, the court may dismiss the notice against the owner or  
17 lessee.

18 **Sec. 80.** RCW 46.61.582 and 2010 c 161 s 1124 are each amended to  
19 read as follows:

20 Any person who meets the criteria for special parking privileges  
21 under RCW 46.19.010 shall be allowed free of charge to park a vehicle  
22 being used to transport that person for unlimited periods of time in  
23 parking zones or areas including zones or areas with parking meters  
24 which are otherwise restricted as to the length of time parking is  
25 permitted. This section does not apply to those zones or areas in  
26 which the stopping, parking, or standing of all vehicles is prohibited  
27 or which are reserved for special types of vehicles. The person shall  
28 obtain and display a special placard or license plate under RCW  
29 46.19.010 and 46.19.030 to be eligible for the privileges under this  
30 section.

31 **Sec. 81.** RCW 46.61.710 and 2009 c 275 s 9 are each amended to read  
32 as follows:

33 (1) No person shall operate a moped upon the highways of this state  
34 unless the moped has been assigned a moped registration number and  
35 displays a moped permit in accordance with (~~the provisions of RCW~~  
36 ~~46.16.630~~) RCW 46.16A.405(2).

1 (2) Notwithstanding any other provision of law, a moped may not be  
2 operated on a bicycle path or trail, bikeway, equestrian trail, or  
3 hiking or recreational trail.

4 (3) Operation of a moped, electric personal assistive mobility  
5 device, motorized foot scooter, or an electric-assisted bicycle on a  
6 fully controlled limited access highway is unlawful. Operation of a  
7 moped, motorized foot scooter, or an electric-assisted bicycle on a  
8 sidewalk is unlawful.

9 (4) Removal of any muffling device or pollution control device from  
10 a moped is unlawful.

11 (5) Subsections (1), (2), and (4) of this section do not apply to  
12 electric-assisted bicycles. Electric-assisted bicycles and motorized  
13 foot scooters may have access to highways, other than limited access  
14 highways, of the state to the same extent as bicycles. Subject to  
15 subsection (6) of this section, electric-assisted bicycles and  
16 motorized foot scooters may be operated on a multipurpose trail or  
17 bicycle lane, but local jurisdictions may restrict or otherwise limit  
18 the access of electric-assisted bicycles and motorized foot scooters,  
19 and state agencies may regulate the use of motorized foot scooters on  
20 facilities and properties under their jurisdiction and control.

21 (6) Subsections (1) and (4) of this section do not apply to  
22 motorized foot scooters. Subsection (2) of this section applies to  
23 motorized foot scooters when the bicycle path, trail, bikeway,  
24 equestrian trail, or hiking or recreational trail was built or is  
25 maintained with federal highway transportation funds. Additionally,  
26 any new trail or bicycle path or readily identifiable existing trail or  
27 bicycle path not built or maintained with federal highway  
28 transportation funds may be used by persons operating motorized foot  
29 scooters only when appropriately signed.

30 (7) A person operating an electric personal assistive mobility  
31 device (EPAMD) shall obey all speed limits and shall yield the right-  
32 of-way to pedestrians and human-powered devices at all times. An  
33 operator must also give an audible signal before overtaking and passing  
34 a pedestrian. Except for the limitations of this subsection, persons  
35 operating an EPAMD have all the rights and duties of a pedestrian.

36 (8) The use of an EPAMD may be regulated in the following  
37 circumstances:



1 (a) A municipality and the department of transportation may  
2 prohibit the operation of an EPAMD on public highways within their  
3 respective jurisdictions where the speed limit is greater than twenty-  
4 five miles per hour;

5 (b) A municipality may restrict the speed of an EPAMD in locations  
6 with congested pedestrian or nonmotorized traffic and where there is  
7 significant speed differential between pedestrians or nonmotorized  
8 traffic and EPAMD operators. The areas in this subsection must be  
9 designated by the city engineer or designee of the municipality.  
10 Municipalities shall not restrict the speed of an EPAMD in the entire  
11 community or in areas in which there is infrequent pedestrian traffic;

12 (c) A state agency or local government may regulate the operation  
13 of an EPAMD within the boundaries of any area used for recreation, open  
14 space, habitat, trails, or conservation purposes.

15 **Sec. 82.** RCW 46.61.723 and 2010 c 144 s 2 are each amended to read  
16 as follows:

17 (1) Except as provided in subsection (3) of this section, a person  
18 may operate a medium-speed electric vehicle upon a highway of this  
19 state having a speed limit of thirty-five miles per hour or less, or  
20 forty-five miles per hour or less as provided in subsection (4) of this  
21 section, if:

22 (a) The person does not operate a medium-speed electric vehicle  
23 upon state highways that are listed in chapter 47.17 RCW;

24 (b) The person does not operate a medium-speed electric vehicle  
25 upon a highway of this state without first having obtained and having  
26 in full force and effect a current and proper vehicle license and  
27 display vehicle license number plates in compliance with chapter  
28 ((46.16)) 46.16A RCW. The department must track medium-speed electric  
29 vehicles in a separate registration category for reporting purposes;

30 (c) The person does not operate a medium-speed electric vehicle  
31 upon a highway of this state without first obtaining a valid driver's  
32 license issued to Washington residents in compliance with chapter 46.20  
33 RCW;

34 (d) The person does not operate a medium-speed electric vehicle  
35 subject to registration under chapter ((46.16)) 46.16A RCW on a highway  
36 of this state unless the person is insured under a motor vehicle  
37 liability policy in compliance with chapter 46.30 RCW; and

1 (e) The person operating a medium-speed electric vehicle does not  
2 cross a roadway with a speed limit in excess of thirty-five miles per  
3 hour, or forty-five miles per hour as provided in subsection (4) of  
4 this section, unless the crossing begins and ends on a roadway with a  
5 speed limit of thirty-five miles per hour or less, or forty-five miles  
6 per hour or less as provided in subsection (4) of this section, and  
7 occurs at an intersection of approximately ninety degrees, except that  
8 the operator of a medium-speed electric vehicle must not cross an  
9 uncontrolled intersection of streets and highways that are part of the  
10 state highway system subject to Title 47 RCW unless that intersection  
11 has been authorized by local authorities under subsection (3) of this  
12 section.

13 (2) Any person who violates this section commits a traffic  
14 infraction.

15 (3) This section does not prevent local authorities, with respect  
16 to streets and highways under their jurisdiction and within the  
17 reasonable exercise of their police power, from regulating the  
18 operation of medium-speed electric vehicles on streets and highways  
19 under their jurisdiction by resolution or ordinance of the governing  
20 body, if the regulation is consistent with this title, except that:

21 (a) Local authorities may not authorize the operation of medium-  
22 speed electric vehicles on streets and highways that are part of the  
23 state highway system subject to Title 47 RCW;

24 (b) Local authorities may not prohibit the operation of medium-  
25 speed electric vehicles upon highways of this state having a speed  
26 limit of thirty-five miles per hour or less; and

27 (c) Local authorities may not establish requirements for the  
28 registration and licensing of medium-speed electric vehicles.

29 (4) In counties consisting of islands whose only connection to the  
30 mainland are ferry routes, a person may operate a medium-speed electric  
31 vehicle upon a highway of this state having a speed limit of forty-five  
32 miles per hour or less. A person operating a medium-speed electric  
33 vehicle as authorized under this subsection must not cross a roadway  
34 with a speed limit in excess of forty-five miles per hour, unless the  
35 crossing begins and ends on a roadway with a speed limit of forty-five  
36 miles per hour or less and occurs at an intersection of approximately  
37 ninety degrees, except that the operator of a medium-speed electric  
38 vehicle must not cross an uncontrolled intersection of streets and

1 highways that are part of the state highway system subject to Title 47  
2 RCW unless that intersection has been authorized by local authorities  
3 under subsection (3) of this section.

4 (5) Accidents must be recorded and tracked in compliance with  
5 chapter 46.52 RCW. An accident report must indicate and be tracked  
6 separately when any of the vehicles involved are a medium-speed  
7 electric vehicle.

8 **Sec. 83.** RCW 46.61.725 and 2010 c 144 s 3 are each amended to read  
9 as follows:

10 (1) Absent prohibition by local authorities authorized under this  
11 section and except as prohibited elsewhere in this section, a person  
12 may operate a neighborhood electric vehicle upon a highway of this  
13 state having a speed limit of thirty-five miles per hour or less, or  
14 forty-five miles per hour or less as provided in subsection (4) of this  
15 section, if:

16 (a) The person does not operate a neighborhood electric vehicle  
17 upon state highways that are listed in chapter 47.17 RCW;

18 (b) The person does not operate a neighborhood electric vehicle  
19 upon a highway of this state without first having obtained and having  
20 in full force and effect a current and proper vehicle license and  
21 display vehicle license number plates in compliance with chapter  
22 ((46.16)) 46.16A RCW. The department must track neighborhood electric  
23 vehicles in a separate registration category for reporting purposes;

24 (c) The person does not operate a neighborhood electric vehicle  
25 upon a highway of this state without first obtaining a valid driver's  
26 license issued to Washington residents in compliance with chapter 46.20  
27 RCW;

28 (d) The person does not operate a neighborhood electric vehicle  
29 subject to registration under chapter ((46.16)) 46.16A RCW on a highway  
30 of this state unless the person is insured under a motor vehicle  
31 liability policy in compliance with chapter 46.30 RCW; and

32 (e) The person operating a neighborhood electric vehicle does not  
33 cross a roadway with a speed limit in excess of thirty-five miles per  
34 hour, or forty-five miles per hour as provided in subsection (4) of  
35 this section, unless the crossing begins and ends on a roadway with a  
36 speed limit of thirty-five miles per hour or less, or forty-five miles  
37 per hour or less as provided in subsection (4) of this section, and

1 occurs at an intersection of approximately ninety degrees, except that  
2 the operator of a neighborhood electric vehicle must not cross an  
3 uncontrolled intersection of streets and highways that are part of the  
4 state highway system subject to Title 47 RCW unless that intersection  
5 has been authorized by local authorities provided elsewhere in this  
6 section.

7 (2) Any person who violates this section commits a traffic  
8 infraction.

9 (3) This section does not prevent local authorities, with respect  
10 to streets and highways under their jurisdiction and within the  
11 reasonable exercise of their police power, from regulating the  
12 operation of neighborhood electric vehicles on streets and highways  
13 under their jurisdiction by resolution or ordinance of the governing  
14 body, if the regulation is consistent with the provisions of this  
15 title, except that:

16 (a) Local authorities may not authorize the operation of  
17 neighborhood electric vehicles on streets and highways that are part of  
18 the state highway system subject to the provisions of Title 47 RCW;

19 (b) Local authorities may not prohibit the operation of  
20 neighborhood electric vehicles upon highways of this state having a  
21 speed limit of twenty-five miles per hour or less; and

22 (c) Local authorities are prohibited from establishing any  
23 requirements for the registration and licensing of neighborhood  
24 electric vehicles.

25 (4) In counties consisting of islands whose only connection to the  
26 mainland are ferry routes, a person may operate a neighborhood electric  
27 vehicle upon a highway of this state having a speed limit of forty-five  
28 miles per hour or less. A person operating a neighborhood electric  
29 vehicle as authorized under this subsection must not cross a roadway  
30 with a speed limit in excess of forty-five miles per hour, unless the  
31 crossing begins and ends on a roadway with a speed limit of forty-five  
32 miles per hour or less and occurs at an intersection of approximately  
33 ninety degrees, except that the operator of a neighborhood electric  
34 vehicle must not cross an uncontrolled intersection of streets and  
35 highways that are part of the state highway system subject to Title 47  
36 RCW unless that intersection has been authorized by local authorities  
37 under subsection (3) of this section.

1 (5) Accidents must be recorded and tracked in compliance with  
2 chapter 46.52 RCW. An accident report must indicate and be tracked  
3 separately when any of the vehicles involved are a neighborhood  
4 electric vehicle.

5 **Sec. 84.** RCW 46.68.020 and 2010 c 161 s 802 are each amended to  
6 read as follows:

7 ((~~1~~)) The director shall forward all fees for certificates of  
8 title or other moneys accruing under chapters 46.12 and 46.17 RCW to  
9 the state treasurer, together with a proper identifying detailed  
10 report. The state treasurer shall credit these moneys as follows:

11 FEE	REQUIRED IN	ESTABLISHED IN	DISTRIBUTION
12 ORV ( <del>registration</del> ) 13 <u>certificate of title fee</u>	RCW 46.09.320	RCW 46.17.100	RCW 47.66.070
14 Original certificate of title	RCW 46.12.530	RCW 46.17.100	RCW 47.66.070
15 Penalty for late transfer	RCW 46.12.650	RCW 46.17.140	RCW 47.66.070
16 Motor change	RCW 46.12.590	RCW 46.17.100	RCW 46.68.280
17 Transfer certificate of title	RCW 46.12.650	RCW 46.17.100	RCW 46.68.280
18 Security interest changes	RCW 46.12.675	RCW 46.17.100	RCW 46.68.280
19 Duplicate certificate of title	RCW 46.12.580	RCW 46.17.100	RCW 46.68.280
20 Stolen vehicle check	RCW 46.12.570	RCW 46.17.120	RCW 46.68.070
21 Vehicle identification 22 number assignment	RCW 46.12.560	RCW 46.17.135	RCW 46.68.070

23 ((~~2~~) The vehicle identification number inspection fee created in  
24 RCW 46.17.130 must be credited as follows:

25 (~~a~~) Fifteen dollars to the state patrol highway account created in  
26 RCW 46.68.030; and

27 (~~b~~) Fifty dollars to the motor vehicle fund created in RCW  
28 46.68.070.))

29 **Sec. 85.** RCW 46.68.030 and 2010 c 161 s 803 are each amended to  
30 read as follows:

31 (1) The director shall forward all fees for vehicle registrations  
32 under chapters ((~~46.16~~)) 46.16A and 46.17 RCW, unless otherwise

1 specified by law, to the state treasurer with a proper identifying  
2 detailed report. The state treasurer shall credit these moneys to the  
3 motor vehicle fund created in RCW 46.68.070.

4 (2) Proceeds from vehicle license fees and renewal vehicle license  
5 fees must be deposited by the state treasurer as follows:

6 (a) \$20.35 of each initial or renewal vehicle license fee must be  
7 deposited in the state patrol highway account in the motor vehicle  
8 fund, hereby created. Vehicle license fees, renewal vehicle license  
9 fees, and all other funds in the state patrol highway account must be  
10 for the sole use of the Washington state patrol for highway activities  
11 of the Washington state patrol, subject to proper appropriations and  
12 reappropriations.

13 (b) \$2.02 of each initial vehicle license fee and \$0.93 of each  
14 renewal vehicle license fee must be deposited each biennium in the  
15 Puget Sound ferry operations account.

16 (c) Any remaining amounts of vehicle license fees and renewal  
17 vehicle license fees that are not distributed otherwise under this  
18 section must be deposited in the motor vehicle fund.

19 **Sec. 86.** RCW 46.68.380 and 2010 c 161 s 808 are each amended to  
20 read as follows:

21 ~~((1))~~ The special license plate applicant trust account is  
22 created in the custody of the state treasurer. All receipts from  
23 special license plate applicants must be deposited into the account.  
24 Only the director or the director's designee may authorize  
25 disbursements from the account. The account is not subject to the  
26 allotment procedures under chapter 43.88 RCW, and an appropriation is  
27 not required for disbursements.

28 ~~((2)(a) Revenues generated from the sale of special license plates  
29 for those sponsoring organizations that used the application process in  
30 RCW 46.18.110 must be deposited into the motor vehicle fund until the  
31 department determines that the state's implementation costs have been  
32 fully reimbursed.~~

33 ~~(b) When it is determined that the state has been fully reimbursed,  
34 the department must notify the house of representatives and senate  
35 transportation committees, the sponsoring organization, and the state  
36 treasurer, and commence the distribution of the revenue as otherwise  
37 provided by law.~~

1       ~~(3) If reimbursement does not occur within two years from the date~~  
2 ~~the plate is first offered for sale to the public, the special license~~  
3 ~~plate series must be placed in probationary status for a period of one~~  
4 ~~year from that date. If the state is still not fully reimbursed for~~  
5 ~~its implementation costs after the one year probation, the plate series~~  
6 ~~must be discontinued immediately. Special license plates issued before~~  
7 ~~discontinuation are valid until replaced under RCW 46.16A.200(10).)~~

8       **Sec. 87.** RCW 46.68.420 and 2010 c 161 s 809 are each amended to  
9 read as follows:

- 10       (1) The department shall:
- 11       (a) Collect special license plate fees established under RCW  
12 46.17.220 ~~((that were approved by the special license plate review~~  
13 ~~board under RCW 46.18.200))~~;
- 14       (b) Deduct an amount not to exceed twelve dollars for initial issue  
15 and two dollars for renewal issue for administration and collection  
16 expenses incurred by it; and
- 17       (c) Remit the remaining proceeds to the custody of the state  
18 treasurer with a proper identifying detailed report.

19       (2) The state treasurer shall credit the proceeds to the motor  
20 vehicle account until the department determines that the state has been  
21 reimbursed for the cost of implementing the special license plate.  
22 Upon determination by the department that the state has been  
23 reimbursed, the state treasurer shall credit the remaining special  
24 license plate fee amounts for each special license plate to the  
25 following appropriate account as created in this section in the custody  
26 of the state treasurer:

ACCOUNT	CONDITIONS FOR USE OF FUNDS
Gonzaga University alumni association	Scholarship funds to needy and qualified students attending or planning to attend Gonzaga University
Helping kids speak	Provide free diagnostic and therapeutic services to families of children who suffer from a delay in language or speech development

1	Law enforcement memorial	Provide support and assistance to survivors and families of
2		law enforcement officers in Washington killed in the line
3		of duty and to organize, finance, fund, construct, utilize,
4		and maintain a memorial on the state capitol grounds to
5		honor those fallen officers
6	Lighthouse environmental programs	Support selected Washington state lighthouses that are
7		accessible to the public and staffed by volunteers; provide
8		environmental education programs; provide grants for
9		other Washington lighthouses to assist in funding
10		infrastructure preservation and restoration; encourage and
11		support interpretive programs by lighthouse docents
12	Share the road	Promote bicycle safety and awareness education in
13		communities throughout Washington
14	Ski & ride Washington	Promote winter snowsports, such as skiing and
15		snowboarding, and related programs, such as ski and ride
16		safety programs, underprivileged youth ski and ride
17		programs, and active, healthy lifestyle programs
18	Washington state council of firefighters benevolent fund	Receive and disseminate funds for charitable purposes on
19		behalf of members of the Washington state council of
20		firefighters, their families, and others deemed in need
21	Washington's national park fund	Build awareness of Washington's national parks and
22		support priority park programs and projects in
23		Washington's national parks, such as enhancing visitor
24		experience, promoting volunteerism, engaging
25		communities, and providing educational opportunities
26		related to Washington's national parks
27	We love our pets	Support and enable the Washington federation of animal
28		welfare and control agencies to promote and perform
29		spay/neuter surgery of Washington state pets in order to
30		reduce pet population

31 (3) Only the director or the director's designee may authorize  
32 expenditures from the accounts described in subsection (2) of this  
33 section. The accounts are subject to allotment procedures under  
34 chapter 43.88 RCW, but an appropriation is not required for  
35 expenditures.

36 (4) Funds in the special license plate accounts described in  
37 subsection (2) of this section must be disbursed subject to the



1 conditions described in subsection (2) of this section and under  
2 contract between the department and qualified nonprofit organizations  
3 that provide the services described in subsection (2) of this section.

4 (5) For the purposes of this section, a "qualified nonprofit  
5 organization" means a not-for-profit corporation operating in  
6 Washington that has received a determination of tax exempt status under  
7 26 U.S.C. Sec. 501(c)(3). The qualified nonprofit organization must  
8 meet all the requirements under RCW 46.18.100(1).

9 **Sec. 88.** RCW 46.68.425 and 2010 c 161 s 810 are each amended to  
10 read as follows:

11 (1) The department shall:

12 (a) Collect special license plate fees established under RCW  
13 46.17.220 (~~that were approved by the special license plate review~~  
14 ~~board under RCW 46.18.200~~);

15 (b) Deduct an amount not to exceed twelve dollars for initial issue  
16 and two dollars for renewal issue for administration and collection  
17 expenses incurred by it; and

18 (c) Remit the remaining proceeds to the custody of the state  
19 treasurer with a proper identifying detailed report.

20 (2) The state treasurer shall credit the proceeds to the motor  
21 vehicle fund until the department determines that the state has been  
22 reimbursed for the cost of implementing the special license plate.  
23 Upon determination by the department that the state has been  
24 reimbursed, the state treasurer shall credit the remaining special  
25 license plate fees to the following accounts by special license plate  
26 type:

27 SPECIAL LICENSE PLATE TYPE	ACCOUNT	CONDITIONS FOR USE OF FUNDS
28 Armed forces	RCW 43.60A.140	N/A
29 Endangered wildlife	RCW 77.12.170	30 Must be used only for the department of 31 fish and wildlife's endangered wildlife 32 program activities
32 Keep kids safe	RCW 43.121.100	As specified in RCW 43.121.050
33 Washington state parks	RCW 79A.05.059	34 Provide public educational opportunities 35 and enhancement of Washington state parks

1	Washington's wildlife collection	RCW 77.12.170	Only for the department of fish and
2			wildlife's game species management
3			activities
4	Wild on Washington	RCW 77.12.170	Dedicated to the department of fish and
5			wildlife's watchable wildlife activities, as
6			defined in RCW 77.32.560

7       **Sec. 89.** RCW 46.68.455 and 2010 c 161 s 815 are each amended to  
8 read as follows:

9       ~~((1))~~ The vehicle trip permit fee imposed under RCW  
10 46.17.400(1)(h) must be distributed as follows:

11       ~~((a))~~ (1) Five dollars to the state patrol highway account for  
12 commercial motor vehicle inspections;

13       ~~((b))~~ (2) Five dollars to the motor vehicle fund created in RCW  
14 46.68.070 to be distributed as follows:

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

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

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

21       ~~((e))~~ (4) The amount of the filing fee imposed under RCW  
22 46.17.005(1)(a) to be credited as required under RCW 46.68.400; and

23       ~~((d))~~ (5) The remainder to the credit of the motor vehicle fund  
24 created in RCW 46.68.070 as an administrative fee.

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

30       ~~((3) The vehicle trip permit surcharge imposed under RCW~~  
31 ~~46.17.400(4) must be distributed as follows:~~

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

36       ~~(b) The remainder to the motor vehicle fund created in RCW~~  
37 ~~46.68.070 for the purpose of supporting congestion relief programs.)~~

1       **Sec. 90.** RCW 46.70.027 and 1989 c 337 s 12 are each amended to  
2 read as follows:

3       A vehicle dealer is accountable for the dealer's employees, sales  
4 personnel, and managerial personnel while in the performance of their  
5 official duties. Any violations of this chapter or applicable  
6 provisions of chapter 46.12 or (~~46.16~~) 46.16A RCW committed by any of  
7 these employees subjects the dealer to license penalties prescribed  
8 under RCW 46.70.101. A retail purchaser, consignor who is not a motor  
9 vehicle dealer, or a motor vehicle dealer who has purchased from a  
10 wholesale dealer, who has suffered a loss or damage by reason of any  
11 act by a dealer, salesperson, managerial person, or other employee of  
12 a dealership, that constitutes a violation of this chapter or  
13 applicable provisions of chapter 46.12 or (~~46.16~~) 46.16A RCW may  
14 institute an action for recovery against the dealer and the surety bond  
15 as set forth in RCW 46.70.070. However, under this section, motor  
16 vehicle dealers who have purchased from wholesale dealers may only  
17 institute actions against wholesale dealers and their surety bonds.

18       **Sec. 91.** RCW 46.70.101 and 2010 c 161 s 1132 are each amended to  
19 read as follows:

20       The director may by order deny, suspend, or revoke the license of  
21 any vehicle dealer or vehicle manufacturer or, in lieu thereof or in  
22 addition thereto, may by order assess monetary penalties of a civil  
23 nature not to exceed one thousand dollars per violation, if the  
24 director finds that the order is in the public interest and that the  
25 applicant or licensee:

26       (1) In the case of a vehicle dealer:

27       (a) The applicant or licensee, or any partner, officer, director,  
28 owner of ten percent or more of the assets of the firm, or managing  
29 employee:

30       (i) Was the holder of a license issued pursuant to this chapter,  
31 which was revoked for cause and never reissued by the department, or  
32 which license was suspended for cause and the terms of the suspension  
33 have not been fulfilled or which license was assessed a civil penalty  
34 and the assessed amount has not been paid;

35       (ii) Has been adjudged guilty of a crime which directly relates to  
36 the business of a vehicle dealer and the time elapsed since the  
37 adjudication is less than ten years, or suffering any judgment within

1 the preceding five years in any civil action involving fraud,  
2 misrepresentation, or conversion. For the purposes of this section,  
3 "adjudged guilty" means in addition to a final conviction in either a  
4 state or municipal court, an unvacated forfeiture of bail or collateral  
5 deposited to secure a defendant's appearance in court, the payment of  
6 a fine, a plea of guilty, or a finding of guilt regardless of whether  
7 the sentence is deferred or the penalty is suspended;

8 (iii) Has knowingly or with reason to know made a false statement  
9 of a material fact in his or her application for license or any data  
10 attached thereto, or in any matter under investigation by the  
11 department;

12 (iv) Has knowingly, or with reason to know, provided the department  
13 with false information relating to the number of vehicle sales  
14 transacted during the past one year in order to obtain a vehicle dealer  
15 license plate;

16 (v) Does not have an established place of business as required in  
17 this chapter;

18 (vi) Refuses to allow representatives or agents of the department  
19 to inspect during normal business hours all books, records, and files  
20 maintained within this state;

21 (vii) Sells, exchanges, offers, brokers, auctions, solicits, or  
22 advertises a new or current model vehicle to which a factory new  
23 vehicle warranty attaches and fails to have a valid, written service  
24 agreement as required by this chapter, or having such agreement refuses  
25 to honor the terms of such agreement within a reasonable time or  
26 repudiates the same, except for sales by wholesale motor vehicle  
27 auction dealers to franchise motor vehicle dealers of the same make  
28 licensed under this title or franchise motor vehicle dealers of the  
29 same make licensed by any other state;

30 (viii) Is insolvent, either in the sense that their liabilities  
31 exceed their assets, or in the sense that they cannot meet their  
32 obligations as they mature;

33 (ix) Fails to pay any civil monetary penalty assessed by the  
34 director pursuant to this section within ten days after such assessment  
35 becomes final;

36 (x) Fails to notify the department of bankruptcy proceedings in the  
37 manner required by RCW 46.70.183;

1 (xi) Knowingly, or with reason to know, allows a salesperson  
2 employed by the dealer, or acting as their agent, to commit any of the  
3 prohibited practices set forth in subsection (1)(a) of this section and  
4 RCW 46.70.180;

5 (xii) Fails to have a current certificate or registration with the  
6 department of revenue.

7 (b) The applicant or licensee, or any partner, officer, director,  
8 owner of ten percent of the assets of the firm, or any employee or  
9 agent:

10 (i) Has failed to comply with the applicable provisions of chapter  
11 46.12 or (~~46.16~~) 46.16A RCW or this chapter or any rules and  
12 regulations adopted thereunder;

13 (ii) Has defrauded or attempted to defraud the state, or a  
14 political subdivision thereof of any taxes or fees in connection with  
15 the sale, lease, or transfer of a vehicle;

16 (iii) Has forged the signature of the registered or legal owner on  
17 a certificate of title;

18 (iv) Has purchased, sold, disposed of, or has in his or her  
19 possession any vehicle which he or she knows or has reason to know has  
20 been stolen or appropriated without the consent of the owner;

21 (v) Has willfully failed to deliver to a purchaser or owner a  
22 certificate of title to a vehicle which he or she has sold or leased;

23 (vi) Has committed any act in violation of RCW 46.70.090 relating  
24 to vehicle dealer license plates or manufacturer license plates;

25 (vii) Has committed any act in violation of RCW 46.70.180 relating  
26 to unlawful acts and practices;

27 (viii) Has engaged in practices inimical to the health or safety of  
28 the citizens of the state of Washington including but not limited to  
29 failure to comply with standards set by the state of Washington or the  
30 federal government pertaining to the construction or safety of  
31 vehicles, except for sales by wholesale motor vehicle auction dealers  
32 to motor vehicle dealers and vehicle wreckers licensed under this title  
33 or motor vehicle dealers licensed by any other state;

34 (ix) Has aided or assisted an unlicensed dealer or salesperson in  
35 unlawful activity through active or passive participation in sales,  
36 allowing use of facilities, dealer license number, or by any other  
37 means;

1 (x) Converts or appropriates, whether temporarily or permanently,  
2 property or funds belonging to a customer, dealer, or manufacturer,  
3 without the consent of the owner of the property or funds; or

4 (xi) Has sold any vehicle with actual knowledge that:  
5 (A) It has any of the following brands on the title:  
6 "SALVAGE/REBUILT," "JUNK," or "DESTROYED"; or

7 (B) It has been declared totaled out by an insurance carrier and  
8 then rebuilt; or

9 (C) The vehicle title contains the specific comment that the  
10 vehicle is "rebuilt";  
11 without clearly disclosing that brand or comment in writing.

12 (c) The licensee or any partner, officer, director, or owner of ten  
13 percent or more of the assets of the firm holds or has held any such  
14 position in any other vehicle dealership licensed pursuant to this  
15 chapter which is subject to final proceedings under this section.

16 (2) In the case of a manufacturer, or any partner, officer,  
17 director, or majority shareholder:

18 (a) Was or is the holder of a license issued pursuant to this  
19 chapter which was revoked for cause and never reissued by the  
20 department, or which license was suspended for cause and the terms of  
21 the suspension have not been fulfilled, or which license was assessed  
22 a civil penalty and the assessed amount has not been paid;

23 (b) Has knowingly or with reason to know, made a false statement of  
24 a material fact in his or her application for license, or any data  
25 attached thereto, or in any matter under investigation by the  
26 department;

27 (c) Has failed to comply with the applicable provisions of chapter  
28 46.12 or (~~46.16~~) 46.16A RCW or this chapter or any rules and  
29 regulations adopted thereunder;

30 (d) Has defrauded or attempted to defraud the state or a political  
31 subdivision thereof, of any taxes or fees in connection with the sale,  
32 lease, or transfer of a vehicle;

33 (e) Has purchased, sold, leased, disposed of, or has in his or her  
34 possession, any vehicle which he or she knows or has reason to know has  
35 been stolen or appropriated without the consent of the owner;

36 (f) Has committed any act in violation of RCW 46.70.090 relating to  
37 vehicle dealer license plates and manufacturer license plates;

1 (g) Has committed any act in violation of RCW 46.70.180 relating to  
2 unlawful acts and practices;

3 (h) Sells or distributes in this state or transfers into this state  
4 for resale or for lease, any new or unused vehicle to which a warranty  
5 attaches or has attached and refuses to honor the terms of such  
6 warranty within a reasonable time or repudiates the same;

7 (i) Fails to maintain one or more resident employees or agents to  
8 provide service or repairs to vehicles located within the state of  
9 Washington only under the terms of any warranty attached to new or  
10 unused vehicles manufactured and which are or have been sold or  
11 distributed in this state or transferred into this state for resale or  
12 for lease unless such manufacturer requires warranty service to be  
13 performed by all of its dealers pursuant to a current service agreement  
14 on file with the department;

15 (j) Fails to reimburse within a reasonable time any vehicle dealer  
16 within the state of Washington who in good faith incurs reasonable  
17 obligations in giving effect to warranties that attach or have attached  
18 to any new or unused vehicle sold, leased, or distributed in this state  
19 or transferred into this state for resale or for lease by any such  
20 manufacturer;

21 (k) Engaged in practices inimical to the health and safety of the  
22 citizens of the state of Washington including, but not limited to,  
23 failure to comply with standards set by the state of Washington or the  
24 federal government pertaining to the construction and safety of  
25 vehicles;

26 (l) Is insolvent either in the sense that his or her liabilities  
27 exceed his or her assets or in the sense that he or she cannot meet his  
28 or her obligations as they mature;

29 (m) Fails to notify the department of bankruptcy proceedings in the  
30 manner required by RCW 46.70.183.

31 **Sec. 92.** RCW 46.71.011 and 1993 c 424 s 2 are each amended to read  
32 as follows:

33 For purposes of this chapter:

34 (1) An "aftermarket body part" or "nonoriginal equipment  
35 manufacturer body part" is an exterior body panel or nonstructural body  
36 component manufactured by someone other than the original equipment

1 manufacturer and supplied through suppliers other than those in the  
2 manufacturer's normal distribution channels.

3 (2) "Automotive repair" includes but is not limited to:

4 (a) All repairs to vehicles subject to chapter (~~46.16~~) 46.16A RCW  
5 that are commonly performed in a repair facility by a motor vehicle  
6 technician including the diagnosis, installation, exchange, or repair  
7 of mechanical or electrical parts or units for any vehicle, the  
8 performance of any electrical or mechanical adjustment to any vehicle,  
9 or the performance of any service work required for routine maintenance  
10 or repair of any vehicle. However, commercial fleet repair or  
11 maintenance transactions involving two or more vehicles or ongoing  
12 service or maintenance contracts involving vehicles used primarily for  
13 business purposes are not included;

14 (b) All work in facilities that perform one or more specialties  
15 within the automotive repair service industry including, but not  
16 limited to, body collision repair, refinishing, brake, electrical,  
17 exhaust repair or installation, frame, unibody, front-end, radiators,  
18 tires, transmission, tune-up, and windshield; and

19 (c) The removal, replacement, or repair of exterior body panels,  
20 the removal, replacement, or repair of structural and nonstructural  
21 body components, the removal, replacement, or repair of collision  
22 damaged suspension components, and the refinishing of automotive  
23 components.

24 (3) "Automotive repair facility" or "repair facility" means any  
25 person, firm, association, or corporation who for compensation engages  
26 in the business of automotive repair or diagnosis, or both, of  
27 malfunctions of motor vehicles subject to licensure under chapter  
28 (~~46.16~~) 46.16A RCW and repair and refinishing auto-body collision  
29 damage as well as overall refinishing and cosmetic repairs.

30 (4) A "rebuilt" part consists of a used assembly that has been  
31 dismantled and inspected with only the defective parts being replaced.

32 (5) A "remanufactured" part consists of a used assembly that has  
33 been dismantled with the core parts being remachined and all other  
34 parts replaced with new parts so as to provide performance comparable  
35 to that found originally.

36 **Sec. 93.** RCW 46.71.080 and 1982 c 62 s 10 are each amended to read  
37 as follows:



1           Whenever a vehicle license renewal form under RCW ((~~46.16.210~~))  
2 46.16A.110 is given to the registered owner of any vehicle, the  
3 department of licensing shall give to the owner written notice of the  
4 provisions of this chapter in a manner prescribed by the director of  
5 licensing.

6           **Sec. 94.** RCW 46.85.100 and 1987 c 244 s 13 are each amended to  
7 read as follows:

8           All agreements, arrangements, or declarations or amendments thereto  
9 shall be in writing and shall be filed with the department. Upon  
10 becoming effective, they shall supersede the provisions of RCW  
11 ((~~46.16.030~~)) 46.16A.160, chapter 46.87 RCW, or this chapter to the  
12 extent that they are inconsistent therewith. The department shall  
13 provide copies for public distribution upon request.

14           **Sec. 95.** RCW 46.87.010 and 2010 c 161 s 1140 are each amended to  
15 read as follows:

16           This chapter applies to proportional registration and reciprocity  
17 granted under the provisions of the International Registration Plan  
18 (IRP). This chapter shall become effective and be implemented  
19 beginning with the 1988 registration year.

20           (1) Provisions and terms of the IRP prevail unless given a  
21 different meaning in chapter 46.04 RCW, this chapter, or in rules  
22 adopted under the authority of this chapter.

23           (2) The director may adopt and enforce rules deemed necessary to  
24 implement and administer this chapter.

25           (3) Owners having a fleet of apportionable vehicles operating in  
26 two or more IRP member jurisdictions may elect to proportionally  
27 register the vehicles of the fleet under the provisions of the IRP and  
28 this chapter in lieu of full or temporary registration as provided for  
29 in chapter ((~~46.16~~)) 46.16A RCW.

30           (4) If a due date or an expiration date established under authority  
31 of this chapter falls on a Saturday, Sunday, or a state legal holiday,  
32 such period is automatically extended through the end of the next  
33 business day.

34           **Sec. 96.** RCW 46.87.023 and 1994 c 227 s 2 are each amended to read  
35 as follows:

1 (1) Rental car businesses must register with the department of  
2 licensing. This registration must be renewed annually by the rental  
3 car business.

4 (2) Rental cars must be titled and registered under the provisions  
5 of chapters 46.12 and (~~46.16~~) 46.16A RCW. The vehicle must be  
6 identified at the time of application with the rental car company  
7 business number issued by the department.

8 (3) Use of rental cars is restricted to the rental customer unless  
9 otherwise provided by rule.

10 (4) The department may suspend or cancel the exemptions, benefits,  
11 or privileges granted under this section to a rental car business that  
12 violates the laws of this state relating to the operation or  
13 registration of vehicles or rules lawfully adopted thereunder. The  
14 department may initiate and conduct audits, investigations, and  
15 enforcement actions as may be reasonably necessary for administering  
16 this section.

17 (5) The department shall adopt such rules as may be necessary to  
18 administer and enforce the provisions of this section.

19 **Sec. 97.** RCW 46.87.080 and 2005 c 194 s 6 are each amended to read  
20 as follows:

21 (1) Upon making satisfactory application and payment of applicable  
22 fees and taxes for proportional registration under this chapter, the  
23 department shall issue a cab card and validation tab for each vehicle,  
24 and to vehicles of Washington-based fleets, two distinctive  
25 apportionable license plates for each motor vehicle. License plates  
26 shall be displayed on vehicles as required by RCW (~~46.16.240~~)  
27 46.16A.200(5). The number and plate shall be of a design, size, and  
28 color determined by the department. The plates shall be treated with  
29 reflectorized material and clearly marked with the words "WASHINGTON"  
30 and "APPORTIONED," both words to appear in full and without  
31 abbreviation.

32 (2) The cab card serves as the certificate of registration for a  
33 proportionally registered vehicle. The face of the cab card shall  
34 contain the name and address of the registrant as contained in the  
35 records of the department, the license plate number assigned to the  
36 vehicle by the base jurisdiction, the vehicle identification number,  
37 and such other description of the vehicle and data as the department

1 may require. The cab card shall be signed by the registrant, or a  
2 designated person if the registrant is a business firm, and shall at  
3 all times be carried in or on the vehicle to which it was issued.

4 (3) The apportioned license plates are not transferrable from  
5 vehicle to vehicle unless otherwise determined by rule and shall be  
6 used only on the vehicle to which they are assigned by the department  
7 for as long as they are legible or until such time as the department  
8 requires them to be removed and returned to the department.

9 (4) Distinctive validation tab(s) of a design, size, and color  
10 determined by the department shall be affixed to the apportioned  
11 license plate(s) as prescribed by the department to indicate the month,  
12 if necessary, and year for which the vehicle is registered.

13 (5) Renewals shall be effected by the issuance and display of such  
14 tab(s) after making satisfactory application and payment of applicable  
15 fees and taxes.

16 (6) Fleet vehicles so registered and identified shall be deemed to  
17 be fully licensed and registered in this state for any type of movement  
18 or operation. However, in those instances in which a grant of  
19 authority is required for interstate or intrastate movement or  
20 operation, no such vehicle may be operated in interstate or intrastate  
21 commerce in this state unless the owner has been granted interstate  
22 operating authority in the case of interstate operations or intrastate  
23 operating authority by the Washington utility and transportation  
24 commission in the case of intrastate operations and unless the vehicle  
25 is being operated in conformity with that authority.

26 (7) The department may issue temporary authorization permits (TAPs)  
27 to qualifying operators for the operation of vehicles pending issuance  
28 of license identification. A fee of one dollar plus a one dollar  
29 filing fee shall be collected for each permit issued. The permit fee  
30 shall be deposited in the motor vehicle fund, and the filing fee shall  
31 be deposited in the highway safety fund. The department may adopt  
32 rules for use and issuance of the permits.

33 (8) The department may refuse to issue any license or permit  
34 authorized by subsection (1) or (7) of this section to any person: (a)  
35 Who formerly held any type of license or permit issued by the  
36 department pursuant to chapter ((46.16)) 46.16A, 46.85, 46.87, 82.36,  
37 or 82.38 RCW that has been revoked for cause, which cause has not been  
38 removed; or (b) who is a subterfuge for the real party in interest

1 whose license or permit issued by the department pursuant to chapter  
2 ((46.16)) 46.16A, 46.85, 46.87, 82.36, or 82.38 RCW and has been  
3 revoked for cause, which cause has not been removed; or (c) who, as an  
4 individual licensee, or officer, director, owner, or managing employee  
5 of a nonindividual licensee, has had a license or permit issued by the  
6 department pursuant to chapter ((46.16)) 46.16A, 46.85, 46.87, 82.36,  
7 or 82.38 RCW which has been revoked for cause, which cause has not been  
8 removed; or (d) who has an unsatisfied debt to the state assessed under  
9 either chapter ((46.16)) 46.16A, 46.85, 46.87, 82.36, 82.38, or 82.44  
10 RCW.

11 (9) The department may revoke the license or permit authorized by  
12 subsection (1) or (7) of this section issued to any person for any of  
13 the grounds constituting cause for denial of licenses or permits set  
14 forth in subsection (8) of this section.

15 (10) Before such refusal or revocation under subsection (8) or (9)  
16 of this section, the department shall grant the applicant a hearing and  
17 at least ten days written notice of the time and place of the hearing.

18 **Sec. 98.** RCW 46.87.140 and 2010 c 161 s 1143 are each amended to  
19 read as follows:

20 (1) Any owner engaged in interstate operations of one or more  
21 fleets of apportionable vehicles may, in lieu of registration of the  
22 vehicles under chapter ((46.16)) 46.16A RCW, register and license the  
23 vehicles of each fleet under this chapter by filing a proportional  
24 registration application for each fleet with the department. The  
25 application shall contain the following information and such other  
26 information pertinent to vehicle registration as the department may  
27 require:

28 (a) A description and identification of each vehicle of the fleet.

29 (b) The member jurisdictions in which registration is desired and  
30 such other information as member jurisdictions require.

31 (c) An original or renewal application shall also be accompanied by  
32 a mileage schedule for each fleet.

33 (d) The USDOT number issued to the registrant and the USDOT number  
34 of the motor carrier responsible for the safety of the vehicle, if  
35 different.

36 (e) A completed Motor Carrier Identification Report (MCS-150) at

1 the time of fleet renewal or at the time of vehicle registration, if  
2 required by the department.

3 (f) The Taxpayer Identification Number of the registrant and the  
4 motor carrier responsible for the safety of the vehicle, if different.

5 (2) Each application shall, at the time and in the manner required  
6 by the department, be supported by payment of a fee computed as  
7 follows:

8 (a) Divide the in-jurisdiction miles by the total miles and carry  
9 the answer to the nearest thousandth of a percent (three places beyond  
10 the decimal, e.g. 10.543%). This factor is known as the prorate  
11 percentage.

12 (b) Determine the total proratable fees and taxes required for each  
13 vehicle in the fleet for which registration is requested, based on the  
14 regular annual fees and taxes or applicable fees and taxes for the  
15 unexpired portion of the registration year under the laws of each  
16 jurisdiction for which fees or taxes are to be calculated.

17 Applicable fees and taxes for vehicles of Washington-based fleets  
18 are those prescribed under RCW 46.17.350(1)(c), 46.17.355, and  
19 82.38.075, as applicable. If, during the registration period, the  
20 lessor of an apportioned vehicle changes and the vehicle remains in the  
21 fleet of the registrant, the department shall only charge those fees  
22 prescribed for the issuance of new apportioned license plates,  
23 validation tabs, and cab card.

24 (c) Multiply the total, proratable fees or taxes for each motor  
25 vehicle by the prorate percentage applicable to the desired  
26 jurisdiction and round the results to the nearest cent.

27 (d) Add the total fees and taxes determined in (c) of this  
28 subsection for each vehicle to the nonproratable fees required under  
29 the laws of the jurisdiction for which fees are being calculated.  
30 Nonproratable fees required for vehicles of Washington-based fleets are  
31 the administrative fee required by RCW 82.38.075, if applicable, and  
32 the vehicle transaction fee pursuant to the provisions of RCW  
33 46.87.130.

34 (e) The amount due and payable for the application is the sum of  
35 the fees and taxes calculated for each member jurisdiction in which  
36 registration of the fleet is desired.

37 (3) All assessments for proportional registration fees are due and  
38 payable in United States funds on the date presented or mailed to the

1 registrant at the address listed in the proportional registration  
2 records of the department. The registrant may petition for  
3 reassessment of the fees or taxes due under this section within thirty  
4 days of the date of original service as provided for in this chapter.

5 **Sec. 99.** RCW 46.87.230 and 1987 c 244 s 36 are each amended to  
6 read as follows:

7 Whenever an act or omission is declared to be unlawful under  
8 chapter 46.12, (~~((46.16))~~) 46.16A, or 46.44 RCW or this chapter, and if  
9 the operator of the vehicle is not the owner or lessee of the vehicle  
10 but is so operating or moving the vehicle with the express or implied  
11 permission of the owner or lessee, then the operator and the owner or  
12 lessee are both subject to this chapter, with the primary  
13 responsibility to be that of the owner or lessee.

14 If the person operating the vehicle at the time of the unlawful act  
15 or omission is not the owner or the lessee of the vehicle, that person  
16 is fully authorized to accept the citation or notice of infraction and  
17 execute the promise to appear on behalf of the owner or lessee.

18 **Sec. 100.** RCW 46.87.294 and 2007 c 419 s 15 are each amended to  
19 read as follows:

20 The department shall refuse to register a vehicle under this  
21 chapter if the registrant or motor carrier responsible for the safety  
22 of the vehicle has been prohibited under federal law from operating by  
23 the federal motor carrier safety administration. The department shall  
24 not register a vehicle if the Washington state patrol has placed an  
25 out-of-service order on the vehicle's department of transportation  
26 number, as defined in RCW (~~((46.16.004))~~) 46.16A.010.

27 **Sec. 101.** RCW 46.87.296 and 2007 c 419 s 16 are each amended to  
28 read as follows:

29 The department shall suspend or revoke the registration of a  
30 vehicle registered under this chapter if the registrant or motor  
31 carrier responsible for the safety of the vehicle has been prohibited  
32 under federal law from operating by the federal motor carrier safety  
33 administration. The department shall not register a vehicle if the  
34 Washington state patrol has placed an out-of-service order on the

1 vehicle's department of transportation number, as defined in RCW  
2 ((~~46.16.004~~)) 46.16A.010.

3 **Sec. 102.** RCW 46.93.020 and 2003 c 354 s 2 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter.

6 (1) "Department" means the department of licensing.

7 (2) "Director" means the director of the department of licensing.

8 (3) "Franchise" means one or more agreements, whether oral or  
9 written, between a manufacturer and a new motorsports vehicle dealer,  
10 under which the new motorsports vehicle dealer is authorized to sell,  
11 service, and repair new motorsports vehicles, parts, and accessories  
12 under a common name, trade name, trademark, or service mark of the  
13 manufacturer.

14 "Franchise" includes an oral or written contract and includes a  
15 dealer agreement, either expressed or implied, between a manufacturer  
16 and a new motorsports vehicle dealer that purports to fix the legal  
17 rights and liabilities between the parties and under which (a) the  
18 dealer is granted the right to purchase and resell motorsports vehicles  
19 manufactured, distributed, or imported by the manufacturer; (b) the  
20 dealer's business is associated with the trademark, trade name,  
21 commercial symbol, or advertisement designating the franchisor or the  
22 products distributed by the manufacturer; and (c) the dealer's business  
23 relies on the manufacturer for a continued supply of motorsports  
24 vehicles, parts, and accessories.

25 (4) "Good faith" means honesty in fact and fair dealing in the  
26 trade as defined and interpreted in RCW 62A.2-103.

27 (5) "Designated successor" means:

28 (a) The spouse, biological or adopted child, grandchild, parent,  
29 brother, or sister of the owner of a new motorsports vehicle dealership  
30 who, in the case of the owner's death, is entitled to inherit the  
31 ownership interest in the new motorsports vehicle dealership under the  
32 terms of the owner's will or similar document, and if there is no such  
33 will or similar document, then under applicable intestate laws;

34 (b) A qualified person experienced in the business of a new  
35 motorsports vehicle dealer who has been nominated by the owner of a new  
36 motorsports vehicle dealership as the successor in a written,  
37 notarized, and witnessed instrument submitted to the manufacturer; or

1 (c) In the case of an incapacitated owner of a new motorsports  
2 vehicle dealership, the person who has been appointed by a court as the  
3 legal representative of the incapacitated owner's property.

4 (6) "Manufacturer" means a person, firm, association, corporation,  
5 or trust, resident or nonresident, who manufactures or assembles new  
6 and unused motorsports vehicles or remanufactures motorsports vehicles  
7 in whole or in part and further includes the terms:

8 (a) "Distributor," which means a person, firm, association,  
9 corporation, or trust, resident or nonresident, who in whole or in part  
10 offers for sale, sells, or distributes new and unused motorsports  
11 vehicles to vehicle dealers or who maintains factory representatives.

12 (b) "Factory branch," which means a branch office maintained by a  
13 manufacturer for the purpose of selling or offering for sale,  
14 motorsports vehicles to a distributor, wholesaler, or vehicle dealer,  
15 or for directing or supervising in whole or in part factory or  
16 distributor representatives, and further includes a sales promotion  
17 organization, whether a person, firm, or corporation, that is engaged  
18 in promoting the sale of new and unused motorsports vehicles in this  
19 state of a particular brand or make to vehicle dealers.

20 (c) "Factory representative," which means a representative employed  
21 by a manufacturer, distributor, or factory branch for the purpose of  
22 making or promoting for the sale of their motorsports vehicles or for  
23 supervising or contracting with their dealers or prospective dealers.

24 (7) "Motorsports vehicle" means a motorcycle as defined in RCW  
25 46.04.330; a moped as defined in RCW 46.04.304; a motor-driven cycle as  
26 defined in RCW 46.04.332; a personal watercraft as defined in RCW  
27 79A.60.010; a snowmobile as defined in RCW (~~46.10.010~~) 46.04.546; a  
28 four-wheel, all-terrain vehicle; and any other motorsports vehicle  
29 defined under RCW 46.93.200 by the department that is otherwise not  
30 subject to chapter 46.96 RCW.

31 (8) "New motorsports vehicle dealer" or "dealer" means a person  
32 engaged in the business of buying, selling, exchanging, or otherwise  
33 dealing in new motorsports vehicles or new and used motorsports  
34 vehicles at an established place of business under a franchise, sales  
35 and service agreement, or any other contract with a manufacturer of any  
36 one or more types of new motorsports vehicles. The term does not  
37 include a miscellaneous vehicle dealer as defined in RCW 46.70.011.



1 (9) "Owner" means a person holding an ownership interest in the  
2 business entity operating as a new motorsports vehicle dealer and who  
3 is the designated dealer in the new motorsports vehicle franchise  
4 agreement.

5 (10) "Person" means a natural person, partnership, stock company,  
6 corporation, trust, agency, or any other legal entity, as well as any  
7 individual officers, directors, or other persons in active control of  
8 the activities of the entity.

9 (11) "Place of business" means a permanent, enclosed commercial  
10 building, situated within this state, and the real property on which it  
11 is located, at which the business of a motorsports vehicle dealer,  
12 including the display and repair of motorsports vehicles, may be  
13 lawfully conducted in accordance with the terms of all applicable laws  
14 and at which the public may contact the motorsports vehicle dealer and  
15 employees at all reasonable times.

16 (12) "Relevant market area" is defined as follows:

17 (a) If the population in the county in which the existing, proposed  
18 new, or relocated dealership is located or is to be located is four  
19 hundred thousand or more, the relevant market area is the geographic  
20 area within the radius of ten miles around the existing, proposed new,  
21 or relocated place of business for the dealership;

22 (b) If the population in the county in which the existing, proposed  
23 new, or relocated dealership is to be located is two hundred thousand  
24 or more and less than four hundred thousand, the relevant market area  
25 is the geographic area within a radius of twelve miles around the  
26 existing, proposed new, or relocated place of business for the  
27 dealership;

28 (c) If the population in the county in which the existing, proposed  
29 new, or relocated dealership is to be located is less than two hundred  
30 thousand, the relevant market area is the geographic area within a  
31 radius of twenty miles around the existing, proposed new, or relocated  
32 place of business for the dealership;

33 (d) In determining population for this definition, the most recent  
34 census by the United States Bureau of Census or the most recent  
35 population update, either from the National Planning Data Corporation  
36 or other similar recognized source, will be accumulated for all census  
37 tracts either wholly or partially within the relevant market area.

1       **Sec. 103.** RCW 47.01.440 and 2008 c 14 s 8 are each amended to read  
2 as follows:

3       To support the implementation of RCW 47.04.280 and 47.01.078(4),  
4 the department shall adopt broad statewide goals to reduce annual per  
5 capita vehicle miles traveled by 2050 consistent with the stated goals  
6 of executive order 07-02. Consistent with these goals, the department  
7 shall:

8       (1) Establish the following benchmarks using a statewide baseline  
9 of seventy-five billion vehicle miles traveled less the vehicle miles  
10 traveled attributable to vehicles licensed under RCW (~~46.16.070~~)  
11 46.16A.455 and weighing ten thousand pounds or more, which are exempt  
12 from this section:

13       (a) Decrease the annual per capita vehicle miles traveled by  
14 eighteen percent by 2020;

15       (b) Decrease the annual per capita vehicle miles traveled by thirty  
16 percent by 2035; and

17       (c) Decrease the annual per capita vehicle miles traveled by fifty  
18 percent by 2050;

19       (2) By July 1, 2008, establish and convene a collaborative process  
20 to develop a set of tools and best practices to assist state, regional,  
21 and local entities in making progress towards the benchmarks  
22 established in subsection (1) of this section. The collaborative  
23 process must provide an opportunity for public review and comment and  
24 must:

25       (a) Be jointly facilitated by the department, the department of  
26 ecology, and the department of community, trade, and economic  
27 development;

28       (b) Provide for participation from regional transportation planning  
29 organizations, the Washington state transit association, the Puget  
30 Sound clean air agency, a statewide business organization representing  
31 the sale of motor vehicles, at least one major private employer that  
32 participates in the commute trip reduction program, and other  
33 interested parties, including but not limited to parties representing  
34 diverse perspectives on issues relating to growth, development, and  
35 transportation;

36       (c) Identify current strategies to reduce vehicle miles traveled in  
37 the state as well as successful strategies in other jurisdictions that  
38 may be applicable in the state;

1 (d) Identify potential new revenue options for local and regional  
2 governments to authorize to finance vehicle miles traveled reduction  
3 efforts;

4 (e) Provide for the development of measurement tools that can, with  
5 a high level of confidence, measure annual progress toward the  
6 benchmarks at the local, regional, and state levels, measure the  
7 effects of strategies implemented to reduce vehicle miles traveled and  
8 adequately distinguish between common travel purposes, such as moving  
9 freight or commuting to work, and measure trends of vehicle miles  
10 traveled per capita on a five-year basis;

11 (f) Establish a process for the department to periodically evaluate  
12 progress toward the vehicle miles traveled benchmarks, measure achieved  
13 and projected emissions reductions, and recommend whether the  
14 benchmarks should be adjusted to meet the state's overall goals for the  
15 reduction of greenhouse gas emissions;

16 (g) Estimate the projected reductions in greenhouse gas emissions  
17 if the benchmarks are achieved, taking into account the expected  
18 implementation of existing state and federal mandates for vehicle  
19 technology and fuels, as well as expected growth in population and  
20 vehicle travel;

21 (h) Examine access to public transportation for people living in  
22 areas with affordable housing to and from employment centers, and make  
23 recommendations for steps necessary to ensure that areas with  
24 affordable housing are served by adequate levels of public  
25 transportation; and

26 (i) By December 1, 2008, provide a report to the transportation  
27 committees of the legislature on the collaborative process and  
28 resulting recommended tools and best practices to achieve the reduction  
29 in annual per capita vehicle miles traveled goals.

30 (3) Included in the December 1, 2008, report to the transportation  
31 committees of the legislature, the department shall identify strategies  
32 to reduce vehicle miles traveled in the state as well as successful  
33 strategies in other jurisdictions that may be applicable in the state  
34 that recognize the differing urban and rural transportation  
35 requirements.

36 (4) Prior to implementation of the goals in this section, the  
37 department, in consultation with the department of community, trade,  
38 and economic development, cities, counties, local economic development

1 organizations, and local and regional chambers of commerce, shall  
2 provide a report to the appropriate committees of the legislature on  
3 the anticipated impacts of the goals established in this section on the  
4 following:

5 (a) The economic hardship on small businesses as it relates to the  
6 ability to hire and retain workers who do not reside in the county in  
7 which they are employed;

8 (b) Impacts on low-income residents;

9 (c) Impacts on agricultural employers and their employees,  
10 especially on the migrant farmworker community;

11 (d) Impacts on distressed rural counties; and

12 (e) Impacts in counties with more than fifty percent of the land  
13 base of the county in public or tribal lands.

14 **Sec. 104.** RCW 48.110.020 and 2010 c 89 s 1 are each reenacted and  
15 amended to read as follows:

16 The definitions in this section apply throughout this chapter.

17 (1) "Administrator" means the person who is responsible for the  
18 administration of the service contracts, the service contracts plan, or  
19 the protection product guarantees.

20 (2) "Commissioner" means the insurance commissioner of this state.

21 (3) "Consumer" means an individual who buys any tangible personal  
22 property that is primarily for personal, family, or household use.

23 (4) "Home heating fuel service contract" means a contract or  
24 agreement for a separately stated consideration for a specific duration  
25 to perform the repair, replacement, or maintenance of a home heating  
26 fuel supply system including the fuel tank and all visible pipes, caps,  
27 lines, and associated parts or the indemnification for repair,  
28 replacement, or maintenance for operational or structural failure due  
29 to a defect in materials or workmanship, or normal wear and tear.

30 (5) "Incidental costs" means expenses specified in the guarantee  
31 incurred by the protection product guarantee holder related to damages  
32 to other property caused by the failure of the protection product to  
33 perform as provided in the guarantee. "Incidental costs" may include,  
34 without limitation, insurance policy deductibles, rental vehicle  
35 charges, the difference between the actual value of the stolen vehicle  
36 at the time of theft and the cost of a replacement vehicle, sales  
37 taxes, registration fees, transaction fees, and mechanical inspection

1 fees. Incidental costs may be paid under the provisions of the  
2 protection product guarantee in either a fixed amount specified in the  
3 protection product guarantee or sales agreement, or by the use of a  
4 formula itemizing specific incidental costs incurred by the protection  
5 product guarantee holder to be paid.

6 (6) "Maintenance agreement" means a contract of limited duration  
7 that provides for scheduled maintenance only.

8 (7) "Motor vehicle" means any vehicle subject to registration under  
9 chapter ((~~46.16~~)) 46.16A RCW.

10 (8) "Person" means an individual, partnership, corporation,  
11 incorporated or unincorporated association, joint stock company,  
12 reciprocal insurer, syndicate, or any similar entity or combination of  
13 entities acting in concert.

14 (9) "Premium" means the consideration paid to an insurer for a  
15 reimbursement insurance policy.

16 (10) "Protection product" means any product offered or sold with a  
17 guarantee to repair or replace another product or pay incidental costs  
18 upon the failure of the product to perform pursuant to the terms of the  
19 protection product guarantee.

20 (11) "Protection product guarantee" means a written agreement by a  
21 protection product guarantee provider to repair or replace another  
22 product or pay incidental costs upon the failure of the protection  
23 product to perform pursuant to the terms of the protection product  
24 guarantee.

25 (12) "Protection product guarantee holder" means a person who is  
26 the purchaser or permitted transferee of a protection product  
27 guarantee.

28 (13) "Protection product guarantee provider" means a person who is  
29 contractually obligated to the protection product guarantee holder  
30 under the terms of the protection product guarantee. Protection  
31 product guarantee provider does not include an authorized insurer  
32 providing a reimbursement insurance policy.

33 (14) "Protection product seller" means the person who sells the  
34 protection product to the consumer.

35 (15) "Provider fee" means the consideration paid by a consumer for  
36 a service contract.

37 (16) "Reimbursement insurance policy" means a policy of insurance  
38 that is issued to a service contract provider or a protection product

1 guarantee provider to provide reimbursement to the service contract  
2 provider or the protection product guarantee provider or to pay on  
3 behalf of the service contract provider or the protection product  
4 guarantee provider all contractual obligations incurred by the service  
5 contract provider or the protection product guarantee provider under  
6 the terms of the insured service contracts or protection product  
7 guarantees issued or sold by the service contract provider or the  
8 protection product guarantee provider.

9 (17)(a) "Service contract" means a contract or agreement for  
10 consideration over and above the lease or purchase price of the  
11 property for a specific duration to perform the repair, replacement, or  
12 maintenance of property or the indemnification for repair, replacement,  
13 or maintenance for operational or structural failure due to a defect in  
14 materials or workmanship, or normal wear and tear. Service contracts  
15 may provide for the repair, replacement, or maintenance of property for  
16 damage resulting from power surges and accidental damage from handling,  
17 with or without additional provision for incidental payment of  
18 indemnity under limited circumstances, including towing, rental,  
19 emergency road services, or other expenses relating to the failure of  
20 the product or of a component part thereof.

21 (b) "Service contract" also includes a contract or agreement sold  
22 for separately stated consideration for a specific duration to perform  
23 the repair or replacement of tires and/or wheels damaged as a result of  
24 coming into contact with road hazards including but not limited to  
25 potholes, rocks, wood debris, metal parts, glass, plastic, curbs, or  
26 composite scraps. However, a contract or agreement meeting the  
27 definition under this subsection (17)(b) in which the party obligated  
28 to perform is either a tire or wheel manufacturer or a motor vehicle  
29 manufacturer is exempt from the requirements of this chapter.

30 (18) "Service contract holder" or "contract holder" means a person  
31 who is the purchaser or holder of a service contract.

32 (19) "Service contract provider" means a person who is  
33 contractually obligated to the service contract holder under the terms  
34 of the service contract.

35 (20) "Service contract seller" means the person who sells the  
36 service contract to the consumer.

37 (21) "Warranty" means a warranty made solely by the manufacturer,  
38 importer, or seller of property or services without consideration; that

1 is not negotiated or separated from the sale of the product and is  
2 incidental to the sale of the product; and that guarantees indemnity  
3 for defective parts, mechanical or electrical breakdown, labor, or  
4 other remedial measures, such as repair or replacement of the property  
5 or repetition of services.

6 **Sec. 105.** RCW 50.40.071 and 2010 c 215 s 2 are each amended to  
7 read as follows:

8 (1) The accessible communities account is created in the custody of  
9 the state treasurer. One hundred dollars of the assessment imposed  
10 under RCW (~~((46.16.381 (7), (8), and (9)))~~) 46.19.050 (2), (3), and (4)  
11 must be deposited into the account. Any reduction in the penalty or  
12 fine and assessment imposed under section 6, chapter 215, Laws of 2010  
13 shall be applied proportionally between the penalty or fine and the  
14 assessment.

15 (2) The account is subject to the allotment procedures under  
16 chapter 43.88 RCW, but an appropriation is not required for  
17 expenditures. Only the commissioner may authorize expenditures from  
18 the account.

19 (3) Expenditures from the account may be used for promoting greater  
20 awareness of disability issues and improved access for and inclusion  
21 and acceptance of persons with disabilities in communities in the state  
22 of Washington, including:

23 (a) Reimbursing travel, per diem, and reasonable accommodation for  
24 county accessible community advisory committee meetings and committee  
25 sponsored activities including, but not limited to, supporting the  
26 involvement of people with disabilities and disability  
27 (~~(organization[s])~~) organizations in emergency planning and emergency  
28 preparedness activities;

29 (b) Establishing and maintaining an accessible communities web  
30 site;

31 (c) Providing training or technical assistance for county  
32 accessible community advisory committees;

33 (d) A grant program for funding proposals developed and submitted  
34 by county accessible community advisory committees to promote greater  
35 awareness of disability issues and acceptance, inclusion, and access  
36 for persons with disabilities within the community;

1 (e) Reimbursing the state agency that provides administrative  
2 support to the governor's committee on disability issues and employment  
3 for costs associated with implementing chapter 215, Laws of 2010; and

4 (f) Programming changes to the judicial information system  
5 accounting module required for disbursement of funds to this account.

6 **Sec. 106.** RCW 64.44.050 and 2008 c 201 s 1 are each amended to  
7 read as follows:

8 (1) An owner of contaminated property who desires to have the  
9 property decontaminated, demolished, or disposed of shall use the  
10 services of an authorized contractor unless otherwise authorized by the  
11 local health officer. The contractor and property owner shall prepare  
12 and submit a written work plan for decontamination, demolition, or  
13 disposal to the local health officer. The local health officer may  
14 charge a reasonable fee for review of the work plan. If the work plan  
15 is approved and the decontamination, demolition, or disposal is  
16 completed and the property is retested according to the plan and  
17 properly documented, then the health officer shall allow reuse of the  
18 property. A release for reuse document shall be recorded in the real  
19 property records indicating the property has been decontaminated,  
20 demolished, or disposed of in accordance with rules of the state  
21 department of health. The property owner is responsible for: (a) The  
22 costs of any property testing which may be required to demonstrate the  
23 presence or absence of hazardous chemicals; and (b) the costs of the  
24 property's decontamination, demolition, and disposal expenses, as well  
25 as costs incurred by the local health officer resulting from the  
26 enforcement of this chapter.

27 (2)(a) In a case where the contaminated property is a motor vehicle  
28 as defined in RCW 46.04.320, a vehicle as defined in RCW 46.04.670, or  
29 a vessel as defined in RCW (~~88.02.010~~) 88.02.310, and the local  
30 health officer has issued an order declaring the property unfit and  
31 prohibiting its use, the city or county in which the property is  
32 located shall take action to prohibit use, occupancy, or removal, and  
33 shall require demolition, disposal, or decontamination of the property.  
34 The city, county, or local law enforcement agency may impound the  
35 vehicle or vessel to enforce this chapter.

36 (b) The property owner shall have the property demolished, disposed  
37 of, or decontaminated by an authorized contractor, or under a written



1 work plan approved by the local health officer, within thirty days of  
2 receiving the order declaring the property unfit and prohibited from  
3 use. After all procedures granting the right of notice and the  
4 opportunity to appeal in RCW 64.44.030 have been exhausted, if the  
5 property owner has not demolished, disposed of, or decontaminated the  
6 property using an authorized contractor, or under a written work plan  
7 approved by the local health officer within thirty days, then the local  
8 health officer or the local law enforcement agency may demolish,  
9 dispose of, or decontaminate the property. The property owner is  
10 responsible for the costs of the property's demolition, disposal, or  
11 decontamination, as well as all costs incurred by the local health  
12 officer or the local law enforcement agency resulting from the  
13 enforcement of this chapter, except as otherwise provided under this  
14 subsection.

15 (c) The legal owner of a motor vehicle as defined in RCW 46.04.320,  
16 a vehicle as defined in RCW 46.04.670, or a vessel as defined in RCW  
17 (~~88.02.010~~) 88.02.310 whose sole basis of ownership is a bona fide  
18 security interest is responsible for costs under this subsection if the  
19 legal owner had knowledge of or consented to any act or omission that  
20 caused contamination of the vehicle or vessel.

21 (d) If the vehicle or vessel has been stolen and the property owner  
22 neither had knowledge of nor consented to any act or omission that  
23 contributed to the theft and subsequent contamination of the vehicle or  
24 vessel, the owner is not responsible for costs under this subsection.  
25 However, if the registered owner is insured, the registered owner  
26 shall, within fifteen calendar days of receiving an order declaring the  
27 property unfit and prohibiting its use, submit a claim to his or her  
28 insurer for reimbursement of costs of the property's demolition,  
29 disposal, or decontamination, as well as all costs incurred by the  
30 local health officer or the local law enforcement agency resulting from  
31 the enforcement of this chapter, and shall provide proof of claim to  
32 the local health officer or the local law enforcement agency.

33 (e) If the property owner has not acted to demolish, dispose of, or  
34 decontaminate as set forth in this subsection regardless of  
35 responsibility for costs, and the local health officer or local law  
36 enforcement agency has taken responsibility for demolition, disposal,  
37 or decontamination, including all associated costs, then all rights,

1 title, and interest in the property shall be deemed forfeited to the  
2 local health jurisdiction or the local law enforcement agency.

3 (f) This subsection may not be construed to limit the authority of  
4 a city, county, local law enforcement agency, or local health officer  
5 to take action under this chapter to require the owner of the real  
6 property upon which the contaminated vehicle or vessel is located to  
7 comply with the requirements of this chapter, including provisions for  
8 the right of notice and opportunity to appeal as provided in RCW  
9 64.44.030.

10 (3) Except as provided in subsection (2) of this section, the local  
11 health officer has thirty days from the issuance of an order declaring  
12 a property unfit and prohibiting its use to establish a reasonable  
13 timeline for decontamination. The department of health shall establish  
14 the factors to be considered by the local health officer in  
15 establishing the appropriate amount of time.

16 The local health officer shall notify the property owner of the  
17 proposed time frame by United States mail to the last known address.  
18 Notice shall be postmarked no later than the thirtieth day from the  
19 issuance of the order. The property owner may request a modification  
20 of the time frame by submitting a letter identifying the circumstances  
21 which justify such an extension to the local health officer within  
22 thirty-five days of the date of the postmark on the notification  
23 regardless of when received.

24 **Sec. 107.** RCW 70.107.030 and 1974 ex.s. c 183 s 3 are each amended  
25 to read as follows:

26 The department is empowered as follows:

27 (1) The department, after consultation with state agencies  
28 expressing an interest therein, shall adopt, by rule, maximum noise  
29 levels permissible in identified environments in order to protect  
30 against adverse affects of noise on the health, safety and welfare of  
31 the people, the value of property, and the quality of environment:  
32 PROVIDED, That in so doing the department shall take also into account  
33 the economic and practical benefits to be derived from the use of  
34 various products in each such environment, whether the source of the  
35 noise or the use of such products in each environment is permanent or  
36 temporary in nature, and the state of technology relative to the

1 control of noise generated by all such sources of the noise or the  
2 products.

3 (2) At any time after the adoption of maximum noise levels under  
4 subsection (1) of this section the department shall, in consultation  
5 with state agencies and local governments expressing an interest  
6 therein, adopt rules, consistent with the Federal Noise Control Act of  
7 1972 (86 Stat. 1234; 42 U.S.C. Sec. 4901-4918 and 49 U.S.C. Sec. 1431),  
8 for noise abatement and control in the state designed to achieve  
9 compliance with the noise level adopted in subsection (1) of this  
10 section, including reasonable implementation schedules where  
11 appropriate, to insure that the maximum noise levels are not exceeded  
12 and that application of the best practicable noise control technology  
13 and practice is provided. These rules may include, but shall not be  
14 limited to:

15 (a) Performance standards setting allowable noise limits for the  
16 operation of products which produce noise;

17 (b) Use standards regulating, as to time and place, the operation  
18 of individual products which produce noise above specified levels  
19 considering frequency spectrum and duration: PROVIDED, The rules shall  
20 provide for temporarily exceeding those standards for stated purposes;  
21 and

22 (c) Public information requirements dealing with disclosure of  
23 levels and characteristics of noise produced by products.

24 (3) The department may, as desirable in the performance of its  
25 duties under this chapter, conduct surveys, studies and public  
26 education programs, and enter into contracts.

27 (4) The department is authorized to apply for and accept moneys  
28 from the federal government and other sources to assist in the  
29 implementation of this chapter.

30 (5) The legislature recognizes that the operation of motor vehicles  
31 on public highways as defined in RCW ((~~46.09.020~~)) 46.09.310  
32 contributes significantly to environmental noise levels and directs the  
33 department, in exercising the rule-making authority under the  
34 provisions of this section, to give first priority to the adoption of  
35 motor vehicle noise performance standards.

36 (6) Noise levels and rules adopted by the department pursuant to  
37 this chapter shall not be effective prior to March 31, 1975.

1       **Sec. 108.** RCW 70.120.010 and 1991 c 199 s 201 are each amended to  
2 read as follows:

3       Unless the context clearly requires otherwise, the definitions in  
4 this section apply throughout this chapter.

5       (1) "Department" means the department of ecology.

6       (2) "Director" means the director of the department of ecology.

7       (3) "Fleet" means a group of fifteen or more motor vehicles  
8 registered in the same name and whose owner has been assigned a fleet  
9 identifier code by the department of licensing.

10       (4) "Motor vehicle" means any self-propelled vehicle required to be  
11 licensed pursuant to chapter ((46.16)) 46.16A RCW.

12       (5) "Motor vehicle dealer" means a motor vehicle dealer, as defined  
13 in RCW 46.70.011, that is licensed pursuant to chapter 46.70 RCW.

14       (6) "Person" means an individual, firm, public or private  
15 corporation, association, partnership, political subdivision of the  
16 state, municipality, or governmental agency.

17       (7) The terms "air contaminant," "air pollution," "air quality  
18 standard," "ambient air," "emission," and "emission standard" have the  
19 meanings given them in RCW 70.94.030.

20       **Sec. 109.** RCW 70.120.160 and 1989 c 240 s 3 are each amended to  
21 read as follows:

22       (1) The director shall review annually the air quality and  
23 forecasted air quality of each area in the state designated as a  
24 noncompliance area for motor vehicle emissions.

25       (2) An area shall no longer be designated as a noncompliance area  
26 if the director determines that:

27       (a) Air quality standards for contaminants derived from motor  
28 vehicle emissions are no longer being violated in the noncompliance  
29 area; and

30       (b) The standards would not be violated if the emission inspection  
31 system in the emission contributing area was discontinued and the  
32 requirements of RCW ((46.16.015)) 46.16A.060 no longer applied.

33       **Sec. 110.** RCW 70.120.170 and 2005 c 295 s 6 are each amended to  
34 read as follows:

35       (1) The department shall administer a system for emission  
36 inspections of all motor vehicles, except those described in RCW

1 ((~~46.16.015(2)~~)) 46.16A.060(2), that are registered within the  
2 boundaries of each emission contributing area. Under such system a  
3 motor vehicle shall be inspected biennially except where an annual  
4 program would be required to meet federal law and prevent federal  
5 sanctions. In addition, motor vehicles shall be inspected at each  
6 change of registered owner of a ((~~licensed~~)) registered vehicle as  
7 provided under RCW ((~~46.16.015~~)) 46.16A.060.

8 (2) The director shall:

9 (a) Adopt procedures for conducting emission inspections of motor  
10 vehicles. The inspections may include idle and high revolution per  
11 minute emission tests. The emission test for diesel vehicles shall  
12 consist solely of a smoke opacity test.

13 (b) Adopt criteria for calibrating emission testing equipment.  
14 Electronic equipment used to test for emissions standards provided for  
15 in this chapter shall be properly calibrated. The department shall  
16 examine frequently the calibration of the emission testing equipment  
17 used at the stations.

18 (c) Authorize, through contracts, the establishment and operation  
19 of inspection stations for conducting vehicle emission inspections  
20 authorized in this chapter. No person contracted to inspect motor  
21 vehicles may perform for compensation repairs on any vehicles. No  
22 public body may establish or operate contracted inspection stations.  
23 Any contracts ((~~must~~)) must comply with the procedures established  
24 for competitive bids in chapter 43.19 RCW.

25 (d) Beginning in 2012, authorize businesses other than those  
26 contracted to operate inspection stations under (c) of this subsection  
27 to conduct vehicle emission inspections. Businesses authorized under  
28 this subsection may also inspect and perform, for compensation, repairs  
29 on vehicles. The fee limitations under subsection (4) of this section  
30 do not apply to the fee charged for a vehicle emissions inspection by  
31 a business authorized to conduct vehicle emission inspections under  
32 this subsection. The director may establish by rule a fee to be paid  
33 to the department for the oversight costs for each vehicle emission  
34 inspection performed by a business authorized under this subsection  
35 (2)(d).

36 (3) Subsection (2)(c) of this section does not apply to volunteer  
37 motor vehicle inspections under RCW 70.120.020(1) if the inspections  
38 are conducted for the following purposes:

- 1 (a) Auditing;
- 2 (b) Contractor evaluation;
- 3 (c) Collection of data for establishing calibration and performance
- 4 standards; or
- 5 (d) Public information and education.

6 (4)(a) The director shall establish by rule the fee to be charged  
7 for emission inspections. The inspection fee shall be a standard fee  
8 applicable statewide or throughout an emission contributing area and  
9 shall be no greater than fifteen dollars. Surplus moneys collected  
10 from fees over the amount due the contractor shall be paid to the state  
11 and deposited in the general fund. Fees shall be set at the minimum  
12 whole dollar amount required to (i) compensate the contractor or  
13 inspection facility owner, and (ii) offset the general fund  
14 appropriation to the department to cover the administrative costs of  
15 the motor vehicle emission inspection program.

16 (b) Before each inspection, a person whose motor vehicle is to be  
17 inspected shall pay to the inspection station the fee established under  
18 this section. The person whose motor vehicle is inspected shall  
19 receive the results of the inspection. If the inspected vehicle  
20 complies with the standards established by the director, the person  
21 shall receive a dated certificate of compliance. If the inspected  
22 vehicle does not comply with those standards, one reinspection of the  
23 vehicle shall be afforded without charge.

24 (5) All units of local government and agencies of the state with  
25 motor vehicles garaged or regularly operated in an emissions  
26 contributing area shall test the emissions of those vehicles annually  
27 to ensure that the vehicle's emissions comply with the emission  
28 standards established by the director. All state agencies outside of  
29 emission contributing areas with more than twenty motor vehicles housed  
30 at a single facility or contiguous facilities shall test the emissions  
31 of those vehicles annually to ensure that the vehicles' emissions  
32 comply with standards established by the director. A report of the  
33 results of the tests shall be submitted to the department.

34 (6) This section expires January 1, 2020.

35 **Sec. 111.** RCW 70.285.020 and 2010 c 147 s 2 are each amended to  
36 read as follows:

1 The definitions in this section apply throughout this chapter  
2 unless the context clearly requires otherwise.

3 (1) "Accredited laboratory" means a laboratory that is:

4 (a) Qualified and equipped for testing of products, materials,  
5 equipment, and installations in accordance with national or  
6 international standards; and

7 (b) Accredited by a third-party organization approved by the  
8 department to accredit laboratories for purposes of this chapter.

9 (2) "Alternative brake friction material" means brake friction  
10 material that:

11 (a) Does not contain:

12 (i) More than 0.5 percent copper or its compounds by weight;

13 (ii) The constituents identified in RCW 70.285.030 at or above the  
14 concentrations specified; and

15 (iii) Other materials determined by the department to be more  
16 harmful to human health or the environment than existing brake friction  
17 material;

18 (b) Enables motor vehicle brakes to meet applicable federal safety  
19 standards, or if no federal safety standard exists, a widely accepted  
20 industry standard;

21 (c) Is available at a cost and quantity that does not cause  
22 significant financial hardship across the majority of brake friction  
23 material and vehicle manufacturing industries; and

24 (d) Is available to enable brake friction material and vehicle  
25 manufacturers to produce viable products meeting consumer expectations  
26 regarding braking noise, shuddering, and durability.

27 (3) "Brake friction material" means that part of a motor vehicle  
28 brake designed to retard or stop the movement of a motor vehicle  
29 through friction against a rotor made of more durable material.

30 (4) "Committee" means the brake friction material advisory  
31 committee.

32 (5) "Department" means the department of ecology.

33 (6)(a) "Motor vehicle" has the same meaning as defined in RCW  
34 46.04.320 that are subject to (~~licensing~~) registration requirements  
35 under RCW (~~46.16.010~~) 46.16A.030.

36 (b) "Motor vehicle" does not include:

37 (i) Motorcycles as defined in RCW 46.04.330;

1 (ii) Motor vehicles employing internal closed oil immersed motor  
2 vehicle brakes or similar brake systems that are fully contained and  
3 emit no debris or fluid under normal operating conditions;

4 (iii) Military combat vehicles;

5 (iv) Race cars, dual-sport vehicles, or track day vehicles, whose  
6 primary use is for off-road purposes and are permitted under RCW  
7 (~~46.16.160~~) 46.16A.320; or

8 (v) Collector vehicles, as defined in RCW 46.04.126.

9 (7)(a) "Motor vehicle brake" means an energy conversion mechanism  
10 used to retard or stop the movement of a motor vehicle.

11 (b) "Motor vehicle brake" does not include brakes designed  
12 primarily to hold motor vehicles stationary and not for use while motor  
13 vehicles are in motion.

14 (8) "Original equipment service" means brake friction material  
15 provided as service parts originally designed for and using the same  
16 brake friction material formulation sold with a new motor vehicle.

17 (9) "Small volume motor vehicle manufacturer" means a manufacturer  
18 of motor vehicles with Washington annual sales of less than one  
19 thousand new passenger cars, light-duty trucks, medium-duty vehicles,  
20 heavy-duty vehicles, and heavy-duty engines based on the average number  
21 of vehicles sold for the three previous consecutive model years.

22 **Sec. 112.** RCW 77.12.170 and 2009 c 333 s 13 are each amended to  
23 read as follows:

24 (1) There is established in the state treasury the state wildlife  
25 account which consists of moneys received from:

26 (a) Rentals or concessions of the department;

27 (b) The sale of real or personal property held for department  
28 purposes, unless the property is seized or recovered through a fish,  
29 shellfish, or wildlife enforcement action;

30 (c) The assessment of administrative penalties, and the sale of  
31 licenses, permits, tags, and stamps required by chapter 77.32 RCW and  
32 RCW 77.65.490, except annual resident adult saltwater and all annual  
33 razor clam and shellfish licenses, which shall be deposited into the  
34 state general fund;

35 (d) Fees for informational materials published by the department;

36 (e) Fees for personalized vehicle, Wild on Washington, and



1 Endangered Wildlife license plates and Washington's Wildlife license  
2 plate collection as provided in chapter (~~46.16~~) 46.17 RCW;

3 (f) Articles or wildlife sold by the director under this title;

4 (g) Compensation for damage to department property or wildlife  
5 losses or contributions, gifts, or grants received under RCW 77.12.320.  
6 However, this excludes fish and shellfish overages, and court-ordered  
7 restitution or donations associated with any fish, shellfish, or  
8 wildlife enforcement action, as such moneys must be deposited pursuant  
9 to RCW 77.15.425;

10 (h) Excise tax on anadromous game fish collected under chapter  
11 82.27 RCW;

12 (i) The department's share of revenues from auctions and raffles  
13 authorized by the commission; and

14 (j) The sale of watchable wildlife decals under RCW 77.32.560.

15 (2) State and county officers receiving any moneys listed in  
16 subsection (1) of this section shall deposit them in the state treasury  
17 to be credited to the state wildlife account.

18 **Sec. 113.** RCW 77.12.879 and 2009 c 333 s 22 are each amended to  
19 read as follows:

20 (1) The aquatic invasive species prevention account is created in  
21 the state treasury. Moneys directed to the account from RCW  
22 (~~88.02.050~~) 88.02.640(3)(a)(i) must be deposited in the account.  
23 Expenditures from the account may only be used as provided in this  
24 section. Moneys in the account may be spent only after appropriation.

25 (2) Funds in the aquatic invasive species prevention account may be  
26 appropriated to the department to develop an aquatic invasive species  
27 prevention program for recreational and commercial watercraft. Funds  
28 must be expended as follows:

29 (a) To inspect recreational and commercial watercraft;

30 (b) To educate general law enforcement officers on how to enforce  
31 state laws relating to preventing the spread of aquatic invasive  
32 species;

33 (c) To evaluate and survey the risk posed by recreational and  
34 commercial watercraft in spreading aquatic invasive species into  
35 Washington state waters;

36 (d) To evaluate the risk posed by float planes in spreading aquatic  
37 invasive species into Washington state waters; and

1 (e) To implement an aquatic invasive species early detection and  
2 rapid response plan. The plan must address the treatment and immediate  
3 response to the introduction to Washington waters of aquatic invasive  
4 species. Agency and public review of the plan must be conducted under  
5 chapter 43.21C RCW, the state environmental policy act. If the  
6 implementation measures or actions would have a probable significant  
7 adverse environmental impact, a detailed statement under chapter 43.21C  
8 RCW must be prepared on the plan.

9 (3) Funds in the aquatic invasive species enforcement account  
10 created in RCW 43.43.400 may be appropriated to the department and  
11 Washington state patrol to develop an aquatic invasive species  
12 enforcement program for recreational and commercial watercraft. The  
13 department shall provide training to Washington state patrol employees  
14 working at port of entry weigh stations, and other local law  
15 enforcement employees, on how to inspect recreational and commercial  
16 watercraft for the presence of aquatic invasive species. A person who  
17 enters Washington by road transporting any commercial or recreational  
18 watercraft that has been used in any designated aquatic invasive  
19 species state or foreign country as defined by rule of the department  
20 must have in his or her possession valid documentation that the  
21 watercraft has been inspected and found free of aquatic invasive  
22 species. The department is authorized to require persons transporting  
23 recreational and commercial watercraft to stop at check stations.  
24 Check stations must be plainly marked by signs, operated by at least  
25 one uniformed fish and wildlife officer, and operated in a safe manner.  
26 Any person stopped at a check station who possesses a recreational or  
27 commercial watercraft that has been used in any designated aquatic  
28 invasive species state or foreign country as defined by rule of the  
29 department, or that is contaminated with aquatic invasive species, must  
30 bear the expense for any necessary impoundment, transportation,  
31 cleaning, and decontamination of the watercraft. Any person stopped at  
32 a check station who possesses a recreational or commercial watercraft  
33 that has been used in any designated aquatic invasive species state or  
34 foreign country as defined by rule of the department, or that is  
35 contaminated with aquatic invasive species, is exempt from the criminal  
36 penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under  
37 RCW 77.15.070, if that person complies with all department directives  
38 for the proper decontamination of the watercraft and equipment.

1 (4) The department shall submit a biennial report to the  
2 appropriate legislative committees describing the actions taken to  
3 implement this section along with suggestions on how to better fulfill  
4 the intent of chapter 464, Laws of 2005.

5 **Sec. 114.** RCW 79A.05.020 and 1999 c 249 s 301 are each amended to  
6 read as follows:

7 In addition to whatever other duties may exist in law or be imposed  
8 in the future, it is the duty of the commission to:

9 (1) Implement integrated pest management practices and regulate  
10 pests as required by RCW 17.15.020;

11 (2) Take steps necessary to control spartina and purple loosestrife  
12 as required by RCW 17.26.020;

13 (3) Participate in the implementation of chapter 19.02 RCW;

14 (4) Coordinate planning and provide staffing and administrative  
15 assistance to the Lewis and Clark trail committee as required by RCW  
16 27.34.340;

17 (5) Administer those portions of chapter 46.10 RCW not dealing with  
18 the registration (~~(and licensing)~~) of snowmobiles as required by RCW  
19 (~~(46.10.210)~~) 46.10.370;

20 (6) Consult and participate in the scenic and recreational highway  
21 system as required by chapter 47.39 RCW; and

22 (7) Develop, prepare, and distribute information relating to marine  
23 oil recycling tanks and sewage holding tank pumping stations, in  
24 cooperation with other departments, as required by chapter 88.02 RCW.

25 The commission has the power reasonably necessary to carry out  
26 these duties.

27 **Sec. 115.** RCW 79A.05.065 and 2010 c 161 s 1163 are each amended to  
28 read as follows:

29 (1)(a) The commission shall grant to any person who meets the  
30 eligibility requirements specified in this section a senior citizen's  
31 pass which shall: (i) Entitle such a person, and members of his or her  
32 camping unit, to a fifty percent reduction in the campsite rental fee  
33 prescribed by the commission; and (ii) entitle such a person to free  
34 admission to any state park.

35 (b) The commission shall grant a senior citizen's pass to any

1 person who applies for the senior citizen's pass and who meets the  
2 following requirements:

3 (i) The person is at least sixty-two years of age;

4 (ii) The person is a domiciliary of the state of Washington and  
5 meets reasonable residency requirements prescribed by the commission;  
6 and

7 (iii) The person and his or her spouse have a combined income that  
8 would qualify the person for a property tax exemption pursuant to RCW  
9 84.36.381. The financial eligibility requirements of this subsection  
10 (1)(b)(iii) apply regardless of whether the applicant for a senior  
11 citizen's pass owns taxable property or has obtained or applied for  
12 such property tax exemption.

13 (c) Each senior citizen's pass granted pursuant to this section is  
14 valid as long as the senior citizen meets the requirements of (b)(ii)  
15 of this subsection. A senior citizen meeting the eligibility  
16 requirements of this section may make a voluntary donation for the  
17 upkeep and maintenance of state parks.

18 (d) A holder of a senior citizen's pass shall surrender the pass  
19 upon request of a commission employee when the employee has reason to  
20 believe the holder fails to meet the criteria in (b) of this  
21 subsection. The holder shall have the pass returned upon providing  
22 proof to the satisfaction of the director that the holder meets the  
23 eligibility criteria for obtaining the senior citizen's pass.

24 (2)(a) Any resident of Washington who is disabled as defined by the  
25 social security administration and who receives social security  
26 benefits for that disability, or any other benefits for that disability  
27 from any other governmental or nongovernmental source, or who is  
28 entitled to benefits for permanent disability under RCW 71A.10.020(3)  
29 due to unemployability full time at the minimum wage, or who is legally  
30 blind or profoundly deaf, or who has been issued a card, decal, or  
31 special license plate for a permanent disability under RCW  
32 ((~~46.16.381~~)) 46.19.010 shall be entitled to receive, regardless of age  
33 and upon making application therefor, a disability pass at no cost to  
34 the holder. The pass shall: (i) Entitle such a person, and members of  
35 his or her camping unit, to a fifty percent reduction in the campsite  
36 rental fee prescribed by the commission; and (ii) entitle such a person  
37 to free admission to any state park.

1 (b) A card, decal, or special license plate issued for a permanent  
2 disability under RCW 46.19.010 may serve as a pass for the holder to  
3 entitle that person and members of the person's camping unit to a fifty  
4 percent reduction in the campsite rental fee prescribed by the  
5 commission, and to allow the holder free admission to state parks.

6 (3) Any resident of Washington who is a veteran and has a service-  
7 connected disability of at least thirty percent shall be entitled to  
8 receive a lifetime veteran's disability pass at no cost to the holder.  
9 The pass shall: (a) Entitle such a person, and members of his or her  
10 camping unit, to free use of any campsite within any state park; (b)  
11 entitle such a person to free admission to any state park; and (c)  
12 entitle such a person to an exemption from any reservation fees.

13 (4)(a) Any Washington state resident who provides out-of-home care  
14 to a child, as either a licensed foster-family home or a person related  
15 to the child, is entitled to a foster home pass.

16 (b) An applicant for a foster home pass must request a pass in the  
17 manner required by the commission. Upon receipt of a properly  
18 submitted request, the commission shall verify with the department of  
19 social and health services that the applicant qualifies under (a) of  
20 this subsection. Once issued, a foster home pass is valid for the  
21 period, which may not be less than one year, designated by the  
22 commission.

23 (c) When accompanied by a child receiving out-of-home care from the  
24 pass holder, a foster home pass: (i) Entitles such a person, and  
25 members of his or her camping unit, to free use of any campsite within  
26 any state park; and (ii) entitles such a person to free admission to  
27 any state park.

28 (d) For the purposes of this subsection (4):

29 (i) "Out-of-home care" means placement in a foster-family home or  
30 with a person related to the child under the authority of chapter  
31 13.32A, 13.34, or 74.13 RCW;

32 (ii) "Foster-family home" has the same meaning as defined in RCW  
33 74.15.020; and

34 (iii) "Person related to the child" means those persons referred to  
35 in RCW 74.15.020(2)(a) (i) through (vi).

36 (5) All passes issued pursuant to this section are valid at all  
37 parks any time during the year. However, the pass is not valid for  
38 admission to concessionaire operated facilities.

1 (6) The commission shall negotiate payment and costs, to allow  
2 holders of a foster home pass free access and usage of park campsites,  
3 with the following nonoperated, nonstate-owned parks: Central Ferry,  
4 Chief Timothy, Crow Butte, and Lyons Ferry. The commission shall seek  
5 state general fund reimbursement on a biennial basis.

6 (7) The commission may deny or revoke any Washington state park  
7 pass issued under this section for cause, including but not limited to  
8 the following:

9 (a) Residency outside the state of Washington;

10 (b) Violation of laws or state park rules resulting in eviction  
11 from a state park;

12 (c) Intimidating, obstructing, or assaulting a park employee or  
13 park volunteer who is engaged in the performance of official duties;

14 (d) Fraudulent use of a pass;

15 (e) Providing false information or documentation in the application  
16 for a state parks pass;

17 (f) Refusing to display or show the pass to park employees when  
18 requested; or

19 (g) Failing to provide current eligibility information upon request  
20 by the agency or when eligibility ceases or changes.

21 (8) This section shall not affect or otherwise impair the power of  
22 the commission to continue or discontinue any other programs it has  
23 adopted for senior citizens.

24 (9) The commission may engage in a mutually agreed upon reciprocal  
25 or discounted program for all or specific pass programs with other  
26 outdoor recreation agencies.

27 (10) The commission shall adopt those rules as it finds appropriate  
28 for the administration of this section. Among other things, the rules  
29 shall prescribe a definition of "camping unit" which will authorize a  
30 reasonable number of persons traveling with the person having a pass to  
31 stay at the campsite rented by such a person, a minimum Washington  
32 residency requirement for applicants for a senior citizen's pass, and  
33 an application form to be completed by applicants for a senior  
34 citizen's pass.

35 **Sec. 116.** RCW 79A.05.225 and 1999 c 249 s 1401 are each amended to  
36 read as follows:

1 In addition to its other powers, duties, and functions the  
2 commission may:

3 (1) Plan, construct, and maintain suitable facilities for winter  
4 recreational activities on lands administered or acquired by the  
5 commission or as authorized on lands administered by other public  
6 agencies or private landowners by agreement;

7 (2) Provide and issue upon payment of the proper fee, under RCW  
8 79A.05.230, 79A.05.240, and 46.61.585, with the assistance of such  
9 authorized agents as may be necessary for the convenience of the  
10 public, special permits to park in designated winter recreational area  
11 parking spaces;

12 (3) Administer the snow removal operations for all designated  
13 winter recreational area parking spaces; and

14 (4) Compile, publish, and distribute maps indicating such parking  
15 spaces, adjacent trails, and areas and facilities suitable for winter  
16 recreational activities.

17 The commission may contract with any public or private agency for  
18 the actual conduct of such duties, but shall remain responsible for the  
19 proper administration thereof. The commission is not liable for  
20 unintentional injuries to users of lands administered for winter  
21 recreation purposes under this section or under RCW (~~46.10.210~~)  
22 46.10.370, whether the lands are administered by the commission, by  
23 other public agencies, or by private landowners through agreement with  
24 the commission. Nothing in this section prevents the liability of the  
25 commission for injuries sustained by a user by reason of a known  
26 dangerous artificial latent condition for which warning signs have not  
27 been conspicuously posted. A road covered with snow and groomed for  
28 the purposes of winter recreation consistent with this chapter and  
29 chapter 46.10 RCW shall not be presumed to be a known dangerous  
30 artificial latent condition for the purposes of this chapter.

31 **Sec. 117.** RCW 79A.60.510 and 2007 c 341 s 57 are each amended to  
32 read as follows:

33 The legislature finds that the waters of Washington state provide  
34 a unique and valuable recreational resource to large and growing  
35 numbers of boaters. Proper stewardship of, and respect for, these  
36 waters requires that, while enjoying them for their scenic and  
37 recreational benefits, boaters must exercise care to assure that such

1 activities do not contribute to the despoliation of these waters, and  
2 that watercraft be operated in a safe and responsible manner. The  
3 legislature has specifically addressed the topic of access to clean and  
4 safe waterways by requiring the 1987 boating safety study and by  
5 establishing the Puget Sound partnership.

6 The legislature finds that there is a need to educate Washington's  
7 boating community about safe and responsible actions on our waters and  
8 to increase the level and visibility of the enforcement of boating  
9 laws. To address the incidence of fatalities and injuries due to  
10 recreational boating on our state's waters, local and state efforts  
11 directed towards safe boating must be stimulated. To provide for safe  
12 waterways and public enjoyment, portions of the watercraft excise tax  
13 and boat registration fees should be made available for boating safety  
14 and other boating recreation purposes.

15 In recognition of the need for clean waterways, and in keeping with  
16 the Puget Sound partnership's water quality work plan, the legislature  
17 finds that adequate opportunities for responsible disposal of boat  
18 sewage must be made available. There is hereby established a five-year  
19 initiative to install sewage pumpout or sewage dump stations at  
20 appropriate marinas.

21 To assure the use of these sewage facilities, a boater  
22 environmental education program must accompany the five-year initiative  
23 and continue to educate boaters about boat wastes and aquatic  
24 resources.

25 The legislature also finds that, in light of the increasing numbers  
26 of boaters utilizing state waterways, a program to acquire and develop  
27 sufficient waterway access facilities for boaters must be undertaken.

28 To support boating safety, environmental protection and education,  
29 and public access to our waterways, the legislature declares that a  
30 portion of the income from boating-related activities, as specified in  
31 RCW 82.49.030 and (~~88.02.040~~) 88.02.650, should support these  
32 efforts.

33 **Sec. 118.** RCW 79A.60.630 and 2005 c 392 s 3 are each amended to  
34 read as follows:

35 (1) The commission shall establish and implement by rule a program  
36 to provide required boating safety education. The boating safety  
37 education program shall include training on preventing the spread of



1 aquatic invasive species. The program shall be phased in so that all  
2 boaters not exempted under RCW 79A.60.640(3) are required to obtain a  
3 boater education card by January 1, 2016. To obtain a boater education  
4 card, a boater shall provide a certificate of accomplishment issued by  
5 a boating educator for taking and passing an accredited boating safety  
6 education course, or pass an equivalency exam, or provide proof of  
7 completion of a course that meets the standard adopted by the  
8 commission.

9 (2) As part of the boating safety education program, the commission  
10 shall:

11 (a) Establish a program to be phased over eleven years starting  
12 July 1, 2005, with full implementation by January 1, 2016. The period  
13 July 1, 2005, through December 31, 2007, will be program development,  
14 boater notification of the new requirements for mandatory education,  
15 and processing cards to be issued to individuals having taken an  
16 accredited course prior to January 1, 2008. The schedule for phase-in  
17 of the mandatory education requirement by age group is as follows:

18 January 1, 2008 - All boat operators twenty years old and younger;  
19 January 1, 2009 - All boat operators twenty-five years old and younger;  
20 January 1, 2010 - All boat operators thirty years old and younger;  
21 January 1, 2011 - All boat operators thirty-five years old and younger;  
22 January 1, 2012 - All boat operators forty years old and younger;  
23 January 1, 2013 - All boat operators fifty years old and younger;  
24 January 1, 2014 - All boat operators sixty years old and younger;  
25 January 1, 2015 - All boat operators seventy years old and younger;  
26 January 1, 2016 - All boat operators;

27 (b) Establish a minimum standard of boating safety education  
28 accomplishment. The standard must be consistent with the applicable  
29 standard established by the national association of state boating law  
30 administrators;

31 (c) Adopt minimum standards for boating safety education course of  
32 instruction and examination that ensures compliance with the national  
33 association of state boating law administrators minimum standards;

34 (d) Approve and provide accreditation to boating safety education  
35 courses operated by volunteers, or commercial or nonprofit  
36 organizations, including, but not limited to, courses given by the  
37 United States coast guard auxiliary and the United States power  
38 squadrons;

1 (e) Develop an equivalency examination that may be taken as an  
2 alternative to the boating safety education course;

3 (f) Establish a fee of ten dollars for the boater education card to  
4 fund all commission activities related to the boating safety education  
5 program created by chapter 392, Laws of 2005, including the initial  
6 costs of developing the program. Any surplus funds resulting from the  
7 fees received shall be distributed by the commission as grants to local  
8 marine law enforcement programs approved by the commission as provided  
9 in RCW (~~88.02.040~~) 88.02.650;

10 (g) Establish a fee for the replacement of the boater education  
11 card that covers the cost of replacement;

12 (h) Consider and evaluate public agency and commercial  
13 opportunities to assist in program administration with the intent to  
14 keep administrative costs to a minimum;

15 (i) Approve and provide accreditation to boating safety education  
16 courses offered online; and

17 (j) Provide a report to the legislature by January 1, 2008, on its  
18 progress of implementation of the mandatory education program.

19 **Sec. 119.** RCW 79A.60.670 and 2007 c 311 s 2 are each amended to  
20 read as follows:

21 (1) The boating activities program is created in the (~~interagency~~  
22 ~~committee for outdoor recreation~~) recreation and conservation funding  
23 board.

24 (2) The (~~interagency committee for outdoor recreation~~) recreation  
25 and conservation funding board shall distribute moneys appropriated  
26 from the boating activities account created in RCW 79A.60.690 as  
27 follows, or as otherwise appropriated by the legislature, after  
28 deduction for the (~~committee's~~) board's expenses in administering the  
29 boating activities (~~grant~~) program and for related studies:

30 (a) To the commission for boater safety, boater education, boating-  
31 related law enforcement activities, activities included in RCW  
32 (~~88.02.040~~) 88.02.650, related administrative expenses, and boating-  
33 related environmental programs, such as pumpout stations, to enhance  
34 clean waters for boating;

35 (b) For grants to state agencies, counties, municipalities, port  
36 districts, federal agencies, nonprofit organizations, and Indian tribes  
37 to improve boating access to water and marine parks, enhance the boater

1 experience, boater safety, boater education, and boating-related law  
2 enforcement activities, and to provide funds for boating-related  
3 environmental programs, such as pumpout stations, to enhance clean  
4 waters for boating; and

5 (c) If the amount available for distribution from the boating  
6 activities account is equal to or less than two million five hundred  
7 thousand dollars per fiscal year, then eighty percent of the amount  
8 available must be distributed to the commission for the purposes of (a)  
9 of this subsection and twenty percent for grants in (b) of this  
10 subsection. Amounts available for distribution in excess of two  
11 million five hundred thousand dollars per fiscal year shall be  
12 distributed by the (~~committee~~) board for purposes of (a) and (b) of  
13 this subsection.

14 (3) The (~~interagency committee for outdoor recreation~~) recreation  
15 and conservation funding board shall establish an application process  
16 for boating activities grants.

17 (4) Agencies receiving grants for capital purposes from the boating  
18 activities account shall consider the possibility of contracting with  
19 the commission, the department of natural resources, or other federal,  
20 state, and local agencies to employ the youth development and  
21 conservation corps or other youth crews in completing the project.

22 (5) To solicit input on the boating activities grant application  
23 process, criteria for grant awards, and use of grant moneys, and to  
24 determine the interests of the boating community, the (~~interagency~~  
25 ~~committee for outdoor recreation~~) recreation and conservation funding  
26 board shall solicit input from a boating activities advisory committee.  
27 The (~~interagency committee for outdoor recreation~~) recreation and  
28 conservation funding board may utilize a currently established boating  
29 issues committee that has similar responsibility for input on  
30 recreational boating-related funding issues. Members of the boating  
31 activities advisory committee are not eligible for compensation but may  
32 be reimbursed for travel expenses as provided in RCW 43.03.050 and  
33 43.03.060.

34 (6) The (~~interagency committee for outdoor recreation~~) recreation  
35 and conservation funding board may adopt rules to implement this  
36 section.

1       **Sec. 120.** RCW 82.08.020 and 2010 c 106 s 212 are each amended to  
2 read as follows:

3       (1) There is levied and collected a tax equal to six and five-  
4 tenths percent of the selling price on each retail sale in this state  
5 of:

6       (a) Tangible personal property, unless the sale is specifically  
7 excluded from the RCW 82.04.050 definition of retail sale;

8       (b) Digital goods, digital codes, and digital automated services,  
9 if the sale is included within the RCW 82.04.050 definition of retail  
10 sale;

11       (c) Services, other than digital automated services, included  
12 within the RCW 82.04.050 definition of retail sale;

13       (d) Extended warranties to consumers; and

14       (e) Anything else, the sale of which is included within the RCW  
15 82.04.050 definition of retail sale.

16       (2) There is levied and collected an additional tax on each retail  
17 car rental, regardless of whether the vehicle is licensed in this  
18 state, equal to five and nine-tenths percent of the selling price. The  
19 revenue collected under this subsection must be deposited in the  
20 multimodal transportation account created in RCW 47.66.070.

21       (3) Beginning July 1, 2003, there is levied and collected an  
22 additional tax of three-tenths of one percent of the selling price on  
23 each retail sale of a motor vehicle in this state, other than retail  
24 car rentals taxed under subsection (2) of this section. The revenue  
25 collected under this subsection must be deposited in the multimodal  
26 transportation account created in RCW 47.66.070.

27       (4) For purposes of subsection (3) of this section, "motor vehicle"  
28 has the meaning provided in RCW 46.04.320, but does not include farm  
29 tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181,  
30 off-road (~~and~~) vehicles as defined in RCW 46.04.365, nonhighway  
31 vehicles as defined in RCW (~~46.09.020~~) 46.09.310, and snowmobiles as  
32 defined in RCW (~~46.10.010~~) 46.04.546.

33       (5) Beginning on December 8, 2005, 0.16 percent of the taxes  
34 collected under subsection (1) of this section must be dedicated to  
35 funding comprehensive performance audits required under RCW 43.09.470.  
36 The revenue identified in this subsection must be deposited in the  
37 performance audits of government account created in RCW 43.09.475.

1 (6) The taxes imposed under this chapter apply to successive retail  
2 sales of the same property.

3 (7) The rates provided in this section apply to taxes imposed under  
4 chapter 82.12 RCW as provided in RCW 82.12.020.

5 **Sec. 121.** RCW 82.12.800 and 1997 c 293 s 1 are each amended to  
6 read as follows:

7 (1) The tax imposed under RCW 82.12.020 shall not apply to the  
8 following uses of a vessel, as defined in RCW ((~~88.02.010~~)) 88.02.310,  
9 by the manufacturer of the vessel:

10 (a) Activities to test, set-up, repair, remodel, evaluate, or  
11 otherwise make a vessel seaworthy, to include performance, endurance,  
12 and sink testing, if the vessel is to be held for sale;

13 (b) Training activities of a manufacturer's employees, agents, or  
14 subcontractors involved in the development and manufacturing of the  
15 manufacturer's vessels, if the vessel is to be held for sale;

16 (c) Activities to promote the sale of the manufacturer's vessels,  
17 to include photography and video sessions to be used in promotional  
18 materials; traveling directly to and from vessel promotional events for  
19 the express purpose of displaying a manufacturer's vessels;

20 (d) Any vessels loaned or donated to a civic, religious, nonprofit,  
21 or educational organization for continuous periods of use not exceeding  
22 seventy-two hours, or longer if approved by the department; or to  
23 vessels loaned or donated to governmental entities;

24 (e) Direct transporting, displaying, or demonstrating any vessel at  
25 a wholesale or retail vessel show;

26 (f) Delivery of a vessel to a buyer, vessel manufacturer,  
27 registered vessel dealer as defined in RCW ((~~88.02.010~~)) 88.02.310, or  
28 to any other person involved in the manufacturing or sale of that  
29 vessel for the purpose of the manufacturing or sale of that vessel; and

30 (g) Displaying, showing, and operating a vessel for sale to a  
31 prospective buyer to include the short-term testing, operating, and  
32 examining by a prospective buyer.

33 (2) Subsection (1) of this section shall apply to any trailer or  
34 other similar apparatus used to transport, display, show, or operate a  
35 vessel, if the trailer or other similar apparatus is held for sale.

1       **Sec. 122.** RCW 82.12.801 and 1997 c 293 s 2 are each amended to  
2 read as follows:

3       (1) The tax imposed under RCW 82.12.020 shall not apply to the  
4 following uses of a vessel, as defined in RCW (~~(88.02.010)~~) 88.02.310,  
5 by a vessel dealer registered under chapter 88.02 RCW:

6       (a) Activities to test, set-up, repair, remodel, evaluate, or  
7 otherwise make a vessel seaworthy, if the vessel is held for sale;

8       (b) Training activity of a dealer's employees, agents, or  
9 subcontractors involved in the sale of the dealer's vessels, if the  
10 vessel is held for sale;

11       (c) Activities to promote the sale of the dealer's vessels, to  
12 include photography and video sessions to be used in promotional  
13 materials; traveling directly to and from promotional vessel events for  
14 the express purpose of displaying a dealer's vessels for sale, provided  
15 it is displayed on the vessel that it is, in fact, for sale and the  
16 identification of the registered vessel dealer offering the vessel for  
17 sale is also displayed on the vessel;

18       (d) Any vessel loaned or donated to a civic, religious, nonprofit,  
19 or educational organization for continuous periods of use not exceeding  
20 seventy-two hours, or longer if approved by the department; or to  
21 vessels loaned or donated to governmental entities;

22       (e) Direct transporting, displaying, or demonstrating any vessel at  
23 a wholesale or retail vessel show;

24       (f) Delivery of a vessel to a buyer, vessel manufacturer,  
25 registered vessel dealer as defined in RCW (~~(88.02.010)~~) 88.02.310, or  
26 to any other person involved in the manufacturing or sale of that  
27 vessel for the purpose of the manufacturing or sale of that vessel; and

28       (g) Displaying, showing, and operating a vessel for sale to a  
29 prospective buyer to include the short-term testing, operating, and  
30 examining by a prospective buyer.

31       (2) Subsection (1) of this section shall apply to any trailer or  
32 other similar apparatus used to transport, display, show, or operate a  
33 vessel, if the trailer or other similar apparatus is held for sale.

34       **Sec. 123.** RCW 82.14.430 and 2006 c 311 s 17 are each amended to  
35 read as follows:

36       (1) If approved by the majority of the voters within its boundaries  
37 voting on the ballot proposition, a regional transportation investment

1 district may impose a sales and use tax of up to 0.1 percent of the  
2 selling price or value of the article used in the case of a use tax.  
3 The tax authorized by this section is in addition to the tax authorized  
4 by RCW 82.14.030 and must be collected from those persons who are  
5 taxable by the state under chapters 82.08 and 82.12 RCW upon the  
6 occurrence of any taxable event within the taxing district. Motor  
7 vehicles are exempt from the sales and use tax imposed under this  
8 subsection.

9 (2) If approved by the majority of the voters within its boundaries  
10 voting on the ballot proposition, a regional transportation investment  
11 district may impose a tax on the use of a motor vehicle within a  
12 regional transportation investment district. The tax applies to those  
13 persons who reside within the regional transportation investment  
14 district. The rate of the tax may not exceed 0.1 percent of the value  
15 of the motor vehicle. The tax authorized by this subsection is in  
16 addition to the tax authorized under RCW 82.14.030 and must be imposed  
17 and collected at the time a taxable event under RCW 82.08.020(1) or  
18 82.12.020 takes place. All revenue received under this subsection must  
19 be deposited in the local sales and use tax account and distributed to  
20 the regional transportation investment district according to RCW  
21 82.14.050. The following provisions apply to the use tax in this  
22 subsection:

23 (a) Where persons are taxable under chapter 82.08 RCW, the seller  
24 shall collect the use tax from the buyer using the collection  
25 provisions of RCW 82.08.050.

26 (b) Where persons are taxable under chapter 82.12 RCW, the use tax  
27 must be collected using the provisions of RCW 82.12.045.

28 (c) "Motor vehicle" has the meaning provided in RCW 46.04.320, but  
29 does not include farm tractors or farm vehicles as defined in RCW  
30 46.04.180 and 46.04.181, off-road (~~and~~) vehicles as defined in RCW  
31 46.04.365, nonhighway vehicles as defined in RCW (~~(46.09.020)~~)  
32 46.09.310, and snowmobiles as defined in RCW (~~(46.10.010)~~) 46.04.546.

33 (d) "Person" has the meaning given in RCW 82.04.030.

34 (e) The value of a motor vehicle must be determined under RCW  
35 82.12.010.

36 (f) Except as specifically stated in this subsection (2), chapters  
37 82.12 and 82.32 RCW apply to the use tax. The use tax is a local tax

1 imposed under the authority of chapter 82.14 RCW, and chapter 82.14 RCW  
2 applies fully to the use tax.

3 (3) In addition to fulfilling the notice requirements under RCW  
4 82.14.055(1), and unless waived by the department, a regional  
5 transportation investment district shall provide the department of  
6 revenue with digital mapping and legal descriptions of areas in which  
7 the tax will be collected.

8 **Sec. 124.** RCW 82.50.250 and 1967 ex.s. c 149 s 59 are each amended  
9 to read as follows:

10 Whenever this chapter refers to chapter(~~s~~) 46.12, (~~46.16~~)  
11 46.16A, or 82.44 RCW, with references to "house trailers", the term  
12 "house trailer" as used in those chapters shall be construed to include  
13 and embrace "mobile home and travel trailer" as used in chapter 149,  
14 Laws of 1967 ex. sess.

15 **Sec. 125.** RCW 82.80.100 and 2002 c 56 s 408 are each amended to  
16 read as follows:

17 (1) Upon approval of a majority of the voters within its boundaries  
18 voting on the ballot proposition, a regional transportation investment  
19 district may set and impose an annual local option vehicle license fee,  
20 or a schedule of fees based upon the age of the vehicle, of up to one  
21 hundred dollars per motor vehicle registered within the boundaries of  
22 the region on every motor vehicle. As used in this section "motor  
23 vehicle" has the meaning provided in RCW 46.04.320, but does not  
24 include farm tractors or farm vehicles as defined in RCW 46.04.180 and  
25 46.04.181, off-road (~~and~~) vehicles as defined in RCW 46.04.365,  
26 nonhighway vehicles as defined in RCW (~~46.09.020~~) 46.09.310, and  
27 snowmobiles as defined in RCW (~~46.10.010~~) 46.04.546. Vehicles  
28 registered under chapter 46.87 RCW and the international registration  
29 plan are exempt from the annual local option vehicle license fee set  
30 forth in this section. The department of licensing shall administer  
31 and collect this fee on behalf of regional transportation investment  
32 districts and remit this fee to the custody of the state treasurer for  
33 monthly distribution under RCW 82.80.080.

34 (2) The local option vehicle license fee applies only when renewing  
35 a vehicle registration, and is effective upon the registration renewal  
36 date as provided by the department of licensing.



1 (3) A regional transportation investment district imposing the  
2 local option vehicle license fee or initiating an exemption process  
3 shall enter into a contract with the department of licensing. The  
4 contract must contain provisions that fully recover the costs to the  
5 department of licensing for collection and administration of the fee.

6 (4) A regional transportation investment district imposing the  
7 local option fee shall delay the effective date of the local option  
8 vehicle license fee imposed by this section at least six months from  
9 the date of the final certification of the approval election to allow  
10 the department of licensing to implement the administration and  
11 collection of or exemption from the fee.

12 **Sec. 126.** RCW 84.36.080 and 2000 c 103 s 24 are each amended to  
13 read as follows:

14 (1) All ships and vessels which are exempt from excise tax under  
15 RCW 82.49.020(2) and excepted from the registration requirements of RCW  
16 (~~88.02.030(9)~~) 88.02.570(10) shall be and are hereby made exempt from  
17 all ad valorem taxes, except taxes levied for any state purpose.

18 (2) All ships and vessels listed in the state or federal register  
19 of historical places are exempt from all ad valorem taxes.

20 **Sec. 127.** RCW 88.02.530 and 2010 c 161 s 1015 are each amended to  
21 read as follows:

22 (1) A legal owner or the legal owner's authorized representative  
23 shall promptly apply for a duplicate certificate of title if a  
24 certificate of title is lost, stolen, mutilated, or destroyed, or  
25 becomes illegible. The application for a duplicate certificate of  
26 title must:

27 (a) Include information required by the department;

28 (b) Be accompanied by an affidavit of loss or destruction;

29 (c) Be accompanied by the fee required in RCW 88.02.640(1)(~~+~~))

30 (k).

31 (2) The duplicate certificate of title must contain the word  
32 "duplicate." It must be mailed to the first priority secured party  
33 named in it or, if none, to the registered owner.

34 (3) A person recovering a certificate of title for which a  
35 duplicate has been issued shall promptly return the certificate of  
36 title that has been recovered to the department.

1           **Sec. 128.** RCW 88.02.560 and 2010 c 161 s 1019 are each amended to  
2 read as follows:

3           (1) An application for vessel registration must be made by the  
4 owner or the owner's authorized representative to the department,  
5 county auditor or other agent, or subagent appointed by the director on  
6 a form furnished or approved by the department. The application must  
7 contain:

8           (a) The name and address of each owner of the vessel;

9           (b) Other information the department may require; and

10          (c) The signature of at least one owner.

11          (2) The application for vessel registration must be accompanied by  
12 the:

13          (a) Vessel registration fee required under RCW 88.02.640(1)(~~(h)~~)  
14 (i);

15          (b) Derelict vessel and invasive species removal fee under RCW  
16 88.02.640(3)(a) and derelict vessel removal surcharge required under  
17 RCW 88.02.640(~~(3)(a)~~) (4);

18          (c) Filing fee required under RCW 88.02.640(1)(~~(d)~~) (e);

19          (d) License plate technology fee required under RCW  
20 88.02.640(1)(~~(e)~~) (f);

21          (e) License service fee required under RCW 88.02.640(1)(~~(f)~~) (g);  
22 and

23          (f) Watercraft excise tax required under chapter 82.49 RCW.

24          (3) Upon receipt of an application for vessel registration and the  
25 required fees and taxes, the department shall assign a registration  
26 number and issue a decal for the vessel. The registration number and  
27 decal must be issued and affixed to the vessel in a manner prescribed  
28 by the department consistent with the standard numbering system for  
29 vessels required in 33 C.F.R. Part 174. A valid decal affixed as  
30 prescribed shall indicate compliance with the annual registration  
31 requirements of this chapter.

32          (4) Vessel registrations and decals are valid for a period of one  
33 year, except that the director may extend or diminish vessel  
34 registration periods and vessel decals for the purpose of staggered  
35 renewal periods. For registration periods of more or less than one  
36 year, the department may collect prorated annual registration fees and  
37 excise taxes based upon the number of months in the registration  
38 period.

1 (5) Vessel registrations are renewable every year in a manner  
2 prescribed by the department upon payment of the fees and taxes  
3 described in subsection (2) of this section. Upon renewing a vessel  
4 registration, the department shall issue a new decal to be affixed as  
5 prescribed by the department.

6 (6) When the department issues either a notice to renew a vessel  
7 registration or a decal for a new or renewed vessel registration, it  
8 shall also provide information on the location of marine oil recycling  
9 tanks and sewage holding tank pumping stations. This information will  
10 be provided to the department by the state parks and recreation  
11 commission in a form ready for distribution. The form must be  
12 developed and prepared by the state parks and recreation commission  
13 with the cooperation of the department of ecology. The department, the  
14 state parks and recreation commission, and the department of ecology  
15 shall enter into a memorandum of agreement to implement this process.

16 (7) A person acquiring a vessel from a dealer or a vessel already  
17 validly registered under this chapter shall, within fifteen days of the  
18 acquisition or purchase of the vessel, apply to the department, county  
19 auditor or other agent, or subagent appointed by the director for  
20 transfer of the vessel registration, and the application must be  
21 accompanied by a transfer fee as required in RCW 88.02.640(1)((~~h~~))  
22 (l).

23 **Sec. 129.** RCW 88.02.560 and 2010 c 161 s 1020 are each amended to  
24 read as follows:

25 (1) An application for a vessel registration must be made by the  
26 owner or the owner's authorized representative to the department,  
27 county auditor or other agent, or subagent appointed by the director on  
28 a form furnished or approved by the department. The application must  
29 contain:

- 30 (a) The name and address of each owner of the vessel;
- 31 (b) Other information the department may require; and
- 32 (c) The signature of at least one owner.

33 (2) The application for vessel registration must be accompanied by  
34 the:

- 35 (a) Vessel registration fee required under RCW 88.02.640(1)((~~h~~))  
36 (i);

1 (b) Derelict vessel and invasive species removal fee under RCW  
2 88.02.640(3)(b) and derelict vessel removal surcharge required under  
3 RCW 88.02.640(~~(3)(b)~~) (4);

4 (c) Filing fee required under RCW 88.02.640(1)(~~(d)~~) (e);

5 (d) License plate technology fee required under RCW  
6 88.02.640(1)(~~(e)~~) (f);

7 (e) License service fee required under RCW 88.02.640(1)(~~(f)~~) (g);  
8 and

9 (f) Watercraft excise tax required under chapter 82.49 RCW.

10 (3) Upon receipt of an application for vessel registration and the  
11 required fees and taxes, the department shall assign a registration  
12 number and issue a decal for each vessel. The registration number and  
13 decal must be issued and affixed to the vessel in a manner prescribed  
14 by the department consistent with the standard numbering system for  
15 vessels required in 33 C.F.R. Part 174. A valid decal affixed as  
16 prescribed must indicate compliance with the annual registration  
17 requirements of this chapter.

18 (4) Vessel registrations and decals are valid for a period of one  
19 year, except that the director may extend or diminish vessel  
20 registration periods and vessel decals for the purpose of staggered  
21 renewal periods. For registration periods of more or less than one  
22 year, the department may collect prorated annual registration fees and  
23 excise taxes based upon the number of months in the registration  
24 period.

25 (5) Vessel registrations are renewable every year in a manner  
26 prescribed by the department upon payment of the fees and taxes  
27 described in subsection (2) of this section. Upon renewing a vessel  
28 registration, the department shall issue a new decal to be affixed as  
29 prescribed by the department.

30 (6) When the department issues either a notice to renew a vessel  
31 registration or a decal for a new or renewed vessel registration, it  
32 shall also provide information on the location of marine oil recycling  
33 tanks and sewage holding tank pumping stations. This information must  
34 be provided to the department by the state parks and recreation  
35 commission in a form ready for distribution. The form must be  
36 developed and prepared by the state parks and recreation commission  
37 with the cooperation of the department of ecology. The department, the

1 state parks and recreation commission, and the department of ecology  
2 shall enter into a memorandum of agreement to implement this process.

3 (7) A person acquiring a vessel from a dealer or a vessel already  
4 validly registered under this chapter shall, within fifteen days of the  
5 acquisition or purchase of the vessel, apply to the department, county  
6 auditor or other agent, or subagent appointed by the director for  
7 transfer of the vessel registration, and the application must be  
8 accompanied by a transfer fee as required in RCW 88.02.640(1)((~~+~~))  
9 (l).

10 **Sec. 130.** RCW 88.02.590 and 2010 c 161 s 1021 are each amended to  
11 read as follows:

12 (1) A registered owner or the registered owner's authorized  
13 representative shall promptly apply for a duplicate registration  
14 certificate when a registration certificate is lost, stolen, mutilated,  
15 or destroyed, or becomes illegible. The application for a duplicate  
16 registration certificate must:

- 17 (a) Be accompanied by an affidavit of loss or destruction;
- 18 (b) Include information required by the department; and
- 19 (c) Be accompanied by the fee required in RCW 88.02.640(1)((~~e~~))
- 20 (d), in addition to any other fees or taxes required for the  
21 transaction.

22 (2) A person recovering a registration certificate for which a  
23 duplicate has been issued shall promptly return the registration  
24 certificate that has been recovered to the department.

25 **Sec. 131.** RCW 88.02.595 and 2010 c 161 s 1022 are each amended to  
26 read as follows:

27 (1) A registered owner or the registered owner's authorized  
28 representative shall promptly apply for a pair of replacement decals  
29 when the decals are lost, stolen, mutilated, or destroyed, or become  
30 illegible. The application for replacement decals must:

- 31 (a) Be accompanied by an affidavit of loss or destruction;
- 32 (b) Include information required by the department;
- 33 (c) Be accompanied by the fee required in RCW 88.02.640(1)((~~i~~))
- 34 (j), in addition to any other fees or taxes required for the  
35 transaction.

1 (2) A person recovering decals for which a replacement has been  
2 issued shall promptly return the decals that have been recovered to the  
3 department.

4 **Sec. 132.** RCW 88.02.610 and 2010 c 161 s 1026 are each amended to  
5 read as follows:

6 (1) A vessel owner shall apply for a vessel visitor permit if the  
7 vessel is:

8 (a) Currently registered or numbered under the laws of a country  
9 other than the United States or has a valid United States customs  
10 service cruising license issued under 19 C.F.R. Sec. 4.94; and

11 (b) Being used on Washington state waters for the personal use of  
12 the owner for more than sixty days.

13 (2) A vessel visitor permit:

14 (a) May be obtained from the department, county auditor or other  
15 agent, or subagent appointed by the director;

16 (b) Must show the date the vessel first came into Washington state;  
17 and

18 (c) Is valid as long as the vessel remains currently registered or  
19 numbered under the laws of a country other than the United States or  
20 the United States customs service cruising license remains valid.

21 (3) The department, county auditor or other agent, or subagent  
22 appointed by the director shall collect the fee required in RCW  
23 88.02.640(1)((+1+)) (m) when issuing a vessel visitor permit.

24 (4) The department shall adopt rules to implement this section,  
25 including rules on issuing and displaying the vessel visitor permit.

26 **Sec. 133.** RCW 88.02.620 and 2010 c 161 s 1027 are each amended to  
27 read as follows:

28 (1) A vessel owner who is a nonresident natural person shall apply  
29 for a nonresident vessel permit on or before the sixty-first day of use  
30 in Washington state if the vessel:

31 (a) Is currently registered or numbered under the laws of the state  
32 of principal operation or has been issued a valid number under federal  
33 law; and

34 (b) Has been brought into Washington state for personal use for not  
35 more than six months in any continuous twelve-month period.

36 (2) A nonresident vessel permit:

1 (a) May be obtained from the department, county auditor or other  
2 agent, or subagent appointed by the director;

3 (b) Must show the date the vessel first came into Washington state;  
4 and

5 (c) Is valid for two months.

6 (3) The department, county auditor or other agent, or subagent  
7 appointed by the director shall collect the fee required in RCW  
8 88.02.640(1)((+g+)) (h) when issuing nonresident vessel permits.

9 (4) A nonresident vessel permit is not required under this section  
10 if the vessel is used in conducting temporary business activity within  
11 Washington state.

12 (5) The department shall adopt rules to implement this section,  
13 including rules on issuing and displaying the nonresident vessel  
14 permit.

15 **Sec. 134.** RCW 88.02.640 and 2010 c 161 s 1028 are each amended to  
16 read as follows:

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

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel and invasive species removal	Subsection (3) of this section	<del>((Subsections (3) and (4)))</del> <u>Subsection (3) of this section</u>	Subsection (3) of this section
(c) <u>Derelict vessel removal surcharge</u>	<u>\$1.00</u>	<u>Subsection (4) of this section</u>	<u>Subsection (4) of this section</u>
(d) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
<del>((+d))</del> (e) Filing	RCW 46.17.005	RCW 46.17.005	RCW <del>((46.68.440))</del> <u>46.68.400</u>
<del>((+e))</del> (f) License plate technology	RCW 46.17.015	RCW 46.17.015	RCW <del>((46.68.400))</del> <u>46.68.370</u>
<del>((+f))</del> (g) License service	RCW 46.17.025	RCW 46.17.025	RCW 46.68.220
<del>((+g))</del> (h) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection <del>((+6))</del> <u>(5)</u> of this section

1	<del>((h))</del> (i) Registration	\$10.50	RCW 88.02.560(2)	<del>((General fund))</del> <u>RCW</u>
2				<u>88.02.650</u>
3	<del>((f))</del> (j) Replacement	\$1.25	RCW 88.02.595(1)(c)	General fund
4	decal			
5	<del>((f))</del> (k) Title application	\$5.00	RCW 88.02.515	General fund
6	<del>((k))</del> (l) Transfer	\$1.00	RCW 88.02.560(7)	General fund
7	<del>((f))</del> (m) Vessel visitor	\$30.00	RCW 88.02.610(3)	<del>((General fund))</del> <u>Subsection</u>
8	permit			<u>(6) of this section</u>

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

12 (3)(a) Until June 30, 2012, the derelict vessel and invasive  
13 species removal fee required in subsection (1) of this section is five  
14 dollars and must be distributed as follows:

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

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

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

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

23 (b) On and after June 30, 2012, the derelict vessel and invasive  
24 species removal fee is two dollars and must be deposited into the  
25 derelict vessel removal account created in RCW 79.100.100. ~~((If the  
26 department of natural resources indicates that the balance of the  
27 derelict vessel removal account, not including any transfer or  
28 appropriation of funds into the account or funds deposited into the  
29 account collected under subsection (5) of this section reaches one  
30 million dollars as of March 1st of any year, the collection of the two  
31 dollar derelict vessel and invasive species removal fee must be  
32 suspended for the following fiscal year.))~~

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

36 (a) Is to address the significant backlog of derelict vessels



1 accumulated in Washington state waters that pose a threat to the health  
2 and safety of the people and to the environment;

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

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

7 (5) The twenty-five dollar nonresident vessel permit fee must be  
8 paid by the vessel owner to the department for the cost of providing  
9 the identification document by the department. Any moneys remaining  
10 from the fee after the payment of costs must be allocated to counties  
11 by the state treasurer for approved boating safety programs under RCW  
12 ((88.02.655)) 88.02.650.

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

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

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

19 (c) Any moneys remaining must be allocated to counties by the state  
20 treasurer for approved boating safety programs under RCW ((88.02.655))  
21 88.02.650; and

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

25 **Sec. 135.** RCW 88.02.650 and 2010 c 161 s 1029 are each amended to  
26 read as follows:

27 General fees for vessel registrations collected by the director  
28 must be deposited in the general fund. Any amount above one million  
29 one hundred thousand dollars per fiscal year must be allocated to  
30 counties by the state treasurer for boating safety/education and law  
31 enforcement programs. Eligibility for boating safety/education and law  
32 enforcement program allocations is contingent upon approval of the  
33 local boating safety program by the state parks and recreation  
34 commission. Fund allocation must be based on the numbers of registered  
35 vessels by county of moorage. Each benefitting county is responsible  
36 for equitable distribution of such allocation to other jurisdictions  
37 with approved boating safety programs within the county. Any fees not

1 allocated to counties due to the absence of an approved boating safety  
2 program must be allocated to the state parks and recreation commission  
3 for awards to local governments to offset law enforcement and boating  
4 safety impacts of boaters recreating in jurisdictions other than where  
5 registered. Jurisdictions receiving funds under this section shall  
6 deposit the funds into an account dedicated solely for supporting the  
7 jurisdiction's boating safety programs. These funds may not replace  
8 existing local funds used for boating safety programs.

9       **Sec. 136.** 2010 c 161 s 438 (uncodified) is amended to read as  
10 follows:

11       The following acts or parts of acts are each repealed:

12       (1) RCW 46.16.0105 (Exemption--Vehicles in national recreation  
13 areas) and 2005 c 79 s 1;

14       (2) RCW 46.16.016 (Emission control inspections--Rules for  
15 licensing requirements) and 1979 ex.s. c 163 s 15;

16       (3) RCW 46.16.017 (Emission standards--Compliance required to  
17 register, lease, rent, or sell vehicles--Exemptions) and 2005 c 295 s  
18 7;

19       (4) RCW 46.16.023 (Ride-sharing vehicles--Special plates--Gross  
20 misdemeanor) and 2004 c 223 s 2, 1993 c 488 s 5, & 1987 c 175 s 2;

21       (5) RCW 46.16.035 (Exemptions--Private school buses) and 1990 c 33  
22 s 584 & 1980 c 88 s 1;

23       (6) RCW 46.16.0621 (License fee) and 2003 c 1 s 2, 2002 c 352 s 7,  
24 & 2000 1st sp.s. c 1 s 1;

25       (7) RCW 46.16.063 (Additional fee for recreational vehicles) and  
26 1996 c 237 s 1 & 1980 c 60 s 2;

27       (8) RCW 46.16.071 (Additional fees) and 1996 c 315 s 4;

28       (9) RCW 46.16.079 (Fixed load motor vehicle equipped for lifting or  
29 towing--Capacity fee in addition to and in lieu) and 1986 c 18 s 5,  
30 1975 c 25 s 16, & 1963 c 18 s 1;

31       (10) RCW 46.16.085 (Commercial trailers, pole trailers--Fee in  
32 lieu) and 1991 c 163 s 3, 1989 c 156 s 2, 1987 c 244 s 4, 1986 c 18 s  
33 8, & 1985 c 380 s 16;

34       (11) RCW 46.16.088 (Transfer of license plates--Penalty) and 1986  
35 c 18 s 9 & 1985 c 380 s 17;

36       (12) RCW 46.16.111 (Gross weight, how computed) and 1987 c 244 s 5,

1 1986 c 18 s 11, 1971 ex.s. c 231 s 1, 1969 ex.s. c 170 s 6, & 1967  
2 ex.s. c 83 s 57;

3 (13) RCW 46.16.121 (Seating capacity fees on stages, for hire  
4 vehicles) and 1967 ex.s. c 83 s 58;

5 (14) RCW 46.16.135 (Monthly license fee--Penalty) and 1986 c 18 s  
6 12, 1985 c 380 s 19, 1979 ex.s. c 136 s 46, 1979 c 134 s 1, 1975-'76  
7 2nd ex.s. c 64 s 3, 1975 1st ex.s. c 118 s 6, 1969 ex.s. c 170 s 7, &  
8 1961 c 12 s 46.16.135;

9 (15) RCW 46.16.150 (School buses exempt from load and seat capacity  
10 fees) and 1961 c 12 s 46.16.150;

11 (16) RCW 46.16.200 (Applications to agents--Transmittal to  
12 director) and 1961 c 12 s 46.16.200;

13 (17) RCW 46.16.220 (Time of renewal of licenses--Duration) and 1997  
14 c 241 s 9, 1991 c 339 s 20, 1975 1st ex.s. c 118 s 9, 1969 ex.s. c 170  
15 s 9, & 1961 c 12 s 46.16.220;

16 (18) RCW 46.16.230 (License plates furnished) and 1992 c 7 s 41,  
17 1975 c 25 s 19, & 1961 c 12 s 46.16.230;

18 (19) RCW 46.16.233 (Standard background--Periodic replacement--  
19 Retention of current plate number) and 2003 c 361 s 501, 2003 c 196 s  
20 401, 2000 c 37 s 1, & 1997 c 291 s 2;

21 (20) RCW 46.16.235 (State name not abbreviated) and 1965 ex.s. c 78  
22 s 2;

23 (21) RCW 46.16.237 (Reflectorized materials--Fee) and 2005 c 314 s  
24 301, 1987 c 52 s 1, & 1967 ex.s. c 145 s 60;

25 (22) RCW 46.16.240 (Attachment of plates to vehicles--Violations  
26 enumerated) and 2006 c 326 s 1;

27 (23) RCW 46.16.270 (Replacement of plates--Fee) and 2005 c 314 s  
28 302, 1997 c 291 s 3, 1990 c 250 s 32, & 1987 c 178 s 2;

29 (24) RCW 46.16.280 (Sale, loss, or destruction of commercial  
30 vehicle--Credit for unused fee--Change in license classification) and  
31 1987 c 244 s 7, 1986 c 18 s 17, 1967 c 32 s 20, & 1961 c 12 s  
32 46.16.280;

33 (25) RCW 46.16.290 (Disposition of license plates, certificate on  
34 vehicle transfer) and 2004 c 223 s 3, 1997 c 291 s 4, 1986 c 18 s 18,  
35 1983 c 27 s 2, & 1961 c 12 s 46.16.290;

36 (26) RCW 46.16.295 (Returned plates--Reuse) and 2003 c 359 s 1;

37 (27) RCW 46.16.305 (Special license plates--Continuance of earlier  
38 issues--Conditions for current issues) and 2008 c 72 s 1;

1 (28) RCW 46.16.307 (Collectors' vehicles--Use restrictions) and  
2 1996 c 225 s 11;  
3 (29) RCW 46.16.30901 (Professional firefighters and paramedics  
4 plate) and 2004 c 35 s 1;  
5 (30) RCW 46.16.30902 (Washington State Council of Firefighters  
6 benevolent fund) and 2004 c 35 s 4;  
7 (31) RCW 46.16.30903 (Helping Kids Speak plate) and 2004 c 48 s 1;  
8 (32) RCW 46.16.30904 ("Helping Kids Speak" account) and 2004 c 48  
9 s 4;  
10 (33) RCW 46.16.30905 (Law enforcement memorial plate) and 2004 c  
11 221 s 1;  
12 (34)RCW 46.16.30906 (Law enforcement memorial account) and 2004 c  
13 221 s 4;  
14 (35) RCW 46.16.30907 (Washington's Wildlife plate collection) and  
15 2005 c 42 s 1;  
16 (36) RCW 46.16.30908 (Washington's Wildlife license plate  
17 collection--Definition) and 2005 c 42 s 2;  
18 (37) RCW 46.16.30909 (Washington state parks and recreation  
19 commission plate) and 2005 c 44 s 1;  
20 (38) RCW 46.16.30910 (Washington state parks and recreation  
21 commission special license plate--Definition) and 2005 c 44 s 2;  
22 (39) RCW 46.16.30911 ("Washington Lighthouses" plate) and 2005 c 48  
23 s 1;  
24 (40) RCW 46.16.30912 (Lighthouse environmental programs account)  
25 and 2005 c 48 s 4;  
26 (41) RCW 46.16.30913 ("Keep Kids Safe" plate) and 2005 c 53 s 1;  
27 (42) RCW 46.16.30914 ("We love our pets" plate) and 2005 c 71 s 1;  
28 (43) RCW 46.16.30915 (We love our pets account) and 2005 c 71 s 4;  
29 (44) RCW 46.16.30916 (Gonzaga University alumni association plate)  
30 and 2005 c 85 s 1;  
31 (45) RCW 46.16.30917 (Gonzaga University alumni association  
32 account) and 2005 c 85 s 4;  
33 (46) RCW 46.16.30918 ("Washington's National Park Fund" plate) and  
34 2005 c 177 s 1;  
35 (47) RCW 46.16.30919 ("Washington's National Park Fund" account)  
36 and 2005 c 177 s 4;  
37 (48) RCW 46.16.30920 (Armed forces plate collection) and 2008 c 183  
38 s 1 & 2005 c 216 s 1;

1 (49) RCW 46.16.30921 (Armed forces license plate collection--  
2 Definition--No free issuance) and 2008 c 183 s 2 & 2005 c 216 s 2;  
3 (50) RCW 46.16.30923 ("Ski & Ride Washington" account) and 2005 c  
4 220 s 4;  
5 (51) RCW 46.16.30924 (Wild On Washington plate) and 2005 c 224 s 1;  
6 (52) RCW 46.16.30925 (Wild On Washington license plates--  
7 Definition) and 2005 c 224 s 2;  
8 (53) RCW 46.16.30926 (Endangered Wildlife plate) and 2005 c 225 s  
9 1;  
10 (54) RCW 46.16.30927 (Endangered Wildlife license plates--  
11 Definition) and 2005 c 225 s 2;  
12 (55) RCW 46.16.30928 ("Share the Road" plate) and 2005 c 426 s 1;  
13 (56) RCW 46.16.30929 ("Share the Road" account) and 2005 c 426 s 4;  
14 (57) RCW 46.16.313 (Special license plates--Fees) and 2005 c 426 s  
15 3, 2005 c 225 s 3, 2005 c 224 s 3, 2005 c 220 s 3, 2005 c 216 s 3, 2005  
16 c 177 s 3, 2005 c 85 s 3, 2005 c 71 s 3, 2005 c 53 s 3, 2005 c 48 s 3,  
17 2005 c 44 s 3, & 2005 c 42 s 3;  
18 (58) RCW 46.16.316 (Special license plates--Transfer of vehicle--  
19 Replacement plates) and 2005 c 210 s 2;  
20 (59) RCW 46.16.333 (Cooper Jones emblems) and 2005 c 426 s 5 & 2002  
21 c 264 s 3;  
22 (60) (~~RCW 46.16.335 (Special license plates and emblems Rules)~~  
23 ~~and 1990 c 250 s 10;~~  
24 ~~(+61+)~~) RCW 46.16.340 (Amateur radio operator plates--Information  
25 furnished to various agencies) and 1995 c 391 s 8, 1986 c 266 s 49,  
26 1985 c 7 s 112, 1974 ex.s. c 171 s 43, 1967 c 32 s 23, & 1961 c 12 s  
27 46.16.340;  
28 ~~(+62+)~~) (61) RCW 46.16.350 (Amateur radio operator plates--  
29 Expiration or revocation of radio license--Penalty) and 1997 c 291 s  
30 11, 1990 c 250 s 11, 1979 ex.s. c 136 s 49, 1967 c 32 s 24, & 1961 c 12  
31 s 46.16.350;  
32 ~~(+63+)~~) (62) RCW 46.16.371 (Special plates for honorary consul,  
33 foreign government representative) and 1987 c 237 s 1;  
34 ~~(+64+)~~) (63) RCW 46.16.374 (Taipei Economic and Cultural Office--  
35 Special plates) and 2001 c 64 s 5 & 1996 c 139 s 1;  
36 ~~(+65+)~~) (64) RCW 46.16.376 (Taipei Economic and Cultural Office--  
37 Fee exemption) and 1996 c 139 s 2;

1        (~~(+66)~~) (65) RCW 46.16.381 (Special parking for persons with  
2 disabilities-- Penalties--Enforcement--Definition) and 2007 c 262 s 1,  
3 2007 c 44 s 1, 2006 c 357 s 2, 2005 c 390 s 2, 2004 c 222 s 2, 2003 c  
4 371 s 1, 2002 c 175 s 33, 2001 c 67 s 1, 1999 c 136 s 1, 1998 c 294 s  
5 1, 1995 c 384 s 1, 1994 c 194 s 6, 1993 c 106 s 1, 1992 c 148 s 1, 1991  
6 c 339 s 21, 1990 c 24 s 1, 1986 c 96 s 1, & 1984 c 154 s 2;  
7        (~~(+67)~~) (66) RCW 46.16.385 (Versions of special plates for persons  
8 with disabilities) and 2005 c 390 s 3, 2005 c 210 s 3, & 2004 c 222 s  
9 1;  
10       (~~(+68)~~) (67) RCW 46.16.470 (Temporary license--Display) and 1967  
11 c 202 s 5;  
12       (~~(+69)~~) (68) RCW 46.16.480 (Nonresident members of armed forces--  
13 Exemption from sales, use, or motor vehicle excise taxes--Extent of  
14 exemption) and 1967 c 202 s 6;  
15       (~~(+70)~~) (69) RCW 46.16.490 (Nonresident members of armed forces--  
16 Rules and regulations--Proof) and 1979 c 158 s 142 & 1967 c 202 s 7;  
17       (~~(+71)~~) (70) RCW 46.16.505 (Campers--License and plates--  
18 Application--Fee) and 1975 1st ex.s. c 118 s 11, 1975 c 41 s 1, & 1971  
19 ex.s. c 231 s 7;  
20       (~~(+72)~~) (71) RCW 46.16.560 (Personalized license plates--Defined)  
21 and 1975 c 59 s 1 & 1973 1st ex.s. c 200 s 2;  
22       (~~(+73)~~) (72) RCW 46.16.565 (Personalized license plates--  
23 Application) and 1985 c 173 s 1, 1983 c 27 s 4, 1975 c 59 s 2, & 1973  
24 1st ex.s. c 200 s 3;  
25       (~~(+74)~~) (73) RCW 46.16.570 (Personalized license plates--Design)  
26 and 2005 c 210 s 4, 1986 c 108 s 1, 1983 1st ex.s. c 24 s 1, 1975 c 59  
27 s 3, & 1973 1st ex.s. c 200 s 4;  
28       (~~(+75)~~) (74) RCW 46.16.575 (Personalized license plates--Issuance  
29 to registered owner only) and 1973 1st ex.s. c 200 s 5;  
30       (~~(+76)~~) (75) RCW 46.16.580 (Personalized license plates--  
31 Application requirements) and 1973 1st ex.s. c 200 s 6;  
32       (~~(+77)~~) (76) RCW 46.16.585 (Personalized license plates--Fees--  
33 Renewal-- Penalty) and 1979 ex.s. c 136 s 51, 1975 c 59 s 4, & 1973 1st  
34 ex.s. c 200 s 7;  
35       (~~(+78)~~) (77) RCW 46.16.590 (Personalized license plates--Transfer  
36 fees) and 2004 c 223 s 5, 1975 c 59 s 5, & 1973 1st ex.s. c 200 s 8;  
37       (~~(+79)~~) (78) RCW 46.16.595 (Personalized license plates--Transfer

1 or surrender upon sale or release of vehicle--Penalty) and 1979 ex.s.  
2 c 136 s 52, 1975 c 59 s 6, & 1973 1st ex.s. c 200 s 9;  
3 ((+80+)) (79) RCW 46.16.600 (Personalized license plates--Rules and  
4 regulations) and 2005 c 210 s 5, 1979 c 158 s 143, & 1973 1st ex.s. c  
5 200 s 10;  
6 ((+81+)) (80) RCW 46.16.601 (Personalized special plates) and 2005  
7 c 210 s 1;  
8 ((+82+)) (81) RCW 46.16.605 (Personalized license plates--  
9 Disposition of fees--Costs) and 1988 c 36 s 27, 1983 1st ex.s. c 24 s  
10 2, 1983 c 3 s 118, 1979 c 158 s 144, & 1973 1st ex.s. c 200 s 11;  
11 ((+83+)) (82) RCW 46.16.606 (Personalized license plates--  
12 Additional fee) and 2007 c 246 s 2 & 1991 sp.s. c 7 s 13;  
13 ((+84+)) (83) RCW 46.16.630 (Moped registration) and 2002 c 352 s  
14 9, 1997 c 241 s 11, & 1979 ex.s. c 213 s 5;  
15 ((+85+)) (84) RCW 46.16.640 (Wheelchair conveyances) and 1983 c 200  
16 s 2;  
17 ((+86+)) (85) RCW 46.16.670 (Boat trailers--Fee for freshwater  
18 aquatic weeds account) and 1991 c 302 s 3;  
19 ((+87+)) (86) RCW 46.16.680 (Kit vehicles) and 2009 c 284 s 2 &  
20 1996 c 225 s 10;  
21 ((+88+)) (87) RCW 46.17.010 (Vehicle weight fee--Motor vehicles,  
22 except motor homes) and 2006 c 337 s 9 & 2005 c 314 s 201; and  
23 ((+89+)) (88) RCW 46.17.020 (Vehicle weight fee--Motor homes) and  
24 2005 c 314 s 202.

25 NEW SECTION. **Sec. 137.** The following acts or parts of acts are  
26 each repealed:

27 (1) RCW 46.04.1961 (Helping kids speak license plates) and 2010 c  
28 161 s 119;

29 (2) RCW 46.04.7051 (We love our pets license plates) and 2010 c 161  
30 s 160;

31 (3) RCW 46.10.405 (Registration--Valid before transfer) and 2010  
32 c 161 s 230, 1982 c 17 s 3, 1979 ex.s. c 182 s 6, & 1975 1st ex.s. c  
33 181 s 4;

34 (4) RCW 46.16.30922 ("Ski & Ride Washington" plate) and 2010 1st  
35 sp.s. c 7 s 109 & 2005 c 220 s 1;

36 (5) RCW 46.18.030 (Authority to continue) and 2003 c 196 s 501 &  
37 1997 c 291 s 9; and

1 (6) RCW 88.02.655 (Allocation of funds under RCW 88.02.650 to  
2 counties--Deposit to account for boating safety programs) and 2010 c  
3 161 s 1030 & 1993 c 244 s 40.

4 NEW SECTION. **Sec. 138.** RCW 46.04.391 is recodified as RCW  
5 46.04.4141.

6 NEW SECTION. **Sec. 139.** RCW 46.16.900 is recodified as RCW  
7 46.16A.900.

8 NEW SECTION. **Sec. 140.** Section 128 of this act expires June 30,  
9 2012.

10 NEW SECTION. **Sec. 141.** Section 129 of this act takes effect June  
11 30, 2012.

12 NEW SECTION. **Sec. 142.** Except for section 129 of this act, this  
13 act is necessary for the immediate preservation of the public peace,  
14 health, or safety, or support of the state government and its existing  
15 public institutions, and takes effect July 1, 2011.

--- END ---