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SENATE BILL 5106

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State of Washington

62nd Legislature

2011 Regular Session

By Senators Benton, Schoesler, Fain, Morton, Sheldon, Roach, Chase,  
and Tom

Read first time 01/13/11. Referred to Committee on Transportation.

1 AN ACT Relating to eliminating the periodic replacement requirement  
2 for license plates; amending RCW 46.16A.200, 46.17.200, and 46.68.380;  
3 and reenacting and amending RCW 46.18.130 and 46.18.140.

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

5 **Sec. 1.** RCW 46.16A.200 and 2010 c 161 s 422 are each amended to  
6 read as follows:

7 (1) **Design.** All license plates may be obtained by the director  
8 from the metal working plant of a state correctional facility or from  
9 any source in accordance with existing state of Washington purchasing  
10 procedures. License plates:

11 (a) May vary in background, color, and design;

12 (b) Must be legible and clearly identifiable as a Washington state  
13 license plate;

14 (c) Must designate the name of the state of Washington without  
15 abbreviation;

16 (d) Must be treated with fully reflectorized materials designed to  
17 increase visibility and legibility at night;

18 (e) Must be of a size and color and show the registration period as  
19 determined by the director; and

1 (f) May display a symbol or artwork approved by the special license  
2 plate review board and the legislature.

3 (2) **Exceptions to reflectorized materials.** License plates issued  
4 before January 1, 1968, are not required to be treated with  
5 reflectorized materials.

6 (3) **Dealer license plates.** License plates issued to a dealer must  
7 contain an indication that the license plates have been issued to a  
8 vehicle dealer.

9 (4)(a) **Furnished.** The director shall furnish to all persons making  
10 satisfactory application for a vehicle registration:

11 (i) Two identical license plates each containing the license plate  
12 number; or

13 (ii) One license plate if the vehicle is a trailer, semitrailer,  
14 camper, moped, collector vehicle, horseless carriage, or motorcycle.

15 (b) The director may adopt types of license plates to be used as  
16 long as the license plates are legible.

17 (5)(a) **Display.** License plates must be:

18 (i) Attached conspicuously at the front and rear of each vehicle if  
19 two license plates have been issued;

20 (ii) Attached to the rear of the vehicle if one license plate has  
21 been issued;

22 (iii) Kept clean and be able to be plainly seen and read at all  
23 times; and

24 (iv) Attached in a horizontal position at a distance of not more  
25 than four feet from the ground.

26 (b) The Washington state patrol may grant exceptions to this  
27 subsection if the body construction of the vehicle makes compliance  
28 with this section impossible.

29 (6) **Change of license classification.** A person who has altered a  
30 vehicle that makes the current license plate or plates invalid for the  
31 vehicle's use shall:

32 (a) Surrender the current license plate or plates to the  
33 department, county auditor or other agent, or subagent appointed by the  
34 director;

35 (b) Apply for a new license plate or plates; and

36 (c) Pay a change of classification fee required under RCW  
37 46.17.310.

38 (7) **Unlawful acts.** It is unlawful to:

1 (a) Display a license plate or plates on the front or rear of any  
2 vehicle that were not issued by the director for the vehicle;

3 (b) Display a license plate or plates on any vehicle that have been  
4 changed, altered, or disfigured, or have become illegible;

5 (c) Use holders, frames, or other materials that change, alter, or  
6 make a license plate or plates illegible. License plate frames may be  
7 used on license plates only if the frames do not obscure license tabs  
8 or identifying letters or numbers on the plates and the license plates  
9 can be plainly seen and read at all times;

10 (d) Operate a vehicle unless a valid license plate or plates are  
11 attached as required under this section;

12 (e) Transfer a license plate or plates issued under this chapter  
13 between two or more vehicles without first making application to  
14 transfer the license plates. A violation of this subsection (7)(e) is  
15 a traffic infraction subject to a fine not to exceed five hundred  
16 dollars. Any law enforcement agency that determines that a license  
17 plate or plates have been transferred between two or more vehicles  
18 shall confiscate the license plate or plates and return them to the  
19 department for nullification along with full details of the reasons for  
20 confiscation. Each vehicle identified in the transfer will be issued  
21 a new license plate or plates upon application by the owner or owners  
22 and the payment of full fees and taxes; or

23 (f) Fail, neglect, or refuse to endorse the registration  
24 certificate and deliver the license plate or plates to the purchaser or  
25 transferee of the vehicle, except as authorized under this section.

26 (8) **Transfer.** (a) Standard issue license plates follow the vehicle  
27 when ownership of the vehicle changes unless the registered owner  
28 wishes to retain the license plates and transfer them to a replacement  
29 vehicle of the same use. A registered owner wishing to keep standard  
30 issue license plates shall pay the license plate transfer fee required  
31 under RCW 46.17.200(1)(~~(e)~~) (b) when applying for license plate  
32 transfer.

33 (b) Special license plates may be treated in the same manner as  
34 described in (a) of this subsection unless otherwise limited by law.

35 (c) License plates issued to the state or any county, city, town,  
36 school district, or other political subdivision entitled to exemption  
37 as provided by law may be treated in the same manner as described in  
38 (a) of this subsection.

1           (9) **Replacement.**     (a) An owner or the owner's authorized  
2 representative shall apply for a replacement license plate or plates if  
3 the current license plate or plates assigned to the vehicle have been  
4 lost, defaced, or destroyed, or if one or both plates have become so  
5 illegible or are in such a condition as to be difficult to distinguish.  
6 An owner or the owner's authorized representative may apply for a  
7 replacement license plate or plates at any time the owner chooses.

8           (b) The application for a replacement license plate or plates must:

9           (i) Be on a form furnished or approved by the director; and

10          (ii) Be accompanied by the fee required under RCW 46.17.200(1)(a).

11          (c) The department shall not require the payment of any fee to  
12 replace a license plate or plates for vehicles owned, rented, or leased  
13 by foreign countries or international bodies to which the United States  
14 government is a signatory by treaty.

15          (10) ~~((a) **Periodic replacement.**— License plates must be replaced~~  
16 ~~periodically to ensure maximum legibility and reflectivity.~~

17          ~~The department shall:~~

18          ~~(i) Use empirical studies documenting the longevity of the~~  
19 ~~reflective materials used to make license plates;~~

20          ~~(ii) Determine how frequently license plates must be replaced; and~~

21          ~~(iii) Offer to owners the option of retaining the current license~~  
22 ~~plate number when obtaining replacement license plates for the fee~~  
23 ~~required in RCW 46.17.200(1)(b).~~

24          ~~(b) Commercial motor vehicles with a gross weight in excess of~~  
25 ~~twenty six thousand pounds are exempt from periodic license plate~~  
26 ~~replacement.~~

27          ~~(11) **Periodic replacement--Exceptions.**— The following license~~  
28 ~~plates are not required to be periodically replaced as required in~~  
29 ~~subsection (10) of this section:~~

30          ~~(a) Horseless carriage license plates issued under RCW 46.18.255~~  
31 ~~before January 1, 1987;~~

32          ~~(b) Congressional Medal of Honor license plates issued under RCW~~  
33 ~~46.18.230;~~

34          ~~(c) License plates for commercial motor vehicles with a gross~~  
35 ~~weight greater than twenty six thousand pounds.~~

36          (12)) **Rules.** The department may adopt rules to implement this  
37 section.

1           ~~((+13+))~~ (11) **Tabs or emblems.** The director may issue tabs or  
2 emblems to be attached to license plates or elsewhere on the vehicle to  
3 signify initial registration and renewals. Renewals become effective  
4 when tabs or emblems have been issued and properly displayed on license  
5 plates.

6           **Sec. 2.** RCW 46.17.200 and 2010 c 161 s 518 are each amended to  
7 read as follows:

8           (1) In addition to all other fees and taxes required by law, the  
9 department, county auditor or other agent, or subagent appointed by the  
10 director shall charge:

11           (a) The following license plate fees for each license plate, unless  
12 the owner or type of vehicle is exempt from payment:

13	FEE TYPE	FEE	DISTRIBUTION
14	Reflectivity	\$ 2.00	RCW 46.68.070
15	Replacement	\$ 10.00	RCW 46.68.070
16	Replacement,	\$ 2.00	RCW 46.68.070
17	motorcycle		

18           ~~((A license plate retention fee, as required under RCW  
19 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain  
20 the current license plate number upon license plate replacement, unless  
21 the owner or type of vehicle is exempt from payment. The twenty dollar  
22 fee must be deposited in the multimodal transportation account created  
23 in RCW 47.66.070.~~

24           ~~(e))~~ A ten dollar license plate transfer fee, as required under  
25 RCW 46.16A.200(8)(a), when transferring standard issue license plates  
26 from one vehicle to another, unless the owner or type of vehicle is  
27 exempt from payment. The ten dollar license plate transfer fee must be  
28 deposited in the motor vehicle fund created in RCW 46.68.070.

29           ~~((d))~~ (c) Former prisoner of war license plates, as described in  
30 RCW 46.18.235, may be transferred to a replacement vehicle upon payment  
31 of a five dollar license plate fee, in addition to any other fee  
32 required by law.

33           (2) The department may, upon request, provide license plates that  
34 have been used and returned to the department to individuals for

1 nonvehicular use. The department may charge a fee of up to five  
2 dollars per license plate to cover costs or recovery for postage and  
3 handling. The department may waive the fee for license plates used in  
4 educational projects and may, by rule, provide standards for the fee  
5 waiver and restrictions on the number of license plates provided to any  
6 one person. The fee must be deposited in the motor vehicle fund  
7 created in RCW 46.68.070.

8 **Sec. 3.** RCW 46.18.130 and 2010 1st sp.s. c 7 s 96 and 2010 c 161  
9 s 607 are each reenacted and amended to read as follows:

10 (1) Revenues generated from the sale of special license plates for  
11 those sponsoring organizations who used the application process in RCW  
12 46.68.110 must be deposited into the motor vehicle fund created in RCW  
13 46.68.070 until the department determines that the state's  
14 implementation costs have been fully reimbursed.

15 (2) When it is determined that the state has been fully reimbursed  
16 the department must notify the house of representatives and senate  
17 transportation committees, the sponsoring organization, and the state  
18 treasurer, and begin distributing the revenue as otherwise provided by  
19 law.

20 (3) If reimbursement does not occur within two years from the date  
21 the special license plate is first offered for sale to the public, the  
22 special license plate series must be placed in probationary status for  
23 a period of one year from that date. If the state is still not fully  
24 reimbursed for its implementation costs after the one-year probation,  
25 the special license plate series must be discontinued immediately.  
26 (~~Special license plates issued before discontinuation are valid until~~  
27 ~~replaced under RCW 46.16A.200(10).~~)

28 (4) The special license plate applicant trust account is created in  
29 the custody of the state treasurer. All receipts from special license  
30 plate applicants must be deposited into the account. Only the director  
31 of the department or the director's designee may authorize  
32 disbursements from the account. The account is not subject to the  
33 allotment procedures under chapter 43.88 RCW, nor is an appropriation  
34 required for disbursements.

35 (5) The department shall:

36 (a) Provide the special license plate applicant with a written  
37 receipt for the payment; and

1 (b) Maintain a record of each special license plate applicant trust  
2 account deposit including, but not limited to, the name and address of  
3 each special license plate applicant whose funds are being deposited,  
4 the amount paid, and the date of the deposit.

5 (6) After the department receives written notice that the special  
6 license plate applicant's application has been approved by the  
7 legislature, the director shall request that the money be transferred  
8 to the motor vehicle fund created in RCW 46.68.070.

9 (7) After the department receives written notice that the special  
10 license plate applicant's application has been denied by the department  
11 or the legislature, the director shall provide a refund to the  
12 applicant within thirty days.

13 (8) After the department receives written notice that the special  
14 license plate applicant's application has been withdrawn by the special  
15 license plate applicant, the director shall provide a refund to the  
16 applicant within thirty days.

17 **Sec. 4.** RCW 46.18.140 and 2010 1st sp.s. c 7 s 97 and 2010 c 161  
18 s 609 are each reenacted and amended to read as follows:

19 (1) A special license plate series created by the legislature after  
20 January 1, 2011, that has not been reviewed and approved by the  
21 department is subject to the following requirements:

22 (a) The organization sponsoring the license plate series shall,  
23 within thirty days of enactment of the legislation creating the special  
24 license plate series, submit prepayment of all start-up costs  
25 associated with the creation and implementation of the special license  
26 plate in an amount determined by the department. The prepayment will  
27 be credited to the motor vehicle fund created in RCW 46.68.070. The  
28 creation and implementation of the special license plate series may not  
29 begin until payment is received by the department.

30 (b) If the sponsoring organization is not able to meet the  
31 prepayment requirements in (a) of this subsection and can demonstrate  
32 this fact to the satisfaction of the department, the revenues generated  
33 from the sale of the special license plates must be deposited in the  
34 motor vehicle fund created in RCW 46.68.070 until the department  
35 determines that the state's portion of the implementation costs have  
36 been fully reimbursed. When it has determined that the state has been

1 fully reimbursed, the department must notify the treasurer to commence  
2 distribution of the revenue according to statutory provisions.

3 (c) The sponsoring organization must provide a proposed special  
4 license plate design to the department within thirty days of enactment  
5 of the legislation creating the special license plate series.

6 (2) The state must be reimbursed for its portion of the  
7 implementation costs within two years from the date the new special  
8 license plate series goes on sale to the public. If the reimbursement  
9 does not occur within the two-year time frame, the special license  
10 plate series must be placed in probationary status for a period of one  
11 year from that date. If the state is still not fully reimbursed for  
12 its implementation costs after the one-year probation, the special  
13 license plate series must be discontinued immediately. (~~Those special  
14 license plates issued before discontinuation are valid until replaced  
15 under RCW 46.16A.200(10).~~)

16 (3) If the sponsoring organization ceases to exist or the purpose  
17 of the special license plate series ceases to exist, revenues generated  
18 from the sale of the special license plates must be deposited into the  
19 motor vehicle fund created in RCW 46.68.070.

20 (4) A sponsoring organization may not seek to redesign its special  
21 license plate series until the entire existing inventory is sold or  
22 purchased by the organization itself. All costs for the redesign of a  
23 special license plate series must be paid by the sponsoring  
24 organization.

25 **Sec. 5.** RCW 46.68.380 and 2010 c 161 s 808 are each amended to  
26 read as follows:

27 (1) The special license plate applicant trust account is created in  
28 the custody of the state treasurer. All receipts from special license  
29 plate applicants must be deposited into the account. Only the director  
30 or the director's designee may authorize disbursements from the  
31 account. The account is not subject to the allotment procedures under  
32 chapter 43.88 RCW, and an appropriation is not required for  
33 disbursements.

34 (2)(a) Revenues generated from the sale of special license plates  
35 for those sponsoring organizations that used the application process in  
36 RCW 46.18.110 must be deposited into the motor vehicle fund until the



1 department determines that the state's implementation costs have been  
2 fully reimbursed.

3 (b) When it is determined that the state has been fully reimbursed,  
4 the department must notify the house of representatives and senate  
5 transportation committees, the sponsoring organization, and the state  
6 treasurer, and commence the distribution of the revenue as otherwise  
7 provided by law.

8 (3) If reimbursement does not occur within two years from the date  
9 the plate is first offered for sale to the public, the special license  
10 plate series must be placed in probationary status for a period of one  
11 year from that date. If the state is still not fully reimbursed for  
12 its implementation costs after the one-year probation, the plate series  
13 must be discontinued immediately. (~~Special license plates issued~~  
14 ~~before discontinuation are valid until replaced under RCW~~  
15 ~~46.16A.200(10).~~)

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