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SENATE BILL 5297

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State of Washington

64th Legislature

2015 Regular Session

By Senators Lias, Fain, King, and Hobbs; by request of Department of Licensing

Read first time 01/19/15. Referred to Committee on Transportation.

1 AN ACT Relating to updating and clarifying statutory provisions  
2 within the commercial vehicle registration and fuel tax  
3 administrative systems; amending RCW 46.87.010, 46.87.020, 46.87.022,  
4 46.87.025, 46.87.030, 46.87.040, 46.87.050, 46.87.060, 46.87.070,  
5 46.87.080, 46.87.090, 46.87.120, 46.87.130, 46.87.140, 46.87.150,  
6 46.87.190, 46.87.200, 46.87.220, 46.87.230, 46.87.240, 46.87.250,  
7 46.87.260, 46.87.280, 46.87.290, 46.87.294, 46.87.296, 46.87.300,  
8 46.87.310, 46.87.320, 46.87.330, 46.87.335, 46.87.340, 46.87.350,  
9 46.87.360, 46.87.370, 46.87.410, and 46.19.020; amending 2013 c 225 s  
10 650 (uncodified); repealing RCW 46.87.023, 46.87.210, 46.87.270, and  
11 46.87.380; repealing 2013 c 225 s 305; prescribing penalties;  
12 providing effective dates; and declaring an emergency.

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

14 **Sec. 1.** RCW 46.87.010 and 2011 c 171 s 95 are each amended to  
15 read as follows:

16 This chapter applies to proportional registration and reciprocity  
17 granted under the provisions of the international registration plan  
18 (IRP). This chapter shall become effective and be implemented  
19 beginning with the 1988 registration year.

1       (1) ~~((Provisions and terms of the IRP prevail unless given a~~  
2 ~~different meaning in chapter 46.04 RCW, this chapter, or in rules~~  
3 ~~adopted under the authority of this chapter.~~

4       ~~(2))~~) The director may adopt and enforce rules deemed necessary  
5 to implement and administer this chapter.

6       ~~((3))~~) (2) Owners having a fleet of apportionable vehicles  
7 operating in two or more IRP member jurisdictions may elect to  
8 proportionally register the vehicles of the fleet under the  
9 provisions of the IRP and this chapter in lieu of full or temporary  
10 registration as provided for in chapter 46.16A RCW.

11       ~~((4))~~) (3) If a due date or an expiration date ~~((established~~  
12 ~~under authority of this chapter))~~ falls on a Saturday, Sunday, or a  
13 state legal holiday, such period is automatically extended through  
14 the end of the next business day.

15       **Sec. 2.** RCW 46.87.020 and 2010 c 161 s 1141 are each amended to  
16 read as follows:

17       Provisions and terms used in this chapter have the meaning given  
18 to them in the international registration plan (IRP), in chapter  
19 46.04 RCW, or as otherwise defined in this section. Definitions given  
20 to terms by the IRP prevail unless given a different meaning in this  
21 chapter or in rules adopted under authority of this chapter.

22       (1) "Adequate records" are records maintained by the owner of the  
23 fleet sufficient to enable the department to verify the distances  
24 reported in the owner's application for apportioned registration and  
25 to evaluate the accuracy of the owner's distance accounting system.

26       (2) "Apportionable vehicle" has the meaning given by the IRP,  
27 except that it does not include vehicles with a declared gross weight  
28 of twelve thousand pounds or less. ~~((Apportionable vehicles include~~  
29 trucks, tractors, truck tractors, road tractors, and buses, each as  
30 separate and licensable vehicles.

31       ~~(2))~~) (3) "Cab card" is a certificate of registration issued for  
32 a vehicle ~~((upon which is disclosed the jurisdictions and registered~~  
33 ~~gross weights in such jurisdictions for which the vehicle is~~  
34 ~~registered))~~.

35       ~~((3))~~) (4) "Credentials" means cab cards, apportioned plates  
36 ~~((for Washington-based fleets))~~, temporary operating authority, and  
37 validation tabs issued for proportionally registered vehicles.

38       ~~((4))~~) (5) "Declared combined gross weight" means the total  
39 unladen weight of any combination of vehicles plus the maximum weight

1 of the ~~((maximum))~~ load to be carried on the combination of vehicles  
2 as ~~((set))~~ declared by the registrant ~~((in the application pursuant~~  
3 ~~to chapter 46.44 RCW and for which registration fees have been or are~~  
4 ~~to be paid))~~.

5 ~~((+5))~~ (6) "Declared gross weight" means the total unladen  
6 weight of any vehicle plus the maximum weight of the ~~((maximum))~~ load  
7 to be carried on the vehicle as ~~((set))~~ declared by the registrant  
8 ~~((in the application pursuant to chapter 46.44 RCW and for which~~  
9 ~~registration fees have been or are to be paid))~~. In the case of a  
10 bus, auto stage, or a passenger-carrying for hire vehicle with a  
11 seating capacity of more than six, the declared gross weight ~~((shall~~  
12 ~~be))~~ is determined by multiplying ~~((the average load factor of))~~ one  
13 hundred ~~((and))~~ fifty pounds by the number of seats in the vehicle,  
14 including the driver's seat, and ~~((add))~~ adding this amount to the  
15 unladen weight of the vehicle. If the resultant gross weight is not  
16 listed in RCW 46.17.355, it ~~((will))~~ must be increased to the next  
17 higher gross weight ~~((so listed pursuant to))~~ authorized in chapter  
18 46.44 RCW.

19 ~~((+6))~~ (7) "Department" means the department of licensing.

20 ~~((+7))~~ (8) "Fleet" means one or more apportionable vehicles ~~((in~~  
21 ~~the IRP))~~.

22 ~~((+8))~~ (9) "In-jurisdiction ~~((miles))~~ distance" means the total  
23 distance, in miles, accumulated in a jurisdiction during the  
24 ~~((preceding year))~~ reporting period by vehicles of the fleet while  
25 they were a part of the fleet.

26 ~~((+9))~~ (10) "IRP" means the international registration plan.

27 ~~((+10))~~ (11) "Jurisdiction" means and includes a state,  
28 territory or possession of the United States, the District of  
29 Columbia, the Commonwealth of Puerto Rico, a foreign country, and a  
30 state or province of a foreign country.

31 ~~((+11))~~ (12) "Motor carrier" means an entity engaged in the  
32 transportation of goods or persons. ~~((The term))~~ "Motor carrier"  
33 includes a for-hire motor carrier, private motor carrier, ~~((contract~~  
34 ~~motor carrier, or))~~ exempt motor carrier ~~((The term includes a))~~,  
35 registrant licensed under this chapter, ~~((a))~~ motor vehicle lessor,  
36 and ~~((a))~~ motor vehicle lessee.

37 ~~((+12))~~ (13) "Owner" means a person or business ~~((firm))~~ who  
38 holds the legal title to a vehicle, or if a vehicle is the subject of  
39 an agreement for its conditional sale with the right of purchase upon  
40 performance of the conditions stated in the agreement and with an

1 immediate right of possession vested in the conditional vendee, or if  
2 a vehicle is subject to a lease, contract, or other legal arrangement  
3 vesting right of possession or control, for security or otherwise, or  
4 if a mortgagor of a vehicle is entitled to possession, then the owner  
5 is deemed to be the person or business (~~(firm)~~) in whom is vested  
6 right of possession or control.

7 (13) (~~("Preceding year" means the period of twelve consecutive~~  
8 ~~months immediately before July 1st of the year immediately before the~~  
9 ~~commencement of the registration or license year for which~~  
10 ~~apportioned registration is sought.))~~ "Person" means any individual,  
11 partnership, association, public or private corporation, limited  
12 liability company, or other type of legal or commercial entity,  
13 including its members, managers, partners, directors, or officers.

14 (14) "Prorate percentage" is the factor (~~(that is)~~) applied to  
15 the total proratable fees and taxes to determine the apportionable  
16 (~~(or prorate)~~) fees required for registration in a (~~(particular)~~)  
17 jurisdiction. It is determined by dividing the in-jurisdiction  
18 (~~(miles)~~) distance for a particular jurisdiction by the total  
19 (~~(miles. This term is synonymous with the term "mileage~~  
20 ~~percentage.")~~) distance.

21 (15) "Registrant" means a person, business (~~(firm)~~), or  
22 corporation in whose name or names a vehicle or fleet of vehicles is  
23 registered.

24 (16) "Registration year" means the twelve-month period during  
25 which the (~~(registration plates)~~) credentials issued by the base  
26 jurisdiction are valid (~~(according to the laws of the base~~  
27 ~~jurisdiction)~~).

28 (17) "Reporting period" means the period of twelve consecutive  
29 months immediately prior to July 1st of the calendar year immediately  
30 preceding the beginning of the registration year for which  
31 apportioned registration is sought. If the fleet registration period  
32 commences in October, November, or December, the reporting period is  
33 the period of twelve consecutive months immediately preceding July  
34 1st of the current calendar year.

35 (18) "Total ((miles)) distance" means ((the total number of miles  
36 accumulated in all jurisdictions during the preceding year by all  
37 vehicles of the fleet while they were a part of the fleet. Mileage))  
38 all distance operated by a fleet of apportioned vehicles. "Total  
39 distance" includes the full distance traveled in all vehicle  
40 movements, both interjurisdictional and intrajurisdictional,

1 including loaded, unladen, deadhead, and bobtail distances. Distance  
2 traveled by a vehicle while under a trip lease is considered to have  
3 been traveled by the lessor's fleet. All distance, both interstate  
4 and intrastate, accumulated by vehicles of the fleet (~~that did not~~  
5 engage in interstate operations)) is (~~not~~) included in the fleet  
6 (miles) distance.

7 **Sec. 3.** RCW 46.87.022 and 1990 c 250 s 74 are each amended to  
8 read as follows:

9 Owners of rental trailers and semitrailers over six thousand  
10 pounds gross vehicle weight(~~, and converter gears~~) used solely in  
11 pool fleets (~~shall~~) must fully register a portion of the pool fleet  
12 in this state. To determine the percentage of total fleet vehicles  
13 that must be registered in this state, divide the gross revenue  
14 received in the (~~preceding year~~) reporting period for the use of  
15 the rental vehicles arising from rental transactions occurring in  
16 this state by the total revenue received in the (~~preceding year~~)  
17 reporting period for the use of the rental vehicles arising from  
18 rental transactions in all jurisdictions in which the vehicles are  
19 operated. Apply the resulting percentage to the total number of  
20 vehicles that (~~shall~~) must be registered in this state. Vehicles  
21 registered in this state (~~shall~~) must be representative of the  
22 vehicles in the fleet according to age, size, and value.

23 **Sec. 4.** RCW 46.87.025 and 1990 c 250 s 75 are each amended to  
24 read as follows:

25 All vehicles being added to (~~an existing~~) a Washington(~~-~~  
26 ~~based~~) fleet or those vehicles that make up a new Washington(~~-~~  
27 ~~based~~) fleet (~~shall~~) must be titled in the name of the owner at  
28 time of registration(~~, or evidence of filing application for title~~  
29 ~~for such vehicles in the name of the owner shall accompany the~~  
30 ~~application for proportional registration~~)).

31 **Sec. 5.** RCW 46.87.030 and 2010 c 161 s 1142 are each amended to  
32 read as follows:

33 (1) When application to register (~~an apportionable~~) a vehicle  
34 in an existing fleet is made, the Washington (~~prorated~~) apportioned  
35 fees (~~may~~) must be reduced by one-twelfth for each full  
36 (~~registration~~) month that has elapsed (~~at~~) from the time (~~a~~  
37 ~~temporary authorization permit (TAP) was issued or if no TAP was~~

1 ~~issued, at such time as~~) an application for registration is received  
2 in the department. ~~((If a vehicle is being added to a currently~~  
3 ~~registered fleet,))~~ The prorata percentage previously established for  
4 the fleet ~~((for such registration year shall))~~ must be used in the  
5 computation of the ~~((proportional))~~ apportionable fees and taxes due.

6 (2) If ~~((any))~~ a vehicle is withdrawn from a ~~((proportionally~~  
7 ~~registered))~~ fleet during the period ~~((for which))~~ it is registered  
8 under this chapter, the registrant of the fleet ~~((shall))~~ must notify  
9 the department on ~~((appropriate))~~ forms prescribed by the department.  
10 The department may require the registrant to surrender credentials  
11 ~~((that were))~~ issued to the vehicle. If a ~~((motor))~~ vehicle is  
12 ~~((permanently withdrawn from a proportionally registered fleet~~  
13 ~~because it has been destroyed, sold, or otherwise))~~ completely  
14 removed from the service of the fleet ~~((registrant))~~, the unused  
15 portion of the license fee paid under RCW 46.17.355 ~~((with respect to~~  
16 ~~the vehicle))~~, reduced by one-twelfth for each ~~((calendar))~~ month and  
17 fraction thereof elapsing between the first day of the month of the  
18 current registration year ~~((in which the vehicle was registered))~~ and  
19 the date the notice of ~~((withdrawal, accompanied by such credentials~~  
20 ~~as may be required,))~~ removal is received in the department,  
21 ~~((shall))~~ must be credited to the registrant's fleet proportional  
22 registration account ~~((of the registrant))~~. Credit ~~((shall))~~ must be  
23 applied against the license fee liability for subsequent additions of  
24 ~~((motor))~~ vehicles to ~~((be proportionally registered in))~~ the fleet  
25 during ~~((such))~~ the registration year or for additional license fees  
26 due under RCW 46.17.355 or ~~((to))~~ be due upon audit under RCW  
27 46.87.310. If any credit is less than fifteen dollars, ~~((no))~~ the  
28 credit ~~((will))~~ must not be entered. In lieu of credit, the  
29 registrant may ~~((choose to))~~ transfer the unused portion of the  
30 license fee for the ~~((motor))~~ vehicle to the new owner, in which case  
31 it ~~((shall))~~ must remain with the ~~((motor))~~ vehicle for which it was  
32 originally paid. ~~((In no event may any))~~ An amount may not be  
33 credited against fees other than those for the registration year from  
34 which the credit was obtained ~~((nor is any))~~ and an amount ~~((subject~~  
35 ~~to refund))~~ may not be refunded.

36 **Sec. 6.** RCW 46.87.040 and 1994 c 262 s 13 are each amended to  
37 read as follows:

38 Additional gross weight may be purchased ~~((for proportionally~~  
39 ~~registered motor vehicles))~~ to the limits authorized under chapter

1 46.44 RCW. (~~Reregistration at the higher gross weight (maximum gross~~  
2 ~~weights under this chapter are fifty four thousand pounds for a sole~~  
3 ~~three axle truck or one hundred five thousand five hundred pounds for~~  
4 ~~a combination~~)) Registration must be for the (~~balance~~) remainder  
5 of the registration year, including the full registration month in  
6 which the vehicle is initially (~~licensed~~) registered at the higher  
7 gross weight. The apportionable (~~or proportional~~) fee initially  
8 paid to the state of Washington, reduced (~~for~~) by the number of  
9 full registration months the license was in effect, (~~will~~) must be  
10 deducted from the total fee (~~to be paid to this state for licensing~~  
11 ~~at the higher gross weight for the balance of the registration year~~)  
12 due. (~~No~~) A credit or refund (~~will~~) may not be given for a  
13 reduction of gross weight.

14 **Sec. 7.** RCW 46.87.050 and 2005 c 194 s 4 are each amended to  
15 read as follows:

16 Each day the department (~~shall~~) must forward to the state  
17 treasurer the fees collected under this chapter(~~7~~) and, within ten  
18 days of the end of each registration quarter, a detailed report  
19 identifying the amount to be deposited to each account for which fees  
20 are required (~~for the licensing of proportionally registered~~  
21 ~~vehicles~~). Such fees (~~shall~~) must be deposited pursuant to RCW  
22 46.68.035 (~~and 82.44.170~~).

23 **Sec. 8.** RCW 46.87.060 and 1987 c 244 s 21 are each amended to  
24 read as follows:

25 The apportionment of fees to IRP member jurisdictions (~~shall~~)  
26 must be in accordance with the provisions of the IRP agreement  
27 (~~based on the apportionable fee multiplied by the prorated percentage~~  
28 ~~for each jurisdiction in which the fleet will be registered or is~~  
29 ~~currently registered~~)).

30 **Sec. 9.** RCW 46.87.070 and 2005 c 194 s 5 are each amended to  
31 read as follows:

32 Trailers, semitrailers, and pole trailers (~~that are~~) properly  
33 based in jurisdictions other than Washington(~~7~~) and (~~that~~  
34 ~~display~~) displaying currently registered license plates (~~from~~  
35 ~~such~~) issued by the jurisdictions (~~will be~~) are granted vehicle  
36 (~~license~~) registration reciprocity in this state (~~without the need~~  
37 ~~of further vehicle license registration~~). Unless registered under

1 the provisions of the IRP as a pool fleet, such trailers,  
2 semitrailers, and pole trailers must be operated in combination with  
3 an apportioned power unit to qualify for reciprocity. If pole  
4 trailers are not required to be licensed separately by a member  
5 jurisdiction, ~~((such vehicles))~~ they may be operated in this state  
6 without displaying a ~~((current))~~ base license plate.

7 **Sec. 10.** RCW 46.87.080 and 2013 c 225 s 609 are each amended to  
8 read as follows:

9 (1) Upon making satisfactory application and payment of  
10 ~~((applicable))~~ fees and taxes for proportional registration under  
11 this chapter, the department must issue ~~((a cab card and validation~~  
12 ~~tab for each vehicle, and to vehicles of Washington-based fleets, two~~  
13 ~~distinctive apportionable license plates for each motor vehicle))~~  
14 credentials. License plates must be displayed ~~((on vehicles))~~ as  
15 required ~~((by))~~ under RCW 46.16A.200(5). The ~~((number and))~~ license  
16 plates must be of a design~~((, size, and color))~~ determined by the  
17 department. The license plates must be treated with reflectorized  
18 material and clearly marked with the words "WASHINGTON" and  
19 "APPORTIONED," both words to appear in full and without abbreviation.

20 (2) The cab card ~~((serves as))~~ is the certificate of registration  
21 for ~~((a proportionally registered))~~ the vehicle. The ~~((face of the))~~  
22 cab card must contain the name and address of the registrant as  
23 ~~((contained))~~ maintained in the records of the department, the  
24 license plate number assigned to the vehicle ~~((by the base~~  
25 ~~jurisdiction))~~, the vehicle identification number, and ~~((such))~~ other  
26 ~~((description of the vehicle and data as))~~ information the department  
27 may require. The cab card must be signed by the registrant, or a  
28 designated person if the registrant is a business ~~((firm))~~, and must  
29 ~~((at all times))~~ always be carried in ~~((or on))~~ the vehicle ~~((to~~  
30 ~~which it was issued))~~.

31 (3) The apportioned license plates are not transferrable ~~((from~~  
32 ~~vehicle to vehicle unless otherwise determined by rule and may be~~  
33 ~~used only on the vehicle to which they are assigned by the department~~  
34 ~~for as long as they are))~~. License plates must be legible ~~((or))~~ and  
35 remain with the vehicle until ~~((such time as))~~ the department  
36 requires them to be removed ~~((and returned to the department))~~.

37 (4) ~~((Distinctive))~~ Validation tab(s) of a design~~((, size, and~~  
38 ~~color))~~ determined by the department must be affixed to the  
39 ~~((apportioned))~~ license plate(s) as prescribed by the department



1 (~~to~~) and indicate the month(~~, if necessary,~~) and year for which  
2 the vehicle is registered.

3 (5) (~~Renewals are effected by the issuance and display of such~~  
4 ~~tab(s) after making satisfactory application and payment of~~  
5 ~~applicable fees and taxes.~~

6 (~~6~~) A fleet vehicle(~~(s—se)~~) properly registered (~~and~~  
7 ~~identified are~~) is deemed to be fully (~~licensed and~~) registered in  
8 this state for any type of legal movement or operation. (~~However,~~)  
9 In (~~those~~) instances in which a permit or grant of authority is  
10 required for interstate or intrastate (~~movement or~~) operation, (~~no~~  
11 ~~such~~) the vehicle (~~may~~) must not be operated in interstate or  
12 intrastate commerce (~~in this state~~) unless the owner (~~has been~~)  
13 is granted (~~interstate~~) the appropriate operating authority (~~in~~  
14 ~~the case of interstate operations or intrastate operating authority~~  
15 ~~by the Washington utility and transportation commission in the case~~  
16 ~~of intrastate operations~~) and (~~unless~~) the vehicle is being  
17 operated in conformity with that permit or operating authority.

18 (~~(7) The department may issue temporary authorization permits~~  
19 ~~(TAPs) to qualifying operators for the operation of vehicles pending~~  
20 ~~issuance of license identification. A fee of one dollar plus a one~~  
21 ~~dollar filing fee must be collected for each permit issued. The~~  
22 ~~permit fee must be deposited in the motor vehicle fund, and the~~  
23 ~~filing fee must be deposited in the highway safety fund. The~~  
24 ~~department may adopt rules for use and issuance of the permits.~~

25 (~~8~~) (6) The department may (~~refuse to issue any license or~~  
26 ~~permit~~) deny, suspend, or revoke the credentials authorized (~~by~~)  
27 under subsection (1) (~~or (7)~~) of this section to any person: (a)  
28 Who formerly held any type of license, registration, credentials, or  
29 permit issued by the department pursuant to chapter 46.16A, 46.44,  
30 46.85, 46.87, or 82.38 RCW that has been revoked for cause, which  
31 cause has not been removed; (~~or~~) (b) who is a subterfuge for the  
32 real party in interest whose license, registration, credentials, or  
33 permit issued by the department pursuant to chapter 46.16A, 46.44,  
34 46.85, 46.87, or 82.38 RCW and has been revoked for cause, which  
35 cause has not been removed; (~~or~~) (c) who, as (~~an~~) a person,  
36 individual licensee, or officer, partner, director, owner, or  
37 managing employee of a nonindividual licensee, has had a license,  
38 registration, or permit issued by the department pursuant to chapter  
39 46.16A, 46.44, 46.85, 46.87, or 82.38 RCW (~~which~~) that has been  
40 revoked for cause, which cause has not been removed; (~~or~~) (d) who

1 has an unsatisfied debt to the state assessed under either chapter  
2 46.16A, 46.44, 46.85, 46.87, 82.38, or 82.44 RCW; or (e) who, as a  
3 person, individual licensee, officer, partner, director, owner, or  
4 managing employee of a nonindividual licensee, has been prohibited  
5 from operating as a motor carrier by the federal motor carrier safety  
6 administration or Washington state patrol and the cause for such  
7 prohibition has not been satisfied.

8 ~~((9) The department may revoke the license or permit authorized~~  
9 ~~by subsection (1) or (7) of this section issued to any person for any~~  
10 ~~of the grounds constituting cause for denial of licenses or permits~~  
11 ~~set forth in subsection (8) of this section.~~

12 ~~(10))~~ (7) Before such ~~((refusal))~~ denial, suspension, or  
13 revocation under subsection ~~((8) or (9))~~ (6) of this section, the  
14 department must grant the applicant ~~((a)),~~ registrant, or owner an  
15 informal hearing and at least ten days written notice of the time and  
16 place of the hearing.

17 **Sec. 11.** RCW 46.87.090 and 1994 c 262 s 14 are each amended to  
18 read as follows:

19 (1) To replace ~~((an apportioned vehicle))~~ license ~~((plate(s)))~~  
20 plates, a cab card, or validation tab(s) ~~((due to loss, defacement,~~  
21 ~~or destruction))~~, the registrant ~~((shall))~~ must apply to the  
22 department on forms furnished ~~((for that purpose))~~ by the department.  
23 ~~((The application, together with proper payment and other~~  
24 ~~documentation as indicated, shall be filed with the department as~~  
25 ~~follows:))~~

26 (a) ~~((Apportioned plate(s) —))~~ A fee of ten dollars ~~((shall be))~~  
27 is charged for ~~((vehicles required to display))~~ two ~~((apportioned))~~  
28 license plates ~~((or five dollars for vehicles required to display one~~  
29 ~~apportioned plate. The cab card of the vehicle for which a plate is~~  
30 ~~requested shall accompany the application)).~~ The department ~~((shall))~~  
31 must issue ~~((a))~~ new ~~((apportioned plate(s)))~~ license plates with  
32 validation ~~((tab(s)))~~ tabs and a new cab card ~~((upon acceptance of~~  
33 ~~the completed application form, old cab card, and the required~~  
34 ~~replacement fee)).~~

35 (b) ~~((Cab card —))~~ A fee of two dollars ~~((shall be))~~ is charged  
36 for each cab card. ~~((If this is a duplicate cab card, it will be~~  
37 ~~noted thereon.))~~

38 (c) ~~((Validation year tab(s) —))~~ A fee of two dollars ~~((shall~~  
39 ~~be))~~ is charged for each ~~((vehicle))~~ validation year tab.

1 (2) All fees collected under this section ~~((shall))~~ must be  
2 deposited ~~((to))~~ in the motor vehicle fund.

3 **Sec. 12.** RCW 46.87.120 and 2005 c 194 s 7 are each amended to  
4 read as follows:

5 (1) ~~((The initial))~~ An application for proportional registration  
6 of a fleet ~~((shall))~~ must state the ~~((mileage data with respect to))~~  
7 actual distance accumulated by the fleet ~~((for the preceding year in~~  
8 this and other jurisdictions)) during the reporting period. If ~~((no))~~  
9 operations were not conducted ~~((with))~~ by the fleet during the  
10 ~~((preceding year))~~ reporting period, the application ~~((shall))~~ must  
11 contain a ~~((full statement of the proposed method of operation and~~  
12 estimates of annual mileage in each of the jurisdictions in which  
13 operation is contemplated. The registrant shall determine the in-  
14 jurisdiction and total miles to be used in computing the fees and  
15 taxes due for the fleet. The department may evaluate and adjust the  
16 estimate in the application if it is not satisfied as to its  
17 correctness.

18 ~~(2) When operations of a Washington-based fleet is materially~~  
19 ~~changed through merger, acquisition, or extended authority, the~~  
20 ~~registrant shall notify the department, which shall then require the~~  
21 ~~filing of an amended application setting forth the proposed operation~~  
22 ~~by use of estimated mileage for all jurisdictions. The department may~~  
23 ~~adjust the estimated mileage by audit or otherwise to an actual~~  
24 ~~travel basis to insure proper fee payment. The actual travel basis~~  
25 ~~may be used for determination of fee payments until such time as a~~  
26 ~~normal mileage year is available under the new operation))~~ department  
27 determined average per vehicle distance of the fleet in all  
28 jurisdictions.

29 **Sec. 13.** RCW 46.87.130 and 2005 c 194 s 8 are each amended to  
30 read as follows:

31 ~~((In addition to all other fees prescribed for the proportional~~  
32 ~~registration of vehicles under this chapter,))~~ The department  
33 ~~((shall))~~ must collect a vehicle transaction fee each time a vehicle  
34 is added to a Washington~~((-based))~~ fleet, and each time the  
35 ~~((proportional))~~ registration of a Washington~~((-based))~~ fleet vehicle  
36 is renewed. The exact amount of the vehicle transaction fee ~~((shall))~~  
37 must be fixed by rule, but ~~((shall))~~ must not exceed ten dollars.  
38 This fee ~~((shall))~~ must be deposited in the motor vehicle fund.

1       **Sec. 14.** RCW 46.87.140 and 2011 c 171 s 98 are each amended to  
2 read as follows:

3       (1) Any owner (~~((engaged in interstate operations))~~) of one or more  
4 fleets of apportionable vehicles may, in lieu of registration of the  
5 vehicles under chapter 46.16A RCW, register (~~((and license))~~) the  
6 vehicles of each fleet (~~((under this chapter))~~) by filing a  
7 proportional registration application (~~((for each fleet))~~) with the  
8 department. The application (~~((shall))~~) must contain the following  
9 information and (~~((such))~~) other information (~~((pertinent to vehicle  
10 registration as))~~) the department may require:

11       (a) A description and identification of each vehicle (~~((of))~~) in  
12 the fleet.

13       (b) (~~((The member jurisdictions in which registration is desired  
14 and such other information as member jurisdictions require.~~

15       ~~((e))~~) An original or renewal application (~~((shall also))~~) must be  
16 accompanied by a (~~((mileage))~~) distance schedule for each fleet.

17       ~~((d))~~) (c) The USDOT number issued to the registrant and the  
18 USDOT number of the motor carrier responsible for the safety of  
19 (~~((the))~~) each vehicle, if different.

20       ~~((e) A completed Motor Carrier Identification Report (MCS-150)  
21 at the time of fleet renewal or at the time of vehicle registration,  
22 if required by the department.~~

23       ~~((f))~~) (d) The taxpayer identification number of the registrant  
24 and the motor carrier responsible for the safety of (~~((the))~~) each  
25 vehicle, if different.

26       (2) Each application (~~((shall))~~) must, at the time and in the  
27 manner required by the department, be supported by payment of a fee  
28 computed as follows:

29       (a) Divide the in-jurisdiction (~~((miles))~~) distance for each  
30 jurisdiction by the total (~~((miles))~~) distance and carry the answer to  
31 the nearest thousandth of a percent (three places beyond the decimal,  
32 e.g. 10.543(~~((%)~~)) percent). This factor is known as the prorate  
33 percentage.

34       (b) Determine the (~~((total proratable))~~) apportionable fees and  
35 taxes required for each vehicle in the fleet (~~((for which registration  
36 is requested,))~~) based on the (~~((regular annual fees and taxes or))~~)  
37 applicable fees and taxes (~~((for the unexpired portion of the  
38 registration year))~~) under the laws of each jurisdiction (~~((for which  
39 fees or taxes are to be calculated))~~).

1       (~~Applicable~~) Fees and taxes for vehicles of Washington(~~-~~  
2 ~~based~~) fleets and foreign jurisdiction fleets operating in  
3 Washington are those prescribed under RCW (~~(46.17.350(1)(e))~~)  
4 46.17.315, 46.17.355, and 82.38.075(~~(, as applicable)~~). If, during  
5 the registration period, the lessor of an apportioned vehicle changes  
6 and the vehicle remains in the fleet of the registrant, the  
7 department (~~shall~~) must only charge those fees prescribed for the  
8 issuance of new apportioned license plates, validation tabs, and cab  
9 card.

10       (c) Multiply the total, (~~proratable~~) apportionable fees or  
11 taxes for each (~~motor~~) vehicle by the prorata percentage applicable  
12 to (~~the desired~~) each jurisdiction and round the results to the  
13 nearest cent.

14       (d) Add the total fees and taxes determined in (c) of this  
15 subsection for each vehicle to the (~~nonproratable~~) nonapportionable  
16 fees and taxes required under the laws of (~~the~~) each jurisdiction  
17 (~~for which fees are being calculated~~). (~~Nonproratable~~)  
18 Nonapportionable fees required for vehicles of Washington(~~-based~~)  
19 fleets are the administrative fee required (~~by~~) under RCW  
20 82.38.075, (~~if applicable, and~~) the vehicle transaction fee  
21 pursuant to (~~the provisions of~~) RCW 46.87.130, and the commercial  
22 vehicle safety inspection fee in RCW 46.17.315.

23       (e) The amount due and payable (~~for the application~~) is the sum  
24 of the fees and taxes calculated for each (~~member~~) jurisdiction in  
25 which (~~registration of~~) the fleet is (~~desired~~) registered.

26       (3) All assessments for (~~proportional registration~~) taxes and  
27 fees are due and payable in United States funds on the date presented  
28 or mailed to the registrant at the address listed in the proportional  
29 registration records of the department. The registrant may petition  
30 for reassessment of the fees or taxes due (~~under this section~~)  
31 within thirty days of the date of original service (~~as provided for~~  
32 ~~in this chapter~~)).

33       **Sec. 15.** RCW 46.87.150 and 1996 c 91 s 1 are each amended to  
34 read as follows:

35       (~~Whenever~~) If a person (~~has been required to~~) pays a fee or  
36 tax (~~pursuant to this chapter~~) that amounts to an overpayment of  
37 ten dollars or more, the person is entitled to a refund of the entire  
38 amount of (~~such~~) the overpayment, regardless of whether or not a  
39 refund (~~of the overpayment~~) has been requested. (~~Nothing in~~) This

1 subsection does not preclude(~~((s anyone))~~) a person from applying for a  
2 refund of (~~((such))~~) an overpayment if the overpayment is less than ten  
3 dollars. (~~((Conversely,))~~) If the department or its agents (~~((has failed~~  
4 ~~to charge))~~) fail to assess and collect the full amount of fees or  
5 taxes (~~((pursuant to this chapter))~~) owed, which underpayment is (~~((in~~  
6 ~~the amount of))~~) ten dollars or more, the department (~~((shall charge~~  
7 ~~and))~~) must collect (~~((such))~~) the additional amount (~~((as will~~  
8 ~~constitute full payment of the fees and taxes due))~~) owed.

9 **Sec. 16.** RCW 46.87.190 and 2005 c 194 s 10 are each amended to  
10 read as follows:

11 The department may suspend or cancel the exemptions, benefits, or  
12 privileges granted under chapter 46.85 RCW or this chapter to any  
13 person (~~((or business firm))~~) who violates any of the conditions or  
14 terms of the IRP or who violates the laws or rules of this state  
15 relating to the operation or registration of vehicles (~~((or rules~~  
16 ~~lawfully adopted thereunder))~~).

17 **Sec. 17.** RCW 46.87.200 and 1987 c 244 s 33 are each amended to  
18 read as follows:

19 The department (~~((may))~~) must refuse registration of a vehicle if  
20 the applicant has failed to furnish proof, acceptable to the  
21 department, that the federal heavy vehicle use tax imposed (~~((by~~  
22 ~~section 4481 of the internal revenue code of 1954))~~) under 26 U.S.C.  
23 Sec. 4481 has been suspended or paid. (~~((The department may adopt~~  
24 ~~rules as deemed necessary to administer this section.))~~)

25 **Sec. 18.** RCW 46.87.220 and 2010 c 161 s 1144 are each amended to  
26 read as follows:

27 The gross weight (~~((in the case of a motor truck, tractor, or~~  
28 ~~truck tractor))~~) of a vehicle is the scale weight of the (~~((motor~~  
29 ~~truck, tractor, or truck tractor))~~) vehicle, plus the scale weight of  
30 any trailer, semitrailer, converter gear, or pole trailer to be towed  
31 by it, to which (~~((shall))~~) must be added the maximum weight of the  
32 (~~((maximum))~~) load to be carried on it or towed by it as (~~((set forth))~~)  
33 declared by the licensee (~~((in the application providing))~~) as long as  
34 it does not exceed the weight limitations prescribed (~~((by))~~) under  
35 chapter 46.44 RCW.

36 The gross weight in the case of a bus, auto stage, or passenger-  
37 carrying for hire vehicle(~~((, except a taxicab,))~~) with a seating

1 capacity over six, is the scale weight of the bus, auto stage, or  
2 passenger-carrying for hire vehicle plus the seating capacity,  
3 including the operator's seat, computed at one hundred (~~and~~) fifty  
4 pounds per seat.

5 If the resultant gross weight, according to this section, is not  
6 listed in RCW 46.17.355, it (~~will~~) must be increased to the next  
7 higher gross weight (~~se~~) listed pursuant to chapter 46.44 RCW.

8 A (~~motor~~) vehicle or combination of vehicles found to be loaded  
9 beyond the licensed gross weight of the (~~motor~~) vehicle  
10 (~~registered under this chapter shall~~) or combination of vehicles  
11 must be cited and handled under RCW 46.16A.540 and 46.16A.545.

12 **Sec. 19.** RCW 46.87.230 and 2011 c 171 s 99 are each amended to  
13 read as follows:

14 Whenever an act or omission is declared to be unlawful under  
15 chapter 46.12, 46.16A, or 46.44 RCW or this chapter, and (~~if~~) the  
16 operator of the vehicle is not the owner or lessee of the vehicle but  
17 is (~~se~~) operating or moving the vehicle with the express or implied  
18 permission of the owner or lessee, (~~then~~) the operator and the  
19 owner or lessee are both subject to this chapter, with the primary  
20 responsibility to be that of the owner or lessee.

21 If the person operating the vehicle at the time of the unlawful  
22 act or omission is not the owner or the lessee of the vehicle, that  
23 person is fully authorized to accept the citation or notice of  
24 infraction and execute the promise to appear on behalf of the owner  
25 or lessee.

26 **Sec. 20.** RCW 46.87.240 and 1987 c 244 s 37 are each amended to  
27 read as follows:

28 (~~Under~~) To administer the provisions of the IRP, the department  
29 may act in a quasi-agency relationship with other jurisdictions. The  
30 department may collect and forward applicable registration fees and  
31 taxes (~~and applications~~) to other jurisdictions on behalf of the  
32 applicant or another jurisdiction and may take other action that  
33 facilitates the administration of the (~~plan~~) IRP.

34 **Sec. 21.** RCW 46.87.250 and 1987 c 244 s 38 are each amended to  
35 read as follows:

36 This chapter constitutes complete authority for the registration  
37 of (~~fleet~~) vehicles upon a proportional registration basis without

1 reference to or application of any other statutes of this state  
2 except as expressly provided in this chapter.

3 **Sec. 22.** RCW 46.87.260 and 2003 c 53 s 255 are each amended to  
4 read as follows:

5 Any person who alters ~~((or))~~, forges, or causes to be altered or  
6 forged any ~~((cab card, letter of authority, or other temporary  
7 authority issued by the department under this chapter))~~ credential,  
8 or holds or uses ~~((a cab card, letter of authority, or other  
9 temporary authority,))~~ any credential knowing the ~~((document))~~  
10 credential to have been altered or forged, is guilty of a class B  
11 felony punishable according to chapter 9A.20 RCW.

12 **Sec. 23.** RCW 46.87.280 and 1987 c 244 s 41 are each amended to  
13 read as follows:

14 ~~((Nothing contained in))~~ This chapter ~~((relating to proportional  
15 registration of fleet vehicles))~~ does not require~~((s))~~ any vehicle to  
16 be proportionally registered if it is otherwise properly registered  
17 for operation on the highways of this state.

18 **Sec. 24.** RCW 46.87.290 and 2003 c 53 s 256 are each amended to  
19 read as follows:

20 (1) If the department determines at any time that an applicant  
21 for proportional registration of a vehicle or ~~((a fleet of))~~ vehicles  
22 is not entitled to ~~((a cab card for a vehicle or fleet of vehicles))~~  
23 credentials, the department may refuse to issue ~~((the cab card(s) or  
24 to license))~~ credentials for the vehicle or ~~((fleet of))~~ vehicles and  
25 ~~((may for like reason)),~~ after notice, ~~((and in the exercise of  
26 discretion,))~~ cancel ~~((the cab card(s) and license plate(s) already  
27 issued))~~ any existing credentials. The department ~~((shall))~~ must send  
28 the notice of cancellation by first-class mail, addressed to the  
29 owner of the vehicle ~~((in question))~~ or vehicles at the owner's  
30 address as it appears in the proportional registration records of the  
31 department~~((, and record the transmittal on an affidavit of first-  
32 class mail)).~~ It is ~~((then))~~ unlawful for any person to ~~((remove,))~~  
33 drive~~((,))~~ or operate the vehicle(s) until ~~((a))~~ proper  
34 ~~((certificate(s) of registration or cab card(s) has))~~ credentials  
35 have been issued.

36 (2) Any person ~~((removing,))~~ driving~~((,))~~ or operating the  
37 vehicle(s) after the refusal of the department to issue ~~((a cab~~



1 card(s), ~~certificate(s) of registration, license plate(s),~~)  
2 credentials or the suspension, revocation, or cancellation of the  
3 (~~cab card(s), certificate(s) of registration, or license plate(s)~~)  
4 credentials is guilty of a gross misdemeanor.

5 (3) (~~At the discretion of the department,~~) A vehicle that has  
6 been (~~moved,~~) driven(~~,~~) or operated in violation of this section  
7 may be impounded by the Washington state patrol, county sheriff, or  
8 city police in a manner directed for such cases by the chief of the  
9 Washington state patrol until proper (~~registration and license~~  
10 ~~plate~~) credentials have been issued.

11 **Sec. 25.** RCW 46.87.294 and 2011 c 171 s 100 are each amended to  
12 read as follows:

13 The department (~~shall~~) must refuse to register a vehicle  
14 (~~under this chapter~~) if the registrant or motor carrier responsible  
15 for the safety of the vehicle has been prohibited (~~under federal~~  
16 ~~law~~) from operating by the federal motor carrier safety  
17 administration. The department (~~shall~~) may not register a vehicle  
18 if the Washington state patrol has placed an out-of-service order on  
19 the vehicle's department of transportation number, as defined in RCW  
20 46.16A.010.

21 **Sec. 26.** RCW 46.87.296 and 2011 c 171 s 101 are each amended to  
22 read as follows:

23 The department (~~shall~~) must suspend or revoke the  
24 (~~registration~~) credentials of a vehicle (~~registered under this~~  
25 ~~chapter~~) if the registrant or motor carrier responsible for the  
26 safety of the vehicle has been prohibited (~~under federal law~~) from  
27 operating by the federal motor carrier safety administration. The  
28 department (~~shall~~) may not register a vehicle if the Washington  
29 state patrol has placed an out-of-service order on the vehicle's  
30 department of transportation number, as defined in RCW 46.16A.010.

31 **Sec. 27.** RCW 46.87.300 and 1987 c 244 s 43 are each amended to  
32 read as follows:

33 The suspension, revocation, cancellation, or refusal by the  
34 director, or the director's designee, of (~~a license plate(s),~~  
35 ~~certificate(s) of registration, or cab card(s) provided for in~~) the  
36 credentials issued under this chapter is conclusive unless the person  
37 whose (~~license plate(s), certificate(s) of registration, or cab~~

1 eard(s) is)) credentials are suspended, revoked, canceled, or refused  
2 appeals to the superior court of Thurston county, or at the person's  
3 option if a resident of Washington, to the superior court of his or  
4 her county of residence, for the purpose of having the suspension,  
5 revocation, cancellation, or refusal of the ((~~license plate(s),~~  
6 ~~certificate(s) of registration, or cab card(s)~~)) credentials set  
7 aside. Notice of appeal ((~~shall~~)) must be filed within ten calendar  
8 days after service of the notice of suspension, revocation,  
9 cancellation, or refusal. Upon the filing of the appeal, the court  
10 ((~~shall~~)) must issue an order to the director to show cause why the  
11 ((~~license(s)~~)) credentials should not be granted or reinstated. The  
12 director ((~~shall~~)) must respond to the order within ten days after  
13 the date of service of the order upon the director. Service ((~~shall~~))  
14 must be in the manner prescribed for service of summons and complaint  
15 in other civil actions. Upon the hearing on the order to show cause,  
16 the court ((~~shall~~)) must hear evidence concerning matters related to  
17 the suspension, revocation, cancellation, or refusal of the ((~~license~~  
18 ~~plate(s), certificate(s) of registration, or cab card(s)~~))  
19 credentials and ((~~shall~~)) enter judgment either affirming or setting  
20 aside the suspension, revocation, cancellation, or refusal.

21 **Sec. 28.** RCW 46.87.310 and 1996 c 91 s 2 are each amended to  
22 read as follows:

23 ((Any)) An owner ((~~whose application for proportional~~  
24 ~~registration has been accepted shall~~)) must preserve the records on  
25 which the owner's application for apportioned registration is based  
26 for a period of ((~~four~~)) three years following the ((~~preceding year~~  
27 ~~or period upon which the application is based. These records shall be~~  
28 ~~complete and shall include, but not be limited to, the following:~~  
29 ~~Copies of proportional registration applications and supplements for~~  
30 ~~all jurisdictions in which the fleet is prorated; proof of~~  
31 ~~proportional or full registration with other jurisdictions; vehicle~~  
32 ~~license or trip permits; temporary authorization permits; documents~~  
33 ~~establishing the latest purchase year and cost of each fleet vehicle~~  
34 ~~in ready for the road condition; weight certificates indicating the~~  
35 ~~unladen, ready for the road, weight of each vehicle in the fleet;~~  
36 ~~periodic summaries of mileage by fleet and by individual vehicles;~~  
37 ~~individual trip reports, driver's daily logs, or other source~~  
38 ~~documents maintained for each individual trip that provide trip~~  
39 ~~dates, points of origin and destinations, total miles traveled, miles~~

1 ~~traveled in each jurisdiction, routes traveled, vehicle equipment~~  
2 ~~number, driver's full name, and all other information pertinent to~~  
3 ~~each trip. Upon request of the department, the owner shall make the~~  
4 ~~records available to the department at its designated office for~~  
5 ~~audit as to accuracy of records, computations, and payments))~~ close  
6 of the registration year. The owner must make records available to  
7 the department for audit as to the accuracy and adequacy of records,  
8 computations, and payments at a location designated by the  
9 department. The department ((shall)) must assess and collect any  
10 unpaid fees and taxes ((found to be)) due ((the state)) affected  
11 jurisdictions and provide credits ((or refunds)) for any overpayments  
12 of ((Washington)) apportionable fees and taxes ((as determined in  
13 accordance with formulas and other requirements prescribed in this  
14 chapter)) to the jurisdictions affected. If the records produced by  
15 the owner for the audit fail to meet the criteria for adequate  
16 records, or are not produced within thirty calendar days after a  
17 written request by the department, the department must impose on the  
18 owner an assessment in the amount of twenty percent of the total  
19 apportionable fees paid or found due because of appropriate  
20 adjustment for the registration of the fleet in the registration year  
21 to which records pertain. In the instance of a second offense, the  
22 department must impose upon the owner an assessment in the amount of  
23 fifty percent of the total apportionable fees paid or found due  
24 because of appropriate adjustment for the registration of the fleet  
25 in the registration year to which records pertain. In the instance of  
26 a third or any subsequent offense, the department must impose upon  
27 the owner an assessment in the amount of one hundred percent of the  
28 total apportionable fees paid or found due because of appropriate  
29 adjustment for the registration of the fleet in the registration year  
30 to which records pertain. The department must distribute the amount  
31 of assessments it collects under this section on a pro rata basis to  
32 the other jurisdictions in which the fleet was registered or required  
33 to be registered.

34 If the owner fails to maintain complete records as required  
35 ((by)) under this section, the department ((shall)) may attempt to  
36 reconstruct or reestablish such records. ((However, if the department  
37 is unable to do so and the missing or incomplete records involve  
38 mileages accrued by vehicles while they are part of the fleet, the  
39 department may assess an amount not to exceed the difference between  
40 the Washington proportional fees and taxes paid and one hundred

1 percent of the fees and taxes. Further, if the owner fails to  
2 maintain complete records as required by this section, or if the  
3 department determines that the owner should have registered more  
4 vehicles in this state under this chapter, the department may deny  
5 the owner the right of any further benefits provided by this chapter  
6 until any final audit or assessment made under this chapter has been  
7 satisfied.))

8 The department may ~~((audit the records of any owner and may make  
9 arrangements with agencies of other jurisdictions administering motor  
10 vehicle registration laws for joint audits of any such owner))~~  
11 conduct joint audits of any owner with other jurisdictions. ~~((No))~~ An  
12 assessment for deficiency or claim for credit may not be made for any  
13 period for which records are no longer required. Any fees, taxes,  
14 penalties, or interest ~~((found to be))~~ due and owing the state upon  
15 audit ~~((shall))~~ bear interest at the rate of one percent per month,  
16 or fraction thereof, from the first day of the calendar month after  
17 the amount should have been paid until the date of payment. If the  
18 audit discloses a deliberate and willful intent to evade the  
19 requirements of payment under RCW 46.87.140, a penalty of ten percent  
20 ~~((shall also))~~ of the amount owed, in addition to any other  
21 assessments authorized under this chapter, must be assessed.

22 If the audit discloses that an overpayment ~~((to the state))~~ in  
23 excess of ten dollars has been made, the department ~~((shall certify))~~  
24 must refund the overpayment to the ~~((state treasurer who shall issue  
25 a warrant for the overpayment to the vehicle operator))~~ owner.  
26 Overpayments ~~((shall))~~ must bear interest at the rate of eight  
27 percent per annum from the date on which the overpayment ~~((is))~~ was  
28 incurred until the date of payment.

29 **Sec. 29.** RCW 46.87.320 and 1987 c 244 s 45 are each amended to  
30 read as follows:

31 The department may initiate and conduct audits and investigations  
32 ~~((as may be reasonably necessary))~~ to establish the existence of any  
33 alleged violations of or noncompliance with this chapter or any rules  
34 adopted under it.

35 For the purpose of any audit, investigation, or proceeding under  
36 this chapter, the director or any designee of the director may  
37 administer oaths and affirmations, subpoena witnesses, compel their  
38 attendance, take evidence, and require the production of any books,  
39 paper, correspondence, memoranda, agreements, or other documents or

1 records that the department deems relevant or material to the  
2 inquiry.

3 In case of contumacy or refusal to obey a subpoena issued to any  
4 person, any court of competent jurisdiction (~~((upon application by the~~  
5 ~~department,))~~) may issue an order requiring that person to appear  
6 before the director or the officer designated by the director to  
7 produce testimony or other evidence touching the matter under audit,  
8 investigation, or in question. Failure to obey an order of the court  
9 may be punishable by contempt.

10 **Sec. 30.** RCW 46.87.330 and 1996 c 91 s 3 are each amended to  
11 read as follows:

12 An owner of (~~((proportionally registered))~~) vehicles against whom  
13 an assessment is made under RCW 46.87.310 may petition for  
14 reassessment (~~((thereof))~~) within thirty days after service of notice  
15 of the assessment upon the owner (~~((of the proportionally registered~~  
16 ~~vehicles))~~). If the petition is not filed within the thirty-day  
17 period, the amount of the assessment becomes final (~~((at the~~  
18 ~~expiration of that time period))~~).

19 If a petition for reassessment is filed within the thirty-day  
20 period, the department (~~((shall))~~) must reconsider the assessment and,  
21 if the petitioner has (~~((so))~~) requested in the petition, (~~((shall))~~)  
22 grant the petitioner an oral hearing and give the petitioner ten days  
23 notice of the time and place of the hearing. The department may  
24 continue the hearing from time to time. The decision of the  
25 department upon a petition for reassessment becomes final thirty days  
26 after service upon the petitioner of notice of the decision.

27 Every assessment made under RCW 46.87.310 becomes due and payable  
28 at the time it is served on the owner. If the assessment is not paid  
29 in full when it becomes final, the department (~~((shall))~~) must add a  
30 penalty of ten percent of the amount of the assessment.

31 Any notice of assessment, reassessment, oral hearing, or decision  
32 required (~~((by))~~) under this section (~~((shall))~~) must be served  
33 personally or by mail. If served by mail, service is deemed to have  
34 been accomplished on the date the notice was deposited in the United  
35 States mail (~~((, postage prepaid, addressed to the owner of the~~  
36 ~~proportionally registered vehicles at))~~) and mailed to the owner's  
37 address as it appears in the proportional registration records of the  
38 department.

1 ((No)) An injunction or writ of mandate or other legal or  
2 equitable process may not be issued in any suit, action, or  
3 proceeding in any court against any officer of the state to prevent  
4 or enjoin the collection under this chapter of any fee or tax or any  
5 amount of fee or tax required to be collected, except as specifically  
6 provided for in chapter 34.05 RCW.

7 **Sec. 31.** RCW 46.87.335 and 1994 c 262 s 15 are each amended to  
8 read as follows:

9 Except in the case of violations of filing a false or fraudulent  
10 application, if the department deems mitigation of penalties, fees,  
11 and interest to be reasonable (~~and in the best interests of carrying~~  
12 ~~out the purpose of this chapter~~), it may mitigate such assessments  
13 (~~upon whatever terms the department deems proper,~~) giving  
14 consideration to the degree and extent of the lack of records and  
15 reporting errors. The department may ascertain the facts regarding  
16 recordkeeping and payment penalties in lieu of more elaborate  
17 proceedings under this chapter.

18 **Sec. 32.** RCW 46.87.340 and 1993 c 307 s 16 are each amended to  
19 read as follows:

20 (~~If an owner of proportionally registered vehicles liable for~~  
21 ~~the remittance of fees and taxes imposed by this chapter fails to pay~~  
22 ~~the fees and taxes, the amount thereof, including any interest,~~  
23 ~~penalty, or addition to the fees and taxes together with any~~  
24 ~~additional costs that may accrue, constitutes a lien in favor of the~~  
25 ~~state upon all franchises, property, and rights to property, whether~~  
26 ~~the property is employed by the person for personal or business use~~  
27 ~~or is in the hands of a trustee, receiver, or assignee for the~~  
28 ~~benefit of creditors, from the date the fees and taxes were due and~~  
29 ~~payable until the amount of the lien is paid or the property is sold~~  
30 ~~to pay the lien. The lien has priority over any lien or encumbrance~~  
31 ~~whatsoever, except the lien of other state taxes having priority by~~  
32 ~~law, and except that the lien is not valid as against any bona fide~~  
33 ~~mortgagee, pledgee, judgment creditor, or purchaser whose rights have~~  
34 ~~attached before the time the department has filed and recorded notice~~  
35 ~~of the lien as provided in this chapter.~~

36 In order to avail itself of the lien created by this section, the  
37 department shall file with any county auditor a statement of claim  
38 and lien specifying the amount of delinquent fees and taxes,

1 ~~penalties, and interest claimed by the department. From the time of~~  
2 ~~filing for record, the amount required to be paid constitutes a lien~~  
3 ~~upon all franchises, property, and rights to property, whether real~~  
4 ~~or personal, then belonging to or thereafter acquired by the person~~  
5 ~~in the county. Any lien as provided in this section may also be filed~~  
6 ~~in the office of the secretary of state. Filing in the office of the~~  
7 ~~secretary of state is of no effect, however, until the lien or a copy~~  
8 ~~of it has been filed with the county auditor in the county where the~~  
9 ~~property is located. When a lien is filed in compliance with this~~  
10 ~~section and with the secretary of state, the filing has the same~~  
11 ~~effect as if the lien had been duly filed for record in the office of~~  
12 ~~each county auditor of this state.))~~ (1) If a person liable for the  
13 payment of fees and taxes fails to pay the amount, including any  
14 interest and penalty, together with costs incurred, there must be a  
15 lien in favor of the state upon all franchises, property, and rights  
16 to property, whether real or personal, belonging to or acquired,  
17 whether the property is employed by such person for personal or  
18 business use or is in the control of a trustee, receiver, or  
19 assignee. The lien is effective from the date fees and taxes were due  
20 and payable until the amount is satisfied. The lien has priority over  
21 any lien or encumbrance except liens of other fees and taxes having  
22 priority by law.

23 (2) The department must file with any county auditor or other  
24 agent a statement of claim and lien specifying the amount of  
25 delinquent fees, taxes, penalties, and interest owed.

26 **Sec. 33.** RCW 46.87.350 and 1994 c 262 s 16 are each amended to  
27 read as follows:

28 ~~If ((an owner of proportionally registered vehicles for which an~~  
29 ~~assessment has become final))~~ a person is delinquent in the payment  
30 of ~~((an))~~ any obligation ~~((imposed under this chapter)),~~ the  
31 department may give notice of the amount of the delinquency ~~((by~~  
32 ~~registered or certified)),~~ in person or by mail, to ~~((all))~~ persons  
33 having ~~((in their))~~ possession or ~~((under their))~~ control ~~((any))~~ of  
34 credits or ~~((other))~~ personal and real property belonging to the  
35 ~~((vehicle owner))~~ person, or owing any debts to the ~~((owner, at the~~  
36 ~~time of the receipt by them of the notice))~~ person. ~~((Thereafter, a))~~  
37 Any person ~~((se))~~ notified ~~((shall neither))~~ may not transfer ~~((nor~~  
38 ~~make other disposition))~~ or dispose of ~~((those))~~ credits, personal  
39 and real property, or debts ~~((until))~~ without the consent of the

1 department (~~((consents to a transfer or other disposition))~~). A person  
2 (~~((se))~~) notified (~~((shall))~~) must, within twenty days after receipt of  
3 the notice, advise the department of any (~~((and all such))~~) credits,  
4 personal and real property, or debts in (~~((their))~~) his or her  
5 possession, under (~~((their))~~) his or her control or owing by (~~((them, as~~  
6 ~~the case may be))~~) him or her, and (~~((shall forthwith))~~) must  
7 immediately deliver (~~((such))~~) the credits, personal and real property,  
8 or debts to the department (~~((or its duly authorized representative to~~  
9 ~~be applied to the indebtedness involved))~~).

10 If a person fails to timely answer the notice (~~((within the time~~  
11 ~~prescribed by this section, it is lawful for the court upon~~  
12 ~~application of the department and after the time to answer the notice~~  
13 ~~has expired, to))~~), a court may render judgment by default against the  
14 person (~~((for the full amount claimed by the department in the notice~~  
15 ~~to withhold and deliver, together with costs))~~).

16 (~~((Upon service,))~~) The notice and order to withhold and deliver  
17 constitutes a continuing lien on property of the (~~((taxpayer))~~) person.  
18 The department (~~((shall))~~) must include in the (~~((caption of the))~~)  
19 notice to withhold and deliver "continuing lien." The effective date  
20 of a notice to withhold and deliver (~~((served under this section))~~) is  
21 the date of service (~~((of the notice))~~).

22 **Sec. 34.** RCW 46.87.360 and 2010 c 8 s 9101 are each amended to  
23 read as follows:

24 (~~((Whenever the owner of proportionally registered vehicles))~~) If a  
25 person is delinquent in the payment of (~~((an))~~) any obligation  
26 (~~((imposed under this chapter))~~), and the delinquency continues after  
27 notice and demand for payment (~~((by the department))~~), the department  
28 (~~((may proceed to))~~) must collect the amount due (~~((from the owner in~~  
29 ~~the following manner:))~~). The department (~~((shall))~~) must seize any  
30 property subject to the lien of the fees, taxes, penalties, and  
31 interest and sell it at public auction (~~((to pay the obligation and~~  
32 ~~any and all costs that may have been incurred because of the seizure~~  
33 ~~and sale))~~). Notice of the intended sale and its time and place  
34 (~~((shall))~~) must be given to the (~~((delinquent owner))~~) person and to all  
35 persons (~~((appearing of record to have))~~) with an interest in the  
36 property. (~~((The notice shall be given in writing at least ten days~~  
37 ~~before the date set for the sale by registered or certified mail~~  
38 ~~addressed to the owner as appearing in the proportional registration~~  
39 ~~records of the department and, in the case of any person appearing of~~



1 ~~record to have an interest in such property, addressed to that person~~  
2 ~~at his or her last known residence or place of business. In~~  
3 ~~addition,))~~ The notice ((shall)) must be published at least ten days  
4 before the date set for the sale in a newspaper of general  
5 circulation published in the county in which the property ~~((seized is~~  
6 ~~to))~~ will be sold. If there is no newspaper of general circulation in  
7 the county, the notice ~~((shall))~~ must be posted in three public  
8 places in the county for a period of ten days. The notice ~~((shall))~~  
9 must contain a description of the property ~~((to be sold)),~~ a  
10 statement of the amount due ~~((under this chapter)),~~ the name of the  
11 ~~((owner of the proportionally registered vehicles))~~ person, and ~~((the~~  
12 ~~further))~~ a statement that unless the amount due is paid on or before  
13 the time ~~((fixed))~~ in the notice the property will be sold ~~((in~~  
14 ~~accordance with law)).~~

15 The department ~~((shall then proceed to))~~ must sell the property  
16 ~~((in accordance with law and the notice,))~~ and ~~((shall))~~ deliver to  
17 the purchaser a bill of sale or deed ~~((that vests title in the~~  
18 ~~purchaser)).~~ If ~~((upon any such sale))~~ the moneys received exceed the  
19 amount due ~~((to the state under this chapter))~~ from the ~~((delinquent~~  
20 ~~owner))~~ person, the excess ~~((shall))~~ must be returned to the  
21 ~~((delinquent owner and his or her))~~ person with a receipt ~~((obtained~~  
22 ~~for it)).~~ ~~((The department may withhold payment of the excess to the~~  
23 ~~delinquent owner))~~ If ((a)) any person having an interest in or lien  
24 upon the property has filed notice with the department ~~((his or her~~  
25 ~~notice of the lien or interest))~~ before the sale, the department must  
26 withhold payment of any excess to the person pending determination of  
27 the rights of the respective parties ~~((thereto))~~ by a court of  
28 competent jurisdiction. If ~~((for any reason))~~ the receipt of the  
29 ~~((delinquent owner))~~ person is not available, the department  
30 ~~((shall))~~ must deposit the excess with the state treasurer as trustee  
31 for the ~~((delinquent owner))~~ person or his or her heirs, successors,  
32 or assigns.

33 **Sec. 35.** RCW 46.87.370 and 2001 c 146 s 6 are each amended to  
34 read as follows:

35 ~~((Whenever any))~~ When an assessment ~~((has))~~ becomes final ~~((in~~  
36 ~~accordance with this chapter)),~~ the department may file with the  
37 clerk of any county within ~~((this))~~ the state a warrant in the amount  
38 of fees, taxes, penalties, interest, and a filing fee under RCW  
39 36.18.012(10). ~~((The clerk of the county in which the warrant is~~

1 ~~filed shall immediately designate a superior court cause number for~~  
2 ~~the warrant, and the clerk shall cause to be entered in the judgment~~  
3 ~~docket under the superior court cause number assigned to the warrant~~  
4 ~~the name of the delinquent owner of proportionally registered~~  
5 ~~vehicles mentioned in the warrant, the amount of the fees, taxes,~~  
6 ~~penalties, interest, and filing fee, and the date when the warrant~~  
7 ~~was filed.)) The ((aggregate amount of the)) warrant ((as docketed))  
8 constitutes a lien upon the title to, and interest in, all real and  
9 personal property of the ((named)) person against whom the warrant is  
10 issued((, the same as a judgment in a civil case duly docketed in the  
11 office of the clerk)). ((A)) The warrant ((so docketed)) is  
12 sufficient to support the issuance of writs of execution and writs of  
13 garnishment in favor of the state ((in the manner provided by law in  
14 the case of civil judgment wholly or partially unsatisfied. The clerk  
15 of the court is entitled to a filing fee under RCW 36.18.012(10),  
16 which shall be added to the amount of the warrant)).~~

17 **Sec. 36.** RCW 46.87.410 and 1997 c 183 s 1 are each amended to  
18 read as follows:

19 A ((proportional registration)) licensee((,)) who files ((or  
20 against whom is filed)) a petition in bankruptcy, ((shall, within ten  
21 days of the filing,)) or against whom a petition for bankruptcy is  
22 filed, must notify the department ((of the proceedings in  
23 bankruptcy)) within ten days of the filing, including the  
24 ((identity)) name and location of the court in which ((the  
25 proceedings are pending)) petition is filed.

26 **Sec. 37.** RCW 46.19.020 and 2014 c 124 s 3 are each amended to  
27 read as follows:

28 (1) The following organizations may apply for special parking  
29 privileges:

- 30 (a) Public transportation authorities;  
31 (b) Nursing homes licensed under chapter 18.51 RCW;  
32 (c) Assisted living facilities licensed under chapter 18.20 RCW;  
33 (d) Senior citizen centers;  
34 (e) Accessible van rental companies registered ((under RCW  
35 46.87.023)) with the department;  
36 (f) Private nonprofit corporations, as defined in RCW 24.03.005;  
37 and

1 (g) Cabulance companies that regularly transport persons with  
2 disabilities who have been determined eligible for special parking  
3 privileges under this section and who are registered with the  
4 department under chapter 46.72 RCW.

5 (2) An organization that qualifies for special parking privileges  
6 may receive, upon application, special license plates or parking  
7 placards, or both, for persons with disabilities as defined by the  
8 department.

9 (3) Public transportation authorities, nursing homes, assisted  
10 living facilities, senior citizen centers, accessible van rental  
11 companies, private nonprofit corporations, and cabulance services are  
12 responsible for ensuring that the parking placards and special  
13 license plates are not used improperly and are responsible for all  
14 fines and penalties for improper use.

15 (4) The department shall adopt rules to determine organization  
16 eligibility.

17 NEW SECTION. **Sec. 38.** The following acts or parts of acts are  
18 each repealed:

19 (1) RCW 46.87.023 (Rental car businesses) and 2011 c 171 s 96,  
20 1994 c 227 s 2, & 1992 c 194 s 7;

21 (2) RCW 46.87.210 (Refusal of application from nonreciprocal  
22 jurisdiction) and 1987 c 244 s 34;

23 (3) RCW 46.87.270 (Gross weight on vehicle) and 1990 c 250 s 77 &  
24 1987 c 244 s 40; and

25 (4) RCW 46.87.380 (Delinquent obligations—Collection by attorney  
26 general) and 1987 c 244 s 51.

27 NEW SECTION. **Sec. 39.** 2013 c 225 s 305 is repealed.

28 **Sec. 40.** 2013 c 225 s 650 (uncodified) is amended to read as  
29 follows:

30 ((This act takes effect July 1, 2015.)) Sections 103, 110, 607,  
31 641, 642, and 643 of this act take effect July 1, 2015. Sections 101,  
32 102, 104 through 109, 111 through 304, 306 through 501, 601 through  
33 606, 608 through 640, and 644 through 649 of this act take effect  
34 July 1, 2016.

35 NEW SECTION. **Sec. 41.** Sections 1 through 27 and 29 through 38  
36 of this act take effect July 1, 2016.

1        NEW SECTION.    **Sec. 42.**    Sections 28, 39, and 40 of this act are  
2 necessary for the immediate preservation of the public peace, health,  
3 or safety, or support of the state government and its existing public  
4 institutions, and take effect July 1, 2015.

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