
HOUSE BILL 1718

State of Washington

59th Legislature

2005 Regular Session

By Representatives Dickerson, Woods, Sommers, Dunshee, Cody, Pettigrew, Jarrett, McDermott and Kenney

Read first time 02/02/2005. Referred to Committee on Transportation.

1 AN ACT Relating to city monorail transportation authorities;
2 amending RCW 35.95A.050, 35.95A.110, 39.36.030, 35.95A.070, 35.95A.130,
3 82.44.065, and 82.44.120; adding new sections to chapter 35.95A RCW;
4 adding a new section to chapter 46.16 RCW; creating a new section;
5 prescribing penalties; and declaring an emergency.

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

7 **Sec. 1.** RCW 35.95A.050 and 2002 c 248 s 5 are each amended to read
8 as follows:

9 Every authority has the following powers:

10 (1) To acquire by purchase, condemnation, gift, or grant and to
11 lease, construct, add to, improve, replace, repair, maintain, operate,
12 and regulate the use of public monorail transportation facilities,
13 including passenger terminal and parking facilities and properties, and
14 other facilities and properties as may be necessary for passenger and
15 vehicular access to and from public monorail transportation facilities,
16 together with all lands, rights of way, and property within or outside
17 the authority area, and together with equipment and accessories
18 necessary or appropriate for these facilities, except that property,
19 including but not limited to other types of public transportation

1 facilities, that is owned by any city, county, county transportation
2 authority, public transportation benefit area, metropolitan municipal
3 corporation, or regional transit authority may be acquired or used by
4 an authority only with the consent of the public entity owning the
5 property. The entities are authorized to convey or lease property to
6 an authority or to contract for their joint use on terms fixed by
7 agreement between the entity and the authority. The right of eminent
8 domain must be exercised by the authority under a resolution to the
9 same extent, in the same manner, and by the same procedure as is or may
10 be provided by law for cities of the first class, except insofar as
11 those laws may be inconsistent with this chapter;

12 (2) To fix rates, tolls, fares, and charges for the use of
13 facilities and to establish various routes and classes of service.
14 Rates, tolls, fares, or charges may be adjusted or eliminated for any
15 distinguishable class of users including, but not limited to, senior
16 citizens and ~~((handicapped))~~ persons with disabilities;

17 (3) To contract with the United States or any of its agencies, any
18 state or any of its agencies, any metropolitan municipal corporation,
19 and other ~~((country))~~ county, city, other political subdivision or
20 governmental instrumentality, or governmental agency, or any private
21 person, firm, or corporation for the purpose of receiving any gifts or
22 grants or securing loans or advances for preliminary planning and
23 feasibility studies~~((, or))~~;

24 (4) Notwithstanding the provisions of any law to the contrary, and
25 in addition to any other authority provided by law, to contract with
26 parties including but not limited to the United States or any of its
27 agencies, any state or any of its agencies, any metropolitan municipal
28 corporation, any other county, city, other political subdivision or
29 governmental instrumentality, or governmental agency, or any private
30 person, firm, or corporation for the design, construction, operation,
31 or maintenance of public monorail transportation facilities as follows:

32 (a) ~~((Notwithstanding the provisions of any law to the contrary,~~
33 ~~and in addition to any other authority provided by law,))~~ The governing
34 body of a city transportation authority may contract with one or more
35 ~~((vendors))~~ parties for the design, construction, operation, or
36 maintenance, or other service related to the development of a monorail
37 public transportation system including, but not limited to, monorail
38 trains, operating systems and control equipment, guideways, and pylons,

1 together with the necessary passenger stations, terminals, parking
2 facilities, and other related facilities necessary and appropriate for
3 passenger and vehicular access to and from the monorail train.

4 (b) If the governing body of the city transportation authority
5 decides to proceed with the consideration of qualifications or
6 proposals for services from qualified (~~vendors~~) parties, the
7 authority must publish notice of its requirements and request
8 submission of qualifications statements or proposals. The notice must
9 be published in the official newspaper of the city creating the
10 authority at least once a week for two weeks, not less than sixty days
11 before the final date for the submission of qualifications statements
12 or proposals. The notice must state in summary form: (i) The general
13 scope and nature of the design, construction, operation, maintenance,
14 or other services being sought related to the development of the
15 proposed monorail, tram, or trolley public transportation system; (ii)
16 the name and address of a representative of the city transportation
17 authority who can provide further details; (iii) the final date for the
18 submission of qualifications statements or proposals; (iv) an estimated
19 schedule for the consideration of qualifications statements or
20 proposals(~~, the~~) and selection (~~of vendors~~) among them, and the
21 negotiation of a contract or contracts for services; (v) the location
22 of which a copy of any requests for qualifications statements or
23 requests for proposals will be made available; and (vi) the selection
24 criteria established by the governing body of the authority (~~to select~~
25 ~~a vendor or vendors~~), which may include, but is not limited to, (~~the~~
26 ~~vendor's~~) prior experience, including design, construction, operation,
27 or maintenance of other similar public transportation facilities,
28 (~~respondent's~~) management capabilities, proposed project schedule,
29 availability and financial resources, costs of the services to be
30 provided, nature of facility design proposed (~~by the vendors~~), system
31 reliability, performance standards required for the facilities,
32 compatibility with existing public transportation facilities operated
33 by the authority or any other public body or other providers of similar
34 services to the public, project performance guarantees, penalties, and
35 other enforcement provisions, environmental protection measures to be
36 used (~~by the vendor~~), consistency with the applicable regional
37 transportation plans, and the proposed allocation of project risks.

1 (c) If the governing body of the city transportation authority
2 decides to proceed with the consideration of qualifications statements
3 or proposals submitted (~~((by—vendors))~~), it may designate a
4 representative or representatives to evaluate the (~~((vendors))~~) parties
5 who submitted qualifications statements or proposals, request
6 clarifications, and conduct interviews and discussions regarding
7 qualifications or proposals with one or more (~~((vendors))~~) parties. The
8 governing body or its representative may request submission of
9 qualifications statements and may later request more detailed proposals
10 from one or more (~~((vendors))~~) parties who have submitted qualifications
11 statements, or may request detailed proposals without having first
12 received and evaluated qualifications statements. The governing body
13 or its representative will evaluate the qualifications or proposals, as
14 applicable. If two or more (~~((vendors))~~) parties submit qualifications
15 or proposals that meet the criteria established by the governing body
16 of the authority, (~~((discussions and))~~) interviews must be held with at
17 least two (~~((vendors))~~) parties. Any revisions to a request for
18 qualifications or request for proposals must be made available to all
19 (~~((vendors))~~) parties then under consideration by the governing body of
20 the authority and must be made available to any other person who has
21 requested receipt of that information.

22 (d) Based on the criteria established by the governing body of the
23 authority, the representative will recommend to the governing body a
24 (~~((vendor or vendors))~~) party or parties that are initially determined to
25 be the best qualified to provide one or more of the design,
26 construction, operation, or maintenance, or other service related to
27 the development of the proposed monorail public transportation system.

28 (e) The governing body of the authority or its representative may
29 attempt to negotiate a contract with the (~~((vendor or vendors))~~) party or
30 parties selected for one or more of the design, construction,
31 operation, or maintenance, or other service related to the development
32 of the proposed monorail public transportation system on terms that the
33 governing body of the authority determines to be fair and reasonable
34 and in the best interest of the authority. If the governing body, or
35 its representative, is unable to negotiate a contract with any one or
36 more of the (~~((vendors))~~) parties, first selected on terms that it
37 determines to be fair and reasonable and in the best interest of the
38 authority, negotiations with any one or more of the (~~((vendors))~~)

1 parties, must be terminated or suspended and another qualified (~~vendor~~
2 ~~or vendors~~) party or parties may be selected in accordance with the
3 procedures set forth in this section. If the governing body decides to
4 continue the process of selection, negotiations will continue with a
5 qualified (~~vendor or vendors~~) party or parties in accordance with
6 this section at the sole discretion of the governing body of the
7 authority until an agreement is reached with one or more qualified
8 (~~vendors~~) parties, or the process is terminated by the governing
9 body. The process may be repeated until an agreement is reached.

10 (f) Prior to entering into a contract (~~with a vendor~~) under this
11 subsection (4), the governing body of the authority must make written
12 findings, after holding a public hearing on the proposal, that it is in
13 the public interest to enter into the contract, that the contract is
14 financially sound, and that it is advantageous for the governing body
15 of the authority to use this method for awarding contracts for one or
16 more of the design, construction, (~~or~~) operation, or maintenance of
17 the proposed monorail public transportation system as compared to all
18 other methods of awarding such contracts.

19 (g) Each contract under this subsection (4) must include a project
20 performance bond or bonds or other security by the vendor.

21 (h) The provisions of chapters 39.12 and 39.19 RCW apply to a
22 contract entered into under this (~~section as if the public~~
23 ~~transportation systems and facilities were owned by a public body~~)
24 subsection (4).

25 (i) The (~~vendor~~) selection process permitted by this (~~section~~)
26 subsection (4) is (~~supplemental~~) alternative to and is not construed
27 as a repeal of or limitation on any other authority granted by
28 law(~~or~~);

29 (~~+~~) (5) To contract(~~s~~) for the construction of facilities,
30 other than contracts (~~for facilities to be provided by the selected~~
31 ~~vendor,~~) procured under subsection (4) of this section and contracts
32 with an estimated cost (~~greater~~) less than two hundred thousand
33 dollars (~~must be awarded after~~), through a competitive bid process
34 consistent with chapter 39.04 RCW or awarded through an alternative
35 public works contracting procedure consistent with chapter 39.10 RCW;

36 (~~+~~) (6) To contract with the United States or any of its
37 agencies, any state or any of its agencies, any metropolitan municipal
38 corporation, any other county, city, other political subdivision or

1 governmental instrumentality, any governmental agency, or any private
2 person, firm, or corporation for the use by either contracting party of
3 all or any part of the facilities, structures, lands, interests in
4 lands, air rights over lands, and rights of way of all kinds which are
5 owned, leased, or held by the other party and for the purpose of
6 planning, designing, constructing, operating any public transportation
7 facility, or performing any service related to transportation which the
8 authority is authorized to operate or perform, on terms as may be
9 agreed upon by the contracting parties;

10 ((+5)) (7) To acquire any existing public transportation facility
11 by conveyance, sale, or lease. In any acquisition from a county, city,
12 or other political subdivision of the state, the authority will receive
13 credit from the county or city or other political subdivision for any
14 federal assistance and state matching assistance used by the county or
15 city or other political subdivision in acquiring any portion of the
16 public transportation facility. Upon acquisition, the authority must
17 assume and observe all existing labor contracts relating to the public
18 transportation facility and, to the extent necessary for operation of
19 the public transportation facility, all of the employees of the public
20 transportation facility whose duties are necessary to efficiently
21 operate the public transportation facility must be appointed to
22 comparable positions to those which they held at the time of the
23 transfer, and no employee or retired or pensioned employee of the
24 public transportation facility will be placed in any worse position
25 with respect to pension seniority, wages, sick leave, vacation, or
26 other benefits than he or she enjoyed as an employee of the public
27 transportation facility prior to the acquisition. Furthermore, the
28 authority must engage in collective bargaining with the duly appointed
29 representatives of any employee labor organization having existing
30 contracts with the acquired facility and may enter into labor contracts
31 with the employee labor organization;

32 ((+6)) (8) To contract for, participate in, and support research,
33 demonstration, testing, and development of public monorail
34 transportation facilities, equipment, and use incentives, and have all
35 powers necessary to comply with any criteria, standards, and
36 regulations which may be adopted under state and federal law, and to
37 take all actions necessary to meet the requirements of those laws. The
38 authority has, in addition to these powers, the authority to prepare,

1 adopt, and carry out a comprehensive public monorail plan and to make
2 other plans and studies and to perform programs as the authority deems
3 necessary to implement and comply with those laws;

4 ~~((7))~~ (9) To establish local improvement districts within the
5 authority area to finance public monorail transportation facilities, to
6 levy special assessments on property specially benefited by those
7 facilities, and to issue local improvement bonds to be repaid by the
8 collection of local improvement assessments. The method of
9 establishment, levying, collection, enforcement, and all other matters
10 relating to the local improvement districts, assessments, collection,
11 and bonds are as provided in the statutes governing local improvement
12 districts of cities and towns. The duties devolving upon the city
13 treasurer in those statutes are imposed on the treasurer of the
14 authority;

15 ~~((8))~~ (10) To submit ballot propositions to the qualified
16 electors of the authority area on one or more of the following issues,
17 after a public hearing and adoption of a resolution by the governing
18 body of the authority submitting the proposition for approval: (a)
19 Amendments to the ordinance or petition creating the authority under
20 RCW 35.95A.020 and 35.95A.030, including but not limited to an
21 amendment regarding election of a majority of members of the governing
22 body of the authority; and (b) the imposition of taxes and fees
23 authorized under this chapter for the funding of additional monorail
24 lines and associated public transportation facilities. A ballot
25 proposition must be submitted at a specified general or special
26 election occurring not less than forty-five days after the adoption of
27 the resolution;

28 (11) To exercise all other powers necessary and appropriate to
29 carry out its responsibilities, including without limitation the power
30 to sue and be sued, to own, construct, purchase, lease, add to, and
31 maintain any real and personal property or property rights necessary
32 for the conduct of the affairs of the authority, to make rules and
33 regulations by resolution relating to elections held for the governing
34 body of the authority that are consistent with the ordinance or
35 petition creating the authority under RCW 35.95A.020 and 35.95A.030, to
36 enter into contracts, and to employ the persons as the authority deems
37 appropriate. An authority may also sell, lease, convey, or otherwise

1 dispose of any real or personal property no longer necessary for the
2 conduct of the affairs of the authority.

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

5 (1) An authority may establish, by resolution, a schedule of fines
6 and penalties for civil infractions established in section 3 of this
7 act. Fines established by a city transportation authority may not
8 exceed those imposed for class 1 civil infractions under RCW 7.80.120.

9 (2)(a) In order to monitor fare payment, an authority may designate
10 persons authorized to exercise all the powers of an enforcement
11 officer, defined in RCW 7.80.040. An authority may either employ
12 personnel to monitor fare payment, or contract for those services, or
13 both.

14 (b) In addition to the specific powers granted to enforcement
15 officers under RCW 7.80.050 and 7.80.060, persons designated to monitor
16 fare payment may also take the following actions:

- 17 (i) Request proof of payment from passengers;
- 18 (ii) Request personal identification from a passenger who does not
19 produce proof of payment when requested;
- 20 (iii) Issue a citation conforming to RCW 7.80.070; and
- 21 (iv) Request that a passenger leave the monorail train or station
22 when the passenger has not produced proof of payment after being asked
23 to do so by a person designated to monitor fare payment.

24 (3) City transportation authorities shall keep, or cause to be
25 kept, records of citations as prescribed by RCW 7.80.150. All civil
26 infractions under section 3 of this act must be heard and determined by
27 a district court for the county in which the infraction occurred as
28 provided in RCW 7.80.010 (1) and (4).

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 35.95A RCW
30 to read as follows:

31 (1) Persons traveling on monorail trains operated by an authority
32 shall pay the fare established by the authority. They shall produce
33 proof of payment when requested by a person designated to monitor fare
34 payment.

35 (2) The following are civil infractions punishable according to the

1 schedule of fines and penalties established by the authority under
2 section 2 of this act:

3 (a) Failure to pay or attempting to evade payment of the required
4 fare;

5 (b) Failure to display proof of payment when requested to do so by
6 a person designated to monitor fare payment; and

7 (c) Failure to leave the monorail train or station when requested
8 to do so by a person designated to monitor fare payment.

9 NEW SECTION. **Sec. 4.** A new section is added to chapter 35.95A RCW
10 to read as follows:

11 Nothing in section 2 or 3 of this act prevents law enforcement
12 authorities from prosecuting for theft, trespass, or other criminal
13 charge a person who:

14 (1) Fails to pay or attempts to evade payment of the required fare
15 on more than one occasion within a twelve-month period;

16 (2) Fails to sign a notice of civil infraction;

17 (3) Fails to leave the monorail train or station when requested to
18 do so by a person designated to monitor fare payment; or

19 (4) Acts or fails to act in violation of law.

20 **Sec. 5.** RCW 35.95A.110 and 2002 c 248 s 12 are each amended to
21 read as follows:

22 All taxes and fees levied and collected by an authority must be
23 used solely for the purpose of paying all or any part of the cost of
24 acquiring, designing, constructing, equipping, maintaining, or
25 operating public monorail transportation facilities or contracting for
26 the services thereof, or to pay or secure the payment of contracts
27 entered into under RCW 35.95A.050 or payment of all or part of the
28 principal of or interest on any general obligation bonds or revenue
29 bonds issued for authority purposes. Until expended, money accumulated
30 in the funds and accounts of an authority may be invested in the manner
31 authorized by the governing body of the authority, consistent with
32 state law.

33 If any of the revenue from any tax or fee authorized to be levied
34 by an authority has been pledged by the authority to secure the payment
35 of any contracts or bonds as (~~herein~~) authorized in this chapter,

1 then as long as that pledge is in effect the legislature will not
2 withdraw from the authority the authorization to levy and collect the
3 tax or fee.

4 **Sec. 6.** RCW 39.36.030 and 1986 c 50 s 1 are each amended to read
5 as follows:

6 (1) Whenever it shall be necessary to compute the indebtedness of
7 a taxing district for bonding or any other indebtedness purposes, taxes
8 levied for the current year and cash on hand received for the purpose
9 of carrying on the business of such taxing district for such current
10 year shall be considered as an asset only as against indebtedness
11 incurred during such current year which is payable from such taxes or
12 cash on hand: PROVIDED, HOWEVER, That all taxes levied for the payment
13 of bonds, warrants or other public debts of such taxing district, shall
14 be deemed a competent and sufficient asset of the taxing district to be
15 considered in calculating the constitutional debt limit or the debt
16 limit prescribed by this chapter for any taxing district: PROVIDED,
17 That the provisions of this section shall not apply in computing the
18 debt limit of a taxing district in connection with bonds authorized
19 pursuant to a vote of the electors at an election called prior to March
20 1, 1917.

21 (2) If reductions in assessed valuation of property within a taxing
22 district result in the outstanding indebtedness of the taxing district
23 exceeding its statutory indebtedness limitations, the amount of such
24 excess indebtedness shall not be included in the statutory indebtedness
25 ceiling. Additional indebtedness that is subject to indebtedness
26 limitations, other than refinancing indebtedness that does not increase
27 the total amount of indebtedness, may not be issued by such a taxing
28 district until its total outstanding indebtedness, including that which
29 this subsection removes from the statutory indebtedness limitations, is
30 below these limitations.

31 (3) The calculation of outstanding indebtedness must include the
32 initial principal amount of an issue and may not include interest that
33 is currently payable or that compounds, accretes, appreciates, or
34 accrues as a part of the amount payable at maturity or earlier
35 redemption.

36 (4) Nothing in this section authorizes taxing districts to incur
37 indebtedness beyond constitutional indebtedness limitations.

1 **Sec. 7.** RCW 35.95A.070 and 2002 c 248 s 8 are each amended to read
2 as follows:

3 Every authority has the power to:

4 (1) Levy excess levies upon the property included within the
5 authority area, in the manner prescribed by Article VII, section 2 of
6 the state Constitution and by RCW 84.52.052 for operating funds,
7 capital outlay funds, and cumulative reserve funds;

8 (2) Issue general obligation bonds, not to exceed an amount,
9 together with any outstanding nonvoter-approved general obligation
10 indebtedness equal to one and one-half percent of the value of the
11 taxable property within the authority area, as the term "value of the
12 taxable property" is defined in RCW 39.36.015. An authority may
13 additionally issue general obligation bonds, together with outstanding
14 voter-approved and nonvoter-approved general obligation indebtedness,
15 equal to two and one-half percent of the value of the taxable property
16 within the authority area, as the term "value of the taxable property"
17 is defined in RCW 39.36.015, when the bonds are approved by three-
18 fifths of the qualified electors of the authority at a general or
19 special election called for that purpose and may provide for the
20 retirement thereof by levies in excess of dollar rate limitations in
21 accordance with the provisions of RCW 84.52.056. These elections will
22 be held as provided in RCW 39.36.050;

23 (3) Issue revenue bonds payable from any revenues other than taxes
24 levied by the authority, and to pledge those revenues for the repayment
25 of the bonds. Proceeds of revenue bonds may only be expended for the
26 costs of public monorail transportation facilities, for financing
27 costs, and for capitalized interest during construction plus six months
28 thereafter. The bonds and warrants will be issued and sold in
29 accordance with chapter 39.46 RCW.

30 No bonds issued by an authority are obligations of any city,
31 county, or the state of Washington or any political subdivision thereof
32 other than the authority, and the bonds will so state, unless the
33 legislative authority of any city or county or the legislature
34 expressly authorizes particular bonds to be either guaranteed by or
35 obligations of its respective city or county or of the state.

36 The maximum term of any general obligation or revenue bond issue is
37 the greater of forty years or the maximum period of time permitted by

1 the Internal Revenue Code at the time of financing for tax-exempt
2 financing of the assets being acquired or constructed with the proceeds
3 of the bonds.

4 **Sec. 8.** RCW 35.95A.130 and 2002 c 248 s 14 are each amended to
5 read as follows:

6 The special excise tax imposed under RCW 35.95A.080(1) will be
7 collected at the same time and in the same manner as relicensing tab
8 fees under RCW 46.16.0621 and 35.95A.090. Every year on January 1st,
9 April 1st, July 1st, and October 1st the department of licensing shall
10 remit special excise taxes collected on behalf of an authority, back to
11 the authority, at no cost to the authority. Valuation of motor
12 vehicles for purposes of the special excise tax imposed under RCW
13 35.95A.080(1) must be (~~consistent with chapter 82.44 RCW~~) performed
14 under section 9 of this act.

15 NEW SECTION. **Sec. 9.** A new section is added to chapter 35.95A RCW
16 to read as follows:

17 (1) For the purpose of determining the amount of special motor
18 vehicle excise tax validly authorized and levied by any taxing district
19 in this state, the value of a truck-type power or trailing unit shall
20 be the latest purchase price of the vehicle, excluding applicable
21 federal excise taxes, state and local sales or use taxes,
22 transportation or shipping costs, or preparatory or delivery costs,
23 multiplied by the following percentage based on year of service of the
24 vehicle since last sale. The latest purchase year is considered the
25 first year of service.

	YEAR OF SERVICE	PERCENTAGE
26		
27	1	100
28	2	90
29	3	83
30	4	75
31	5	67
32	6	59
33	7	52
34	8	44

1	9	36
2	10	28
3	11	21
4	12	13
5	13 or older	10

6 (2) The reissuance of title and registration for a truck-type power
7 or trailing unit because of the installation of body or special
8 equipment must be treated as a sale, and the value of the truck-type
9 power or trailing unit at that time, as determined by the department
10 from such information as may be available, is considered the latest
11 purchase price.

12 (3) For the purpose of determining the amount of special motor
13 vehicle excise tax validly authorized and levied by any taxing district
14 in this state, the value of a motor vehicle other than a truck-type
15 power or trailing unit is the manufacturer's base suggested retail
16 price of the vehicle when first offered for sale as a new vehicle,
17 excluding any optional equipment, applicable federal excise taxes,
18 state and local sales or use taxes, transportation or shipping costs,
19 or preparatory or delivery costs, multiplied by the applicable
20 percentage listed in this subsection based on year of service of the
21 vehicle.

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

26 (a) The department shall determine a value using any information
27 that may be available, including any guidebook, report, or compendium
28 of recognized standing in the automotive industry or the selling price
29 and year of sale of the vehicle. The department may use an appraisal
30 by the county assessor. In valuing a vehicle for which the current
31 value or selling price is not indicative of the value of similar
32 vehicles of the same year and model, the department shall establish a
33 value that more closely represents the average value of similar
34 vehicles of the same year and model.

35 (b) The value determined in (a) of this subsection shall be
36 multiplied by the applicable percentage listed in this subsection to
37 establish a value equivalent to a manufacturer's base suggested retail

1 price. The applicable percentage must be based on the year of service
2 of the vehicle for which the value is determined.

3	YEAR OF SERVICE	PERCENTAGE
4	1	100
5	2	95
6	3	89
7	4	83
8	5	74
9	6	65
10	7	57
11	8	48
12	9	40
13	10	31
14	11	22
15	12	14
16	13 or older	10

17 (4) For purposes of this chapter, value excludes value attributable
18 to modifications of a motor vehicle and equipment that are designed to
19 facilitate the use or operation of the motor vehicle by a person with
20 a disability.

21 NEW SECTION. **Sec. 10.** A new section is added to chapter 46.16 RCW
22 to read as follows:

23 (1) In order to obtain or renew a vehicle license, an applicant
24 must satisfy all special motor vehicle excise tax obligations with
25 respect to any taxing district in which the applicant primarily
26 resides. If the department or its agents have a reasonable basis to
27 believe that a vehicle registered at an address outside any taxing
28 district is owned by a person whose primary residence address is in
29 that taxing district, then the renewal application may be processed by
30 the department or its agents only if the applicant:

31 (a) Presents evidence reasonably satisfactory to the department or
32 its agents that the applicant's primary residence is not in the taxing
33 district;

34 (b) Establishes eligibility of the applicant for an exemption from
35 the special motor vehicle excise tax; or

1 (c) Tenders payment of the applicable special motor vehicle excise
2 tax, including, but not limited to, any such tax that should have been
3 paid with respect to previous renewal periods, files a change of
4 address under RCW 46.20.205, and pays a surcharge of fifteen dollars.

5 (2) The surcharge will be allocated as follows:

6 (a) Ten dollars must be deposited in the motor vehicle fund to be
7 used exclusively for the administrative costs of the department; and

8 (b) Five dollars may be retained by the agent handling the renewal
9 application to be used by the agent for the administration of this
10 section.

11 (3) If the department has a reasonable basis to believe that a
12 vehicle registered at an address outside the boundaries of any taxing
13 district is owned by a person whose primary residence address is in
14 that taxing district, the department shall send to the person, at the
15 time of renewal, a statement setting out the presumed address of
16 residency, the taxing district to which the address relates, the
17 amounts of special motor vehicle excise tax relating to the vehicle,
18 and the surcharge to be collected.

19 **Sec. 11.** RCW 82.44.065 and 1990 c 42 s 305 are each amended to
20 read as follows:

21 If the department determines a value for a motor vehicle under
22 (~~RCW 82.44.041~~) section 9 of this act equivalent to a manufacturer's
23 base suggested retail price or the value of a truck-type power or
24 trailing unit under (~~RCW 82.44.041(2)~~) section 9 of this act, any
25 person who pays (~~the~~) a special motor vehicle excise tax (~~under this~~
26 ~~chapter~~) collected by the department for that vehicle may appeal the
27 valuation to the department under chapter 34.05 RCW. If the taxpayer
28 is successful on appeal, the department shall refund the excess tax in
29 the manner provided in RCW 82.44.120.

30 **Sec. 12.** RCW 82.44.120 and 2003 c 53 s 403 are each amended to
31 read as follows:

32 (1) Whenever any person has paid a motor vehicle license fee, and
33 together therewith has paid (~~an~~) a special motor vehicle excise tax
34 (~~imposed under the provisions of this chapter~~) collected by the
35 department, and the director determines that the payor is entitled to
36 a refund of the entire amount of the license fee as provided by law,

1 then the payor shall also be entitled to a refund of the entire excise
2 tax collected under the provisions of this chapter. In case the
3 director determines that any person is entitled to a refund of only a
4 part of the license fee so paid, the payor shall be entitled to a
5 refund of the difference, if any, between the excise tax collected and
6 that which should have been collected.

7 (2) In case no claim is to be made for the refund of the license
8 fee or any part thereof, but claim is made by any person that he or she
9 has paid an erroneously excessive amount of excise tax, the department
10 shall determine in the manner generally provided in this chapter the
11 amount of such excess, if any, that has been paid and shall certify to
12 the state treasurer that such person is entitled to a refund in such
13 amount.

14 (3) In any case where due to error, a person has been required to
15 pay an excise tax (~~(pursuant to this chapter)~~) collected by the
16 department and a vehicle license fee pursuant to Title 46 RCW which
17 amounts to an overpayment of ten dollars or more, such person shall be
18 entitled to a refund of the entire amount of such overpayment,
19 regardless of whether or not a refund of the overpayment has been
20 requested. Conversely, if due to error, the department or its agents
21 has failed to collect the full amount of the license fee and excise tax
22 due, which underpayment is in the amount of ten dollars or more, the
23 department shall charge and collect such additional amount as will
24 constitute full payment of the tax.

25 (4) Any claim for refund of an erroneously excessive amount of
26 excise tax or overpayment of excise tax with a motor vehicle license
27 fee must be filed with the director within three years after the
28 claimed erroneous payment was made.

29 (5) If the department approves the claim it shall notify the state
30 treasurer to that effect, and the treasurer shall make such approved
31 refunds from the general fund and the funds that would otherwise be
32 payable to the taxing district that has levied any special motor
33 vehicle excise tax and shall mail or deliver the same to the person
34 entitled thereto.

35 (6) Any person making any false statement under which he or she
36 obtains any amount of refund to which he or she is not entitled under
37 the provisions of this section is guilty of a gross misdemeanor.

1 NEW SECTION. **Sec. 13.** All prior actions by a city transportation
2 authority and the department of licensing that are consistent with the
3 provisions of this act are ratified and confirmed.

4 NEW SECTION. **Sec. 14.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 15.** This act is necessary for the immediate
9 preservation of the public peace, health, or safety, or support of the
10 state government and its existing public institutions, and takes effect
11 immediately.

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