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**SUBSTITUTE HOUSE BILL 1596**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** House Committee on Transportation (originally sponsored by Representatives G. Chandler, Wood, Mulliken, Fisher, Mitchell, Ogden and Santos)

Read first time 02/26/2001. Referred to Committee on .

1 AN ACT Relating to transportation of persons with special needs;  
2 amending RCW 82.14.045; adding a new section to chapter 36.57 RCW; and  
3 adding a new section to chapter 36.57A RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.57 RCW  
6 to read as follows:

7 (1) Effective January 1, 2001, in addition to any other authority  
8 granted under this chapter, a county transportation authority may be  
9 created to purchase, acquire, maintain, operate, or lease  
10 transportation services, equipment, and facilities for public  
11 transportation limited only to persons with special needs by any method  
12 or combination of methods provided by the authority.

13 (2) As used in this section, "persons with special needs" means  
14 those persons, including their personal attendants, who because of  
15 physical or mental disability, income status, or age are unable to  
16 transport themselves or purchase transportation.

17 (3) The county transportation authority may fix, regulate, and  
18 control fares and rates to be charged for these transportation  
19 services.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 36.57A RCW  
2 to read as follows:

3        (1) Effective January 1, 2001, in addition to any other authority  
4 granted under this chapter, a newly formed public transportation  
5 benefit area, or an existing public transportation benefit area that  
6 has not yet successfully submitted an authorizing proposition to the  
7 voters under RCW 82.14.045, may purchase, acquire, maintain, operate,  
8 or lease transportation services, equipment, and facilities for public  
9 transportation limited only to persons with special needs by any method  
10 or combination of methods provided by the area authority.

11        (2) As used in this section, "persons with special needs" means  
12 those persons, including their personal attendants, who because of  
13 physical or mental disability, income status, or age are unable to  
14 transport themselves or purchase transportation.

15        (3) The public transportation benefit area may fix, regulate, and  
16 control fares and rates to be charged for these transportation  
17 services.

18        **Sec. 3.**    RCW 82.14.045 and 2000 2nd sp.s. c 4 s 16 are each amended  
19 to read as follows:

20        (1) The legislative body of any city pursuant to RCW 35.92.060, of  
21 any county which has created an unincorporated transportation benefit  
22 area pursuant to RCW 36.57.100 and 36.57.110, of any public  
23 transportation benefit area pursuant to RCW 36.57A.080 and 36.57A.090,  
24 of any county transportation authority established pursuant to chapter  
25 36.57 RCW, and of any metropolitan municipal corporation within a  
26 county with a population of one million or more pursuant to chapter  
27 35.58 RCW, may, by resolution or ordinance for the sole purpose of  
28 providing funds for the operation, maintenance, or capital needs of  
29 public transportation systems or public transportation limited to  
30 persons with special needs under sections 1 and 2 of this act, and in  
31 lieu of the excise taxes authorized by RCW 35.95.040, submit an  
32 authorizing proposition to the voters or include such authorization in  
33 a proposition to perform the function of public transportation or  
34 public transportation limited to persons with special needs under  
35 sections 1 and 2 of this act, and if approved by a majority of persons  
36 voting thereon, fix and impose a sales and use tax in accordance with  
37 the terms of this chapter:    PROVIDED, That no such legislative body  
38 shall impose such a sales and use tax without submitting such an

1 authorizing proposition to the voters and obtaining the approval of a  
2 majority of persons voting thereon: PROVIDED FURTHER, That where such  
3 a proposition is submitted by a county on behalf of an unincorporated  
4 transportation benefit area, it shall be voted upon by the voters  
5 residing within the boundaries of such unincorporated transportation  
6 benefit area and, if approved, the sales and use tax shall be imposed  
7 only within such area. Notwithstanding any provisions of this section  
8 to the contrary, any county in which a county public transportation  
9 plan has been adopted pursuant to RCW 36.57.070 and the voters of such  
10 county have authorized the imposition of a sales and use tax pursuant  
11 to the provisions of section 10, chapter 167, Laws of 1974 ex. sess.,  
12 prior to July 1, 1975, shall be authorized to fix and impose a sales  
13 and use tax as provided in this section at not to exceed the rate so  
14 authorized without additional approval of the voters of such county as  
15 otherwise required by this section.

16 The tax authorized pursuant to this section shall be in addition to  
17 the tax authorized by RCW 82.14.030 and shall be collected from those  
18 persons who are taxable by the state pursuant to chapters 82.08 and  
19 82.12 RCW upon the occurrence of any taxable event within such city,  
20 public transportation benefit area, county, or metropolitan municipal  
21 corporation as the case may be. The rate of such tax shall be one-  
22 tenth, two-tenths, three-tenths, four-tenths, five-tenths, six-tenths,  
23 seven-tenths, eight-tenths, or nine-tenths of one percent of the  
24 selling price (in the case of a sales tax) or value of the article used  
25 (in the case of a use tax). The rate of such tax shall not exceed the  
26 rate authorized by the voters unless such increase shall be similarly  
27 approved.

28 (2)(a) In the event a metropolitan municipal corporation shall  
29 impose a sales and use tax pursuant to this chapter no city, county  
30 which has created an unincorporated transportation benefit area, public  
31 transportation benefit area authority, or county transportation  
32 authority wholly within such metropolitan municipal corporation shall  
33 be empowered to levy and/or collect taxes pursuant to RCW 35.58.273,  
34 35.95.040, and/or 82.14.045, but nothing herein shall prevent such city  
35 or county from imposing sales and use taxes pursuant to any other  
36 authorization.

37 (b) In the event a county transportation authority shall impose a  
38 sales and use tax pursuant to this section, no city, county which has  
39 created an unincorporated transportation benefit area, public

1 transportation benefit area, or metropolitan municipal corporation,  
2 located within the territory of the authority, shall be empowered to  
3 levy or collect taxes pursuant to RCW 35.58.273, 35.95.040, or  
4 82.14.045.

5 (c) In the event a public transportation benefit area shall impose  
6 a sales and use tax pursuant to this section, no city, county which has  
7 created an unincorporated transportation benefit area, or metropolitan  
8 municipal corporation, located wholly or partly within the territory of  
9 the public transportation benefit area, shall be empowered to levy or  
10 collect taxes pursuant to RCW 35.58.273, 35.95.040, or 82.14.045.

11 (3) Any local sales and use tax revenue collected pursuant to this  
12 section by any city or by any county for transportation purposes  
13 pursuant to RCW 36.57.100 and 36.57.110 shall not be counted as locally  
14 generated tax revenues for the purposes of apportionment and  
15 distribution, in the manner prescribed by chapter 82.44 RCW, of the  
16 proceeds of the motor vehicle excise tax authorized pursuant to RCW  
17 35.58.273, except that the local sales and use tax revenue collected  
18 under this section by a city with a population greater than sixty  
19 thousand that as of January 1, 1998, owns and operates a municipal  
20 public transportation system shall be counted as locally generated tax  
21 revenues for the purposes of apportionment and distribution, in the  
22 manner prescribed by chapter 82.44 RCW, of the proceeds of the motor  
23 vehicle excise tax authorized under RCW 35.58.273 as follows:

24 (a) For fiscal year 2000, revenues collected under this section  
25 shall be counted as locally generated tax revenues for up to 25 percent  
26 of the tax collected under RCW 35.58.273;

27 (b) For fiscal year 2001, revenues collected under this section  
28 shall be counted as locally generated tax revenues for up to 50 percent  
29 of the tax collected under RCW 35.58.273;

30 (c) For fiscal year 2002, revenues collected under this section  
31 shall be counted as locally generated tax revenues for up to 75 percent  
32 of the tax collected under RCW 35.58.273; and

33 (d) For fiscal year 2003 and thereafter, revenues collected under  
34 this section shall be counted as locally generated tax revenues for up  
35 to 100 percent of the tax collected under RCW 35.58.273.

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