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SENATE BILL 6299

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State of Washington                      64th Legislature                      2016 Regular Session

By Senators King and Hobbs

Read first time 01/14/16. Referred to Committee on Transportation.

1            AN ACT Relating to correcting certain manifest drafting errors in  
2 chapter 44, Laws of 2015 3rd sp. sess. (transportation revenue);  
3 amending RCW 46.20.202 and 82.70.040; creating new sections; and  
4 declaring an emergency.

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

6            NEW SECTION.    **Sec. 1.**    During the third special legislative  
7 session of 2015, the legislature passed Second Engrossed Substitute  
8 Senate Bill No. 5987 (chapter 44, Laws of 2015 3rd sp. sess.), a  
9 significant transportation revenue bill intended to provide needed  
10 transportation funding throughout the state. However, since the  
11 enactment of that legislation, certain drafting errors were  
12 discovered within the bill resulting in some provisions being enacted  
13 contrary to legislative intent. Therefore, it is the intent of the  
14 legislature to simply correct manifest drafting errors in order to  
15 conform certain provisions with the original legislative intent of  
16 Second Engrossed Substitute Senate Bill No. 5987. It is not the  
17 intent of the legislature to alter the intended substantive policy  
18 enacted in Second Engrossed Substitute Senate Bill No. 5987, but  
19 rather to make technical changes that correct certain drafting  
20 errors.

1       **Sec. 2.** RCW 46.20.202 and 2015 3rd sp.s. c 44 s 209 are each  
2 amended to read as follows:

3       (1) The department may enter into a memorandum of understanding  
4 with any federal agency for the purposes of facilitating the crossing  
5 of the border between the state of Washington and the Canadian  
6 province of British Columbia.

7       (2) The department may enter into an agreement with the Canadian  
8 province of British Columbia for the purposes of implementing a  
9 border-crossing initiative.

10       (3)(a) The department may issue an enhanced driver's license or  
11 identicard for the purposes of crossing the border between the state  
12 of Washington and the Canadian province of British Columbia to an  
13 applicant who provides the department with proof of: United States  
14 citizenship, identity, and state residency. The department shall  
15 continue to offer a standard driver's license and identicard. If the  
16 department chooses to issue an enhanced driver's license, the  
17 department must allow each applicant to choose between a standard  
18 driver's license or identicard, or an enhanced driver's license or  
19 identicard.

20       (b) The department shall implement a one-to-many biometric  
21 matching system for the enhanced driver's license or identicard. An  
22 applicant for an enhanced driver's license or identicard shall submit  
23 a biometric identifier as designated by the department. The biometric  
24 identifier must be used solely for the purpose of verifying the  
25 identity of the holders and for any purpose set out in RCW 46.20.037.  
26 Applicants are required to sign a declaration acknowledging their  
27 understanding of the one-to-many biometric match.

28       (c) The enhanced driver's license or identicard must include  
29 reasonable security measures to protect the privacy of Washington  
30 state residents, including reasonable safeguards to protect against  
31 unauthorized disclosure of data about Washington state residents. If  
32 the enhanced driver's license or identicard includes a radio  
33 frequency identification chip, or similar technology, the department  
34 shall ensure that the technology is encrypted or otherwise secure  
35 from unauthorized data access.

36       (d) The requirements of this subsection are in addition to the  
37 requirements otherwise imposed on applicants for a driver's license  
38 or identicard. The department shall adopt such rules as necessary to  
39 meet the requirements of this subsection. From time to time the  
40 department shall review technological innovations related to the

1 security of identity cards and amend the rules related to enhanced  
2 driver's licenses and identicards as the director deems consistent  
3 with this section and appropriate to protect the privacy of  
4 Washington state residents.

5 (e) Notwithstanding RCW 46.20.118, the department may make images  
6 associated with enhanced drivers' licenses or identicards from the  
7 negative file available to United States customs and border agents  
8 for the purposes of verifying identity.

9 (4)(a) Between July 15, 2015, and June 30, 2016, the fee for an  
10 enhanced driver's license or enhanced identicard is eighteen dollars,  
11 which is in addition to the fees for any regular driver's license or  
12 identicard. If the enhanced driver's license or enhanced identicard  
13 is issued, renewed, or extended for a period other than six years,  
14 the fee for each class is three dollars for each year that the  
15 enhanced driver's license or enhanced identicard is issued, renewed,  
16 or extended.

17 (b) Beginning July 1, 2016, the fee for an enhanced driver's  
18 license or enhanced identicard is fifty-four dollars, which is in  
19 addition to the fees for any regular driver's license or identicard.  
20 If the enhanced driver's license or enhanced identicard is issued,  
21 renewed, or extended for a period other than six years, the fee for  
22 each class is nine dollars for each year that the enhanced driver's  
23 license or enhanced identicard is issued, renewed, or extended.

24 (5) The enhanced driver's license and enhanced identicard fee  
25 under this section must be deposited into the highway safety fund  
26 unless prior to July 1, 2023, the actions described in (a) or (b) of  
27 this subsection occur, in which case the portion of the revenue that  
28 is the result of the fee increased in section 209, chapter 44, Laws  
29 of 2015 3rd sp. sess. must be distributed to the connecting  
30 Washington account created under RCW 46.68.395.

31 (a) Any state agency files a notice of rule making under chapter  
32 34.05 RCW for a rule regarding a fuel standard based upon or defined  
33 by the carbon intensity of fuel, including a low carbon fuel standard  
34 or clean fuel standard.

35 (b) Any state agency otherwise enacts, adopts, orders, or in any  
36 way implements a fuel standard based upon or defined by the carbon  
37 intensity of fuel, including a low carbon fuel standard or clean fuel  
38 standard.

39 (c) Nothing in this subsection acknowledges, establishes, or  
40 creates legal authority for the department of ecology or any other

1 state agency to enact, adopt, order, or in any way implement a fuel  
2 standard based upon or defined by the carbon intensity of fuel,  
3 including a low carbon fuel standard or clean fuel standard.

4 **Sec. 3.** RCW 82.70.040 and 2015 3rd sp.s. c 44 s 414 are each  
5 amended to read as follows:

6 (1)(a)((~~i~~)) The department must keep a running total of all  
7 credits allowed under RCW 82.70.020 during each fiscal year. The  
8 department may not allow any credits that would cause the total  
9 amount allowed to exceed two million seven hundred fifty thousand  
10 dollars in any fiscal year.

11 (~~((ii) The department shall not allow any credits that would  
12 cause the total amount allowed to exceed one million five hundred  
13 thousand dollars in any fiscal year.))~~)

14 (b) If the total amount of credit applied for by all applicants  
15 in any year exceeds the limit in this subsection, the department must  
16 ratably reduce the amount of credit allowed for all applicants so  
17 that the limit in this subsection is not exceeded. If a credit is  
18 reduced under this subsection, the amount of the reduction may not be  
19 carried forward and claimed in subsequent fiscal years.

20 (2)(a) Tax credits under RCW 82.70.020 may not be claimed in  
21 excess of the amount of tax otherwise due under chapter 82.04 or  
22 82.16 RCW.

23 (b) Through June 30, 2005, a person with taxes equal to or in  
24 excess of the credit under RCW 82.70.020, and therefore not subject  
25 to the limitation in (a) of this subsection, may elect to defer tax  
26 credits for a period of not more than three years after the year in  
27 which the credits accrue. For credits approved by the department  
28 through June 30, 2015, the approved credit may be carried forward and  
29 used for tax reporting periods through December 31, 2016. Credits  
30 approved after June 30, 2015, must be used for tax reporting periods  
31 within the calendar year for which they are approved by the  
32 department and may not be carried forward to subsequent tax reporting  
33 periods. Credits carried forward as authorized by this subsection are  
34 subject to the limitation in subsection (1)(a) of this section for  
35 the fiscal year for which the credits were originally approved.

36 (3) No person may be approved for tax credits under RCW 82.70.020  
37 in excess of one hundred thousand dollars in any fiscal year. This  
38 limitation does not apply to credits carried forward from prior years  
39 under subsection (2)(b) of this section.

1 (4) No person may claim tax credits after June 30, 2024.

2 (5) No person is eligible for tax credits under RCW 82.70.020 if  
3 the additional revenues for the multimodal transportation account  
4 created by chapter 361, Laws of 2003 are terminated.

5 NEW SECTION. **Sec. 4.** This act is remedial in nature and applies  
6 retroactively to July 15, 2015.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
8 preservation of the public peace, health, or safety, or support of  
9 the state government and its existing public institutions, and takes  
10 effect immediately.

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