

HOUSE BILL 2894

State of Washington

55th Legislature

1998 Regular Session

By Representatives Huff, K. Schmidt, Robertson, Lisk, Carrell, Mastin, Sehlin, Dyer, Mitchell, Pennington, Talcott, Lambert, Buck, D. Schmidt, L. Thomas, Benson, Clements, Skinner, Ballasiotes, Delvin, Parlette, Cooke, Hickel, B. Thomas, Johnson, DeBolt, Hankins, Cairnes, Crouse, Wensman, Mielke, Sherstad, Honeyford, McCune, Koster, Dunn, McDonald, Reams, Sheahan, Sterk, Schoesler, D. Sommers, Bush, Chandler, McMorris, Boldt, Backlund, Mulliken, Van Luven, Radcliff, Alexander, Zellinsky and Thompson

Read first time 01/21/98. Referred to Committee on Appropriations.

1 AN ACT Relating to the reallocation of motor vehicle excise tax and
2 general fund resources for the purpose of providing transportation
3 funding, local criminal justice funding, and tax reduction; amending
4 RCW 82.44.020, 82.44.041, 82.44.110, 82.44.150, 82.14.310, 82.14.330,
5 43.135.060, 82.50.410, 82.50.510, 35.58.273, 35.58.410, 46.16.068,
6 70.94.015, 81.100.060, 82.08.020, 82.14.046, 82.44.023, 82.44.025,
7 82.44.155, 82.44.180, and 84.44.050; reenacting and amending RCW
8 69.50.520, 82.14.320, and 81.104.160; adding a new section to chapter
9 82.44 RCW; adding a new section to chapter 43.135 RCW; creating new
10 sections; providing effective dates; providing a contingent effective
11 date; and providing for submission of certain sections of this act to
12 a vote of the people.

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

14 NEW SECTION. **Sec. 1.** The purpose of this act is to reallocate the
15 general fund portion of the state's motor vehicle excise tax revenues
16 among the taxpayers, local governments, and the state's transportation
17 programs. The legislature finds that use of motor vehicle excise tax
18 revenues for general fund purposes has created a fiscal imbalance that
19 affects the state's ability to address critical transportation needs.

1 The dedication of these revenues to increased transportation funding,
2 while maintaining and enhancing existing state distributions to local
3 governments for criminal justice and other purposes and reducing the
4 tax burden on owners of motor vehicles, is an appropriate use of
5 revenues derived from motor vehicles.

6 In reallocating general fund resources, it is also the intent of
7 this act to ensure that other programs funded from the general fund are
8 not adversely impacted by these reallocations of revenue. Therefore,
9 the legislature adopts this act to reaffirm and strengthen the general
10 fund revenue and expenditure limitations adopted by the voters of the
11 state in Initiative Measure No. 601, consistent with these
12 reallocations of general fund resources.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.44 RCW
14 to read as follows:

15 (1) Beginning with motor vehicle registrations that are due or
16 become due in July 1999, a credit is authorized against the tax imposed
17 under RCW 82.44.020(1) on each personal-use motor vehicle equal to the
18 lesser of the tax otherwise due under RCW 82.44.020(1) or forty
19 dollars.

20 (2) For the purposes of this section, "personal-use motor vehicle"
21 means a vehicle registered to a private individual, not owned by a
22 business, and designated in one of the following use classes: (a)
23 Passenger; (b) truck with a weight not to exceed six thousand pounds;
24 or (c) motorcycle.

25 **Sec. 3.** RCW 82.44.020 and 1993 sp.s. c 23 s 61 are each amended to
26 read as follows:

27 (1) An excise tax is imposed for the privilege of using in the
28 state any motor vehicle, except those operated under reciprocal
29 agreements, the provisions of RCW 46.16.160 (~~as now or hereafter~~
30 ~~amended~~), or dealer's licenses. The annual amount of such excise tax
31 shall be two and two-tenths percent of the value of such vehicle.

32 (~~(2) ((An additional excise tax is imposed, in addition to any other~~
33 ~~tax imposed by this section, for the privilege of using in the state~~
34 ~~any such motor vehicle, and the annual amount of such additional excise~~
35 ~~shall be two tenths of one percent of the value of such vehicle.~~

36 (~~(3) Effective with October 1992 motor vehicle registration~~
37 ~~expirations,)) A clean air excise tax is imposed in addition to any~~

1 other tax imposed by this section for the privilege of using in the
2 state any motor vehicle as defined in RCW 82.44.010, except that farm
3 vehicles as defined in RCW 46.04.181 shall not be subject to the tax
4 imposed by this subsection. The ~~((annual amount of the additional
5 excise tax shall be two dollars and twenty five cents. Effective with
6 July 1994 motor vehicle registration expirations, the))~~ annual amount
7 of additional excise tax shall be two dollars.

8 ~~((+4))~~ (3) An additional excise tax is imposed on truck-type power
9 units that are used in combination with a trailer to transport loads in
10 excess of forty thousand pounds combined gross weight. The annual
11 amount of such additional excise tax shall be fifty-eight one-
12 hundredths of one percent of the value of the vehicle.

13 The department shall distribute the additional tax collected under
14 this subsection as follows:

15 (a) For each trailing unit subject to subsection ~~((+5))~~ (4) of
16 this section, an amount equal to the clean air excise tax prescribed in
17 subsection ~~((+3))~~ (2) of this section shall be distributed in the
18 manner prescribed in RCW 82.44.110~~((+3))~~ (2);

19 (b) ~~((0f))~~ (1) The remainder of the additional excise tax collected
20 under this subsection ~~((, ten percent shall be distributed in the manner
21 prescribed in RCW 82.44.110(2) and ninety percent))~~ shall be
22 distributed in the manner prescribed in RCW 82.44.110(1). This tax
23 shall not apply to power units used exclusively for hauling logs.

24 ~~((+5))~~ (4) The excise taxes imposed by subsections (1) ~~((through
25 +3))~~ (2) of this section shall not apply to trailing units which
26 are used in combination with a power unit subject to the additional
27 excise tax imposed by subsection ~~((+4))~~ (3) of this section. This
28 subsection shall not apply to trailing units used for hauling logs.

29 ~~((+6))~~ (5) In no case shall the total tax be less than two dollars
30 except for proportionally registered vehicles and except for vehicles
31 on which a credit is granted under section 2 of this act.

32 ~~((+7))~~ (6) Washington residents, as defined in RCW 46.16.028, who
33 license motor vehicles in another state or foreign country and avoid
34 Washington motor vehicle excise taxes are liable for such unpaid excise
35 taxes. The department of revenue may assess and collect the unpaid
36 excise taxes under chapter 82.32 RCW, including the penalties and
37 interest provided therein.

1 **Sec. 4.** RCW 82.44.041 and 1990 c 42 s 303 are each amended to read
2 as follows:

3 (1) For the purpose of determining the tax under this chapter, the
4 value of a truck-type power or trailing unit shall be the latest
5 purchase price of the vehicle, excluding applicable federal excise
6 taxes, state and local sales or use taxes, transportation or shipping
7 costs, or preparatory or delivery costs, multiplied by the following
8 percentage based on year of service of the vehicle since last sale.
9 The latest purchase year shall be considered the first year of service.

10	YEAR OF SERVICE	PERCENTAGE
11	1	100
12	2	90
13	3	83
14	4	75
15	5	67
16	6	59
17	7	52
18	8	44
19	9	36
20	10	28
21	11	21
22	12	13
23	13 or older	10

24 (2) The reissuance of title and registration for a truck-type power
25 or trailing unit because of the installation of body or special
26 equipment shall be treated as a sale, and the value of the truck-type
27 power or trailing unit at that time, as determined by the department
28 from such information as may be available, shall be considered the
29 latest purchase price.

30 (3) For the purpose of determining the tax under this chapter, the
31 value of a motor vehicle other than a truck-type power or trailing unit
32 shall be the manufacturer's base suggested retail price of the vehicle
33 when first offered for sale as a new vehicle, excluding any optional
34 equipment, applicable federal excise taxes, state and local sales or
35 use taxes, transportation or shipping costs, or preparatory or delivery
36 costs, multiplied by the applicable percentage listed in this
37 subsection based on year of service of the vehicle.

1 If the manufacturer's base suggested retail price is unavailable or
2 otherwise unascertainable at the time of initial registration in this
3 state, the department shall determine a value equivalent to a
4 manufacturer's base suggested retail price as follows:

5 (a) The department shall determine a value using any information
6 that may be available, including any guidebook, report, or compendium
7 of recognized standing in the automotive industry or the selling price
8 and year of sale of the vehicle. The department may use an appraisal
9 by the county assessor. In valuing a vehicle for which the current
10 value or selling price is not indicative of the value of similar
11 vehicles of the same year and model, the department shall establish a
12 value that more closely represents the average value of similar
13 vehicles of the same year and model.

14 (b) The value determined in (a) of this subsection shall be divided
15 by the applicable percentage listed in this subsection to establish a
16 value equivalent to a manufacturer's base suggested retail price. The
17 applicable percentage shall be based on the year of service of the
18 vehicle for which the value is determined.

19	YEAR OF SERVICE	PERCENTAGE
20	1	100
21	2	((100)) <u>93.5</u>
22	3	((91)) <u>86</u>
23	4	((83)) <u>79</u>
24	5	((74)) <u>71</u>
25	6	((65)) <u>63</u>
26	7	((57)) <u>56</u>
27	8	48
28	9	40
29	10	31
30	11	22
31	12	14
32	13 or older	10

33 (4) For purposes of this chapter, value shall exclude value
34 attributable to modifications of a motor vehicle and equipment that are
35 designed to facilitate the use or operation of the motor vehicle by a
36 handicapped person.

1 **Sec. 5.** RCW 82.44.110 and 1997 c 338 s 68 are each amended to read
2 as follows:

3 The county auditor shall regularly, when remitting license fee
4 receipts, pay over and account to the director of licensing for the
5 excise taxes collected under the provisions of this chapter. The
6 director shall forthwith transmit the excise taxes to the state
7 treasurer.

8 (1) The state treasurer shall deposit the excise taxes collected
9 under RCW 82.44.020(1) as follows:

10 (a) (~~((1.60))~~) 1.455 percent into the motor vehicle fund through June
11 30, 1999, and 1.812 percent beginning July 1, 1999, to defray
12 administrative and other expenses incurred by the department in the
13 collection of the excise tax.

14 (b) (~~((8.15))~~) 7.409 percent into the Puget Sound capital
15 construction account in the motor vehicle fund through June 30, 1999,
16 and 9.232 percent beginning July 1, 1999.

17 (c) (~~((4.07))~~) 3.70 percent into the Puget Sound ferry operations
18 account in the motor vehicle fund through June 30, 1999, and 4.61
19 percent beginning July 1, 1999.

20 (d) (~~((5.88))~~) 5.345 percent into the general fund to be distributed
21 under RCW 82.44.155 through June 30, 1999, and 6.66 percent beginning
22 July 1, 1999.

23 (e) (~~((4.75))~~) 4.318 percent into the municipal sales and use tax
24 equalization account in the general fund created in RCW 82.14.210
25 through June 30, 1999, and 5.38 percent beginning July 1, 1999.

26 (f) (~~((1.60))~~) 1.455 percent into the county sales and use tax
27 equalization account in the general fund created in RCW 82.14.200
28 through June 30, 1999, and 1.812 percent beginning July 1, 1999.

29 (g) (~~((62.6440))~~) 12.191 percent into the general fund through June
30 30, (~~((1995,~~ and ~~57.6440~~ percent into the general fund beginning July 1,
31 ~~1995))~~ 1999.

32 (h) (~~((5))~~) 43.464 percent into the transportation fund created in
33 RCW 82.44.180 through June 30, 1999, and 54.262 percent beginning July
34 1, (~~((1995))~~) 1999.

35 (i) (~~((5.9686))~~) 5.426 percent into the county criminal justice
36 assistance account created in RCW 82.14.310 through June 30, 1999.

37 (j) (~~((1.1937))~~) 1.085 percent into the municipal criminal justice
38 assistance account for distribution under RCW 82.14.320 through June
39 30, 1999.

1 (k) ~~((1.1937))~~ 1.085 percent into the municipal criminal justice
2 assistance account for distribution under RCW 82.14.330 through June
3 30, 1999.

4 (l) ~~((2.95))~~ 2.682 percent into the county public health account
5 created in RCW 70.05.125 through June 30, 1999, and 3.399 percent
6 beginning July 1, 1999.

7 (m) 10.385 percent into the motor vehicle fund through June 30,
8 1999, and 12.891 percent beginning July 1, 1999.

9 ~~((Notwithstanding (i) through (k) of this subsection, no more than~~
10 ~~sixty million dollars shall be deposited into the accounts specified in~~
11 ~~(i) through (k) of this subsection for the period January 1, 1994,~~
12 ~~through June 30, 1995. Not more than five percent of the funds~~
13 ~~deposited to these accounts shall be available for appropriations for~~
14 ~~enhancements to the state patrol crime laboratory system and the~~
15 ~~continuing costs related to these enhancements. Motor vehicle excise~~
16 ~~tax funds appropriated for such enhancements shall not supplant~~
17 ~~existing funds from the state general fund.)) For ((the)) fiscal years
18 ~~((ending June 30,))~~ 1998 and 1999, ~~((and for each fiscal year~~
19 ~~thereafter,))~~ the amounts deposited into the accounts specified in (i)
20 through (k) of this subsection shall not increase by more than the
21 amounts deposited into those accounts in the previous fiscal year
22 increased by the implicit price deflator for the previous fiscal year.
23 Any revenues in excess of this amount shall be deposited into the
24 violence reduction and drug enforcement account.~~

25 (2) ~~((The state treasurer shall deposit the excise taxes collected~~
26 ~~under RCW 82.44.020(2) into the transportation fund.~~

27 ~~(3))~~ The state treasurer shall deposit the excise tax imposed by
28 RCW 82.44.020~~((3))~~ (2) into the air pollution control account created
29 by RCW 70.94.015.

30 **Sec. 6.** RCW 82.44.150 and 1995 2nd sp.s. c 14 s 538 are each
31 amended to read as follows:

32 (1) The director of licensing shall, on the twenty-fifth day of
33 February, May, August, and November of each year, advise the state
34 treasurer of the total amount of motor vehicle excise taxes imposed by
35 RCW 82.44.020 (1) ~~((and (2))~~ remitted to the department during the
36 preceding calendar quarter ending on the last day of March, June,
37 September, and December, respectively, except for those payable under
38 RCW 82.44.030, from motor vehicle owners residing within each

1 municipality which has levied a tax under RCW 35.58.273, which amount
2 of excise taxes shall be determined by the director as follows:

3 The total amount of motor vehicle excise taxes remitted to the
4 department, except those payable under RCW 82.44.020(~~((+3+))~~) (2) and
5 82.44.030, from each county shall be multiplied by a fraction, the
6 numerator of which is the population of the municipality residing in
7 such county, and the denominator of which is the total population of
8 the county in which such municipality or portion thereof is located.
9 The product of this computation shall be the amount of excise taxes
10 from motor vehicle owners residing within such municipality or portion
11 thereof. Where the municipality levying a tax under RCW 35.58.273 is
12 located in more than one county, the above computation shall be made by
13 county, and the combined products shall provide the total amount of
14 motor vehicle excise taxes from motor vehicle owners residing in the
15 municipality as a whole. Population figures required for these
16 computations shall be supplied to the director by the office of
17 financial management, who shall adjust the fraction annually.

18 (2) On the first day of the months of January, April, July, and
19 October of each year, the state treasurer based upon information
20 provided by the department shall, from motor vehicle excise taxes
21 deposited in the general fund(~~((7))~~) under RCW 82.44.110(1)(g) through
22 April 1, 1999, distributions, and deposited in the transportation fund
23 under RCW 82.44.110(1)(h) beginning with July 1, 1999, distributions,
24 make the following deposits:

25 (a) To the high capacity transportation account created in RCW
26 47.78.010, a sum equal to four and five-tenths percent of the special
27 excise tax levied under RCW 35.58.273 by those municipalities
28 authorized to levy a special excise tax within each county that has a
29 population of one hundred seventy-five thousand or more and has an
30 interstate highway within its borders; except that in a case of a
31 municipality located in a county that has a population of one hundred
32 seventy-five thousand or more that does not have an interstate highway
33 located within its borders, that sum shall be deposited in the
34 passenger ferry account;

35 (b) To the central Puget Sound public transportation account
36 created in RCW 82.44.180, (~~((for revenues distributed after December 31,~~
37 ~~1992,))~~) within a county with a population of one million or more and a
38 county with a population of from two hundred thousand to less than one
39 million bordering a county with a population of one million or more, a

1 sum equal to the difference between (i) the special excise tax levied
2 and collected under RCW 35.58.273 by those municipalities authorized to
3 levy and collect a special excise tax subject to the requirements of
4 subsections (3) and (4) of this section and (ii) the special excise tax
5 that the municipality would otherwise have been eligible to levy and
6 collect at a tax rate of .815 percent and been able to match with
7 locally generated tax revenues, other than the excise tax imposed under
8 RCW 35.58.273, budgeted for any public transportation purpose. Before
9 this deposit, the sum shall be reduced by an amount equal to the amount
10 distributed under (a) of this subsection for each of the municipalities
11 within the counties to which this subsection (2)(b) applies; however,
12 any transfer under this subsection (2)(b) must be greater than zero;
13 and

14 (c) To the public transportation systems account created in RCW
15 82.44.180, (~~for revenues distributed after December 31, 1992,~~) within
16 counties not described in (b) of this subsection, a sum equal to the
17 difference between (i) the special excise tax levied and collected
18 under RCW 35.58.273 by those municipalities authorized to levy and
19 collect a special excise tax subject to the requirements of subsections
20 (3) and (4) of this section and (ii) the special excise tax that the
21 municipality would otherwise have been eligible to levy and collect at
22 a tax rate of .815 percent and been able to match with locally
23 generated tax revenues, other than the excise tax imposed under RCW
24 35.58.273, budgeted for any public transportation purpose. Before this
25 deposit, the sum shall be reduced by an amount equal to the amount
26 distributed under (a) of this subsection for each of the municipalities
27 within the counties to which this subsection (2)(c) applies; however,
28 any transfer under this subsection (2)(c) must be greater than zero(~~;~~
29 and

30 ~~(d) To the general fund, for revenues distributed after June 30,~~
31 ~~1993, and to the transportation fund, for revenues distributed after~~
32 ~~June 30, 1995, a sum equal to the difference between (i) the special~~
33 ~~excise tax levied and collected under RCW 35.58.273 by those~~
34 ~~municipalities authorized to levy and collect a special excise tax~~
35 ~~subject to the requirements of subsections (3) and (4) of this section~~
36 ~~and (ii) the special excise tax that the municipality would otherwise~~
37 ~~have been eligible to levy and collect at a tax rate of .815 percent~~
38 ~~notwithstanding the requirements set forth in subsections (3) through~~

1 ~~(6) of this section, reduced by an amount equal to distributions made~~
2 ~~under (a), (b), and (c) of this subsection and RCW 82.14.046)).~~

3 (3) On the first day of the months of January, April, July, and
4 October of each year, the state treasurer, based upon information
5 provided by the department, shall remit motor vehicle excise tax
6 revenues imposed and collected under RCW 35.58.273 as follows:

7 (a) The amount required to be remitted by the state treasurer to
8 the treasurer of any municipality levying the tax shall not exceed in
9 any calendar year the amount of locally-generated tax revenues,
10 excluding (i) the excise tax imposed under RCW 35.58.273 for the
11 purposes of this section, which shall have been budgeted by the
12 municipality to be collected in such calendar year for any public
13 transportation purposes including but not limited to operating costs,
14 capital costs, and debt service on general obligation or revenue bonds
15 issued for these purposes; and (ii) the sales and use tax equalization
16 distributions provided under RCW 82.14.046; and

17 (b) In no event may the amount remitted in a single calendar
18 quarter exceed the amount collected on behalf of the municipality under
19 RCW 35.58.273 during the calendar quarter next preceding the
20 immediately preceding quarter, excluding the sales and use tax
21 equalization distributions provided under RCW 82.14.046.

22 (4) At the close of each calendar year accounting period, but not
23 later than April 1, each municipality that has received motor vehicle
24 excise taxes under subsection (3) of this section shall transmit to the
25 director of licensing and the state auditor a written report showing by
26 source the previous year's budgeted tax revenues for public
27 transportation purposes as compared to actual collections. Any
28 municipality that has not submitted the report by April 1 shall cease
29 to be eligible to receive motor vehicle excise taxes under subsection
30 (3) of this section until the report is received by the director of
31 licensing. If a municipality has received more or less money under
32 subsection (3) of this section for the period covered by the report
33 than it is entitled to receive by reason of its locally-generated
34 collected tax revenues, the director of licensing shall, during the
35 next ensuing quarter that the municipality is eligible to receive motor
36 vehicle excise tax funds, increase or decrease the amount to be
37 remitted in an amount equal to the difference between the locally-
38 generated budgeted tax revenues and the locally-generated collected tax
39 revenues. In no event may the amount remitted for a calendar year

1 exceed the amount collected on behalf of the municipality under RCW
2 35.58.273 during that same calendar year excluding the sales and use
3 tax equalization distributions provided under RCW 82.14.046. At the
4 time of the next fiscal audit of each municipality, the state auditor
5 shall verify the accuracy of the report submitted and notify the
6 director of licensing of any discrepancies.

7 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and
8 required to be remitted under this section and RCW 82.14.046 shall be
9 remitted without legislative appropriation.

10 (6) Any municipality levying and collecting a tax under RCW
11 35.58.273 which does not have an operating, public transit system or a
12 contract for public transportation services in effect within one year
13 from the initial effective date of the tax shall return to the state
14 treasurer all motor vehicle excise taxes received under subsection (3)
15 of this section.

16 **Sec. 7.** RCW 69.50.520 and 1997 c 451 s 2 and 1997 338 s 69 are
17 each reenacted and amended to read as follows:

18 The violence reduction and drug enforcement account is created in
19 the state treasury. Beginning in fiscal year 1999, the state treasurer
20 shall transfer into the violence reduction and drug enforcement account
21 from the general fund the sum of eight million four hundred thousand
22 dollars divided into four equal deposits occurring on July 1, October
23 1, January 1, and April 1. For each fiscal year thereafter, the state
24 treasurer shall increase the total transfer by the fiscal growth
25 factor, as defined in RCW 43.135.025, forecast for that fiscal year by
26 the office of financial management in November of the preceding year.
27 In addition all designated receipts from RCW 9.41.110(8), 66.24.210(4),
28 66.24.290(2), 69.50.505(h)(1), 82.08.150(5), 82.24.020(2), and
29 82.64.020((, and section 420, chapter 271, Laws of 1989)) shall be
30 deposited into the account. Expenditures from the account may be used
31 only for funding services and programs under chapter 271, Laws of 1989
32 and chapter 7, Laws of 1994 sp. sess., including state incarceration
33 costs. Funds from the account may also be appropriated to reimburse
34 local governments for costs associated with implementing criminal
35 justice legislation including chapter 338, Laws of 1997. During the
36 1997-1999 biennium, funds from the account may also be used for costs
37 associated with conducting a feasibility study of the department of
38 corrections' offender-based tracking system. After July 1, 1999, at

1 least seven and one-half percent of expenditures from the account shall
2 be used for providing grants to community networks under chapter 70.190
3 RCW by the family policy council.

4 **Sec. 8.** RCW 82.14.310 and 1995 c 398 s 11 are each amended to read
5 as follows:

6 (1) The county criminal justice assistance account is created in
7 the state treasury. Beginning in fiscal year 1999, the state treasurer
8 shall transfer into the county criminal justice assistance account from
9 the general fund the sum of forty-six million six hundred thousand
10 dollars divided into four equal deposits occurring on July 1, October
11 1, January 1, and April 1. For each fiscal year thereafter, the state
12 treasurer shall increase the total transfer by the fiscal growth
13 factor, as defined in RCW 43.135.025, forecast for that fiscal year by
14 the office of financial management in November of the preceding year.

15 (2) The moneys deposited in the county criminal justice assistance
16 account for distribution under this section(~~(, less any moneys~~
17 ~~appropriated for purposes under RCW 82.44.110,)) shall be distributed
18 at such times as distributions are made under RCW 82.44.150 and on the
19 relative basis of each county's funding factor as determined under this
20 subsection.~~

21 (a) A county's funding factor is the sum of:

22 (i) The population of the county, divided by one thousand, and
23 multiplied by two-tenths;

24 (ii) The crime rate of the county, multiplied by three-tenths; and

25 (iii) The annual number of criminal cases filed in the county
26 superior court, for each one thousand in population, multiplied by
27 five-tenths.

28 (b) Under this section and RCW 82.14.320 and 82.14.330:

29 (i) The population of the county or city shall be as last
30 determined by the office of financial management;

31 (ii) The crime rate of the county or city is the annual occurrence
32 of specified criminal offenses, as calculated in the most recent annual
33 report on crime in Washington state as published by the Washington
34 association of sheriffs and police chiefs, for each one thousand in
35 population;

36 (iii) The annual number of criminal cases filed in the county
37 superior court shall be determined by the most recent annual report of

1 the courts of Washington, as published by the office of the
2 administrator for the courts;

3 (iv) Distributions and eligibility for distributions in the 1989-91
4 biennium shall be based on 1988 figures for both the crime rate as
5 described under (ii) of this subsection and the annual number of
6 criminal cases that are filed as described under (iii) of this
7 subsection. Future distributions shall be based on the most recent
8 figures for both the crime rate as described under (ii) of this
9 subsection and the annual number of criminal cases that are filed as
10 described under (iii) of this subsection.

11 (3) Moneys distributed under this section shall be expended
12 exclusively for criminal justice purposes and shall not be used to
13 replace or supplant existing funding. Criminal justice purposes are
14 defined as activities that substantially assist the criminal justice
15 system, which may include circumstances where ancillary benefit to the
16 civil justice system occurs, and which includes domestic violence
17 services such as those provided by domestic violence programs,
18 community advocates, and legal advocates, as defined in RCW 70.123.020.
19 Existing funding for purposes of this subsection is defined as calendar
20 year 1989 actual operating expenditures for criminal justice purposes.
21 Calendar year 1989 actual operating expenditures for criminal justice
22 purposes exclude the following: Expenditures for extraordinary events
23 not likely to reoccur, changes in contract provisions for criminal
24 justice services, beyond the control of the local jurisdiction
25 receiving the services, and major nonrecurring capital expenditures.
26 Not more than five percent of the funds deposited to the county
27 criminal justice assistance account shall be available for
28 appropriations for enhancements to the state patrol crime laboratory
29 system and the continuing costs related to these enhancements. Funds
30 appropriated from this account for such enhancements shall not supplant
31 existing funds from the state general fund.

32 **Sec. 9.** RCW 82.14.320 and 1995 c 398 s 12 and 1995 c 312 s 84 are
33 each reenacted and amended to read as follows:

34 (1) The municipal criminal justice assistance account is created in
35 the state treasury. Beginning in fiscal year 1999, the state treasurer
36 shall transfer into the municipal criminal justice assistance account
37 for distribution under this section from the general fund the sum of
38 nine million three hundred dollars divided into four equal deposits

1 occurring on July 1, October 1, January 1, and April 1. For each
2 fiscal year thereafter, the state treasurer shall increase the total
3 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
4 forecast for that fiscal year by the office of financial management in
5 November of the preceding year.

6 (2) No city may receive a distribution under this section from the
7 municipal criminal justice assistance account unless:

8 (a) The city has a crime rate in excess of one hundred twenty-five
9 percent of the state-wide average as calculated in the most recent
10 annual report on crime in Washington state as published by the
11 Washington association of sheriffs and police chiefs;

12 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
13 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
14 maximum rate; and

15 (c) The city has a per capita yield from the tax imposed under RCW
16 82.14.030(1) at the maximum rate of less than one hundred fifty percent
17 of the state-wide average per capita yield for all cities from such
18 local sales and use tax.

19 (3) The moneys deposited in the municipal criminal justice
20 assistance account for distribution under this section(~~(, less any~~
21 ~~moneys appropriated for purposes under RCW 82.44.110,)) shall be
22 distributed at such times as distributions are made under RCW
23 82.44.150. The distributions shall be made as follows:~~

24 (a) Unless reduced by this subsection, thirty percent of the moneys
25 shall be distributed ratably based on population as last determined by
26 the office of financial management to those cities eligible under
27 subsection (2) of this section that have a crime rate determined under
28 subsection (2)(a) of this section which is greater than one hundred
29 seventy-five percent of the state-wide average crime rate. No city may
30 receive more than fifty percent of any moneys distributed under this
31 subsection (a) but, if a city distribution is reduced as a result of
32 exceeding the fifty percent limitation, the amount not distributed
33 shall be distributed under (b) of this subsection.

34 (b) The remainder of the moneys, including any moneys not
35 distributed in subsection (2)(a) of this section, shall be distributed
36 to all cities eligible under subsection (2) of this section ratably
37 based on population as last determined by the office of financial
38 management.

1 (4) No city may receive more than thirty percent of all moneys
2 distributed under subsection (3) of this section.

3 (5) Notwithstanding other provisions of this section, the
4 distributions to any city that substantially decriminalizes or repeals
5 its criminal code after July 1, 1990, and that does not reimburse the
6 county for costs associated with criminal cases under RCW 3.50.800 or
7 3.50.805(2), shall be made to the county in which the city is located.

8 (6) Moneys distributed under this section shall be expended
9 exclusively for criminal justice purposes and shall not be used to
10 replace or supplant existing funding. Criminal justice purposes are
11 defined as activities that substantially assist the criminal justice
12 system, which may include circumstances where ancillary benefit to the
13 civil justice system occurs, and which includes domestic violence
14 services such as those provided by domestic violence programs,
15 community advocates, and legal advocates, as defined in RCW 70.123.020,
16 and publications and public educational efforts designed to provide
17 information and assistance to parents in dealing with runaway or at-
18 risk youth. Existing funding for purposes of this subsection is
19 defined as calendar year 1989 actual operating expenditures for
20 criminal justice purposes. Calendar year 1989 actual operating
21 expenditures for criminal justice purposes exclude the following:
22 Expenditures for extraordinary events not likely to reoccur, changes in
23 contract provisions for criminal justice services, beyond the control
24 of the local jurisdiction receiving the services, and major
25 nonrecurring capital expenditures. Not more than five percent of the
26 funds deposited to the municipal criminal justice assistance account
27 shall be available for appropriations for enhancements to the state
28 patrol crime laboratory system and the continuing costs related to
29 these enhancements. Funds appropriated from this account for such
30 enhancements shall not supplant existing funds from the state general
31 fund.

32 **Sec. 10.** RCW 82.14.330 and 1995 c 398 s 13 are each amended to
33 read as follows:

34 (1) Beginning in fiscal year 1999, the state treasurer shall
35 transfer into the municipal criminal justice assistance account for
36 distribution under this section from the general fund the sum of nine
37 million three hundred dollars divided into four equal deposits
38 occurring on July 1, September 1, January 1, and March 1. For each

1 fiscal year thereafter, the state treasurer shall increase the total
2 transfer by the fiscal growth factor, as defined in RCW 43.135.025,
3 forecast for that fiscal year by the office of financial management in
4 November of the preceding year. The moneys deposited in the municipal
5 criminal justice assistance account for distribution under this
6 section(~~(, less any moneys appropriated for purposes under RCW~~
7 ~~82.44.110,)~~) shall be distributed to the cities of the state as
8 follows:

9 (a) Twenty percent appropriated for distribution shall be
10 distributed to cities with a three-year average violent crime rate for
11 each one thousand in population in excess of one hundred fifty percent
12 of the state-wide three-year average violent crime rate for each one
13 thousand in population. The three-year average violent crime rate
14 shall be calculated using the violent crime rates for each of the
15 preceding three years from the annual reports on crime in Washington
16 state as published by the Washington association of sheriffs and police
17 chiefs. Moneys shall be distributed under this subsection (1)(a)
18 ratably based on population as last determined by the office of
19 financial management, but no city may receive more than one dollar per
20 capita. Moneys remaining undistributed under this subsection at the
21 end of each calendar year shall be distributed to the criminal justice
22 training commission to reimburse participating city law enforcement
23 agencies with ten or fewer full-time commissioned patrol officers the
24 cost of temporary replacement of each officer who is enrolled in basic
25 law enforcement training, as provided in RCW 43.101.200.

26 (b) Sixteen percent shall be distributed to cities ratably based on
27 population as last determined by the office of financial management,
28 but no city may receive less than one thousand dollars.

29 The moneys deposited in the municipal criminal justice assistance
30 account for distribution under this subsection shall be distributed at
31 such times as distributions are made under RCW 82.44.150.

32 Moneys distributed under this subsection shall be expended
33 exclusively for criminal justice purposes and shall not be used to
34 replace or supplant existing funding. Criminal justice purposes are
35 defined as activities that substantially assist the criminal justice
36 system, which may include circumstances where ancillary benefit to the
37 civil justice system occurs, and which includes domestic violence
38 services such as those provided by domestic violence programs,
39 community advocates, and legal advocates, as defined in RCW 70.123.020.

1 Existing funding for purposes of this subsection is defined as calendar
2 year 1989 actual operating expenditures for criminal justice purposes.
3 Calendar year 1989 actual operating expenditures for criminal justice
4 purposes exclude the following: Expenditures for extraordinary events
5 not likely to reoccur, changes in contract provisions for criminal
6 justice services, beyond the control of the local jurisdiction
7 receiving the services, and major nonrecurring capital expenditures.

8 (2) In addition to the distributions under subsection (1) of this
9 section:

10 (a) Fourteen percent shall be distributed to cities that have
11 initiated innovative law enforcement strategies, including alternative
12 sentencing and crime prevention programs. No city may receive more
13 than one dollar per capita under this subsection (2)(a).

14 (b) Twenty percent shall be distributed to cities that have
15 initiated programs to help at-risk children or child abuse victim
16 response programs. No city may receive more than fifty cents per
17 capita under this subsection (2)(b).

18 (c) Twenty percent shall be distributed to cities that have
19 initiated programs designed to reduce the level of domestic violence
20 within their jurisdictions or to provide counseling for domestic
21 violence victims. No city may receive more than fifty cents per capita
22 under this subsection (2)(c).

23 (d) Ten percent shall be distributed to cities that contract with
24 another governmental agency for a majority of the city's law
25 enforcement services.

26 Moneys distributed under this subsection shall be distributed to
27 those cities that submit funding requests under this subsection to the
28 department of community, trade, and economic development based on
29 criteria developed under RCW 82.14.335. Allocation of funds shall be
30 in proportion to the population of qualified jurisdictions, but the
31 distribution to a city shall not exceed the amount of funds requested.
32 Cities shall submit requests for program funding to the department of
33 community, trade, and economic development by November 1 of each year
34 for funding the following year. The department shall certify to the
35 state treasurer the cities eligible for funding under this subsection
36 and the amount of each allocation.

37 The moneys deposited in the municipal criminal justice assistance
38 account for distribution under this subsection(~~(, less any moneys~~
39 ~~appropriated for purposes under RCW 82.44.110,)) shall be distributed~~

1 at the times as distributions are made under RCW 82.44.150. Moneys
2 remaining undistributed under this subsection at the end of each
3 calendar year shall be distributed to the criminal justice training
4 commission to reimburse participating city law enforcement agencies
5 with ten or fewer full-time commissioned patrol officers the cost of
6 temporary replacement of each officer who is enrolled in basic law
7 enforcement training, as provided in RCW 43.101.200.

8 If a city is found by the state auditor to have expended funds
9 received under this subsection in a manner that does not comply with
10 the criteria under which the moneys were received, the city shall be
11 ineligible to receive future distributions under this subsection until
12 the use of the moneys are justified to the satisfaction of the director
13 or are repaid to the state general fund. The director may allow
14 noncomplying use of moneys received under this subsection upon a
15 showing of hardship or other emergent need.

16 (3) Notwithstanding other provisions of this section, the
17 distributions to any city that substantially decriminalizes or repeals
18 its criminal code after July 1, 1990, and that does not reimburse the
19 county for costs associated with criminal cases under RCW 3.50.800 or
20 3.50.805(2), shall be made to the county in which the city is located.
21 Not more than five percent of the funds deposited to the municipal
22 criminal justice assistance account shall be available for
23 appropriations for enhancements to the state patrol crime laboratory
24 system and the continuing costs related to these enhancements. Funds
25 appropriated from this account for such enhancements shall not supplant
26 existing funds from the state general fund.

27 NEW SECTION. Sec. 11. A new section is added to chapter 43.135
28 RCW to read as follows:

29 (1) Initiative Measure No. 601 (chapter 43.135 RCW, as amended by
30 chapter . . ., Laws of 1998 (this act) and the amendatory changes
31 enacted by section 6, chapter 2, Laws of 1994) is hereby reenacted and
32 reaffirmed. No amendment may be made to Initiative Measure No. 601
33 without a two-thirds vote of each house of the legislature or a vote of
34 the people.

35 (2) RCW 43.135.035(4) does not apply to sections 4 through 10,
36 chapter . . ., Laws of 1998 (sections 4 through 10 of this act).

1 **Sec. 12.** RCW 43.135.060 and 1994 c 2 s 5 are each amended to read
2 as follows:

3 (1) After July 1, 1995, the legislature shall not impose
4 responsibility for new programs or increased levels of service under
5 existing programs on any political subdivision of the state unless the
6 subdivision is fully reimbursed (~~((by specific appropriation))~~) by the
7 state for the costs of the new programs or increases in service levels.
8 Reimbursement by the state may be made by: (a) A specific
9 appropriation; or (b) increases in state distributions of revenue to
10 political subdivisions occurring after January 1, 1998.

11 (2) If by order of any court, or legislative enactment, the costs
12 of a federal or local government program are transferred to or from the
13 state, the otherwise applicable state expenditure limit shall be
14 increased or decreased, as the case may be, by the dollar amount of the
15 costs of the program.

16 (3) The legislature, in consultation with the office of financial
17 management or its successor agency, shall determine the costs of any
18 new programs or increased levels of service under existing programs
19 imposed on any political subdivision or transferred to or from the
20 state.

21 (4) Subsection (1) of this section does not apply to the costs
22 incurred for voting devices or machines under RCW 29.04.200.

23 **Sec. 13.** RCW 82.50.410 and 1991 c 199 s 225 are each amended to
24 read as follows:

25 The rate and measure of tax imposed by RCW 82.50.400 for each
26 registration year shall be one and one-tenth percent(~~(, and a surcharge~~
27 ~~of one-tenth of one percent,)~~) of the value of the travel trailer or
28 camper, as determined in the manner provided in this chapter:
29 PROVIDED, That the excise tax upon a travel trailer or camper licensed
30 for the first time in this state after the last day of any registration
31 month may only be levied for the remaining months of the registration
32 year including the month in which the travel trailer or camper is first
33 licensed: PROVIDED FURTHER, That the minimum amount of tax payable
34 shall be two dollars: PROVIDED FURTHER, That every dealer in mobile
35 homes or travel trailers, for the privilege of using any mobile home or
36 travel trailer eligible to be used under a dealer's license plate,
37 shall pay an excise tax of two dollars, and such tax shall be collected
38 upon the issuance of each original dealer's license plate, and also a

1 similar tax shall be collected upon the issuance of each dealer's
2 duplicate license plate, which taxes shall be in addition to any tax
3 otherwise payable under this chapter.

4 A travel trailer or camper shall be deemed licensed for the first
5 time in this state when such vehicle was not previously licensed by
6 this state for the registration year or any part thereof immediately
7 preceding the registration year in which application for license is
8 made or when it has been registered in another jurisdiction subsequent
9 to any prior registration in this state.

10 **Sec. 14.** RCW 82.50.510 and 1991 c 199 s 227 are each amended to
11 read as follows:

12 The county auditor shall regularly, when remitting motor vehicle
13 excise taxes, pay to the state treasurer the excise taxes imposed by
14 RCW 82.50.400. The treasurer shall then distribute such funds
15 quarterly on the first day of the month of January, April, July and
16 October of each year in the following amount:

17 (1) (~~For the one percent tax imposed under RCW 82.50.410,~~
18 ~~fifteen~~) 13.64 percent to cities and towns for the use thereof
19 apportioned ratably among such cities and towns on the basis of
20 population; (~~fifteen~~)

21 (2) 13.64 percent to counties for the use thereof to be apportioned
22 ratably among such counties on the basis of moneys collected in such
23 counties from the excise taxes imposed under this chapter; (~~and~~
24 ~~seventy~~)

25 (3) 63.64 percent for schools to be deposited in the state general
26 fund; and

27 (~~(2) for the one-tenth of one percent surcharge imposed under RCW~~
28 ~~82.50.410, one hundred~~) (4) 9.08 percent to the transportation fund
29 created in RCW 82.44.180.

30 **Sec. 15.** RCW 35.58.273 and 1992 c 194 s 11 are each amended to
31 read as follows:

32 (1) (~~Through June 30, 1992, any municipality, as defined in this~~
33 ~~subsection, is authorized to levy and collect a special excise tax not~~
34 ~~exceeding .7824 percent and beginning July 1, 1992, .725 percent on the~~
35 ~~value, as determined under chapter 82.44 RCW, of every motor vehicle~~
36 ~~owned by a resident of such municipality for the privilege of using~~
37 ~~such motor vehicle provided that in no event shall the tax be less than~~

1 one dollar and, subject to RCW 82.44.150 (3) and (4), the amount of
2 such tax shall be credited against the amount of the excise tax levied
3 by the state under RCW 82.44.020(1). As used in this subsection, the
4 term "municipality" means a municipality that is located within (a)
5 each county with a population of two hundred ten thousand or more and
6 (b) each county with a population of from one hundred twenty five
7 thousand to less than two hundred ten thousand except for those
8 counties that do not border a county with a population as described
9 under subsection (a) of this subsection.

10 (~~2~~) Through June 30, 1992, any other)) A municipality is authorized
11 to levy and collect a special excise tax not exceeding (~~(.815 percent,~~
12 ~~and beginning July 1, 1992,~~) .725 percent on the value, as determined
13 under chapter 82.44 RCW, of every motor vehicle owned by a resident of
14 such municipality for the privilege of using such motor vehicle
15 provided that in no event shall the tax be less than one dollar and,
16 subject to RCW 82.44.150 (3) and (4), the amount of such tax shall be
17 credited against the amount of the excise tax levied by the state under
18 RCW 82.44.020(1). Before utilization of any excise tax moneys
19 collected under authorization of this section for acquisition of right
20 of way or construction of a mass transit facility on a separate right
21 of way the municipality shall adopt rules affording the public an
22 opportunity for "corridor public hearings" and "design public hearings"
23 as herein defined, which rule shall provide in detail the procedures
24 necessary for public participation in the following instances: (a)
25 Prior to adoption of location and design plans having a substantial
26 social, economic or environmental effect upon the locality upon which
27 they are to be constructed or (b) on such mass rapid transit systems
28 operating on a separate right of way whenever a substantial change is
29 proposed relating to location or design in the adopted plan. In
30 adopting rules the municipality shall adhere to the provisions of the
31 Administrative Procedure Act.

32 (~~((3))~~) (2) A "corridor public hearing" is a public hearing that:
33 (a) Is held before the municipality is committed to a specific mass
34 transit route proposal, and before a route location is established; (b)
35 is held to afford an opportunity for participation by those interested
36 in the determination of the need for, and the location of, the mass
37 rapid transit system; (c) provides a public forum that affords a full
38 opportunity for presenting views on the mass rapid transit system route
39 location, and the social, economic and environmental effects on that

1 location and alternate locations: PROVIDED, That such hearing shall
2 not be deemed to be necessary before adoption of an overall mass rapid
3 transit system plan by a vote of the electorate of the municipality.

4 ~~((+4))~~ (3) A "design public hearing" is a public hearing that:
5 (a) Is held after the location is established but before the design is
6 adopted; and (b) is held to afford an opportunity for participation by
7 those interested in the determination of major design features of the
8 mass rapid transit system; and (c) provides a public forum to afford a
9 full opportunity for presenting views on the mass rapid transit system
10 design, and the social, economic, environmental effects of that design
11 and alternate designs.

12 ~~((+5))~~ (4) A municipality imposing a tax under subsection (1) ~~((or~~
13 ~~(+2))~~) of this section may also impose a sales and use tax, in addition
14 to the tax authorized by RCW 82.14.030, upon retail car rentals within
15 the municipality that are taxable by the state under chapters 82.08 and
16 82.12 RCW. The rate of tax shall not exceed 1.944 percent. The rate
17 of tax imposed under this subsection shall bear the same ratio to the
18 1.944 percent rate authorized that the rate imposed under ~~((RCW~~
19 ~~82.08.020(2) as the excise tax rate imposed under))~~ subsection (1) of
20 this section bears to the ~~((excise tax))~~ rate ~~((imposed under RCW~~
21 ~~82.44.020(1) and (2))~~) authorized under subsection (1) of this
22 section. The base of the tax shall be the selling price in the case of
23 a sales tax or the rental value of the vehicle used in the case of a
24 use tax. The tax imposed under this section shall be deducted from the
25 amount of tax otherwise due under RCW 82.08.020(2). The revenue
26 collected under this subsection shall be distributed in the same manner
27 as special excise taxes under subsection~~((s))~~ (1) ~~((and (2))~~) of this
28 section.

29 **Sec. 16.** RCW 35.58.410 and 1993 c 240 s 11 are each amended to
30 read as follows:

31 (1) On or before the third Monday in June of each year, each
32 metropolitan municipal corporation shall adopt a budget for the
33 following calendar year. Such budget shall include a separate section
34 for each authorized metropolitan function. Expenditures shall be
35 segregated as to operation and maintenance expenses and capital and
36 betterment outlays. Administrative and other expense general to the
37 corporation shall be allocated between the authorized metropolitan
38 functions. The budget shall contain an estimate of all revenues to be

1 collected during the following budget year, including any surplus funds
2 remaining unexpended from the preceding year. The metropolitan council
3 shall not be required to confine capital or betterment expenditures
4 made from bond proceeds or emergency expenditures to items provided in
5 the budget. The affirmative vote of three-fourths of all members of
6 the metropolitan council shall be required to authorize emergency
7 expenditures.

8 (2) Subsection (1) of this section shall not apply to a county that
9 has assumed the rights, powers, functions, and obligations of a
10 metropolitan municipal corporation under chapter 36.56 RCW. This
11 subsection (2) shall apply only to each county that has assumed the
12 rights, powers, functions, and obligations of a metropolitan municipal
13 corporation under chapter 36.56 RCW.

14 Each county that has assumed the rights, powers, functions, and
15 obligations of a metropolitan municipal corporation under chapter 36.56
16 RCW shall, on or before the third Monday in June of each year, prepare
17 an estimate of all revenues to be collected during the following
18 calendar year, including any surplus funds remaining unexpended from
19 the preceding year for each authorized metropolitan function.

20 By June 30 of each year, the county shall adopt the rate for sewage
21 disposal that will be charged to component cities and sewer districts
22 during the following budget year.

23 As long as any general obligation indebtedness remains outstanding
24 that was issued by the metropolitan municipal corporation prior to the
25 assumption by the county, the county shall continue to impose the taxes
26 authorized by RCW 82.14.045 and 35.58.273(~~(+5)~~) (4) at the maximum
27 rates and on all of the taxable events authorized by law. If, despite
28 the continued imposition of those taxes, the estimate of revenues made
29 on or before the third Monday in June shows that estimated revenues
30 will be insufficient to make all debt service payments falling due in
31 the following calendar year on all general obligation indebtedness
32 issued by the metropolitan municipal corporation prior to the
33 assumption by the county of the rights, powers, functions, and
34 obligations of the metropolitan municipal corporation, the remaining
35 amount required to make the debt service payments shall be designated
36 as "supplemental income" and shall be obtained from component cities
37 and component counties as provided under RCW 35.58.420.

38 The county shall prepare and adopt a budget each year in accordance
39 with applicable general law or county charter. If supplemental income

1 has been designated under this subsection, the supplemental income
2 shall be reflected in the budget that is adopted. If during the budget
3 year the actual tax revenues from the taxes imposed under the authority
4 of RCW 82.14.045 and 35.58.273(~~((+5))~~) (4) exceed the estimates upon
5 which the supplemental income was based, the difference shall be
6 refunded to the component cities and component counties in proportion
7 to their payments promptly after the end of the budget year. A county
8 that has assumed the rights, powers, functions, and obligations of a
9 metropolitan municipal corporation under chapter 36.56 RCW shall not be
10 required to confine capital or betterment expenditures for authorized
11 metropolitan functions from bond proceeds or emergency expenditures to
12 items provided in the budget.

13 **Sec. 17.** RCW 46.16.068 and 1993 c 123 s 4 are each amended to read
14 as follows:

15 Trailing units which are subject to RCW 82.44.020(~~((+5))~~) (4) shall,
16 upon application, be issued a permanent license plate that is valid
17 until the vehicle is sold, permanently removed from the state, or
18 otherwise disposed of by the registered owner. The fee for this
19 license plate is thirty-six dollars. Upon the sale, permanent removal
20 from the state, or other disposition of a trailing unit bearing a
21 permanent license plate the registered owner is required to return the
22 license plate and registration certificate to the department.
23 Violations of this section or misuse of a permanent license plate may
24 subject the registered owner to prosecution or denial, or both, of
25 future permanent registration of any trailing units. This section does
26 not apply to any trailing units subject to the annual excise taxes
27 prescribed in RCW 82.44.020. The department is authorized to adopt
28 rules to implement this section for leased vehicles and other
29 applications as necessary.

30 **Sec. 18.** RCW 70.94.015 and 1993 c 252 s 1 are each amended to read
31 as follows:

32 (1) The air pollution control account is established in the state
33 treasury. All receipts collected by or on behalf of the department
34 from RCW 70.94.151(2), and receipts from nonpermit program sources
35 under RCW 70.94.152(1) and 70.94.154(7), and all receipts from RCW
36 70.94.650, 70.94.660, 82.44.020(~~((+3))~~) (2), and 82.50.405 shall be
37 deposited into the account. Moneys in the account may be spent only

1 after appropriation. Expenditures from the account may be used only to
2 develop and implement the provisions of chapters 70.94 and 70.120 RCW.

3 (2) The amounts collected and allocated in accordance with this
4 section shall be expended upon appropriation except as otherwise
5 provided in this section and in accordance with the following
6 limitations:

7 Portions of moneys received by the department of ecology from the
8 air pollution control account shall be distributed by the department to
9 local authorities based on:

10 (a) The level and extent of air quality problems within such
11 authority's jurisdiction;

12 (b) The costs associated with implementing air pollution regulatory
13 programs by such authority; and

14 (c) The amount of funding available to such authority from other
15 sources, whether state, federal, or local, that could be used to
16 implement such programs.

17 (3) The air operating permit account is created in the custody of
18 the state treasurer. All receipts collected by or on behalf of the
19 department from permit program sources under RCW 70.94.152(1),
20 70.94.161, 70.94.162, and 70.94.154(7) shall be deposited into the
21 account. Expenditures from the account may be used only for the
22 activities described in RCW 70.94.152(1), 70.94.161, 70.94.162, and
23 70.94.154(7). Moneys in the account may be spent only after
24 appropriation.

25 **Sec. 19.** RCW 81.100.060 and 1992 c 194 s 12 are each amended to
26 read as follows:

27 A county with a population of one million or more and a county with
28 a population of from two hundred ten thousand to less than one million
29 that is adjoining a county with a population of one million or more,
30 having within their boundaries existing or planned high occupancy
31 vehicle lanes on the state highway system may, with voter approval,
32 impose a local surcharge of not more than (~~fifteen~~) 13.64 percent on
33 the state motor vehicle excise tax paid under RCW 82.44.020(1) on
34 vehicles registered to a person residing within the county and on the
35 state sales and use taxes paid under the rate in RCW 82.08.020(2) on
36 retail car rentals within the county. No surcharge may be imposed on
37 vehicles licensed under RCW 46.16.070 except vehicles with an unladen

1 weight of six thousand pounds or less, RCW 46.16.079, (~~46.16.080~~)
2 46.16.085, or 46.16.090.

3 Counties imposing a tax under this section shall contract, before
4 the effective date of the resolution or ordinance imposing a surcharge,
5 administration and collection to the state department of licensing, and
6 department of revenue, as appropriate, which shall deduct an amount, as
7 provided by contract, for administration and collection expenses
8 incurred by the department. All administrative provisions in chapters
9 82.03, 82.32, and 82.44 RCW shall, insofar as they are applicable to
10 state motor vehicle excise taxes, be applicable to surcharges imposed
11 under this section. All administrative provisions in chapters 82.03,
12 82.08, 82.12, and 82.32 RCW shall, insofar as they are applicable to
13 state sales and use taxes, be applicable to surcharges imposed under
14 this section.

15 If the tax authorized in RCW 81.100.030 is also imposed by the
16 county, the total proceeds from tax sources imposed under this section
17 and RCW 81.100.030 each year shall not exceed the maximum amount which
18 could be collected under this section.

19 **Sec. 20.** RCW 81.104.160 and 1992 c 194 s 13 and 1992 c 101 s 27
20 are each reenacted and amended to read as follows:

21 (1) Cities that operate transit systems, county transportation
22 authorities, metropolitan municipal corporations, public transportation
23 benefit areas, and regional transit authorities may submit an
24 authorizing proposition to the voters, and if approved, may levy and
25 collect an excise tax, at a rate approved by the voters, but not
26 exceeding eighty one-hundredths of one percent on the value, under
27 chapter 82.44 RCW, of every motor vehicle owned by a resident of the
28 taxing district, solely for the purpose of providing high capacity
29 transportation service. In any county imposing a motor vehicle excise
30 tax surcharge pursuant to RCW 81.100.060, the maximum tax rate under
31 this section shall be reduced to a rate equal to eighty one-hundredths
32 of one percent on the value less the equivalent motor vehicle excise
33 tax rate of the surcharge imposed pursuant to RCW 81.100.060. This
34 rate shall not apply to vehicles licensed under RCW 46.16.070 except
35 vehicles with an unladen weight of six thousand pounds or less, RCW
36 46.16.079, (~~46.16.080~~) 46.16.085, or 46.16.090.

37 (2) An agency imposing a tax under subsection (1) of this section
38 may also impose a sales and use tax solely for the purpose of providing

1 high capacity transportation service, in addition to the tax authorized
2 by RCW 82.14.030, upon retail car rentals within the agency's
3 jurisdiction that are taxable by the state under chapters 82.08 and
4 82.12 RCW. The rate of tax shall not exceed 2.172 percent. The rate
5 of tax imposed under this subsection shall bear the same ratio to the
6 2.172 percent rate authorized that the rate imposed under ((RCW
7 82.08.020(2) as the excise tax rate imposed under)) subsection (1) of
8 this section bears to the ((excise tax)) rate ((imposed under RCW
9 82.44.020 (1) and (2))) authorized under subsection (1) of this
10 section. The base of the tax shall be the selling price in the case of
11 a sales tax or the rental value of the vehicle used in the case of a
12 use tax. The revenue collected under this subsection shall be used in
13 the same manner as excise taxes under subsection (1) of this section.

14 **Sec. 21.** RCW 82.08.020 and 1992 c 194 s 9 are each amended to read
15 as follows:

16 (1) There is levied and there shall be collected a tax on each
17 retail sale in this state equal to six and five-tenths percent of the
18 selling price.

19 (2) There is levied and there shall be collected an additional tax
20 on each retail car rental, regardless of whether the vehicle is
21 licensed in this state, equal to five and nine-tenths percent of the
22 selling price. ((Ninety one percent of)) The revenue collected under
23 this subsection shall be deposited and distributed in the same manner
24 as motor vehicle excise tax revenue collected under RCW 82.44.020(1).
25 ((Nine percent of the revenue collected under this subsection shall be
26 deposited in the transportation fund and distributed in the same manner
27 as motor vehicle excise tax revenue collected under RCW 82.44.020(2).))

28 (3) The taxes imposed under this chapter shall apply to successive
29 retail sales of the same property.

30 (4) The rates provided in this section apply to taxes imposed under
31 chapter 82.12 RCW as provided in RCW 82.12.020.

32 **Sec. 22.** RCW 82.14.046 and 1995 c 298 s 1 are each amended to read
33 as follows:

34 Beginning with distributions made to municipalities under RCW
35 82.44.150 on January 1, 1996, municipalities as defined in RCW
36 35.58.272 imposing local transit taxes, which for purposes of this
37 section include the sales and use tax under RCW 82.14.045, the business

1 and occupation tax under RCW 35.95.040, and excise taxes under RCW
2 35.95.040, shall be eligible for sales and use tax equalization
3 payments from motor vehicle excise taxes distributed under RCW
4 82.44.150 as follows:

5 (1) Prior to January 1st of each year the department of revenue
6 shall determine the total and the per capita levels of revenues for
7 each municipality imposing local transit taxes and the state-wide
8 weighted average per capita level of sales and use tax revenues imposed
9 under chapters 82.08 and 82.12 RCW for the previous calendar year
10 calculated for a sales and use tax rate of one-tenth percent. For
11 purposes of this section, the department of revenue shall determine a
12 local transit tax rate for each municipality for the previous calendar
13 year. The tax rate shall be equivalent to the sales and use tax rate
14 for the municipality that would have generated an amount of revenue
15 equal to the amount of local transit taxes collected by the
16 municipality.

17 (2) For each tenth of one percent of the local transit tax rate,
18 the state treasurer shall apportion to each municipality receiving less
19 than eighty percent of the state-wide weighted average per capita level
20 of sales and use tax revenues imposed under chapters 82.08 and 82.12
21 RCW as determined by the department of revenue under subsection (1) of
22 this section, an amount when added to the per capita level of revenues
23 received the previous calendar year by the municipality, to equal
24 eighty percent of the state-wide weighted average per capita level of
25 revenues determined under subsection (1) of this section. In no event
26 may the sales and use tax equalization distribution to a municipality
27 in a single calendar year exceed: (a) Fifty percent of the amount of
28 local transit taxes collected during the prior calendar year; or (b)
29 the maximum amount of revenue that could have been collected at a local
30 transit tax rate of three-tenths percent in the prior calendar year.

31 (3) For a municipality established after January 1, 1995, sales and
32 use tax equalization distributions shall be made according to the
33 procedures in this subsection. Sales and use tax equalization
34 distributions to eligible new municipalities shall be made at the same
35 time as distributions are made under subsection (2) of this section.
36 The department of revenue shall follow the estimating procedures
37 outlined in this subsection until the new municipality has received a
38 full year's worth of local transit tax revenues as of the January sales
39 and use tax equalization distribution.

1 (a) Whether a newly established municipality determined to receive
2 funds under this subsection receives its first equalization payment at
3 the January, April, July, or October sales and use tax equalization
4 distribution shall depend on the date the system first imposes local
5 transit taxes.

6 (i) A newly established municipality imposing local transit taxes
7 taking effect during the first calendar quarter shall be eligible to
8 receive funds under this subsection beginning with the July sales and
9 use tax equalization distribution of that year.

10 (ii) A newly established municipality imposing local transit taxes
11 taking effect during the second calendar quarter shall be eligible to
12 receive funds under this subsection beginning with the October sales
13 and use tax equalization distribution of that year.

14 (iii) A newly established municipality imposing local transit taxes
15 taking effect during the third calendar quarter shall be eligible to
16 receive funds under this subsection beginning with the January sales
17 and use tax equalization distribution of the next year.

18 (iv) A newly established municipality imposing local transit taxes
19 taking effect during the fourth calendar quarter shall be eligible to
20 receive funds under this subsection beginning with the April sales and
21 use tax equalization distribution of the next year.

22 (b) For purposes of calculating the amount of funds the new
23 municipality should receive under this subsection, the department of
24 revenue shall:

25 (i) Estimate the per capita amount of revenues from local transit
26 taxes that the new municipality would have received had the
27 municipality received revenues from the tax the entire calendar year;

28 (ii) Calculate the amount provided under subsection (2) of this
29 section based on the per capita revenues determined under (b)(i) of
30 this subsection;

31 (iii) Prorate the amount determined under (b)(ii) of this
32 subsection by the number of months the local transit taxes have been
33 imposed.

34 (c) The department of revenue shall advise the state treasurer of
35 the amounts calculated under (b) of this subsection and the state
36 treasurer shall distribute these amounts to the new municipality from
37 the motor vehicle excise tax (~~distributed under RCW 82.44.150(2)(d))~~)
38 deposited into the transportation fund under RCW 82.44.110(1)(h).

1 (4) A municipality whose governing body implements a tax change
2 that reduces its local transit tax rate after January 1, 1994, may not
3 receive distributions under this section.

4 **Sec. 23.** RCW 82.44.023 and 1994 c 227 s 3 are each amended to read
5 as follows:

6 Rental cars as defined in RCW 46.04.465 are exempt from the taxes
7 imposed in RCW 82.44.020(1) (~~and (2)~~). When a rental car ceases to
8 be used for rental car purposes and at the time of its retail sale, the
9 excise tax imposed in RCW 82.44.020(1) (~~and (2)~~) shall be imposed in
10 an amount equal to one-twelfth of the annual excise tax then in effect,
11 for each full month remaining in the vehicle's registration year.

12 **Sec. 24.** RCW 82.44.025 and 1996 c 139 s 3 are each amended to read
13 as follows:

14 Motor vehicles licensed under RCW 46.16.374 are exempt from the
15 (~~taxes~~) tax imposed in RCW 82.44.020(1) (~~and (2)~~). When the motor
16 vehicle ceases to be used for the purposes of RCW 46.16.374 or at the
17 time of its retail sale, the excise tax imposed in RCW 82.44.020(1)
18 (~~and (2)~~) must be imposed for twelve full months from the date of
19 application of the new owner.

20 **Sec. 25.** RCW 82.44.155 and 1993 c 492 s 254 are each amended to
21 read as follows:

22 When distributions are made under RCW 82.44.150, the state
23 treasurer shall apportion and distribute the motor vehicle excise taxes
24 deposited into the general fund under RCW 82.44.110(1)(d) to the cities
25 and towns ratably on the basis of population as last determined by the
26 office of financial management. When so apportioned, the amount
27 payable to each such city and town shall be transmitted to the city
28 treasurer thereof, and shall be used by the city or town for the
29 purposes of police and fire protection in the city or town, and not
30 otherwise. If it is adjudged that revenue derived from the excise
31 (~~taxes~~) tax imposed by RCW 82.44.020(1) (~~and (2)~~) cannot lawfully
32 be apportioned or distributed to cities or towns, all moneys directed
33 by this section to be apportioned and distributed to cities and towns
34 shall be credited and transferred to the state general fund.

1 **Sec. 26.** RCW 82.44.180 and 1995 c 269 s 2601 are each amended to
2 read as follows:

3 (1) The transportation fund is created in the state treasury.
4 Revenues under RCW (~~((82.44.020 (1) and (2)),~~) 82.44.110(~~(, 82.44.150,)~~)
5 and (~~(the surcharge under RCW)~~) 82.50.510(4) shall be deposited into
6 the fund as provided in those sections.

7 Moneys in the fund may be spent only after appropriation.
8 Expenditures from the fund may be used only for transportation purposes
9 and activities and operations of the Washington state patrol not
10 directly related to the policing of public highways and that are not
11 authorized under Article II, section 40 of the state Constitution.

12 (2) There is hereby created the central Puget Sound public
13 transportation account within the transportation fund. Moneys
14 deposited into the account under RCW 82.44.150(2)(b) shall be
15 appropriated to the transportation improvement board and allocated by
16 the transportation improvement board to public transportation projects
17 within the region from which the funds are derived, solely for:

18 (a) Planning;

19 (b) Development of capital projects;

20 (c) Development of high capacity transportation systems as defined
21 in RCW 81.104.015;

22 (d) Development of high occupancy vehicle lanes and related
23 facilities as defined in RCW 81.100.020; and

24 (e) Public transportation system contributions required to fund
25 projects under federal programs and those approved by the
26 transportation improvement board from other fund sources.

27 (3) There is hereby created the public transportation systems
28 account within the transportation fund. Moneys deposited into the
29 account under RCW 82.44.150(2)(c) shall be appropriated to the
30 transportation improvement board and allocated by the transportation
31 improvement board to public transportation projects submitted by the
32 public transportation systems from which the funds are derived, solely
33 for:

34 (a) Planning;

35 (b) Development of capital projects;

36 (c) Development of high capacity transportation systems as defined
37 in RCW 81.104.015;

38 (d) Development of high occupancy vehicle lanes and related
39 facilities as defined in RCW 81.100.020;

1 (e) Other public transportation system-related roadway projects on
2 state highways, county roads, or city streets; and

3 (f) Public transportation system contributions required to fund
4 projects under federal programs and those approved by the
5 transportation improvement board from other fund sources.

6 **Sec. 27.** RCW 84.44.050 and 1993 c 123 s 3 are each amended to read
7 as follows:

8 The personal property of automobile transportation companies
9 owning, controlling, operating or managing any motor propelled vehicle
10 used in the business of transporting persons and/or property for
11 compensation over any public highway in this state between fixed
12 termini or over a regular route, shall be listed and assessed in the
13 various counties where such vehicles are operated, in proportion to the
14 mileage of their operations in such counties: PROVIDED, That vehicles
15 subject to chapter 82.44 RCW and trailer units exempt under RCW
16 82.44.020(~~(+5)~~) (4) shall not be listed or assessed for ad valorem
17 taxation so long as chapter 82.44 RCW remains in effect. All vessels
18 of every class which are by law required to be registered, licensed or
19 enrolled, must be assessed and the taxes thereon paid only in the
20 county of their actual situs: PROVIDED, That such interest shall be
21 taxed but once. All boats and small craft not required to be
22 registered must be assessed in the county of their actual situs.

23 NEW SECTION. **Sec. 28.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

27 NEW SECTION. **Sec. 29.** (1) Sections 1 through 3, 5 through 12, and
28 28 of this act take effect January 1, 1999.

29 (2) Section 4 of this act takes effect July 1, 1999, and applies to
30 registrations that are due or become due in July 1999, and thereafter.

31 NEW SECTION. **Sec. 30.** Sections 13 through 27 of this act take
32 effect January 1, 1999, if sections 1 through 12, 28, and 29 of this
33 act are validly submitted to and are approved and ratified by the
34 voters at a general election held in November 1998. If sections 1

1 through 12, 28, and 29 of this act are not approved and ratified,
2 sections 13 through 27 of this act are null and void in their entirety.

3 NEW SECTION. **Sec. 31.** The secretary of state shall submit
4 sections 1 through 12, 28, and 29 of this act to the people for their
5 adoption and ratification, or rejection, at the next general election
6 to be held in this state, in accordance with Article II, section 1 of
7 the state Constitution and the laws adopted to facilitate its
8 operation.

9 NEW SECTION. **Sec. 32.** Sections 13 through 27 of this act are
10 technical only and do not result in any substantive change in the law.
11 Therefore, to conserve costs, the secretary of state shall not publish
12 sections 13 through 27 of this act in the voter's pamphlet in
13 conjunction with sections 1 through 12, 28, and 29 of this act.

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