

**Chapter 46.12 RCW
CERTIFICATES OF TITLE**

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GENERAL PROVISIONS

**RCW 46.12.520 Certificate required to operate and sell vehicle—
Manufacturer or dealer testing—Security interest, how perfected.** (1)
A person shall not:

(a) Operate a vehicle in this state with a registration certificate issued by the department without having a certificate of title for the vehicle that contains the name of the registered owner exactly as it appears on the registration certificate; or

(b) Sell or transfer a vehicle without complying with the provisions of this chapter relating to certificates of title and vehicle registration.

(2) A certificate of title does not need to be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or for a vehicle used by a manufacturer or dealer solely for testing. A security interest in a vehicle held as inventory by a manufacturer or dealer must be perfected as described in chapter 62A.9A RCW. An endorsement is not required on certificates of title held by a manufacturer or dealer to perfect the security interest. A certificate of title may be issued for any vehicle without the vehicle needing to be registered. [2010 c 161 s 301; 1997 c 241 s 3; 1979 c 158 s 132; 1975 c 25 s 6; 1967 c 140 s 1; 1967 c 32 s 6; 1961 c 12 s 46.12.010. Prior: 1937 c 188 s 2; RRS s 6312-2. Formerly RCW 46.12.010.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1967 c 140: "This act shall become effective at midnight on June 30, 1967. It applies to transactions entered into and events occurring after that date." [1967 c 140 s 11.]

RCW 46.12.530 Application—Contents—Examination of vehicle. (1)

The application for a certificate of title of a vehicle must be made by the owner or owner's representative to the department, county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vehicle, including make, model, vehicle identification number, type of body, and the odometer reading at the time of delivery of the vehicle;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party; and

(c) Other information the department may require.

(2) The department may require additional information and a physical examination of the vehicle or of any class of vehicles, or either.

(3) The application for a certificate of title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under chapter 5.50 RCW. The department shall keep the application in the original, computer, or photostatic form.

(4) The application for an original certificate of title must be accompanied by:

(a) A draft, money order, certified bank check, or cash for all fees and taxes due for the application for certificate of title; and

(b) The most recent certificate of title or other satisfactory evidence of ownership.

(5) Once issued, a certificate of title is not subject to renewal.

(6) Whenever any person, after applying for or receiving a certificate of title, moves from the address named in the application or in the certificate of title issued to him or her, or changes his or her name of record, the person shall, within ten days thereafter, notify the department of the name or address change as provided in RCW 46.08.195. [2019 c 232 s 18; 2017 c 147 s 3; 2010 c 161 s 302; 2007 c 420 s 1; 2005 c 173 s 1; 2004 c 188 s 1; 2001 c 125 s 1. Prior: 1995 c 274 s 1; 1995 c 256 s 23; 1990 c 238 s 1; 1975 c 25 s 8; 1974 ex.s. c 128 s 1; 1972 ex.s. c 99 s 2; 1967 c 32 s 8; 1961 c 12 s 46.12.030; prior: 1947 c 164 s 1, part; 1937 c 188 s 3, part; Rem. Supp. 1947 s 6312-2, part. Formerly RCW 46.12.030.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—2001 c 125: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2001." [2001 c 125 s 5.]

Effective date, implementation—1990 c 238: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect May 1, 1990. The director of licensing shall immediately take such steps as are necessary to ensure that this act is implemented on its effective date." [1990 c 238 s 9.]

Effective date—1974 ex.s. c 128: "This 1974 amendatory act shall take effect July 1, 1974." [1974 ex.s. c 128 s 3.]

Notice of liability insurance requirement: RCW 46.16A.130.

RCW 46.12.540 Issuance of certificates—Contents. (1) The department shall issue an electronic record of ownership or a written certificate of title if the department is satisfied from the statements on the application that the applicant is the legal owner of the vehicle or otherwise entitled to have a certificate of title in the applicant's name.

(2) Each certificate of title issued by the department must contain:

- (a) The date of application;
- (b) The certificate of title number assigned to the vehicle;
- (c) The name and address of the registered owner and legal owner;
- (d) The vehicle identification number;
- (e) The mileage reading, if required, as provided by the odometer disclosure statement submitted with the application involving a transfer of ownership;
- (f) A notation that the recorded mileage is actual, not actual, or exceeds mechanical limits;
- (g) A blank space on the face of the certificate of title for the signature of the registered owner;
- (h) Information on whether the vehicle was ever registered and operated as an exempt vehicle or taxicab;
- (i) A brand conspicuously shown across its front if indicating that the vehicle has been rebuilt after becoming a salvage vehicle;
- (j) The director's signature and the seal of the department; and
- (k) Any other description of the vehicle and facts the department may require.

(3) The department shall deliver the registration certificate to the registered owner and the certificate of title to the legal owner, or both to the person who is both the registered owner and legal owner. [2010 c 161 s 305; 1996 c 26 s 2; 1993 c 307 s 1; 1990 c 238 s 3; 1975 c 25 s 9; 1967 c 32 s 9; 1961 c 12 s 46.12.050. Prior: 1959 c 166 s 1; 1947 c 164 s 2; 1937 c 188 s 4; Rem. Supp. 1947 s 6312-4. Formerly RCW 46.12.050.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date, implementation—1990 c 238: See note following RCW 46.12.530.

RCW 46.12.550 Refusal or cancellation of certificate—Notice—Penalty for subsequent operation—Appeals. (1) The department may refuse to issue or may cancel a certificate of title at any time if the department determines that an applicant for a certificate of title is not entitled to a certificate of title. Notice of cancellation may be accomplished by sending a notice by first-class mail using the last known address in department records for the registered or legal owner or owners, and completing an affidavit of first-class mail. It is

unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of title has been issued. Any person removing, driving, or operating a vehicle after the refusal to issue or cancellation of the certificate of title is guilty of a gross misdemeanor.

(2) (a) The suspension of, revocation of, cancellation of, or refusal to issue a certificate of title or vehicle registration provided for in chapters 46.12 and 46.16A RCW by the director is conclusive unless the person whose registration or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county or the person's county of residence.

(b) Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal, the court shall issue an order to the director to show cause why the registration should not be granted or reinstated and return the order not less than ten days after the date of service of the notice to the director. Service must be in the manner as prescribed for the service of a summons and complaint in other civil actions.

(c) Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the registration or certificate and enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal. [2011 c 171 s 35; 2010 c 161 s 315; 1994 c 262 s 5; 1975 c 25 s 12; 1961 c 12 s 46.12.160. Prior: 1959 c 166 s 14; prior: 1947 c 164 s 4(g); 1937 c 188 s 6(g); Rem. Supp. 1947 s 6312-6(g). Formerly RCW 46.12.160.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.12.555 Quick title—Application requirements—Limitation—Subagents. (1) The application for a quick title of a vehicle must be submitted by the owner or the owner's representative to the department, participating county auditor or other agent, or subagent appointed by the director on a form furnished or approved by the department and must contain:

(a) A description of the vehicle, including make, model, vehicle identification number, type of body, and the odometer reading at the time of delivery of the vehicle, when required;

(b) The name and address of the person who is to be the registered owner of the vehicle and, if the vehicle is subject to a security interest, the name and address of the secured party; and

(c) Other information as may be required by the department.

(2) The application for a quick title must be signed by the person applying to be the registered owner and be sworn to by that person in the manner described under chapter 5.50 RCW. The department must keep a copy of the application.

(3) The application for a quick title must be accompanied by:

(a) All fees and taxes due for an application for a certificate of title, including a quick title service fee under RCW 46.17.160; and

(b) The most recent certificate of title or other satisfactory evidence of ownership.

(4) All applications for quick title must meet the requirements established by the department.

(5) For the purposes of this section, "quick title" means a certificate of title printed at the time of application.

(6) The quick title process authorized under this section may not be used to obtain the first title issued to a vehicle previously designated as a salvage vehicle as defined in RCW 46.04.514.

(7) A subagent may process a quick title under this section in accordance with rules adopted by the department. [2019 c 232 s 19; 2014 c 12 s 1; 2011 c 326 s 1.]

Application—2011 c 326: "This act applies to quick title transactions processed on and after January 1, 2012." [2011 c 326 s 6.]

Effective date—2011 c 326: "This act takes effect January 1, 2012." [2011 c 326 s 7.]

RCW 46.12.560 Inspection by state patrol or other authorized inspector. (Effective until April 1, 2025.) (1)(a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector if the vehicle:

(i) Was declared a total loss or salvage vehicle under the laws of this state;

(ii) Has been rebuilt after the certificate of title was returned to the department under RCW 46.12.600 and the vehicle was not kept by the registered owner at the time of the vehicle's destruction or declaration as a total loss; or

(iii) Is presented with documents from another state showing that the vehicle was a total loss or salvage vehicle and has not been reissued a valid registration certificate from that state after the declaration of total loss or salvage.

(b) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet all requirements in law and rule before the Washington state patrol will inspect the vehicle. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(c) A Washington state patrol vehicle identification number specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuilt vehicle were obtained legally, and must securely attach a marking at the driver's door latch pillar indicating the vehicle was previously destroyed or declared a total loss. It is a class C felony for a person to remove the marking indicating that the vehicle was previously destroyed or declared a total loss.

(2) A person presenting a vehicle for inspection under subsection (1) of this section must provide original invoices for new and used parts from:

(a) A vendor that is registered with the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased for the collection of retail sales or use taxes. The invoices must include:

- (i) The name and address of the business;
- (ii) A description of the part or parts sold;
- (iii) The date of sale; and

(iv) The amount of sale to include all taxes paid unless exempted by the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased;

(b) A vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased; and

(c) Private individuals. The private individual must have the certificate of title to the vehicle where the parts were taken from unless the parts were obtained from a parts car owned by a collector. Bills of sale for parts must be notarized and include:

- (i) The names and addresses of the sellers and purchasers;
- (ii) A description of the vehicle and the part or parts being sold, including the make, model, year, and identification or serial number;
- (iii) The date of sale; and
- (iv) The purchase price of the vehicle part or parts.

(3) A person presenting a vehicle for inspection under this section who is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described in this section shall apply for an ownership in doubt application described in RCW 46.12.680.

(4) (a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector when the application is for a vehicle being titled for the first time as:

- (i) Assembled;
- (ii) Glider kit;
- (iii) Homemade;
- (iv) Kit vehicle;
- (v) Street rod vehicle;
- (vi) Custom vehicle; or
- (vii) Subject to ownership in doubt under RCW 46.12.680.

(b) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(5) (a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol when the application is for a vehicle with a vehicle identification number that has been:

- (i) Altered;
- (ii) Defaced;
- (iii) Obliterated;
- (iv) Omitted;
- (v) Removed; or
- (vi) Otherwise absent.

(b) The application must include payment of the fee required in RCW 46.17.135.

(c) The Washington state patrol shall assign a new vehicle identification number to the vehicle and place or stamp the new number in a conspicuous position on the vehicle.

(d) The department shall use the new vehicle identification number assigned by the Washington state patrol as the official vehicle identification number assigned to the vehicle.

(6) The department may adopt rules as necessary to implement this section. [2011 c 114 s 7; 2010 c 161 s 303.]

Effective date—2011 c 114: See note following RCW 46.04.572.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.12.560 Inspection by state patrol or other authorized inspector. (Effective April 1, 2025.) (1) (a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector if the vehicle:

(i) Was declared a total loss or salvage vehicle under the laws of this state;

(ii) Has been rebuilt after the certificate of title was returned to the department under RCW 46.12.600 and the vehicle was not kept by the registered owner at the time of the vehicle's destruction or declaration as a total loss; or

(iii) Is presented with documents from another state showing that the vehicle was a total loss or salvage vehicle and has not been reissued a valid registration certificate from that state after the declaration of total loss or salvage.

(b) A vehicle presented for inspection must have all damaged major component parts replaced or repaired to meet all requirements in law and rule before the Washington state patrol will inspect the vehicle. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(c) A Washington state patrol vehicle identification number specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuilt vehicle were obtained legally, and must securely attach a marking at the driver's door latch pillar indicating the vehicle was previously destroyed or declared a total loss. It is a class C felony for a person to remove the marking indicating that the vehicle was previously destroyed or declared a total loss.

(2) A person presenting a vehicle for inspection under subsection (1) of this section must provide original invoices for new and used parts from:

(a) A vendor that is registered with the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased for the collection of retail sales or use taxes. The invoices must include:

- (i) The name and address of the business;
- (ii) A description of the part or parts sold;
- (iii) The date of sale; and

(iv) The amount of sale to include all taxes paid unless exempted by the department of revenue or a comparable agency in the jurisdiction where the major component parts were purchased;

(b) A vehicle wrecker licensed under chapter 46.80 RCW or a comparable business in the jurisdiction outside Washington state where the major component part was purchased; and

(c) Private individuals. The private individual must have the certificate of title to the vehicle where the parts were taken from unless the parts were obtained from a parts car owned by a collector. Bills of sale for parts must be notarized and include:

(i) The names and addresses of the sellers and purchasers;

(ii) A description of the vehicle and the part or parts being sold, including the make, model, year, and identification or serial number;

(iii) The date of sale; and

(iv) The purchase price of the vehicle part or parts.

(3) A person presenting a vehicle for inspection under this section who is unable to provide an acceptable release of interest or proof of ownership for a vehicle or major component part as described in this section shall apply for an ownership in doubt application described in RCW 46.12.680.

(4) (a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector when the application is for a vehicle being titled for the first time as:

(i) Assembled;

(ii) Glider kit;

(iii) Homemade;

(iv) Kit vehicle;

(v) Street rod vehicle;

(vi) Custom vehicle; or

(vii) Subject to ownership in doubt under RCW 46.12.680.

(b) The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the certificate of title and registration certificate.

(5) (a) Before accepting an application for a certificate of title, the department, county auditor or other agent, or subagent appointed by the director shall require an applicant to provide a certificate of vehicle inspection completed by the Washington state patrol when the application is for a vehicle with a vehicle identification number that has been:

(i) Altered;

(ii) Defaced;

(iii) Obliterated;

(iv) Omitted;

(v) Removed; or

(vi) Otherwise absent.

(b) The application must include payment of the fee required in RCW 46.17.135.

(c) The Washington state patrol shall assign a new vehicle identification number to the vehicle and place or stamp the new number in a conspicuous position on the vehicle.

(d) The department shall use the new vehicle identification number assigned by the Washington state patrol as the official vehicle identification number assigned to the vehicle.

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

(7) Nothing in this section creates a requirement for the Washington state patrol to inspect attached catalytic converters as major component parts. [2024 c 301 s 22; 2011 c 114 s 7; 2010 c 161 s 303.]

Effective date—Findings—Intent—2024 c 301: See notes following RCW 9A.82.180.

Effective date—2011 c 114: See note following RCW 46.04.572.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.12.570 Stolen vehicle check. The department shall institute software and systems modifications to enable a WACIC/NCIC stolen vehicle search of out-of-state vehicles as part of the application for a certificate of title transaction. During the stolen vehicle search, if the information obtained indicates the vehicle is stolen, the department shall immediately report that the vehicle is stolen to the Washington state patrol and the applicant must not be issued a certificate of title for the vehicle. Vehicles for which the stolen vehicle check is negative must be issued a certificate of title if the department is satisfied that all other requirements have been met. [2010 c 161 s 304; 2002 c 246 s 1; 2001 c 125 s 3. Formerly RCW 46.12.047.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—2001 c 125: See note following RCW 46.12.530.

RCW 46.12.580 Duplicate for lost, stolen, mutilated, etc. certificate. A legal owner or the legal owner's authorized representative may apply for a duplicate certificate of title if a certificate of title is lost, stolen, mutilated, or destroyed, or becomes illegible. The application for a duplicate certificate of title must include information required by the department and be accompanied by the fee required in RCW 46.17.100. The duplicate certificate of title must contain the word, "duplicate." It must be provided to the first priority secured party named in it or, if none, to the legal owner.

A person recovering a certificate of title for which a duplicate has been issued shall promptly return the certificate of title that has been recovered to the department. [2010 c 161 s 317; 2002 c 352 s 6; 1997 c 241 s 7; 1994 c 262 s 7; 1990 c 250 s 31; 1969 ex.s. c 170 s 1; 1967 c 140 s 8. Formerly RCW 46.12.181.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Effective date—1967 c 140: See note following RCW 46.12.520.

RCW 46.12.590 Procedure on installation of new or different motor—Penalty.

(1) A person shall apply for a new certificate of title for any motor vehicle registered by its motor number when:

- (a) A new or different motor has been installed; and
- (b) The most recent certificate of title issued for the motor vehicle has recorded on it the previous motor number.

(2) The application for a new certificate of title required in subsection (1) of this section must:

- (a) Be made within five days after installation of the new motor;
 - (b) Be made by the owner or owner's authorized representative to the department, county auditor or other agent, or subagent;
 - (c) Require the most recent certificate of title to be returned to the department;
 - (d) Include a statement of the disposition of the former motor;
- and
- (e) Include the fee required under RCW 46.17.100 in addition to any other fee or tax required by law.

(3) A person who possesses a certificate of title that shows the previous motor number for a motor vehicle in which a new or different motor has been installed, after five days following the installation of the new motor, is in violation of this chapter. A violation of this section constitutes a misdemeanor. [2010 c 161 s 307; 2002 c 352 s 4; 1997 c 241 s 4; 1979 ex.s. c 113 s 1; 1961 c 12 s 46.12.080. Prior: 1959 c 166 s 5; prior: 1951 c 269 s 3; 1947 c 164 s 3(c); 1939 c 182 s 1(c); 1937 c 188 s 5(c); Rem. Supp. 1947 s 6312-5(c). Formerly RCW 46.12.080.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective dates—2002 c 352: See note following RCW 46.09.410.

RCW 46.12.600 Destruction of vehicle—Surrender of certificate, penalty—Report of settlement by insurance company—Market value threshold.

(1)(a) The registered owner or legal owner shall:

(i) Report the destruction of the vehicle issued a certificate of title or registration certificate to the department within fifteen days of its destruction; and

(ii) Submit the certificate of title or affidavit in lieu of title marked "DESTROYED." The registered owner's name, address, and the date of destruction must be clearly shown on the certificate of title or affidavit in lieu of title.

(b) It is a gross misdemeanor to fail to notify the department and be in possession of a certificate of title of a destroyed vehicle

on the sixteenth day after the vehicle is destroyed and each day thereafter.

(2) The insurance company or self-insurer shall report the destruction or total loss of vehicles issued a certificate of title or registration certificate to the department within fifteen days after the settlement claim. The report must be submitted regardless of where or in what jurisdiction the total loss occurred. An insurer shall report total loss vehicles to the department in any of the following manners:

(a) Electronically through the department's online reporting system. An insurer choosing this option must immediately destroy ownership documents after filing the electronic report;

(b) Submitting the certificate of title or affidavit in lieu of title marked "DESTROYED." The insurer's name, address, and the date of loss must be clearly shown on the certificate of title or affidavit in lieu of title; or

(c) Submitting a properly completed total loss claim settlement form provided by the department.

(3) The registered owner, legal owner, or insurer reporting the destruction or total loss of a motor vehicle six years old or older must include a statement on whether the fair market value of the motor vehicle immediately before its destruction was at least equal to the market value threshold. The age of the motor vehicle is determined by subtracting the model year from the current calendar year.

(4) The market value threshold is six thousand seven hundred ninety dollars or a greater amount as set by rule of the department. The department shall:

(a) Increase the market value threshold amount:

(i) When the consumer price index for all urban consumers, compiled by the bureau of labor statistics, United States department of labor, or its successor, for the west region, in the expenditure category "used cars and trucks," shows an annual average increase over the previous year;

(ii) By the same percentage increase of the annual average shown in the consumer price index; and

(iii) On July 1st of the year immediately following the year with the increase of the annual average;

(b) Round each increase of the market value threshold to the nearest ten dollars;

(c) Not increase the market value threshold amount if the amount of the increase would be less than fifty dollars; and

(d) Carry forward any unmade increases to succeeding years until the cumulative increase is at least fifty dollars. [2011 c 171 s 36; 2010 c 161 s 306; 2003 c 53 s 235; 2002 c 245 s 2; 1990 c 250 s 28; 1961 c 12 s 46.12.070. Prior: 1959 c 166 s 4; prior: 1947 c 164 s 3(b); 1939 c 182 s 1(b); 1937 c 188 s 5(b); Rem. Supp. 1947 s 6312-5(b). Formerly RCW 46.12.070.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Intent—Effective date—2003 c 53: See notes following RCW 2.48.180.

RCW 46.12.610 Contaminated vehicles. (1) A local health officer may notify the department that a vehicle has been:

(a) Declared unfit and prohibited from use as authorized in chapter 64.44 RCW if the vehicle has become contaminated as defined in RCW 64.44.010;

(b) Satisfactorily decontaminated and retested according to the written work plan approved by the local health officer.

(2) The department shall brand vehicle records and certificates of title when it receives the notification from a local health officer as provided in subsection (1) of this section.

(3) A person is guilty of a gross misdemeanor if he or she advertises for sale or sells a vehicle that has been declared unfit and prohibited from use by a local health officer if:

(a) The person has knowledge that the local health officer has issued an order declaring the vehicle unfit and prohibiting its use; or

(b) A notification has been placed on the certificate of title under subsection (2) of this section that the vehicle has been declared unfit and prohibited from use.

(4) A person may advertise or sell a vehicle if a release for reuse document has been issued by a local health officer under chapter 64.44 RCW or a notification has been placed on the certificate of title under subsection (2) of this section that the vehicle has been decontaminated and released for reuse. [2010 c 161 s 308.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.12.620 Legal owner not liable for acts of registered owner. A person shown as the legal owner on a certificate of title which has a different person shown as the registered owner does not incur liability and is not responsible for damage or any liability resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of, the registered owner. [2010 c 161 s 318; 1961 c 12 s 46.12.190. Prior: 1937 c 188 s 10, part; RRS s 6312-10, part. Formerly RCW 46.12.190.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.12.630 Lists of registered and legal owners of vehicles and vessels—Furnished for certain purposes—Contract—Fees—Penalty for unauthorized use—Definition. (1) The department of licensing must furnish lists of registered and legal owners of: (a) Motor vehicles only for the purposes specified in this subsection (1)(a) to the manufacturers of motor vehicles or motor vehicle components, or their authorized agents, to enable those manufacturers to carry out the provisions of Titles I and IV of the anti car theft act of 1992,

the automobile information disclosure act (15 U.S.C. Sec. 1231 et seq.), the clean air act (42 U.S.C. Sec. 7401 et seq.), and 49 U.S.C. Secs. 30101-30183, 30501-30505, and 32101-33118, as these acts existed on January 1, 2014, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section. However, the department may only provide a vehicle or vehicle component manufacturer, or its authorized agents, lists of registered or legal owners who purchased or leased a vehicle manufactured by that manufacturer or a vehicle containing a component manufactured by that component manufacturer. Manufacturers or authorized agents receiving information on behalf of one manufacturer must not disclose this information to any other third party that is not necessary to carry out the purposes of this section; and (b) vessels only for the purposes of this subsection (1)(b) to the manufacturers of vessels, or their authorized agents, to enable those manufacturers to carry out the provisions of 46 U.S.C. Sec. 4310 and any relevant Code of Federal Regulations adopted by the United States coast guard, as these provisions and rules existed on January 1, 2015, or such subsequent date as may be provided by the department by rule, consistent with the purposes of this section.

(2) The department of licensing may furnish lists of registered and legal owners of motor vehicles or vessels, only to the entities and only for the purposes specified in this section, to:

(a) The manufacturers of motor vehicles or vessels, and legitimate businesses as defined by the department in rule, or their authorized agents, for purposes of using lists of registered and legal owner information to conduct research activities and produce statistical reports, as long as the entity does not allow personal or identity information received under this section to be published, redisclosed, or used to contact individuals. For purposes of this subsection (2)(a), the department of licensing may only provide the manufacturer of a motor vehicle or vessel, or the manufacturer of components contained in a motor vehicle or vessel, the lists of registered or legal owners who purchased or leased a vehicle or vessel manufactured by that manufacturer or a vehicle or vessel containing components manufactured by that component manufacturer;

(b) Any governmental agency, including any court or law enforcement agency, or any private person or entity acting on behalf of a federal, state, or local agency, or Canada in carrying out its functions: PROVIDED, HOWEVER, That nothing in this section is construed to allow actions prohibited under RCW 43.17.425;

(c) Any insurer or insurance support organization, a self-insured entity, or its agents, employees, or contractors for use in connection with claims investigation activities, antifraud activities, rating, or underwriting;

(d) Any local governmental entity or its agents for use in providing notice to owners of towed and impounded vehicles, or to any law enforcement entity for use, as may be necessary, in locating the owner of or otherwise dealing with a vessel that has become a hazard;

(e) A government agency, commercial parking company, or its agents requiring the names and addresses of registered owners to notify them of outstanding parking violations. Subject to the disclosure agreement provisions of RCW 46.12.635 and the requirements of Executive Order 97-01, the department may provide only the parts of the list that are required for completion of the work required of the company;

(f) Authorized agents or contractor of the department, to be used only in connection with providing motor vehicle or vessel excise tax, licensing, title, and registration information to motor vehicle or vessel dealers;

(g) Any business regularly making loans to other persons to finance the purchase of motor vehicles or vessels, to be used to assist the person requesting the list to determine ownership of specific vehicles or vessels for the purpose of determining whether or not to provide such financing; or

(h) A company or its agents operating a toll facility under chapter 47.46 RCW or other applicable authority requiring the names, addresses, and vehicle information of motor vehicle registered owners to identify toll violators.

(3) Personal or identity information received by an entity listed in subsection (1) or (2) of this section may not be released for direct marketing purposes.

(4) Prior to the release of any lists of vehicle or vessel owners under subsection (1) or (2) of this section, the department must enter into a contract with the entity authorized to receive the data pursuant to RCW 46.22.010.

(5) (a) Beginning January 1, 2015, the department must collect a fee of ten dollars per one thousand individual registered or legal owners included on a list requested by a private entity under subsection (1) or (2) of this section. Beginning January 1, 2016, the department must collect a fee of twenty dollars per one thousand individual registered or legal vehicle or vessel owners included on a list requested by a private entity under subsection (1) or (2) of this section. Beginning January 1, 2021, the department must collect a fee of twenty-five dollars per one thousand individual registered or legal owners included on a list requested by a private entity under subsection (1) or (2) of this section. The department must prorate the fee when the request is for less than a full one thousand records.

(b) In lieu of the fee specified in (a) of this subsection, if the request requires a daily, weekly, monthly, or other regular update of those vehicle or vessel records that have changed:

(i) Beginning January 1, 2015, the department must collect a fee of one cent per individual registered or legal vehicle or vessel owner record provided to the private entity;

(ii) Beginning January 1, 2016, the department must collect a fee of two cents per individual registered or legal vehicle or vessel owner record provided to the private entity;

(iii) Beginning January 1, 2021, the department must collect a fee of two and one-half cents per individual registered or legal vehicle or vessel owner record provided to the private entity.

(c) The department must deposit any moneys collected under this subsection to the department of licensing technology improvement and data management account created in RCW 46.68.063.

(6) Where both a mailing address and residence address are recorded on the vehicle or vessel record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities and only for use in the normal course of conducting their business.

(7) If a list of registered and legal owners of motor vehicles or vessels is used for any purpose other than that authorized in this section, the recipient under subsection (1) or (2) of this section, or any authorized agent or contractor responsible for the unauthorized

disclosure or use[,] will be denied further access to such information by the department of licensing.

(8) For purposes of this section, "personal information" and "identity information" have the same meanings as in RCW 46.04.209. [2021 c 93 s 5; 2016 c 80 s 1; 2014 c 79 s 1; 2013 c 306 s 702; 2012 c 86 s 803; 2011 c 171 s 37; 2005 c 340 s 1; 2004 c 230 s 1. Prior: 1997 c 432 s 6; 1997 c 33 s 1; 1982 c 215 s 1. Formerly RCW 46.12.370.]

Effective date—2013 c 306 s 702: "Section 702 of this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2013." [2013 c 306 s 1403.]

Effective date—2012 c 86: See note following RCW 47.76.360.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

RCW 46.12.635 Disclosure of names and addresses of individual vehicle and vessel owners—Vehicle and vessel information—Address confidentiality program participants. (1) Notwithstanding the provisions of chapter 42.56 RCW, the name or address of an individual vehicle or vessel owner shall not be released by the department, county auditor, data recipient, subrecipient, or agency or firm authorized by the department except under the following circumstances:

(a) The requesting party is a business entity that requests the information for use as defined by the department in rule, and in the course of business;

(b) The request is a written request that is signed by the person requesting disclosure that contains the full legal name and address of the requesting party, that specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party promises that the party will use the information only for the purpose stated in the request for the information; and that the party does not intend to use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information. The term "unsolicited business contact" means a contact that is intended to result in, or promote, the sale of any goods or services to a person named in the disclosed information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(2) Where both a mailing address and residence address are recorded on the vehicle or vessel record and are different, only the mailing address will be disclosed. Both addresses will be disclosed in response to requests for disclosure from courts, law enforcement agencies, or government entities with enforcement, investigative, or taxing authority and only for use in the normal course of conducting their business.

(3) The disclosing entity shall retain the request for disclosure for three years.

(4) (a) Whenever the disclosing entity grants a request for information under this section by an attorney or private investigator, the disclosing entity shall provide notice to the vehicle or vessel owner, to whom the information applies, that the request has been granted. The notice must only include: (i) That the disclosing entity has disclosed the vehicle or vessel owner's name and address pursuant to a request made under this section; (ii) the date that the disclosure was made; and (iii) that the vehicle or vessel owner has five days from receipt of the notice to contact the disclosing entity to determine the occupation of the requesting party.

(b) Except as provided in (c) of this subsection, the only information about the requesting party that the disclosing entity may disclose in response to a request made by a vehicle or vessel owner under (a) of this subsection is whether the requesting party was an attorney or private investigator. The request by the vehicle or vessel owner must be submitted to the disclosing entity within five days of receipt of the original notice.

(c) In the case of a vehicle or vessel owner who submits to the disclosing entity a copy of a valid court order restricting another person from contacting the vehicle or vessel owner or his or her family or household member, the disclosing entity shall provide the vehicle or vessel owner with the name and address of the requesting party.

(5) Any person who is furnished vehicle or vessel owner information under this section shall be responsible for assuring that the information furnished is not used for a purpose contrary to the agreement between the person and the department.

(6) This section shall not apply to requests for information by governmental entities or requests that may be granted under any other provision of this title expressly authorizing the disclosure of the names or addresses of vehicle or vessel owners. Requests from law enforcement officers for vessel record information must be granted. The disclosure agreement with law enforcement entities must provide that law enforcement may redisclose a vessel owner's name or address when trying to locate the owner of or otherwise deal with a vessel that has become a hazard.

(7) The department shall disclose vessel records for any vessel owned by a governmental entity upon request.

(8) This section shall not apply to title history information under RCW 19.118.170.

(9) The department shall charge a fee of two dollars for each record returned pursuant to a request made by a business entity under subsection (1) of this section and deposit the fee into the highway safety fund.

(10) The department, county auditor, or agency or firm authorized by the department shall not release the name, any address, vehicle make, vehicle model, vehicle year, vehicle identification number, vessel make and model, vessel model year, hull identification number, vessel document number, vessel registration number, vessel decal number, or license plate number associated with an individual vehicle or vessel owner who is a participant in the address confidentiality program under chapter 40.24 RCW except as allowed in subsection (6) of this section and RCW 40.24.075. [2021 c 93 s 6; 2019 c 278 s 1; 2016 c 80 s 2; 2013 c 232 s 1. Prior: 2005 c 340 s 2; 2005 c 274 s 304; 1995 c 254 s 10; 1990 c 232 s 2; 1987 c 299 s 1; 1984 c 241 s 2. Formerly RCW 46.12.380.]

Effective date—2013 c 232: "This act takes effect January 1, 2014." [2013 c 232 s 2.]

Effective date—Severability—1995 c 254: See notes following RCW 19.118.021.

Legislative finding and purpose—1990 c 232: "The legislature recognizes the extraordinary value of the vehicle title and registration records for law enforcement and commerce within the state. The legislature also recognizes that indiscriminate release of the vehicle owner information to be an infringement upon the rights of the owner and can subject owners to intrusions on their privacy. The purpose of this act is to limit the release of vehicle owners' names and addresses while maintaining the availability of the vehicle records for the purposes of law enforcement and commerce." [1990 c 232 s 1.]

RCW 46.12.640 Disclosure violations, penalties. (1) The department may review the activities of a person or entity that receives personal or identity information to ensure compliance with the limitations imposed on the use of the information. The department may suspend or revoke for up to five years the privilege of obtaining personal or identity information of a person found to be in violation of this chapter or a disclosure agreement executed with the department.

(2) In addition to the penalty in subsection (1) of this section:

(a) The unauthorized disclosure of personal or identity information; or

(b) The use of a false representation to obtain personal or identity information from the department; or

(c) The use of personal or identity information obtained from the department for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any personal or identity information to another person not disclosed in the request or disclosure agreement

is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail for up to three hundred sixty-four days, or by both such fine and imprisonment for each violation. [2021 c 93 s 7; 2016 c 80 s 3; 2011 c 96 s 30; 2005 c 274 s 305; 1990 c 232 s 3. Formerly RCW 46.12.390.]

Findings—Intent—2011 c 96: See note following RCW 9A.20.021.

Legislative finding and purpose—1990 c 232: See note following RCW 46.12.635.

VEHICLE SALES, TRANSFERS, AND SECURITY INTERESTS

RCW 46.12.650 Releasing interest—Reports of sale—Transfer of ownership—Requirements—Penalty, exceptions. (1) **Releasing interest.** An owner releasing interest in a vehicle shall:

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

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

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

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

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

(a) Sold;

(b) Given as a gift to another person;

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

(d) Donated to charity;

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

(f) Disposed of.

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

(a) The date of sale or transfer;

(b) The owner's full name and complete, current address;

(c) The full name and complete, current address of the person acquiring the vehicle, including street name and number, and apartment number if applicable, or post office box number, city or town, and postal code;

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

(e) A date or stamp by the department showing it was received on or before the fifth business day after the date of sale or transfer; and

(f) Payment of the fees required under RCW 46.17.050.

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

(i) Provide or approve reports of sale forms;

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

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

(iv) Provide instructions on release of interest forms that allow the seller of a vehicle to release their interest in a vehicle at the same time a financial institution, as defined in RCW 30A.22.040, releases its lien on the vehicle; and

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

(b) A report of sale is not proof of a completed vehicle transfer for purposes of the collection of expenses related to towing, storage, and auction of an abandoned vehicle in situations where there is no evidence indicating the buyer knew of or was a party to acceptance of the vehicle transfer. A contract signed by the prior owner and the new owner, a certificate of title, a receipt, a purchase order or wholesale order, or other legal proof or record of acceptance of the vehicle by the new owner may be provided to establish legal responsibility for the abandoned vehicle.

(5) **Report of sale - licensed dealers.** A vehicle dealer as defined in RCW 46.70.011 may, but is not required to, file a report of sale on behalf of an owner who trades in, sells, or otherwise transfers ownership of a vehicle to the dealer. A vehicle dealer who files on behalf of an owner shall collect and remit the fees required under RCW 46.17.050 from the owner in addition to any other fees charged to or owed by the customer.

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

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

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

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

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

(8) **Penalty for late transfer.** A person who has recently acquired a motor vehicle by purchase, exchange, gift, lease, inheritance, or legal action who does not apply for a new certificate of title within 15 calendar days of delivery of the vehicle is charged a penalty, as described in RCW 46.17.140, when applying for a new certificate of title. It is a misdemeanor to fail or neglect to apply for a transfer of ownership within 45 days after delivery of the vehicle. The misdemeanor is a single continuing offense for each day that passes regardless of the number of days that have elapsed following the 45-day time period.

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

(a) The department requests additional supporting documents;

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

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

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

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

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

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

(11) **Rules.** The department may adopt rules as necessary to implement this section. [2023 c 273 s 1; 2016 c 86 s 1; 2015 3rd sp.s. c 44 s 214; 2010 c 161 s 309; 2008 c 316 s 1; 2007 c 96 s 1; 2006 c 291 s 2. Prior: 2004 c 223 s 1; 2004 c 200 s 2; 2003 c 264 s 7; 2002 c 279 s 1; 1998 c 203 s 11; 1991 c 339 s 19; 1990 c 238 s 4; 1987

c 127 s 1; 1984 c 39 s 1; 1972 ex.s. c 99 s 1; 1969 ex.s. c 281 s 38; 1969 ex.s. c 42 s 1; 1967 c 140 s 7. Formerly RCW 46.12.101.]

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—2004 c 200: See note following RCW 46.68.020.

Finding—1998 c 203: See note following RCW 46.55.105.

Effective date, implementation—1990 c 238: See note following RCW 46.12.530.

Effective date—1967 c 140: See note following RCW 46.12.520.

RCW 46.12.652 Fraudulent report of sale filed—Procedure. If a court has declared that a fraudulent report of sale has been filed with the department, county auditor or other agent, or subagent appointed by the director, the court must notify the department in writing with a copy of the court order. Once notified, the department may remove the fraudulent report of sale from the vehicle record. [2016 c 86 s 3.]

RCW 46.12.655 Release of owner from liability. (1) An owner is relieved of civil or criminal liability for the operation of a vehicle by another person when the owner has:

- (a) Made a bona fide sale or transfer of a vehicle;
- (b) Delivered possession of the vehicle to the person acquiring ownership;
- (c) Released interest in the vehicle and provided the certificate of title and registration certificate to the person acquiring ownership; and
- (d) Filed a report of sale that meets all the requirements in RCW 46.12.650(2).

(2) A person acquiring a vehicle assumes civil or criminal liability for any traffic violation under this title, whether designated as a traffic infraction or classified as a criminal offense, that occurs after the date of sale or transfer of ownership based on the vehicle's identification including, but not limited to:

- (a) Parking infractions;
- (b) High occupancy toll lane violations; and
- (c) Violations recorded by automated traffic safety cameras.

(3) A person shown as the buyer of a vehicle on an abandoned vehicle report submitted to the department by a registered tow truck operator assumes liability for the vehicle. Any previous owner is relieved of civil or criminal liability for the operation of the vehicle from the date of sale.

(4) A person who had no knowledge of the filing of the report of sale is relieved of civil or criminal liability for the operation of the vehicle. Liability is then transferred to the seller shown on the

report of sale. [2010 c 161 s 310; 2006 c 291 s 3; 2005 c 331 s 1; 2002 c 279 s 2; 1984 c 39 s 2. Formerly RCW 46.12.102.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

RCW 46.12.660 Transitional ownership record. (1) A transitional ownership record:

(a) Enables a security interest in a motor vehicle to be perfected in a timely manner when the certificate of title is not available at the time the security interest is created;

(b) Provides for timely notification to security interest holders under chapter 46.55 RCW; and

(c) Is only acceptable as an ownership record for motor vehicles currently stored on the department's computer system and if the certificate of title or other authorized proof of ownership for the motor vehicle is not in the possession of the selling vehicle dealer or new security interest holder when the transitional ownership record is submitted to the department.

(2) A person shall submit the transitional ownership record to the department or to the county auditor or other agents or subagents.

(3) A transitional ownership record must contain all of the following information:

(a) The date of sale;

(b) The name and address of each owner of the vehicle;

(c) The name and address of each security interest holder;

(d) The priorities of interest if there are multiple security interest holders and the security interest holders do not jointly hold a single security interest;

(e) The vehicle identification number, the license plate number, if any, the year, make, and model of the vehicle;

(f) The name of the selling dealer or security interest holder who is submitting the transitional ownership record; and

(g) The transferee's driver's license number, if available.

(4) The report of sale form provided or approved by the department under RCW 46.12.650 may be used by a vehicle dealer as the transitional ownership record.

(5) A security interest is perfected in a motor vehicle on the date the department receives the transitional ownership record when:

(a) The requirements of this section have been met; and

(b) Any required fees have been paid.

(6) (a) The selling dealer or new security interest holder shall submit to the department, within ten days of receipt of the certificate of title for the vehicle, written confirmation that only an electronic record of ownership exists or that the certificate of title has been lost or destroyed with:

(i) An application for a new certificate of title containing the name and address of the secured party; and

(ii) Payment of the required fees as provided in RCW 46.17.060.

(b) A security interest becomes unperfected when a secured party fails to submit an application for a certificate of title within the ten-day time period provided in this subsection (6), unless the security interest is perfected otherwise. [2010 c 161 s 311; 2000 c 250 s 9A-823; 1998 c 203 s 12. Formerly RCW 46.12.103.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—2000 c 250: See RCW 62A.9A-701.

Finding—1998 c 203: See note following RCW 46.55.105.

RCW 46.12.665 Odometer disclosure statement required—

Exemptions. (1) The department, county auditor or other agent, or subagent appointed by the director shall require a written odometer disclosure statement with every application for a certificate of title for a motor vehicle. The odometer disclosure statement must be on either the certificate of title or on a separate form approved by the department. A secure odometer disclosure statement is required if the certificate of title was issued after April 30, 1990. Odometer disclosure statements must include, at a minimum, the following:

(a) The miles shown on the odometer at the time of transfer of ownership, but not to include tenths of miles;

(b) The date of transfer of ownership;

(c) The transferor's printed name, current address, and signature;

(d) The transferee's printed name, current address, and signature;

(e) The identity of the motor vehicle, including its make, model, year, body type, and vehicle identification number;

(f) Information that the odometer statement is required by the federal truth in mileage act of 1986 and that failure to complete the odometer statement or providing false information may result in fines or imprisonment, or both; and

(g) One of the following statements:

(i) The mileage shown is actual to the best of transferor's knowledge;

(ii) The odometer reading exceeds the mechanical limits of the odometer to the best of the transferor's knowledge; or

(iii) The odometer reading is not the actual mileage.

If the odometer reading is under one hundred thousand miles, the only options that can be certified are "actual to the best of the transferor's knowledge" or "not the actual mileage." If the odometer reading is one hundred thousand miles or more, the options "actual to the best of the transferor's knowledge" or "not the actual mileage" cannot be used unless the odometer has six digit capability.

(2) The transferee and the transferor shall each sign the odometer disclosure statement. Only one registered owner is required to complete the odometer disclosure statement for the transferee, and only one owner is required to complete the odometer disclosure statement for the transferor. When applicable, both the business name and a company representative's name must be shown on the odometer disclosure statement when the registered owner is a business or the transferee represents a company, or both.

(3) The transferee shall return a signed copy of the odometer disclosure statement to the transferor at the time of transfer of ownership.

(4) The following vehicles are not subject to odometer disclosure requirements at the time of ownership transfer:

- (a) A motor vehicle having a declared gross vehicle weight of more than sixteen thousand pounds;
- (b) A vehicle that is not self-propelled;
- (c) A motor vehicle that is ten years old or older;
- (d) A motor vehicle sold directly by a manufacturer to a federal agency in conformity with contract specifications; or
- (e) A new motor vehicle before its first retail sale.

(5) The requirements of this section also apply to the transfer of a motor vehicle held:

(a) For lease when transferred to a lessee and then to the lessor at the end of the leasehold; and

(b) In a fleet when transferred to a purchaser. [2010 c 161 s 312; 1990 c 238 s 6. Formerly RCW 46.12.124.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date, implementation—1990 c 238: See note following RCW 46.12.530.

RCW 46.12.670 Assigned certificates of title filed—Transfer of interest in vehicle. (1) The department shall file and index certificates of title when assigned and returned to the department, together with subsequent transactions so that at all times it will be possible to trace ownership to the vehicle designated on each certificate of title.

(2) (a) A person who acquires an interest in a vehicle, other than by voluntary transfer, shall within fifteen days mail or deliver to the department, county auditor or other agent, or subagent appointed by the director:

(i) The last certificate of title if available;

(ii) Proof of transfer; and

(iii) An application for a new certificate of title.

(b) This subsection shall not apply to transactions described in subsection (4) of this section.

(3) A secured party named in the certificate of title who repossesses a vehicle under a security agreement shall within fifteen days mail or deliver to the department, county auditor or other agent, or subagent appointed by the director:

(a) The last certificate of title;

(b) An application for a new certificate of title; and

(c) An affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold under the terms of the security agreement.

(4) A secured party named in the certificate of title who holds the vehicle for resale is not required to apply for a new certificate of title. When the vehicle is sold, the secured party shall promptly mail or deliver to the buyer or to the department, county auditor or other agent, or subagent appointed by the director:

(a) The certificate of title;

(b) An affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner

was lawfully terminated or sold under the terms of the security agreement; and

(c) Any other documents required to be sent to the department by the buyer. [2010 c 161 s 313; 2010 c 8 s 9005; 1967 c 140 s 3; 1961 c 12 s 46.12.130. Prior: 1959 c 166 s 11; prior: 1947 c 164 s 4(d); 1937 c 188 s 6(d); Rem. Supp. 1947 s 6312-6(d). Formerly RCW 46.12.130.]

Reviser's note: This section was amended by 2010 c 8 s 9005 and by 2010 c 161 s 313, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1967 c 140: See note following RCW 46.12.520.

RCW 46.12.675 Perfection of security interest—Procedure. (1) A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of title is required is perfected only by:

(a) Complying with the requirements of RCW 46.12.660 or this section;

(b) Receipt by the department, county auditor or other agent, or subagent appointed by the director of:

(i) The existing certificate of title, if any;

(ii) An application for a certificate of title containing the name and address of the secured party; and

(iii) Payment of the required fees.

(2) A security interest is perfected when it is created if the secured party's name and address appear on the most recently issued certificate of title or, if not, it is created when the department, county auditor or other agent, or subagent appointed by the director receives the certificate of title or an application for a certificate of title and the fees required in subsection (1) of this section.

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) The security interest continues perfected in this state if the name of the secured party is shown on the existing certificate of title issued by that jurisdiction. The name of the secured party must be shown on the certificate of title issued for the vehicle by this state. The security interest continues perfected in this state when the department issues the certificate of title.

(b) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state. Perfection begins when the department receives the information and fees required in subsection (1) of this section.

(4) (a) After a certificate of title has been issued, the registered owner or secured party must apply to the department, county auditor or other agent, or subagent appointed by the director for a new certificate of title when a security interest is granted on a

vehicle. Within ten days after creating a security agreement, the registered owner or secured party must submit:

- (i) An application for a certificate of title;
- (ii) The certificate of title last issued for the vehicle, or other documentation required by the department; and
- (iii) The fee required in RCW 46.17.100.

(b) If satisfied that a certificate of title should be reissued, the department shall change the vehicle record and issue a new certificate of title to the secured party.

(5) A secured party shall release the security interest when the conditions within the security agreement have been met and there is no further secured obligation. The secured party must either:

(a) Assign the certificate of title to the registered owner or the registered owner's designee and send the certificate of title to the department, county auditor or other agent, or subagent appointed by the director with the fee required in RCW 46.17.100; or

(b) Assign the certificate of title to the person acquiring the vehicle from the registered owner with the registered owner's release of interest.

(6) The department shall issue a new certificate of title to the registered owner when the department receives the release of interest and required fees as provided in subsection (5) (a) of this section.

(7) A secured party is liable for one hundred dollars payable to the registered owner or person acquiring the vehicle from the registered owner when:

(a) The secured party fails to either assign the certificate of title to the registered owner or to the person acquiring the vehicle from the registered owner or apply for a new certificate of title within ten days after proper demand; and

(b) The failure of the secured party to act as described in (a) of this subsection results in a loss to the registered owner or person acquiring the vehicle from the registered owner. [2012 c 74 s 14; 2010 c 161 s 316; 2007 c 96 s 2; 2002 c 352 s 5. Prior: 1997 c 432 s 5; 1997 c 241 s 5; 1994 c 262 s 6; 1979 ex.s. c 113 s 2; 1975 c 25 s 13; 1967 c 140 s 4; 1961 c 12 s 46.12.170; prior: 1951 c 269 s 4; 1947 c 164 s 5; 1939 c 182 s 2; 1937 c 188 s 7; Rem. Supp. 1947 s 6312-7. Formerly RCW 46.12.170.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective dates—2002 c 352: See note following RCW 46.09.410.

Effective date—1967 c 140: See note following RCW 46.12.520.

RCW 46.12.680 Ownership in doubt—Procedure. (1) The department, county auditor or other agent, or subagent appointed by the director may register a vehicle and withhold issuance of a certificate of title or require a bond as a condition of issuing a certificate of title if the department is not satisfied:

- (a) As to the ownership of the vehicle; or
- (b) That there are no undisclosed security interests in the vehicle.

- (2) A person who is unable to provide satisfactory evidence of ownership may:
- (a) Apply for ownership in doubt and receive either a:
 - (i) Registration without a certificate of title for a three-year period; or
 - (ii) A bonded certificate of title with or without registration as described in subsection (3) of this section; or
 - (b) Petition any district court or superior court of any county in this state to receive a judgment awarding ownership of the vehicle.
- (3) A person who is either required by the department, county auditor or other agent, or subagent appointed by the director to file a bond or wants a certificate of title for a vehicle when ownership is in doubt shall file the bond for a three-year period. The bond must:
- (a) Be in the form approved by the department;
 - (b) Be in an amount equal to one and one-half times the value of the vehicle as determined by the department;
 - (c) Be signed by the applicant and the bonding agent; and
 - (d) Offer protection to any previous owner, secured party, future purchaser, or their successors against any expense, loss, or damage, including reasonable attorneys' fees.
- (4) A person who has or has held an interest in the vehicle may, during the three-year ownership in doubt period, petition any district court or superior court of any county in this state to receive a judgment either awarding ownership of the vehicle or be compensated for any expense, loss, or damage, including reasonable attorneys' fees. The total claim must not be more than the amount of the bond if a bond has been filed with the department.
- (5) A person who has applied for ownership in doubt may apply for a certificate of title at any time during the three-year ownership in doubt period when satisfactory evidence of ownership becomes available. At the end of the three-year ownership in doubt period, the owner must apply to the department, county auditor or other agent, or subagent appointed by the director for a certificate of title. The new certificate of title will not include reference to the bond if a bond was filed with the department.
- (6) A person applying for ownership in doubt must have acquired the vehicle by purchase, exchange, gift, lease, or inheritance from the owner of record or interim owner.
- (7) Ownership in doubt does not apply to:
- (a) Unauthorized vehicles, as defined in RCW 46.55.010;
 - (b) Abandoned vehicles, as defined in RCW 46.55.010;
 - (c) Snowmobiles, as defined in RCW 46.04.546; or
 - (d) Washington vehicle dealer sales, as defined in RCW 46.70.011.
- [2010 c 161 s 314; 1990 c 250 s 30; 1967 c 140 s 9. Formerly RCW 46.12.151.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1967 c 140: See note following RCW 46.12.520.

SPECIFIC VEHICLES

RCW 46.12.690 Campers. A camper is considered a vehicle for the purposes of certificates of title, perfection of security interests, and registrations. The director may adopt rules to implement this section. [2010 c 161 s 321; 2010 c 8 s 9007; 1979 c 158 s 136; 1971 ex.s. c 231 s 6. Formerly RCW 46.12.280.]

Reviser's note: This section was amended by 2010 c 8 s 9007 and by 2010 c 161 s 321, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.691 Custom vehicles. (1) When applying for a certificate of title for a custom vehicle for the first time, the owner of the custom vehicle must:

- (a) Submit a certification that the custom vehicle:
 - (i) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses; and
 - (ii) Will not be used for general daily transportation; and
- (b) Provide a certificate of vehicle inspection as required under RCW 46.12.560(4).

(2) The model year and the year of manufacture that are listed on the certificate of title of a custom vehicle must be the model year and year of manufacture that the body of the custom vehicle resembles.

(3) The presence of modern equipment including, but not limited to, brakes, engines, or seat belts, or the presence of optional equipment referenced in RCW 46.37.518, on a custom vehicle does not invalidate the year of manufacture on the certificate of title.

(4) A custom vehicle must be registered under RCW 46.18.220. [2011 c 114 s 4.]

Effective date—2011 c 114: See note following RCW 46.04.572.

RCW 46.12.695 Kit vehicles. (1) A person who applies for an original certificate of title for a kit vehicle shall provide:

(a) The manufacturer's certificate of origin or an equivalent document if the kit vehicle is a new manufactured vehicle kit or body kit;

(b) The certificate of title or a certified copy or equivalent document for the frame;

(c) Proof of ownership for all major parts used in the construction of the vehicle. Major parts include the frame, engine, axles, transmission, and any other parts that carry vehicle identification numbers;

(d) Bills of sale or invoices for all major components used in the construction of the vehicle. The bills of sale must be notarized unless the vendor is registered with the department of revenue for the collection of retail sales or use tax and must include:

- (i) The names and addresses of the seller and purchaser;

(ii) A description of the vehicle or part being sold, including the make, model, and identification or serial number or the yard number if from a wrecking yard;

(iii) The date of sale; and

(iv) The purchase price of the vehicle or part;

(e) A certificate of vehicle inspection completed by the Washington state patrol or other authorized inspector verifying the vehicle identification number, and year and make when applicable. A Washington state patrol vehicle identification number inspector must ensure that all parts are documented by certificates of title, notarized bills of sale, or business receipts, such as those obtained from a wrecking yard purchase;

(f) A completed declaration of value form to determine the value for excise tax purposes if the purchase cost and year is unknown or incomplete;

(g) Payment of use tax on the frame and all component parts used, unless proof of payment of the sales or use tax is submitted; and

(h) An odometer disclosure statement on all originals and transfers of certificates of title for kit vehicles under ten years old, unless otherwise exempt by law.

(2) If the frame from a donor vehicle is used and the remainder of the donor vehicle is to be sold or destroyed, the certificate of title is required as an ownership document to the buyer. The department may make a certified copy of the certificate of title for documentation of the frame for this transaction.

(3) When accepting an application for an original certificate of title for a kit vehicle, the department, county auditor or other agent, or subagent appointed by the director shall:

(a) Use the vehicle identification number provided on the manufacturer's certificate of origin. If the vehicle identification number is not available, the Washington state patrol shall assign a vehicle identification number at the time of inspection;

(b) Use the actual model year provided on the manufacturer's certificate of origin as the model year. This is not the model year of the vehicle being replicated;

(c) Record the make as "KITV";

(d) Record in the series and body designation a discrete vehicle model; and

(e) Assign a use class identifying the actual use of the vehicle, such as a passenger car or truck.

(4) A kit vehicle may be registered under RCW 46.18.220 as a street rod vehicle if the vehicle is manufactured to have the same appearance as a similar vehicle manufactured before 1949. Kit vehicles must comply with chapter 204-10 WAC unless the kit vehicle is registered under RCW 46.18.220.

(5) A kit vehicle is exempt from the welding requirements under WAC 204-10-022(8) if, upon application for a certificate of title, the owner furnishes documentation from the manufacturer of the vehicle frame that informs the owner that the welding on the frame was not completed by a certified welder and that the structural strength of the frame has not been certified by an engineer as meeting the applicable federal motor vehicle safety standards set under 49 C.F.R. Sec. 571.201, 571.214, 571.216, and 571.220 through 571.224, and the applicable SAE standards.

(6) The department may not deny a certificate of title to an applicant who completes the requisite application, complies with this

section, and pays the requisite titling fees and taxes. [2010 c 161 s 324; 2009 c 284 s 1; 1996 c 225 s 8. Formerly RCW 46.12.440.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Finding—1996 c 225: See note following RCW 46.04.125.

RCW 46.12.700 Manufactured homes—Manufactured/mobile or park model homes. (1) **Titling options.** An owner of a manufactured home shall establish ownership in the manufactured home by either:

(a) Applying for a certificate of title as required under this chapter; or

(b) Eliminating the certificate of title under chapter 65.20 RCW.

(2) **Exemption.** This section does not apply to a manufactured home held for resale by a dealer or manufacturer.

(3) **Transferring ownership.** (a) A registered owner of record must sign the certificate of title releasing the owner's interest when transferring ownership of a manufactured home. If the manufactured home was manufactured before June 15, 1976, the registered owner must sign an affidavit on a form approved by the department. The affidavit must state that the purchaser was notified that failure of the manufactured home to meet federal housing and urban development standards or failure of the manufactured home to meet a fire and safety inspection by the department of labor and industries may result in denial by a local jurisdiction of a permit to site the manufactured home.

(b) When a manufactured/mobile or park model home is sold at a county treasurer's foreclosure or distraint sale, the registered owner of record, legal owner on title, and the purchaser are not required to sign the certificate of title and title application to transfer title. Any lienholder interest in a manufactured/mobile or park model home is extinguished by the county treasurer's foreclosure or distraint sale, provided that such lienholder has been provided a copy of the notice of the sale at his or her last known address, by registered letter, at least thirty days prior to the date of sale.

(4) **Evidence of taxes paid.** Before accepting an application for a certificate of title for a manufactured home, the department, county auditor or other agent, or subagent appointed by the director shall require the applicant to provide evidence that any taxes due on the sale of the manufactured home under chapters 82.45 and 84.52 RCW have been paid. Acceptable evidence includes a copy of:

(a) The real estate excise tax affidavit that has been stamped by the county treasurer; or

(b) A treasurer certificate that is prepared by the treasurer of the county in which a used manufactured home is located and that states that all property taxes due upon the used manufactured home being sold have been satisfied.

(5) **County assessor notification.** The department shall notify the county assessor of the county where the manufactured home is located when ownership of a manufactured home is transferred. The notification must include the name and address of the former owner and the new owner.

(6) **Title elimination.** The certificate of title for a manufactured home may be eliminated or not issued when the manufactured home is registered under chapter 65.20 RCW. If the certificate of title is eliminated or not issued, the application must be recorded in the county property records of the county where the real property to which the home is affixed is located. All vehicle license fees and taxes applicable to manufactured homes under this chapter are due and must be collected before recording the ownership with the county auditor.

(7) **Rules.** The department may adopt rules as necessary to implement this section. [2019 c 75 s 1; 2011 c 171 s 38; 2010 c 161 s 322; 2005 c 399 s 4; 1993 c 154 s 2. Prior: 1989 c 343 s 20; 1989 c 337 s 4; 1981 c 304 s 2; 1979 c 158 s 137; 1971 ex.s. c 231 s 14. Formerly RCW 46.12.290.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Effective date—1989 c 343: See RCW 65.20.950.

Severability—1981 c 304: See note following RCW 26.16.030.

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

RCW 46.12.711 Street rod vehicles. (1) When applying for a certificate of title for a street rod vehicle for the first time, the owner of the street rod vehicle must:

- (a) Submit a certification that the street rod vehicle:
 - (i) Will be maintained for occasional transportation, exhibitions, club activities, parades, tours, and similar uses; and
 - (ii) Will not be used for general daily transportation; and
- (b) Provide a certificate of vehicle inspection as required under RCW 46.12.560(4).

(2) The model year and the year of manufacture that are listed on the certificate of title of a street rod vehicle must be the model year and year of manufacture that the body of the street rod vehicle resembles.

(3) The presence of modern equipment including, but not limited to, brakes, engines, or seat belts, or the presence of optional equipment referenced in RCW 46.37.518, on a street rod vehicle does not invalidate the year of manufacture on the certificate of title.

(4) A street rod vehicle must be registered under RCW 46.18.220. [2011 c 114 s 2.]

Effective date—2011 c 114: See note following RCW 46.04.572.

SERIAL NUMBERS

RCW 46.12.720 Buying, selling, etc. with numbers removed, altered, etc.—Penalty. Whoever knowingly buys, sells, receives, disposes of, conceals, or has knowingly in his or her possession any vehicle, watercraft, camper, or component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, or destroyed for the purpose of concealment or misrepresenting the identity of the said vehicle, watercraft, camper, or component part thereof shall be guilty of a gross misdemeanor. [2010 c 8 s 9008; 1975-'76 2nd ex.s. c 91 s 1. Formerly RCW 46.12.300.]

Severability—1975-'76 2nd ex.s. c 91: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1975-'76 2nd ex.s. c 91 s 10.]

Effective date—1975-'76 2nd ex.s. c 91: "This act shall take effect on July 1, 1976." [1975-'76 2nd ex.s. c 91 s 11.]

RCW 46.12.725 Seizure and impoundment—Notice to interested persons—Release to owner. (1) Any vehicle, watercraft, camper, or any component part thereof, from which the manufacturer's serial number or any other distinguishing number or identification mark has been removed, defaced, covered, altered, obliterated, or destroyed, may be impounded and held by the seizing law enforcement agency for the purpose of conducting an investigation to determine the identity of the article or articles, and to determine whether it had been reported stolen.

(2) Within five days of the impounding of any vehicle, watercraft, camper, or component part thereof, the law enforcement agency seizing the article or articles shall send written notice of such impoundment by certified mail to all persons known to the agency as claiming an interest in the article or articles. The seizing agency shall exercise reasonable diligence in ascertaining the names and addresses of those persons claiming an interest in the article or articles. Such notice shall advise the person of the fact of seizure, the possible disposition of the article or articles, the requirement of filing a written claim requesting notification of potential disposition, and the right of the person to request a hearing to establish a claim of ownership. Within five days of receiving notice of other persons claiming an interest in the article or articles, the seizing agency shall send a like notice to each such person.

(3) If reported as stolen, the seizing law enforcement agency shall promptly release such vehicle, watercraft, camper, or parts thereof as have been stolen, to the person who is the lawful owner or the lawful successor in interest, upon receiving proof that such person presently owns or has a lawful right to the possession of the article or articles. [1995 c 256 s 2; 1975-'76 2nd ex.s. c 91 s 2. Formerly RCW 46.12.310.]

Severability—Effective date—1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.720.

RCW 46.12.730 Disposition authorized, when. Unless a claim of ownership to the article or articles is established pursuant to RCW 46.12.735, the law enforcement agency seizing the vehicle, watercraft, camper, or component part thereof may dispose of them by destruction, by selling at public auction to the highest bidder, or by holding the article or articles for the official use of the agency, when:

(1) The true identity of the article or articles cannot be established by restoring the original manufacturer's serial number or other distinguishing numbers or identification marks or by any other means;

(2) After the true identity of the article or articles has been established, the seizing law enforcement agency cannot locate the person who is the lawful owner or if such lawful owner or his or her successor in interest fails to claim the article or articles within forty-five days after receiving notice from the seizing law enforcement agency that the article or articles is in its possession.

No disposition of the article or articles pursuant to this section shall be undertaken until at least sixty days have elapsed from the date of seizure and written notice of the right to a hearing to establish a claim of ownership pursuant to RCW 46.12.735 and of the potential disposition of the article or articles shall have first been served upon the person who held possession or custody of the article when it was impounded and upon any other person who, prior to the final disposition of the article, has notified the seizing law enforcement agency in writing of a claim to ownership or lawful right to possession thereof. [2011 c 171 s 39; 2010 c 8 s 9009; 1975-'76 2nd ex.s. c 91 s 3. Formerly RCW 46.12.320.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Severability—Effective date—1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.720.

RCW 46.12.735 Hearing—Appeal—Removal to court—Release after ruling. (1) Any person may submit a written request for a hearing to establish a claim of ownership or right to lawful possession of the vehicle, watercraft, camper, or component part thereof seized pursuant to this section.

(2) Upon receipt of a request for hearing, one shall be held before the chief law enforcement officer of the seizing agency or an administrative law judge appointed under chapter 34.12 RCW.

(3) Such hearing shall be held within a reasonable time after receipt of a request therefor. Reasonable investigative activities, including efforts to establish the identity of the article or articles and the identity of the person entitled to the lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time within which a hearing must be held.

(4) The hearing and any appeal therefrom shall be conducted in accordance with Title 34 RCW.

(5) The burden of producing evidence shall be upon the person claiming to be the lawful owner or to have the lawful right of possession to the article or articles.

(6) Any person claiming ownership or right to possession of an article or articles subject to disposition under RCW 46.12.725 through

46.12.740 may remove the matter to a court of competent jurisdiction if the aggregate value of the article or articles involved is two hundred dollars or more. In a court hearing between two or more claimants to the article or articles involved, the prevailing party shall be entitled to judgment for costs and reasonable attorney's fees. For purposes of this section the seizing law enforcement agency shall not be considered a claimant.

(7) The seizing law enforcement agency shall promptly release the article or articles to the claimant upon a determination by the administrative law judge or court that the claimant is the present lawful owner or is lawfully entitled to possession thereof. [2011 c 171 s 40; 1981 c 67 s 27; 1975-'76 2nd ex.s. c 91 s 4. Formerly RCW 46.12.330.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective dates—Severability—1981 c 67: See notes following RCW 34.12.010.

Severability—Effective date—1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.720.

RCW 46.12.740 Release without hearing. The seizing law enforcement agency may release the article or articles impounded pursuant to this section to the person claiming ownership without a hearing pursuant to RCW 46.12.735 when such law enforcement agency is satisfied after an appropriate investigation as to the claimant's right to lawful possession. If no hearing is contemplated as provided for in RCW 46.12.735 such release shall be within a reasonable time following seizure. Reasonable investigative activity, including efforts to establish the identity of the article or articles and the identity of the person entitled to lawful possession or custody of the article or articles shall be considered in determining the reasonableness of the time in which release must be made. [2011 c 171 s 41; 1975-'76 2nd ex.s. c 91 s 5. Formerly RCW 46.12.340.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Severability—Effective date—1975-'76 2nd ex.s. c 91: See notes following RCW 46.12.720.

RCW 46.12.745 Assignment of new number. An identification number shall be assigned to any article impounded pursuant to RCW 46.12.725 in accordance with the rules promulgated by the department of licensing prior to:

(1) The release of the article from the custody of the seizing agency; or

(2) The use of the article by the seizing agency. [2011 c 171 s 42; 1979 c 158 s 138; 1975-'76 2nd ex.s. c 91 s 6. Formerly RCW 46.12.350.]

~~Intent—Effective date—2011 c 171~~: See notes following RCW 4.24.210.

~~Severability—Effective date—1975-'76 2nd ex.s. c 91~~: See notes following RCW 46.12.720.

VIOLATIONS

RCW 46.12.750 Penalty for false statements, illegal transfers, alterations, or forgeries—Exception. (1) A person is guilty of a class B felony if the person:

(a) Knowingly makes any false statement of a material fact, either on an application for a certificate of title or in any transfer of a certificate of title;

(b) Intentionally acquires or passes ownership of a vehicle which that person knows or has reason to believe has been stolen;

(c) Receives or transfers possession of a stolen vehicle from or to another person;

(d) Possesses any vehicle which that person knows or has reason to believe has been stolen;

(e) Alters or forges or causes the alteration or forgery of:

(i) A certificate of title or registration certificate issued by the department;

(ii) An assignment of a certificate of title or registration certificate; or

(iii) A release or notice of release of an encumbrance referred to on a certificate of title or registration certificate; or

(f) Holds or uses a certificate of title, registration certificate, assignment, release, or notice of release, knowing that it has been altered or forged.

(2) A person convicted of violating subsection (1) of this section must be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This subsection does not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a vehicle.

(3) It is a class C felony for a person to sell or convey a vehicle certificate of title except in conjunction with the sale or transfer of the vehicle for which the certificate was originally issued.

(4) This section does not apply to an officer of the law engaged at the time in the performance of official authorized law enforcement activities. [2010 c 161 s 319; 2003 c 53 s 236; 1961 c 12 s 46.12.210. Prior: 1937 c 188 s 12; RRS s 6312-12. Formerly RCW 46.12.210.]

~~Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161~~: See notes following RCW 46.04.013.

~~Intent—Effective date—2003 c 53~~: See notes following RCW 2.48.180.

RCW 46.12.755 Ownership of motor vehicle by person under eighteen prohibited—Exception. (1) A person under the age of eighteen may not be the registered or legal owner of a motor vehicle unless the:

(a) Motor vehicle was previously registered in the person's name in another jurisdiction while a resident of that jurisdiction;

(b) Person is on active military duty with the United States armed forces; or

(c) Person is, in effect, emancipated.

(2) It is unlawful for any person to convey, sell, or transfer the ownership of any motor vehicle to a person under the age of eighteen. This subsection does not apply to a vehicle dealer properly licensed under chapter 46.70 RCW if the minor provides the dealer with a certified copy of an original birth certificate showing that the minor is over eighteen years of age. The vehicle dealer shall submit the certified copy of the original birth certificate with an application for certificate of title to the department, county auditor or other agent, or subagent appointed by the director.

(3) A person is guilty of a misdemeanor punishable by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days if that person with actual notice of the prohibition:

(a) Gives, sells, or transfers the ownership of a motor vehicle to a person under the age of eighteen;

(b) Is a registered or legal owner of a motor vehicle in violation of subsection (1) of this section; or

(c) Transfers, sells, or encumbers an interest in a motor vehicle in violation of RCW 46.61.5058. [2010 c 161 s 320; 1969 ex.s. c 125 s 1. Formerly RCW 46.12.250.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session
—2010 c 161: See notes following RCW 46.04.013.