

WAC 308-56A-021 Assessment criteria for penalty fee. (1) **What is the penalty fee?** When a used Washington registered vehicle is sold, the purchaser has fifteen days from the date of delivery of the vehicle to transfer the vehicle ownership into their name. If they wait until the 16th day or later from the date of delivery, a penalty fee may be assessed as described in RCW 46.16.101(6) unless the purchaser qualifies for exemption from penalty as set forth in subsection (2) of this section.

(2) **Are there exceptions to when a penalty fee may be assessed when applying for certificate of ownership on the 16th day from the date of sale or later as described in RCW 46.12.101(6)?** Yes, if:

- (a) The vehicle was delivered to the purchaser after the date of sale indicated on the supporting documents; or
- (b) There are conflicting dates on supporting documents; or
- (c) There is no date on the certificate of ownership or other supporting documents; or
- (d) The date on the certificate of ownership has been altered; or
- (e) The purchaser is incarcerated or sequestered by a judiciary system; or
- (f) The purchaser files a seller's report of sale thinking they have filed an application to transfer certificate of ownership; or
- (g) The purchaser of a vehicle sells it before transferring ownership into their name and the new purchaser can prove they purchased the vehicle within fifteen days of making application; or
- (h) The director, or their designee, determines other reasons are valid; or
- (i) The delay in making application is due to the department requesting additional supporting documents; or
- (j) Extended hospitalization or illness of the purchaser; or
- (k) Failure of the legal owner to release his or her interest in the vehicle; or
- (l) Failure due to an action of the department, auditor or sub-agent.

Note: When an exception to the penalty fee requirement is made, an affidavit attesting to the actual date of delivery and the reason or reasons for exception to the penalty is required.

(3) **When are penalty fees for late application for certificate of ownership not assessed?** Penalty fees are not assessed for late application for certificate of ownership under the following conditions:

- (a) The vehicle is not motorized; or
- (b) The vehicle is sold by a Washington dealer (dealer report of sale box on the application is completed); or
- (c) A Washington record cannot be found; or
- (d) Department of licensing records indicate the vehicle has been destroyed; or
- (e) The vehicle is being titled as home made or assembled for the first time; or
- (f) The vehicle is acquired as a result of:
 - (i) Inheritance or community property; or
 - (ii) Divorce settlement; or
 - (iii) Other legal action affecting ownership of the vehicle; or
 - (iv) Lease buyout; or
- (g) The vehicle is a snowmobile; or
- (h) The director, or designee, determines other reasons are valid.

[Statutory Authority: RCW 46.01.110, 46.12.101, 88.02.070. WSR 03-11-069, § 308-56A-021, filed 5/20/03, effective 6/20/03. Statutory

Authority: RCW 46.01.110, 88.02.070 and 88.02,100 [88.02.100]. WSR 01-08-022, § 308-56A-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 46.01.110 and 46.12.101. WSR 00-20-065, § 308-56A-021, filed 10/3/00, effective 11/3/00; WSR 98-12-099, § 308-56A-021, filed 6/3/98, effective 7/4/98. Statutory Authority: RCW 46.01.110 and 46.12.101 as amended by 1987 c 127 § 1. WSR 87-21-012 (Order TL/RG/36), § 308-56A-021, filed 10/9/87.]