

# FINAL BILL REPORT

## SSB 5362

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### C 459 L 19

Synopsis as Enacted

**Brief Description:** Creating a deferred finding program for nonpayment of license fees and taxes for vehicle, vessel, and aircraft registrations.

**Sponsors:** Senate Committee on Transportation (originally sponsored by Senators Wilson, L., Hobbs, King and Rivers).

**Senate Committee on Transportation**  
**House Committee on Transportation**

**Background:** New 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. Exemptions include a person in the military, a nonresident driver, borrowed vehicles, or business vehicles.

Failure to register a vehicle in Washington before operating it on the highways is a traffic infraction of \$529, and no part may be suspended or deferred. The avoided taxes and fees must be deposited and distributed in the same manner as if the taxes and fees were paid in a timely fashion.

Licensing a vehicle in another state by a resident of this state to evade the payment of any tax or license fee imposed in connection with registration is a gross misdemeanor punishable as follows:

- for a first offense, up to one year in the county jail and payment of a fine of \$1,529, no part of which may be suspended or deferred; and
- for a second or subsequent offense, up to one year in the county jail and payment of a fine of \$5,529, no part of which may be suspended or deferred.

The fines levied will be deposited in the Vehicle Licensing Fraud Account to be used only for vehicle license fraud enforcement and collections by the Washington State Patrol and the Department of Revenue.

Failure to register an aircraft or failure to register a vessel are gross misdemeanors. For a second or subsequent offense, the person is subject to a fine of four times the amount of avoided taxes and fees which may not be suspended or deferred.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary:** Any county may set up a deferral program administered by courts for persons who receive a criminal citation for failure to register a vehicle, aircraft, or vessel.

Before entering an order deferring prosecution, the court shall make specific findings that:

- the petitioner has stipulated to the admissibility and sufficiency of the facts as contained in the written police report;
- the petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing on the underlying offense or offenses held subsequent to revocation of the order granting deferred prosecution;
- the petitioner has acknowledged and waived the right to testify, the right to a speedy trial, the right to call witnesses to testify, the right to present evidence in the petitioner's defense, and the right to a jury trial; and
- the petitioner's statements were made knowingly and voluntarily.

Such findings shall be included in the order granting deferred prosecution.

A person must not have a previous citation for failing to register a vehicle, aircraft, or a vessel to be eligible for the deferral program.

If the defendant successfully completes the conditions required under the deferral program, the court shall dismiss the charges pending against the defendant. The conditions include the court receives satisfactory proof within 90 days that the person has:

- paid a \$500 fine;
- obtained a valid Washington state driver's license; and
- registered the vehicle, aircraft, or vessel that was the subject of the citation.

If the court finds that the defendant has not successfully completed the conditions required under the deferred prosecution, the court shall remove the defendant from deferred prosecution and enter a judgment.

Fines generated pursuant to the deferral program must be used by the county for enforcement and prosecution of registration requirements.

**Votes on Final Passage:**

Senate	48	0	
House	98	0	(House amended)
Senate	47	0	(Senate concurred)

**Effective:** July 28, 2019