

---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: Z-0073.2/03 2nd draft  
ATTY/TYPIST: KT:rmh  
BRIEF DESCRIPTION: Reorganizing criminal statutes within Title 46  
RCW.

1 AN ACT Relating to reorganizing criminal statutes; amending RCW  
2 46.08.170, 46.09.130, 46.10.130, 46.12.070, 46.12.210, 46.12.220,  
3 46.16.010, 46.20.410, 46.44.175, 46.44.180, 46.52.010, 46.52.090,  
4 46.55.020, 46.61.015, 46.61.020, 46.61.685, 46.64.010, 46.68.010,  
5 46.70.021, 46.72.100, 46.72A.060, 46.72A.070, 46.80.020, 46.80.190,  
6 46.87.260, 46.87.290, 47.68.255, and 88.02.118; and prescribing  
7 penalties.

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

9 **Sec. 1.** RCW 46.08.170 and 1987 c 202 s 213 are each amended to  
10 read as follows:

11 (1) Any violation of a rule or regulation prescribed under RCW  
12 46.08.150 is a traffic infraction, and the district courts of Thurston  
13 county shall have jurisdiction over such offenses (~~(: PROVIDED, That)~~).

14 (2) Except as provided in subsection (3) of this section, violation  
15 of a rule or regulation relating to traffic including parking,  
16 standing, stopping, and pedestrian offenses is a traffic infraction (~~(7~~  
17 ~~except that)~~).

1 (3) Violation of a rule or regulation equivalent to those  
2 provisions of Title 46 RCW set forth in RCW 46.63.020 remains a  
3 misdemeanor.

4 **Sec. 2.** RCW 46.09.130 and 1994 c 264 s 35 are each amended to read  
5 as follows:

6 (1) No person may operate a nonhighway vehicle in such a way as to  
7 endanger human life.

8 (2) No person shall operate a nonhighway vehicle in such a way as  
9 to run down or harass any wildlife or animal, nor carry, transport, or  
10 convey any loaded weapon in or upon, nor hunt from, any nonhighway  
11 vehicle except by permit issued by the director of fish and wildlife  
12 under RCW 77.32.237: PROVIDED, That it shall not be unlawful to carry,  
13 transport, or convey a loaded pistol in or upon a nonhighway vehicle if  
14 the person complies with the terms and conditions of chapter 9.41 RCW.

15 (3) Violation of this section is a gross misdemeanor.

16 **Sec. 3.** RCW 46.10.130 and 1994 c 264 s 37 are each amended to read  
17 as follows:

18 (1) No person shall operate a snowmobile in such a way as to  
19 endanger human life.

20 (2) No person shall operate a snowmobile in such a way as to run  
21 down or harass deer, elk, or any wildlife, or any domestic animal, nor  
22 shall any person carry any loaded weapon upon, nor hunt from, any  
23 snowmobile except by permit issued by the director of fish and wildlife  
24 under RCW 77.32.237.

25 (3) Any person violating the provisions of this section shall be  
26 guilty of a gross misdemeanor.

27 **Sec. 4.** RCW 46.12.070 and 2002 c 245 s 2 are each amended to read  
28 as follows:

29 (1) Upon the destruction of any vehicle issued a certificate of  
30 ownership under this chapter or a license registration under chapter  
31 46.16 RCW, the registered owner and the legal owner shall forthwith and  
32 within fifteen days thereafter forward and surrender the certificate to  
33 the department, together with a statement of the reason for the  
34 surrender and the date and place of destruction. Failure to notify the  
35 department or the possession by any person of any such certificate for

1 a vehicle so destroyed, after fifteen days following its destruction,  
2 is prima facie evidence of violation of the provisions of this chapter  
3 and constitutes a gross misdemeanor.

4 (2) Any insurance company settling an insurance claim on a vehicle  
5 that has been issued a certificate of ownership under this chapter or  
6 a certificate of license registration under chapter 46.16 RCW as a  
7 total loss, less salvage value, shall notify the department thereof  
8 within fifteen days after the settlement of the claim. Notification  
9 shall be provided regardless of where or in what jurisdiction the total  
10 loss occurred.

11 (3) For a motor vehicle having a model year designation at least  
12 six years before the calendar year of destruction, the notification to  
13 the department must include a statement of whether the retail fair  
14 market value of the motor vehicle immediately before the destruction  
15 was at least the then market value threshold amount as defined in RCW  
16 46.12.005.

17 **Sec. 5.** RCW 46.12.210 and 1961 c 12 s 46.12.210 are each amended  
18 to read as follows:

19 Any person who (~~shall~~) knowingly makes any false statement of a  
20 material fact, either in his or her application for the certificate of  
21 ownership or in any assignment thereof, or who with intent to procure  
22 or pass ownership to a vehicle which he or she knows or has reason to  
23 believe has been stolen, (~~shall~~) receives or transfers possession of  
24 the same from or to another or who (~~shall have~~) has in his or her  
25 possession any vehicle which he or she knows or has reason to believe  
26 has been stolen, and who is not an officer of the law engaged at the  
27 time in the performance of his or her duty as such officer, (~~shall~~  
28 ~~be~~) is guilty of a class B felony and upon conviction shall be  
29 punished by a fine of not more than five thousand dollars or by  
30 imprisonment for not more than ten years, or both such fine and  
31 imprisonment. This provision shall not exclude any other offenses or  
32 penalties prescribed by any existing or future law for the larceny or  
33 unauthorized taking of a motor vehicle.

34 **Sec. 6.** RCW 46.12.220 and 1967 c 32 s 12 are each amended to read  
35 as follows:

36 Any person who (~~shall~~) alters or forges or causes to be altered

1 or forged any certificate issued by the director pursuant to the  
2 provisions of this chapter, or any assignment thereof, or any release  
3 or notice of release of any encumbrance referred to therein, or who  
4 shall hold or use any such certificate or assignment, or release or  
5 notice of release, knowing the same to have been altered or forged,  
6 (~~shall be~~) is guilty of a class B felony punishable according to  
7 chapter 9A.20 RCW.

8 **Sec. 7.** RCW 46.16.010 and 2000 c 229 s 1 are each amended to read  
9 as follows:

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

15 (2) Failure to make initial registration before operation on the  
16 highways of this state is a misdemeanor, and any person convicted  
17 thereof must be punished by a fine of no less than three hundred thirty  
18 dollars, no part of which may be suspended or deferred.

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

21 (~~(2)~~) (4) The licensing of a vehicle in another state by a  
22 resident of this state, as defined in RCW 46.16.028, evading the  
23 payment of any tax or license fee imposed in connection with  
24 registration, is a gross misdemeanor punishable as follows:

25 (a) For a first offense, up to one year in the county jail and a  
26 fine equal to twice the amount of delinquent taxes and fees, no part of  
27 which may be suspended or deferred;

28 (b) For a second or subsequent offense, up to one year in the  
29 county jail and a fine equal to four times the amount of delinquent  
30 taxes and fees, no part of which may be suspended or deferred;

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

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

1        (~~(3)~~) (5) These provisions shall not apply to the following  
2 vehicles:

3        (a) Electric-assisted bicycles;

4        (b) Farm vehicles if operated within a radius of fifteen miles of  
5 the farm where principally used or garaged, farm tractors and farm  
6 implements including trailers designed as cook or bunk houses used  
7 exclusively for animal herding temporarily operating or drawn upon the  
8 public highways, and trailers used exclusively to transport farm  
9 implements from one farm to another during the daylight hours or at  
10 night when such equipment has lights that comply with the law;

11        (c) Spray or fertilizer applicator rigs designed and used  
12 exclusively for spraying or fertilization in the conduct of  
13 agricultural operations and not primarily for the purpose of  
14 transportation, and nurse rigs or equipment auxiliary to the use of and  
15 designed or modified for the fueling, repairing, or loading of spray  
16 and fertilizer applicator rigs and not used, designed, or modified  
17 primarily for the purpose of transportation;

18        (d) Fork lifts operated during daylight hours on public highways  
19 adjacent to and within five hundred feet of the warehouses which they  
20 serve: PROVIDED FURTHER, That these provisions shall not apply to  
21 vehicles used by the state parks and recreation commission exclusively  
22 for park maintenance and operations upon public highways within state  
23 parks;

24        (e) "Special highway construction equipment" defined as follows:  
25 Any vehicle which is designed and used primarily for grading of  
26 highways, paving of highways, earth moving, and other construction work  
27 on highways and which is not designed or used primarily for the  
28 transportation of persons or property on a public highway and which is  
29 only incidentally operated or moved over the highway. It includes, but  
30 is not limited to, road construction and maintenance machinery so  
31 designed and used such as portable air compressors, air drills, asphalt  
32 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
33 ditchers, leveling graders, finishing machines, motor graders, paving  
34 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
35 lighting plants, welders, pumps, power shovels and draglines, self-  
36 propelled and tractor-drawn earth moving equipment and machinery,  
37 including dump trucks and tractor-dump trailer combinations which  
38 either (i) are in excess of the legal width, or (ii) which, because of

1 their length, height, or unladen weight, may not be moved on a public  
2 highway without the permit specified in RCW 46.44.090 and which are not  
3 operated laden except within the boundaries of the project limits as  
4 defined by the contract, and other similar types of construction  
5 equipment, or (iii) which are driven or moved upon a public highway  
6 only for the purpose of crossing such highway from one property to  
7 another, provided such movement does not exceed five hundred feet and  
8 the vehicle is equipped with wheels or pads which will not damage the  
9 roadway surface.

10 Exclusions:

11 "Special highway construction equipment" does not include any of  
12 the following:

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

20 (~~(4)~~) (6) The following vehicles, whether operated solo or in  
21 combination, are exempt from license registration and displaying  
22 license plates as required by this chapter:

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

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

32 **Sec. 8.** RCW 46.20.410 and 1967 c 32 s 34 are each amended to read  
33 as follows:

34 Any person convicted for violation of any restriction of an  
35 occupational driver's license shall, in addition to the immediate  
36 revocation of such license and any other penalties provided by law, be

1 guilty of a gross misdemeanor and fined not less than fifty nor more  
2 than two hundred dollars or imprisoned for not more than six months or  
3 both such fine and imprisonment.

4 **Sec. 9.** RCW 46.44.175 and 1995 c 38 s 11 are each amended to read  
5 as follows:

6 (1) Failure of any person or agent acting for a person who causes  
7 to be moved or moves a mobile home as defined in RCW 46.04.302 upon  
8 public highways of this state and failure to comply with any of the  
9 provisions of RCW 46.44.170 and 46.44.173 is a traffic infraction for  
10 which a penalty of not less than one hundred dollars or more than five  
11 hundred dollars shall be assessed. In addition to the above penalty,  
12 the department of transportation or local authority may withhold  
13 issuance of a special permit or suspend a continuous special permit as  
14 provided by RCW 46.44.090 and 46.44.093 for a period of not less than  
15 thirty days.

16 (2) Any person who shall alter, reuse, transfer, or forge the decal  
17 required by RCW 46.44.170, or who shall display a decal knowing it to  
18 have been forged, reused, transferred, or altered, shall be guilty of  
19 a gross misdemeanor.

20 (3) Any person or agent who is denied a special permit or whose  
21 special permit is suspended may upon request receive a hearing before  
22 the department of transportation or the local authority having  
23 jurisdiction. The department or the local authority after such hearing  
24 may revise its previous action.

25 **Sec. 10.** RCW 46.44.180 and 1980 c 153 s 3 are each amended to read  
26 as follows:

27 (1) It is unlawful for a person, other than an employee of a dealer  
28 or other principal licensed to transport mobile homes within this state  
29 acting within the course of employment with the principal, to operate  
30 a pilot vehicle accompanying a mobile home, as defined in RCW  
31 46.04.302, being transported on the public highways of this state,  
32 without maintaining insurance for the pilot vehicle in the minimum  
33 amounts of:

34 (a) One hundred thousand dollars for bodily injury to or death of  
35 one person in any one accident;



1 (b) Three hundred thousand dollars for bodily injury to or death of  
2 two or more persons in any one accident; and

3 (c) Fifty thousand dollars for damage to or destruction of property  
4 of others in any one accident.

5 (2) Satisfactory evidence of the insurance shall be carried at all  
6 times by the operator of the pilot vehicle, which evidence shall be  
7 displayed upon demand by a police officer.

8 (3) Failure to maintain the insurance as required by this section  
9 is a gross misdemeanor.

10 (4) Failure to carry or disclose the evidence of the insurance as  
11 required by this section is a misdemeanor.

12 **Sec. 11.** RCW 46.52.010 and 1979 ex.s. c 136 s 79 are each amended  
13 to read as follows:

14 (1) The operator of any vehicle which collided with any other  
15 vehicle which is unattended shall immediately stop and shall then and  
16 there either locate and notify the operator or owner of such vehicle of  
17 the name and address of the operator and owner of the vehicle striking  
18 the unattended vehicle or shall leave in a conspicuous place in the  
19 vehicle struck a written notice, giving the name and address of the  
20 operator and of the owner of the vehicle striking such other vehicle.

21 (2) The driver of any vehicle involved in an accident resulting  
22 only in damage to property fixed or placed upon or adjacent to any  
23 public highway shall take reasonable steps to locate and notify the  
24 owner or person in charge of such property of such fact and of the name  
25 and address of the operator and owner of the vehicle striking such  
26 property, or shall leave in a conspicuous place upon the property  
27 struck a written notice, giving the name and address of the operator  
28 and of the owner of the vehicle so striking the property, and such  
29 person shall further make report of such accident as in the case of  
30 other accidents upon the public highways of this state.

31 (3) Any person violating the provisions of this section is guilty  
32 of a misdemeanor.

33 **Sec. 12.** RCW 46.52.090 and 1983 c 142 s 1 are each amended to read  
34 as follows:

35 (1) Any person, firm, corporation, or association engaged in the  
36 business of repairs of any kind to vehicles or any person, firm,

1 corporation, or association which may at any time engage in any kind of  
2 major repair, restoration, or substantial alteration to a vehicle  
3 required to be licensed or registered under this title shall maintain  
4 verifiable records regarding the source of used major component parts  
5 used in such repairs, restoration, or alteration. Satisfactory records  
6 include but are not limited to personal identification of the seller if  
7 such parts were acquired from other than a ~~((motor))~~ vehicle wrecker  
8 licensed under chapter 46.80 RCW, signed work orders, and bills of sale  
9 signed by the seller whose identity and address has been verified  
10 describing parts acquired, and the make, model, and vehicle  
11 identification number of a vehicle from which the following parts are  
12 removed: ~~((1))~~ (a) Engines and short blocks, ~~((2))~~ (b) frames,  
13 ~~((3))~~ (c) transmissions and transfer cases, ~~((4))~~ (d) cabs, ~~((5))~~  
14 (e) doors, ~~((6))~~ (f) front or rear differentials, ~~((7))~~ (g) front  
15 or rear clips, ~~((8))~~ (h) quarter panels or fenders, ~~((9))~~ (i)  
16 bumpers, ~~((10))~~ (j) truck beds or boxes, ~~((11))~~ (k) seats, and  
17 ~~((12))~~ (l) hoods.

18 ~~((Such records))~~ (2) The records required under subsection (1) of  
19 this section shall be kept for a period of four years and shall be made  
20 available for inspection by a law enforcement officer during ordinary  
21 business hours.

22 ~~((The acquisition of))~~ (3) It is a gross misdemeanor to do any of  
23 the following: (a) Acquire a part without a substantiating bill of  
24 sale or invoice from the parts supplier or ~~((failure))~~ fail to comply  
25 with any rules adopted under this section ~~((is a gross misdemeanor.~~  
26 ~~Failure))~~; (b) fail to obtain the vehicle identification number for  
27 those parts requiring that it be obtained ~~((is a gross misdemeanor.~~  
28 ~~Failure))~~; or (c) fail to keep records for four years or to make such  
29 records available during normal business hours to a law enforcement  
30 officer ~~((is a gross misdemeanor))~~.

31 (3) The chief of the Washington state patrol shall adopt rules for  
32 the purpose of regulating record-keeping and parts acquisition by  
33 vehicle repairers, restorers, rebuilders, or those who perform  
34 substantial vehicle alterations.

35 (4) The provisions of this section do not apply to major repair,  
36 restoration, or alteration of a vehicle thirty years of age or older.

1       **Sec. 13.** RCW 46.55.020 and 1989 c 111 s 2 are each amended to read  
2 as follows:

3       (1) A person shall not engage in or offer to engage in the  
4 activities of a registered tow truck operator without a current  
5 registration certificate from the department of licensing authorizing  
6 him or her to engage in such activities.

7       (2) Any person engaging in or offering to engage in the activities  
8 of a registered tow truck operator without the registration certificate  
9 required by this chapter is guilty of a gross misdemeanor.

10       (3) A registered operator who engages in a business practice that  
11 is prohibited under this chapter may be issued a notice of traffic  
12 infraction under chapter 46.63 RCW and is also subject to the civil  
13 penalties that may be imposed by the department under this chapter.

14       (4) A person found to have committed an offense that is a traffic  
15 infraction under this chapter is subject to a monetary penalty of at  
16 least two hundred fifty dollars.

17       (5) All traffic infractions issued under this chapter shall be  
18 under the jurisdiction of the district court in whose jurisdiction they  
19 were issued.

20       **Sec. 14.** RCW 46.61.015 and 2000 c 239 s 4 are each amended to read  
21 as follows:

22       (1) No person shall willfully fail or refuse to comply with any  
23 lawful order or direction of any duly authorized flagger or any police  
24 officer or fire fighter invested by law with authority to direct,  
25 control, or regulate traffic.

26       (2) A violation of this section is a misdemeanor.

27       **Sec. 15.** RCW 46.61.020 and 1995 c 50 s 2 are each amended to read  
28 as follows:

29       (1) It is unlawful for any person while operating or in charge of  
30 any vehicle to refuse when requested by a police officer to give his or  
31 her name and address and the name and address of the owner of such  
32 vehicle, or for such person to give a false name and address, and it is  
33 likewise unlawful for any such person to refuse or neglect to stop when  
34 signaled to stop by any police officer or to refuse upon demand of such  
35 police officer to produce his or her certificate of license  
36 registration of such vehicle, his or her insurance identification card,

1 or his or her vehicle driver's license or to refuse to permit such  
2 officer to take any such license, card, or certificate for the purpose  
3 of examination thereof or to refuse to permit the examination of any  
4 equipment of such vehicle or the weighing of such vehicle or to refuse  
5 or neglect to produce the certificate of license registration of such  
6 vehicle, insurance card, or his or her vehicle driver's license when  
7 requested by any court. Any police officer shall on request produce  
8 evidence of his or her authorization as such.

9 (2) A violation of this section is a misdemeanor.

10 **Sec. 16.** RCW 46.61.685 and 1990 c 250 s 57 are each amended to  
11 read as follows:

12 (1) It is unlawful for any person, while operating or in charge of  
13 a vehicle, to park or willfully allow such vehicle to stand upon a  
14 public highway or in a public place with its motor running, leaving a  
15 minor child or children under the age of sixteen years unattended in  
16 the vehicle.

17 (2) Any person violating the provisions of this section is guilty  
18 of a misdemeanor.

19 (3) Upon a second or subsequent conviction for a violation of this  
20 section, the department shall revoke the operator's license of such  
21 person.

22 **Sec. 17.** RCW 46.64.010 and 1961 c 12 s 46.64.010 are each amended  
23 to read as follows:

24 (1) Every traffic enforcement agency in this state shall provide in  
25 appropriate form traffic citations containing notices to appear which  
26 shall be issued in books with citations in quadruplicate and meeting  
27 the requirements of this section. The chief administrative officer of  
28 every such traffic enforcement agency shall be responsible for the  
29 issuance of such books and shall maintain a record of every such book  
30 and each citation contained therein issued to individual members of the  
31 traffic enforcement agency and shall require and retain a receipt for  
32 every book so issued.

33 (2) Every traffic enforcement officer upon issuing a traffic  
34 citation to an alleged violator of any provision of the motor vehicle  
35 laws of this state or of any traffic ordinance of any city or town  
36 shall deposit the original or a copy of such traffic citation with a

1 court having competent jurisdiction over the alleged offense or with  
2 its traffic violations bureau. Upon the deposit of the original or a  
3 copy of such traffic citation with a court having competent  
4 jurisdiction over the alleged offense or with its traffic violations  
5 bureau as aforesaid, said original or copy of such traffic citation may  
6 be disposed of only by trial in said court or other official action by  
7 a judge of said court, including forfeiture of the bail or by the  
8 deposit of sufficient bail with or payment of a fine to said traffic  
9 violations bureau by the person to whom such traffic citation has been  
10 issued by the traffic enforcement officer.

11 (3) It shall be unlawful and official misconduct for any traffic  
12 enforcement officer or other officer or public employee to dispose of  
13 a traffic citation or copies thereof or of the record of the issuance  
14 of the same in a manner other than as required (~~herein~~) in this  
15 section.

16 (4) The chief administrative officer of every traffic enforcement  
17 agency shall require the return to him or her of a copy of every  
18 traffic citation issued by an officer under his or her supervision to  
19 an alleged violator of any traffic law or ordinance and of all copies  
20 of every traffic citation which has been spoiled or upon which any  
21 entry has been made and not issued to an alleged violator. Such chief  
22 administrative officer shall also maintain or cause to be maintained in  
23 connection with every traffic citation issued by an officer under his  
24 or her supervision a record of the disposition of the charge by the  
25 court or its traffic violations bureau in which the original or copy of  
26 the traffic citation was deposited.

27 (5) Any person who cancels or solicits the cancellation of any  
28 traffic citation, in any manner other than as provided in this section,  
29 shall be guilty of a misdemeanor.

30 (6) Every record of traffic citations required in this section  
31 shall be audited monthly by the appropriate fiscal officer of the  
32 government agency to which the traffic enforcement agency is  
33 responsible.

34 **Sec. 18.** RCW 46.68.010 and 1997 c 22 s 1 are each amended to read  
35 as follows:

36 (1) Whenever any license fee, paid under the provisions of this

1 title, has been erroneously paid, either wholly or in part, the payor  
2 is entitled to have refunded the amount so erroneously paid.

3 (2) A license fee is refundable in one or more of the following  
4 circumstances: ~~((1))~~ (a) If the vehicle for which the renewal  
5 license was purchased was destroyed before the beginning date of the  
6 registration period for which the renewal fee was paid; ~~((2))~~ (b) if  
7 the vehicle for which the renewal license was purchased was permanently  
8 removed from the state before the beginning date of the registration  
9 period for which the renewal fee was paid; ~~((3))~~ (c) if the vehicle  
10 license was purchased after the owner has sold the vehicle; ~~((4))~~ (d)  
11 if the vehicle is currently licensed in Washington and is subsequently  
12 licensed in another jurisdiction, in which case any full months of  
13 Washington fees between the date of license application in the other  
14 jurisdiction and the expiration of the Washington license are  
15 refundable; or ~~((5))~~ (e) if the vehicle for which the renewal license  
16 was purchased is sold before the beginning date of the registration  
17 period for which the renewal fee was paid, and the payor returns the  
18 new, unused, never affixed license renewal tabs to the department  
19 before the beginning of the registration period for which the  
20 registration was purchased.

21 (3) Upon the refund being certified to the state treasurer by the  
22 director as correct and being claimed in the time required by law the  
23 state treasurer shall mail or deliver the amount of each refund to the  
24 person entitled thereto. No claim for refund shall be allowed for such  
25 erroneous payments unless filed with the director within three years  
26 after such claimed erroneous payment was made.

27 (4) If due to error a person has been required to pay a vehicle  
28 license fee under this title and an excise tax under Title 82 RCW that  
29 amounts to an overpayment of ten dollars or more, that person shall be  
30 entitled to a refund of the entire amount of the overpayment,  
31 regardless of whether a refund of the overpayment has been requested.

32 (5) If due to error the department or its agent has failed to  
33 collect the full amount of the license fee and excise tax due and the  
34 underpayment is in the amount of ten dollars or more, the department  
35 shall charge and collect such additional amount as will constitute full  
36 payment of the tax and fees.

37 (6) Any person who makes a false statement under which he or she

1 obtains a refund to which he or she is not entitled under this section  
2 is guilty of a gross misdemeanor.

3 **Sec. 19.** RCW 46.70.021 and 1993 c 307 s 4 are each amended to read  
4 as follows:

5 (1) It is unlawful for any person, firm, or association to act as  
6 a vehicle dealer or vehicle manufacturer, to engage in business as  
7 such, serve in the capacity of such, advertise himself, herself, or  
8 themselves as such, solicit sales as such, or distribute or transfer  
9 vehicles for resale in this state, without first obtaining and holding  
10 a current license as provided in this chapter, unless the title of the  
11 vehicle is in the name of the seller.

12 (2) It is unlawful for any person other than a licensed vehicle  
13 dealer to display a vehicle for sale unless the registered owner or  
14 legal owner is the displayer or holds a notarized power of attorney.

15 (3) (a) Except as provided in (b) of this subsection, a person or  
16 firm engaged in buying and offering for sale, or buying and selling  
17 five or more vehicles in a twelve-month period, or in any other way  
18 engaged in dealer activity without holding a vehicle dealer license, is  
19 guilty of a gross misdemeanor, and upon conviction (~~(is)~~) subject to a  
20 fine of up to five thousand dollars for each violation and up to one  
21 year in jail.

22 (b) A second offense is a class C felony punishable under chapter  
23 9A.20 RCW.

24 (4) A violation of this section is also a per se violation of  
25 chapter 19.86 RCW and is considered a deceptive practice.

26 (5) The department of licensing, the Washington state patrol, the  
27 attorney general's office, and the department of revenue shall  
28 cooperate in the enforcement of this section.

29 (6) A distributor, factory branch, or factory representative shall  
30 not be required to have a vehicle manufacturer license so long as the  
31 vehicle manufacturer so represented is properly licensed pursuant to  
32 this chapter.

33 (7) Nothing in this chapter prohibits financial institutions from  
34 cooperating with vehicle dealers licensed under this chapter in dealer  
35 sales or leases. However, financial institutions shall not broker  
36 vehicles and cooperation is limited to organizing, promoting, and  
37 financing of such dealer sales or leases.

1           **Sec. 20.** RCW 46.72.100 and 2002 c 86 s 293 are each amended to  
2 read as follows:

3           (1) In addition to the unprofessional conduct specified in RCW  
4 18.235.130, the director may take disciplinary action if he or she has  
5 good reason to believe that one of the following is true of the  
6 operator or the applicant for a permit or certificate: ~~((1))~~ (a) He  
7 or she is guilty of committing two or more offenses for which mandatory  
8 revocation of driver's license is provided by law; ~~((2))~~ (b) he or  
9 she has been convicted of vehicular homicide or vehicular assault;  
10 ~~((3))~~ (c) he or she is intemperate or addicted to the use of  
11 narcotics.

12           (2) Any for hire operator who operates a for hire vehicle without  
13 first having filed a bond or insurance policy and having received a for  
14 hire permit and a for hire certificate as required by this chapter is  
15 guilty of a gross misdemeanor, and upon conviction shall be punished by  
16 imprisonment in jail for a period not exceeding ninety days or a fine  
17 of not exceeding five hundred dollars, or both fine and imprisonment.

18           **Sec. 21.** RCW 46.72A.060 and 1996 c 87 s 9 are each amended to read  
19 as follows:

20           (1) The department shall require limousine carriers to obtain and  
21 continue in effect, liability and property damage insurance from a  
22 company licensed to sell liability insurance in this state for each  
23 limousine used to transport persons for compensation.

24           (2) The department shall fix the amount of the insurance policy or  
25 policies, giving consideration to the character and amount of traffic,  
26 the number of persons affected, and the degree of danger that the  
27 proposed operation involves. The limousine carrier must maintain the  
28 liability and property damage insurance in force on each motor-  
29 propelled vehicle while so used.

30           (3) Failure to file and maintain in effect ~~((this))~~ the insurance  
31 required under this section is a gross misdemeanor.

32           **Sec. 22.** RCW 46.72A.070 and 1996 c 87 s 10 are each amended to  
33 read as follows:

34           (1) If the limousine carrier substitutes a liability and property  
35 damage insurance policy after a vehicle certificate has been issued, a  
36 new vehicle certificate is required. The limousine carrier shall



1 submit the substituted policy to the department for approval, together  
2 with a fee. If the department approves the substituted policy, the  
3 department shall issue a new vehicle certificate.

4 (2) If a vehicle certificate has been lost, destroyed, or stolen,  
5 a duplicate vehicle certificate may be obtained by filing an affidavit  
6 of loss and paying a fee.

7 (3) (a) Except as provided in (b) of this subsection, a limousine  
8 carrier who operates a vehicle without first having received a vehicle  
9 certificate as required by this chapter is guilty of a misdemeanor (~~on~~  
10 ~~the first offense and~~).

11 (b) A second or subsequent offense is a gross misdemeanor (~~on a~~  
12 ~~second or subsequent offense~~).

13 **Sec. 23.** RCW 46.80.020 and 1995 c 256 s 5 are each amended to read  
14 as follows:

15 (1) It is unlawful for a person to engage in the business of  
16 wrecking vehicles without having first applied for and received a  
17 license.

18 (2) (a) Except as provided in (b) of this subsection, a person or  
19 firm engaged in the unlawful activity described in this section is  
20 guilty of a gross misdemeanor.

21 (b) A second or subsequent offense is a class C felony punishable  
22 according to chapter 9A.20 RCW.

23 **Sec. 24.** RCW 46.80.190 and 1995 c 256 s 20 are each amended to  
24 read as follows:

25 (1) The department of licensing or its authorized agent may examine  
26 or subpoena any persons, books, papers, records, data, vehicles, or  
27 vehicle parts bearing upon the investigation or proceeding under this  
28 chapter.

29 (2) The persons subpoenaed may be required to testify and produce  
30 any books, papers, records, data, vehicles, or vehicle parts that the  
31 director deems relevant or material to the inquiry.

32 (3) The director or an authorized agent may administer an oath to  
33 the person required to testify, and a person giving false testimony  
34 after the administration of the oath is guilty of perjury in the first  
35 degree under RCW 9A.72.020.

1       (4) A court of competent jurisdiction may, upon application by the  
2 director, issue to a person who fails to comply, an order to appear  
3 before the director or officer designated by the director, to produce  
4 documentary or other evidence touching the matter under investigation  
5 or in question.

6       **Sec. 25.** RCW 46.87.260 and 1987 c 244 s 39 are each amended to  
7 read as follows:

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

14       **Sec. 26.** RCW 46.87.290 and 1997 c 183 s 6 are each amended to read  
15 as follows:

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

29       (2) Any person removing, driving, or operating the vehicle(s) after  
30 the refusal of the department to issue a cab card(s), certificate(s) of  
31 registration, license plate(s), or the revocation or cancellation of  
32 the cab card(s), certificate(s) of registration, or license plate(s) is  
33 guilty of a gross misdemeanor.

34       (3) At the discretion of the department, a vehicle that has been  
35 moved, driven, or operated in violation of this section may be  
36 impounded by the Washington state patrol, county sheriff, or city

1 police in a manner directed for such cases by the chief of the  
2 Washington state patrol until proper registration and license plate  
3 have been issued.

4 **Sec. 27.** RCW 47.68.255 and 2000 c 229 s 3 are each amended to read  
5 as follows:

6 A person who is required to register an aircraft under this chapter  
7 and who registers an aircraft in another state or foreign country  
8 evading the Washington aircraft excise tax is guilty of a gross  
9 misdemeanor. For a second or subsequent offense, the person convicted  
10 is also subject to a fine equal to four times the amount of avoided  
11 taxes and fees, no part of which may be suspended or deferred. Excise  
12 taxes owed and fines assessed will be deposited in the manner provided  
13 under RCW 46.16.010(~~(+2)~~) (4).

14 **Sec. 28.** RCW 88.02.118 and 2000 c 229 s 6 are each amended to read  
15 as follows:

16 It is a gross misdemeanor punishable as provided under chapter  
17 9A.20 RCW for any person owning a vessel subject to taxation under  
18 chapter 82.49 RCW to register a vessel in another state to avoid  
19 Washington state vessel excise tax required under chapter 82.49 RCW or  
20 to obtain a vessel dealer's registration for the purpose of evading  
21 excise tax on vessels under chapter 82.49 RCW. For a second or  
22 subsequent offense, the person convicted is also subject to a fine  
23 equal to four times the amount of avoided taxes and fees, no part of  
24 which may be suspended or deferred. Excise taxes owed and fines  
25 assessed will be deposited in the manner provided under RCW  
26 46.16.010(~~(+2)~~) (4).

--- END ---