

ESSB 5338 - H COMM AMD  
By Committee on Transportation

ADOPTED 04/05/2017

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that many residents  
4 of Washington enjoy recreational opportunities for off-road vehicle  
5 and snowmobile use afforded by the natural beauty of the state and do  
6 so in compliance with vehicle titling and registration laws and other  
7 laws that govern off-road vehicle and snowmobile use. At the same  
8 time, the legislature recognizes that the current law and  
9 corresponding enforcement regime may not be robust enough to ensure  
10 full compliance with legal registration requirements and a level  
11 playing field for all users. It is therefore the intent of the  
12 legislature to modify the statutory framework governing penalties for  
13 off-road vehicle and snowmobile registration violations and to add  
14 requirements to the department of licensing in order to improve  
15 registration compliance.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.09  
17 RCW under the subchapter heading "uses and violations" to read as  
18 follows:

19 (1) It is a gross misdemeanor, punishable as provided under  
20 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,  
21 to knowingly fail to apply for a Washington state certificate of  
22 title for, or to knowingly fail to register, an off-road vehicle  
23 within fifteen days of receiving or refusing a notice issued by the  
24 department under section 4 of this act.

25 (2) Excise taxes owed and fines assessed must be deposited in the  
26 manner provided under RCW 46.16A.030(6).

27 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.10  
28 RCW under the subchapter heading "uses and violations" to read as  
29 follows:

1 (1) It is a gross misdemeanor, punishable as provided under  
2 chapter 9A.20 RCW, for a resident, as identified in RCW 46.16A.140,  
3 to knowingly fail to register a snowmobile within fifteen days of  
4 receiving or refusing a notice issued by the department under section  
5 4 of this act.

6 (2) Excise taxes owed and fines assessed must be deposited in the  
7 manner provided under RCW 46.16A.030(6).

8 NEW SECTION. **Sec. 4.** A new section is added to chapter 46.93  
9 RCW to read as follows:

10 (1) By the first business day in February of each year, beginning  
11 in 2018, motorsports vehicle manufacturers must report to the  
12 department of licensing a listing of all motorsports vehicle  
13 warranties for off-road vehicles under chapter 46.09 RCW and  
14 snowmobiles under chapter 46.10 RCW sold to Washington residents by  
15 out-of-state motorsports vehicle dealers in the previous calendar  
16 year. The report must be transmitted such that the department  
17 receives the listing no later than the first business day in  
18 February. Failure to report a complete listing as required under this  
19 subsection results in an administrative fine of one hundred dollars  
20 for each day after the first business day in February that the  
21 department has not received the report.

22 (2) The department of licensing shall examine the listing  
23 reported in subsection (1) of this section to verify whether the  
24 vehicles are properly registered in the state. Beginning in 2018, and  
25 to the extent that it has received the listing required under  
26 subsection (1) of this section, the department shall notify by  
27 certified mail from the United States postal service, with return  
28 receipt requested, by the end of February of each year, the  
29 purchasers of the warranties of the off-road vehicles and snowmobiles  
30 that are not properly registered in the state of the owner's  
31 obligations under state law regarding vehicle titling, registration,  
32 and use tax payment, as well as of the penalties for failure to  
33 comply with the law.

34 (3) Fines received under this section must be paid into the state  
35 treasury and credited to the nonhighway and off-road vehicle  
36 activities program account under RCW 46.09.510 and to the snowmobile  
37 account under RCW 46.68.350. The state treasurer must apportion the  
38 fines between the accounts according to the pro rata share of the  
39 number of off-road vehicle and snowmobile registrations in the

1 previous calendar year. The department must provide the state  
2 treasurer with the information needed to determine the apportionment.

3 NEW SECTION. **Sec. 5.** Section 4 of this act applies to the sales  
4 of off-road vehicles and snowmobiles beginning in January 2017.

5 NEW SECTION. **Sec. 6.** This act takes effect August 1, 2017."

6 Correct the title.

EFFECT: Delays the administrative fine of \$100 per day assessed to motorsports vehicle manufacturers to the day after the first business day in February, which is the deadline by which such manufacturers are required to submit a listing of all warranties of vehicles sold by out-of-state dealers to Washington residents in the previous calendar year.

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