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ENGROSSED SUBSTITUTE SENATE BILL 5785

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State of Washington

63rd Legislature

2013 Regular Session

**By** Senate Transportation (originally sponsored by Senators Ericksen, Rolfes, King, Ranker, and Eide)

READ FIRST TIME 02/28/13.

1        AN ACT Relating to the display and replacement of license plates;  
2 amending RCW 46.16A.200, 46.16A.020, 46.17.200, and 46.18.130;  
3 reenacting and amending RCW 46.16A.110 and 46.18.140; and creating a  
4 new section.

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

6        **Sec. 1.** RCW 46.16A.200 and 2011 c 171 s 46 are each amended to  
7 read as follows:

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

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

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

15        (c) Must designate the name of the state of Washington without  
16 abbreviation;

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

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

3 (f) Before July 1, 2010, may display a symbol or artwork approved  
4 by the former special license plate review board and the legislature.  
5 Beginning July 1, 2010, special license plate series approved by the  
6 department and enacted into law by the legislature may display a symbol  
7 or artwork approved by the department.

8 (2) **Exceptions to reflectorized materials.** License plates issued  
9 before January 1, 1968, are not required to be treated with  
10 reflectorized materials.

11 (3) **Dealer license plates.** License plates issued to a dealer must  
12 contain an indication that the license plates have been issued to a  
13 vehicle dealer.

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

16 (i) Two identical license plates each containing the license plate  
17 number; or

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

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

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

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

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

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

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

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

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

37 (a) Surrender the current license plate or plates to the

1 department, county auditor or other agent, or subagent appointed by the  
2 director;

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

4 (c) Pay a change of classification fee required under RCW  
5 46.17.310.

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

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

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

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

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

18 (e) Transfer a license plate or plates issued under this chapter  
19 between two or more vehicles without first making application to  
20 transfer the license plates. A violation of this subsection (7)(e) is  
21 a traffic infraction subject to a fine not to exceed five hundred  
22 dollars. Any law enforcement agency that determines that a license  
23 plate or plates have been transferred between two or more vehicles  
24 shall confiscate the license plate or plates and return them to the  
25 department for nullification along with full details of the reasons for  
26 confiscation. Each vehicle identified in the transfer will be issued  
27 a new license plate or plates upon application by the owner or owners  
28 and the payment of full fees and taxes; or

29 (f) Fail, neglect, or refuse to endorse the registration  
30 certificate (~~and deliver the license plate or plates to the purchaser~~  
31 ~~or transferee of the vehicle~~), except as authorized under this  
32 section.

33 (8) **Transfer.** (a) Standard issue license plates (~~follow the~~  
34 ~~vehicle~~) must be replaced when ownership of the vehicle changes  
35 (~~unless~~), pursuant to subsection (9)(a)(i) of this section, but the  
36 registered owner (~~wishes to~~) may retain the license plates and  
37 transfer them to a replacement vehicle of the same use. In addition to  
38 all other taxes and fees due upon change in ownership, a registered

1 owner wishing to keep standard issue license plates shall pay the  
2 license plate transfer fee required under RCW 46.17.200(1)(c) when  
3 applying for license plate transfer.

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

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

11 (9) **Replacement.** (a) Except as provided in subsection (8)(a) of  
12 this section, an owner or the owner's authorized representative  
13 ((shall)) must apply for a replacement license plate or plates: (i)  
14 When taking ownership of the vehicle; (ii) if the current license plate  
15 or plates assigned to the vehicle have been lost, defaced, or  
16 destroyed((τ)); or (iii) if one or both plates have become so illegible  
17 or are in such a condition as to be difficult to distinguish. An owner  
18 or the owner's authorized representative may apply for a replacement  
19 license plate or plates at any time the owner chooses. The department  
20 shall offer to owners the option of retaining the current license plate  
21 number when obtaining replacement license plates for the fee required  
22 in RCW 46.17.200(1)(b).

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

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

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

26 (c) When a vehicle is sold to a vehicle dealer for resale, the  
27 application for a replacement plate or plates need not be made until  
28 the vehicle is sold by the vehicle dealer.

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

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

36 ~~(a) Use empirical studies documenting the longevity of the~~  
37 ~~reflective materials used to make license plates;~~

38 ~~(b) Determine how frequently license plates must be replaced; and~~

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

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

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

9       (b) Congressional Medal of Honor license plates issued under RCW  
10 46.18.230;

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

13       ~~((12))~~ (11)**Rules.** The department may adopt rules to implement  
14 this section.

15       ~~((13))~~ (12)**Tabs or emblems.** The director may issue tabs or  
16 emblems to be attached to license plates or elsewhere on the vehicle to  
17 signify initial registration and renewals. Renewals become effective  
18 when tabs or emblems have been issued and properly displayed ~~((on~~  
19 ~~license plates))~~.

20       **Sec. 2.** RCW 46.16A.020 and 2010 c 161 s 402 are each amended to  
21 read as follows:

22       (1) The department, county auditor or other agent, or subagent  
23 appointed by the director shall assign a new registration year to a  
24 vehicle if:

25       (a) The ~~((Washington state vehicle registration has expired and))~~  
26 registered ownership ~~((to))~~ of the vehicle is being transferred. The  
27 renewed ~~((license))~~ vehicle registration is valid for a full twelve-  
28 month period unless: (i) The vehicle changes ownership during the  
29 twelve-month period, in which case the registration expires; or (ii) a  
30 specific expiration date is required by law, rule, or program; or

31       (b) The Washington vehicle registration has expired and the  
32 registered owner:

33       (i) Is a member of the United States armed forces;

34       (ii) Was stationed outside of Washington under military orders  
35 during the prior vehicle registration year; and

36       (iii) Provides the department a copy of the military orders.

1 (2) Each registration year may be divided into twelve registration  
2 months. Each registration month begins at 12:01 a.m. on a day of the  
3 month assigned by the department and ends at 12:00 a.m. on the same day  
4 the following month.

5 (3) A registration period extends through the end of the next  
6 business day when the final day of a registration year or month falls  
7 on a Saturday, Sunday, or legal holiday.

8 **Sec. 3.** RCW 46.16A.110 and 2010 c 161 s 428 and 2010 c 8 s 9012  
9 are each reenacted and amended to read as follows:

10 (1) A registered owner or the registered owner's authorized  
11 representative must apply for a renewal vehicle registration to the  
12 department, county auditor or other agent, or subagent appointed by the  
13 director on a form approved by the director. The application for a  
14 renewal vehicle registration must be accompanied by a draft, money  
15 order, certified bank check, or cash for all fees and taxes required by  
16 law for the application for a renewal vehicle registration.

17 (2)(a) When a vehicle changes ownership, the person taking  
18 ownership or his or her authorized representative must apply for a  
19 renewal vehicle registration as provided in subsection (1) of this  
20 section and, except as provided in (b) of this subsection, pay all the  
21 taxes and fees that are due at the time of registration renewal. For  
22 the purposes of this section, when a vehicle is sold to a vehicle  
23 dealer for resale, the application for a renewal registration need not  
24 be made until the vehicle is sold by the vehicle dealer.

25 (b) The person taking ownership or his or her authorized  
26 representative must be given credit for the portion of a motor vehicle  
27 excise tax, including the motor vehicle excise tax collected under RCW  
28 81.104.160, that reflects the remaining period for which the tax was  
29 initially paid by the previous owner.

30 (3) An application and the fees and taxes for a renewal vehicle  
31 registration must be handled in the same manner as an original vehicle  
32 registration application. The registration does not need to show the  
33 name of the lien holder when the application for renewal vehicle  
34 registration becomes the renewal registration upon validation.

35 ~~((3))~~ (4) A person expecting to be out of state during the normal  
36 renewal period of a vehicle registration may renew a vehicle  
37 registration and have license plates or tabs preissued by applying for

1 a renewal as described in subsection (1) of this section. A vehicle  
2 registration may be renewed for the subsequent registration year up to  
3 eighteen months before the current expiration date and must be  
4 displayed from the date of issue or from the day of the expiration of  
5 the current registration year, whichever date is later.

6 ~~((4))~~ (5) An application for a renewal vehicle registration is  
7 not required for those vehicles owned, rented, or leased by:

8 (a) The state of Washington, or by any county, city, town, school  
9 district, or other political subdivision of the state of Washington; or

10 (b) A governing body of an Indian tribe located within this state  
11 and recognized as a governmental entity by the United States department  
12 of the interior.

13 **Sec. 4.** RCW 46.17.200 and 2012 c 74 s 3 are each amended to read  
14 as follows:

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

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

FEE TYPE	FEE	DISTRIBUTION
Original issue	\$ 10.00	RCW 46.68.070
Reflectivity	\$ 2.00	RCW 46.68.070
Replacement	\$ 10.00	RCW 46.68.070
Original issue, motorcycle	\$ 4.00	RCW 46.68.070
Replacement, motorcycle	\$ 4.00	RCW 46.68.070
Original issue, moped	\$1.50	RCW 46.68.070

29 (b) A license plate retention fee, as required under RCW  
30 46.16A.200(~~((10)(e))~~) (9)(a), of twenty dollars if the owner wishes to  
31 retain the current license plate number upon license plate replacement,  
32 unless the owner or type of vehicle is exempt from payment. The twenty  
33 dollar fee must be deposited in the multimodal transportation account  
34 created in RCW 47.66.070.

1 (c) A ten dollar license plate transfer fee, as required under RCW  
2 46.16A.200(8)(a), when transferring standard issue license plates from  
3 one vehicle to another, unless the owner or type of vehicle is exempt  
4 from payment. The ten dollar license plate transfer fee must be  
5 deposited in the motor vehicle fund created in RCW 46.68.070.

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

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

19 **Sec. 5.** RCW 46.18.130 and 2011 c 171 s 68 are each amended to read  
20 as follows:

21 (1) Revenues generated from the sale of special license plates for  
22 those sponsoring organizations who used the application process in RCW  
23 46.18.110 must be deposited into the motor vehicle fund created in RCW  
24 46.68.070 until the department determines that the state's  
25 implementation costs have been fully reimbursed.

26 (2) When it is determined that the state has been fully reimbursed  
27 the department must notify the house of representatives and senate  
28 transportation committees, the sponsoring organization, and the state  
29 treasurer, and begin distributing the revenue as otherwise provided by  
30 law.

31 (3) If reimbursement does not occur within two years from the date  
32 the special license plate is first offered for sale to the public, the  
33 special license plate series must be placed in probationary status for  
34 a period of one year from that date. If the state is still not fully  
35 reimbursed for its implementation costs after the one-year probation,  
36 the special license plate series must be discontinued immediately.



1 Special license plates issued before discontinuation are valid until  
2 replaced ((~~under RCW 46.16A.200(10)~~)).

3 (4) The department shall:

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

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

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

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

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

22 **Sec. 6.** RCW 46.18.140 and 2010 1st sp.s. c 7 s 97 and 2010 c 161  
23 s 609 are each reenacted and amended to read as follows:

24 (1) A special license plate series created by the legislature after  
25 January 1, 2011, that has not been reviewed and approved by the  
26 department is subject to the following requirements:

27 (a) The organization sponsoring the license plate series shall,  
28 within thirty days of enactment of the legislation creating the special  
29 license plate series, submit prepayment of all start-up costs  
30 associated with the creation and implementation of the special license  
31 plate in an amount determined by the department. The prepayment will  
32 be credited to the motor vehicle fund created in RCW 46.68.070. The  
33 creation and implementation of the special license plate series may not  
34 begin until payment is received by the department.

35 (b) If the sponsoring organization is not able to meet the  
36 prepayment requirements in (a) of this subsection and can demonstrate  
37 this fact to the satisfaction of the department, the revenues generated

1 from the sale of the special license plates must be deposited in the  
2 motor vehicle fund created in RCW 46.68.070 until the department  
3 determines that the state's portion of the implementation costs have  
4 been fully reimbursed. When it has determined that the state has been  
5 fully reimbursed, the department must notify the treasurer to commence  
6 distribution of the revenue according to statutory provisions.

7 (c) The sponsoring organization must provide a proposed special  
8 license plate design to the department within thirty days of enactment  
9 of the legislation creating the special license plate series.

10 (2) The state must be reimbursed for its portion of the  
11 implementation costs within two years from the date the new special  
12 license plate series goes on sale to the public. If the reimbursement  
13 does not occur within the two-year time frame, the special license  
14 plate series must be placed in probationary status for a period of one  
15 year from that date. If the state is still not fully reimbursed for  
16 its implementation costs after the one-year probation, the special  
17 license plate series must be discontinued immediately. Those special  
18 license plates issued before discontinuation are valid until replaced  
19 (~~(under RCW 46.16A.200(10))~~).

20 (3) If the sponsoring organization ceases to exist or the purpose  
21 of the special license plate series ceases to exist, revenues generated  
22 from the sale of the special license plates must be deposited into the  
23 motor vehicle fund created in RCW 46.68.070.

24 (4) A sponsoring organization may not seek to redesign its special  
25 license plate series until the entire existing inventory is sold or  
26 purchased by the organization itself. All costs for the redesign of a  
27 special license plate series must be paid by the sponsoring  
28 organization.

29 NEW SECTION. **Sec. 7.** This act applies to vehicle registrations  
30 that are due or become due on or after January 1, 2014.

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