
HOUSE BILL 1892

State of Washington 63rd Legislature 2013 Regular Session

By Representatives Reykdal, Hunt, Lias, Ryu, and Fey

Read first time 02/14/13. Referred to Committee on Transportation.

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

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

5 **Sec. 1.** RCW 36.73.065 and 2012 c 152 s 3 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: (a) The transportation improvement
12 or improvements proposed by the district; (b) any rebate program
13 proposed to be established under RCW 36.73.067; and (c) the proposed
14 taxes, fees, charges, and the range of tolls imposed by the district to
15 raise revenue to fund the improvement or improvements or rebate
16 program, as applicable.

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

1 (3) A district may not increase any taxes, fees, charges, or range
2 of tolls imposed or change a rebate program under this chapter once the
3 taxes, fees, charges, tolls, or rebate program takes effect, unless
4 authorized by the district voters pursuant to RCW 36.73.160.

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

10 (i) Up to twenty dollars of the vehicle fee authorized in RCW
11 82.80.140; or

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

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

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

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

28 (5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be
29 reached, a district that includes only the unincorporated territory of
30 a county may impose by a majority vote of the governing body of the
31 district up to twenty dollars of the vehicle fee authorized in RCW
32 82.80.140.

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

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

1 in the district, for each vehicle subject to vehicle license fees under
2 RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), or (n) through (q)
3 and for each vehicle subject to gross weight license fees under RCW
4 46.17.355 with a scale weight of six thousand pounds or less.

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

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

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

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

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

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

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

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

1 shall remit remaining proceeds to the custody of the state treasurer.
2 The state treasurer shall distribute the proceeds to the district on a
3 monthly basis.

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

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

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

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

20 **Sec. 3.** RCW 36.73.015 and 2012 c 152 s 1 are each amended to read
21 as follows:

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

- 24 (1) "City" means a city or town.
- 25 (2) "District" means a transportation benefit district created
26 under this chapter.
- 27 (3) "Low-income" means household income that is at or below forty-
28 five percent of the median household income, adjusted for household
29 size, for the district in which the fees, taxes, or tolls were imposed.
- 30 (4) "Rebate program" means an optional program established by a
31 transportation benefit district that includes a city with a population
32 of five hundred thousand persons or more for the purpose of providing
33 rebates to low-income individuals for fees, taxes, and/or tolls imposed
34 by such transportation benefit district for: (a) Vehicle fees imposed
35 under RCW 36.73.040(3)(b); (b) sales and use taxes imposed under RCW
36 36.73.040(3)(a); and/or (c) tolls imposed under RCW 36.73.040(3)(d).

1 (5) "Supplemental transportation improvement" or "supplemental
2 improvement" means any project, work, or undertaking to provide public
3 transportation service, in addition to a district's existing or planned
4 voter-approved transportation improvements, proposed by a participating
5 city member of the district under RCW 36.73.180.

6 (6) "Transportation improvement" means a project contained in the
7 transportation plan of the state, a regional transportation planning
8 organization, city, county, or eligible jurisdiction as identified in
9 RCW 36.73.020(2). A project may include, but is not limited to,
10 investment in new or existing highways of statewide significance,
11 principal arterials of regional significance, high capacity
12 transportation, public transportation, and other transportation
13 projects and programs of local, regional, or statewide significance
14 including transportation demand management. Projects may also include
15 the operation, preservation, and maintenance of these facilities or
16 programs.

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