
HOUSE BILL 1309

State of Washington

66th Legislature

2019 Regular Session

By Representatives Ryu and Tharinger

Read first time 01/18/19. Referred to Committee on Transportation.

1 AN ACT Relating to studded tires; amending RCW 46.37.427,
2 46.37.4216, and 46.37.420; reenacting and amending RCW 47.36.250;
3 creating a new section; prescribing penalties; providing effective
4 dates; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the use of
7 studded tires causes damage to roadways and reduces road safety for
8 all motorists. Engineering research indicates that tire studs damage
9 hot mix asphalt and concrete pavements, wearing away the pavement and
10 forming ruts on the pavement surface. Damage to asphalt and concrete
11 pavement on state highways due to studded tire use is estimated at
12 twenty million dollars to twenty-nine million dollars per year.
13 Dangerous driving conditions are created when water collects in
14 pavement ruts which could lead to hydroplaning and increased splash
15 and spray. Studded tires also wear out paint stripes and raised
16 pavement markers on roadways, further reducing road safety for all
17 motorists. Therefore, the legislature intends to increase the fee
18 imposed on the retail sale of studded tires in order to produce
19 revenue needed to fund repairs to damaged roadways. The legislature
20 also intends to phase out the use of studded tires by prohibiting the
21 sale and eventually the use of studded tires in Washington.

1 **Sec. 2.** RCW 46.37.427 and 2015 3rd sp.s. c 44 s 210 are each
2 amended to read as follows:

3 (~~Beginning July 1, 2016:~~)

4 (1)(a) In addition to all other fees imposed on the retail sale
5 of tires, a (~~five~~) one hundred dollar fee is imposed on the retail
6 sale of each new tire sold that contains studs. For the purposes of
7 this subsection, "new tire sold that contains studs" means a tire
8 that is manufactured for vehicle purposes and contains metal studs,
9 and does not include bicycle tires or retreaded vehicle tires.

10 (b) The (~~five~~) one hundred dollar fee must be paid by the buyer
11 to the seller, and each seller must collect from the buyer the full
12 amount of the fee. The fee collected from the buyer by the seller
13 must be paid to the department of revenue in accordance with RCW
14 82.32.045; however, the seller retains (~~ten~~) one percent of the fee
15 collected.

16 (c) The portion of the fee paid to the department of revenue
17 under (b) of this subsection must be deposited in the motor vehicle
18 fund created under RCW 46.68.070.

19 (2) The fee to be collected by the seller, less the (~~ten~~) one
20 percent that the seller retains as specified in subsection (1)(b) of
21 this section, must be held in trust by the seller until paid to the
22 department of revenue, and any seller who appropriates or converts
23 the fee collected to any use other than the payment of the fee on the
24 due date is guilty of a gross misdemeanor.

25 (3) Any seller that fails to collect the fee imposed under this
26 section or, having collected the fee, fails to pay it to the
27 department of revenue by the date due, whether such failure is the
28 result of the seller or the result of acts or conditions beyond the
29 seller's control, is personally liable to the state for the amount of
30 the fee.

31 (4) The amount of the fee, until paid by the buyer to the seller
32 or to the department of revenue, constitutes a debt from the buyer to
33 the seller. Any seller who fails or refuses to collect the fee as
34 required with the intent to violate this section or to gain some
35 advantage or benefit and any buyer who refuses to pay the fee due is
36 guilty of a misdemeanor.

37 (5) The department of revenue must collect on the business excise
38 tax return from the businesses selling new tires that contain studs
39 at retail the number of tires sold and the fee imposed under this
40 section. The department of revenue must incorporate into its audit

1 cycle a reconciliation of the number of tires sold and the amount of
2 revenue collected by the businesses selling new tires that contain
3 studs.

4 (6) All other applicable provisions of chapter 82.32 RCW have
5 full force and application with respect to the fee imposed under this
6 section.

7 (7) The department of revenue must administer this section.

8 **Sec. 3.** RCW 46.37.4216 and 2007 c 140 s 4 are each amended to
9 read as follows:

10 (1) Beginning July 1, 2001, a person may not sell a studded tire
11 or sell a stud for installation in a tire unless the stud qualifies
12 as a: ~~((1))~~ (a) Lightweight stud under RCW 46.04.272; or ~~((2))~~
13 (b) retractable stud that is exempt from the requirements of RCW
14 46.04.272.

15 (2) Beginning January 1, 2020, it is a traffic infraction for any
16 person, firm, or corporation to sell or offer for sale a studded tire
17 or a stud for installation in a tire.

18 **Sec. 4.** RCW 46.37.420 and 2012 c 75 s 1 are each amended to read
19 as follows:

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

25 (2) No tire on a vehicle moved on a highway may have on its
26 periphery any block, flange, cleat, or spike or any other
27 protuberance of any material other than rubber which projects beyond
28 the tread of the traction surface of the tire, except ~~((that))~~ as
29 allowed in subsections (3) and (4) of this section.

30 (3) It is permissible to use on a highway farm machinery equipped
31 with pneumatic tires or solid rubber tracks having protuberances that
32 will not injure the highway ~~((, and except also that))~~.

33 (4) (a) It is permissible to use on the public highways of this
34 state tire chains or alternative traction devices upon any vehicle
35 when required for safety because of snow, ice, or other conditions
36 tending to cause a vehicle to skid.

37 (b) (i) Until July 1, 2025, it is permissible to use ~~((tire~~
38 chains, alternative traction devices, or)) metal studs imbedded

1 within the tire of reasonable proportions and of a type conforming to
2 rules adopted by the state patrol, upon any vehicle when required for
3 safety because of snow, ice, or other conditions tending to cause a
4 vehicle to skid. It is unlawful to use metal studs imbedded within
5 the tire between April 1st and November 1st, except that a vehicle
6 may be equipped year-round with tires that have retractable studs if:
7 ~~((a))~~ (A) The studs retract pneumatically or mechanically to below
8 the wear bar of the tire when not in use; and ~~((b))~~ (B) the
9 retractable studs are engaged only between November 1st and April
10 1st. Retractable studs may be made of metal or other material and are
11 not subject to the lightweight stud weight requirements under RCW
12 46.04.272. The state department of transportation may, from time to
13 time, determine additional periods in which the use of tires with
14 metal studs imbedded therein is lawful.

15 (ii) Beginning July 1, 2025, it is unlawful to use metal studs
16 imbedded within the tire upon any vehicle on the public highways of
17 this state.

18 ~~((3))~~ (5) The state department of transportation and local
19 authorities in their respective jurisdictions may issue special
20 permits authorizing the operation upon a highway of traction engines
21 or tractors having movable tracks with transverse corrugations upon
22 the periphery of the movable tracks or farm tractors or other farm
23 machinery, the operation of which upon a highway would otherwise be
24 prohibited under this section.

25 ~~((4))~~ (6) Tires with metal studs imbedded therein may be used
26 between November 1st and April 1st upon school buses and fire
27 department vehicles, any law or regulation to the contrary
28 notwithstanding.

29 **Sec. 5.** RCW 47.36.250 and 2003 c 356 s 1 and 2003 c 53 s 259 are
30 each reenacted and amended to read as follows:

31 (1) If the department or its delegate determines at any time for
32 any part of the public highway system that the unsafe conditions of
33 the roadway require particular tires, tire chains, or traction
34 equipment in addition to or beyond the ordinary pneumatic rubber
35 tires, the department may establish the following recommendations or
36 requirements with respect to the use of such equipment for all
37 persons using such public highway:

38 (a) Traction advisory - oversize vehicles prohibited.

1 (b) Traction advisory - oversize vehicles prohibited. Vehicles
2 over 10,000 GVW - chains required.

3 (c) Traction advisory - oversize vehicles prohibited. All
4 vehicles - chains required, except all wheel drive.

5 (2) Any equipment that may be required by this section shall be
6 approved by the state patrol as authorized under RCW 46.37.420.

7 (3) The department shall place and maintain signs and other
8 traffic control devices on the public highways that indicate the
9 tire, tire chain, or traction equipment recommendation or requirement
10 determined under this section. (~~Such signs or traffic control~~
11 ~~devices shall in no event prohibit the use of studded tires from~~
12 ~~November 1st to April 1st, but when the department determines that~~
13 ~~chains are required and that no other traction equipment will~~
14 ~~suffice, the requirement is applicable to all types of tires~~
15 ~~including studded tires.)) The Washington state patrol or the
16 department may specify different recommendations or requirements for
17 four wheel drive vehicles in gear.~~

18 (4) Failure to obey a requirement indicated under this section is
19 a traffic infraction under chapter 46.63 RCW subject to a penalty of
20 five hundred dollars including all statutory assessments.

21 NEW SECTION. **Sec. 6.** Section 5 of this act takes effect July 1,
22 2025.

23 NEW SECTION. **Sec. 7.** Sections 1 through 4 of this act are
24 necessary for the immediate preservation of the public peace, health,
25 or safety, or support of the state government and its existing public
26 institutions, and take effect July 1, 2019.

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