
SENATE BILL 5134

State of Washington

62nd Legislature

2011 Regular Session

By Senator Hatfield

Read first time 01/14/11. Referred to Committee on Transportation.

1 AN ACT Relating to historic vessels; amending RCW 88.02.560,
2 88.02.560, and 82.49.010; reenacting and amending RCW 88.02.310; adding
3 a new section to chapter 88.02 RCW; creating a new section; providing
4 an effective date; and providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds and declares that
7 constructive leisure pursuits by Washington citizens are very
8 important. This act is intended to encourage responsible participation
9 in the hobby of collecting, preserving, restoring, and maintaining
10 vessels of historic and special interest, a hobby that contributes to
11 the enjoyment of Washington citizens and the preservation of
12 Washington's classic boat memorabilia.

13 **Sec. 2.** RCW 88.02.310 and 2010 c 161 s 1001 are each reenacted and
14 amended to read as follows:

15 Unless the context clearly requires otherwise, the definitions in
16 this section apply throughout this chapter.

17 (1) "Dealer" means a person, partnership, association, or

1 corporation engaged in the business of selling vessels at wholesale or
2 retail in this state.

3 (2) "Department" means the department of licensing.

4 (3) "Director" means the director of the department of licensing.

5 (4) "Owner" means a person who has a lawful right to possession of
6 a vessel by purchase, exchange, gift, lease, inheritance, or legal
7 action whether or not the vessel is subject to a security interest, and
8 means registered owner where the reference to owner may be construed as
9 either to registered or legal owner.

10 (5) "Person" has the same meaning as in RCW 46.04.405.

11 (6) "Vessel" means every watercraft used or capable of being used
12 as a means of transportation on the water, other than a seaplane.

13 (7) "Waters of this state" means any waters within the territorial
14 limits of this state as described in 43 U.S.C. Sec. 1312.

15 (8) "Collector" means the owner of one or more vessels who
16 collects, purchases, acquires, trades, or disposes of the vessels or
17 their parts for the collector's personal use, to preserve, restore, and
18 maintain the boat for hobby or historical purposes.

19 (9) "Historic vessel" means any vessel that is at least fifty years
20 old and is only being used for participation in club activities,
21 exhibitions, tours, parades, and occasional pleasure boating, but does
22 not include vessels that are used for commercial or rental purposes.

23 **Sec. 3.** RCW 88.02.560 and 2010 c 161 s 1019 are each amended to
24 read as follows:

25 (1) An application for vessel registration must be made by the
26 owner or the owner's authorized representative to the department,
27 county auditor or other agent, or subagent appointed by the director on
28 a form furnished or approved by the department. The application must
29 contain:

- 30 (a) The name and address of each owner of the vessel;
- 31 (b) Other information the department may require; and
- 32 (c) The signature of at least one owner.

33 (2) The application for vessel registration must be accompanied by
34 the:

- 35 (a) Vessel registration fee required under RCW 88.02.640(1)(h);
- 36 (b) Derelict vessel and invasive species removal fee and derelict
37 vessel removal surcharge required under RCW 88.02.640(3)(a);

1 (c) Filing fee required under RCW 88.02.640(1)(d);

2 (d) License plate technology fee required under RCW
3 88.02.640(1)(e);

4 (e) License service fee required under RCW 88.02.640(1)(f); and

5 (f) Watercraft excise tax required under chapter 82.49 RCW.

6 (3) Upon receipt of an application for vessel registration and the
7 required fees and taxes, the department shall assign a registration
8 number and issue a decal for the vessel. The department shall create
9 and issue a separate decal for each historic vessel. The registration
10 number and decal must be issued and affixed to the vessel in a manner
11 prescribed by the department consistent with the standard numbering
12 system for vessels required in 33 C.F.R. Part 174. A valid decal
13 affixed as prescribed shall indicate compliance with the annual
14 registration requirements of this chapter.

15 (4) Vessel registrations and decals are valid for a period of one
16 year, except that the director may extend or diminish vessel
17 registration periods and vessel decals for the purpose of staggered
18 renewal periods. For registration periods of more or less than one
19 year, the department may collect prorated annual registration fees and
20 excise taxes based upon the number of months in the registration
21 period.

22 (5) Vessel registrations are renewable every year in a manner
23 prescribed by the department upon payment of the fees and taxes
24 described in subsection (2) of this section. Upon renewing a vessel
25 registration, the department shall issue a new decal to be affixed as
26 prescribed by the department.

27 (6) When the department issues either a notice to renew a vessel
28 registration or a decal for a new or renewed vessel registration, it
29 shall also provide information on the location of marine oil recycling
30 tanks and sewage holding tank pumping stations. This information will
31 be provided to the department by the state parks and recreation
32 commission in a form ready for distribution. The form must be
33 developed and prepared by the state parks and recreation commission
34 with the cooperation of the department of ecology. The department, the
35 state parks and recreation commission, and the department of ecology
36 shall enter into a memorandum of agreement to implement this process.

37 (7) A person acquiring a vessel from a dealer or a vessel already
38 validly registered under this chapter shall, within fifteen days of the

1 acquisition or purchase of the vessel, apply to the department, county
2 auditor or other agent, or subagent appointed by the director for
3 transfer of the vessel registration, and the application must be
4 accompanied by a transfer fee as required in RCW 88.02.640(1)(k).

5 **Sec. 4.** RCW 88.02.560 and 2010 c 161 s 1020 are each amended to
6 read as follows:

7 (1) An application for a vessel registration must be made by the
8 owner or the owner's authorized representative to the department,
9 county auditor or other agent, or subagent appointed by the director on
10 a form furnished or approved by the department. The application must
11 contain:

- 12 (a) The name and address of each owner of the vessel;
- 13 (b) Other information the department may require; and
- 14 (c) The signature of at least one owner.

15 (2) The application for vessel registration must be accompanied by
16 the:

- 17 (a) Vessel registration fee required under RCW 88.02.640(1)(h);
- 18 (b) Derelict vessel and invasive species removal fee and derelict
19 vessel removal surcharge required under RCW 88.02.640(3)(b);
- 20 (c) Filing fee required under RCW 88.02.640(1)(d);
- 21 (d) License plate technology fee required under RCW
22 88.02.640(1)(e);
- 23 (e) License service fee required under RCW 88.02.640(1)(f); and
- 24 (f) Watercraft excise tax required under chapter 82.49 RCW.

25 (3) Upon receipt of an application for vessel registration and the
26 required fees and taxes, the department shall assign a registration
27 number and issue a decal for each vessel. The department shall create
28 and issue a separate decal for each historic vessel. The registration
29 number and decal must be issued and affixed to the vessel in a manner
30 prescribed by the department consistent with the standard numbering
31 system for vessels required in 33 C.F.R. Part 174. A valid decal
32 affixed as prescribed must indicate compliance with the annual
33 registration requirements of this chapter.

34 (4) Vessel registrations and decals are valid for a period of one
35 year, except that the director may extend or diminish vessel
36 registration periods and vessel decals for the purpose of staggered
37 renewal periods. For registration periods of more or less than one

1 year, the department may collect prorated annual registration fees and
2 excise taxes based upon the number of months in the registration
3 period.

4 (5) Vessel registrations are renewable every year in a manner
5 prescribed by the department upon payment of the fees and taxes
6 described in subsection (2) of this section. Upon renewing a vessel
7 registration, the department shall issue a new decal to be affixed as
8 prescribed by the department.

9 (6) When the department issues either a notice to renew a vessel
10 registration or a decal for a new or renewed vessel registration, it
11 shall also provide information on the location of marine oil recycling
12 tanks and sewage holding tank pumping stations. This information must
13 be provided to the department by the state parks and recreation
14 commission in a form ready for distribution. The form must be
15 developed and prepared by the state parks and recreation commission
16 with the cooperation of the department of ecology. The department, the
17 state parks and recreation commission, and the department of ecology
18 shall enter into a memorandum of agreement to implement this process.

19 (7) A person acquiring a vessel from a dealer or a vessel already
20 validly registered under this chapter shall, within fifteen days of the
21 acquisition or purchase of the vessel, apply to the department, county
22 auditor or other agent, or subagent appointed by the director for
23 transfer of the vessel registration, and the application must be
24 accompanied by a transfer fee as required in RCW 88.02.640(1)(k).

25 NEW SECTION. **Sec. 5.** A new section is added to chapter 88.02 RCW
26 to read as follows:

27 A historic vessel registered under RCW 88.02.560 may only be used
28 for participation in club activities, exhibitions, tours, parades, and
29 occasional pleasure boating.

30 **Sec. 6.** RCW 82.49.010 and 2010 c 161 s 1044 are each amended to
31 read as follows:

32 (1) An excise tax is imposed for the privilege of using a vessel
33 upon the waters of this state, except vessels exempt under RCW
34 82.49.020. Except for historic vessels, the annual amount of the
35 excise tax is one-half of one percent of fair market value, as
36 determined under this chapter, or five dollars, whichever is greater.

1 The annual amount of the excise tax for any historic vessel as defined
2 in RCW 88.02.310 is one-quarter of one percent of fair market value, as
3 determined under this chapter, or five dollars, whichever is greater.
4 Violation of this subsection is a misdemeanor.

5 (2) Persons who are required under chapter 88.02 RCW to register a
6 vessel in this state and who register the vessel in another state or
7 foreign country and avoid the Washington watercraft excise tax are
8 guilty of a gross misdemeanor and are liable for such unpaid excise
9 tax. The department of revenue may assess and collect the unpaid
10 excise tax under chapter 82.32 RCW, including the penalties and
11 interest provided in chapter 82.32 RCW.

12 (3) The excise tax upon a vessel registered for the first time in
13 this state shall be imposed for a twelve-month period, including the
14 month in which the vessel is registered, unless the director of
15 licensing extends or diminishes vessel registration periods for the
16 purpose of staggered renewal periods under RCW 88.02.560. A vessel is
17 registered for the first time in this state when the vessel was not
18 registered in this state for the immediately preceding registration
19 year, or when the vessel was registered in another jurisdiction for the
20 immediately preceding year.

21 NEW SECTION. **Sec. 7.** Section 3 of this act expires June 30, 2012.

22 NEW SECTION. **Sec. 8.** Section 4 of this act takes effect June 30,
23 2012.

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