

# SENATE BILL REPORT

## SB 5807

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As of February 20, 2017

**Title:** An act relating to clarifying vehicle registration for vehicles that are not owned or leased by the governing body of an Indian tribe.

**Brief Description:** Clarifying vehicle registration for vehicles that are not owned or leased by the governing body of an Indian tribe.

**Sponsors:** Senator King.

**Brief History:**

**Committee Activity:** Transportation: 2/20/17.

**Brief Summary of Bill**

- Makes registering a vehicle in Indian country to evade the payment of any state tax or vehicle license fee a gross misdemeanor.

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### SENATE COMMITTEE ON TRANSPORTATION

**Staff:** Kim Johnson (786-7472)

**Background:** Washington residents, unless exempt, must obtain a valid Washington driver's license and register their vehicles within 30 days from the date they become residents. Failure to make initial registration before operation of the vehicle on the highways of this state is a traffic infraction, and the violator must pay a fine of \$529 to be deposited into the Vehicle Licensing Fraud Account. The person must pay the delinquent taxes and fees which will be deposited and distributed in the same manner as if the taxes and fees were paid in a timely fashion.

It is not lawful for a Washington resident to register a vehicle in another state in order to evade Washington state taxes and fees. The first offense is a gross misdemeanor punishable by:

- up to one year in the county jail;
- a fine of \$529 to be deposited into the Vehicle License Fraud Account;
- a fine of \$1,000 to be deposited into the Vehicle License Fraud Account; and

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- the payment of the delinquent taxes and fees which will be deposited and distributed in the same manner as if the taxes and fees were paid in a timely fashion.

The motor vehicle registration requirements do not apply to vehicles owned or leased by the governing body of an Indian Tribe if:

- the vehicle is used exclusively in tribal government service;
- the vehicle has been registered under a law adopted by the tribal government;
- the vehicle displays plates issued by the tribe; and
- the tribe has not elected to receive Washington State license plates for tribal government service vehicles.

**Summary of Bill:** Intent language is provided clarifying vehicles registered to an address outside of Indian country, that are not owned and operated exclusively by a tribal government, are subject to Washington State vehicle registration requirements.

It is a gross misdemeanor for a resident to register a vehicle in Indian country evading the payment of any tax or vehicle license fee. The penalties are the same as those for registering in another state in order to evade Washington State taxes and fees.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: We do not allow anyone from any other state or nation to live in Washington State and license their vehicle somewhere else. I respect the Yakama Nation's sovereignty and what that government chooses to do on its tribal lands is up to the tribe. However, when people make the choice to live outside Indian country our state laws should apply.

CON: The Yakama Nation does not support this bill. This bill is in direct violation of federal law. We have been issuing our own licenses since 2011. Our treaty from 1855, which predates Washington's statehood, provides our people with the right to travel. I understand your concerns, but the treaty preserves our right to travel. Before launching the Yakama license plate program we checked with the Governor's Office and the Washington State Patrol. Public safety has been addressed and we have heard of no safety issues with vehicles licensed by the tribe. We have a great working relationship with local law enforcement.

**Persons Testifying:** PRO: Senator Curtis King, Prime Sponsor.

CON: Asa Washines, Yakama Nation; Dawn Vyvyan.

**Persons Signed In To Testify But Not Testifying:** No one.