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SENATE BILL 5559

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State of Washington                      58th Legislature                      2003 Regular Session

By Senators Finkbeiner, Kohl-Welles, Swecker, Jacobsen, Kastama, Haugen, Poulsen, Benton and Esser

Read first time 01/30/2003. Referred to Committee on Highways & Transportation.

1            AN ACT Relating to the collection of voter-approved taxes by a city  
2 transportation authority; amending RCW 35.95A.120; adding a new section  
3 to chapter 35.95A RCW; prescribing penalties; and declaring an  
4 emergency.

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

6            **Sec. 1.** RCW 35.95A.120 and 2002 c 248 s 13 are each amended to  
7 read as follows:

8            The city transportation authority may be dissolved by a vote of the  
9 people residing within the boundaries of the authority if the authority  
10 is faced with significant financial problems. However, the authority  
11 may covenant with holders of its bonds that it may not be dissolved and  
12 shall continue to exist solely for the purpose of continuing to levy  
13 and collect any taxes or assessments levied by it and pledged to the  
14 repayment of debt and to take other actions, including the appointment  
15 of a trustee, as necessary to allow it to repay any remaining debt.  
16 Any referendum petition to dissolve the city transportation authority  
17 must be filed with the city council and contain provisions for  
18 dissolution of the authority. Within seven days, the city prosecutor  
19 must review the validity of the petition and submit its report to the

1 petitioner and city council. If the petitioner's claims are deemed  
2 valid by the city prosecutor, within ten days of the petitioner's  
3 filing, the city council will confer with the petitioner concerning the  
4 form and style of the petition, issue an identification number for the  
5 petition, and write a ballot title for the measure. The ballot title  
6 must be posed as a question and an affirmative vote on the measure  
7 results in authority retention and a negative vote on the measure  
8 results in the authority's dissolution. The petitioner will be  
9 notified of the identification number and ballot title within this ten-  
10 day period.

11 After this notification, the petitioner has ninety days in which to  
12 secure on petition forms, the signatures of not less than fifteen  
13 percent of the registered voters in the authority area and to file the  
14 signed petitions with the filing officer. Each petition form must  
15 contain the ballot title and the full text of the measure to be  
16 referred. The filing officer will verify the sufficiency of the  
17 signatures on the petitions. If sufficient valid signatures are  
18 properly submitted, the filing officer shall submit the initiative to  
19 the authority area voters at a general or special election held on one  
20 of the dates provided in RCW 29.13.010 as determined by the city  
21 council, which election will not take place later than one hundred  
22 twenty days after the signed petition has been filed with the filing  
23 officer.

24 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.95A RCW  
25 to read as follows:

26 (1) It is a violation of this chapter for any resident of the  
27 authority area to register a motor vehicle owned by the resident  
28 outside the authority area where the registration is for the purpose of  
29 evading the collection of the special excise tax levied by the  
30 authority for the privilege of using a motor vehicle under RCW  
31 35.95A.080(1). When a violation of this chapter occurs, the resident  
32 of the authority area is subject to a civil penalty equal to three  
33 times the amount of the evaded special excise tax. For purposes of  
34 this subsection, each and every time a registration is made with the  
35 intent to evade the special excise tax constitutes a separate and  
36 distinct violation.

1 (2) A city transportation authority is authorized to impose civil  
2 penalties in accordance with this chapter and the procedural  
3 requirements providing for notice, hearing, and review contained in  
4 chapter 34.05 RCW. An authority shall adopt a formal policy to  
5 implement the required procedures.

6 (3) The penalty provided for in this section must be imposed by  
7 written notice to the person against whom the civil penalty is assessed  
8 and must describe the violation. The imposed penalty is due twenty-  
9 eight days after the mailing of the written notice unless an  
10 application for an adjudicative hearing is filed as provided for in  
11 chapter 34.05 RCW and an authority's implementing policy.

12 (4) In addition to other remedies provided by law, a city  
13 transportation authority may seek enforcement of a final order imposing  
14 the civil penalty by filing a petition for civil enforcement in  
15 accordance with RCW 34.05.578.

16 (5) Civil penalties collected must be placed into the general fund  
17 of a city transportation authority and used for any lawful purpose of  
18 the authority.

19 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
20 preservation of the public peace, health, or safety, or support of the  
21 state government and its existing public institutions, and takes effect  
22 immediately.

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