
SENATE BILL 5605

State of Washington

58th Legislature

2003 Regular Session

By Senators Benton, Oke, Swecker, Rossi, West and Hale

Read first time 01/31/2003. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to authorized single-occupant vehicles in high-
2 occupancy vehicle lanes; amending RCW 46.01.140, 46.61.165, 47.52.025,
3 and 81.100.020; adding a new section to chapter 46.04 RCW; adding a new
4 section to chapter 46.16 RCW; and adding a new section to chapter
5 81.100 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.04 RCW
8 to read as follows:

9 "Authorized single-occupant vehicle" means a vehicle displaying a
10 decal, label, or other identifier issued under section 2 of this act.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.16 RCW
12 to read as follows:

13 (1) The department shall issue annually, at the time of vehicle
14 registration or renewal, optional permits in the form of a decal,
15 label, or other identifier that will entitle the operator of the
16 vehicle to use special lanes as specified in RCW 46.61.165 and
17 47.52.025, regardless of the number of occupants.

1 (2) The optional permit will be issued upon payment of a fee of
2 five hundred dollars, to be deposited in the motor vehicle account.

3 (3) The department shall design the decal, label, or other
4 identifier, and shall determine its placement on authorized single-
5 occupant vehicles, in conjunction with the Washington state patrol.
6 The decal, label, or other identifier must be developed so that its
7 removal from a vehicle cannot be accomplished without defacing or
8 destroying the label in whole or in part.

9 (4) The authorized single-occupant vehicle permit may be purchased
10 at a time not coinciding with vehicle registration or renewal. In such
11 case, the new authorized single-occupant vehicle permit fee will be
12 one-twelfth of the fee listed in subsection (2) of this section
13 multiplied by the number of months remaining in the period for which
14 licensing fees have been paid, including the month in which the new
15 permit is effective.

16 (5) The department or the department's agent or subagent appointed
17 under chapter 46.01 RCW may issue the optional permit described in this
18 section and collect the fee specified in RCW 46.01.140(4)(f).

19 **Sec. 3.** RCW 46.01.140 and 2001 c 331 s 1 are each amended to read
20 as follows:

21 (1) The county auditor, if appointed by the director of licensing,
22 shall carry out the provisions of this title relating to: (a) The
23 licensing of vehicles (~~and~~); (b) the issuance of vehicle license
24 number plates; and (c) the authorized single-occupant vehicle permit,
25 under the direction and supervision of the director and may with the
26 approval of the director appoint assistants as special deputies and
27 recommend subagents to: (i) Accept applications and collect fees for
28 vehicle licenses (~~and~~), transfers, and the authorized single occupant
29 vehicle permit; and (~~to~~) (ii) deliver vehicle license number plates.

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

32 (a) Upon authorization of the director, the auditor shall use an
33 open competitive process including, but not limited to, a written
34 business proposal and oral interview to determine the qualifications of
35 all interested applicants.

36 (b) A subagent may recommend a successor who is either the
37 subagent's sibling, spouse, or child, or a subagency employee, as long

1 as the recommended successor participates in the open, competitive
2 process used to select an applicant. In making successor
3 recommendation and appointment determinations, the following provisions
4 apply:

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

8 (ii) No subagent may receive any direct or indirect compensation or
9 remuneration from any party or entity in recognition of a successor
10 nomination. A subagent may not receive any financial benefit from the
11 transfer or termination of an appointment.

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

16 (c) The auditor shall submit all proposals to the director, and
17 shall recommend the appointment of one or more subagents who have
18 applied through the open competitive process. The auditor shall
19 include in his or her recommendation to the director, not only the name
20 of the successor who is a relative or employee, if applicable and if
21 otherwise qualified, but also the name of one other applicant who is
22 qualified and was chosen through the open competitive process. The
23 director has final appointment authority.

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

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

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

34 (i) Describe the responsibilities, and where applicable, the
35 liability, of each party relating to the service expectations and
36 levels, equipment to be supplied by the department, and equipment
37 maintenance;

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

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

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

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

10 (d) The department shall develop procedures that will standardize
11 and prescribe allowable costs that may be assigned to vehicle licensing
12 and vessel registration and title activities performed by county
13 auditors.

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

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

20 (4)(a) At any time any application is made to the director, the
21 county auditor, or other agent pursuant to any law dealing with
22 licenses, registration, or the right to operate any vehicle or vessel
23 upon the public highways or waters of this state, excluding applicants
24 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant
25 shall pay to the director, county auditor, or other agent a fee of
26 three dollars for each application in addition to any other fees
27 required by law.

28 (b) Counties that do not cover the expenses of vehicle licensing
29 and vessel registration and title activities may submit to the
30 department a request for cost-coverage moneys. The request must be
31 submitted on a form developed by the department. The department shall
32 develop procedures to verify whether a request is reasonable. Payment
33 shall be made on requests found to be allowable from the licensing
34 services account.

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

1 (d) The fees under (a) and (c) of this subsection, if paid to the
2 county auditor as agent of the director, or if paid to a subagent of
3 the county auditor, shall be paid to the county treasurer in the same
4 manner as other fees collected by the county auditor and credited to
5 the county current expense fund. If the fee is paid to another agent
6 of the director, the fee shall be used by the agent to defray his or
7 her expenses in handling the application.

8 (e) Applicants required to pay the three-dollar fee established
9 under (a) of this subsection, must pay an additional fifty cents, which
10 must be collected and remitted to the state treasurer for deposit into
11 the department of licensing services account of the motor vehicle fund.
12 Revenue deposited into this account must be used for agent and subagent
13 support, which is to include but not be limited to the replacement of
14 department-owned equipment in the possession of agents and subagents.

15 (f) The applicant shall pay to the director, county auditor, or
16 other agent a fee of five dollars for each authorized single-occupant
17 vehicle permit application in addition to any other fees required by
18 law.

19 (5) A subagent shall collect a service fee of (a) eight dollars and
20 fifty cents for changes in a certificate of ownership, with or without
21 registration renewal, or verification of record and preparation of an
22 affidavit of lost title other than at the time of the title application
23 or transfer and (b) three dollars and fifty cents for registration
24 renewal only, issuing a transit permit, or any other service under this
25 section.

26 (6) If the fee is collected by the state patrol as agent for the
27 director, the fee so collected shall be certified to the state
28 treasurer and deposited to the credit of the state patrol highway
29 account. If the fee is collected by the department of transportation
30 as agent for the director, the fee shall be certified to the state
31 treasurer and deposited to the credit of the motor vehicle fund. All
32 such fees collected by the director or branches of his office shall be
33 certified to the state treasurer and deposited to the credit of the
34 highway safety fund.

35 (7) Any county revenues that exceed the cost of providing vehicle
36 licensing and vessel registration and title activities in a county,
37 calculated in accordance with the procedures in subsection (3)(d) of

1 this section, shall be expended as determined by the county legislative
2 authority during the process established by law for adoption of county
3 budgets.

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

5 **Sec. 4.** RCW 46.61.165 and 1999 c 206 s 1 are each amended to read
6 as follows:

7 (1) The state department of transportation and the local
8 authorities are authorized to reserve all or any portion of any highway
9 under their respective jurisdictions, including any designated lane or
10 ramp, for the exclusive or preferential use of the following vehicles
11 when the limitation will increase the efficient use of the highway or
12 will aid in the conservation of energy resources: (a) Public
13 transportation vehicles (~~(or)~~); (b) private motor vehicles carrying no
14 fewer than a specified number of passengers (~~(when such limitation will~~
15 ~~increase the efficient utilization of the highway or will aid in the~~
16 ~~conservation of energy resources)~~); or (c) authorized single-occupant
17 vehicles.

18 (2) Regulations authorizing such exclusive or preferential use of
19 a highway facility may be declared to be effective at all times or at
20 specified times of day or on specified days. Violation of a
21 restriction of highway usage prescribed by the appropriate authority
22 under this section is a traffic infraction.

23 **Sec. 5.** RCW 47.52.025 and 1974 ex.s. c 133 s 1 are each amended to
24 read as follows:

25 (1) Highway authorities of the state, counties, and incorporated
26 cities and towns, in addition to the specific powers granted in this
27 chapter, shall also have, and may exercise, relative to limited access
28 facilities, any and all additional authority, now or hereafter vested
29 in them relative to highways or streets within their respective
30 jurisdictions, and may regulate, restrict, or prohibit the use of such
31 limited access facilities by various classes of vehicles or traffic.
32 Such highway authorities may reserve any limited access facility or
33 portions thereof, including designated lanes or ramps for the exclusive
34 or preferential use of the following vehicles when the limitation will
35 increase the efficient use of the highway facility or will aid in the
36 conservation of energy resources: (a) Public transportation

1 vehicles(~~(τ)~~); (b) privately owned buses(~~(τ-or)~~); (c) private motor
2 vehicles carrying not less than a specified number of passengers (~~(when~~
3 ~~such limitation will increase the efficient utilization of the highway~~
4 ~~facility or will aid in the conservation of energy resources))~~; or (d)
5 authorized single-occupant vehicles as defined in section 1 of this
6 act.

7 (2) Regulations authorizing such exclusive or preferential use of
8 a highway facility may be declared to be effective at all time or at
9 specified times of day or on specified days.

10 **Sec. 6.** RCW 81.100.020 and 1990 c 43 s 13 are each amended to read
11 as follows:

12 Unless the context clearly requires otherwise, the definitions in
13 this section apply throughout this chapter.

14 (1) "Transit agency" means a city that operates a transit system,
15 a public transportation benefit area, a county transportation
16 authority, or a metropolitan municipal corporation.

17 (2) The "high-occupancy vehicle system" includes high-occupancy
18 vehicle lanes, related high-occupancy vehicle facilities, and high-
19 occupancy vehicle programs.

20 (3) "High-occupancy vehicle lanes" mean lanes reserved for: (a)
21 Public transportation vehicles (~~(only or public transportation vehicles~~
22 ~~and)~~), (b) authorized single-occupant vehicles as defined in section 1
23 of this act, or (c) private vehicles carrying no fewer than a specified
24 number of passengers under RCW 46.61.165 or 47.52.025.

25 (4) "Related facilities" means park and ride lots, park and pool
26 lots, ramps, bypasses, turnouts, signal preemption, and other
27 improvements designed to maximize use of the high-occupancy vehicle
28 system.

29 (5) "High-occupancy vehicle program" means advertising the high-
30 occupancy vehicle system, promoting carpool, vanpool, and transit use,
31 providing vanpool vehicles, and enforcement of driving restrictions
32 governing high-occupancy vehicle lanes.

33 NEW SECTION. **Sec. 7.** A new section is added to chapter 81.100 RCW
34 to read as follows:

35 The department of transportation shall work with the federal
36 government to obtain waivers, if necessary, to implement this act.

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