

**ESSB 6455 - H AMD 1302**

By Representative Clibborn

ADOPTED 03/03/2012

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

3 "Sec. 1. RCW 46.17.100 and 2010 c 161 s 508 are each amended to  
4 read as follows:

5 Before accepting an application for a certificate of title as  
6 required in this title, the department, county auditor or other agent,  
7 or subagent appointed by the director shall require the applicant to  
8 pay a ((five)) fifteen dollar application fee in addition to any other  
9 fees and taxes required by law. The certificate of title application  
10 fee must be distributed under RCW 46.68.020.

11 Sec. 2. RCW 46.17.140 and 2010 c 161 s 512 are each amended to  
12 read as follows:

13 The penalty for a late transfer under RCW 46.12.650(7) is ((twenty-  
14 five)) fifty dollars assessed on the sixteenth day after the date of  
15 delivery and two dollars for each additional day thereafter, but the  
16 total penalty must not exceed one hundred twenty-five dollars. The  
17 penalty must be distributed under RCW 46.68.020.

18 Sec. 3. RCW 46.17.200 and 2011 c 171 s 56 are each amended to read  
19 as follows:

20 (1) In addition to all other fees and taxes required by law, the  
21 department, county auditor or other agent, or subagent appointed by the  
22 director shall charge:

23 (a) The following license plate fees for each license plate, unless  
24 the owner or type of vehicle is exempt from payment:

25	FEE TYPE	FEE	DISTRIBUTION
26	<u>Original issue</u>	<u>\$10.00</u>	<u>RCW 46.68.070</u>

1	Reflectivity	\$ 2.00	RCW 46.68.070
2	Replacement	\$ 10.00	RCW 46.68.070
3	<u>Original issue,</u>	<u>\$ 4.00</u>	<u>RCW 46.68.070</u>
4	<u>motorcycle</u>		
5	Replacement,	<del>(\$ 2.00)</del>	RCW 46.68.070
6	motorcycle	<u>\$ 4.00</u>	
7	Original issue, moped	\$ 1.50	RCW 46.68.070

8 (b) A license plate retention fee, as required under RCW  
9 46.16A.200(10)~~((a)(iii))~~ (c), of twenty dollars if the owner wishes  
10 to retain the current license plate number upon license plate  
11 replacement, unless the owner or type of vehicle is exempt from  
12 payment. The twenty dollar fee must be deposited in the multimodal  
13 transportation account created in RCW 47.66.070.

14 (c) A ten dollar license plate transfer fee, as required under RCW  
15 46.16A.200(8)(a), when transferring standard issue license plates from  
16 one vehicle to another, unless the owner or type of vehicle is exempt  
17 from payment. The ten dollar license plate transfer fee must be  
18 deposited in the motor vehicle fund created in RCW 46.68.070.

19 (d) Former prisoner of war license plates, as described in RCW  
20 46.18.235, may be transferred to a replacement vehicle upon payment of  
21 a five dollar license plate fee, in addition to any other fee required  
22 by law.

23 (2) The department may, upon request, provide license plates that  
24 have been used and returned to the department to individuals for  
25 nonvehicular use. The department may charge a fee of up to five  
26 dollars per license plate to cover costs or recovery for postage and  
27 handling. The department may waive the fee for license plates used in  
28 educational projects and may, by rule, provide standards for the fee  
29 waiver and restrictions on the number of license plates provided to any  
30 one person. The fee must be deposited in the motor vehicle fund  
31 created in RCW 46.68.070.

32 **Sec. 4.** RCW 46.17.375 and 2010 c 161 s 534 are each amended to  
33 read as follows:

34 (1) Before accepting an application for registration for a  
35 recreational vehicle, the department, county auditor or other agent, or  
36 subagent appointed by the director ~~((shall))~~ must require an applicant

1 to pay a (~~three~~) thirteen dollar fee in addition to any other fees  
2 and taxes required by law. The state parks support and recreational  
3 vehicle sanitary disposal fee must be (~~deposited in the RV account~~  
4 ~~created~~) distributed as provided in RCW 46.68.170.

5 (2) For the purposes of this section, "recreational vehicle" means  
6 a camper, motor home, or travel trailer.

7 **Sec. 5.** RCW 46.68.170 and 2011 c 367 s 715 are each amended to  
8 read as follows:

9 (~~There is~~) The director shall forward all proceeds from the state  
10 parks support and recreational vehicle sanitary disposal fee imposed  
11 under RCW 46.17.375 to the state treasurer to be distributed to the  
12 following accounts:

13 (1) Three dollars to the RV account hereby created in the motor  
14 vehicle fund the RV account. All moneys hereafter deposited in  
15 (~~said~~) the account (~~shall~~) must be used by the department of  
16 transportation for the construction, maintenance, and operation of  
17 recreational vehicle sanitary disposal systems at safety rest areas in  
18 accordance with the department's highway system plan as prescribed in  
19 chapter 47.06 RCW. During the 2009-2011 and 2011-2013 fiscal biennia,  
20 the legislature may transfer from the RV account to the motor vehicle  
21 fund such amounts as reflect the excess fund balance of the RV account  
22 to accomplish the purposes identified in this section; and

23 (2) Ten dollars to the state parks renewal and stewardship account  
24 established in RCW 79A.05.215.

25 **Sec. 6.** RCW 79A.05.215 and 2011 c 320 s 22 are each amended to  
26 read as follows:

27 The state parks renewal and stewardship account is created in the  
28 state treasury. Except as otherwise provided in this chapter, all  
29 receipts from user fees, concessions, leases, donations collected under  
30 RCW 46.16A.090(3), and other state park-based activities (~~shall~~) must  
31 be deposited into the account. In addition, ten dollars of the fee  
32 established in RCW 46.17.375 must be deposited into the account as  
33 provided in RCW 46.68.170(2) and may be used by the commission only for  
34 the operation and maintenance of state parks that provide access and  
35 overnight accommodations to recreational vehicles. The proceeds from  
36 the recreation access pass account created in RCW 79A.80.090 must be

1 used for the purpose of operating and maintaining state parks. Except  
2 as provided otherwise in this section, expenditures from the account  
3 may be used for operating state parks, developing and renovating park  
4 facilities, undertaking deferred maintenance, enhancing park  
5 stewardship, and other state park purposes. Expenditures from the  
6 account may be made only after appropriation by the legislature.

7 **Sec. 7.** RCW 46.20.293 and 2007 c 424 s 1 are each amended to read  
8 as follows:

9 The department is authorized to provide juvenile courts with the  
10 department's record of traffic charges compiled under RCW 46.52.101 and  
11 13.50.200, against any minor upon the request of any state juvenile  
12 court or duly authorized officer of any juvenile court of this state.  
13 Further, the department is authorized to provide any juvenile court  
14 with any requested service which the department can reasonably perform  
15 which is not inconsistent with its legal authority which substantially  
16 aids juvenile courts in handling traffic cases and which promotes  
17 highway safety.

18 The department is authorized to furnish to the parent, parents, or  
19 guardian of any person under eighteen years of age who is not  
20 emancipated from such parent, parents, or guardian, the department  
21 records of traffic charges compiled against the person and shall  
22 collect for the copy a fee of (~~ten~~) thirteen dollars, fifty percent  
23 of which must be deposited in the highway safety fund and fifty percent  
24 of which must be deposited according to RCW 46.68.038.

25 **Sec. 8.** RCW 46.29.050 and 2010 c 8 s 9028 are each amended to read  
26 as follows:

27 (1) The department shall upon request furnish any person or his or  
28 her attorney a certified abstract of his or her driving record, which  
29 abstract shall include enumeration of any motor vehicle accidents in  
30 which such person has been involved. Such abstract shall (a) indicate  
31 the total number of vehicles involved, whether the vehicles were  
32 legally parked or moving, and whether the vehicles were occupied at the  
33 time of the accident; and (b) contain reference to any convictions of  
34 the person for violation of the motor vehicle laws as reported to the  
35 department, reference to any findings that the person has committed a  
36 traffic infraction which have been reported to the department, and a

1 record of any vehicles registered in the name of the person. The  
2 department shall collect for each abstract the sum of (~~ten~~) thirteen  
3 dollars, fifty percent of which shall be deposited in the highway  
4 safety fund and fifty percent of which must be deposited according to  
5 RCW 46.68.038.

6 (2) The department shall upon request furnish any person who may  
7 have been injured in person or property by any motor vehicle, with an  
8 abstract of all information of record in the department pertaining to  
9 the evidence of the ability of any driver or owner of any motor vehicle  
10 to respond in damages. The department shall collect for each abstract  
11 the sum of (~~ten~~) thirteen dollars, fifty percent of which shall be  
12 deposited in the highway safety fund and fifty percent of which must be  
13 deposited according to RCW 46.68.038.

14 **Sec. 9.** RCW 46.52.130 and 2010 c 253 s 1 are each amended to read  
15 as follows:

16 Upon a proper request, the department may furnish an abstract of a  
17 person's driving record as permitted under this section.

18 (1) **Contents of abstract of driving record.** An abstract of a  
19 person's driving record, whenever possible, must include:

20 (a) An enumeration of motor vehicle accidents in which the person  
21 was driving, including:

- 22 (i) The total number of vehicles involved;
- 23 (ii) Whether the vehicles were legally parked or moving;
- 24 (iii) Whether the vehicles were occupied at the time of the  
25 accident; and
- 26 (iv) Whether the accident resulted in a fatality;

27 (b) Any reported convictions, forfeitures of bail, or findings that  
28 an infraction was committed based upon a violation of any motor vehicle  
29 law;

30 (c) The status of the person's driving privilege in this state; and

31 (d) Any reports of failure to appear in response to a traffic  
32 citation or failure to respond to a notice of infraction served upon  
33 the named individual by an arresting officer.

34 (2) **Release of abstract of driving record.** An abstract of a  
35 person's driving record may be furnished to the following persons or  
36 entities:

1 (a) **Named individuals.** (i) An abstract of the full driving record  
2 maintained by the department may be furnished to the individual named  
3 in the abstract.

4 (ii) Nothing in this section prevents a court from providing a copy  
5 of the driver's abstract to the individual named in the abstract,  
6 provided that the named individual has a pending or open infraction or  
7 criminal case in that court. A pending case includes criminal cases  
8 that have not reached a disposition by plea, stipulation, trial, or  
9 amended charge. An open infraction or criminal case includes cases on  
10 probation, payment agreement or subject to, or in collections. Courts  
11 may charge a reasonable fee for the production and copying of the  
12 abstract for the individual.

13 (b) **Employers or prospective employers.** (i) An abstract of the  
14 full driving record maintained by the department may be furnished to an  
15 employer or prospective employer or an agent acting on behalf of an  
16 employer or prospective employer of the named individual for purposes  
17 related to driving by the individual as a condition of employment or  
18 otherwise at the direction of the employer.

19 (ii) Release of an abstract of the driving record of an employee or  
20 prospective employee requires a statement signed by: (A) The employee  
21 or prospective employee that authorizes the release of the record; and  
22 (B) the employer attesting that the information is necessary for  
23 employment purposes related to driving by the individual as a condition  
24 of employment or otherwise at the direction of the employer. If the  
25 employer or prospective employer authorizes an agent to obtain this  
26 information on their behalf, this must be noted in the statement.

27 (iii) Upon request of the person named in the abstract provided  
28 under this subsection, and upon that same person furnishing copies of  
29 court records ruling that the person was not at fault in a motor  
30 vehicle accident, the department must indicate on any abstract provided  
31 under this subsection that the person was not at fault in the motor  
32 vehicle accident.

33 (c) **Volunteer organizations.** (i) An abstract of the full driving  
34 record maintained by the department may be furnished to a volunteer  
35 organization or an agent for a volunteer organization for which the  
36 named individual has submitted an application for a position that would  
37 require driving by the individual at the direction of the volunteer  
38 organization.

1 (ii) Release of an abstract of the driving record of a prospective  
2 volunteer requires a statement signed by: (A) The prospective  
3 volunteer that authorizes the release of the record; and (B) the  
4 volunteer organization attesting that the information is necessary for  
5 purposes related to driving by the individual at the direction of the  
6 volunteer organization. If the volunteer organization authorizes an  
7 agent to obtain this information on their behalf, this must be noted in  
8 the statement.

9 (d) **Transit authorities.** An abstract of the full driving record  
10 maintained by the department may be furnished to an employee or agent  
11 of a transit authority checking prospective volunteer vanpool drivers  
12 for insurance and risk management needs.

13 (e) **Insurance carriers.** (i) An abstract of the driving record  
14 maintained by the department covering the period of not more than the  
15 last three years may be furnished to an insurance company or its agent:

16 (A) That has motor vehicle or life insurance in effect covering the  
17 named individual;

18 (B) To which the named individual has applied; or

19 (C) That has insurance in effect covering the employer or a  
20 prospective employer of the named individual.

21 (ii) The abstract provided to the insurance company must:

22 (A) Not contain any information related to actions committed by law  
23 enforcement officers or firefighters, as both terms are defined in RCW  
24 41.26.030, or by Washington state patrol officers, while driving  
25 official vehicles in the performance of their occupational duty. This  
26 does not apply to any situation where the vehicle was used in the  
27 commission of a misdemeanor or felony;

28 (B) Include convictions under RCW 46.61.5249 and 46.61.525, except  
29 that the abstract must report the convictions only as negligent driving  
30 without reference to whether they are for first or second degree  
31 negligent driving; and

32 (C) Exclude any deferred prosecution under RCW 10.05.060, except  
33 that if a person is removed from a deferred prosecution under RCW  
34 10.05.090, the abstract must show the deferred prosecution as well as  
35 the removal.

36 (iii) Any policy of insurance may not be canceled, nonrenewed,  
37 denied, or have the rate increased on the basis of information

1 regarding an accident included in the abstract of a driving record,  
2 unless the policyholder was determined to be at fault.

3 (iv) Any insurance company or its agent, for underwriting purposes  
4 relating to the operation of commercial motor vehicles, may not use any  
5 information contained in the abstract relative to any person's  
6 operation of motor vehicles while not engaged in such employment. Any  
7 insurance company or its agent, for underwriting purposes relating to  
8 the operation of noncommercial motor vehicles, may not use any  
9 information contained in the abstract relative to any person's  
10 operation of commercial motor vehicles.

11 (v) The director may enter into a contractual agreement with an  
12 insurance company or its agent for the limited purpose of reviewing the  
13 driving records of existing policyholders for changes to the record  
14 during specified periods of time. The department shall establish a fee  
15 for this service, which must be deposited in the highway safety fund.  
16 The fee for this service must be set at a level that will not result in  
17 a net revenue loss to the state. Any information provided under this  
18 subsection must be treated in the same manner and is subject to the  
19 same restrictions as driving record abstracts.

20 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of  
21 the driving record maintained by the department covering the period of  
22 not more than the last five years may be furnished to an alcohol/drug  
23 assessment or treatment agency approved by the department of social and  
24 health services to which the named individual has applied or been  
25 assigned for evaluation or treatment, for purposes of assisting  
26 employees in making a determination as to what level of treatment, if  
27 any, is appropriate, except that the abstract must:

28 (i) Also include records of alcohol-related offenses, as defined in  
29 RCW 46.01.260(2), covering a period of not more than the last ten  
30 years; and

31 (ii) Indicate whether an alcohol-related offense was originally  
32 charged as a violation of either RCW 46.61.502 or 46.61.504.

33 (g) **City attorneys and county prosecuting attorneys.** An abstract  
34 of the full driving record maintained by the department, including  
35 whether a recorded violation is an alcohol-related offense, as defined  
36 in RCW 46.01.260(2), that was originally charged as a violation of  
37 either RCW 46.61.502 or 46.61.504, may be furnished to city attorneys  
38 or county prosecuting attorneys. City attorneys and county prosecuting

1 attorneys may provide the driving record to alcohol/drug assessment or  
2 treatment agencies approved by the department of social and health  
3 services to which the named individual has applied or been assigned for  
4 evaluation or treatment.

5 (h) **State colleges, universities, or agencies, or units of local**  
6 **government.** An abstract of the full driving record maintained by the  
7 department may be furnished to (i) state colleges, universities, or  
8 agencies for employment and risk management purposes or (ii) units of  
9 local government authorized to self-insure under RCW 48.62.031 for  
10 employment and risk management purposes.

11 (i) **Superintendent of public instruction.** An abstract of the full  
12 driving record maintained by the department may be furnished to the  
13 superintendent of public instruction for review of public school bus  
14 driver records. The superintendent or superintendent's designee may  
15 discuss information on the driving record with an authorized  
16 representative of the employing school district for employment and risk  
17 management purposes.

18 (3) **Release to third parties prohibited.** Any person or entity  
19 receiving an abstract of a person's driving record under subsection  
20 (2)(b) through (i) of this section shall use the abstract exclusively  
21 for his, her, or its own purposes or as otherwise expressly permitted  
22 under this section, and shall not divulge any information contained in  
23 the abstract to a third party.

24 (4) **Fee.** The director shall collect a (~~ten~~) thirteen dollar fee  
25 for each abstract of a person's driving record furnished by the  
26 department. Fifty percent of the fee must be deposited in the highway  
27 safety fund, and fifty percent of the fee must be deposited according  
28 to RCW 46.68.038.

29 (5) **Violation.** (a) Any negligent violation of this section is a  
30 gross misdemeanor.

31 (b) Any intentional violation of this section is a class C felony.

32 **Sec. 10.** RCW 46.70.061 and 2002 c 352 s 23 are each amended to  
33 read as follows:

34 (1) The annual fees for original licenses issued for twelve  
35 consecutive months from the date of issuance under this chapter shall  
36 be:

1 (a) Vehicle dealers, principal place of business for each and every  
2 license classification: (~~Seven~~) Nine hundred (~~fifty~~) seventy-five  
3 dollars;

4 (b) Vehicle dealers, each subagency, and temporary subagency: One  
5 hundred dollars;

6 (c) Vehicle manufacturers: Five hundred dollars.

7 (2) The annual fee for renewal of any license issued pursuant to  
8 this chapter shall be:

9 (a) Vehicle dealers, principal place of business for each and every  
10 license classification: (~~Two~~) Three hundred (~~fifty~~) twenty-five  
11 dollars;

12 (b) Vehicle dealer, each and every subagency: Twenty-five dollars;

13 (c) Vehicle manufacturers: Two hundred fifty dollars.

14 If any licensee fails or neglects to apply for such renewal within  
15 thirty days after the expiration of the license, or assigned renewal  
16 date under a staggered licensing system, the license shall be declared  
17 canceled by the director, in which case the licensee will be required  
18 to apply for an original license and pay the fee required for the  
19 original license.

20 (3) The fee for the transfer to another location of any license  
21 classification issued pursuant to this chapter shall be twenty-five  
22 dollars.

23 (4) The fee for vehicle dealer license plates and manufacturer  
24 license plates shall be the amount required by law for vehicle license  
25 plates exclusive of excise tax and gross weight and tonnage fees.

26 (5) All fees collected under this chapter shall be deposited in the  
27 state treasury and credited to the motor vehicle fund.

28 (6) The fees prescribed in this section are in addition to any  
29 excise taxes imposed by chapter 82.44 RCW.

30 **Sec. 11.** RCW 46.70.180 and 2010 c 161 s 1136 are each amended to  
31 read as follows:

32 Each of the following acts or practices is unlawful:

33 (1) To cause or permit to be advertised, printed, displayed,  
34 published, distributed, broadcasted, televised, or disseminated in any  
35 manner whatsoever, any statement or representation with regard to the  
36 sale, lease, or financing of a vehicle which is false, deceptive, or  
37 misleading, including but not limited to the following:

1 (a) That no down payment is required in connection with the sale of  
2 a vehicle when a down payment is in fact required, or that a vehicle  
3 may be purchased for a smaller down payment than is actually required;

4 (b) That a certain percentage of the sale price of a vehicle may be  
5 financed when such financing is not offered in a single document  
6 evidencing the entire security transaction;

7 (c) That a certain percentage is the amount of the service charge  
8 to be charged for financing, without stating whether this percentage  
9 charge is a monthly amount or an amount to be charged per year;

10 (d) That a new vehicle will be sold for a certain amount above or  
11 below cost without computing cost as the exact amount of the factory  
12 invoice on the specific vehicle to be sold;

13 (e) That a vehicle will be sold upon a monthly payment of a certain  
14 amount, without including in the statement the number of payments of  
15 that same amount which are required to liquidate the unpaid purchase  
16 price.

17 (2)(a)(i) To incorporate within the terms of any purchase and sale  
18 or lease agreement any statement or representation with regard to the  
19 sale, lease, or financing of a vehicle which is false, deceptive, or  
20 misleading, including but not limited to terms that include as an added  
21 cost to the selling price or capitalized cost of a vehicle an amount  
22 for licensing or transfer of title of that vehicle which is not  
23 actually due to the state, unless such amount has in fact been paid by  
24 the dealer prior to such sale.

25 (ii) However, an amount not to exceed (~~the applicable amount~~  
26 ~~provided in (iii)(A) and (B) of this subsection (2)(a))~~ one hundred  
27 fifty dollars per vehicle sale or lease may be charged by a dealer to  
28 recover administrative costs for collecting motor vehicle excise taxes,  
29 licensing and registration fees and other agency fees, verifying and  
30 clearing titles, transferring titles, perfecting, releasing, or  
31 satisfying liens or other security interests, and other administrative  
32 and documentary services rendered by a dealer in connection with the  
33 sale or lease of a vehicle and in carrying out the requirements of this  
34 chapter or any other provisions of state law.

35 (~~(iii) A dealer may charge under (a)(ii) of this subsection:~~

36 ~~(A) As of July 26, 2009, through June 30, 2014, an amount not to~~  
37 ~~exceed one hundred fifty dollars; and~~

38 ~~(B) As of July 1, 2014, an amount not to exceed fifty dollars.))~~

1 (b) A dealer may charge the documentary service fee in (a) of this  
2 subsection under the following conditions:

3 (i) The documentary service fee is disclosed in writing to a  
4 prospective purchaser or lessee before the execution of a purchase and  
5 sale or lease agreement;

6 (ii) The dealer discloses to the purchaser or lessee in writing  
7 that the documentary service fee is a negotiable fee. The disclosure  
8 must be written in a typeface that is at least as large as the typeface  
9 used in the standard text of the document that contains the disclosure  
10 and that is bold faced, capitalized, underlined, or otherwise set out  
11 from the surrounding material so as to be conspicuous. The dealer  
12 shall not represent to the purchaser or lessee that the fee or charge  
13 is required by the state to be paid by either the dealer or prospective  
14 purchaser or lessee;

15 (iii) The documentary service fee is separately designated from the  
16 selling price or capitalized cost of the vehicle and from any other  
17 taxes, fees, or charges; and

18 (iv) Dealers disclose in any advertisement that a documentary  
19 service fee in an amount (~~(provided in (iv)(A) and (B) of this~~  
20 ~~subsection (2)(b))~~) up to one hundred fifty dollars may be added to the  
21 sale price or the capitalized cost((÷

22 ~~(A) As of July 26, 2009, through June 30, 2014, an amount up to one~~  
23 ~~hundred fifty dollars; and~~

24 ~~(B) As of July 1, 2014, an amount up to fifty dollars)).~~

25 For the purposes of this subsection (2), the term "documentary  
26 service fee" means the optional amount charged by a dealer to provide  
27 the services specified in (a) of this subsection.

28 (3) To set up, promote, or aid in the promotion of a plan by which  
29 vehicles are to be sold or leased to a person for a consideration and  
30 upon further consideration that the purchaser or lessee agrees to  
31 secure one or more persons to participate in the plan by respectively  
32 making a similar purchase and in turn agreeing to secure one or more  
33 persons likewise to join in said plan, each purchaser or lessee being  
34 given the right to secure money, credits, goods, or something of value,  
35 depending upon the number of persons joining the plan.

36 (4) To commit, allow, or ratify any act of "bushing" which is  
37 defined as follows: Entering into a written contract, written purchase  
38 order or agreement, retail installment sales agreement, note and

1 security agreement, or written lease agreement, hereinafter  
2 collectively referred to as contract or lease, signed by the  
3 prospective buyer or lessee of a vehicle, which:

4 (a) Is subject to any conditions or the dealer's or his or her  
5 authorized representative's future acceptance, and the dealer fails or  
6 refuses within four calendar days, exclusive of Saturday, Sunday, or  
7 legal holiday, and prior to any further negotiations with said buyer or  
8 lessee to inform the buyer or lessee either: (i) That the dealer  
9 unconditionally accepts the contract or lease, having satisfied,  
10 removed, or waived all conditions to acceptance or performance,  
11 including, but not limited to, financing, assignment, or lease  
12 approval; or (ii) that the dealer rejects the contract or lease,  
13 thereby automatically voiding the contract or lease, as long as such  
14 voiding does not negate commercially reasonable contract or lease  
15 provisions pertaining to the return of the subject vehicle and any  
16 physical damage, excessive mileage after the demand for return of the  
17 vehicle, and attorneys' fees authorized by law, and tenders the refund  
18 of any initial payment or security made or given by the buyer or  
19 lessee, including, but not limited to, any down payment, and tenders  
20 return of the trade-in vehicle, key, other trade-in, or certificate of  
21 title to a trade-in. Tender may be conditioned on return of the  
22 subject vehicle if previously delivered to the buyer or lessee.

23 The provisions of this subsection (4)(a) do not impair, prejudice,  
24 or abrogate the rights of a dealer to assert a claim against the buyer  
25 or lessee for misrepresentation or breach of contract and to exercise  
26 all remedies available at law or in equity, including those under  
27 chapter 62A.9A RCW, if the dealer, bank, or other lender or leasing  
28 company discovers that approval of the contract or financing or  
29 approval of the lease was based upon material misrepresentations made  
30 by the buyer or lessee, including, but not limited to,  
31 misrepresentations regarding income, employment, or debt of the buyer  
32 or lessee, as long as the dealer, or his or her staff, has not, with  
33 knowledge of the material misrepresentation, aided, assisted,  
34 encouraged, or participated, directly or indirectly, in the  
35 misrepresentation. A dealer shall not be in violation of this  
36 subsection (4)(a) if the buyer or lessee made a material  
37 misrepresentation to the dealer, as long as the dealer, or his or her

1 staff, has not, with knowledge of the material misrepresentation,  
2 aided, assisted, encouraged, or participated, directly or indirectly,  
3 in the misrepresentation.

4 When a dealer informs a buyer or lessee under this subsection  
5 (4)(a) regarding the unconditional acceptance or rejection of the  
6 contract, lease, or financing by an electronic mail message, the dealer  
7 must also transmit the communication by any additional means;

8 (b) Permits the dealer to renegotiate a dollar amount specified as  
9 trade-in allowance on a vehicle delivered or to be delivered by the  
10 buyer or lessee as part of the purchase price or lease, for any reason  
11 except:

12 (i) Failure to disclose that the vehicle's certificate of title has  
13 been branded for any reason, including, but not limited to, status as  
14 a rebuilt vehicle as provided in RCW 46.12.540 and 46.12.560; or

15 (ii) Substantial physical damage or latent mechanical defect  
16 occurring before the dealer took possession of the vehicle and which  
17 could not have been reasonably discoverable at the time of the taking  
18 of the order, offer, or contract; or

19 (iii) Excessive additional miles or a discrepancy in the mileage.  
20 "Excessive additional miles" means the addition of five hundred miles  
21 or more, as reflected on the vehicle's odometer, between the time the  
22 vehicle was first valued by the dealer for purposes of determining its  
23 trade-in value and the time of actual delivery of the vehicle to the  
24 dealer. "A discrepancy in the mileage" means (A) a discrepancy between  
25 the mileage reflected on the vehicle's odometer and the stated mileage  
26 on the signed odometer statement; or (B) a discrepancy between the  
27 mileage stated on the signed odometer statement and the actual mileage  
28 on the vehicle; or

29 (c) Fails to comply with the obligation of any written warranty or  
30 guarantee given by the dealer requiring the furnishing of services or  
31 repairs within a reasonable time.

32 (5) To commit any offense relating to odometers, as such offenses  
33 are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A  
34 violation of this subsection is a class C felony punishable under  
35 chapter 9A.20 RCW.

36 (6) For any vehicle dealer or vehicle salesperson to refuse to  
37 furnish, upon request of a prospective purchaser or lessee, for

1 vehicles previously registered to a business or governmental entity,  
2 the name and address of the business or governmental entity.

3 (7) To commit any other offense under RCW 46.37.423, 46.37.424, or  
4 46.37.425.

5 (8) To commit any offense relating to a dealer's temporary license  
6 permit, including but not limited to failure to properly complete each  
7 such permit, or the issuance of more than one such permit on any one  
8 vehicle. However, a dealer may issue a second temporary permit on a  
9 vehicle if the following conditions are met:

10 (a) The lienholder fails to deliver the vehicle title to the dealer  
11 within the required time period;

12 (b) The dealer has satisfied the lien; and

13 (c) The dealer has proof that payment of the lien was made within  
14 two calendar days, exclusive of Saturday, Sunday, or a legal holiday,  
15 after the sales contract has been executed by all parties and all  
16 conditions and contingencies in the sales contract have been met or  
17 otherwise satisfied.

18 (9) For a dealer, salesperson, or mobile home manufacturer, having  
19 taken an instrument or cash "on deposit" from a purchaser or lessee  
20 prior to the delivery of the bargained-for vehicle, to commingle the  
21 "on deposit" funds with assets of the dealer, salesperson, or mobile  
22 home manufacturer instead of holding the "on deposit" funds as trustee  
23 in a separate trust account until the purchaser or lessee has taken  
24 delivery of the bargained-for vehicle. Delivery of a manufactured home  
25 shall be deemed to occur in accordance with RCW 46.70.135(5). Failure,  
26 immediately upon receipt, to endorse "on deposit" instruments to such  
27 a trust account, or to set aside "on deposit" cash for deposit in such  
28 trust account, and failure to deposit such instruments or cash in such  
29 trust account by the close of banking hours on the day following  
30 receipt thereof, shall be evidence of intent to commit this unlawful  
31 practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a  
32 separate trust account which equals his or her customary total customer  
33 deposits for vehicles for future delivery. For purposes of this  
34 section, "on deposit" funds received from a purchaser of a manufactured  
35 home means those funds that a seller requires a purchaser to advance  
36 before ordering the manufactured home, but does not include any loan  
37 proceeds or moneys that might have been paid on an installment  
38 contract.

1 (10) For a dealer or manufacturer to fail to comply with the  
2 obligations of any written warranty or guarantee given by the dealer or  
3 manufacturer requiring the furnishing of goods and services or repairs  
4 within a reasonable period of time, or to fail to furnish to a  
5 purchaser or lessee, all parts which attach to the manufactured unit  
6 including but not limited to the undercarriage, and all items specified  
7 in the terms of a sales or lease agreement signed by the seller and  
8 buyer or lessee.

9 (11) For a vehicle dealer to pay to or receive from any person,  
10 firm, partnership, association, or corporation acting, either directly  
11 or through a subsidiary, as a buyer's agent for consumers, any  
12 compensation, fee, purchase moneys or funds that have been deposited  
13 into or withdrawn out of any account controlled or used by any buyer's  
14 agent, gratuity, or reward in connection with the purchase, sale, or  
15 lease of a new motor vehicle.

16 (12) For a buyer's agent, acting directly or through a subsidiary,  
17 to pay to or to receive from any motor vehicle dealer any compensation,  
18 fee, gratuity, or reward in connection with the purchase, sale, or  
19 lease of a new motor vehicle. In addition, it is unlawful for any  
20 buyer's agent to engage in any of the following acts on behalf of or in  
21 the name of the consumer:

22 (a) Receiving or paying any purchase moneys or funds into or out of  
23 any account controlled or used by any buyer's agent;

24 (b) Signing any vehicle purchase orders, sales contracts, leases,  
25 odometer statements, or title documents, or having the name of the  
26 buyer's agent appear on the vehicle purchase order, sales contract,  
27 lease, or title; or

28 (c) Signing any other documentation relating to the purchase, sale,  
29 lease, or transfer of any new motor vehicle.

30 It is unlawful for a buyer's agent to use a power of attorney  
31 obtained from the consumer to accomplish or effect the purchase, sale,  
32 lease, or transfer of ownership documents of any new motor vehicle by  
33 any means which would otherwise be prohibited under (a) through (c) of  
34 this subsection. However, the buyer's agent may use a power of  
35 attorney for physical delivery of motor vehicle license plates to the  
36 consumer.

37 Further, it is unlawful for a buyer's agent to engage in any false,  
38 deceptive, or misleading advertising, disseminated in any manner

1 whatsoever, including but not limited to making any claim or statement  
2 that the buyer's agent offers, obtains, or guarantees the lowest price  
3 on any motor vehicle or words to similar effect.

4 (13) For a buyer's agent to arrange for or to negotiate the  
5 purchase, or both, of a new motor vehicle through an out-of-state  
6 dealer without disclosing in writing to the customer that the new  
7 vehicle would not be subject to chapter 19.118 RCW. This subsection  
8 also applies to leased vehicles. In addition, it is unlawful for any  
9 buyer's agent to fail to have a written agreement with the customer  
10 that: (a) Sets forth the terms of the parties' agreement; (b)  
11 discloses to the customer the total amount of any fees or other  
12 compensation being paid by the customer to the buyer's agent for the  
13 agent's services; and (c) further discloses whether the fee or any  
14 portion of the fee is refundable.

15 (14) Being a manufacturer, other than a motorcycle manufacturer  
16 governed by chapter 46.93 RCW, to:

17 (a) Coerce or attempt to coerce any vehicle dealer to order or  
18 accept delivery of any vehicle or vehicles, parts or accessories, or  
19 any other commodities which have not been voluntarily ordered by the  
20 vehicle dealer: PROVIDED, That recommendation, endorsement,  
21 exposition, persuasion, urging, or argument are not deemed to  
22 constitute coercion;

23 (b) Cancel or fail to renew the franchise or selling agreement of  
24 any vehicle dealer doing business in this state without fairly  
25 compensating the dealer at a fair going business value for his or her  
26 capital investment which shall include but not be limited to tools,  
27 equipment, and parts inventory possessed by the dealer on the day he or  
28 she is notified of such cancellation or termination and which are still  
29 within the dealer's possession on the day the cancellation or  
30 termination is effective, if: (i) The capital investment has been  
31 entered into with reasonable and prudent business judgment for the  
32 purpose of fulfilling the franchise; and (ii) the cancellation or  
33 nonrenewal was not done in good faith. Good faith is defined as the  
34 duty of each party to any franchise to act in a fair and equitable  
35 manner towards each other, so as to guarantee one party freedom from  
36 coercion, intimidation, or threats of coercion or intimidation from the  
37 other party: PROVIDED, That recommendation, endorsement, exposition,

1 persuasion, urging, or argument are not deemed to constitute a lack of  
2 good faith;

3 (c) Encourage, aid, abet, or teach a vehicle dealer to sell or  
4 lease vehicles through any false, deceptive, or misleading sales or  
5 financing practices including but not limited to those practices  
6 declared unlawful in this section;

7 (d) Coerce or attempt to coerce a vehicle dealer to engage in any  
8 practice forbidden in this section by either threats of actual  
9 cancellation or failure to renew the dealer's franchise agreement;

10 (e) Refuse to deliver any vehicle publicly advertised for immediate  
11 delivery to any duly licensed vehicle dealer having a franchise or  
12 contractual agreement for the retail sale or lease of new and unused  
13 vehicles sold or distributed by such manufacturer within sixty days  
14 after such dealer's order has been received in writing unless caused by  
15 inability to deliver because of shortage or curtailment of material,  
16 labor, transportation, or utility services, or by any labor or  
17 production difficulty, or by any cause beyond the reasonable control of  
18 the manufacturer;

19 (f) To provide under the terms of any warranty that a purchaser or  
20 lessee of any new or unused vehicle that has been sold or leased,  
21 distributed for sale or lease, or transferred into this state for  
22 resale or lease by the vehicle manufacturer may only make any warranty  
23 claim on any item included as an integral part of the vehicle against  
24 the manufacturer of that item.

25 Nothing in this section may be construed to impair the obligations  
26 of a contract or to prevent a manufacturer, distributor,  
27 representative, or any other person, whether or not licensed under this  
28 chapter, from requiring performance of a written contract entered into  
29 with any licensee hereunder, nor does the requirement of such  
30 performance constitute a violation of any of the provisions of this  
31 section if any such contract or the terms thereof requiring  
32 performance, have been freely entered into and executed between the  
33 contracting parties. This paragraph and subsection (14)(b) of this  
34 section do not apply to new motor vehicle manufacturers governed by  
35 chapter 46.96 RCW.

36 (15) Unlawful transfer of an ownership interest in a motor vehicle  
37 as defined in RCW 19.116.050.

1 (16) To knowingly and intentionally engage in collusion with a  
2 registered owner of a vehicle to repossess and return or resell the  
3 vehicle to the registered owner in an attempt to avoid a suspended  
4 license impound under chapter 46.55 RCW. However, compliance with  
5 chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise  
6 disposing of the vehicle, including providing redemption rights to the  
7 debtor, is not a violation of this section.

8 (17)(a) For a dealer to enter into a new motor vehicle sales  
9 contract without disclosing in writing to a buyer of the new motor  
10 vehicle, or to a dealer in the case of an unregistered motor vehicle,  
11 any known damage and repair to the new motor vehicle if the damage  
12 exceeds five percent of the manufacturer's suggested retail price as  
13 calculated at the dealer's authorized warranty rate for labor and  
14 parts, or one thousand dollars, whichever amount is greater. A  
15 manufacturer or new motor vehicle dealer is not required to disclose to  
16 a dealer or buyer that glass, tires, bumpers, or cosmetic parts of a  
17 new motor vehicle were damaged at any time if the damaged item has been  
18 replaced with original or comparable equipment. A replaced part is not  
19 part of the cumulative damage required to be disclosed under this  
20 subsection.

21 (b) A manufacturer is required to provide the same disclosure to a  
22 dealer of any known damage or repair as required in (a) of this  
23 subsection.

24 (c) If disclosure of any known damage or repair is not required  
25 under this section, a buyer may not revoke or rescind a sales contract  
26 due to the fact that the new motor vehicle was damaged and repaired  
27 before completion of the sale.

28 (d) As used in this section:

29 (i) "Cosmetic parts" means parts that are attached by and can be  
30 replaced in total through the use of screws, bolts, or other fasteners  
31 without the use of welding or thermal cutting, and includes  
32 windshields, bumpers, hoods, or trim panels.

33 (ii) "Manufacturer's suggested retail price" means the retail price  
34 of the new motor vehicle suggested by the manufacturer, and includes  
35 the retail delivered price suggested by the manufacturer for each  
36 accessory or item of optional equipment physically attached to the new  
37 motor vehicle at the time of delivery to the new motor vehicle dealer

1 that is not included within the retail price suggested by the  
2 manufacturer for the new motor vehicle.

3 NEW SECTION. **Sec. 12.** A new section is added to chapter 46.68 RCW  
4 to read as follows:

5 (1) The public transportation grant program account is created in  
6 the state treasury. Moneys in the account may be spent only after  
7 appropriation. Expenditures from the account may be used only for the  
8 grants provided under section 13 of this act.

9 (2) By the last day of December 2012, March 2013, and June 2013,  
10 the state treasurer shall transfer from the multimodal transportation  
11 account to the public transportation grant program account one million  
12 two hundred fifty thousand dollars.

13 (3) Beginning September 2013, and by the last day of September,  
14 December, March, and June of each year, the state treasurer shall  
15 transfer from the multimodal transportation account to the public  
16 transportation grant program account one million eight hundred seventy-  
17 five thousand dollars.

18 NEW SECTION. **Sec. 13.** A new section is added to chapter 47.66 RCW  
19 to read as follows:

20 (1) The department shall establish a public transportation grant  
21 program. The purpose of the grant program is to aid transit  
22 authorities, and the grant amounts provided pursuant to this subsection  
23 must be used for operations. One hundred percent of the money  
24 appropriated for the public transportation grant program must be  
25 distributed statewide to transit authorities according to the  
26 distribution formula in (a) of this subsection.

27 (a) Of the grant amounts provided to transit authorities pursuant  
28 to this subsection:

29 (i) One-third must be distributed based on the number of vehicle  
30 miles of service provided;

31 (ii) One-third must be distributed based on the number of vehicle  
32 hours of service provided; and

33 (iii) One-third must be distributed based on the number of  
34 passenger trips.

35 (b) For the purposes of this subsection:

1 (i) "Transit authorities" has the same meaning as in RCW  
2 9.91.025(2).

3 (ii) "Vehicle miles of service," "vehicle hours of service," and  
4 "passenger trips" are transit service metrics as reported by the public  
5 transportation program of the department of transportation in the  
6 annual report required in RCW 35.58.2796 for the calendar year that is  
7 two years prior to the current fiscal year.

8 (2) The department must report annually to the transportation  
9 committees of the legislature on the use of the grant amounts provided  
10 pursuant to this section.

11 NEW SECTION. **Sec. 14.** A new section is added to chapter 46.68 RCW  
12 to read as follows:

13 (1) Ten dollars of the fee established in RCW 46.17.100 for the  
14 purposes of motor change, the transfer of certificates of title,  
15 security interest changes, and duplicate certificates of title, and  
16 that is deposited to the transportation 2003 account (nickel account)  
17 under RCW 46.68.280, must be used for the purposes of paying the debt  
18 service on bonds issued for the construction of a second one hundred  
19 forty-four car class ferry boat vessel. After the bonds have been  
20 retired, the proceeds may be used for other account purposes.

21 (2) The following must be used for the purposes of initial highway  
22 and road project development, including design, preliminary  
23 engineering, and rights-of-way acquisition:

24 (a) Ten dollars of the fee established in RCW 46.17.200(1)(a) for  
25 the original issue of motor vehicle license plates;

26 (b) Four dollars of the fee established in RCW 46.17.200(1)(a) for  
27 the original issue of motorcycle license plates;

28 (c) Two dollars of the fee established in RCW 46.17.200(1)(a) for  
29 the issue of replacement motorcycle license plates;

30 (d) Two hundred twenty-five dollars of the fee established in RCW  
31 46.70.061(1)(a) for the original license of a vehicle dealer's  
32 principal place of business; and

33 (e) Seventy-five dollars of the fee established in RCW  
34 46.70.061(2)(a) for the renewal license of a vehicle dealer's principal  
35 place of business.

36 (3) The following must be used for the purposes of enforcing the  
37 driver and vehicle laws and rules of the state:

- 1 (a) Three dollars of the fee established in RCW 46.20.293;
- 2 (b) Three dollars of the fee established in RCW 46.29.050; and
- 3 (c) Three dollars of the fee established in RCW 46.52.130.

4 NEW SECTION. **Sec. 15.** A new section is added to chapter 46.17 RCW  
5 to read as follows:

6 (1) Before accepting an application for an annual vehicle  
7 registration renewal for an electric vehicle that uses propulsion units  
8 powered solely by electricity, the department, county auditor or other  
9 agent, or subagent appointed by the director must require the applicant  
10 to pay a one hundred dollar fee in addition to any other fees and taxes  
11 required by law. The one hundred dollar fee is due only at the time of  
12 annual registration renewal.

13 (2) This section only applies to:

14 (a) A vehicle that is designed to have the capability to drive at  
15 a speed of more than thirty-five miles per hour; and

16 (b) An annual vehicle registration renewal that is due on or after  
17 February 1, 2013.

18 (3)(a) The fee under this section is imposed to provide funds to  
19 mitigate the impact of vehicles on state roads and highways and for the  
20 purpose of evaluating the feasibility of transitioning from a revenue  
21 collection system based on fuel taxes to a road user assessment system,  
22 and is separate and distinct from other vehicle license fees. Proceeds  
23 from the fee must be used for highway purposes, and must be deposited  
24 in the motor vehicle fund created in RCW 46.68.070, subject to (b) of  
25 this subsection.

26 (b) If in any year the amount of proceeds from the fee collected  
27 under this section exceeds one million dollars, the excess amount over  
28 one million dollars must be deposited as follows:

29 (i) Seventy percent to the motor vehicle fund created in RCW  
30 46.68.070;

31 (ii) Fifteen percent to the transportation improvement account  
32 created in RCW 47.26.084; and

33 (iii) Fifteen percent to the rural arterial trust account created  
34 in RCW 36.79.020.

35 NEW SECTION. **Sec. 16.** Section 15 of this act expires on the

1 effective date of legislation enacted by the legislature that imposes  
2 a vehicle miles traveled fee or tax.

3 NEW SECTION. **Sec. 17.** The department of licensing must provide  
4 written notice of the expiration date of section 15 of this act to  
5 affected parties, the chief clerk of the house of representatives, the  
6 secretary of the senate, the office of the code reviser, and others as  
7 deemed appropriate by the department.

8 **Sec. 18.** RCW 46.10.420 and 2010 c 161 s 231 are each amended to  
9 read as follows:

10 (1) Each dealer of snowmobiles in this state shall obtain a  
11 snowmobile dealer license from the department in a manner prescribed by  
12 the department. Upon receipt of an application for a snowmobile  
13 dealer's license and the fee provided in subsection (2) of this  
14 section, the dealer is licensed and a snowmobile dealer license number  
15 must be assigned.

16 (2) The annual license fee for a snowmobile dealer is twenty-five  
17 dollars, which covers all of the snowmobiles offered by a dealer for  
18 sale and not rented on a regular, commercial basis. Snowmobiles rented  
19 on a regular commercial basis by a snowmobile dealer must be registered  
20 separately under RCW 46.10.310, 46.10.400, 46.10.430, and 46.10.440.

21 (3) Upon the issuance of a snowmobile dealer license, a snowmobile  
22 dealer may purchase, at a cost to be determined by the department,  
23 snowmobile dealer license plates of a size and color to be determined  
24 by the department. The snowmobile dealer license plates must contain  
25 the snowmobile license number assigned to the dealer. Each snowmobile  
26 operated by a dealer, dealer representative, or prospective customer  
27 for the purposes of demonstration or testing shall display snowmobile  
28 dealer license plates in a clearly visible manner.

29 (4) Only a dealer, dealer representative, or prospective customer  
30 may display a snowmobile dealer plate, and only a dealer, dealer  
31 representative, or prospective customer may use a snowmobile dealer's  
32 license plate for the purposes described in subsection (3) of this  
33 section.

34 (5) Snowmobile dealer licenses are nontransferable.

35 (6) It is unlawful for any snowmobile dealer to sell a snowmobile

1 at wholesale or retail, or to test or demonstrate any snowmobile,  
2 within the state, unless the dealer has a snowmobile dealer license as  
3 required under this section.

4 (7) When a snowmobile is sold by a snowmobile dealer, the dealer:

5 (a) Shall apply for licensing in the purchaser's name (~~within~~  
6 ~~fifteen days following the sale~~) as provided by rules adopted by the  
7 department; and

8 (b) May issue a temporary license as provided by rules adopted by  
9 the department.

10 **Sec. 19.** RCW 46.12.675 and 2010 c 161 s 316 are each amended to  
11 read as follows:

12 (1) A security interest in a vehicle other than one held as  
13 inventory by a manufacturer or a dealer and for which a certificate of  
14 title is required is perfected only by:

15 (a) Complying with the requirements of RCW 46.12.660 or this  
16 section;

17 (b) Receipt by the department, county auditor or other agent, or  
18 subagent appointed by the director of:

- 19 (i) The existing certificate of title, if any;
- 20 (ii) An application for a certificate of title containing the name  
21 and address of the secured party; and
- 22 (iii) Payment of the required fees.

23 (2) A security interest is perfected when it is created if the  
24 secured party's name and address appear on the most recently issued  
25 certificate of title or, if not, it is created when the department,  
26 county auditor or other agent, or subagent appointed by the director  
27 receives the certificate of title or an application for a certificate  
28 of title and the fees required in subsection (1) of this section.

29 (3) If a vehicle is subject to a security interest when brought  
30 into this state, perfection of the security interest is determined by  
31 the law of the jurisdiction where the vehicle was when the security  
32 interest was attached, subject to the following:

33 (a) The security interest continues perfected in this state if the  
34 name of the secured party is shown on the existing certificate of title  
35 issued by that jurisdiction. The name of the secured party must be  
36 shown on the certificate of title issued for the vehicle by this state.

1 The security interest continues perfected in this state when the  
2 department issues the certificate of title.

3 (b) If the security interest was not perfected under the law of the  
4 jurisdiction where the vehicle was when the security interest was  
5 attached, it may be perfected in this state. Perfection begins when  
6 the department receives the information and fees required in subsection  
7 (1) of this section.

8 (4)(a) After a certificate of title has been issued, the registered  
9 owner or secured party must apply to the department, county auditor or  
10 other agent, or subagent appointed by the director for a new  
11 certificate of title when a security interest is granted on a vehicle.  
12 Within ten days after creating a security agreement, the registered  
13 owner or secured party must submit:

14 (i) An application for a certificate of title;

15 (ii) The certificate of title last issued for the vehicle, or other  
16 documentation required by the department; and

17 (iii) The fee required in RCW 46.17.100.

18 (b) If satisfied that a certificate of title should be reissued,  
19 the department shall change the vehicle record and issue a new  
20 certificate of title to the secured party.

21 (5) A secured party shall release the security interest when the  
22 conditions within the security agreement have been met and there is no  
23 further secured obligation. The secured party must either:

24 (a) Assign the certificate of title to the registered owner or the  
25 registered owner's designee and send the certificate of title to the  
26 department, county auditor or other agent, or subagent appointed by the  
27 director with the fee required in RCW 46.17.100; or

28 (b) Assign the certificate of title to the person acquiring the  
29 vehicle from the registered owner with the registered owner's release  
30 of interest.

31 (6) The department shall issue a new certificate of title to the  
32 registered owner when the department receives the release of interest  
33 and required fees as provided in subsection (5)(a) of this section.

34 (7) A secured party is liable for one hundred dollars payable to  
35 the registered owner or person acquiring the vehicle from the  
36 registered owner when:

37 (a) The secured party fails to either assign the certificate of

1 title to the registered owner or to the person acquiring the vehicle  
2 from the registered owner or apply for a new certificate of title  
3 within ten days after proper demand; and

4 (b) The failure of the secured party to act as described in (a) of  
5 this subsection results in a loss to the registered owner or person  
6 acquiring the vehicle from the registered owner.

7 **Sec. 20.** RCW 46.16A.320 and 2010 c 161 s 425 are each amended to  
8 read as follows:

9 (1)(a) A vehicle owner may operate an unregistered vehicle on  
10 public highways under the authority of a trip permit issued by this  
11 state. For purposes of trip permits, a vehicle is considered  
12 unregistered if:

13 (i) Under reciprocal relations with another jurisdiction, the owner  
14 would be required to register the vehicle in this state;

15 (ii) Not registered when registration is required under this  
16 chapter;

17 (iii) The license tabs have expired; or

18 ~~((+iii))~~ (iv) The current gross weight license is insufficient for  
19 the load being carried. The licensed gross weight may not exceed  
20 eighty thousand pounds for a combination of vehicles or forty thousand  
21 pounds for a single unit vehicle with three or more axles.

22 (b) Trip permits are required to move mobile homes or park model  
23 trailers and may only be issued if property taxes are paid in full.

24 (2) Trip permits may not be:

25 (a) Issued to vehicles registered under RCW 46.16A.455(5) in lieu  
26 of further registration within the same registration year; or

27 (b) Used for commercial motor vehicles owned by a motor carrier  
28 subject to RCW 46.32.080 if the motor carrier's department of  
29 transportation number has been placed out of service by the Washington  
30 state patrol. A violation of or a failure to comply with this  
31 subsection is a gross misdemeanor, subject to a minimum monetary  
32 penalty of two thousand five hundred dollars for the first violation  
33 and five thousand dollars for each subsequent violation.

34 (3)(a) Each trip permit authorizes the operation of a single  
35 vehicle at the maximum legal weight limit for the vehicle for a period  
36 of three consecutive days beginning with the day of first use. No more  
37 than three trip permits may be used for any one vehicle in any thirty

1 consecutive day period. No more than two trip permits may be used for  
2 any one recreational vehicle, as defined in RCW 43.22.335, in a one-  
3 year period. Every trip permit must:

4 (i) Identify the vehicle for which it is issued;

5 (ii) Be completed in its entirety;

6 (iii) Be signed by the operator before operation of the vehicle on  
7 the public highways of this state;

8 (iv) Not be altered or corrected. Altering or correcting data on  
9 the trip permit invalidates the trip permit; and

10 (v) Be displayed on the vehicle for which it is issued as required  
11 by the department.

12 (b) Vehicles operating under the authority of trip permits are  
13 subject to all laws, rules, and regulations affecting the operation of  
14 similar vehicles in this state.

15 (4) Prorate operators operating commercial vehicles on trip permits  
16 in Washington shall retain the customer copy of each permit for four  
17 years.

18 (5) Trip permits may be obtained from field offices of the  
19 department of transportation, department of licensing, county auditors  
20 or other agents, and subagents appointed by the department for the fee  
21 provided in RCW 46.17.400(1)(h). Exchanges, credits, or refunds may  
22 not be given for trip permits after they have been purchased.

23 (6) Except as provided in subsection (2)(b) of this section, a  
24 violation of or a failure to comply with this section is a gross  
25 misdemeanor.

26 (7) The department may adopt rules necessary to administer this  
27 section.

28 **Sec. 21.** RCW 88.02.640 and 2011 c 326 s 5, 2011 c 171 s 134, and  
29 2011 c 169 s 1 are each reenacted and amended to read as follows:

30 (1) In addition to any other fees and taxes required by law, the  
31 department, county auditor or other agent, or subagent appointed by the  
32 director shall charge the following vessel fees and surcharge:

33	FEE	AMOUNT	AUTHORITY	DISTRIBUTION
34	(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund

1	(b) Derelict vessel and	Subsection (3) of this	Subsection (3) of this	Subsection (3) of this
2	invasive species removal	section	section	section
3	(c) Derelict vessel removal	\$1.00	Subsection (4) of this	Subsection (4) of this
4	surcharge		section	section
5	(d) Duplicate certificate of	\$1.25	<u>RCW 88.02.530(1)(c)</u>	<u>General fund</u>
6	<u>title</u>			
7	(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
8	<del>((e))</del> (f) Filing	RCW 46.17.005	RCW <del>((46.17.005))</del>	RCW 46.68.400
9			<u>88.02.560(2)</u>	
10	<del>((f))</del> (g) License plate	RCW 46.17.015	RCW <del>((46.17.015))</del>	RCW 46.68.370
11	technology		<u>88.02.560(2)</u>	
12	<del>((g))</del> (h) License service	RCW 46.17.025	RCW <del>((46.17.025))</del>	RCW 46.68.220
13			<u>88.02.560(2)</u>	
14	<del>((h))</del> (i) Nonresident	\$25.00	RCW 88.02.620(3)	Subsection (5) of this
15	vessel permit			section
16	<del>((i))</del> (j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this
17				section
18	<del>((j))</del> (k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
19	<del>((k))</del> (l) Replacement	\$1.25	RCW 88.02.595(1)(c)	General fund
20	decal			
21	<del>((l))</del> (m) Title application	\$5.00	RCW 88.02.515	General fund
22	<del>((m))</del> (n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
23	<del>((n))</del> (o) Vessel visitor	\$30.00	RCW 88.02.610(3)	Subsection (6) of this
24	permit			section

25 (2) The five dollar dealer temporary permit fee required in  
26 subsection (1) of this section must be credited to the payment of  
27 registration fees at the time application for registration is made.

28 (3)(a) The derelict vessel and invasive species removal fee  
29 required in subsection (1) of this section is five dollars and must be  
30 distributed as follows:

31 (i) One dollar and fifty cents must be deposited in the aquatic  
32 invasive species prevention account created in RCW 77.12.879;

33 (ii) One dollar must be deposited into the aquatic algae control  
34 account created in RCW 43.21A.667;

35 (iii) Fifty cents must be deposited into the aquatic invasive  
36 species enforcement account created in RCW 43.43.400; and

1 (iv) Two dollars must be deposited in the derelict vessel removal  
2 account created in RCW 79.100.100.

3 (b) If the department of natural resources indicates that the  
4 balance of the derelict vessel removal account, not including any  
5 transfer or appropriation of funds into the account or funds deposited  
6 into the account collected under subsection (5) of this section reaches  
7 one million dollars as of March 1st of any year, the collection of the  
8 two dollars of the derelict vessel and invasive species removal fee  
9 that is deposited into the derelict vessel removal account as  
10 authorized in (a)(iv) of this subsection must be suspended for the  
11 following fiscal year.

12 (4) Until January 1, 2014, an annual derelict vessel removal  
13 surcharge of one dollar must be charged with each vessel registration.  
14 The surcharge:

15 (a) Is to address the significant backlog of derelict vessels  
16 accumulated in Washington state waters that pose a threat to the health  
17 and safety of the people and to the environment;

18 (b) Is to be used only for the removal of vessels that are less  
19 than seventy-five feet in length; and

20 (c) Must be deposited into the derelict vessel removal account  
21 created in RCW 79.100.100.

22 (5) The twenty-five dollar nonresident vessel permit fee must be  
23 paid by the vessel owner to the department for the cost of providing  
24 the identification document by the department. Any moneys remaining  
25 from the fee after the payment of costs must be allocated to counties  
26 by the state treasurer for approved boating safety programs under RCW  
27 88.02.650.

28 (6) The thirty dollar vessel visitor permit fee must be distributed  
29 as follows:

30 (a) Five dollars must be deposited in the derelict vessel removal  
31 account created in RCW 79.100.100;

32 (b) The department may keep an amount to cover costs for providing  
33 the vessel visitor permit;

34 (c) Any moneys remaining must be allocated to counties by the state  
35 treasurer for approved boating safety programs under RCW 88.02.650; and

36 (d) Any fees required for licensing agents under RCW 46.17.005 are  
37 in addition to any other fee or tax due for the titling and  
38 registration of vessels.

1 (7)(a) The fifty dollar quick title service fee must be distributed  
2 as follows:

3 (i) If the fee is paid to the director, the fee must be deposited  
4 to the general fund.

5 (ii) If the fee is paid to the participating county auditor or  
6 other agent or subagent appointed by the director, twenty-five dollars  
7 must be deposited to the general fund. The remainder must be retained  
8 by the county treasurer in the same manner as other fees collected by  
9 the county auditor.

10 (b) For the purposes of this subsection, "quick title" has the same  
11 meaning as in RCW 88.02.540.

12 NEW SECTION. **Sec. 22.** Section 4 of this act applies to vehicle  
13 registrations that are due or become due on or after October 1, 2012.

14 NEW SECTION. **Sec. 23.** Sections 1 through 17 of this act take  
15 effect October 1, 2012.

16 NEW SECTION. **Sec. 24.** Sections 4 through 6 of this act expire  
17 July 1, 2015."

18 Correct the title.

EFFECT: (1) Changes the fee for a certificate of title from  
\$12.50 to \$15.00. Increases the penalty for a late transfer of vehicle  
ownership from \$25 to \$50 to be assessed on the sixteenth day after the  
date of delivery and two dollars for each additional day thereafter,  
but the maximum total penalty is increased from \$100 to \$125.

(2) Until July 1, 2015:

(a) Expands the current Recreational Vehicle Sanitary Disposal Fee  
so that it also applies to state parks support;

(b) Increases the level of the fee from \$3 to \$13;

(c) Directs the \$10 increase to the State Parks Renewal and  
Stewardship Account; and

(d) Restricts the use of the money to the operation and maintenance  
of state parks that provide access and overnight accommodations to  
recreational vehicles.

(3) Changes the abstract of records fee to thirteen dollars instead  
of fifteen dollars.

(4) Implements a \$100 annual renewal fee for electric vehicles  
capable of traveling over 35 miles per hour.

(5) Creates the public transportation grant program account in the state treasury and requires that \$1.25 million be transferred into the account every quarter for the remainder of the 2011-2013 biennium and \$1.875 million in every quarter thereafter from the multimodal transportation account. Establishes the public transportation grant program to provide funding to all transit authorities in the state for operations. Requires that all the money appropriated for the grant program be distributed to transit authorities, with one-third distributed based on vehicle miles of service provided, one-third distributed based on vehicle hours of service provided, and one-third distributed based on the number of passenger trips provided.

(6) Provides a statutory framework for the purposes for which the other incremental fee revenues are to be used:

(a) The incremental revenues deposited to the nickel account are to be used to pay debt service on bonds issued for the construction of a second 144-car class ferry boat until the bonds are paid off.

(b) The incremental revenues deposited to the motor vehicle account are to be used for the purposes of initial highway and road project development, including design, preliminary engineering, and rights-of-way acquisition.

(c) The incremental revenues associated with the driver abstract fees are to be used for the purposes of enforcing the driver and vehicle laws of the state.

(7) Clarifies that the formula for making distributions to transit authorities is based on data from the Washington State Department of Transportation Public Transportation Program's most recently available "Summary of Public Transportation" report.

(8) Makes the provisions limiting the purposes of the new fee revenue, and the sections concerning electric vehicle fees to be effective October 1, 2012, instead of ninety days after the session in which the bill is enacted.

(9) Eliminates unneeded language.

(10) Makes technical corrections to RCW 46.10.420, 46.12.675, 46.16A.320, and 88.02.640. These changes are technical changes to the 2010 and 2011 vehicle registration statutes recodification.

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