

2 **SSB 5274** - H COMM AMD **ADOPTED 4/5/01**
3 By Committee on Transportation

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5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 46.01.140 and 1996 c 315 s 1 are each amended to read
8 as follows:

9 (1) The county auditor, if appointed by the director of licensing
10 shall carry out the provisions of this title relating to the licensing
11 of vehicles and the issuance of vehicle license number plates under the
12 direction and supervision of the director and may with the approval of
13 the director appoint assistants as special deputies and recommend
14 subagents to accept applications and collect fees for vehicle licenses
15 and transfers and to deliver vehicle license number plates.

16 (2) A county auditor appointed by the director may request that the
17 director appoint subagencies within the county.

18 (a) Upon authorization of the director, the auditor shall
19 ~~((advertise a request for proposals and use the process for soliciting~~
20 ~~vendors under RCW 39.04.190(2), except that the provision requiring the~~
21 ~~contract to be awarded to the lowest responsible bidder shall not~~
22 ~~apply))~~ use an open competitive process including, but not limited to,
23 a written business proposal and oral interview to determine the
24 qualifications of all interested applicants.

25 (b) A subagent may recommend a successor who is either the
26 subagent's sibling, spouse, or child, or a subagency employee, as long
27 as the recommended successor participates in the open, competitive
28 process used to select an applicant. In making successor
29 recommendation and appointment determinations, the following provisions
30 apply:

31 (i) If a subagency is held by a partnership or corporate entity,
32 the nomination must be submitted on behalf of, and agreed to by, all
33 partners or corporate officers.

34 (ii) No subagent may receive any direct or indirect compensation or
35 remuneration from any party or entity in recognition of a successor

1 nomination. A subagent may not receive any financial benefit from the
2 transfer or termination of an appointment.

3 (iii) (a) and (b) of this subsection are intended to assist in the
4 efficient transfer of appointments in order to minimize public
5 inconvenience. They do not create a proprietary or property interest
6 in the appointment.

7 (c) The auditor shall submit all proposals to the director, and
8 shall recommend the appointment of one or more subagents who have
9 applied through the ((request for proposal)) open competitive process.
10 The auditor shall include in his or her recommendation to the director,
11 not only the name of the successor who is a relative or employee, if
12 applicable and if otherwise qualified, but also the name of one other
13 applicant who is qualified and was chosen through the open competitive
14 process. The director has final appointment authority.

15 (3)(a) A county auditor who is appointed as an agent by the
16 department shall enter into a standard contract provided by the
17 director, developed with the advice of the title and registration
18 advisory committee.

19 (b) A subagent appointed under subsection (2) of this section shall
20 enter into a standard contract with the county auditor, developed with
21 the advice of the title and registration advisory committee. The
22 director shall provide the standard contract to county auditors.

23 (c) The contracts provided for in (a) and (b) of this subsection
24 must contain at a minimum provisions that:

25 (i) Describe the responsibilities, and where applicable, the
26 liability, of each party relating to the service expectations and
27 levels, equipment to be supplied by the department, and equipment
28 maintenance;

29 (ii) Require the specific type of insurance or bonds so that the
30 state is protected against any loss of collected motor vehicle tax
31 revenues or loss of equipment;

32 (iii) Specify the amount of training that will be provided by the
33 state, the county auditor, or subagents;

34 (iv) Describe allowable costs that may be charged to vehicle
35 licensing activities as provided for in (d) of this subsection;

36 (v) Describe the causes and procedures for termination of the
37 contract, which may include mediation and binding arbitration.

38 (d) The department shall develop procedures that will standardize
39 and prescribe allowable costs that may be assigned to vehicle licensing

1 and vessel registration and title activities performed by county
2 auditors.

3 (e) The contracts may include any provision that the director deems
4 necessary to ensure acceptable service and the full collection of
5 vehicle and vessel tax revenues.

6 (f) The director may waive any provisions of the contract deemed
7 necessary in order to ensure that readily accessible service is
8 provided to the citizens of the state.

9 (4)(a) At any time any application is made to the director, the
10 county auditor, or other agent pursuant to any law dealing with
11 licenses, registration, or the right to operate any vehicle or vessel
12 upon the public highways or waters of this state, excluding applicants
13 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant
14 shall pay to the director, county auditor, or other agent a fee of
15 three dollars for each application in addition to any other fees
16 required by law.

17 (b) Counties that do not cover the expenses of vehicle licensing
18 and vessel registration and title activities may submit to the
19 department a request for cost-coverage moneys. The request must be
20 submitted on a form developed by the department. The department shall
21 develop procedures to verify whether a request is reasonable. Payment
22 shall be made on requests found to be allowable from the licensing
23 services account.

24 (c) Applicants for certificates of ownership, including applicants
25 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the
26 director, county auditor, or other agent a fee of four dollars in
27 addition to any other fees required by law.

28 (d) The fees under (a) and (c) of this subsection, if paid to the
29 county auditor as agent of the director, or if paid to a subagent of
30 the county auditor, shall be paid to the county treasurer in the same
31 manner as other fees collected by the county auditor and credited to
32 the county current expense fund. If the fee is paid to another agent
33 of the director, the fee shall be used by the agent to defray his or
34 her expenses in handling the application.

35 (e) Applicants required to pay the three-dollar fee established
36 under (a) of this subsection, must pay an additional fifty cents, which
37 must be collected and remitted to the state treasurer for deposit into
38 the department of licensing services account of the motor vehicle fund.
39 Revenue deposited into this account must be used for agent and subagent

1 support, which is to include but not be limited to the replacement of
2 department-owned equipment in the possession of agents and subagents.

3 (5) A subagent shall collect a service fee of (a) (~~seven~~) eight
4 dollars and fifty cents for changes in a certificate of ownership, with
5 or without registration renewal, or verification of record and
6 preparation of an affidavit of lost title other than at the time of the
7 title application or transfer and (b) three dollars and fifty cents for
8 registration renewal only, issuing a transit permit, or any other
9 service under this section.

10 (6) If the fee is collected by the state patrol as agent for the
11 director, the fee so collected shall be certified to the state
12 treasurer and deposited to the credit of the state patrol highway
13 account. If the fee is collected by the department of transportation
14 as agent for the director, the fee shall be certified to the state
15 treasurer and deposited to the credit of the motor vehicle fund. All
16 such fees collected by the director or branches of his office shall be
17 certified to the state treasurer and deposited to the credit of the
18 highway safety fund.

19 (7) Any county revenues that exceed the cost of providing vehicle
20 licensing and vessel registration and title activities in a county,
21 calculated in accordance with the procedures in subsection (3)(d) of
22 this section, shall be expended as determined by the county legislative
23 authority during the process established by law for adoption of county
24 budgets.

25 (8) The director may adopt rules to implement this section."

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