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## Transportation Committee

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### HB 1242

**Brief Description:** Concerning the authority of a vehicle subagent to recommend a successor.

**Sponsors:** Representatives Moscoso, Zeiger, Morrell, Johnson, Roberts and Springer.

#### Brief Summary of Bill

- Allows a licensing subagent to recommend at any time during their appointment a successor in case of death or incapacitation.
- Allows a subagent within 12 months of retirement to recommend a successor without resigning their appointment through a letter of intent and a process to withdraw the letter of intent.
- Requires the county auditor to give great weight to a recommended successor that has demonstrated the ability to manage the functions of a vehicle registration office.

**Hearing Date:** 1/31/13

**Staff:** Jerry Long (786-7306)

#### Background:

The Director of the Department of Licensing (DOL) has final appointment authority for county auditors or other agents or subagents and may appoint county auditors in Washington, or in the absence of a county auditor, the DOL or an official of county government as agents for vehicle titles and registrations. County auditors or agents must enter into a contract with the DOL. A county auditor or agent may, with the approval of the Director of the DOL, appoint subagents. A county auditor or agent who requests a subagency uses an open competitive process which includes, but is not limited to, a written business proposal and an oral interview to determine the qualifications of the interested applicants.

The county auditor or subagent then submits all proposals to the Director of the DOL with a recommendation for appointment of one or more subagents. A subagent appointed by the Director of the DOL must enter into a contract with the county auditor or agent.

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If a subagent no longer wants the subagency appointment, then the same open competitive process is followed. If one of the county auditor's recommendations is an existing subagent's sibling, spouse, or child, or a subagency employee, the county auditor must submit one other applicant who is qualified and was chosen through the open competitive process.

A subagent may not receive any direct or indirect compensation from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment. The appointment of a successor does not create a proprietary or property interest in the appointment.

**Summary of Bill:**

A subagent who is planning to retire within 12 months may recommend a successor without resigning their appointment by submitting a letter of intent to retire to the county auditor with a successor recommendation. The county auditor must, within 60 days, respond in writing indicating if the successor would be considered in the open competitive process. If there are negative factors or deficiencies pertaining to the subagency or the recommended successor, the county auditor must state those factors in writing to the subagent. The subagent may withdraw the letter of intent to retire prior to the open competitive process by writing to the county auditor and filing a copy with the Director of the DOL.

A subagent may name a recommended successor at any time during their appointment by notifying the county auditor and filing a copy with the Director. The purpose is for the county auditor to know the wishes of the subagent in the event of death or incapacitation that could lead to the inability of the subagent to fulfill the obligation of their appointment.

The county auditor shall give great weight to a recommended successor who has demonstrated the ability to manage the day-to-day functions of a vehicle registration office. If the county auditor does not recommend the recommended successor for appointment as the result of the open competitive process, the subagent and the recommended successor may request a review of the county auditor's recommendation, prior to review by the DOL subagent review team.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.