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**SENATE BILL 5610**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Benton and Billig

AN ACT Relating to an annual permit fee on studded tire use; amending RCW 46.17.400, 46.37.420, 46.17.240, and 46.17.040; adding a new section to chapter 46.16A RCW; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature recognizes that studded tires cause millions of dollars in damages to the state's highways each year and that adding a fee for the use of studded tires is not about raising revenue or taxation but rather about ensuring that people are paying their fair share for the damage they cause. As such, it is the intent of the legislature that an annual permit fee be imposed on the use of studded tires to help offset the costs incurred.

NEW SECTION. **Sec.**  A new section is added to chapter 46.16A RCW to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director must issue a studded tire permit authorizing the use of studded tires as provided under RCW 46.37.420 to a vehicle owner upon submittal of a proper application and payment of the studded tire permit fee under RCW 46.17.400(1)(g).

(2) Each studded tire permit is valid on a vehicle during the registration year as outlined in RCW 46.16A.020.

(3) The department must also issue an identifying marker that the vehicle owner must place on the vehicle license plate for the studded tire permit to be valid.

(4) Operating a vehicle on a public highway without a valid studded tire permit and properly affixing the identifying marker to the vehicle license plate is a traffic infraction. In addition to any other penalties imposed for a traffic infraction, an additional seventy-five dollar penalty is assessed for a violation of this section. The additional seventy-five dollar penalty imposed under this subsection must be forwarded to the state treasurer for deposit in the motor vehicle fund created under RCW 46.68.070.

**Sec.**  RCW 46.17.400 and 2011 c 171 s 62 are each amended to read as follows:

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

|  |  |  |  |
| --- | --- | --- | --- |
| PERMIT TYPE | FEE | AUTHORITY | DISTRIBUTION |
| (a) Dealer temporary | $15.00 | RCW 46.16A.300 | RCW 46.68.030 |
| (b) Department temporary | $.50 | RCW 46.16A.305 | RCW 46.68.450 |
| (c) Farm vehicle trip | $6.25 | RCW 46.16A.330 | RCW 46.68.035 |
| (d) Nonresident military | $10.00 | RCW 46.16A.340 | RCW 46.68.070 |
| (e) Nonresident temporary snowmobile | $5.00 | RCW 46.10.450 | RCW 46.68.350 |
| (f) Special fuel trip | $30.00 | RCW 82.38.100 | RCW 46.68.460 |
| (g) Studded tire | $75.00 | Section 2 of this act | RCW 46.68.070 |
| (h) Temporary ORV use | $7.00 | RCW 46.09.430 | RCW 46.68.045 |
| ((~~(h)~~)) (i) Vehicle trip | $25.00 | RCW 46.16A.320 | RCW 46.68.455 |

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

(a) Dealer temporary permits;

(b) Special fuel trip permits; and

(c) Vehicle trip permits.

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

(4) The studded tire permit fee provided in subsection (1)(g) of this section must be used for highway preservation related to damage caused by studded tires.

**Sec.**  RCW 46.37.420 and 2012 c 75 s 1 are each amended to read as follows:

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

(2) Except as provided in subsection (3) of this section, no tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire((~~, except that~~)).

(3)(a) It is permissible to use: (i) Farm machinery equipped with pneumatic tires or solid rubber tracks having protuberances that will not injure the highway((~~,~~)); and ((~~except also that it is permissible to use~~)) (ii)(A) tire chains, (B) alternative traction devices, or (C) metal studs imbedded within the tire subject to studded tire permit requirements under section 2 of this act, of reasonable proportions and of a type conforming to rules adopted by the state patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid.

(b) It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st, except that a vehicle may be equipped year-round with tires that have retractable studs if: ((~~(a)~~)) (i) The studs retract pneumatically or mechanically to below the wear bar of the tire when not in use; and ((~~(b)~~)) (ii) the retractable studs are engaged only between November 1st and April 1st. Retractable studs may be made of metal or other material and are not subject to the lightweight stud weight requirements under RCW 46.04.272. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

((~~(3)~~)) (4) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

((~~(4)~~)) (5) After acquiring an annual studded tire permit under section 2 of this act, a school district or fire department may use tires with metal studs imbedded therein ((~~may be used~~)) between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

**Sec.**  RCW 46.17.240 and 2010 c 161 s 517 are each amended to read as follows:

State agencies, political subdivisions, Indian tribes, and the United States government, except foreign governments or international bodies, shall pay: (1) A fee of two dollars for a license plate or plates for each vehicle when the department assigns license plates for further assignment by the entity; and (2) the studded tire permit fee under RCW 46.17.400(1)(g) prior to using studded tires as authorized under RCW 46.37.420.

**Sec.**  RCW 46.17.040 and 2014 c 59 s 2 are each amended to read as follows:

(1) The department, county auditor or other agent, or subagent appointed by the director shall collect a service fee of:

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

(b) Five dollars for a registration renewal, issuing a transit permit or a studded tire permit, or any other service under this section.

(2) Service fees collected under this section by the department or county auditor or other agent appointed by the director must be credited to the capital vessel replacement account under RCW 47.60.322.

NEW SECTION. **Sec.**  This act takes effect January 1, 2016.

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