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SENATE BILL 6032

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State of Washington                      62nd Legislature                      2012 Regular Session

By Senators Kohl-Welles, Haugen, Kline, Tom, and Chase

Read first time 01/09/12. Referred to Committee on Transportation.

1            AN ACT Relating to the recovery of costs of studded tire damage to  
2 highways; amending RCW 46.37.420; and creating a new section.

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

4            NEW SECTION.    **Sec. 1.**    The legislature finds that substantial  
5 pavement damage is caused by studded tire use. As a result, several  
6 states have prohibited the use of studded tires. Therefore, to offset  
7 pavement maintenance costs, a fee should be imposed on each new tire  
8 sold that contains studs.

9            **Sec. 2.**    RCW 46.37.420 and 2007 c 140 s 2 are each amended to read  
10 as follows:

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

16            (2) No tire on a vehicle moved on a highway may have on its  
17 periphery any block, flange, cleat, or spike or any other protuberance  
18 of any material other than rubber which projects beyond the tread of

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

18 (3)(a) There is a five dollar fee on the sale of each new tire sold  
19 that contains studs. The fee imposed under this subsection must be  
20 paid by the buyer to the seller, and each seller shall collect from the  
21 buyer the full amount of the fee. The fee collected from the buyer by  
22 the seller must be paid to the department of revenue in accordance with  
23 RCW 82.32.045. The fee collected must be deposited in the motor  
24 vehicle account and be used for road maintenance.

25 (b) The department of revenue must collect on the business excise  
26 tax return from the businesses selling new tires that contain studs at  
27 retail the number of tires sold and the fee imposed under this  
28 subsection. The department of revenue must incorporate into the  
29 agency's audit cycle a reconciliation of the number of tires sold and  
30 the amount of revenue collected by the businesses selling new tires  
31 that contain studs.

32 (c) All other applicable provisions of chapter 82.32 RCW have full  
33 force and application with respect to the fee imposed under this  
34 subsection.

35 (d) The department of revenue must administer this subsection.

36 (e) For the purposes of this subsection, "a new tire that contains  
37 studs" means a tire that is manufactured for vehicle purposes and does  
38 not include retreaded vehicle tires.

1        (4) The state department of transportation and local authorities in  
2 their respective jurisdictions may issue special permits authorizing  
3 the operation upon a highway of traction engines or tractors having  
4 movable tracks with transverse corrugations upon the periphery of the  
5 movable tracks or farm tractors or other farm machinery, the operation  
6 of which upon a highway would otherwise be prohibited under this  
7 section.

8        (~~(4)~~) (5) Tires with metal studs imbedded therein may be used  
9 between November 1st and April 1st upon school buses and fire  
10 department vehicles, any law or regulation to the contrary  
11 notwithstanding.

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