
HOUSE BILL 1757

State of Washington 64th Legislature 2015 Regular Session

By Representatives Fey, Muri, Clibborn, Reykdal, and Goodman

Read first time 01/28/15. Referred to Committee on Transportation.

1 AN ACT Relating to local transportation options; amending RCW
2 36.73.065 and 82.80.140; adding a new chapter to Title 36 RCW; and
3 providing an effective date.

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

5 NEW SECTION. **Sec. 1.** Any city or county in which a
6 transportation benefit district has been established pursuant to
7 chapter 36.73 RCW with boundaries coterminous with the boundaries of
8 the city or county may by ordinance or resolution of the city or
9 county legislative authority assume the rights, powers, functions,
10 and obligations of the transportation benefit district in accordance
11 with this chapter.

12 NEW SECTION. **Sec. 2.** (1) The assumption of the rights, powers,
13 functions, and obligations of a transportation benefit district may
14 be initiated by the adoption of an ordinance or a resolution by the
15 city or county legislative authority indicating its intention to
16 conduct a hearing concerning the assumption of such rights, powers,
17 functions, and obligations. If the city or county legislative
18 authority adopts such an ordinance or a resolution of intention, the
19 ordinance or resolution must set a time and place at which the city
20 or county legislative authority will consider the proposed assumption

1 of the rights, powers, functions, and obligations of the
2 transportation benefit district, and must state that all persons
3 interested may appear and be heard. The ordinance or resolution of
4 intention must be published at least two times during the two weeks
5 preceding the scheduled hearing in newspapers of daily general
6 circulation printed or published in the city or county in which the
7 transportation benefit district is to be located.

8 (2) At the time scheduled for the hearing in the ordinance or
9 resolution of intention, the city or county legislative authority
10 must consider the assumption of the rights, powers, functions, and
11 obligations of the transportation benefit district and hear those
12 appearing and all protests and objections to it. The city or county
13 legislative authority may continue the hearing from time to time, not
14 exceeding sixty days in all.

15 NEW SECTION. **Sec. 3.** (1) If, after receiving testimony, the
16 city or county legislative authority determines that the public
17 interest or welfare would be satisfied by the city or county assuming
18 the rights, powers, immunities, functions, and obligations of the
19 transportation benefit district, the city or county legislative
20 authority may declare that to be its intent and assume such rights,
21 powers, immunities, functions, and obligations by ordinance or
22 resolution, providing that the city or county is vested with every
23 right, power, immunity, function, and obligation currently granted to
24 or possessed by the transportation benefit district.

25 (2) Upon assumption of the rights, powers, immunities, functions,
26 and obligations of the transportation benefit district by the city or
27 county, the governing body established pursuant to RCW 36.73.020 must
28 be abolished and the city or county legislative authority is vested
29 with all rights, powers, immunities, functions, and obligations
30 otherwise vested by law in the governing board of the transportation
31 benefit district.

32 NEW SECTION. **Sec. 4.** No transfer of any function made pursuant
33 to this chapter may be construed to impair or alter any existing
34 rights acquired under chapter 36.73 RCW or any other provision of law
35 relating to transportation benefit districts, nor as impairing or
36 altering any actions, activities, or proceedings validated
37 thereunder, nor as impairing or altering any civil or criminal
38 proceedings instituted thereunder, nor any rule, regulation, or order

1 promulgated thereunder, nor any administrative action taken
2 thereunder; and neither the assumption of control of any
3 transportation benefit district function by a city or county, nor any
4 transfer of rights, powers, functions, and obligations as provided in
5 this chapter, may impair or alter the validity of any act performed
6 by such transportation benefit district or division thereof or any
7 officer thereof prior to the assumption of such rights, powers,
8 functions, and obligations by any city or county as authorized under
9 this chapter.

10 NEW SECTION. **Sec. 5.** (1) All rules and regulations and all
11 pending business before the board of any transportation benefit
12 district transferred pursuant to this chapter must be continued and
13 acted upon by the city or county.

14 (2) All existing contracts and obligations of the transferred
15 transportation benefit district remain in full force and effect and
16 must be performed by the city or county. A transfer authorized in
17 this chapter does not affect the validity of any official act
18 performed by any official or employee prior to the transfer
19 authorized pursuant to this chapter.

20 NEW SECTION. **Sec. 6.** (1) All reports, documents, surveys,
21 books, records, files, papers, or other writings relating to the
22 administration of the powers, duties, and functions transferred
23 pursuant to this chapter and available to the transportation benefit
24 district must be made available to the city or county.

25 (2) All funds, credits, or other assets held in connection with
26 powers, duties, and functions transferred under this chapter must be
27 assigned to the city or county.

28 (3) Any appropriations or federal grant made to the
29 transportation benefit district for the purpose of carrying out the
30 rights, powers, functions, and obligations authorized to be assumed
31 by a city or county pursuant to this chapter, on the effective date
32 of such transfer, must be credited to the city or county for the
33 purpose of carrying out such transferred rights, powers, functions,
34 and obligations.

35 NEW SECTION. **Sec. 7.** The city or county must assume and agree
36 to provide for the payment of all of the indebtedness of the
37 transportation benefit district, including the payment and retirement

1 of outstanding general obligation and revenue bonds issued by the
2 transportation benefit district.

3 **Sec. 8.** RCW 36.73.065 and 2012 c 152 s 3 are each amended to
4 read as follows:

5 (1) Except as provided in subsection (4) of this section, taxes,
6 fees, charges, and tolls may not be imposed by a district without
7 approval of a majority of the voters in the district voting on a
8 proposition at a general or special election. The proposition must
9 include a specific description of: (a) The transportation improvement
10 or improvements proposed by the district; (b) any rebate program
11 proposed to be established under RCW 36.73.067; and (c) the proposed
12 taxes, fees, charges, and the range of tolls imposed by the district
13 to raise revenue to fund the improvement or improvements or rebate
14 program, as applicable.

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

18 (3) A district may not increase any taxes, fees, charges, or
19 range of tolls imposed or change a rebate program under this chapter
20 once the taxes, fees, charges, tolls, or rebate program takes effect,
21 unless authorized by the district voters pursuant to RCW 36.73.160,
22 or up to fifty dollars of the vehicle fee authorized in RCW 82.80.140
23 by the governing board of the district.

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

30 (i) Up to (~~twenty~~) fifty dollars of the vehicle fee authorized
31 in RCW 82.80.140; or

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

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

37 (c)(i) A district solely comprised of a city or cities (~~shall~~)
38 may not impose the fees or charges identified in (a) of this
39 subsection within one hundred eighty days after July 22, 2007, unless

1 the county in which the city or cities reside, by resolution,
2 declares that it will not impose the fees or charges identified in
3 (a) of this subsection within the one hundred eighty-day period; or

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

9 (5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be
10 reached, a district that includes only the unincorporated territory
11 of a county may impose by a majority vote of the governing body of
12 the district up to (~~twenty~~) fifty dollars of the vehicle fee
13 authorized in RCW 82.80.140.

14 **Sec. 9.** RCW 82.80.140 and 2010 c 161 s 917 are each amended to
15 read as follows:

16 (1) Subject to the provisions of RCW 36.73.065, a transportation
17 benefit district under chapter 36.73 RCW may fix and impose an annual
18 vehicle fee, not to exceed one hundred dollars per vehicle registered
19 in the district, for each vehicle subject to vehicle license fees
20 under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), or (n)
21 through (q) and for each vehicle subject to gross weight license fees
22 under RCW 46.17.355 with a scale weight of six thousand pounds or
23 less.

24 (2)(a) A district that includes all the territory within the
25 boundaries of the jurisdiction, or jurisdictions, establishing the
26 district, but not including territory in which a fee is currently
27 being collected under this section, may impose by a majority vote of
28 the governing board of the district up to (~~twenty~~) fifty dollars of
29 the vehicle fee authorized in subsection (1) of this section.

30 (i) If the district is countywide, the revenues of the fee
31 (~~shall~~) must be distributed to each city within the (~~county~~)
32 district by interlocal agreement that must be effective prior to
33 imposition of the fee. The interlocal agreement is effective when
34 approved by the (~~county~~) district and sixty percent of the cities
35 representing seventy-five percent of the population of the cities
36 within the (~~county~~) district in which the countywide fee is
37 collected.

38 (ii) If the district is less than countywide, the revenues of the
39 fee must be distributed to each city within the district by

1 interlocal agreement that must be effective prior to imposition of
2 the fee.

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

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

7 (ii) That, if combined with the fees previously imposed by
8 another district within its boundaries under RCW 36.73.065(4)(a)(i),
9 exceeds ((~~twenty~~)) fifty dollars.

10 If a district imposes or increases a fee under this subsection
11 (2) that, if combined with the fees previously imposed by another
12 district within its boundaries, exceeds ((~~twenty~~)) fifty dollars, the
13 district shall provide a credit for the previously imposed fees so
14 that the combined vehicle fee does not exceed ((~~twenty~~)) fifty
15 dollars.

16 (3) The department of licensing shall administer and collect the
17 fee. The department shall deduct a percentage amount, as provided by
18 contract, not to exceed one percent of the fees collected, for
19 administration and collection expenses incurred by it. The department
20 shall remit remaining proceeds to the custody of the state treasurer.
21 The state treasurer shall distribute the proceeds to the district on
22 a monthly basis.

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

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

28 (6) The following vehicles are exempt from the fee under this
29 section:

30 (a) Campers, as defined in RCW 46.04.085;

31 (b) Farm tractors or farm vehicles, as defined in RCW 46.04.180
32 and 46.04.181;

33 (c) Mopeds, as defined in RCW 46.04.304;

34 (d) Off-road and nonhighway vehicles, as defined in RCW
35 46.04.365;

36 (e) Private use single-axle trailer, as defined in RCW 46.04.422;

37 (f) Snowmobiles, as defined in RCW 46.04.546; and

38 (g) Vehicles registered under chapter 46.87 RCW and the
39 international registration plan.

1 NEW SECTION. **Sec. 10.** Sections 1 through 7 of this act
2 constitute a new chapter in Title 36 RCW.

3 NEW SECTION. **Sec. 11.** This act takes effect August 1, 2015.

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