

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5719

61st Legislature
2009 Regular Session

Passed by the Senate April 20, 2009
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 13, 2009
YEAS 97 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5719** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5719

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senate Transportation (originally sponsored by Senators Swecker and Brown)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to title and registration requirements for kit
2 vehicles; amending RCW 46.12.440 and 46.16.680; and adding a new
3 section to chapter 46.37 RCW.

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

5 **Sec. 1.** RCW 46.12.440 and 1996 c 225 s 8 are each amended to read
6 as follows:

7 The following procedures must be followed when applying for a
8 certificate of ownership for a kit vehicle:

9 (1) The vehicle identification number (VIN) of a new vehicle kit
10 and of a body kit will be taken from the manufacturer's certificate of
11 origin belonging to that vehicle. If the VIN is not available, the
12 Washington state patrol shall assign a VIN at the time of inspection.

13 (2) The department shall use the model year of a manufactured new
14 vehicle kit and manufactured body kit ((is)) as the year reflected on
15 the manufacturer's certificate of origin.

16 (3) The make shall be listed as "KITV," and the series and body
17 designation must describe ~~((what the vehiele looks like, i.e. Bradley~~
18 ~~GT, 57 MG, and must include the word "replica))~~ a discrete vehicle
19 model.((^u))

1 (4) Except for kit vehicles licensed under RCW 46.16.680(5), kit
2 vehicles must comply with chapter ((204-90)) 204-10 WAC. A kit vehicle
3 is exempt from the welding requirements under WAC 204-10-022(8) if,
4 upon application for a certificate of ownership, the owner furnishes
5 documentation from the manufacturer of the vehicle frame that informs
6 the owner that the welding on the frame was not completed by a
7 certified welder and that the structural strength of the frame has not
8 been certified by an engineer as meeting the applicable federal motor
9 vehicle safety standards set under 49 C.F.R. Sec. 571.201, 571.214,
10 571.216, and 571.220 through 571.224, and the applicable SAE standards.

11 (5) The application for the certificate of ownership must be
12 accompanied by the following documents:

13 (a) For a manufactured new vehicle kit, the manufacturer's
14 certificate of origin or equivalent document;

15 (b)(i) For a manufactured body kit, the manufacturer's certificate
16 of origin or equivalent document; (ii) for the frame, the title or a
17 certified copy or equivalent document;

18 (c) Bills of sale or invoices for all major components used in the
19 construction of the vehicle. The bills of sale must be notarized
20 unless the vendor is registered with the department of revenue for the
21 collection of retail sales or use tax. The bills of sale must include
22 the names and addresses of the seller and purchaser, a description of
23 the vehicle or part being sold, including the make, model, and
24 identification or serial number, the date of sale, and the purchase
25 price of the vehicle or part;

26 (d) A statement as defined in WAC 308-56A-150 by an authorized
27 inspector of the Washington state patrol or other person authorized by
28 the department of licensing verifying the vehicle identification
29 number, and year and make when applicable;

30 (e) A completed declaration of value form (TD 420-737) to determine
31 the value for excise tax if the purchase cost and year is unknown or
32 incomplete.

33 (6) A Washington state patrol VIN inspector must ensure that all
34 parts are documented by titles, notarized bills of sale, or business
35 receipts such as obtained from a wrecking yard purchase. The bills of
36 sale must contain the VIN of the vehicle the parts came from, or the
37 yard number if from a wrecking yard.

1 (7) The department may not deny a certificate of ownership to an
2 applicant who completes the requisite application, complies with this
3 section, and pays the requisite titling fees and taxes.

4 **Sec. 2.** RCW 46.16.680 and 1996 c 225 s 10 are each amended to read
5 as follows:

6 All kit vehicles are licensed as original transactions when first
7 titled in Washington, and the following provisions apply:

8 (1) The department of licensing shall charge original licensing
9 fees and issue new plates appropriate to the use class.

10 (2) An inspection by the Washington state patrol is required to
11 determine the correct identification number, and year or make if
12 needed.

13 (3) The use class is the actual use of the vehicle, i.e. passenger
14 car or truck.

15 (4) The make shall be listed as "KITV," and the series and body
16 designation must describe (~~what the vehicle looks like, i.e. 48~~
17 ~~Bradley GT, 57 MG, and must include the word "replica") a discrete~~

18 vehicle model.((#))
19 (5) Upon payment of original licensing fees the department may
20 license a kit vehicle under RCW 46.16.305(1) as a street rod if the
21 vehicle is manufactured to have the same appearance as a similar
22 vehicle manufactured before 1949.

23 (6) For a manufactured new vehicle kit and a manufactured body kit,
24 the model year of the vehicle is the year reflected on the
25 manufacturer's certificate of origin for that vehicle. If this is not
26 available, the Washington state patrol shall assign a model year at the
27 time of inspection.

28 (7) The vehicle identification number (VIN) of a new vehicle kit
29 and body kit is the vehicle identification number as reflected on the
30 manufacturer's certificate of origin. If the VIN is not available, the
31 Washington state patrol shall assign a VIN at the time of inspection.

32 (8) The department may not deny a vehicle registration, or vehicle
33 license plates, to an applicant who completes the requisite
34 application, is a Washington resident as defined in RCW 46.16.028,
35 complies with this section, and pays the requisite vehicle licensing
36 fees and taxes.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.37 RCW
2 to read as follows:

3 (1) For the purposes of this section:

4 (a) "Kit vehicle" means a passenger car or light truck assembled
5 from a manufactured kit, and is either (i) a kit consisting of a
6 prefabricated body and chassis used to construct a complete vehicle, or
7 (ii) a kit consisting of a prefabricated body to be mounted on an
8 existing vehicle chassis and drive train, commonly referred to as a
9 donor vehicle. "Kit vehicle" does not include a vehicle that has been
10 assembled by a manufacturer.

11 (b) "Major component part" includes at least each of the following
12 vehicle parts: (i) Engines and short blocks; (ii) frame; (iii)
13 transmission or transfer case; (iv) cab; (v) door; (vi) front or rear
14 differential; (vii) front or rear clip; (viii) quarter panel; (ix)
15 truck bed or box; (x) seat; (xi) hood; (xii) bumper; (xiii) fender; and
16 (xiv) airbag.

17 (2) A kit vehicle must, prior to inspection, contain the following
18 components:

19 (a) Brakes on all wheels. The service brakes, upon application,
20 must be capable of stopping the vehicle within a twelve-foot lane and
21 (i) developing an average tire to road retardation force of not less
22 than 52.8 percent of the gross vehicle weight, (ii) decelerating the
23 vehicle at a rate of not less than seventeen feet per second, or (iii)
24 stopping the vehicle within a distance of twenty-five feet from a speed
25 of twenty miles per hour. Tests must be made on a level, dry,
26 concrete or asphalt surface free from loose material;

27 (b) Brake hoses that comply with 49 C.F.R. Sec. 571.106;

28 (c) Brake fluids that comply with 49 C.F.R. Sec. 571.119;

29 (d) A parking brake that must operate on at least two wheels on the
30 same axle, and when applied, must be capable of holding the vehicle on
31 any grade on which the vehicle is operated. The parking brake must be
32 separately actuated so that failure of any part of the service brake
33 actuation system will not diminish the vehicle's parking brake holding
34 capability;

35 (e) Lighting equipment that complies with 49 C.F.R. Sec. 571.108;

36 (f) Pneumatic tires that comply with 49 C.F.R. Sec. 571.109;

37 (g) Glazing material that complies with 49 C.F.R. Sec. 571.205.

38 The driver must be provided with a windshield and side windows or

1 opening that allows an outward horizontal vision capability, ninety
2 degrees each side of a vertical plane passing through the fore and aft
3 centerline of the vehicle. This range of vision must not be
4 interrupted by window framing not exceeding four inches in width at
5 each side location;

6 (h) Seat belt assemblies that comply with 49 C.F.R. Sec. 571.209;

7 (i) Defroster and defogging devices capable of defogging and
8 defrosting the windshield area, except vehicles or exact replicas of
9 vehicles manufactured prior to January 1938 are exempt from this
10 requirement;

11 (j) Door latches that firmly and automatically secure the door when
12 pushed closed and that allow each door to be opened both from the
13 inside and outside, if the vehicle is enclosed with side doors leading
14 directly into a compartment that contains one or more seating
15 accommodations;

16 (k) A floor plan that is capable of supporting the weight of the
17 number of occupants that the vehicle is designed to carry;

18 (l) If an enclosed kit vehicle powered by an internal combustion
19 engine, a passenger compartment that must be constructed to prevent the
20 entry of exhaust fumes into the passenger compartment;

21 (m) Fenders that must be installed on all wheels and cover the
22 entire tread width that comes in contact with the road surface.
23 Coverage of the tire tread circumference must be from at least fifteen
24 degrees in front and to at least seventy-five degrees to the rear of
25 the vertical centerline at each wheel measured from the center of the
26 wheel rotation. The tire must not come in contact with the body,
27 fender, chassis, or suspension of the vehicle. Kit vehicles that are
28 more than forty years old and are owned and operated primarily as
29 collector's vehicles are exempt from this fender requirement if the
30 vehicle is used and driven during fair weather on well-maintained,
31 hard-surfaced roads;

32 (n) A speedometer that is calibrated to indicate miles per hour,
33 and may also indicate kilometers per hour;

34 (o) Mirrors as outlined in RCW 46.37.400. Mirror mountings must
35 provide for mirror adjustment by tilting both horizontally and
36 vertically;

37 (p) An accelerator control system that, in accordance with 49
38 C.F.R. Sec. 571.124, contains a double spring that returns engine

1 throttle to an idle position when the driver removes the actuating
2 force from the accelerator control. The geometry of the throttle
3 linkage must be designed so that the throttle will not lock in an open
4 position. A vehicle equipped with cruise control is exempt when the
5 cruise control is actuated;

6 (q) A fuel system that, in accordance with 49 C.F.R. Secs. 571.301
7 and 571.302, is securely fastened to the vehicle so as not to interfere
8 with the vehicle's operation. The components, such as tank, tubing,
9 hoses, and pump, must be of leak proof design and be securely attached
10 with fasteners designed for that purpose. All fuel system vent lines
11 must extend outside of the passenger compartment and be positioned as
12 not to be in contact with the high temperature surfaces or moving
13 components. If the vehicle is fueled using alternative measures, it
14 must be installed in accordance with any applicable standards set by
15 the United States department of transportation;

16 (r) A steering wheel as outlined in RCW 46.37.375 and WAC 204-10-
17 034;

18 (s) A suspension as outlined in WAC 204-10-036;

19 (t) An exhaust system as outlined in WAC 204-10-038; and

20 (u) A horn that is capable of emitting sound audible under normal
21 conditions from a distance of not less than two hundred feet. The horn
22 or another warning device must not emit an unreasonably loud or harsh
23 sound or whistle. A bell or siren must not be used as a warning
24 device. The device used to actuate the horn must be easily accessible
25 to the driver when operating the vehicle.

26 (3) A kit vehicle may also be equipped with hoods and bumpers. If
27 this equipment is present, it must meet the following requirements:

28 (a) Hood latches must be equipped with a primary and secondary
29 latching system to hold the hood in a closed position if the hood is a
30 front opening hood; and

31 (b) Bumpers must be 4.5 inches in vertical height, centered on the
32 vehicle's centerline, and extend no less than the width of the
33 respective wheel track distances. Bumpers must be horizontal load
34 veering and attach to the frame to effectively transfer energy when
35 impacted. The bumper must be installed in accordance with the bumper
36 heights outlined in WAC 204-10-022.

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