H-1864.2

HOUSE BILL 2149

State of Washington 58th Legislature 2003 Regular Session

By Representative Condotta

Read first time 02/26/2003. Referred to Committee on Transportation.

AN ACT Relating to limiting government-imposed charges on motor vehicles; amending RCW 46.16.0621, 46.16.070, 82.80.020, 81.104.160, 82.80.070, and 82.80.090; and creating a new section.

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

Sec. 1. RCW 46.16.0621 and 2002 c 352 s 7 are each amended to read as follows:

(1) Except as provided in RCW 82.80.020, license tab fees ((~~shall be~~)) are thirty dollars per year for all vehicles.

(2) For the purposes of this section, "license tab fees" are defined as the general fees paid annually for licensing motor vehicles and trailers as defined in RCW 46.04.620 and 46.04.623. Trailers licensed under RCW 46.16.068 or 46.16.085 and campers licensed under RCW 46.16.505 are not required to pay license tab fees under this section.

Sec. 2. RCW 46.16.070 and 1994 c 262 s 8 are each amended to read as follows:

(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the ((~~excise tax prescribed in~~

~~chapter 82.44 RCW and the~~)) mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight thereof pursuant to the provisions of chapter 46.44 RCW, the following licensing fees by such gross weight:

DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
4,000 lbs.	$ ((~~37.00~~))	$ ((~~37.00~~))
	30.00	30.00
6,000 lbs.	$ ((~~44.00~~))	$ ((~~44.00~~))
	30.00	30.00
8,000 lbs.	$ ((~~55.00~~))	$ ((~~55.00~~))
	30.00	30.00
10,000 lbs.	$ 62.00	$ 62.00
12,000 lbs.	$ 72.00	$ 72.00
14,000 lbs.	$ 82.00	$ 82.00
16,000 lbs.	$ 92.00	$ 92.00
18,000 lbs.	$ 137.00	$ 137.00
20,000 lbs.	$ 152.00	$ 152.00
22,000 lbs.	$ 164.00	$ 164.00
24,000 lbs.	$ 177.00	$ 177.00
26,000 lbs.	$ 187.00	$ 187.00
28,000 lbs.	$ 220.00	$ 220.00
30,000 lbs.	$ 253.00	$ 253.00
32,000 lbs.	$ 304.00	$ 304.00
34,000 lbs.	$ 323.00	$ 323.00
36,000 lbs.	$ 350.00	$ 350.00
38,000 lbs.	$ 384.00	$ 384.00
40,000 lbs.	$ 439.00	$ 439.00
42,000 lbs.	$ 456.00	$ 546.00
44,000 lbs.	$ 466.00	$ 556.00
46,000 lbs.	$ 501.00	$ 591.00
48,000 lbs.	$ 522.00	$ 612.00
50,000 lbs.	$ 566.00	$ 656.00
52,000 lbs.	$ 595.00	$ 685.00
54,000 lbs.	$ 642.00	$ 732.00
56,000 lbs.	$ 677.00	$ 767.00
58,000 lbs.	$ 704.00	$ 794.00
60,000 lbs.	$ 750.00	$ 840.00
62,000 lbs.	$ 804.00	$ 894.00

64,000 lbs.	$ 822.00	$ 912.00
66,000 lbs.	$ 915.00	$ 1,005.00
68,000 lbs.	$ 954.00	$ 1,044.00
70,000 lbs.	$ 1,027.00	$ 1,117.00
72,000 lbs.	$ 1,098.00	$ 1,188.00
74,000 lbs.	$ 1,193.00	$ 1,283.00
76,000 lbs.	$ 1,289.00	$ 1,379.00
78,000 lbs.	$ 1,407.00	$ 1,497.00
80,000 lbs.	$ 1,518.00	$ 1,608.00
82,000 lbs.	$ 1,623.00	$ 1,713.00
84,000 lbs.	$ 1,728.00	$ 1,818.00
86,000 lbs.	$ 1,833.00	$ 1,923.00
88,000 lbs.	$ 1,938.00	$ 2,028.00
90,000 lbs.	$ 2,043.00	$ 2,133.00
92,000 lbs.	$ 2,148.00	$ 2,238.00
94,000 lbs.	$ 2,253.00	$ 2,343.00
96,000 lbs.	$ 2,358.00	$ 2,448.00
98,000 lbs.	$ 2,463.00	$ 2,553.00
100,000 lbs.	$ 2,568.00	$ 2,658.00
102,000 lbs.	$ 2,673.00	$ 2,763.00
104,000 lbs.	$ 2,778.00	$ 2,868.00
105,500 lbs.	$ 2,883.00	$ 2,973.00

Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above for the new gross weight, multiplied by the number of months remaining

in the period for which licensing fees have been paid, including the month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or cab card, the new licensing fees due shall be reduced by the amount of the licensing fees previously paid for the same period for which new fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of this section shall be distributed in accordance with RCW 46.68.035.

Sec. 3. RCW 82.80.020 and 2001 c 64 s 15 are each amended to read as follows:

(1) The legislative authority of a county, or subject to subsection (7) of this section, a qualifying city or town located in a county that has not imposed a fifteen-dollar fee under this section, may fix and impose an additional fee, not to exceed fifteen dollars per vehicle, for each vehicle that is subject to license fees under RCW 46.16.0621 and for each vehicle that is subject to RCW 46.16.070 with an unladen weight of six thousand pounds or less, and that is determined by the department of licensing to be registered within the boundaries of the county. Before the legislative authority may impose the fee under this section, the fee must be approved by at least sixty percent of the voters voting at a general or special election on the fee proposition.

(2) The department of licensing shall administer and collect the fee. The department shall deduct a percentage amount, as provided by contract, not to exceed two percent of the taxes collected, for administration and collection expenses incurred by it. The remaining proceeds shall be remitted to the custody of the state treasurer for monthly distribution under RCW 82.80.080.

(3) The proceeds of this fee shall be used strictly for ((~~transportation~~)) highway purposes ((~~in accordance with RCW 82.80.070~~)) consistent with Article II, section 40 of the state Constitution.

(4) A county or qualifying city or town imposing this fee or initiating an exemption process shall delay the effective date at least six months from the date the ordinance is enacted to allow the department of licensing to implement administration and collection of or exemption from the fee.

(5) The legislative authority of a county or qualifying city or town may develop and initiate an exemption process of the fifteen dollar fee for the registered owners of vehicles residing within the boundaries of the county or qualifying city or town: (a) Who are sixty-one years old or older at the time payment of the fee is due and whose household income for the previous calendar year is less than an amount prescribed by the county or qualifying city or town legislative authority; or (b) who have a physical disability.

(6) The legislative authority of a county or qualifying city or town shall develop and initiate an exemption process of the fifteen-dollar fee for vehicles registered within the boundaries of the county that are licensed under RCW 46.16.374.

(7) For purposes of this section, a "qualifying city or town" means a city or town residing within a county having a population of greater than seventy-five thousand in which is located all or part of a national monument. A qualifying city or town may impose the fee authorized in subsection (1) of this section subject to the following conditions and limitations:

(a) The city or town may impose the fee only if authorized to do so by a majority of voters voting at a general or special election on a proposition for that purpose. At a minimum, the ballot measure shall contain: (i) A description of the transportation project proposed for funding, properly identified by mileposts or other designations that specify the project parameters; (ii) the proposed number of months or years necessary to fund the city or town's share of the project cost; and (iii) the amount of fee to be imposed for the project.

(b) The city or town may not impose a fee that, if combined with the county fee, exceeds fifteen dollars. If a county imposes or increases a fee under this section that, if combined with the fee imposed by a city or town, exceeds fifteen dollars, the city or town fee shall be reduced or eliminated as needed so that in no city or town does the combined fee exceed fifteen dollars. All revenues from county-imposed fees shall be distributed as called for in RCW 82.80.080.

(c) Any fee imposed by a city or town under this section shall expire at the end of the term of months or years provided in the ballot measure, or when the city or town's bonded indebtedness on the project is retired, whichever is sooner.

(8) The fee imposed under subsection (7) of this section shall apply only to renewals and shall not apply to ownership transfer transactions.

(9) Trailers registered under RCW 46.04.620 and 46.04.623 are exempt from the fee imposed under this section.

(10) Any county imposing the fee authorized in this section as of March 1, 2003, must submit the fee to the voters for their ratification at the November 2003 general election. At least sixty percent of voters voting at the election must ratify the continued imposition of the fee.

Sec. 4. RCW 81.104.160 and 1998 c 321 s 35 are each amended to read as follows:

((~~(1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, and regional transit authorities may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eighty one-hundredths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. In any county imposing a motor vehicle excise tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under this section shall be reduced to a rate equal to eighty one-hundredths of one percent on the value less the equivalent motor vehicle excise tax rate of the surcharge imposed pursuant to RCW 81.100.060. This rate shall not apply to vehicles licensed under RCW 46.16.070 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16.079, 46.16.085, or 46.16.090.~~

~~(2)~~)) An agency ((~~imposing a tax under subsection (1) of this section~~)) may ((~~also~~)) impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the agency's jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax shall not exceed 2.172 percent. ((~~The rate of tax imposed under this subsection shall bear the same ratio to the 2.172 percent rate authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under~~

~~subsection (1) of this section.~~)) The base of the tax shall be the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax. ((~~The revenue collected under this subsection shall be used in the same manner as excise taxes under subsection (1) of this section.~~))

Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on the effective date of this act.

NEW SECTION. **Sec. 5.** If the repeal of taxes in section 4 of this act affects any bonds previously issued for any purpose relating to light rail, the people expect transit agencies to retire these bonds using reserve funds including accrued interest, sale of property or equipment, new voter approved tax revenues, or any combination of these sources of revenue. Taxing districts should abstain from further bond sales for any purpose relating to light rail until voters decide this measure. The people encourage transit agencies to put another tax revenue measure before voters if they want to continue with a light rail system dramatically changed from that previously represented to and approved by voters.

Sec. 6. RCW 82.80.070 and 2002 c 56 s 413 are each amended to read as follows:

(1) The proceeds collected pursuant to the exercise of the local option authority of RCW 82.80.010, ((~~82.80.020,~~)) 82.80.030, and 82.80.050 (hereafter called "local option transportation revenues") shall be used for transportation purposes only, including but not limited to the following: The operation and preservation of roads, streets, and other transportation improvements; new construction, reconstruction, and expansion of city streets, county roads, and state highways and other transportation improvements; development and implementation of public transportation and high-capacity transit improvements and programs; and planning, design, and acquisition of right of way and sites for such transportation purposes. The proceeds collected from excise taxes on the sale, distribution, or use of motor vehicle fuel and special fuel under RCW 82.80.010 and the vehicle license fee under RCW 82.80.020 shall be used exclusively for "highway

purposes" as that term is construed in Article II, section 40 of the state Constitution.

(2) The local option transportation revenues shall be expended for transportation uses consistent with the adopted transportation and land use plans of the jurisdiction expending the funds and consistent with any applicable and adopted regional transportation plan for metropolitan planning areas.

(3) Each local government with a population greater than eight thousand that levies or expends local option transportation funds, is also required to develop and adopt a specific transportation program that contains the following elements:

(a) The program shall identify the geographic boundaries of the entire area or areas within which local option transportation revenues will be levied and expended.

(b) The program shall be based on an adopted transportation plan for the geographic areas covered and shall identify the proposed operation and construction of transportation improvements and services in the designated plan area intended to be funded in whole or in part by local option transportation revenues and shall identify the annual costs applicable to the program.

(c) The program shall indicate how the local transportation plan is coordinated with applicable transportation plans for the region and for adjacent jurisdictions.

(d) The program shall include at least a six-year funding plan, updated annually, identifying the specific public and private sources and amounts of revenue necessary to fund the program. The program shall include a proposed schedule for construction of projects and expenditure of revenues. The funding plan shall consider the additional local tax revenue estimated to be generated by new development within the plan area if all or a portion of the additional revenue is proposed to be earmarked as future appropriations for transportation improvements in the program.

(4) Local governments with a population greater than eight thousand exercising the authority for local option transportation funds shall periodically review and update their transportation program to ensure that it is consistent with applicable local and regional transportation and land use plans and within the means of estimated public and private revenue available.

(5) In the case of expenditure for new or expanded transportation facilities, improvements, and services, priorities in the use of local option transportation revenues shall be identified in the transportation program and expenditures shall be made based upon the following criteria, which are stated in descending order of weight to be attributed:

(a) First, the project serves a multijurisdictional function;

(b) Second, it is necessitated by existing or reasonably foreseeable congestion;

(c) Third, it has the greatest person-carrying capacity;

(d) Fourth, it is partially funded by other government funds, such as from the state transportation improvement board, or by private sector contributions, such as those from the local transportation act, chapter 39.92 RCW; and

(e) Fifth, it meets such other criteria as the local government determines is appropriate.

(6) It is the intent of the legislature that as a condition of levying, receiving, and expending local option transportation revenues, no local government agency use the revenues to replace, divert, or loan any revenues currently being used for transportation purposes to nontransportation purposes. The association of Washington cities and the Washington state association of counties, in consultation with the legislative transportation committee, shall study the issue of nondiversion and make recommendations to the legislative transportation committee for language implementing the intent of this section by December 1, 1990.

(7) Local governments are encouraged to enter into interlocal agreements to jointly develop and adopt with other local governments the transportation programs required by this section for the purpose of accomplishing regional transportation planning and development.

(8) Local governments may use all or a part of the local option transportation revenues for the amortization of local government general obligation and revenue bonds issued for transportation purposes consistent with the requirements of this section.

(9) Subsections (1) through (8) of this section do not apply to a regional transportation investment district imposing a tax or fee under the local option authority of this chapter. Proceeds collected under

the exercise of local option authority under this chapter by a district must be used in accordance with chapter 36.120 RCW.

Sec. 7. RCW 82.80.090 and 1990 c 42 s 214 are each amended to read as follows:

A referendum petition to repeal a county or city ordinance imposing a tax or fee authorized under RCW ((~~82.80.020 and~~)) 82.80.030 must be filed with a filing officer, as identified in the ordinance, within seven days of passage of the ordinance. Within ten days, the filing officer shall confer with the petitioner concerning form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title shall be posed as a question so that an affirmative answer to the question and an affirmative vote on the measure results in the tax or fee being imposed and a negative answer to the question and a negative vote on the measure results in the tax or fee not being imposed. The petitioner shall be notified of the identification number and ballot title within this ten-day period.

After this notification, the petitioner has thirty days in which to secure on petition forms the signatures of not less than fifteen percent of the registered voters of the county for county measures, or not less than fifteen percent of the registered voters of the city for city measures, and to file the signed petitions with the filing officer. Each petition form must contain the ballot title and the full text of the measure to be referred. The filing officer shall verify the sufficiency of the signatures on the petitions. If sufficient valid signatures are properly submitted, the filing officer shall submit the referendum measure to the county or city voters at a general or special election held on one of the dates provided in RCW 29.13.010 as determined by the county or city legislative authority, which election shall not take place later than one hundred twenty days after the signed petition has been filed with the filing officer.

The referendum procedure provided in this section is the exclusive method for subjecting any county or city ordinance imposing a tax or fee under RCW ((~~82.80.020 and~~)) 82.80.030 to a referendum vote.

--- END ---