
ENGROSSED SUBSTITUTE SENATE BILL 5857

State of Washington

63rd Legislature

2013 Regular Session

By Senate Transportation (originally sponsored by Senators King and Eide)

READ FIRST TIME 04/03/13.

1 AN ACT Relating to vehicle-related fees; amending RCW 46.25.060,
2 46.25.100, 46.20.202, 46.17.040, 46.17.050, 46.17.060, 46.12.650,
3 46.17.400, and 46.37.420; adding new sections to chapter 46.68 RCW;
4 adding a new section to chapter 46.16A RCW; and providing an effective
5 date.

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

7 **Sec. 1.** RCW 46.25.060 and 2011 c 153 s 1 are each amended to read
8 as follows:

9 (1)(a) No person may be issued a commercial driver's license unless
10 that person is a resident of this state, has successfully completed a
11 course of instruction in the operation of a commercial motor vehicle
12 that has been approved by the director or has been certified by an
13 employer as having the skills and training necessary to operate a
14 commercial motor vehicle safely, and has passed a knowledge and skills
15 test for driving a commercial motor vehicle that complies with minimum
16 federal standards established by federal regulation enumerated in 49
17 C.F.R. part 383, subparts G and H, and has satisfied all other
18 requirements of the CMVSA in addition to other requirements imposed by
19 state law or federal regulation. The tests must be prescribed and

1 conducted by the department. In addition to the fee charged for
2 issuance or renewal of any license, the applicant shall pay a fee of no
3 more than ~~((ten))~~ thirty-five dollars for ~~((each))~~ the classified
4 knowledge examination, classified endorsement knowledge examination, or
5 any combination of classified license and endorsement knowledge
6 examinations. The applicant shall pay a fee of no more than ~~((one))~~
7 two hundred fifty dollars for ~~((each))~~ the classified skill examination
8 or combination of classified skill examinations conducted by the
9 department.

10 (b) The department may authorize a person, including an agency of
11 this or another state, an employer, a private driver training facility,
12 or other private institution, or a department, agency, or
13 instrumentality of local government, to administer the skills test
14 specified by this section under the following conditions:

15 (i) The test is the same which would otherwise be administered by
16 the state;

17 (ii) The third party has entered into an agreement with the state
18 that complies with the requirements of 49 C.F.R. part 383.75; and

19 (iii) The director has adopted rules as to the third party testing
20 program and the development and justification for fees charged by any
21 third party.

22 (c) If the applicant's primary use of a commercial driver's license
23 is for any of the following, then the applicant shall pay a fee of no
24 more than ~~((seventy-five))~~ two hundred twenty-five dollars for ~~((each))~~
25 the classified skill examination or combination of classified skill
26 examinations whether conducted by the department or a third-party
27 tester:

28 (i) Public benefit not-for-profit corporations that are federally
29 supported head start programs; or

30 (ii) Public benefit not-for-profit corporations that support early
31 childhood education and assistance programs as described in RCW
32 43.215.405(2).

33 (d) Payment of the examination fees under this subsection entitles
34 the applicant to take the examination up to two times in order to pass.

35 (2) The department shall work with the office of the superintendent
36 of public instruction to develop modified P1 and P2 skill examinations
37 that also include the skill examination components required to obtain
38 an "S" endorsement. In no event may a new applicant for an "S"

1 endorsement be required to take two separate examinations to obtain an
2 "S" endorsement and either a P1 or P2 endorsement, unless that
3 applicant is upgrading his or her existing commercial driver's license
4 to include an "S" endorsement. The combined P1/S or P2/S skill
5 examination must be offered to the applicant at the same cost as a
6 regular P1 or P2 skill examination.

7 (3)(a) The department may waive the skills test and the requirement
8 for completion of a course of instruction in the operation of a
9 commercial motor vehicle specified in this section for a commercial
10 driver's license applicant who meets the requirements of 49 C.F.R. part
11 383.77.

12 (b) An applicant who operates a commercial motor vehicle for
13 agribusiness purposes is exempt from the course of instruction
14 completion and employer skills and training certification requirements
15 under this section. By January 1, 2010, the department shall submit
16 recommendations regarding the continuance of this exemption to the
17 transportation committees of the legislature. For purposes of this
18 subsection (3)(b), "agribusiness" means a private carrier who in the
19 normal course of business primarily transports:

20 (i) Farm machinery, farm equipment, implements of husbandry, farm
21 supplies, and materials used in farming;

22 (ii) Agricultural inputs, such as seed, feed, fertilizer, and crop
23 protection products;

24 (iii) Unprocessed agricultural commodities, as defined in RCW
25 17.21.020, where such commodities are produced by farmers, ranchers,
26 vineyardists, or orchardists; or

27 (iv) Any combination of (b)(i) through (iii) of this subsection.

28 The department shall notify the transportation committees of the
29 legislature if the federal government takes action affecting the
30 exemption provided in this subsection (3)(b).

31 (4) A commercial driver's license or commercial driver's
32 instruction permit may not be issued to a person while the person is
33 subject to a disqualification from driving a commercial motor vehicle,
34 or while the person's driver's license is suspended, revoked, or
35 canceled in any state, nor may a commercial driver's license be issued
36 to a person who has a commercial driver's license issued by any other
37 state unless the person first surrenders all such licenses, which must
38 be returned to the issuing state for cancellation.

1 (5)(a) The department may issue a commercial driver's instruction
2 permit to an applicant who is at least eighteen years of age and holds
3 a valid Washington state driver's license and who has submitted a
4 proper application, passed the general knowledge examination required
5 for issuance of a commercial driver's license under subsection (1) of
6 this section, and paid the appropriate fee for the knowledge
7 examination and an application fee of (~~ten~~) forty dollars.

8 (b) A commercial driver's instruction permit may not be issued for
9 a period to exceed six months. Only one renewal or reissuance may be
10 granted within a two-year period.

11 (c) The holder of a commercial driver's instruction permit may
12 drive a commercial motor vehicle on a highway only when accompanied by
13 the holder of a commercial driver's license valid for the type of
14 vehicle driven who occupies a seat beside the individual for the
15 purpose of giving instruction in driving the commercial motor vehicle.
16 The holder of a commercial driver's instruction permit is not
17 authorized to operate a commercial motor vehicle transporting hazardous
18 materials.

19 (d) The department shall transmit the fees collected for commercial
20 driver's instruction permits to the state treasurer.

21 **Sec. 2.** RCW 46.25.100 and 2002 c 272 s 4 are each amended to read
22 as follows:

23 When a person has been disqualified from operating a commercial
24 motor vehicle, the person is not entitled to have the commercial
25 driver's license restored until after the expiration of the appropriate
26 disqualification period required under RCW 46.25.090 or until the
27 department has received a drug and alcohol assessment and evidence is
28 presented of satisfactory participation in or completion of any
29 required drug or alcohol treatment program for ending the
30 disqualification under RCW 46.25.090(7). After expiration of the
31 appropriate period and upon payment of a requalification fee of
32 (~~twenty~~) thirty-five dollars, or one hundred fifty dollars if the
33 person has been disqualified under RCW 46.25.090(7), the person may
34 apply for a new, duplicate, or renewal commercial driver's license as
35 provided by law. If the person has been disqualified for a period of
36 one year or more, the person shall demonstrate that he or she meets the

1 commercial driver's license qualification standards specified in RCW
2 46.25.060.

3 **Sec. 3.** RCW 46.20.202 and 2007 c 7 s 1 are each amended to read as
4 follows:

5 (1) The department may enter into a memorandum of understanding
6 with any federal agency for the purposes of facilitating the crossing
7 of the border between the state of Washington and the Canadian province
8 of British Columbia.

9 (2) The department may enter into an agreement with the Canadian
10 province of British Columbia for the purposes of implementing a border-
11 crossing initiative.

12 (3)(a) The department may issue an enhanced driver's license or
13 identicard for the purposes of crossing the border between the state of
14 Washington and the Canadian province of British Columbia to an
15 applicant who provides the department with proof of: United States
16 citizenship, identity, and state residency. The department shall
17 continue to offer a standard driver's license and identicard. If the
18 department chooses to issue an enhanced driver's license, the
19 department must allow each applicant to choose between a standard
20 driver's license or identicard, or an enhanced driver's license or
21 identicard.

22 (b) The department shall implement a one-to-many biometric matching
23 system for the enhanced driver's license or identicard. An applicant
24 for an enhanced driver's license or identicard shall submit a biometric
25 identifier as designated by the department. The biometric identifier
26 must be used solely for the purpose of verifying the identity of the
27 holders and for any purpose set out in RCW 46.20.037. Applicants are
28 required to sign a declaration acknowledging their understanding of the
29 one-to-many biometric match.

30 (c) The enhanced driver's license or identicard must include
31 reasonable security measures to protect the privacy of Washington state
32 residents, including reasonable safeguards to protect against
33 unauthorized disclosure of data about Washington state residents. If
34 the enhanced driver's license or identicard includes a radio frequency
35 identification chip, or similar technology, the department shall ensure
36 that the technology is encrypted or otherwise secure from unauthorized
37 data access.

1 (d) The requirements of this subsection are in addition to the
2 requirements otherwise imposed on applicants for a driver's license or
3 identicard. The department shall adopt such rules as necessary to meet
4 the requirements of this subsection. From time to time the department
5 shall review technological innovations related to the security of
6 identity cards and amend the rules related to enhanced driver's
7 licenses and identicards as the director deems consistent with this
8 section and appropriate to protect the privacy of Washington state
9 residents.

10 (e) Notwithstanding RCW 46.20.118, the department may make images
11 associated with enhanced drivers' licenses or identicards from the
12 negative file available to United States customs and border agents for
13 the purposes of verifying identity.

14 ~~((The department may set a fee for the issuance of enhanced
15 drivers' licenses and identicards under this section.))~~ The fee for an
16 enhanced driver's license or enhanced identicard is fifty-four dollars,
17 which is in addition to the fees for any regular driver's license or
18 identicard. If the enhanced driver's license or enhanced identicard is
19 issued, renewed, or extended for a period other than six years, the fee
20 for each class is nine dollars for each year that the enhanced driver's
21 license or enhanced identicard is issued, renewed, or extended.

22 **Sec. 4.** RCW 46.17.040 and 2011 c 171 s 55 are each amended to read
23 as follows:

24 ~~((A))~~ The department, county auditor or other agent, or subagent
25 appointed by the director shall collect a service fee of:

26 (1) Twelve dollars for changes in a certificate of title, with or
27 without registration renewal, or for verification of record and
28 preparation of an affidavit of lost title other than at the time of the
29 certificate of title application or transfer; and

30 (2) Five dollars for a registration renewal, issuing a transit
31 permit or a studded tire permit if obtained separately from the annual
32 registration renewal, or any other service under this section.

33 **Sec. 5.** RCW 46.17.050 and 2010 c 161 s 505 are each amended to
34 read as follows:

35 Before accepting a report of sale filed under RCW 46.12.650(2), the

1 department, county auditor or other agent, or subagent appointed by the
2 director shall require the applicant to pay(~~(+~~
3 ~~(1)~~) the filing fee under RCW 46.17.005(1), the license plate
4 technology fee under RCW 46.17.015, (~~(and)~~) the license service fee
5 under RCW 46.17.025 (~~(to the county auditor or other agent; and~~
6 ~~(2) The subagent)~~), and the service fee under RCW 46.17.040(2) (~~(to~~
7 ~~the subagent)~~).

8 **Sec. 6.** RCW 46.17.060 and 2010 c 161 s 507 are each amended to
9 read as follows:

10 Before accepting a transitional ownership record filed under RCW
11 46.12.660, the department, county auditor or other agent, or subagent
12 appointed by the director shall require the applicant to pay(~~(+~~
13 ~~(1)~~) the filing fee under RCW 46.17.005(1), the license plate
14 technology fee under RCW 46.17.015, (~~(and)~~) the license service fee
15 under RCW 46.17.025 (~~(to the county auditor or other agent; and~~
16 ~~(2) The subagent)~~), and the service fee under RCW 46.17.040(2) (~~(to~~
17 ~~the subagent)~~).

18 NEW SECTION. **Sec. 7.** A new section is added to chapter 46.68 RCW
19 to read as follows:

20 The service fees collected under RCW 46.17.040, 46.17.050, and
21 46.17.060 must be distributed as follows:

22 (1) If paid to the department, the fees must be deposited into the
23 department of licensing services account under RCW 46.68.220.

24 (2) If paid to the county auditor or other agent, the fees must be
25 deposited into that county's general fund.

26 **Sec. 8.** RCW 46.12.650 and 2010 c 161 s 309 are each amended to
27 read as follows:

28 (1) **Releasing interest.** An owner releasing interest in a vehicle
29 shall:

30 (a) Sign the release of interest section provided on the
31 certificate of title or on a release of interest document or form
32 approved by the department;

33 (b) Give the certificate of title or most recent evidence of
34 ownership to the person gaining the interest in the vehicle;

1 (c) Give the person gaining interest in the vehicle an odometer
2 disclosure statement if one is required; and

3 (d) Report the vehicle sold as provided in subsection (2) of this
4 section.

5 (2) **Report of sale.** An owner shall notify the department, county
6 auditor or other agent, or subagent appointed by the director in
7 writing within ~~((five))~~ twenty-one business days after a vehicle is or
8 has been:

9 (a) Sold;

10 (b) Given as a gift to another person;

11 (c) Traded, either privately or to a dealership;

12 (d) Donated to charity;

13 (e) Turned over to an insurance company or wrecking yard; or

14 (f) Disposed of.

15 (3) **Report of sale properly filed.** A report of sale is properly
16 filed if it is received by the department, county auditor or other
17 agent, or subagent appointed by the director within ~~((five))~~ twenty-one
18 business days after the date of sale or transfer and it includes:

19 (a) The date of sale or transfer;

20 (b) The owner's name and address;

21 (c) The name and address of the person acquiring the vehicle;

22 (d) The vehicle identification number and license plate number;

23 (e) A date or stamp by the department showing it was received on or
24 before the ~~((fifth))~~ twenty-first business day after the date of sale
25 or transfer; and

26 (f) Payment of the fees required under RCW 46.17.050 ~~((if the
27 report of sale is processed by a county auditor or other agent or
28 subagent appointed by the director))~~.

29 (4) **Report of sale - administration.**(a) The department shall:

30 ~~((a))~~ (i) Provide or approve reports of sale forms;

31 ~~((b))~~ (ii) Provide a system enabling an owner to submit reports
32 of sale electronically;

33 ~~((c))~~ (iii) Immediately update the department's vehicle record
34 when a report of sale has been filed;

35 ~~((d))~~ (iv) Provide instructions on release of interest forms that
36 allow the seller of a vehicle to release their interest in a vehicle at
37 the same time a financial institution, as defined in RCW 30.22.040,
38 releases its lien on the vehicle; and

1 ~~((e))~~ (v) Send a report to the department of revenue that lists
2 vehicles for which a report of sale has been received but no transfer
3 of ownership has taken place. The department shall send the report
4 once each quarter.

5 (b) A report of sale that is received by the department, county
6 auditor or other agent, or subagent appointed by the director after the
7 twenty-first day becomes effective on the day it is received by the
8 department, county auditor or other agent, or subagent appointed by the
9 director.

10 (5)(a) **Transferring ownership.** A person who has recently acquired
11 a vehicle by purchase, exchange, gift, lease, inheritance, or legal
12 action shall apply to the department, county auditor or other agent, or
13 subagent appointed by the director for a new certificate of title
14 within fifteen days of delivery of the vehicle. A secured party who
15 has possession of the certificate of title shall either:

16 (i) Apply for a new certificate of title on behalf of the owner and
17 pay the fee required under RCW 46.17.100; or

18 (ii) Provide all required documents to the owner, as long as the
19 transfer was not a breach of its security agreement, to allow the owner
20 to apply for a new certificate of title.

21 (b) Compliance with this subsection does not affect the rights of
22 the secured party.

23 (6) **Certificate of title delivered to secured party.** The
24 certificate of title must be kept by or delivered to the person who
25 becomes the secured party when a security interest is reserved or
26 created at the time of the transfer of ownership. The parties must
27 comply with RCW 46.12.675.

28 (7) **Penalty for late transfer.** A person who has recently acquired
29 a motor vehicle by purchase, exchange, gift, lease, inheritance, or
30 legal action who does not apply for a new certificate of title within
31 fifteen calendar days of delivery of the vehicle is charged a penalty,
32 as described in RCW 46.17.140, when applying for a new certificate of
33 title. It is a misdemeanor to fail or neglect to apply for a transfer
34 of ownership within forty-five days after delivery of the vehicle. The
35 misdemeanor is a single continuing offense for each day that passes
36 regardless of the number of days that have elapsed following the forty-
37 five day time period.

1 (8) **Penalty for late transfer - exceptions.** The penalty is not
2 charged if the delay in application is due to at least one of the
3 following:

4 (a) The department requests additional supporting documents;

5 (b) The department, county auditor or other agent, or subagent
6 fails to perform or is neglectful;

7 (c) The owner is prevented from applying due to an illness or
8 extended hospitalization;

9 (d) The legal owner fails or neglects to release interest;

10 (e) The owner did not know of the filing of a report of sale by the
11 previous owner and signs an affidavit to the fact; or

12 (f) The department finds other conditions exist that adequately
13 explain the delay.

14 (9) **Review and issue.** The department shall review applications for
15 certificates of title and issue certificates of title when it has
16 determined that all applicable provisions of law have been complied
17 with.

18 (10) **Rules.** The department may adopt rules as necessary to
19 implement this section.

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 46.16A RCW
21 to read as follows:

22 (1) The department, county auditor or other agent, or subagent
23 appointed by the director must issue a studded tire permit authorizing
24 the use of studded tires as provided under RCW 46.37.420 to a vehicle
25 owner upon submittal of a proper application and payment of the studded
26 tire permit fee under RCW 46.17.400(1)(g).

27 (2) Each studded tire permit is valid on a vehicle during the
28 registration year as outlined in RCW 46.16A.020.

29 (3) The department must also issue an identifying marker that the
30 vehicle owner must place on the vehicle license plate for the studded
31 tire permit to be valid.

32 (4) Operating a vehicle on a public highway without a valid studded
33 tire permit and properly affixing the identifying marker to the vehicle
34 license plate is a traffic infraction; however, a vehicle owner or the
35 owner's authorized representative has five days from the date of
36 purchasing studded tires to apply for a studded tire permit. In
37 addition to any other penalties imposed for a traffic infraction, an

1 additional fifteen dollar penalty is assessed for a violation of this
2 section. The additional fifteen dollar penalty imposed under this
3 subsection must be forwarded to the state treasurer for deposit in the
4 motor vehicle fund created under RCW 46.68.070.

5 (5) The vehicle owner is solely responsible for obtaining a studded
6 tire permit under this section, and a tire dealer is not obligated to
7 confirm, validate, document, disclose, enforce, report, or educate on
8 the requirements of this section. This section does not create a right
9 of action, whether civil or criminal, against any tire dealer.

10 (6) The department may adopt rules to implement this section.

11 **Sec. 10.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to
12 read as follows:

13 (1) Before accepting an application for one of the following
14 permits, the department, county auditor or other agent, or subagent
15 appointed by the director shall require the applicant to pay the
16 following permit fee by permit type in addition to any other fee or tax
17 required by law:

18

19 PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
20 (a) Dealer temporary	\$15.00	RCW 46.16A.300	RCW 46.68.030
21 (b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
22 (c) Farm vehicle trip	\$6.25	RCW 46.16A.330	RCW 46.68.035
23 (d) Nonresident military	\$10.00	RCW 46.16A.340	RCW 46.68.070
24 (e) Nonresident temporary snowmobile	\$5.00	RCW 46.10.450	RCW 46.68.350
25 (f) Special fuel trip	\$30.00	RCW 82.38.100	RCW 46.68.460
26 (g) <u>Studded tire</u>	<u>\$15.00</u>	<u>Section 9 of this act</u>	<u>Section 11 of this act</u>
27 (h) Temporary ORV use	\$7.00	RCW 46.09.430	RCW 46.68.045
28 ((h)) (i) Vehicle trip	\$25.00	RCW 46.16A.320	RCW 46.68.455

29 (2) Permit fees as provided in subsection (1) of this section are
30 in addition to the filing fee required under RCW 46.17.005, except an
31 additional filing fee may not be charged for:

- 32 (a) Dealer temporary permits;
33 (b) Special fuel trip permits; and
34 (c) Vehicle trip permits.

1 (3) Five dollars of the fifteen dollar dealer temporary permit fee
2 provided in subsection (1)(a) of this section must be credited to the
3 payment of vehicle license fees at the time application for
4 registration is made. The remainder must be deposited to the state
5 patrol highway account created in RCW 46.68.030.

6 NEW SECTION. **Sec. 11.** A new section is added to chapter 46.68 RCW
7 to read as follows:

8 The studded tire permit fee imposed under RCW 46.17.400(1)(g) for
9 studded tire permits issued under section 9 of this act must be
10 distributed as follows:

11 (1) Fifty-five percent to the transportation improvement account
12 created in RCW 47.26.084; and

13 (2) Forty-five percent to the county arterial preservation account
14 created in RCW 46.68.090.

15 **Sec. 12.** RCW 46.37.420 and 2012 c 75 s 1 are each amended to read
16 as follows:

17 (1) It is unlawful to operate a vehicle upon the public highways of
18 this state unless it is completely equipped with pneumatic rubber tires
19 except vehicles equipped with temporary-use spare tires that meet
20 federal standards that are installed and used in accordance with the
21 manufacturer's instructions.

22 (2) Except as provided in subsection (3) of this section, no tire
23 on a vehicle moved on a highway may have on its periphery any block,
24 flange, cleat, or spike or any other protuberance of any material other
25 than rubber which projects beyond the tread of the traction surface of
26 the tire(~~(, except that)~~).

27 (3)(a) It is permissible to use: (i) Farm machinery equipped with
28 pneumatic tires or solid rubber tracks having protuberances that will
29 not injure the highway(~~(,)~~); and (~~except also that it is permissible~~
30 ~~to use~~) (ii)(A) tire chains, (B) alternative traction devices, or (C)
31 metal studs imbedded within the tire subject to studded tire permit
32 requirements under section 9 of this act, of reasonable proportions and
33 of a type conforming to rules adopted by the state patrol, upon any
34 vehicle when required for safety because of snow, ice, or other
35 conditions tending to cause a vehicle to skid.

1 (b) It is unlawful to use metal studs imbedded within the tire
2 between April 1st and November 1st, except that a vehicle may be
3 equipped year-round with tires that have retractable studs if: ~~((a))~~
4 (i) The studs retract pneumatically or mechanically to below the wear
5 bar of the tire when not in use; and ~~((b))~~ (ii) the retractable studs
6 are engaged only between November 1st and April 1st. Retractable studs
7 may be made of metal or other material and are not subject to the
8 lightweight stud weight requirements under RCW 46.04.272. The state
9 department of transportation may, from time to time, determine
10 additional periods in which the use of tires with metal studs imbedded
11 therein is lawful.

12 ~~((3))~~ (4) The state department of transportation and local
13 authorities in their respective jurisdictions may issue special permits
14 authorizing the operation upon a highway of traction engines or
15 tractors having movable tracks with transverse corrugations upon the
16 periphery of the movable tracks or farm tractors or other farm
17 machinery, the operation of which upon a highway would otherwise be
18 prohibited under this section.

19 ~~((4))~~ (5) Tires with metal studs imbedded therein may be used
20 between November 1st and April 1st upon school buses and fire
21 department vehicles, any law or regulation to the contrary
22 notwithstanding.

23 NEW SECTION. **Sec. 13.** This act takes effect January 1, 2014.

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