
ENGROSSED SUBSTITUTE SENATE BILL 5797

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Clements, Haugen, Holmquist, Murray, Delvin, Sheldon, Shin, Benton and Tom)

READ FIRST TIME 03/05/07.

1 AN ACT Relating to motorcycle endorsement verification; amending
2 RCW 46.16.010 and 46.20.505; and creating a new section.

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

4 **Sec. 1.** RCW 46.16.010 and 2006 c 212 s 1 are each amended to read
5 as follows:

6 (1) It is unlawful for a person to operate any vehicle over and
7 along a public highway of this state without first having obtained and
8 having in full force and effect a current and proper vehicle license
9 and display vehicle license number plates therefor as by this chapter
10 provided.

11 (2) Failure to make initial registration before operation on the
12 highways of this state is a traffic infraction, and any person
13 committing this infraction shall pay a penalty of five hundred twenty-
14 nine dollars, no part of which may be suspended or deferred.

15 (3)(a) Failure to renew an expired registration before operation on
16 the highways of this state is a traffic infraction.

17 (b) Before renewing registration for a motorcycle under this
18 chapter, where no change in ownership has occurred, the department
19 shall verify that the registered owner of the motorcycle has a special

1 endorsement to operate the motorcycle under RCW 46.20.500 or 46.20.510.
2 The department may adopt rules to establish conditions under which a
3 special endorsement to operate the motorcycle under RCW 46.20.500 or
4 46.20.510 is not required.

5 (4) The licensing of a vehicle in another state by a resident of
6 this state, as defined in RCW 46.16.028, evading the payment of any tax
7 or license fee imposed in connection with registration, is a gross
8 misdemeanor punishable as follows:

9 (a) For a first offense, up to one year in the county jail and
10 payment of a fine of five hundred twenty-nine dollars plus twice the
11 amount of delinquent taxes and fees, no part of which may be suspended
12 or deferred;

13 (b) For a second or subsequent offense, up to one year in the
14 county jail and payment of a fine of five hundred twenty-nine dollars
15 plus four times the amount of delinquent taxes and fees, no part of
16 which may be suspended or deferred;

17 (c) For fines levied under (b) of this subsection, an amount equal
18 to the avoided taxes and fees owed will be deposited in the vehicle
19 licensing fraud account created in the state treasury;

20 (d) The avoided taxes and fees shall be deposited and distributed
21 in the same manner as if the taxes and fees were properly paid in a
22 timely fashion.

23 (5) These provisions shall not apply to the following vehicles:

- 24 (a) Motorized foot scooters;
- 25 (b) Electric-assisted bicycles;
- 26 (c) Off-road vehicles operating on nonhighway roads under RCW
27 46.09.115;

28 (d) Farm vehicles if operated within a radius of fifteen miles of
29 the farm where principally used or garaged, farm tractors and farm
30 implements including trailers designed as cook or bunk houses used
31 exclusively for animal herding temporarily operating or drawn upon the
32 public highways, and trailers used exclusively to transport farm
33 implements from one farm to another during the daylight hours or at
34 night when such equipment has lights that comply with the law;

35 (e) Spray or fertilizer applicator rigs designed and used
36 exclusively for spraying or fertilization in the conduct of
37 agricultural operations and not primarily for the purpose of
38 transportation, and nurse rigs or equipment auxiliary to the use of and

1 designed or modified for the fueling, repairing, or loading of spray
2 and fertilizer applicator rigs and not used, designed, or modified
3 primarily for the purpose of transportation;

4 (f) Fork lifts operated during daylight hours on public highways
5 adjacent to and within five hundred feet of the warehouses which they
6 serve: PROVIDED FURTHER, That these provisions shall not apply to
7 vehicles used by the state parks and recreation commission exclusively
8 for park maintenance and operations upon public highways within state
9 parks;

10 (g) "Trams" used for transporting persons to and from facilities
11 related to the horse racing industry as regulated in chapter 67.16 RCW,
12 as long as the public right-of-way routes over which the trams operate
13 are not more than one mile from end to end, the public rights-of-way
14 over which the tram operates have an average daily traffic of not more
15 than 15,000 vehicles per day, and the activity is in conformity with
16 federal law. The operator must be a licensed driver and at least
17 eighteen years old. For the purposes of this section, "tram" also
18 means a vehicle, or combination of vehicles linked together with a
19 single mode of propulsion, used to transport persons from one location
20 to another;

21 (h) "Special highway construction equipment" defined as follows:
22 Any vehicle which is designed and used primarily for grading of
23 highways, paving of highways, earth moving, and other construction work
24 on highways and which is not designed or used primarily for the
25 transportation of persons or property on a public highway and which is
26 only incidentally operated or moved over the highway. It includes, but
27 is not limited to, road construction and maintenance machinery so
28 designed and used such as portable air compressors, air drills, asphalt
29 spreaders, bituminous mixers, bucket loaders, track laying tractors,
30 ditchers, leveling graders, finishing machines, motor graders, paving
31 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
32 lighting plants, welders, pumps, power shovels and draglines, self-
33 propelled and tractor-drawn earth moving equipment and machinery,
34 including dump trucks and tractor-dump trailer combinations which
35 either (i) are in excess of the legal width, or (ii) which, because of
36 their length, height, or unladen weight, may not be moved on a public
37 highway without the permit specified in RCW 46.44.090 and which are not
38 operated laden except within the boundaries of the project limits as

1 defined by the contract, and other similar types of construction
2 equipment, or (iii) which are driven or moved upon a public highway
3 only for the purpose of crossing such highway from one property to
4 another, provided such movement does not exceed five hundred feet and
5 the vehicle is equipped with wheels or pads which will not damage the
6 roadway surface.

7 Exclusions:

8 "Special highway construction equipment" does not include any of
9 the following:

10 Dump trucks originally designed to comply with the legal size and
11 weight provisions of this code notwithstanding any subsequent
12 modification which would require a permit, as specified in RCW
13 46.44.090, to operate such vehicles on a public highway, including
14 trailers, truck-mounted transit mixers, cranes and shovels, or other
15 vehicles designed for the transportation of persons or property to
16 which machinery has been attached.

17 (6) The following vehicles, whether operated solo or in
18 combination, are exempt from license registration and displaying
19 license plates as required by this chapter:

20 (a) A converter gear used to convert a semitrailer into a trailer
21 or a two-axle truck or tractor into a three or more axle truck or
22 tractor or used in any other manner to increase the number of axles of
23 a vehicle. Converter gear includes an auxiliary axle, booster axle,
24 dolly, and jeep axle.

25 (b) A tow dolly that is used for towing a motor vehicle behind
26 another motor vehicle. The front or rear wheels of the towed vehicle
27 are secured to and rest on the tow dolly that is attached to the towing
28 vehicle by a tow bar.

29 (c) An off-road vehicle operated on a street, road, or highway as
30 authorized under RCW 46.09.180.

31 (7)(a) A motor vehicle subject to initial or renewal registration
32 under this section shall not be registered to a natural person unless
33 the person at time of application:

- 34 (i) Presents an unexpired Washington state driver's license; or
35 (ii) Certifies that he or she is:

36 (A) A Washington resident who does not operate a motor vehicle on
37 public roads; or

1 (B) Exempt from the requirement to obtain a Washington state
2 driver's license under RCW 46.20.025.

3 (b) For shared or joint ownership, the department will set up
4 procedures to verify that all owners meet the requirements of this
5 subsection.

6 (c) A person falsifying residency is guilty of a gross misdemeanor
7 punishable only by a fine of five hundred twenty-nine dollars.

8 (d) The department may adopt rules necessary to implement this
9 subsection, including rules under which a natural person applying for
10 registration may be exempt from the requirements of this subsection
11 where the person provides evidence satisfactory to the department that
12 he or she has a valid and compelling reason for not being able to meet
13 the requirements of this subsection.

14 **Sec. 2.** RCW 46.20.505 and 2003 c 41 s 2 are each amended to read
15 as follows:

16 (1) Every person applying for a special endorsement of a driver's
17 license authorizing such person to drive a two or three-wheeled
18 motorcycle or a motor-driven cycle shall pay a fee of five dollars,
19 which is not refundable. In addition, the endorsement fee for the
20 initial motorcycle endorsement shall not exceed ten dollars, and the
21 subsequent renewal endorsement fee shall not exceed twenty-five
22 dollars, unless the endorsement is renewed or extended for a period
23 other than five years, in which case the subsequent renewal endorsement
24 fee shall not exceed five dollars for each year that the endorsement is
25 renewed or extended. The initial and renewal endorsement fees shall be
26 deposited in the motorcycle safety education account of the highway
27 safety fund.

28 (2) From March 1, 2008, until March 1, 2010, every person applying
29 for a special endorsement of a driver's license under this section
30 shall pay an additional surcharge of ten dollars on initial
31 endorsements and renewals to be distributed as follows: Five dollars
32 and ninety cents to the motorcycle safety education account; three
33 dollars and ten cents to the highway safety account; and one dollar to
34 the motor vehicle account.

35 NEW SECTION. **Sec. 3.** Section 1 of this act applies only to

1 vehicle registrations that are due or become due on or after March 1,
2 2008.

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