
HOUSE BILL 3165

State of Washington

61st Legislature

2010 Regular Session

By Representative O'Brien

1 AN ACT Relating to subagent service fees; and amending RCW
2 46.01.140.

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

4 **Sec. 1.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to read
5 as follows:

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

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

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

1 (b) A subagent may recommend a successor who is either the
2 subagent's sibling, spouse, or child, or a subagency employee, as long
3 as the recommended successor participates in the open, competitive
4 process used to select an applicant. In making successor
5 recommendation and appointment determinations, the following provisions
6 apply:

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

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

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

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

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

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

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

36 (i) Describe the responsibilities, and where applicable, the
37 liability, of each party relating to the service expectations and

1 levels, equipment to be supplied by the department, and equipment
2 maintenance;

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

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

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

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

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

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

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

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

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

37 (c) Applicants for certificates of ownership, including applicants

1 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the
2 director, county auditor, or other agent a fee of four dollars in
3 addition to any other fees required by law.

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

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

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

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

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

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

1 (7) Any county revenues that exceed the cost of providing vehicle
2 licensing and vessel registration and title activities in a county,
3 calculated in accordance with the procedures in subsection (3)(d) of
4 this section, shall be expended as determined by the county legislative
5 authority during the process established by law for adoption of county
6 budgets.

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

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