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SENATE BILL 5518

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State of Washington

59th Legislature

2005 Regular Session

By Senators Eide, Swecker, Spanel, Stevens, Mulliken, Rasmussen and Benson

Read first time 01/26/2005. Referred to Committee on Transportation.

1 AN ACT Relating to subagents' fees; and amending RCW 46.01.140.

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

3 **Sec. 1.** RCW 46.01.140 and 2003 c 370 s 3 are each amended to read  
4 as follows:

5 (1) The county auditor, if appointed by the director of licensing  
6 shall carry out the provisions of this title relating to the licensing  
7 of vehicles and the issuance of vehicle license number plates under the  
8 direction and supervision of the director and may with the approval of  
9 the director appoint assistants as special deputies and recommend  
10 subagents to accept applications and collect fees for vehicle licenses  
11 and transfers and to deliver vehicle license number plates.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (e) Applicants required to pay the three-dollar fee established  
9 under (a) of this subsection, must pay an additional seventy-five  
10 cents, which must be collected and remitted to the state treasurer and  
11 distributed as follows:

12 (i) Fifty cents must be deposited into the department of licensing  
13 services account of the motor vehicle fund and must be used for agent  
14 and subagent support, which is to include but not be limited to the  
15 replacement of department-owned equipment in the possession of agents  
16 and subagents.

17 (ii) Twenty-five cents must be deposited into the license plate  
18 technology account created under RCW 46.16.685.

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

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

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

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

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

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