

INITIATIVE 977

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 977 to the People is a true and correct copy as it was received by this office.

1 AN ACT Relating to elimination of Washington vehicle license tabs;
2 amending RCW 46.16.010, 46.16.230, 46.16.260, 82.38.075, and 82.44.060;
3 adding new sections to chapter 46.16 RCW; and repealing RCW 46.16.0621,
4 46.16.006, 46.16.0105, 46.16.063, 46.16.068, 46.16.070, 46.16.071,
5 46.16.079, 46.16.085, 46.16.086, 46.16.090, 46.16.111, 46.16.121,
6 46.16.125, 46.16.135, 46.16.150, 46.16.225, 46.87.010, 46.87.020,
7 46.87.022, 46.87.023, 46.87.025, 46.87.030, 46.87.040, 46.87.050,
8 46.87.060, 46.87.070, 46.87.080, 46.87.090, 46.87.120, 46.87.130,
9 46.87.140, 46.87.150, 46.87.190, 46.87.200, 46.87.210, 46.87.220,
10 46.87.230, 46.87.240, 46.87.250, 46.87.260, 46.87.270, 46.87.280,
11 46.87.290, 46.87.294, 46.87.296, 46.87.300, 46.87.310, 46.87.320,
12 46.87.330, 46.87.335, 46.87.340, 46.87.350, 46.87.360, 46.87.370,
13 46.87.380, 46.87.390, 46.87.400, 46.87.410, 46.87.900, 46.87.910, and
14 82.50.460.

15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

16 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.16 RCW
17 to read as follows:

18 After obtaining an initial valid registration for a motor vehicle,
19 the registration for such motor vehicle remains valid: (1) Without

1 being required to be renewed; and (2) without payment of license tab
2 fees. The department may not collect any fees associated with the
3 vehicle's registration in addition to those fees required to be paid
4 for the initial registration.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.16 RCW
6 to read as follows:

7 (1) On January 2, 2009, and every January 2nd thereafter, the
8 department is required to report to the department of revenue the
9 amount of license tab fees that would have been collected for the prior
10 calendar year under this chapter, if this act had not been enacted.

11 (2) On July 1, 2009, and every July 1st thereafter, the department
12 of revenue is required to increase the fuel tax under chapters 82.36
13 and 82.38 RCW in an amount necessary to generate revenue equal to the
14 amount reported by the department of licensing under subsection (1) of
15 this section.

16 NEW SECTION. **Sec. 3.** The following acts or parts of acts are each
17 repealed:

18 (1) RCW 46.16.0621 (License fee) and 2003 c 1 s 2, 2002 c 352 s 7,
19 & 2000 1st sp.s. c 1 s 1;

20 (2) RCW 46.16.006 ("Registration year" defined--Registration
21 months--"Last day of the month") and 1992 c 222 s 1, 1983 c 27 s 1,
22 1981 c 214 s 1, & 1975 1st ex.s. c 118 s 1;

23 (3) RCW 46.16.0105 (Exemption--Vehicles in national recreation
24 areas) and 2005 c 79 s 1;

25 (4) RCW 46.16.063 (Additional fee for recreational vehicles) and
26 1996 c 237 s 1 & 1980 c 60 s 2;

27 (5) RCW 46.16.068 (Trailing units--Permanent plates) and 1998 c 321
28 s 32 & 1993 c 123 s 4;

29 (6) RCW 46.16.070 (License fee on trucks, buses, and for hire
30 vehicles based on gross weight) and 2005 c 314 s 204;

31 (7) RCW 46.16.071 (Additional fees) and 1996 c 315 s 4;

32 (8) RCW 46.16.079 (Fixed load motor vehicle equipped for lifting or
33 towing--Capacity fee in addition to and in lieu) and 1986 c 18 s 5,
34 1975 c 25 s 16, & 1963 c 18 s 1;

35 (9) RCW 46.16.085 (Commercial trailers, pole trailers--Fee in lieu)
36 and 1991 c 163 s 3, 1989 c 156 s 2, 1987 c 244 s 4, 1986 c 18 s 8, &
37 1985 c 380 s 16;

1 (10) RCW 46.16.086 (Single-axle trailers--Fee in lieu) and 2006 c
2 337 s 2 & 2005 c 314 s 203;

3 (11) RCW 46.16.090 (Gross weight fees on farm vehicles--Penalty)
4 and 1989 c 156 s 3 & 1986 c 18 s 10;

5 (12) RCW 46.16.111 (Gross weight, how computed) and 1987 c 244 s 5,
6 1986 c 18 s 11, 1971 ex.s. c 231 s 1, 1969 ex.s. c 170 s 6, & 1967
7 ex.s. c 83 s 57;

8 (13) RCW 46.16.121 (Seating capacity fees on stages, for hire
9 vehicles) and 1967 ex.s. c 83 s 58;

10 (14) RCW 46.16.125 (Mileage fees on stages--Penalty) and 1997 c 215
11 s 2, 1967 ex.s. c 83 s 60, & 1961 c 12 s 46.16.125;

12 (15) RCW 46.16.135 (Monthly license fee--Penalty) and 1986 c 18 s
13 12, 1985 c 380 s 19, 1979 ex.s. c 136 s 46, 1979 c 134 s 1, 1975-'76
14 2nd ex.s. c 64 s 3, 1975 1st ex.s. c 118 s 6, 1969 ex.s. c 170 s 7, &
15 1961 c 12 s 46.16.135;

16 (16) RCW 46.16.150 (School buses exempt from load and seat capacity
17 fees) and 1961 c 12 s 46.16.150;

18 (17) RCW 46.16.225 (Adjustment of vehicle registration periods to
19 stagger renewal periods) and 1986 c 18 s 15, 1979 c 158 s 140, & 1975
20 1st ex.s. c 118 s 2;

21 (18) RCW 46.87.010 (Applicability--Implementation) and 2005 c 194
22 s 1, 1987 c 244 s 15, 1986 c 18 s 22, & 1985 c 380 s 1;

23 (19) RCW 46.87.020 (Definitions) and 2005 c 194 s 2, 2003 c 85 s 1,
24 1997 c 183 s 2, 1994 c 262 s 12, 1993 c 307 s 12, 1991 c 163 s 4, 1990
25 c 42 s 111, 1987 c 244 s 16, & 1985 c 380 s 2;

26 (20) RCW 46.87.022 (Rental trailers, converter gears) and 1990 c
27 250 s 74;

28 (21) RCW 46.87.023 (Rental car businesses) and 1994 c 227 s 2 &
29 1992 c 194 s 7;

30 (22) RCW 46.87.025 (Vehicles titled in owner's name) and 1990 c 250
31 s 75 & 1987 c 244 s 17;

32 (23) RCW 46.87.030 (Part-year registration--Credit for unused fees)
33 and 2005 c 194 s 3, 1997 c 183 s 3, 1993 c 307 s 13, 1987 c 244 s 18,
34 1986 c 18 s 23, & 1985 c 380 s 3;

35 (24) RCW 46.87.040 (Purchase of additional gross weight) and 1994
36 c 262 s 13, 1987 c 244 s 19, & 1985 c 380 s 4;

37 (25) RCW 46.87.050 (Deposit of fees) and 2005 c 194 s 4, 1987 c 244
38 s 20, & 1985 c 380 s 5;

1 (26) RCW 46.87.060 (Apportionment of fees, formula) and 1987 c 244
2 s 21 & 1985 c 380 s 6;
3 (27) RCW 46.87.070 (Reciprocity for trailers, semitrailers, pole
4 trailers) and 2005 c 194 s 5 & 1993 c 123 s 1;
5 (28) RCW 46.87.080 (Cab cards, validation tabs, special license
6 plates--Design, procedures--Issuance, refusal, revocation) and 2005 c
7 194 s 6, 1998 c 115 s 1, 1993 c 307 s 14, 1987 c 244 s 23, & 1985 c 380
8 s 8;
9 (29) RCW 46.87.090 (Apportioned vehicle license plates, cab card,
10 validation tabs--Replacement--Fees) and 1994 c 262 s 14, 1987 c 244 s
11 24, 1986 c 18 s 24, & 1985 c 380 s 9;
12 (30) RCW 46.87.120 (Mileage data for applications) and 2005 c 194
13 s 7, 1997 c 183 s 4, 1990 c 42 s 113, & 1987 c 244 s 25;
14 (31) RCW 46.87.130 (Transaction fee) and 2005 c 194 s 8 & 1987 c
15 244 s 26;
16 (32) RCW 46.87.140 (Application--Filing, contents--Fees and taxes--
17 Assessments, due date) and 2005 c 194 s 9, 2003 c 85 s 2, 1997 c 183 s
18 5, 1991 c 339 s 10, 1990 c 42 s 114, & 1987 c 244 s 27;
19 (33) RCW 46.87.150 (Overpayment, underpayment--Refund, additional
20 charge) and 1996 c 91 s 1 & 1987 c 244 s 28;
21 (34) RCW 46.87.190 (Suspension or cancellation of benefits) and
22 2005 c 194 s 10 & 1987 c 244 s 32;
23 (35) RCW 46.87.200 (Refusal of registration--Federal heavy vehicle
24 use tax) and 1987 c 244 s 33;
25 (36) RCW 46.87.210 (Refusal of application from nonreciprocal
26 jurisdiction) and 1987 c 244 s 34;
27 (37) RCW 46.87.220 (Gross weight computation) and 1987 c 244 s 35;
28 (38) RCW 46.87.230 (Responsibility for unlawful acts or omissions)
29 and 1987 c 244 s 36;
30 (39) RCW 46.87.240 (Relationship of department with other
31 jurisdictions) and 1987 c 244 s 37;
32 (40) RCW 46.87.250 (Authority of chapter) and 1987 c 244 s 38;
33 (41) RCW 46.87.260 (Alteration or forgery of cab card or letter of
34 authority--Penalty) and 2003 c 53 s 255 & 1987 c 244 s 39;
35 (42) RCW 46.87.270 (Gross weight on vehicle) and 1990 c 250 s 77 &
36 1987 c 244 s 40;
37 (43) RCW 46.87.280 (Effect of other registration) and 1987 c 244 s
38 41;

1 (44) RCW 46.87.290 (Refusal, cancellation of application, cab
2 card--Procedures, penalties) and 2003 c 53 s 256, 1997 c 183 s 6, &
3 1987 c 244 s 42;

4 (45) RCW 46.87.294 (Refusal under federal prohibition) and 2003 c
5 85 s 3;

6 (46) RCW 46.87.296 (Suspension, revocation under federal
7 prohibition) and 2003 c 85 s 4;

8 (47) RCW 46.87.300 (Appeal of suspension, revocation, cancellation,
9 refusal) and 1987 c 244 s 43;

10 (48) RCW 46.87.310 (Application records--Preservation, contents,
11 audit--Additional assessments, penalties, refunds) and 1996 c 91 s 2,
12 1993 c 307 s 15, & 1987 c 244 s 44;

13 (49) RCW 46.87.320 (Departmental audits, investigations--Subpoenas)
14 and 1987 c 244 s 45;

15 (50) RCW 46.87.330 (Assessments--When due, penalties--
16 Reassessment--Petition, notice, service--Injunctions, writs of mandate
17 restricted) and 1996 c 91 s 3 & 1987 c 244 s 46;

18 (51) RCW 46.87.335 (Mitigation of assessments) and 1994 c 262 s 15
19 & 1991 c 339 s 5;

20 (52) RCW 46.87.340 (Assessments--Lien for nonpayment) and 1993 c
21 307 s 16 & 1987 c 244 s 47;

22 (53) RCW 46.87.350 (Delinquent obligations--Notice--Restriction on
23 credits or property--Default judgments--Lien) and 1994 c 262 s 16 &
24 1987 c 244 s 48;

25 (54) RCW 46.87.360 (Delinquent obligations--Collection by
26 department--Seizure of property, notice, sale) and 1987 c 244 s 49;

27 (55) RCW 46.87.370 (Warrant for final assessments--Lien on
28 property) and 2001 c 146 s 6 & 1987 c 244 s 50;

29 (56) RCW 46.87.380 (Delinquent obligations--Collection by attorney
30 general) and 1987 c 244 s 51;

31 (57) RCW 46.87.390 (Remedies cumulative) and 1987 c 244 s 52;

32 (58) RCW 46.87.400 (Civil immunity) and 1987 c 244 s 53;

33 (59) RCW 46.87.410 (Bankruptcy proceedings--Notice) and 1997 c 183
34 s 1;

35 (60) RCW 46.87.900 (Severability--1985 c 380) and 1985 c 380 s 26;

36 (61) RCW 46.87.910 (Short title) and 1987 c 244 s 54; and

37 (62) RCW 82.50.460 (Notice of amount of tax payable--Contents) and
38 1979 c 123 s 3, 1975 1st ex.s. c 118 s 17, & 1971 ex.s. c 299 s 61.

1 **Sec. 4.** RCW 46.16.010 and 2006 c 212 s 1 are each amended to read
2 as follows:

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

8 (2) Failure to make initial registration before operation on the
9 highways of this state is a traffic infraction, and any person
10 committing this infraction shall pay a penalty of five hundred twenty-
11 nine dollars, no part of which may be suspended or deferred.

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

14 ~~—(4))~~) The licensing of a vehicle in another state by a resident of
15 this state, as defined in RCW 46.16.028, evading the payment of any tax
16 or license fee imposed in connection with registration, is a gross
17 misdemeanor punishable as follows:

18 (a) For a first offense, up to one year in the county jail and
19 payment of a fine of five hundred twenty-nine dollars plus twice the
20 amount of delinquent taxes and fees, no part of which may be suspended
21 or deferred;

22 (b) For a second or subsequent offense, up to one year in the
23 county jail and payment of a fine of five hundred twenty-nine dollars
24 plus four times the amount of delinquent taxes and fees, no part of
25 which may be suspended or deferred;

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

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

32 ~~((5))~~) (4) These provisions shall not apply to the following
33 vehicles:

34 (a) Motorized foot scooters;

35 (b) Electric-assisted bicycles;

36 (c) Off-road vehicles operating on nonhighway roads under RCW
37 46.09.115;

38 (d) Farm vehicles if operated within a radius of fifteen miles of
39 the farm where principally used or garaged, farm tractors and farm

1 implements including trailers designed as cook or bunk houses used
2 exclusively for animal herding temporarily operating or drawn upon the
3 public highways, and trailers used exclusively to transport farm
4 implements from one farm to another during the daylight hours or at
5 night when such equipment has lights that comply with the law;

6 (e) Spray or fertilizer applicator rigs designed and used
7 exclusively for spraying or fertilization in the conduct of
8 agricultural operations and not primarily for the purpose of
9 transportation, and nurse rigs or equipment auxiliary to the use of and
10 designed or modified for the fueling, repairing, or loading of spray
11 and fertilizer applicator rigs and not used, designed, or modified
12 primarily for the purpose of transportation;

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

19 (g) "Trams" used for transporting persons to and from facilities
20 related to the horse racing industry as regulated in chapter 67.16 RCW,
21 as long as the public right-of-way routes over which the trams operate
22 are not more than one mile from end to end, the public rights-of-way
23 over which the tram operates have an average daily traffic of not more
24 than 15,000 vehicles per day, and the activity is in conformity with
25 federal law. The operator must be a licensed driver and at least
26 eighteen years old. For the purposes of this section, "tram" also
27 means a vehicle, or combination of vehicles linked together with a
28 single mode of propulsion, used to transport persons from one location
29 to another;

30 (h) "Special highway construction equipment" defined as follows:
31 Any vehicle which is designed and used primarily for grading of
32 highways, paving of highways, earth moving, and other construction work
33 on highways and which is not designed or used primarily for the
34 transportation of persons or property on a public highway and which is
35 only incidentally operated or moved over the highway. It includes, but
36 is not limited to, road construction and maintenance machinery so
37 designed and used such as portable air compressors, air drills, asphalt
38 spreaders, bituminous mixers, bucket loaders, track laying tractors,
39 ditchers, leveling graders, finishing machines, motor graders, paving

1 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,
2 lighting plants, welders, pumps, power shovels and draglines, self-
3 propelled and tractor-drawn earth moving equipment and machinery,
4 including dump trucks and tractor-dump trailer combinations which
5 either (i) are in excess of the legal width, or (ii) which, because of
6 their length, height, or unladen weight, may not be moved on a public
7 highway without the permit specified in RCW 46.44.090 and which are not
8 operated laden except within the boundaries of the project limits as
9 defined by the contract, and other similar types of construction
10 equipment, or (iii) which are driven or moved upon a public highway
11 only for the purpose of crossing such highway from one property to
12 another, provided such movement does not exceed five hundred feet and
13 the vehicle is equipped with wheels or pads which will not damage the
14 roadway surface.

15 Exclusions:

16 "Special highway construction equipment" does not include any of
17 the following:

18 Dump trucks originally designed to comply with the legal size and
19 weight provisions of this code notwithstanding any subsequent
20 modification which would require a permit, as specified in RCW
21 46.44.090, to operate such vehicles on a public highway, including
22 trailers, truck-mounted transit mixers, cranes and shovels, or other
23 vehicles designed for the transportation of persons or property to
24 which machinery has been attached.

25 ~~((+6+))~~ (5) The following vehicles, whether operated solo or in
26 combination, are exempt from license registration and displaying
27 license plates as required by this chapter:

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

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

37 (c) An off-road vehicle operated on a street, road, or highway as
38 authorized under RCW 46.09.180.

1 (~~(7)~~) (6)(a) A motor vehicle subject to initial or renewal
2 registration under this section shall not be registered to a natural
3 person unless the person at time of application:

- 4 (i) Presents an unexpired Washington state driver's license; or
5 (ii) Certifies that he or she is:

6 (A) A Washington resident who does not operate a motor vehicle on
7 public roads; or

8 (B) Exempt from the requirement to obtain a Washington state
9 driver's license under RCW 46.20.025.

10 (b) For shared or joint ownership, the department will set up
11 procedures to verify that all owners meet the requirements of this
12 subsection.

13 (c) A person falsifying residency is guilty of a gross misdemeanor
14 punishable only by a fine of five hundred twenty-nine dollars.

15 (d) The department may adopt rules necessary to implement this
16 subsection, including rules under which a natural person applying for
17 registration may be exempt from the requirements of this subsection
18 where the person provides evidence satisfactory to the department that
19 he or she has a valid and compelling reason for not being able to meet
20 the requirements of this subsection.

21 **Sec. 5.** RCW 46.16.230 and 1992 c 7 s 41 are each amended to read
22 as follows:

23 The director shall furnish to all persons making satisfactory
24 application for vehicle license as provided by law, two identical
25 vehicle license number plates each containing the vehicle license
26 number to be displayed on such vehicle as by law required: PROVIDED,
27 That if the vehicle to be licensed is a trailer, semitrailer or
28 motorcycle only one vehicle license number plate shall be issued for
29 each thereof. The number and plate shall be of such size and color and
30 shall contain such symbols indicative of the registration period for
31 which the same is issued and of the state of Washington, as shall be
32 determined and prescribed by the director. Any vehicle license number
33 plate or plates issued to a dealer shall contain thereon a sufficient
34 and satisfactory indication that such plates have been issued to a
35 dealer in vehicles. All vehicle license number plates may be obtained
36 by the director from the metal working plant of a state correctional
37 facility or from any source in accordance with existing state of
38 Washington purchasing procedures.

1	0 - 6,000	\$ 45
2	6,001 - 10,000	\$ 45
3	10,001 - 18,000	\$ 80
4	18,001 - 28,000	\$110
5	28,001 - 36,000	\$150
6	36,001 and above	\$250

7 To determine the actual annual license fee imposed by this section
8 for a (~~registration~~) calendar year, the appropriate dollar amount set
9 out in the above schedule shall be multiplied by the motor vehicle fuel
10 tax rate in cents per gallon as established by RCW 82.36.025 effective
11 on July 1st of the preceding calendar year and the product thereof
12 shall be divided by 12 cents.

13 The department of licensing, in addition to the foregoing fee,
14 shall charge a further fee of five dollars as a handling charge for
15 each license issued.

16 The director of licensing shall be authorized to prorate the
17 vehicle tonnage fee so that the annual license required by this section
18 will correspond with the staggered vehicle licensing system.

19 A decal or other identifying device issued upon payment of these
20 annual fees shall be displayed as prescribed by the department as
21 authority to purchase this fuel.

22 Persons selling or dispensing natural gas or propane may not sell
23 or dispense this fuel for their own use or the use of others into tanks
24 of vehicles powered by this fuel which do not display a valid decal or
25 other identifying device as provided in this section.

26 Vehicles registered in jurisdictions outside the state of
27 Washington are exempt from this section.

28 Any person selling or dispensing natural gas or propane into the
29 tank of a motor vehicle powered by this fuel, except as prescribed in
30 this chapter, is subject to the penalty provisions of this chapter.

31 **Sec. 8.** RCW 82.44.060 and 2006 c 318 s 3 are each amended to read
32 as follows:

33 Any locally imposed excise tax shall be due and payable to the
34 department or its agents at the time of registration of a motor
35 vehicle. Whenever an application is made to the department or its
36 agents for a license for a motor vehicle there shall be collected, in
37 addition to the amount of the license fee or renewal license fee, the
38 amount of any locally imposed excise tax, and no dealer's license or

1 license plates, and no license or license plates for a motor vehicle
2 shall be issued unless such tax is paid in full. Locally imposed
3 excise taxes shall be collected for each (~~registration~~) calendar
4 year. Any locally imposed excise tax upon a motor vehicle licensed for
5 the first time in this state shall be levied for one full
6 (~~registration~~) year commencing on the date of the calendar year
7 designated by the department and ending on the same date of the next
8 succeeding calendar year. (~~For vehicles registered under chapter~~
9 ~~46.87 RCW, proportional registration, and~~) For vehicle dealer plates
10 issued under chapter 46.70 RCW, the registration year is the period
11 provided in those chapters. However, the tax shall in no case be less
12 than two dollars (~~except for proportionally registered vehicles~~).

13 A motor vehicle shall be deemed licensed for the first time in this
14 state when such vehicle was not previously licensed by this state for
15 the (~~registration~~) calendar year immediately preceding the
16 (~~registration~~) calendar year in which the application for license is
17 made or when the vehicle has been registered in another jurisdiction
18 subsequent to any prior registration in this state.

19 No additional tax shall be imposed under this chapter upon any
20 vehicle upon the transfer of ownership thereof if the tax imposed with
21 respect to such vehicle has already been paid for the (~~registration~~)
22 calendar year or fraction of a (~~registration~~) calendar year in which
23 transfer of ownership occurs.

--- END ---