

1 distribution, or use of motor vehicle fuel. This subsection (2)
2 expires when the bonds issued for transportation 2003 projects are
3 retired.

4 (3) Beginning July 1, 2005, an additional and cumulative motor
5 vehicle fuel tax rate of three cents per gallon applies to the sale,
6 distribution, or use of motor vehicle fuel.

7 (4) Beginning July 1, 2006, an additional and cumulative motor
8 vehicle fuel tax rate of three cents per gallon applies to the sale,
9 distribution, or use of motor vehicle fuel.

10 (5) Beginning July 1, 2007, an additional and cumulative motor
11 vehicle fuel tax rate of two cents per gallon applies to the sale,
12 distribution, or use of motor vehicle fuel.

13 (6) Beginning July 1, 2008, an additional and cumulative motor
14 vehicle fuel tax rate of one and one-half cents per gallon applies to
15 the sale, distribution, or use of motor vehicle fuel.

16 **Sec. 102.** RCW 82.38.030 and 2003 c 361 s 402 are each amended to
17 read as follows:

18 (1) There is hereby levied and imposed upon special fuel users a
19 tax at the rate of twenty-three cents per gallon of special fuel, or
20 each one hundred cubic feet of compressed natural gas, measured at
21 standard pressure and temperature.

22 (2) Beginning July 1, 2003, an additional and cumulative tax rate
23 of five cents per gallon of special fuel, or each one hundred cubic
24 feet of compressed natural gas, measured at standard pressure and
25 temperature shall be imposed on special fuel users. This subsection
26 (2) expires when the bonds issued for transportation 2003 projects are
27 retired.

28 (3) Beginning July 1, 2005, an additional and cumulative tax rate
29 of three cents per gallon of special fuel, or each one hundred cubic
30 feet of compressed natural gas, measured at standard pressure and
31 temperature shall be imposed on special fuel users.

32 (4) Beginning July 1, 2006, an additional and cumulative tax rate
33 of three cents per gallon of special fuel, or each one hundred cubic
34 feet of compressed natural gas, measured at standard pressure and
35 temperature shall be imposed on special fuel users.

36 (5) Beginning July 1, 2007, an additional and cumulative tax rate

1 of two cents per gallon of special fuel, or each one hundred cubic feet
2 of compressed natural gas, measured at standard pressure and
3 temperature shall be imposed on special fuel users.

4 (6) Beginning July 1, 2008, an additional and cumulative tax rate
5 of one and one-half cents per gallon of special fuel, or each one
6 hundred cubic feet of compressed natural gas, measured at standard
7 pressure and temperature shall be imposed on special fuel users.

8 (7) Taxes are imposed when:

9 (a) Special fuel is removed in this state from a terminal if the
10 special fuel is removed at the rack unless the removal is to a licensed
11 exporter for direct delivery to a destination outside of the state, or
12 the removal is to a special fuel distributor for direct delivery to an
13 international fuel tax agreement licensee under RCW 82.38.320;

14 (b) Special fuel is removed in this state from a refinery if either
15 of the following applies:

16 (i) The removal is by bulk transfer and the refiner or the owner of
17 the special fuel immediately before the removal is not a licensee; or

18 (ii) The removal is at the refinery rack unless the removal is to
19 a licensed exporter for direct delivery to a destination outside of the
20 state, or the removal is to a special fuel distributor for direct
21 delivery to an international fuel tax agreement licensee under RCW
22 82.38.320;

23 (c) Special fuel enters into this state for sale, consumption, use,
24 or storage if either of the following applies:

25 (i) The entry is by bulk transfer and the importer is not a
26 licensee; or

27 (ii) The entry is not by bulk transfer;

28 (d) Special fuel is sold or removed in this state to an unlicensed
29 entity unless there was a prior taxable removal, entry, or sale of the
30 special fuel;

31 (e) Blended special fuel is removed or sold in this state by the
32 blender of the fuel. The number of gallons of blended special fuel
33 subject to tax is the difference between the total number of gallons of
34 blended special fuel removed or sold and the number of gallons of
35 previously taxed special fuel used to produce the blended special fuel;

36 (f) Dyed special fuel is used on a highway, as authorized by the
37 internal revenue code, unless the use is exempt from the special fuel
38 tax;

1 (g) Dyed special fuel is held for sale, sold, used, or is intended
2 to be used in violation of this chapter;

3 (h) Special fuel purchased by an international fuel tax agreement
4 licensee under RCW 82.38.320 is used on a highway; and

5 (i) Special fuel is sold by a licensed special fuel supplier to a
6 special fuel distributor, special fuel importer, or special fuel
7 blender and the special fuel is not removed from the bulk transfer-
8 terminal system.

9 ~~((4))~~ (8) The tax imposed by this chapter, if required to be
10 collected by the licensee, is held in trust by the licensee until paid
11 to the department, and a licensee who appropriates or converts the tax
12 collected to his or her own use or to any use other than the payment of
13 the tax to the extent that the money required to be collected is not
14 available for payment on the due date as prescribed in this chapter is
15 guilty of a felony, or gross misdemeanor in accordance with the theft
16 and anticipatory provisions of Title 9A RCW. A person, partnership,
17 corporation, or corporate officer who fails to collect the tax imposed
18 by this section, or who has collected the tax and fails to pay it to
19 the department in the manner prescribed by this chapter, is personally
20 liable to the state for the amount of the tax.

21 **Sec. 103.** RCW 46.68.090 and 2003 c 361 s 403 are each amended to
22 read as follows:

23 (1) All moneys that have accrued or may accrue to the motor vehicle
24 fund from the motor vehicle fuel tax and special fuel tax shall be
25 first expended for purposes enumerated in (a) and (b) of this
26 subsection. The remaining net tax amount shall be distributed monthly
27 by the state treasurer in accordance with subsections (2)~~((, (3), and~~
28 ~~(4))~~ through (7) of this section.

29 (a) For payment of refunds of motor vehicle fuel tax and special
30 fuel tax that has been paid and is refundable as provided by law;

31 (b) For payment of amounts to be expended pursuant to
32 appropriations for the administrative expenses of the offices of state
33 treasurer, state auditor, and the department of licensing of the state
34 of Washington in the administration of the motor vehicle fuel tax and
35 the special fuel tax, which sums shall be distributed monthly.

36 (2) All of the remaining net tax amount collected under RCW

1 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a)
2 through (j) of this section.

3 (a) For distribution to the motor vehicle fund an amount equal to
4 44.387 percent to be expended for highway purposes of the state as
5 defined in RCW 46.68.130;

6 (b) For distribution to the special category C account, hereby
7 created in the motor vehicle fund, an amount equal to 3.2609 percent to
8 be expended for special category C projects. Special category C
9 projects are category C projects that, due to high cost only, will
10 require bond financing to complete construction.

11 The following criteria, listed in order of priority, shall be used
12 in determining which special category C projects have the highest
13 priority:

14 (i) Accident experience;

15 (ii) Fatal accident experience;

16 (iii) Capacity to move people and goods safely and at reasonable
17 speeds without undue congestion; and

18 (iv) Continuity of development of the highway transportation
19 network.

20 Moneys deposited in the special category C account in the motor
21 vehicle fund may be used for payment of debt service on bonds the
22 proceeds of which are used to finance special category C projects under
23 this subsection (2)(b);

24 (c) For distribution to the Puget Sound ferry operations account in
25 the motor vehicle fund an amount equal to 2.3283 percent;

26 (d) For distribution to the Puget Sound capital construction
27 account in the motor vehicle fund an amount equal to 2.3726 percent;

28 (e) For distribution to the urban arterial trust account in the
29 motor vehicle fund an amount equal to 7.5597 percent;

30 (f) For distribution to the transportation improvement account in
31 the motor vehicle fund an amount equal to 5.6739 percent and expended
32 in accordance with RCW 47.26.086;

33 (g) For distribution to the cities and towns from the motor vehicle
34 fund an amount equal to 10.6961 percent in accordance with RCW
35 46.68.110;

36 (h) For distribution to the counties from the motor vehicle fund an
37 amount equal to 19.2287 percent: (i) Out of which there shall be
38 distributed from time to time, as directed by the department of

1 transportation, those sums as may be necessary to carry out the
2 provisions of RCW 47.56.725; and (ii) less any amounts appropriated to
3 the county road administration board to implement the provisions of RCW
4 47.56.725(4), with the balance of such county share to be distributed
5 monthly as the same accrues for distribution in accordance with RCW
6 46.68.120;

7 (i) For distribution to the county arterial preservation account,
8 hereby created in the motor vehicle fund an amount equal to 1.9565
9 percent. These funds shall be distributed by the county road
10 administration board to counties in proportions corresponding to the
11 number of paved arterial lane miles in the unincorporated area of each
12 county and shall be used for improvements to sustain the structural,
13 safety, and operational integrity of county arterials. The county road
14 administration board shall adopt reasonable rules and develop policies
15 to implement this program and to assure that a pavement management
16 system is used;

17 (j) For distribution to the rural arterial trust account in the
18 motor vehicle fund an amount equal to 2.5363 percent and expended in
19 accordance with RCW 36.79.020.

20 (3) (~~One hundred percent of~~) The remaining net tax amount
21 collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed
22 to the transportation 2003 account (nickel account).

23 (4) The remaining net tax amount collected under RCW 82.36.025(3)
24 and 82.38.030(3) shall be distributed as follows:

25 (a) 8.3333 percent shall be distributed to the incorporated cities
26 and towns of the state in accordance with RCW 46.68.110. Cities and
27 towns must use the money for highway purposes. "Highway purposes" has
28 the same meaning as provided in RCW 82.80.070(1);

29 (b) 8.3333 percent shall be distributed to counties of the state in
30 accordance with RCW 46.68.120. Counties must use the money for highway
31 purposes. "Highway purposes" has the same meaning as provided in RCW
32 82.80.070(1); and

33 (c) The remainder shall be distributed to the transportation 2005
34 account created in section 104 of this act.

35 (5) The remaining net tax amount collected under RCW 82.36.025(4)
36 and 82.38.030(4) shall be distributed as follows:

37 (a) 12.5 percent shall be distributed to the incorporated cities

1 and towns of the state in accordance with RCW 46.68.110. Cities and
2 towns must use the money for highway purposes. "Highway purposes" has
3 the same meaning as provided in RCW 82.80.070(1);

4 (b) 12.5 percent shall be distributed to counties of the state in
5 accordance with RCW 46.68.120. Counties must use the money for highway
6 purposes. "Highway purposes" has the same meaning as provided in RCW
7 82.80.070(1); and

8 (c) The remainder shall be distributed to the transportation 2005
9 account created in section 104 of this act.

10 (6) The remaining net tax amount collected under RCW 82.36.025 (5)
11 and (6) and 82.38.030 (5) and (6) shall be distributed to the
12 transportation 2005 account created in section 104 of this act.

13 (7) Nothing in this section or in RCW 46.68.130 may be construed so
14 as to violate any terms or conditions contained in any highway
15 construction bond issues now or hereafter authorized by statute and
16 whose payment is by such statute pledged to be paid from any excise
17 taxes on motor vehicle fuel and special fuels.

18 NEW SECTION. Sec. 104. A new section is added to chapter 46.68
19 RCW to read as follows:

20 (1) The transportation 2005 account is hereby created in the motor
21 vehicle fund in the state treasury. All distributions to the account
22 from RCW 46.68.090 must be deposited into the account. Money in the
23 account may be spent only after appropriation. Expenditures from the
24 account must be used only for projects or improvements identified as
25 transportation 2005 projects or improvements in the omnibus
26 transportation appropriations act, including any principal and interest
27 on bonds authorized for the projects or improvements.

28 (2) If a regional transportation funding plan has not been adopted
29 by January 2007, the legislature intends to reprioritize allocation of
30 funding for the projects identified as transportation 2005 projects so
31 that complete and functioning transportation projects can be
32 constructed in a reasonable time.

33 **Sec. 105.** RCW 82.38.035 and 2003 c 361 s 405 are each amended to
34 read as follows:

35 (1) A licensed supplier shall remit tax on special fuel to the

1 department as provided in RCW 82.38.030(~~((3)(a))~~) (7)(a). On a two-
2 party exchange, or buy-sell agreement between two licensed suppliers,
3 the receiving exchange partner or buyer shall remit the tax.

4 (2) A refiner shall remit tax to the department on special fuel
5 removed from a refinery as provided in RCW 82.38.030(~~((3)(b))~~) (7)(b).

6 (3) An importer shall remit tax to the department on special fuel
7 imported into this state as provided in RCW 82.38.030(~~((3)(c))~~) (7)(c).

8 (4) A blender shall remit tax to the department on the removal or
9 sale of blended special fuel as provided in RCW 82.38.030(~~((3)(d))~~)
10 (7)(d).

11 (5) A dyed special fuel user shall remit tax to the department on
12 the use of dyed special fuel as provided in RCW 82.38.030(~~((3)(e))~~)
13 (7)(e).

14 **Sec. 106.** RCW 82.38.045 and 1998 c 176 s 54 are each amended to
15 read as follows:

16 A terminal operator is jointly and severally liable for remitting
17 the tax imposed under RCW 82.38.030(~~((1))~~) if, at the time of removal:

18 (1) The position holder with respect to the special fuel is a
19 person other than the terminal operator and is not a licensee;

20 (2) The terminal operator is not a licensee;

21 (3) The position holder has an expired internal revenue service
22 notification certificate issued under chapter 26, C.F.R. Part 48; or

23 (4) The terminal operator had reason to believe that information on
24 the notification certificate was false.

25 **Sec. 107.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
26 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
27 follows:

28 (1) All earnings of investments of surplus balances in the state
29 treasury shall be deposited to the treasury income account, which
30 account is hereby established in the state treasury.

31 (2) The treasury income account shall be utilized to pay or receive
32 funds associated with federal programs as required by the federal cash
33 management improvement act of 1990. The treasury income account is
34 subject in all respects to chapter 43.88 RCW, but no appropriation is
35 required for refunds or allocations of interest earnings required by
36 the cash management improvement act. Refunds of interest to the

1 federal treasury required under the cash management improvement act
2 fall under RCW 43.88.180 and shall not require appropriation. The
3 office of financial management shall determine the amounts due to or
4 from the federal government pursuant to the cash management improvement
5 act. The office of financial management may direct transfers of funds
6 between accounts as deemed necessary to implement the provisions of the
7 cash management improvement act, and this subsection. Refunds or
8 allocations shall occur prior to the distributions of earnings set
9 forth in subsection (4) of this section.

10 (3) Except for the provisions of RCW 43.84.160, the treasury income
11 account may be utilized for the payment of purchased banking services
12 on behalf of treasury funds including, but not limited to, depository,
13 safekeeping, and disbursement functions for the state treasury and
14 affected state agencies. The treasury income account is subject in all
15 respects to chapter 43.88 RCW, but no appropriation is required for
16 payments to financial institutions. Payments shall occur prior to
17 distribution of earnings set forth in subsection (4) of this section.

18 (4) Monthly, the state treasurer shall distribute the earnings
19 credited to the treasury income account. The state treasurer shall
20 credit the general fund with all the earnings credited to the treasury
21 income account except:

22 (a) The following accounts and funds shall receive their
23 proportionate share of earnings based upon each account's and fund's
24 average daily balance for the period: The capitol building
25 construction account, the Cedar River channel construction and
26 operation account, the Central Washington University capital projects
27 account, the charitable, educational, penal and reformatory
28 institutions account, the common school construction fund, the county
29 criminal justice assistance account, the county sales and use tax
30 equalization account, the data processing building construction
31 account, the deferred compensation administrative account, the deferred
32 compensation principal account, the department of retirement systems
33 expense account, the drinking water assistance account, the drinking
34 water assistance administrative account, the drinking water assistance
35 repayment account, the Eastern Washington University capital projects
36 account, the education construction fund, the election account, the
37 emergency reserve fund, The Evergreen State College capital projects
38 account, the federal forest revolving account, the health services

1 account, the public health services account, the health system capacity
2 account, the personal health services account, the state higher
3 education construction account, the higher education construction
4 account, the highway infrastructure account, the industrial insurance
5 premium refund account, the judges' retirement account, the judicial
6 retirement administrative account, the judicial retirement principal
7 account, the local leasehold excise tax account, the local real estate
8 excise tax account, the local sales and use tax account, the medical
9 aid account, the mobile home park relocation fund, the multimodal
10 transportation account, the municipal criminal justice assistance
11 account, the municipal sales and use tax equalization account, the
12 natural resources deposit account, the oyster reserve land account, the
13 perpetual surveillance and maintenance account, the public employees'
14 retirement system plan 1 account, the public employees' retirement
15 system combined plan 2 and plan 3 account, the public facilities
16 construction loan revolving account beginning July 1, 2004, the public
17 health supplemental account, the public works assistance account, the
18 Puyallup tribal settlement account, the regional transportation
19 investment district account, the resource management cost account, the
20 site closure account, the special wildlife account, the state
21 employees' insurance account, the state employees' insurance reserve
22 account, the state investment board expense account, the state
23 investment board commingled trust fund accounts, the supplemental
24 pension account, the Tacoma Narrows toll bridge account, the teachers'
25 retirement system plan 1 account, the teachers' retirement system
26 combined plan 2 and plan 3 account, the tobacco prevention and control
27 account, the tobacco settlement account, the transportation
28 infrastructure account, the transportation 2005 account, the tuition
29 recovery trust fund, the University of Washington bond retirement fund,
30 the University of Washington building account, the volunteer fire
31 fighters' and reserve officers' relief and pension principal fund, the
32 volunteer fire fighters' and reserve officers' administrative fund, the
33 Washington fruit express account, the Washington judicial retirement
34 system account, the Washington law enforcement officers' and fire
35 fighters' system plan 1 retirement account, the Washington law
36 enforcement officers' and fire fighters' system plan 2 retirement
37 account, the Washington school employees' retirement system combined
38 plan 2 and 3 account, the Washington state health insurance pool

1 account, the Washington state patrol retirement account, the Washington
2 State University building account, the Washington State University bond
3 retirement fund, the water pollution control revolving fund, and the
4 Western Washington University capital projects account. Earnings
5 derived from investing balances of the agricultural permanent fund, the
6 normal school permanent fund, the permanent common school fund, the
7 scientific permanent fund, and the state university permanent fund
8 shall be allocated to their respective beneficiary accounts. All
9 earnings to be distributed under this subsection (4)(a) shall first be
10 reduced by the allocation to the state treasurer's service fund
11 pursuant to RCW 43.08.190.

12 (b) The following accounts and funds shall receive eighty percent
13 of their proportionate share of earnings based upon each account's or
14 fund's average daily balance for the period: The aeronautics account,
15 the aircraft search and rescue account, the county arterial
16 preservation account, the department of licensing services account, the
17 essential rail assistance account, the ferry bond retirement fund, the
18 grade crossing protective fund, the high capacity transportation
19 account, the highway bond retirement fund, the highway safety account,
20 the motor vehicle fund, the motorcycle safety education account, the
21 pilotage account, the public transportation systems account, the Puget
22 Sound capital construction account, the Puget Sound ferry operations
23 account, the recreational vehicle account, the rural arterial trust
24 account, the safety and education account, the special category C
25 account, the state patrol highway account, the transportation 2003
26 account (nickel account), the transportation equipment fund, the
27 transportation fund, the transportation improvement account, the
28 transportation improvement board bond retirement account, and the urban
29 arterial trust account.

30 (5) In conformance with Article II, section 37 of the state
31 Constitution, no treasury accounts or funds shall be allocated earnings
32 without the specific affirmative directive of this section.

33 **Sec. 108.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to
34 read as follows:

35 (1) All earnings of investments of surplus balances in the state
36 treasury shall be deposited to the treasury income account, which
37 account is hereby established in the state treasury.

1 (2) The treasury income account shall be utilized to pay or receive
2 funds associated with federal programs as required by the federal cash
3 management improvement act of 1990. The treasury income account is
4 subject in all respects to chapter 43.88 RCW, but no appropriation is
5 required for refunds or allocations of interest earnings required by
6 the cash management improvement act. Refunds of interest to the
7 federal treasury required under the cash management improvement act
8 fall under RCW 43.88.180 and shall not require appropriation. The
9 office of financial management shall determine the amounts due to or
10 from the federal government pursuant to the cash management improvement
11 act. The office of financial management may direct transfers of funds
12 between accounts as deemed necessary to implement the provisions of the
13 cash management improvement act, and this subsection. Refunds or
14 allocations shall occur prior to the distributions of earnings set
15 forth in subsection (4) of this section.

16 (3) Except for the provisions of RCW 43.84.160, the treasury income
17 account may be utilized for the payment of purchased banking services
18 on behalf of treasury funds including, but not limited to, depository,
19 safekeeping, and disbursement functions for the state treasury and
20 affected state agencies. The treasury income account is subject in all
21 respects to chapter 43.88 RCW, but no appropriation is required for
22 payments to financial institutions. Payments shall occur prior to
23 distribution of earnings set forth in subsection (4) of this section.

24 (4) Monthly, the state treasurer shall distribute the earnings
25 credited to the treasury income account. The state treasurer shall
26 credit the general fund with all the earnings credited to the treasury
27 income account except:

28 (a) The following accounts and funds shall receive their
29 proportionate share of earnings based upon each account's and fund's
30 average daily balance for the period: The capitol building
31 construction account, the Cedar River channel construction and
32 operation account, the Central Washington University capital projects
33 account, the charitable, educational, penal and reformatory
34 institutions account, the common school construction fund, the county
35 criminal justice assistance account, the county sales and use tax
36 equalization account, the data processing building construction
37 account, the deferred compensation administrative account, the deferred
38 compensation principal account, the department of retirement systems

1 expense account, the drinking water assistance account, the drinking
2 water assistance administrative account, the drinking water assistance
3 repayment account, the Eastern Washington University capital projects
4 account, the education construction fund, the election account, the
5 emergency reserve fund, The Evergreen State College capital projects
6 account, the federal forest revolving account, the health services
7 account, the public health services account, the health system capacity
8 account, the personal health services account, the state higher
9 education construction account, the higher education construction
10 account, the highway infrastructure account, the industrial insurance
11 premium refund account, the judges' retirement account, the judicial
12 retirement administrative account, the judicial retirement principal
13 account, the local leasehold excise tax account, the local real estate
14 excise tax account, the local sales and use tax account, the medical
15 aid account, the mobile home park relocation fund, the multimodal
16 transportation account, the municipal criminal justice assistance
17 account, the municipal sales and use tax equalization account, the
18 natural resources deposit account, the oyster reserve land account, the
19 perpetual surveillance and maintenance account, the public employees'
20 retirement system plan 1 account, the public employees' retirement
21 system combined plan 2 and plan 3 account, the public facilities
22 construction loan revolving account beginning July 1, 2004, the public
23 health supplemental account, the public works assistance account, the
24 Puyallup tribal settlement account, the regional transportation
25 investment district account, the resource management cost account, the
26 site closure account, the special wildlife account, the state
27 employees' insurance account, the state employees' insurance reserve
28 account, the state investment board expense account, the state
29 investment board commingled trust fund accounts, the supplemental
30 pension account, the Tacoma Narrows toll bridge account, the teachers'
31 retirement system plan 1 account, the teachers' retirement system
32 combined plan 2 and plan 3 account, the tobacco prevention and control
33 account, the tobacco settlement account, the transportation
34 infrastructure account, the transportation 2005 account, the tuition
35 recovery trust fund, the University of Washington bond retirement fund,
36 the University of Washington building account, the volunteer fire
37 fighters' and reserve officers' relief and pension principal fund, the
38 volunteer fire fighters' and reserve officers' administrative fund, the

1 Washington fruit express account, the Washington judicial retirement
2 system account, the Washington law enforcement officers' and fire
3 fighters' system plan 1 retirement account, the Washington law
4 enforcement officers' and fire fighters' system plan 2 retirement
5 account, the Washington public safety employees' plan 2 retirement
6 account, the Washington school employees' retirement system combined
7 plan 2 and 3 account, the Washington state health insurance pool
8 account, the Washington state patrol retirement account, the Washington
9 State University building account, the Washington State University bond
10 retirement fund, the water pollution control revolving fund, and the
11 Western Washington University capital projects account. Earnings
12 derived from investing balances of the agricultural permanent fund, the
13 normal school permanent fund, the permanent common school fund, the
14 scientific permanent fund, and the state university permanent fund
15 shall be allocated to their respective beneficiary accounts. All
16 earnings to be distributed under this subsection (4)(a) shall first be
17 reduced by the allocation to the state treasurer's service fund
18 pursuant to RCW 43.08.190.

19 (b) The following accounts and funds shall receive eighty percent
20 of their proportionate share of earnings based upon each account's or
21 fund's average daily balance for the period: The aeronautics account,
22 the aircraft search and rescue account, the county arterial
23 preservation account, the department of licensing services account, the
24 essential rail assistance account, the ferry bond retirement fund, the
25 grade crossing protective fund, the high capacity transportation
26 account, the highway bond retirement fund, the highway safety account,
27 the motor vehicle fund, the motorcycle safety education account, the
28 pilotage account, the public transportation systems account, the Puget
29 Sound capital construction account, the Puget Sound ferry operations
30 account, the recreational vehicle account, the rural arterial trust
31 account, the safety and education account, the special category C
32 account, the state patrol highway account, the transportation 2003
33 account (nickel account), the transportation equipment fund, the
34 transportation fund, the transportation improvement account, the
35 transportation improvement board bond retirement account, and the urban
36 arterial trust account.

37 (5) In conformance with Article II, section 37 of the state

1 Constitution, no treasury accounts or funds shall be allocated earnings
2 without the specific affirmative directive of this section.

3 **PART II - VEHICLE WEIGHT FEES**

4 NEW SECTION. **Sec. 201.** A new section is added to chapter 46.16
5 RCW to read as follows:

6 (1) There shall be paid and collected annually for motor vehicles
7 subject to the fee under RCW 46.16.0621, except motor homes, a vehicle
8 scale weight fee. The vehicle scale weight fee is imposed to provide
9 funds to mitigate the impact of vehicle loads on the state roads and
10 highways and is separate and distinct from other vehicle license fees.
11 Proceeds from the fee may be used for maintenance, repair, renovation,
12 reconstruction and replacement of state roads and highways, or for
13 facilities and activities that reduce the number of vehicles or load
14 weights on the state roads and highways. The vehicle scale weight fee
15 shall be that portion of the fee as reflected on the scale weight set
16 forth in schedule B provided in RCW 46.16.070 that is in excess of the
17 fee imposed under RCW 46.16.0621.

18 (2) For the purposes of this section, the department shall rely on
19 the vehicle empty scale weights as provided by vehicle manufacturers,
20 or other sources defined by the department, to determine the weight of
21 each vehicle. The department shall adopt rules for determining weight
22 for vehicles without manufacturer empty scale weights.

23 (3) In addition to the fee under RCW 46.16.0621, there shall be
24 paid and collected annually for motor homes an annual licensing fee of
25 seventy-five dollars. The fee collected under this subsection shall be
26 distributed to the multimodal transportation account.

27 (4) If the resultant weight according to this section is not listed
28 in schedule B provided in RCW 46.16.070, it shall be increased to the
29 next higher weight pursuant to chapter 46.44 RCW.

30 (5) Proceeds from the fees collected under this section shall be
31 distributed into the multimodal transportation account.

32 NEW SECTION. **Sec. 202.** A new section is added to chapter 46.16
33 RCW to read as follows:

34 In lieu of the license tab fees provided in RCW 46.16.0621, private
35 use single-axle trailers of two thousand pounds scale weight or less

1 may be licensed upon the payment of a license fee in the sum of fifteen
 2 dollars, but only if the trailer is operated upon public highways. The
 3 license fee must be collected annually for each registration year or
 4 fraction of a registration year. This reduced license fee applies only
 5 to trailers operated for personal use of the owners, and not trailers
 6 held for rental to the public or used in any commercial or business
 7 endeavor. The proceeds from the fees collected under this section
 8 shall be distributed in accordance with RCW 46.68.035.

9 **Sec. 203.** RCW 46.16.070 and 2003 c 361 s 201 and 2003 c 1 s 3 are
 10 each reenacted and amended to read as follows:

11 (1) In lieu of all other vehicle licensing fees, unless
 12 specifically exempt, and in addition to the mileage fees prescribed for
 13 buses and stages in RCW 46.16.125, there shall be paid and collected
 14 annually for each truck, motor truck, truck tractor, road tractor,
 15 tractor, bus, auto stage, or for hire vehicle with seating capacity of
 16 more than six, based upon the declared combined gross weight or
 17 declared gross weight under chapter 46.44 RCW, the following licensing
 18 fees by ((such-gross)) weight:

	((DECLARED-GROSS)) WEIGHT	SCHEDULE A	SCHEDULE B
19			
20	4,000 lbs.	\$ ((30.00)).....	\$ ((30.00))
21		<u>35.00</u>	<u>35.00</u>
22	6,000 lbs.	\$ ((30.00)).....	\$ ((30.00))
23		<u>45.00</u>	<u>45.00</u>
24	8,000 lbs.	\$ ((30.00)).....	\$ ((30.00))
25		<u>55.00</u>	<u>55.00</u>
26	10,000 lbs.	\$ 62.00.....	\$ 62.00
27	12,000 lbs.	\$ 79.00.....	\$ 79.00
28	14,000 lbs.	\$ 90.00.....	\$ 90.00
29	16,000 lbs.	\$ 102.00.....	\$ 102.00
30	18,000 lbs.	\$ 154.00.....	\$ 154.00
31	20,000 lbs.	\$ 171.00.....	\$ 171.00
32	22,000 lbs.	\$ 185.00.....	\$ 185.00
33	24,000 lbs.	\$ 200.00.....	\$ 200.00
34	26,000 lbs.	\$ 211.00.....	\$ 211.00
35	28,000 lbs.	\$ 249.00.....	\$ 249.00
36	30,000 lbs.	\$ 287.00.....	\$ 287.00
37	32,000 lbs.	\$ 346.00.....	\$ 346.00
38	34,000 lbs.	\$ 368.00.....	\$ 368.00

1	36,000 lbs.	\$ 399.00	\$ 399.00
2	38,000 lbs.	\$ 438.00	\$ 438.00
3	40,000 lbs.	\$ 501.00	\$ 501.00
4	42,000 lbs.	\$ 521.00	\$ 611.00
5	44,000 lbs.	\$ 532.00	\$ 622.00
6	46,000 lbs.	\$ 572.00	\$ 662.00
7	48,000 lbs.	\$ 596.00	\$ 686.00
8	50,000 lbs.	\$ 647.00	\$ 737.00
9	52,000 lbs.	\$ 680.00	\$ 770.00
10	54,000 lbs.	\$ 734.00	\$ 824.00
11	56,000 lbs.	\$ 775.00	\$ 865.00
12	58,000 lbs.	\$ 806.00	\$ 896.00
13	60,000 lbs.	\$ 859.00	\$ 949.00
14	62,000 lbs.	\$ 921.00	\$ 1,011.00
15	64,000 lbs.	\$ 941.00	\$ 1,031.00
16	66,000 lbs.	\$ 1,048.00	\$ 1,138.00
17	68,000 lbs.	\$ 1,093.00	\$ 1,183.00
18	70,000 lbs.	\$ 1,177.00	\$ 1,267.00
19	72,000 lbs.	\$ 1,259.00	\$ 1,349.00
20	74,000 lbs.	\$ 1,368.00	\$ 1,458.00
21	76,000 lbs.	\$ 1,478.00	\$ 1,568.00
22	78,000 lbs.	\$ 1,614.00	\$ 1,704.00
23	80,000 lbs.	\$ 1,742.00	\$ 1,832.00
24	82,000 lbs.	\$ 1,863.00	\$ 1,953.00
25	84,000 lbs.	\$ 1,983.00	\$ 2,073.00
26	86,000 lbs.	\$ 2,104.00	\$ 2,194.00
27	88,000 lbs.	\$ 2,225.00	\$ 2,315.00
28	90,000 lbs.	\$ 2,346.00	\$ 2,436.00
29	92,000 lbs.	\$ 2,466.00	\$ 2,556.00
30	94,000 lbs.	\$ 2,587.00	\$ 2,677.00
31	96,000 lbs.	\$ 2,708.00	\$ 2,798.00
32	98,000 lbs.	\$ 2,829.00	\$ 2,919.00
33	100,000 lbs.	\$ 2,949.00	\$ 3,039.00
34	102,000 lbs.	\$ 3,070.00	\$ 3,160.00
35	104,000 lbs.	\$ 3,191.00	\$ 3,281.00
36	105,500 lbs.	\$ 3,312.00	\$ 3,402.00

37 Schedule A applies to vehicles either used exclusively for hauling
38 logs or that do not tow trailers. Schedule B applies to vehicles that
39 tow trailers and are not covered under Schedule A.

40 Every truck, motor truck, truck tractor, and tractor exceeding
41 6,000 pounds empty scale weight registered under chapter 46.16, 46.87,
42 or 46.88 RCW shall be licensed for not less than one hundred fifty
43 percent of its empty weight unless the amount would be in excess of the

1 legal limits prescribed for such a vehicle in RCW 46.44.041 or
2 46.44.042, in which event the vehicle shall be licensed for the maximum
3 weight authorized for such a vehicle or unless the vehicle is used only
4 for the purpose of transporting any well drilling machine, air
5 compressor, rock crusher, conveyor, hoist, donkey engine, cook house,
6 tool house, bunk house, or similar machine or structure attached to or
7 made a part of such vehicle.

8 The following provisions apply when increasing gross or combined
9 gross weight for a vehicle licensed under this section:

10 (a) The new license fee will be one-twelfth of the fee listed above
11 for the new gross weight, multiplied by the number of months remaining
12 in the period for which licensing fees have been paid, including the
13 month in which the new gross weight is effective.

14 (b) Upon surrender of the current certificate of registration or
15 cab card, the new licensing fees due shall be reduced by the amount of
16 the licensing fees previously paid for the same period for which new
17 fees are being charged.

18 (2)(a) From January 1, 2008, through December 31, 2009, the weight
19 fee under Schedule A in subsection (1) of this section shall be
20 increased by five dollars.

21 (b) From January 1, 2008, through December 31, 2009, the weight fee
22 under Schedule B in subsection (1) of this section shall be increased
23 by five dollars for vehicles weighing forty thousand pounds or less.

24 (3)(a) Beginning on January 1, 2010, the weight fee under Schedule
25 A in subsection (1) of this section shall be increased by ten dollars.

26 (b) Beginning on January 1, 2010, the weight fee under Schedule B
27 in subsection (1) of this section shall be increased by ten dollars for
28 vehicles weighing forty thousand pounds or less.

29 (4) The proceeds from the fees collected under subsection (1) of
30 this section shall be distributed in accordance with RCW 46.68.035.

31 **Sec. 204.** RCW 46.68.035 and 2003 c 361 s 202 are each amended to
32 read as follows:

33 All proceeds from combined vehicle licensing fees received by the
34 director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall
35 be forwarded to the state treasurer to be distributed into accounts
36 according to the following method:

1 (1) The sum of two dollars for each vehicle shall be deposited into
2 the multimodal transportation account, except that for each vehicle
3 registered by a county auditor or agent to a county auditor pursuant to
4 RCW 46.01.140, the sum of two dollars shall be credited to the current
5 county expense fund.

6 (2) The remainder shall be distributed as follows:

7 (a) (~~((21.963))~~) 23.09 percent shall be deposited into the state
8 patrol highway account of the motor vehicle fund;

9 (b) (~~((1.411))~~) 1.419 percent shall be deposited into the Puget Sound
10 ferry operations account of the motor vehicle fund;

11 (c) (~~((7.240))~~) 6.128 percent shall be deposited into the
12 transportation 2003 account (nickel account); and

13 (d) The remaining proceeds shall be deposited into the motor
14 vehicle fund.

15 PART III - LOCAL FUNDING OPTIONS

16 NEW SECTION. **Sec. 301.** A new section is added to chapter 82.80
17 RCW to read as follows:

18 (1)(a) A county may fix and impose an annual vehicle fee of: (i)
19 Twenty dollars per vehicle between July 1, 2005, and December 31, 2009;
20 (ii) twenty-five dollars per vehicle between January 1, 2010, and
21 December 31, 2014; and (iii) thirty dollars per vehicle for all fees
22 imposed after December 31, 2014.

23 (b) If a county does not impose an annual vehicle fee under (a) of
24 this subsection within one year of the effective date of this section,
25 then a city or town within the county may fix and impose an annual
26 vehicle fee of: (i) Twenty dollars per vehicle between July 1, 2007,
27 and December 31, 2009; (ii) twenty-five dollars per vehicle between
28 January 1, 2010, and December 31, 2014; and (iii) thirty dollars per
29 vehicle for all fees imposed after December 31, 2014.

30 (2)(a) The annual vehicle fees authorized under subsection (1) of
31 this section apply to each vehicle that is subject to license fees
32 under RCW 46.16.0621 and for each vehicle that is subject to gross
33 weight fees under RCW 46.16.070 with an unladen weight of ten thousand
34 pounds or less, and that is determined by the department of licensing
35 to be registered within the boundaries of the county, city, or town
36 imposing the fee.

1 (b) The following vehicles registered within the county boundaries
2 for the purposes of the fee authorized in subsection (1)(a) of this
3 section, or within the city or town boundaries for the purposes of the
4 fee authorized in subsection (1)(b) of this section, are exempt from
5 annual vehicle fees under this section: (i) Farm equipment as defined
6 in RCW 46.04.181; (ii) vehicles licensed under RCW 46.16.374; and (iii)
7 small trailers with an empty scale weight under one thousand pounds.

8 (3) Annual vehicle fees under subsection (1)(a) or (b) of this
9 section may be authorized by: (a) The county, city, or town
10 legislative authority; or (b) a majority of the voters voting at a
11 general or special election on a proposition to impose the annual
12 vehicle fee submitted to the voters by the county, city, or town
13 legislative authority.

14 (4) The department of licensing shall administer and collect an
15 annual vehicle fee imposed under this section on behalf of the county,
16 city, or town at the time of registration renewal and remit the fee to
17 the custody of the state treasurer for monthly distribution under
18 subsection (7) of this section. A county, city, or town imposing a fee
19 authorized under subsection (1) of this section, or initiating an
20 exemption process under subsection (6) of this section, shall enter
21 into a contract with the department of licensing. The contract must
22 contain provisions that fully recover the costs to the department of
23 licensing for the collection and administration of the fee.

24 (5) A county, city, or town imposing an annual vehicle fee or
25 initiating an exemption process under this section shall delay the
26 effective date of the fee or exemption at least six months from the
27 date the ordinance is enacted to allow the department of licensing to
28 administer the fee or exemption.

29 (6) A county, city, or town may develop and initiate an exemption
30 process for the registered owners of vehicles residing within the
31 boundaries of the county, city, or town: (a) Who are sixty-two years
32 of age or older at the time payment of the fee is due and whose
33 household income for the previous calendar year is less than an amount
34 prescribed by the county, city, or town; or (b) who have a physical
35 disability.

36 (7)(a) Revenues generated by the annual vehicle fee under
37 subsection (1)(a) of this section must be distributed to the levying
38 county, and cities and towns contained in the county, based on the

1 relative per capita population. County population under this
2 subsection (7)(a) is equal to one and one-quarter multiplied by the
3 unincorporated population of the county. In calculating the
4 distributions, the county shall use the population estimates prepared
5 by the state office of financial management.

6 (b) Revenues generated by the annual vehicle fee under subsection
7 (1)(b) of this section must be distributed to the levying city or town.

8 (8) If a county imposes an annual vehicle fee under subsection
9 (1)(a) of this section after a city or town has begun imposing the fee
10 under subsection (1)(b) of this section, the city or town fee shall be
11 reduced or eliminated so the combined fee does not exceed the amount
12 authorized under subsection (1)(a) of this section. Cities or towns
13 within a county imposing a fee under this section may not impose the
14 fee at a rate that, when combined with the county rate, would exceed
15 the total rate authorized under subsection (1) of this section.

16 (9) The proceeds of a vehicle license fee imposed under this
17 section shall be used by the county, city, or town strictly for
18 transportation purposes in accordance with RCW 82.80.070.

19 NEW SECTION. **Sec. 302.** A new section is added to chapter 82.80
20 RCW to read as follows:

21 (1) A county, city, or town may fix and impose an excise tax for
22 the privilege of occupying a housing unit within the county, city, or
23 town in such amounts as shall be fixed and determined by the county,
24 city, or town; however, the excise tax may not exceed two dollars per
25 month for each occupied housing unit. For the purposes of this
26 section, "housing unit" means a building or portion thereof designed
27 for or used as the residence or living quarters of one or more persons
28 living together, or of one family. The excise tax may be authorized
29 under this section by the county, city, or town legislative authority,
30 or upon approval by a majority of the voters in the county, city, or
31 town voting on a proposition at a general or special election. A
32 county, city, or town imposing the tax provided for in this section may
33 provide for its payment on a monthly, quarterly, or annual basis. Each
34 local government may develop by ordinance or resolution rules for
35 administering the tax including the reporting thereof. A county, city,
36 or town imposing the tax authorized in this section may develop by

1 ordinance or resolution rules that provide for exemptions from the tax
2 for certain persons as the county, city, or town deems appropriate.

3 (2)(a) If a county imposes this excise tax after a city or town has
4 begun collecting this tax, the city or town tax shall be reduced or
5 eliminated so the combined tax does not exceed the amount authorized
6 under subsection (1) of this section. Cities or towns within a county
7 imposing a tax under this section may not impose the tax at a rate
8 that, when combined with the county rate, would exceed the total rate
9 authorized under subsection (1) of this section; and

10 (b) If the excise tax is county-wide, then revenues generated by
11 the tax authorized under this section must be distributed to the
12 levying county, and cities and towns contained in the county, based on
13 the relative per capita population. County population under this
14 section is equal to one and one-quarter multiplied by the
15 unincorporated population of the county. In calculating the
16 distributions, the county shall use the population estimates prepared
17 by the state office of financial management.

18 (3) The tax authorized under this section shall be used strictly
19 for transportation purposes in accordance with RCW 82.80.070.

20 NEW SECTION. **Sec. 303.** A new section is added to chapter 82.80
21 RCW to read as follows:

22 (1) A county, city, or town may impose an excise tax, for the
23 privilege of engaging in business, of up to two dollars per employee
24 per month on all employers or any class or classes of employers, public
25 and private, measured by the number of full-time equivalent employees.
26 In no event may the total taxes imposed under this section exceed two
27 dollars per employee per month for any single employer. The county,
28 city, or town imposing the tax authorized in this section may provide
29 for exemptions from the tax for such educational, cultural, health,
30 charitable, or religious organizations as it deems appropriate.

31 (2) The excise tax may be authorized under this section by the
32 county, city, or town legislative authority, or upon approval by a
33 majority of the voters in the county, city, or town voting on a
34 proposition at a general or special election. A county, city, or town
35 imposing the tax provided for in this section may provide for its
36 payment on a monthly, quarterly, or annual basis. Each local

1 government may develop by ordinance or resolution rules for
2 administering the tax including the reporting thereof.

3 (3)(a) Counties, cities, or towns may contract with the state
4 department of revenue or other appropriate entities for administration
5 and collection of the tax if the exemptions authorized in subsection
6 (1) of this section are uniform among the jurisdictions imposing the
7 tax within a county. The contract shall provide for deduction of an
8 amount for administration and collection expenses. If the excise tax
9 is imposed county-wide, the department shall remit the tax to the
10 custody of the state treasurer for monthly distribution under
11 subsection (4)(b) of this section. If the excise tax is levied by a
12 city or town, the department shall remit the tax to the custody of the
13 state treasurer for monthly distribution to the city or town imposing
14 the tax.

15 (b) If the department of revenue is contracted for administration
16 and collection of the tax, all provisions of chapter 82.32 RCW shall be
17 applicable to the tax imposed under this section. The employment
18 security department shall provide to the department of revenue such
19 information necessary for the department of revenue to administer the
20 tax. The department of revenue must receive at least seventy-five
21 days' notice of the imposition of the tax, and collection can begin
22 only on the first day of January, April, July, or October.

23 (4)(a) If a county imposes this excise tax after a city or town has
24 begun collecting this tax, the city or town tax shall be reduced or
25 eliminated so the combined tax does not exceed the amount authorized
26 under subsection (1) of this section. Cities or towns within a county
27 imposing a tax under this section may not impose the tax at a rate
28 that, when combined with the county rate, would exceed the total rate
29 authorized under subsection (1) of this section; and

30 (b) If the excise tax is county-wide, revenues generated by the tax
31 authorized under this section must be distributed to the levying
32 county, and cities and towns contained in the county, based on the
33 relative per capita population. County population under this section
34 is equal to one and one-quarter multiplied by the unincorporated
35 population of the county. In calculating the distributions, the county
36 shall use the population estimates prepared by the state office of
37 financial management.

1 (5) The proceeds of this tax shall be used strictly for
2 transportation purposes in accordance with RCW 82.80.070.

3 (6) For purposes of this section, "employer" has the same meaning
4 as defined in RCW 50.04.080.

5 NEW SECTION. **Sec. 304.** A new section is added to chapter 82.80
6 RCW to read as follows:

7 (1) A county, city, or town may impose special assessments on all
8 property within the county to support transportation improvements that
9 benefit county, city, or town property owners. The assessments shall
10 not exceed fifty dollars annually per parcel. The assessment rate
11 authorized or adopted shall be uniformly applied to all parcels within
12 the county, city, or town. The assessments may be authorized under
13 this section by the county, city, or town legislative authority, or
14 upon approval by a majority of the voters in the county, city, or town
15 voting on a proposition at a general or special election.

16 (2) The amount of the assessment constitutes a lien against the
17 property. The assessments shall be subject to the same provisions as
18 those for property tax collections, as provided in RCW 84.56.020, and
19 shall be billed and collected by the county treasurer under the
20 authority in RCW 84.56.035.

21 (3)(a) If a county imposes this assessment after a city or town has
22 begun collecting this assessment, the city or town assessment shall be
23 reduced or eliminated so the combined assessment does not exceed the
24 total amount authorized under subsection (1) of this section. Cities
25 or towns within a county imposing an assessment under this section may
26 not impose the assessment at a rate that, when combined with the county
27 rate, would exceed the total rate authorized under subsection (1) of
28 this section; and

29 (b) If the assessment is county-wide, revenues generated by the
30 assessment authorized under this section must be distributed to the
31 levying county, and cities and towns contained in the county, based on
32 the relative per capita population. County population under this
33 subsection is equal to one and one-quarter multiplied by the
34 unincorporated population of the county. In calculating the
35 distributions, the county shall use the population estimates prepared
36 by the state office of financial management.

1 (4) The proceeds of this assessment shall be used strictly for
2 transportation purposes in accordance with RCW 82.80.070.

3 **PART IV - MISCELLANEOUS FEES**

4 **Sec. 401.** RCW 46.16.237 and 1987 c 52 s 1 are each amended to read
5 as follows:

6 All vehicle license number plates issued after January 1, 1968, or
7 such earlier date as the director may prescribe with respect to plates
8 issued in any county, shall be treated with fully reflectorized
9 materials designed to increase the visibility and legibility of such
10 plates at night. In addition to all other fees prescribed by law,
11 there shall be paid and collected for each vehicle license number plate
12 treated with such materials, the sum of (~~(fifty cents)~~) two dollars and
13 for each set of two plates, the sum of (~~(one dollar:—PROVIDED,~~
14 ~~HOWEVER,)~~) four dollars. However, one plate is available only to those
15 vehicles that by law require only one plate. Such fees shall be
16 deposited in the motor vehicle fund.

17 **Sec. 402.** RCW 46.16.270 and 1997 c 291 s 3 are each amended to
18 read as follows:

19 The total replacement plate fee shall be deposited in the motor
20 vehicle fund.

21 Upon the loss, defacement, or destruction of one or both of the
22 vehicle license number plates issued for any vehicle where more than
23 one plate was originally issued or where one or both have become so
24 illegible or in such a condition as to be difficult to distinguish, or
25 upon the owner's option, the owner of the vehicle shall make
26 application for new vehicle license number plates upon a form furnished
27 by the director. The application shall be filed with the director or
28 the director's authorized agent, accompanied by the certificate of
29 license registration of the vehicle and a fee in the amount of
30 (~~(three)~~) ten dollars per plate, whereupon the director, or the
31 director's authorized agent, shall issue new vehicle license number
32 plates to the applicant. It shall be accompanied by a fee of two
33 dollars for a new motorcycle license number plate. In the event the
34 director has issued license period tabs or a windshield emblem instead
35 of vehicle license number plates, and upon the loss, defacement, or

1 destruction of the tabs or windshield emblem, application shall be made
2 on a form provided by the director and in the same manner as above
3 described, and shall be accompanied by a fee of one dollar for each
4 pair of tabs or for each windshield emblem, whereupon the director
5 shall issue to the applicant a duplicate pair of tabs, year tabs, and
6 when necessary month tabs or a windshield emblem to replace those lost,
7 defaced, or destroyed. For vehicles owned, rented, or leased by the
8 state of Washington or by any county, city, town, school district, or
9 other political subdivision of the state of Washington or United States
10 government, or owned or leased by the governing body of an Indian tribe
11 as defined in RCW 46.16.020, a fee shall be charged for replacement of
12 a vehicle license number plate only to the extent required by the
13 provisions of RCW 46.16.020, (~~((46.16.061,))~~) 46.16.237, and 46.01.140.
14 For vehicles owned, rented, or leased by foreign countries or
15 international bodies to which the United States government is a
16 signatory by treaty, the payment of any fee for the replacement of a
17 vehicle license number plate shall not be required.

18 **Sec. 403.** RCW 46.20.055 and 2004 c 249 s 3 are each amended to
19 read as follows:

20 (1) **Driver's instruction permit.** The department may issue a
21 driver's instruction permit with or without a photograph to an
22 applicant who has successfully passed all parts of the examination
23 other than the driving test, provided the information required by RCW
24 46.20.091, paid a fee of (~~((fifteen))~~) twenty dollars, and meets the
25 following requirements:

26 (a) Is at least fifteen and one-half years of age; or
27 (b) Is at least fifteen years of age and:
28 (i) Has submitted a proper application; and
29 (ii) Is enrolled in a traffic safety education program offered,
30 approved, and accredited by the superintendent of public instruction or
31 offered by a driver training school licensed and inspected by the
32 department of licensing under chapter 46.82 RCW, that includes practice
33 driving.

34 (2) **Waiver of written examination for instruction permit.** The
35 department may waive the written examination, if, at the time of
36 application, an applicant is enrolled in:

1 (a) A traffic safety education course as defined by RCW
2 28A.220.020(2); or

3 (b) A course of instruction offered by a licensed driver training
4 school as defined by RCW 46.82.280(1).

5 The department may require proof of registration in such a course
6 as it deems necessary.

7 (3) **Effect of instruction permit.** A person holding a driver's
8 instruction permit may drive a motor vehicle, other than a motorcycle,
9 upon the public highways if:

10 (a) The person has immediate possession of the permit; and

11 (b) An approved instructor, or a licensed driver with at least five
12 years of driving experience, occupies the seat beside the driver.

13 (4) **Term of instruction permit.** A driver's instruction permit is
14 valid for one year from the date of issue.

15 (a) The department may issue one additional one-year permit.

16 (b) The department may issue a third driver's permit if it finds
17 after an investigation that the permittee is diligently seeking to
18 improve driving proficiency.

19 (c) A person applying to renew an instruction permit must submit
20 the application to the department in person.

21 **Sec. 404.** RCW 46.20.070 and 2004 c 249 s 4 are each amended to
22 read as follows:

23 (1) **Agricultural driving permit authorized.** The director may issue
24 a juvenile agricultural driving permit to a person under the age of
25 eighteen years if:

26 (a) The application is signed by the applicant and the applicant's
27 father, mother, or legal guardian;

28 (b) The applicant has passed the driving examination required by
29 RCW 46.20.120;

30 (c) The department has investigated the applicant's need for the
31 permit and determined that the need justifies issuance;

32 (d) The department has determined the applicant is capable of
33 operating a motor vehicle without endangering himself or herself or
34 other persons and property; and

35 (e) The applicant has paid a fee of (~~fifteen~~) twenty dollars.

36 The permit must contain a photograph of the person.

1 (2) **Effect of agricultural driving permit.** (a) The permit
2 authorizes the holder to:

3 (i) Drive a motor vehicle on the public highways of this state in
4 connection with farm work. The holder may drive only within a
5 restricted farming locality described on the permit; and

6 (ii) Participate in the classroom portion of a traffic safety
7 education course authorized under RCW 28A.220.030 or the classroom
8 portion of a traffic safety education course offered by a driver
9 training school licensed and inspected by the department of licensing
10 under chapter 46.82 RCW offered in the community where the holder
11 resides.

12 (b) The director may transfer the permit from one farming locality
13 to another. A transfer is not a renewal of the permit.

14 (3) **Term and renewal of agricultural driving permit.** An
15 agricultural driving permit expires one year from the date of issue.

16 (a) A person under the age of eighteen who holds a permit may renew
17 the permit by paying a fee of fifteen dollars.

18 (b) A person applying to renew an agricultural driving permit must
19 submit the application to the department in person.

20 (c) An agricultural driving permit is invalidated when a permittee
21 attains age eighteen. In order to drive a motor vehicle on a highway
22 he or she must obtain a motor vehicle driver's license under this
23 chapter.

24 (4) **Suspension, revocation, or cancellation.** The director has sole
25 discretion to suspend, revoke, or cancel a juvenile agricultural
26 driving permit if:

27 (a) The permittee has been found to have committed an offense that
28 requires mandatory suspension or revocation of a driver's license; or

29 (b) The director is satisfied that the permittee has violated the
30 permit's restrictions.

31 **Sec. 405.** RCW 46.20.117 and 2004 c 249 s 5 are each amended to
32 read as follows:

33 (1) **Issuance.** The department shall issue an identicard, containing
34 a picture, if the applicant:

35 (a) Does not hold a valid Washington driver's license;

36 (b) Proves his or her identity as required by RCW 46.20.035; and

1 (c) Pays the required fee. The fee is (~~fifteen~~) twenty dollars
2 unless an applicant is a recipient of continuing public assistance
3 grants under Title 74 RCW, who is referred in writing by the secretary
4 of social and health services. For those persons the fee must be the
5 actual cost of production of the identicard.

6 (2) **Design and term.** The identicard must:

7 (a) Be distinctly designed so that it will not be confused with the
8 official driver's license; and

9 (b) Expire on the fifth anniversary of the applicant's birthdate
10 after issuance.

11 (3) **Renewal.** An application for identicard renewal may be
12 submitted by means of:

13 (a) Personal appearance before the department; or

14 (b) Mail or electronic commerce, if permitted by rule of the
15 department and if the applicant did not renew his or her identicard by
16 mail or by electronic commerce when it last expired. However, the
17 department may accept an application for renewal of an identicard
18 submitted by means of mail or electronic commerce only if specific
19 authority and funding is provided for this purpose by June 30, 2004, in
20 the omnibus transportation appropriations act.

21 An identicard may not be renewed by mail or by electronic commerce
22 unless the renewal issued by the department includes a photograph of
23 the identicard holder.

24 (4) **Cancellation.** The department may cancel an identicard if the
25 holder of the identicard used the card or allowed others to use the
26 card in violation of RCW 46.20.0921.

27 **Sec. 406.** RCW 46.20.120 and 2004 c 249 s 6 are each amended to
28 read as follows:

29 An applicant for a new or renewed driver's license must
30 successfully pass a driver licensing examination to qualify for a
31 driver's license. The department shall give examinations at places and
32 times reasonably available to the people of this state.

33 (1) **Waiver.** The department may waive:

34 (a) All or any part of the examination of any person applying for
35 the renewal of a driver's license unless the department determines that
36 the applicant is not qualified to hold a driver's license under this
37 title; or

1 (b) The actual demonstration of the ability to operate a motor
2 vehicle if the applicant:

3 (i) Surrenders a valid driver's license issued by the person's
4 previous home state; and

5 (ii) Is otherwise qualified to be licensed.

6 (2) **Fee.** Each applicant for a new license must pay an examination
7 fee of (~~ten~~) twenty dollars.

8 (a) The examination fee is in addition to the fee charged for
9 issuance of the license.

10 (b) "New license" means a license issued to a driver:

11 (i) Who has not been previously licensed in this state; or

12 (ii) Whose last previous Washington license has been expired for
13 more than five years.

14 (3) An application for driver's license renewal may be submitted by
15 means of:

16 (a) Personal appearance before the department; or

17 (b) Mail or electronic commerce, if permitted by rule of the
18 department and if the applicant did not renew his or her license by
19 mail or by electronic commerce when it last expired. However, the
20 department may accept an application for renewal of a driver's license
21 submitted by means of mail or electronic commerce only if specific
22 authority and funding is provided for this purpose by June 30, 2004, in
23 the omnibus transportation appropriations act.

24 (4) A person whose license expired or will expire while he or she
25 is living outside the state, may:

26 (a) Apply to the department to extend the validity of his or her
27 license for no more than twelve months. If the person establishes to
28 the department's satisfaction that he or she is unable to return to
29 Washington before the date his or her license expires, the department
30 shall extend the person's license. The department may grant
31 consecutive extensions, but in no event may the cumulative total of
32 extensions exceed twelve months. An extension granted under this
33 section does not change the expiration date of the license for purposes
34 of RCW 46.20.181. The department shall charge a fee of five dollars
35 for each license extension;

36 (b) Apply to the department to renew his or her license by mail or,
37 if permitted by rule of the department, by electronic commerce even if
38 subsection (3)(b) of this section would not otherwise allow renewal by

1 that means. If the person establishes to the department's satisfaction
2 that he or she is unable to return to Washington within twelve months
3 of the date that his or her license expires, the department shall renew
4 the person's license by mail or, if permitted by rule of the
5 department, by electronic commerce.

6 (5) If a qualified person submits an application for renewal under
7 subsection (3)(b) or (4)(b) of this section, he or she is not required
8 to pass an examination nor provide an updated photograph. A license
9 renewed by mail or by electronic commerce that does not include a
10 photograph of the licensee must be labeled "not valid for
11 identification purposes."

12 **Sec. 407.** RCW 46.20.308 and 2004 c 187 s 1 and 2004 c 95 s 2 are
13 each reenacted and amended to read as follows:

14 (1) Any person who operates a motor vehicle within this state is
15 deemed to have given consent, subject to the provisions of RCW
16 46.61.506, to a test or tests of his or her breath or blood for the
17 purpose of determining the alcohol concentration or presence of any
18 drug in his or her breath or blood if arrested for any offense where,
19 at the time of the arrest, the arresting officer has reasonable grounds
20 to believe the person had been driving or was in actual physical
21 control of a motor vehicle while under the influence of intoxicating
22 liquor or any drug or was in violation of RCW 46.61.503. Neither
23 consent nor this section precludes a police officer from obtaining a
24 search warrant for a person's breath or blood.

25 (2) The test or tests of breath shall be administered at the
26 direction of a law enforcement officer having reasonable grounds to
27 believe the person to have been driving or in actual physical control
28 of a motor vehicle within this state while under the influence of
29 intoxicating liquor or any drug or the person to have been driving or
30 in actual physical control of a motor vehicle while having alcohol in
31 a concentration in violation of RCW 46.61.503 in his or her system and
32 being under the age of twenty-one. However, in those instances where
33 the person is incapable due to physical injury, physical incapacity, or
34 other physical limitation, of providing a breath sample or where the
35 person is being treated in a hospital, clinic, doctor's office,
36 emergency medical vehicle, ambulance, or other similar facility or
37 where the officer has reasonable grounds to believe that the person is

1 under the influence of a drug, a blood test shall be administered by a
2 qualified person as provided in RCW 46.61.506(5). The officer shall
3 inform the person of his or her right to refuse the breath or blood
4 test, and of his or her right to have additional tests administered by
5 any qualified person of his or her choosing as provided in RCW
6 46.61.506. The officer shall warn the driver, in substantially the
7 following language, that:

8 (a) If the driver refuses to take the test, the driver's license,
9 permit, or privilege to drive will be revoked or denied for at least
10 one year; and

11 (b) If the driver refuses to take the test, the driver's refusal to
12 take the test may be used in a criminal trial; and

13 (c) If the driver submits to the test and the test is administered,
14 the driver's license, permit, or privilege to drive will be suspended,
15 revoked, or denied for at least ninety days if the driver is age
16 twenty-one or over and the test indicates the alcohol concentration of
17 the driver's breath or blood is 0.08 or more, or if the driver is under
18 age twenty-one and the test indicates the alcohol concentration of the
19 driver's breath or blood is 0.02 or more, or if the driver is under age
20 twenty-one and the driver is in violation of RCW 46.61.502 or
21 46.61.504.

22 (3) Except as provided in this section, the test administered shall
23 be of the breath only. If an individual is unconscious or is under
24 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
25 or vehicular assault as provided in RCW 46.61.522, or if an individual
26 is under arrest for the crime of driving while under the influence of
27 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
28 results from an accident in which there has been serious bodily injury
29 to another person, a breath or blood test may be administered without
30 the consent of the individual so arrested.

31 (4) Any person who is dead, unconscious, or who is otherwise in a
32 condition rendering him or her incapable of refusal, shall be deemed
33 not to have withdrawn the consent provided by subsection (1) of this
34 section and the test or tests may be administered, subject to the
35 provisions of RCW 46.61.506, and the person shall be deemed to have
36 received the warnings required under subsection (2) of this section.

37 (5) If, following his or her arrest and receipt of warnings under
38 subsection (2) of this section, the person arrested refuses upon the

1 request of a law enforcement officer to submit to a test or tests of
2 his or her breath or blood, no test shall be given except as authorized
3 under subsection (3) or (4) of this section.

4 (6) If, after arrest and after the other applicable conditions and
5 requirements of this section have been satisfied, a test or tests of
6 the person's blood or breath is administered and the test results
7 indicate that the alcohol concentration of the person's breath or blood
8 is 0.08 or more if the person is age twenty-one or over, or 0.02 or
9 more if the person is under the age of twenty-one, or the person
10 refuses to submit to a test, the arresting officer or other law
11 enforcement officer at whose direction any test has been given, or the
12 department, where applicable, if the arrest results in a test of the
13 person's blood, shall:

14 (a) Serve notice in writing on the person on behalf of the
15 department of its intention to suspend, revoke, or deny the person's
16 license, permit, or privilege to drive as required by subsection (7) of
17 this section;

18 (b) Serve notice in writing on the person on behalf of the
19 department of his or her right to a hearing, specifying the steps he or
20 she must take to obtain a hearing as provided by subsection (8) of this
21 section;

22 (c) Mark the person's Washington state driver's license or permit
23 to drive, if any, in a manner authorized by the department;

24 (d) Serve notice in writing that the marked license or permit, if
25 any, is a temporary license that is valid for sixty days from the date
26 of arrest or from the date notice has been given in the event notice is
27 given by the department following a blood test, or until the
28 suspension, revocation, or denial of the person's license, permit, or
29 privilege to drive is sustained at a hearing pursuant to subsection (8)
30 of this section, whichever occurs first. No temporary license is valid
31 to any greater degree than the license or permit that it replaces; and

32 (e) Immediately notify the department of the arrest and transmit to
33 the department within seventy-two hours, except as delayed as the
34 result of a blood test, a sworn report or report under a declaration
35 authorized by RCW 9A.72.085 that states:

36 (i) That the officer had reasonable grounds to believe the arrested
37 person had been driving or was in actual physical control of a motor
38 vehicle within this state while under the influence of intoxicating

1 liquor or drugs, or both, or was under the age of twenty-one years and
2 had been driving or was in actual physical control of a motor vehicle
3 while having an alcohol concentration in violation of RCW 46.61.503;

4 (ii) That after receipt of the warnings required by subsection (2)
5 of this section the person refused to submit to a test of his or her
6 blood or breath, or a test was administered and the results indicated
7 that the alcohol concentration of the person's breath or blood was 0.08
8 or more if the person is age twenty-one or over, or was 0.02 or more if
9 the person is under the age of twenty-one; and

10 (iii) Any other information that the director may require by rule.

11 (7) The department of licensing, upon the receipt of a sworn report
12 or report under a declaration authorized by RCW 9A.72.085 under
13 subsection (6)(e) of this section, shall suspend, revoke, or deny the
14 person's license, permit, or privilege to drive or any nonresident
15 operating privilege, as provided in RCW 46.20.3101, such suspension,
16 revocation, or denial to be effective beginning sixty days from the
17 date of arrest or from the date notice has been given in the event
18 notice is given by the department following a blood test, or when
19 sustained at a hearing pursuant to subsection (8) of this section,
20 whichever occurs first.

21 (8) A person receiving notification under subsection (6)(b) of this
22 section may, within thirty days after the notice has been given,
23 request in writing a formal hearing before the department. The person
24 shall pay a fee of (~~one~~) two hundred dollars as part of the request.
25 If the request is mailed, it must be postmarked within thirty days
26 after receipt of the notification. Upon timely receipt of such a
27 request for a formal hearing, including receipt of the required (~~one~~)
28 two hundred dollar fee, the department shall afford the person an
29 opportunity for a hearing. The department may waive the required
30 (~~one~~) two hundred dollar fee if the person is an indigent as defined
31 in RCW 10.101.010. Except as otherwise provided in this section, the
32 hearing is subject to and shall be scheduled and conducted in
33 accordance with RCW 46.20.329 and 46.20.332. The hearing shall be
34 conducted in the county of the arrest, except that all or part of the
35 hearing may, at the discretion of the department, be conducted by
36 telephone or other electronic means. The hearing shall be held within
37 sixty days following the arrest or following the date notice has been
38 given in the event notice is given by the department following a blood

1 test, unless otherwise agreed to by the department and the person, in
2 which case the action by the department shall be stayed, and any valid
3 temporary license marked under subsection (6)(c) of this section
4 extended, if the person is otherwise eligible for licensing. For the
5 purposes of this section, the scope of the hearing shall cover the
6 issues of whether a law enforcement officer had reasonable grounds to
7 believe the person had been driving or was in actual physical control
8 of a motor vehicle within this state while under the influence of
9 intoxicating liquor or any drug or had been driving or was in actual
10 physical control of a motor vehicle within this state while having
11 alcohol in his or her system in a concentration of 0.02 or more if the
12 person was under the age of twenty-one, whether the person was placed
13 under arrest, and (a) whether the person refused to submit to the test
14 or tests upon request of the officer after having been informed that
15 such refusal would result in the revocation of the person's license,
16 permit, or privilege to drive, or (b) if a test or tests were
17 administered, whether the applicable requirements of this section were
18 satisfied before the administration of the test or tests, whether the
19 person submitted to the test or tests, or whether a test was
20 administered without express consent as permitted under this section,
21 and whether the test or tests indicated that the alcohol concentration
22 of the person's breath or blood was 0.08 or more if the person was age
23 twenty-one or over at the time of the arrest, or 0.02 or more if the
24 person was under the age of twenty-one at the time of the arrest. The
25 sworn report or report under a declaration authorized by RCW 9A.72.085
26 submitted by a law enforcement officer is prima facie evidence that the
27 officer had reasonable grounds to believe the person had been driving
28 or was in actual physical control of a motor vehicle within this state
29 while under the influence of intoxicating liquor or drugs, or both, or
30 the person had been driving or was in actual physical control of a
31 motor vehicle within this state while having alcohol in his or her
32 system in a concentration of 0.02 or more and was under the age of
33 twenty-one and that the officer complied with the requirements of this
34 section.

35 A hearing officer shall conduct the hearing, may issue subpoenas
36 for the attendance of witnesses and the production of documents, and
37 shall administer oaths to witnesses. The hearing officer shall not
38 issue a subpoena for the attendance of a witness at the request of the

1 person unless the request is accompanied by the fee required by RCW
2 5.56.010 for a witness in district court. The sworn report or report
3 under a declaration authorized by RCW 9A.72.085 of the law enforcement
4 officer and any other evidence accompanying the report shall be
5 admissible without further evidentiary foundation and the
6 certifications authorized by the criminal rules for courts of limited
7 jurisdiction shall be admissible without further evidentiary
8 foundation. The person may be represented by counsel, may question
9 witnesses, may present evidence, and may testify. The department shall
10 order that the suspension, revocation, or denial either be rescinded or
11 sustained.

12 (9) If the suspension, revocation, or denial is sustained after
13 such a hearing, the person whose license, privilege, or permit is
14 suspended, revoked, or denied has the right to file a petition in the
15 superior court of the county of arrest to review the final order of
16 revocation by the department in the same manner as an appeal from a
17 decision of a court of limited jurisdiction. Notice of appeal must be
18 filed within thirty days after the date the final order is served or
19 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
20 1.1, or other statutes or rules referencing de novo review, the appeal
21 shall be limited to a review of the record of the administrative
22 hearing. The appellant must pay the costs associated with obtaining
23 the record of the hearing before the hearing officer. The filing of
24 the appeal does not stay the effective date of the suspension,
25 revocation, or denial. A petition filed under this subsection must
26 include the petitioner's grounds for requesting review. Upon granting
27 petitioner's request for review, the court shall review the
28 department's final order of suspension, revocation, or denial as
29 expeditiously as possible. The review must be limited to a
30 determination of whether the department has committed any errors of
31 law. The superior court shall accept those factual determinations
32 supported by substantial evidence in the record: (a) That were
33 expressly made by the department; or (b) that may reasonably be
34 inferred from the final order of the department. The superior court
35 may reverse, affirm, or modify the decision of the department or remand
36 the case back to the department for further proceedings. The decision
37 of the superior court must be in writing and filed in the clerk's
38 office with the other papers in the case. The court shall state the

1 reasons for the decision. If judicial relief is sought for a stay or
2 other temporary remedy from the department's action, the court shall
3 not grant such relief unless the court finds that the appellant is
4 likely to prevail in the appeal and that without a stay the appellant
5 will suffer irreparable injury. If the court stays the suspension,
6 revocation, or denial it may impose conditions on such stay.

7 (10)(a) If a person whose driver's license, permit, or privilege to
8 drive has been or will be suspended, revoked, or denied under
9 subsection (7) of this section, other than as a result of a breath or
10 blood test refusal, and who has not committed an offense for which he
11 or she was granted a deferred prosecution under chapter 10.05 RCW,
12 petitions a court for a deferred prosecution on criminal charges
13 arising out of the arrest for which action has been or will be taken
14 under subsection (7) of this section, the court may direct the
15 department to stay any actual or proposed suspension, revocation, or
16 denial for at least forty-five days but not more than ninety days. If
17 the court stays the suspension, revocation, or denial, it may impose
18 conditions on such stay. If the person is otherwise eligible for
19 licensing, the department shall issue a temporary license, or extend
20 any valid temporary license marked under subsection (6) of this
21 section, for the period of the stay. If a deferred prosecution
22 treatment plan is not recommended in the report made under RCW
23 10.05.050, or if treatment is rejected by the court, or if the person
24 declines to accept an offered treatment plan, or if the person violates
25 any condition imposed by the court, then the court shall immediately
26 direct the department to cancel the stay and any temporary marked
27 license or extension of a temporary license issued under this
28 subsection.

29 (b) A suspension, revocation, or denial imposed under this section,
30 other than as a result of a breath or blood test refusal, shall be
31 stayed if the person is accepted for deferred prosecution as provided
32 in chapter 10.05 RCW for the incident upon which the suspension,
33 revocation, or denial is based. If the deferred prosecution is
34 terminated, the stay shall be lifted and the suspension, revocation, or
35 denial reinstated. If the deferred prosecution is completed, the stay
36 shall be lifted and the suspension, revocation, or denial canceled.

37 (c) The provisions of (b) of this subsection relating to a stay of
38 a suspension, revocation, or denial and the cancellation of any

1 suspension, revocation, or denial do not apply to the suspension,
2 revocation, denial, or disqualification of a person's commercial
3 driver's license or privilege to operate a commercial motor vehicle.

4 (11) When it has been finally determined under the procedures of
5 this section that a nonresident's privilege to operate a motor vehicle
6 in this state has been suspended, revoked, or denied, the department
7 shall give information in writing of the action taken to the motor
8 vehicle administrator of the state of the person's residence and of any
9 state in which he or she has a license.

10 **Sec. 408.** RCW 46.20.311 and 2004 c 95 s 3 are each amended to read
11 as follows:

12 (1)(a) The department shall not suspend a driver's license or
13 privilege to drive a motor vehicle on the public highways for a fixed
14 period of more than one year, except as specifically permitted under
15 RCW 46.20.267, 46.20.342, or other provision of law.

16 (b) Except for a suspension under RCW 46.20.267, 46.20.289,
17 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving
18 privilege of any person is suspended by reason of a conviction, a
19 finding that a traffic infraction has been committed, pursuant to
20 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
21 suspension shall remain in effect until the person gives and thereafter
22 maintains proof of financial responsibility for the future as provided
23 in chapter 46.29 RCW.

24 (c) If the suspension is the result of a violation of RCW 46.61.502
25 or 46.61.504, the department shall determine the person's eligibility
26 for licensing based upon the reports provided by the alcoholism agency
27 or probation department designated under RCW 46.61.5056 and shall deny
28 reinstatement until enrollment and participation in an approved program
29 has been established and the person is otherwise qualified. If the
30 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
31 and the person is required pursuant to RCW 46.20.720 to drive only a
32 motor vehicle equipped with a functioning ignition interlock, the
33 department shall determine the person's eligibility for licensing based
34 upon written verification by a company doing business in the state that
35 it has installed the required device on a vehicle owned or operated by
36 the person seeking reinstatement. If, based upon notification from the
37 interlock provider or otherwise, the department determines that an

1 interlock required under RCW 46.20.720 is no longer installed or
2 functioning as required, the department shall suspend the person's
3 license or privilege to drive. Whenever the license or driving
4 privilege of any person is suspended or revoked as a result of
5 noncompliance with an ignition interlock requirement, the suspension
6 shall remain in effect until the person provides notice issued by a
7 company doing business in the state that a vehicle owned or operated by
8 the person is equipped with a functioning ignition interlock device.

9 (d) Whenever the license or driving privilege of any person is
10 suspended as a result of certification of noncompliance with a child
11 support order under chapter 74.20A RCW or a residential or visitation
12 order, the suspension shall remain in effect until the person provides
13 a release issued by the department of social and health services
14 stating that the person is in compliance with the order.

15 (e)(i) The department shall not issue to the person a new,
16 duplicate, or renewal license until the person pays a reissue fee of
17 (~~twenty~~) seventy-five dollars.

18 (ii) If the suspension is the result of a violation of RCW
19 46.61.502 or 46.61.504, or is the result of administrative action under
20 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

21 (2)(a) Any person whose license or privilege to drive a motor
22 vehicle on the public highways has been revoked, unless the revocation
23 was for a cause which has been removed, is not entitled to have the
24 license or privilege renewed or restored until: (i) After the
25 expiration of one year from the date the license or privilege to drive
26 was revoked; (ii) after the expiration of the applicable revocation
27 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
28 expiration of two years for persons convicted of vehicular homicide; or
29 (iv) after the expiration of the applicable revocation period provided
30 by RCW 46.20.265.

31 (b)(i) After the expiration of the appropriate period, the person
32 may make application for a new license as provided by law together with
33 a reissue fee in the amount of (~~twenty~~) seventy-five dollars.

34 (ii) If the revocation is the result of a violation of RCW
35 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
36 hundred fifty dollars. If the revocation is the result of a violation
37 of RCW 46.61.502 or 46.61.504, the department shall determine the
38 person's eligibility for licensing based upon the reports provided by

1 the alcoholism agency or probation department designated under RCW
2 46.61.5056 and shall deny reissuance of a license, permit, or privilege
3 to drive until enrollment and participation in an approved program has
4 been established and the person is otherwise qualified. If the
5 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
6 and the person is required pursuant to RCW 46.20.720 to drive only a
7 motor vehicle equipped with a functioning ignition interlock or other
8 biological or technical device, the department shall determine the
9 person's eligibility for licensing based upon written verification by
10 a company doing business in the state that it has installed the
11 required device on a vehicle owned or operated by the person applying
12 for a new license. If, following issuance of a new license, the
13 department determines, based upon notification from the interlock
14 provider or otherwise, that an interlock required under RCW 46.20.720
15 is no longer functioning, the department shall suspend the person's
16 license or privilege to drive until the department has received written
17 verification from an interlock provider that a functioning interlock is
18 installed.

19 (c) Except for a revocation under RCW 46.20.265, the department
20 shall not then issue a new license unless it is satisfied after
21 investigation of the driving ability of the person that it will be safe
22 to grant the privilege of driving a motor vehicle on the public
23 highways, and until the person gives and thereafter maintains proof of
24 financial responsibility for the future as provided in chapter 46.29
25 RCW. For a revocation under RCW 46.20.265, the department shall not
26 issue a new license unless it is satisfied after investigation of the
27 driving ability of the person that it will be safe to grant that person
28 the privilege of driving a motor vehicle on the public highways.

29 (3)(a) Whenever the driver's license of any person is suspended
30 pursuant to Article IV of the nonresident violators compact or RCW
31 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
32 to the person any new or renewal license until the person pays a
33 reissue fee of (~~twenty~~) seventy-five dollars.

34 (b) If the suspension is the result of a violation of the laws of
35 this or any other state, province, or other jurisdiction involving (i)
36 the operation or physical control of a motor vehicle upon the public
37 highways while under the influence of intoxicating liquor or drugs, or

1 (ii) the refusal to submit to a chemical test of the driver's blood
2 alcohol content, the reissue fee shall be one hundred fifty dollars.

3 NEW SECTION. **Sec. 409.** A new section is added to chapter 46.16
4 RCW to read as follows:

5 (1) The owner of a farm vehicle licensed under RCW 46.16.090
6 purchasing a monthly license under RCW 46.16.135 may, as an alternative
7 to the first partial month of the license registration, secure and
8 operate the vehicle under authority of a farm vehicle trip permit
9 issued by this state. The licensed gross weight may not exceed eighty
10 thousand pounds for a combination of vehicles nor forty thousand pounds
11 for a single unit vehicle with three or more axles.

12 (2) If a monthly license previously issued has expired, the owner
13 of a farm vehicle may, as an alternative to purchasing a full monthly
14 license, secure and operate the vehicle under authority of a farm
15 vehicle trip permit issued by this state. The licensed gross weight
16 may not exceed eighty thousand pounds for a combination of vehicles nor
17 forty thousand pounds for a single unit vehicle with three or more
18 axles.

19 (3) Each farm vehicle trip permit shall authorize the operation of
20 a single vehicle at the maximum legal weight limit for the vehicle for
21 the period remaining in the first month of monthly license, commencing
22 with the day of first use. No more than four such permits may be used
23 for any one vehicle in any twelve-month period. Every permit shall
24 identify, as the department may require, the vehicle for which it is
25 issued and shall be completed in its entirety and signed by the
26 operator before operation of the vehicle on the public highways of this
27 state. Correction of data on the permit such as dates, license number,
28 or vehicle identification number invalidates the permit. The farm
29 vehicle trip permit shall be displayed on the vehicle to which it is
30 issued as prescribed by the department.

31 (4) Vehicles operating under authority of farm vehicle trip permits
32 are subject to all laws, rules, and regulations affecting the operation
33 of like vehicles in this state.

34 (5) Farm vehicle trip permits may be obtained from the department
35 of licensing or agents and subagents appointed by the department. The
36 fee for each farm vehicle trip permit is six dollars and twenty-five

1 cents. Farm vehicle trip permits sold by the department's agents or
2 subagents are subject to fees specified in RCW 46.01.140 (4)(a),
3 (5)(b), or (6).

4 (6) The proceeds from farm vehicle trip permits received by the
5 director shall be forwarded to the state treasurer to be distributed as
6 provided in RCW 46.68.035(2).

7 (7) No exchange, credits, or refunds may be given for farm vehicle
8 trip permits after they have been purchased.

9 (8) The department of licensing may adopt rules as it deems
10 necessary to administer this section.

11 **Sec. 410.** RCW 46.20.049 and 1999 c 308 s 4 are each amended to
12 read as follows:

13 There shall be an additional fee for issuing any class of
14 commercial driver's license in addition to the prescribed fee required
15 for the issuance of the original driver's license. The additional fee
16 for each class shall (~~not exceed twenty~~) be thirty dollars for the
17 original commercial driver's license or subsequent renewals(~~or~~
18 ~~unless~~). If the commercial driver's license is renewed or extended
19 for a period other than five years, (~~in which case~~) the fee for each
20 class shall (~~not exceed four~~) be six dollars for each year that the
21 commercial driver's license is renewed or extended. The fee shall be
22 deposited in the highway safety fund.

23 **PART V - MISCELLANEOUS PROVISIONS**

24 **Sec. 501.** RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each
25 amended to read as follows:

26 (1) The emergency reserve fund is established in the state
27 treasury. During each fiscal year, the state treasurer shall deposit
28 in the emergency reserve fund all general fund--state revenues in
29 excess of the state expenditure limit for that fiscal year. Deposits
30 shall be made at the end of each fiscal quarter based on projections of
31 state revenues and the state expenditure limit. The treasurer shall
32 make transfers between these accounts as necessary to reconcile actual
33 annual revenues and the expenditure limit for fiscal year 2000 and
34 thereafter.

1 (2) The legislature may appropriate moneys from the emergency
2 reserve fund only with approval of at least two-thirds of the members
3 of each house of the legislature, and then only if the appropriation
4 does not cause total expenditures to exceed the state expenditure limit
5 under this chapter.

6 (3) The emergency reserve fund balance shall not exceed five
7 percent of annual general fund--state revenues as projected by the
8 official state revenue forecast. Any balance in excess of five percent
9 shall be transferred on a quarterly basis by the state treasurer as
10 follows: Seventy-five percent to the student achievement fund hereby
11 created in the state treasury and twenty-five percent to the general
12 fund balance. The treasurer shall make transfers between these
13 accounts as necessary to reconcile actual annual revenues for fiscal
14 year 2000 and thereafter. When per-student state funding for the
15 maintenance and operation of K-12 education meets a level of no less
16 than ninety percent of the national average of total funding from all
17 sources per student as determined by the most recent published data
18 from the national center for education statistics of the United States
19 department of education, as calculated by the office of financial
20 management, further deposits to the student achievement fund shall be
21 required only to the extent necessary to maintain the ninety-percent
22 level. Remaining funds are part of the general fund balance and these
23 funds are subject to the expenditure limits of this chapter.

24 (4) The education construction fund is hereby created in the state
25 treasury.

26 (a) Funds may be appropriated from the education construction fund
27 exclusively for common school construction or higher education
28 construction.

29 (b) Funds may be appropriated for any other purpose only if
30 approved by a two-thirds vote of each house of the legislature and if
31 approved by a vote of the people at the next general election. An
32 appropriation approved by the people under this subsection shall result
33 in an adjustment to the state expenditure limit only for the fiscal
34 period for which the appropriation is made and shall not affect any
35 subsequent fiscal period.

36 (5) Funds from the student achievement fund shall be appropriated
37 to the superintendent of public instruction strictly for distribution

1 to school districts to meet the provisions set out in the student
2 achievement act. Allocations shall be made on an equal per full-time
3 equivalent student basis to each school district.

4 ~~((6) Earnings of the emergency reserve fund under RCW
5 43.84.092(4)(a) shall be transferred quarterly to the multimodal
6 transportation account, except for those earnings that are in excess of
7 thirty five million dollars each fiscal year. Within thirty days
8 following any fiscal year in which earnings transferred to the
9 multimodal transportation account under this subsection did not total
10 thirty five million dollars, the state treasurer shall transfer from
11 the emergency reserve fund an amount necessary to bring the total
12 deposited in the multimodal transportation account under this
13 subsection to thirty five million dollars. The revenues to the
14 multimodal transportation account reflected in this subsection provide
15 ongoing support for the transportation programs of the state. However,
16 it is the intent of the legislature that any new long term financial
17 support that may be subsequently provided for transportation programs
18 will be used to replace and supplant the revenues reflected in this
19 subsection, thereby allowing those revenues to be returned to the
20 purposes to which they were previously dedicated. No transfers from
21 the emergency reserve fund to the multimodal fund shall be made during
22 the 2003-05 fiscal biennium.))~~

23 NEW SECTION. **Sec. 502.** Sections 201 through 204, 401, and 402 of
24 this act apply to vehicle registrations that are due or become due on
25 or after January 1, 2006.

26 NEW SECTION. **Sec. 503.** Section 108 of this act takes effect July
27 1, 2006.

28 NEW SECTION. **Sec. 504.** Sections 101 through 105, 107, 301 through
29 304, 403 through 410, and 501 of this act are necessary for the
30 immediate preservation of the public peace, health, or safety, or
31 support of the state government and its existing public institutions,
32 and take effect July 1, 2005.

33 NEW SECTION. **Sec. 505.** Section 107 of this act expires July 1,
34 2006.

1 NEW SECTION. **Sec. 506.** Part headings used in this act are not
2 part of the law.

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