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**SUBSTITUTE SENATE BILL 6451**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Swecker and Haugen)

READ FIRST TIME 02/03/12.

1       AN ACT Relating to modifying certain provisions regarding  
2 transportation benefit districts; amending RCW 36.73.065 and 82.80.140;  
3 and reenacting and amending RCW 36.73.015.

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

5       **Sec. 1.** RCW 36.73.065 and 2007 c 329 s 1 are each amended to read  
6 as follows:

7       (1) Except as provided in subsection (4) of this section, taxes,  
8 fees, charges, and tolls may not be imposed by a district without  
9 approval of a majority of the voters in the district voting on a  
10 proposition at a general or special election. The proposition must  
11 include a specific description of the transportation improvement or  
12 improvements proposed by the district and the proposed taxes, fees,  
13 charges, and the range of tolls imposed by the district to raise  
14 revenue to fund the improvement or improvements.

15       (2) Voter approval under this section shall be accorded substantial  
16 weight regarding the validity of a transportation improvement as  
17 defined in RCW 36.73.015.

18       (3) A district may not increase any taxes, fees, charges, or range

1 of tolls imposed under this chapter once the taxes, fees, charges, or  
2 tolls take effect, unless authorized by the district voters pursuant to  
3 RCW 36.73.160.

4 (4)(a) A district that includes all the territory within the  
5 boundaries of the jurisdiction, or jurisdictions, establishing the  
6 district, but not including territory in which a fee is currently being  
7 collected under RCW 82.80.140, may impose by a majority vote of the  
8 governing board of the district the following fees and charges:

9 (i) Up to twenty dollars of the vehicle fee authorized in RCW  
10 82.80.140; or

11 (ii) A fee or charge in accordance with RCW 36.73.120.

12 (b) The vehicle fee authorized in (a) of this subsection may only  
13 be imposed for a passenger-only ferry transportation improvement if the  
14 vehicle fee is first approved by a majority of the voters within the  
15 jurisdiction of the district.

16 (c)(i) A district solely comprised of a city or cities shall not  
17 impose the fees or charges identified in (a) of this subsection within  
18 one hundred eighty days after July 22, 2007, unless the county in which  
19 the city or cities reside, by resolution, declares that it will not  
20 impose the fees or charges identified in (a) of this subsection within  
21 the one hundred eighty-day period; or

22 (ii) A district solely comprised of a city or cities identified in  
23 RCW 36.73.020(6)(b) shall not impose the fees or charges until after  
24 May 22, 2008, unless the county in which the city or cities reside, by  
25 resolution, declares that it will not impose the fees or charges  
26 identified in (a) of this subsection through May 22, 2008.

27 (5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be  
28 reached, a district that includes only the unincorporated territory of  
29 a county may impose by a majority vote of the governing body of the  
30 district up to twenty dollars of the vehicle fee authorized in RCW  
31 82.80.140.

32 **Sec. 2.** RCW 82.80.140 and 2010 c 161 s 917 are each amended to  
33 read as follows:

34 (1) Subject to the provisions of RCW 36.73.065, a transportation  
35 benefit district under chapter 36.73 RCW may fix and impose an annual  
36 vehicle fee, not to exceed one hundred dollars per vehicle registered  
37 in the district, for each vehicle subject to vehicle license fees under

1 RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q)  
2 and for each vehicle subject to gross weight license fees under RCW  
3 46.17.355 with a scale weight of six thousand pounds or less.

4 (2)(a) A district that includes all the territory within the  
5 boundaries of the jurisdiction, or jurisdictions, establishing the  
6 district, but not including territory in which a fee is currently being  
7 collected under this section, may impose by a majority vote of the  
8 governing board of the district up to twenty dollars of the vehicle fee  
9 authorized in subsection (1) of this section.

10 (i) If the district is countywide, the revenues of the fee  
11 (~~shall~~) must be distributed to each city within the (~~county~~)  
12 district by interlocal agreement that must be effective prior to  
13 imposition of the fee. The interlocal agreement is effective when  
14 approved by the (~~county~~) district and sixty percent of the cities  
15 representing seventy-five percent of the population of the cities  
16 within the (~~county~~) district in which the countywide fee is  
17 collected.

18 (ii) If the district is less than countywide, the revenues of the  
19 fee must be distributed to each city within the district by interlocal  
20 agreement that must be effective prior to imposition of the fee.

21 (b) A district may not impose a fee under this subsection (2):

22 (i) For a passenger-only ferry transportation improvement unless  
23 the vehicle fee is first approved by a majority of the voters within  
24 the jurisdiction of the district; or

25 (ii) That, if combined with the fees previously imposed by another  
26 district within its boundaries under RCW 36.73.065(4)(a)(i), exceeds  
27 twenty dollars.

28 If a district imposes or increases a fee under this subsection (2)  
29 that, if combined with the fees previously imposed by another district  
30 within its boundaries, exceeds twenty dollars, the district shall  
31 provide a credit for the previously imposed fees so that the combined  
32 vehicle fee does not exceed twenty dollars.

33 (3) The department of licensing shall administer and collect the  
34 fee. The department shall deduct a percentage amount, as provided by  
35 contract, not to exceed one percent of the fees collected, for  
36 administration and collection expenses incurred by it. The department  
37 shall remit remaining proceeds to the custody of the state treasurer.

1 The state treasurer shall distribute the proceeds to the district on a  
2 monthly basis.

3 (4) No fee under this section may be collected until six months  
4 after approval under RCW 36.73.065.

5 (5) The vehicle fee under this section applies only when renewing  
6 a vehicle registration, and is effective upon the registration renewal  
7 date as provided by the department of licensing.

8 (6) The following vehicles are exempt from the fee under this  
9 section:

- 10 (a) Campers, as defined in RCW 46.04.085;
- 11 (b) Farm tractors or farm vehicles, as defined in RCW 46.04.180 and  
12 46.04.181;
- 13 (c) Mopeds, as defined in RCW 46.04.304;
- 14 (d) Off-road and nonhighway vehicles, as defined in RCW 46.04.365;
- 15 (e) Private use single-axle trailer, as defined in RCW 46.04.422;
- 16 (f) Snowmobiles, as defined in RCW 46.04.546; and
- 17 (g) Vehicles registered under chapter 46.87 RCW and the  
18 international registration plan.

19 **Sec. 3.** RCW 36.73.015 and 2010 c 251 s 2 and 2010 c 105 s 1 are  
20 each reenacted and amended to read as follows:

21 The definitions in this section apply throughout this chapter  
22 unless the context clearly requires otherwise.

- 23 (1) "City" means a city or town.
- 24 (2) "District" means a transportation benefit district created  
25 under this chapter.
- 26 (3) "Supplemental transportation improvement" or "supplemental  
27 improvement" means any project, work, or undertaking to provide public  
28 transportation service, in addition to a district's existing or planned  
29 voter-approved transportation improvements, proposed by a participating  
30 city member of the district under RCW 36.73.180.

31 (4) "Transportation improvement" means a project contained in the  
32 transportation plan of the state, a regional transportation planning  
33 organization, city, county, or eligible jurisdiction as identified in  
34 RCW 36.73.020(2). A project may include, but is not limited to,  
35 investment in new or existing highways of statewide significance,  
36 principal arterials of regional significance, high capacity  
37 transportation, public transportation, and other transportation

1 projects and programs of local, regional, or statewide significance  
2 including transportation demand management. Projects may also include  
3 the operation, preservation, and maintenance of these facilities or  
4 programs.

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