

Chapter 46.76 RCW
MOTOR VEHICLE TRANSPORTERS

Sections

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RCW 46.76.010 License required—Exceptions—"Driveaway or towaway methods" defined. It shall be unlawful for any person, firm, partnership, association, or corporation to engage in the business of delivering by the driveaway or towaway methods vehicles not his or her own and of a type required to be registered under the laws of this state, without procuring a transporter's license in accordance with the provisions of this chapter.

This shall not apply to motor freight carriers or operations regularly licensed under the provisions of chapter 81.80 RCW to haul such vehicles on trailers or semitrailers.

Driveaway or towaway methods means the delivery service rendered by a motor vehicle transporter wherein motor vehicles are driven singly or in combinations by the towbar, saddlemount or fullmount methods or any lawful combinations thereof, or where a truck or truck tractor draws or tows a semitrailer or trailer. [2010 c 8 § 9092; 1961 c 12 § 46.76.010. Prior: 1957 c 107 § 1; 1953 c 155 § 1; 1947 c 97 § 1; Rem. Supp. 1947 § 6382-75.]

RCW 46.76.015 Automotive repair facility may procure transporter's license. (1) Any automotive repair facility may procure a transporter's license in accordance with this chapter for the purpose of evaluating vehicles in need of repair, or that have been repaired, on the public roads of this state.

(2) This section may not be construed as requiring an automotive repair facility to obtain a transporter's license.

(3) For the purposes of this section, "automotive repair facility" or "repair facility" has the same meaning as defined in RCW 46.71.011. "Automotive repair facility" or "repair facility" includes entities that perform commercial fleet repair or maintenance transactions involving two or more vehicles, or that perform ongoing service or maintenance contracts involving vehicles used primarily for business purposes. [2018 c 16 § 1.]

RCW 46.76.020 Application for license. Application for a transporter's license shall be made on a form provided for that purpose by the director of licensing and when executed shall be forwarded to the director together with the proper fee. The application shall contain the name and address of the applicant, state whether or not the license will be used to provide towing services for monetary compensation as described in RCW 46.55.025 and, if so, whether or not the applicant is a registered tow truck operator, and contain other information as the director may require. [2008 c 19 § 1; 1979 c 158 § 189; 1967 c 32 § 91; 1961 c 12 § 46.76.020. Prior: 1947 c 97 § 2; Rem. Supp. 1947 § 6382-76.]

RCW 46.76.030 Issuance of license—Plates, indicator tabs. Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and up to three distinctive sets of license plates or an indicator tab pursuant to RCW 46.55.065 and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates or indicator tab issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways of Washington state. The director, if satisfied that the applicant has sufficient business need, may issue more than three, but no more than 10, sets of license plates to meet the business need of the applicant. Registered tow truck operators licensed under chapter 46.55 RCW are not subject to this limit, with respect to indicator tabs. [2021 c 161 § 1; 2018 c 135 § 3; 1967 c 32 § 92; 1961 c 12 § 46.76.030. Prior: 1947 c 97 § 3; Rem. Supp. 1947 § 6382-77.]

Effective date—2021 c 161: "This act takes effect January 1, 2022." [2021 c 161 § 6.]

Findings—Effective date—2018 c 135: See notes following RCW 46.55.065.

RCW 46.76.040 License and plate or indicator tab fees. The fee for an original transporter's license is \$150. Transporter license number plates bearing an appropriate symbol and serial number or an indicator tab pursuant to RCW 46.55.065 must be attached to all vehicles being delivered or evaluated in the conduct of the business licensed under this chapter. The plates may be obtained for a fee of \$50 for each set. Indicator tabs may be obtained by a registered tow truck operator licensed under chapter 46.55 RCW for a fee of \$2 per tab. [2021 c 161 § 2; 2019 c 44 § 7; 2018 c 16 § 2; 1990 c 250 § 68; 1961 c 12 § 46.76.040. Prior: 1957 c 107 § 2; 1947 c 97 § 4; Rem. Supp. 1947 § 6382-78.]

Effective date—2021 c 161: See note following RCW 46.76.030.

Effective date—2019 c 44 §§ 6 and 7: See note following RCW 46.55.065.

RCW 46.76.050 Expiration, renewal—Fee. A transporter's license expires on the date assigned by the director, and may be renewed by filing a proper application and paying an annual fee of \$100. [2021 c 161 § 3; 1985 c 109 § 3; 1961 c 12 § 46.76.050. Prior: 1947 c 97 § 5; Rem. Supp. 1947 § 6382-79.]

Effective date—2021 c 161: See note following RCW 46.76.030.

RCW 46.76.055 Staggering renewal periods. Notwithstanding any provision of law to the contrary, the director may extend or diminish the licensing period of transporters for the purpose of staggering renewal periods. The extension or diminishment shall be by rule of the department adopted in accordance with chapter 34.05 RCW. [1985 c 109 § 4.]

RCW 46.76.060 Display of plates, indicator tabs—Nontransferability. Transporter's license plates or indicator tabs pursuant to RCW 46.55.065 must be conspicuously displayed on all vehicles being delivered by the driveaway or towaway methods or being driven on the public roads of the state for the purpose of repair evaluation. These plates or indicator tabs must not be loaned to or used by any person other than the holder of the license or his or her employees. If a transporter license plate or indicator tab is lost, stolen, or damaged, the holder of the license must report the event to the department within 10 days of discovering that the transporter license plate or indicator tab has been lost, stolen, or damaged. [2021 c 161 § 4. Prior: 2018 c 135 § 4; 2018 c 16 § 3; 2010 c 8 § 9093; 1961 c 12 § 46.76.060; prior: 1957 c 107 § 3; 1947 c 97 § 6; Rem. Supp. 1947 § 6382-80.]

Effective date—2021 c 161: See note following RCW 46.76.030.

Findings—Effective date—2018 c 135: See notes following RCW 46.55.065.

RCW 46.76.065 Grounds for denial, suspension, or revocation of license. The following conduct shall be sufficient grounds pursuant to RCW 34.05.422 for the director or a designee to deny, suspend, or revoke the license of a motor vehicle transporter:

(1) Using transporter plates or indicator tabs pursuant to RCW 46.55.065 for driveaway or towaway of any vehicle owned by such transporter;

(2) Knowingly, as that term is defined in RCW 9A.08.010(1)(b), having possession of a stolen vehicle or a vehicle with a defaced, missing, or obliterated manufacturer's identification serial number;

(3) Loaning transporter plates or indicator tabs;

(4) Using transporter plates or indicator tabs for any purpose other than as provided under RCW 46.76.010 or 46.76.015;

(5) Violation of provisions of this chapter or of rules and regulations adopted relating to enforcement and proper operation of this chapter; or

(6) Using transporter plates on public highways located outside of Washington state. [2021 c 161 § 5. Prior: 2018 c 135 § 5; 2018 c 16 § 4; 1977 ex.s. c 254 § 1.]

Effective date—2021 c 161: See note following RCW 46.76.030.

Findings—Effective date—2018 c 135: See notes following RCW 46.55.065.

RCW 46.76.067 Compliance with chapter 81.80 RCW. (1) Any person or organization that transports any mobile home or other vehicle for hire shall comply with this chapter and chapter 81.80 RCW. Persons or organizations that do not have a valid permit or meet other requirements under chapter 81.80 RCW shall not be issued a transporter license or transporter plates or an indicator tab pursuant to RCW 46.55.065 to transport mobile homes or other vehicles. RCW 46.76.065(5) applies to persons or organizations that have transporter licenses or plates or indicator tabs and do not meet the requirements of chapter 81.80 RCW.

(2) This section does not apply to mobile home manufacturers or dealers that are licensed and delivering the mobile home under chapter 46.70 RCW. [2018 c 135 § 6; 1988 c 239 § 4.]

Findings—Effective date—2018 c 135: See notes following RCW 46.55.065.

RCW 46.76.070 Rules. The director may make any reasonable rules or regulations not inconsistent with the provisions of this chapter relating to the enforcement and proper operation of this chapter. [1967 c 32 § 93; 1961 c 12 § 46.76.070. Prior: 1947 c 97 § 7; Rem. Supp. 1947 § 6382-81.]

RCW 46.76.080 Penalty. The violation of any provision of this chapter is a traffic infraction. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates or indicator tabs used in connection with such violation. [2018 c 135 § 7; 1979 ex.s. c 136 § 96; 1961 c 12 § 46.76.080. Prior: 1947 c 97 § 8; Rem. Supp. 1947 § 6382-82.]

Findings—Effective date—2018 c 135: See notes following RCW 46.55.065.

Effective date—Severability—1979 ex.s. c 136: See notes following RCW 46.63.010.