

SHB 1147 - H AMD 410

By Representative Caldier

NOT CONSIDERED 01/05/2018

1 On page 81, after line 27, insert the following:

2 "Sec. 714. RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each
3 amended to read as follows:

4 (1) Regional transit authorities that include a county with a
5 population of more than one million five hundred thousand may submit
6 an authorizing proposition to the voters, and if approved, may levy
7 and collect an excise tax, at a rate approved by the voters, but not
8 exceeding eight-tenths of one percent on the value, under chapter
9 82.44 RCW, of every motor vehicle owned by a resident of the taxing
10 district, solely for the purpose of providing high capacity
11 transportation service. The maximum tax rate under this subsection
12 does not include a motor vehicle excise tax approved before July 15,
13 2015, if the tax will terminate on the date bond debt to which the
14 tax is pledged is repaid. This tax does not apply to vehicles
15 licensed under RCW 46.16A.455 except vehicles with an unladen weight
16 of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2).
17 Notwithstanding any other provision of this subsection or chapter
18 82.44 RCW, a motor vehicle excise tax imposed by a regional transit
19 authority before or after July 15, 2015, must comply with chapter
20 82.44 RCW as it existed on January 1, 1996, until December 31st of
21 the year in which the regional transit authority repays bond debt to
22 which a motor vehicle excise tax was pledged before July 15, 2015.
23 Motor vehicle taxes collected by regional transit authorities after
24 December 31st of the year in which a regional transit authority
25 repays bond debt to which a motor vehicle excise tax was pledged
26 before July 15, 2015, must comply with chapter 82.44 RCW as it
27 existed on the date the tax was approved by voters.

1 (2) An agency and high capacity transportation corridor area may
2 impose a sales and use tax solely for the purpose of providing high
3 capacity transportation service, in addition to the tax authorized
4 by RCW 82.14.030, upon retail car rentals within the applicable
5 jurisdiction that are taxable by the state under chapters 82.08 and
6 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of
7 tax imposed under this subsection must bear the same ratio of the
8 2.172 percent authorized that the rate imposed under subsection (1)
9 of this section bears to the rate authorized under subsection (1) of
10 this section. The base of the tax is the selling price in the case
11 of a sales tax or the rental value of the vehicle used in the case
12 of a use tax.

13 (3) Any motor vehicle excise tax previously imposed under the
14 provisions of RCW 81.104.160(1) shall be repealed, terminated, and
15 expire on December 5, 2002, except for a motor vehicle excise tax
16 for which revenues have been contractually pledged to repay a bonded
17 debt issued before December 5, 2002, as determined by *Pierce County*
18 *et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of
19 bonds that were previously issued, the motor vehicle excise tax must
20 comply with chapter 82.44 RCW as it existed on January 1, 1996.

21 (4) If a regional transit authority imposes the tax authorized
22 under subsection (1) of this section, the authority may not receive
23 any state grant funds provided in an omnibus transportation
24 appropriations act except transit coordination grants created in
25 chapter 11, Laws of 2015 3rd sp. sess.

26 (5) During the 2017-2019 fiscal biennium, a regional transit
27 authority may only impose a tax under this section that was
28 approved after January 1, 2015, in counties where a majority of the
29 voters voting on the imposition approved the tax.

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31 **Sec. 715.** RCW 81.104.170 and 2015 3rd sp.s. c 44 s 320 are each
32 amended to read as follows:

33 (1) Cities that operate transit systems, county transportation
34 authorities, metropolitan municipal corporations, public

1 transportation benefit areas, high capacity transportation corridor
2 areas, and regional transit authorities may submit an authorizing
3 proposition to the voters and if approved by a majority of persons
4 voting, fix and impose a sales and use tax in accordance with the
5 terms of this chapter, solely for the purpose of providing high
6 capacity transportation service.

7 (2) The tax authorized pursuant to this section is in addition
8 to the tax authorized by RCW 82.14.030 and must be collected from
9 those persons who are taxable by the state pursuant to chapters
10 82.08 and 82.12 RCW upon the occurrence of any taxable event within
11 the taxing district.

12 (a) Except for the tax imposed under (b) of this subsection by
13 regional transit authorities that include a county with a population
14 of more than one million five hundred thousand, the maximum rate of
15 such tax must be approved by the voters and may not exceed one
16 percent of the selling price (in the case of a sales tax) or value
17 of the article used (in the case of a use tax). The maximum rate of
18 such tax that may be imposed may not exceed nine-tenths of one
19 percent in any county that imposes a tax under RCW 82.14.340, or
20 within a regional transit authority if any county within the
21 authority imposes a tax under RCW 82.14.340.

22 (b) The maximum rate of such tax that may be imposed by a
23 regional transit authority that includes a county with a population
24 of more than one million five hundred thousand must be approved by
25 the voters and may not exceed 1.4 percent. If a regional transit
26 authority imposes the tax authorized under this subsection (2)(b) in
27 excess of 0.9 percent, the authority may not receive any state grant
28 funds provided in an omnibus transportation appropriations act
29 except transit coordination grants created in chapter 11, Laws of
30 2015 3rd sp. sess.

31 (3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the
32 state portion of the sales and use tax and do not extend to the tax
33 authorized in this section.

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1 (b) The exemptions in RCW 82.08.962 and 82.12.962 are for the
2 state and local sales and use taxes and include the tax authorized
3 by this section.

4 (4) During the 2017-2019 fiscal biennium, a regional transit
5 authority may only impose a tax under this section that was
6 approved after January 1, 2015, in counties where a majority of the
7 voters voting on the imposition approved the tax.

8
9 **Sec. 716.** RCW 81.104.175 and 2015 3rd sp.s. c 44 s 321 are each
10 amended to read as follows:

11 (1) A regional transit authority that includes a county with a
12 population of more than one million five hundred thousand may impose
13 a regular property tax levy in an amount not to exceed twenty-five
14 cents per thousand dollars of the assessed value of property in the
15 regional transit authority district in accordance with the terms of
16 this section.

17 (2) Any tax imposed under this section must be used for the
18 purpose of providing high capacity transportation service, as set
19 forth in a proposition that is approved by a majority of the
20 registered voters that vote on the proposition.

21 (3) Property taxes imposed under this section may be imposed for
22 the period of time required to pay the cost to plan, design,
23 construct, operate, and maintain the transit facilities set forth in
24 the approved proposition. Property taxes pledged to repay bonds may
25 be imposed at the pledged amount until the bonds are retired. After
26 the bonds are retired, property taxes authorized under this section
27 must be:

28 (a) Reduced to the level required to operate and maintain the
29 regional transit authority's transit facilities; or

30 (b) Terminated, unless the taxes have been extended by public
31 vote.

32 (4) The limitations in RCW 84.52.043 do not apply to the tax
33 authorized in this section.

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1 (5) The limitation in RCW 84.55.010 does not apply to the first
2 levy imposed under this section.

3 (6) If a regional transit authority imposes the tax authorized
4 under subsection (1) of this section, the authority may not receive
5 any state grant funds provided in an omnibus transportation
6 appropriations act except transit coordination grants created in
7 chapter 11, Laws of 2015 3rd sp. sess.

8 (7) During the 2017-2019 fiscal biennium, a regional transit
9 authority may only impose a tax under this section that was approved
10 after January 1, 2015, in counties where a majority of the voters
11 voting on the imposition approved the tax."

12

13 Correct the title.

14

EFFECT: Limits the imposition by a regional transit authority of motor vehicle excise taxes, sales and use taxes, and property taxes approved after January 1, 2015, to counties where a majority of the voters approved the imposition of the taxes.

FISCAL IMPACT: No net change to appropriated levels.

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