

SHB 1514 - S COMM AMD
By Committee on Ways & Means

ADOPTED 04/08/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 46.18.285 and 2020 c 18 s 17 are each amended to
4 read as follows:

5 (1) A registered owner who uses a passenger motor vehicle for
6 (~~commuter~~) ride sharing or ride sharing for persons with special
7 transportation needs, as defined in RCW 46.74.010, shall apply to the
8 department, county auditor or other agent, or subagent appointed by
9 the director for special ride share license plates. The registered
10 owner must qualify for the tax exemptions provided in RCW 82.08.0287,
11 82.12.0282, or 82.44.015, and pay the special ride share license
12 plate fee required under RCW 46.17.220(18) when the special ride
13 share license plates are initially issued.

14 (2) The special ride share license plates:

15 (a) Must be of a distinguishing separate numerical series or
16 design as defined by the department;

17 (b) Must be returned to the department when no longer in use or
18 when the registered owner no longer qualifies for the tax exemptions
19 provided in subsection (1) of this section; and

20 (c) Are not required to be renewed annually for motor vehicles
21 described in RCW 46.16A.170.

22 (3) Special ride share license plates may be transferred from one
23 motor vehicle to another motor vehicle as described in subsection (1)
24 of this section upon application to the department, county auditor or
25 other agent, or subagent appointed by the director.

26 (4) Any person who knowingly makes a false statement of a
27 material fact in the application for a special license plate under
28 subsection (1) of this section is guilty of a gross misdemeanor.

29 **Sec. 2.** RCW 46.74.010 and 2014 c 97 s 501 are each amended to
30 read as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly indicates otherwise.

3 ~~(1) ("Commuter ride sharing" means a car pool or van pool
4 arrangement whereby one or more fixed groups not exceeding fifteen
5 persons each including the drivers, and (a) not fewer than five
6 persons including the drivers, or (b) not fewer than four persons
7 including the drivers where at least two of those persons are
8 confined to wheelchairs when riding, are transported in a passenger
9 motor vehicle with a gross vehicle weight not exceeding ten thousand
10 pounds, excluding special rider equipment, between their places of
11 abode or termini near such places, and their places of employment or
12 educational or other institutions, each group in a single daily round
13 trip where the drivers are also on the way to or from their places of
14 employment or educational or other institution.~~

15 ~~(2) "Flexible commuter ride sharing" means a car pool or van pool
16 arrangement whereby a group of at least two but not exceeding fifteen
17 persons including the driver is transported in a passenger motor
18 vehicle with a gross vehicle weight not exceeding ten thousand
19 pounds, excluding special rider equipment, between their places of
20 abode or termini near such places, and their places of employment or
21 educational or other institutions, where the driver is also on the
22 way to or from his or her place of employment or educational or other
23 institution.~~

24 ~~(3)) "Persons with special transportation needs" has the same
25 meaning as provided in RCW 81.66.010.~~

26 ~~((4)) (2) "Ride sharing" means a carpool or vanpool arrangement
27 whereby one or more groups not exceeding 15 persons each including
28 the drivers, and not fewer than three persons including the drivers
29 are transported in a passenger motor vehicle with a gross vehicle
30 weight not exceeding 10,000 pounds. "Ride sharing" does not include
31 transportation provided in the normal course of business by entities
32 that are subject to chapters 46.72A, 48.177, 81.66, 81.68, 81.70, and
33 81.72 RCW, or offer peer-to-peer car sharing. For purposes of this
34 section, "peer-to-peer car sharing" means motor vehicle owners making
35 their motor vehicles available for persons to rent for short periods
36 of time.~~

37 (3) "Ride sharing for persons with special transportation needs"
38 means an arrangement whereby a group of persons with special
39 transportation needs, and their attendants, is transported by a
40 public social service agency or a private, nonprofit transportation

1 provider, as defined in RCW 81.66.010, serving persons with special
2 needs, in a passenger motor vehicle as defined by the department to
3 include small buses, cutaways, and modified vans not more than
4 twenty-eight feet long(~~(: PROVIDED, That the)~~). The driver need not
5 be a person with special transportation needs.

6 ~~((+5))~~ (4) "Ride-sharing operator" means the person, entity, or
7 concern, not necessarily the driver, responsible for the existence
8 and continuance of ~~((commuter))~~ ride sharing(~~(, flexible commuter~~
9 ~~ride-sharing,))~~ or ride sharing for persons with special
10 transportation needs. The term "ride-sharing operator" includes but
11 is not limited to an employer, an employer's agent, an employer-
12 organized association, a state agency, a county, a city, a public
13 transportation benefit area, a public transportation agency, or any
14 other political subdivision that owns or leases a ride-sharing
15 vehicle.

16 ~~((+6))~~ (5) "Ride-sharing promotional activities" means those
17 activities involved in forming a ~~((commuter))~~ ride-sharing
18 arrangement (~~(or a flexible commuter ride-sharing arrangement,))~~
19 including, but not limited to, receiving information from existing
20 and prospective ride-sharing participants, sharing that information
21 with other existing and prospective ride-sharing participants,
22 matching those persons with other existing or prospective ride-
23 sharing participants, and making assignments of persons to ride-
24 sharing arrangements.

25 **Sec. 3.** RCW 46.74.030 and 1997 c 250 s 9 are each amended to
26 read as follows:

27 The operator and the driver of a ~~((commuter))~~ ride-sharing
28 vehicle (~~(or a flexible commuter ride-sharing vehicle))~~ shall be held
29 to a reasonable and ordinary standard of care, and are not subject to
30 ordinances or regulations which relate exclusively to the regulation
31 of drivers or owners of motor vehicles operated for hire, or other
32 common carriers or public transit carriers. No person, entity, or
33 concern may, as a result of engaging in ride-sharing promotional
34 activities, be liable for civil damages arising directly or
35 indirectly (1) from the maintenance and operation of a ~~((commuter))~~
36 ride-sharing (~~(or flexible commuter ride-sharing))~~ vehicle; or (2)
37 from an intentional act of another person who is participating or
38 proposing to participate in a ~~((commuter))~~ ride-sharing (~~(or flexible~~
39 ~~commuter ride-sharing))~~ arrangement, unless the ride-sharing operator

1 or promoter had prior, actual knowledge that the intentional act was
2 likely to occur and had a reasonable ability to prevent the act from
3 occurring.

4 NEW SECTION. **Sec. 4.** The department of transportation and the
5 commute trip reduction board shall prepare a report regarding, and an
6 update to, the statutes governing the commute trip reduction program,
7 within existing resources. The department of transportation shall
8 provide the transportation committees of the legislature with the
9 report and update by October 1, 2021.

10 **Sec. 5.** RCW 82.04.355 and 1999 c 358 s 8 are each amended to
11 read as follows:

12 This chapter does not apply to any funds received in the course
13 of (~~(commuter)~~) ride sharing or ride sharing for persons with special
14 transportation needs in accordance with RCW 46.74.010.

15 **Sec. 6.** RCW 82.08.0287 and 2020 c 20 s 1472 are each amended to
16 read as follows:

17 (1) The tax imposed by this chapter does not apply to sales of
18 passenger motor vehicles which are to be used primarily for
19 (~~(commuter)~~) ride sharing or ride sharing for persons with special
20 transportation needs, as defined in RCW 46.74.010, if the vehicles
21 are used as ride-sharing vehicles for thirty-six consecutive months
22 beginning from the date of purchase.

23 (2) (a) To qualify for the tax exemption, those passenger motor
24 vehicles with (~~(five)~~) three or (~~(six)~~) more passengers, including
25 the driver, used for (~~(commuter)~~) ride sharing, must be operated
26 either within the state's eight largest counties that are required to
27 develop commute trip reduction plans as directed by chapter 70A.15
28 RCW (~~(or)~~), in other counties, or cities and towns within those
29 counties, that elect to adopt and implement a commute trip reduction
30 plan, or in other counties where the vehicle is registered with or
31 operated by a public transportation agency. Additionally at least one
32 of the following conditions must apply: (~~(a)~~) (i) The vehicle must
33 be operated by a public transportation agency for the benefit of the
34 general public; or (~~(b)~~) (ii) the vehicle must be used by a major
35 employer, as defined in RCW 70A.15.4010 as an element of its commute
36 trip reduction program for their employees; or (~~(c)~~) (iii) the
37 vehicle must be owned and operated by individual employees and must

1 be registered either with the employer as part of its commute trip
2 reduction program or with a public transportation agency (~~(serving~~
3 ~~the area where the employees live or work)~~). Individual employee
4 owned and operated motor vehicles will require certification that the
5 vehicle is registered with a major employer or a public
6 transportation agency. Major employers who own and operate motor
7 vehicles for their employees must certify that the (~~(commuter)~~) ride-
8 sharing arrangement conforms to a carpool/vanpool element contained
9 within their commute trip reduction program.

10 (b) Notwithstanding the ridership requirements under (a) of this
11 subsection (2), unless the vehicle is operated by a public
12 transportation agency, the vehicle must be used for ride sharing in
13 the transport of at least five passengers.

14 **Sec. 7.** RCW 82.12.0282 and 2020 c 20 s 1477 are each amended to
15 read as follows:

16 (1) The tax imposed by this chapter does not apply with respect
17 to the use of passenger motor vehicles used primarily for
18 (~~(commuter)~~) ride sharing or ride sharing for persons with special
19 transportation needs, as defined in RCW 46.74.010, if the vehicles
20 are used as ride-sharing vehicles for thirty-six consecutive months
21 beginning with the date of first use.

22 (2) (a) To qualify for the tax exemption, those passenger motor
23 vehicles with (~~(five))~~ three or (~~(six))~~ more passengers, including
24 the driver, used for (~~(commuter)~~) ride sharing, must be operated
25 either within the state's eight largest counties that are required to
26 develop commute trip reduction plans as directed by chapter 70A.15
27 RCW (~~(of)~~), in other counties, or cities and towns within those
28 counties, that elect to adopt and implement a commute trip reduction
29 plan, or in other counties where the vehicle is registered with or
30 operated by a public transportation agency. Additionally at least one
31 of the following conditions must apply: (~~(a))~~ (i) The vehicle must
32 be operated by a public transportation agency for the benefit of the
33 general public; or (~~(b))~~ (ii) the vehicle must be used by a major
34 employer, as defined in RCW 70A.15.4010 as an element of its commute
35 trip reduction program for their employees; or (~~(c))~~ (iii) the
36 vehicle must be owned and operated by individual employees and must
37 be registered either with the employer as part of its commute trip
38 reduction program or with a public transportation agency (~~(serving~~
39 ~~the area where the employees live or work)~~). Individual employee

1 owned and operated motor vehicles will require certification that the
2 vehicle is registered with a major employer or a public
3 transportation agency. Major employers who own and operate motor
4 vehicles for their employees must certify that the (~~commuter~~) ride-
5 sharing arrangement conforms to a carpool/vanpool element contained
6 within their commute trip reduction program.

7 (b) Notwithstanding the ridership requirements under (a) of this
8 subsection (2), unless the vehicle is operated by a public
9 transportation agency, the vehicle must be used for ride sharing in
10 the transport of at least five passengers.

11 **Sec. 8.** RCW 82.16.047 and 1999 c 358 s 12 are each amended to
12 read as follows:

13 This chapter does not apply to any funds received in the course
14 of (~~commuter~~) ride sharing or ride sharing for persons with special
15 transportation needs in accordance with RCW 46.74.010.

16 **Sec. 9.** RCW 82.44.015 and 2020 c 20 s 1488 are each amended to
17 read as follows:

18 (1) Passenger motor vehicles used primarily for (~~commuter~~) ride
19 sharing and ride sharing for persons with special transportation
20 needs, as defined in RCW 46.74.010, are not subject to the motor
21 vehicle excise tax authorized under this chapter if the vehicles are
22 used as ride-sharing vehicles for thirty-six consecutive months
23 beginning from the date of purchase.

24 (2) To qualify for the motor vehicle excise tax exemption for
25 (~~commuter~~) ride-sharing vehicles, passenger motor vehicles must:

26 (a) Have a seating capacity of (~~five~~) three or (~~six~~) more
27 passengers, including the driver;

28 (b) Be used for (~~commuter~~) ride sharing;

29 (c) Be operated either within:

30 (i) The state's eight largest counties that are required to
31 develop commute trip reduction plans as directed by chapter 70A.15
32 RCW; (~~or~~)

33 (ii) (~~In other~~) Other counties, or cities and towns within
34 those counties, that elect to adopt and implement a commute trip
35 reduction plan; or

36 (iii) Other counties, where the vehicle is registered with or
37 operated by a public transportation agency; and

38 (d) Meet at least one of the following conditions:

1 (i) The vehicle must be operated by a public transportation
2 agency for the benefit of the general public;

3 (ii) The vehicle must be used by a major employer, as defined in
4 RCW 70A.15.4010 as an element of its commute trip reduction program
5 for their employees; or

6 (iii) The vehicle must be owned and operated by individual
7 employees and must be registered either with the employer as part of
8 its commute trip reduction program or with a public transportation
9 agency (~~(serving the area where the employees live or work)~~).

10 Individual employee owned and operated motor vehicles will require
11 certification that the vehicle is registered with a major employer or
12 a public transportation agency. Major employers who own and operate
13 motor vehicles for their employees must certify that the (~~(commuter)~~)
14 ride-sharing arrangement conforms to a carpool/vanpool element
15 contained within their commute trip reduction program.

16 (3) The registered owner of a passenger motor vehicle described
17 in subsection (2) of this section:

18 (a) Shall notify the department upon the termination of the
19 primary use of the vehicle in (~~(committer)~~) ride sharing or ride
20 sharing for persons with special transportation needs; and

21 (b) Is liable for the motor vehicle excise tax imposed under this
22 chapter, prorated on the remaining months for which the vehicle is
23 registered.

24 **Sec. 10.** RCW 82.70.010 and 2005 c 297 s 1 are each amended to
25 read as follows:

26 The definitions in this section apply throughout this chapter and
27 RCW 70.94.996 unless the context clearly requires otherwise.

28 (1) "Public agency" means any county, city, or other local
29 government agency or any state government agency, board, or
30 commission.

31 (2) "Public transportation" means the same as "public
32 transportation service" as defined in RCW 36.57A.010 and includes
33 passenger services of the Washington state ferries.

34 (3) "Nonmotorized commuting" means commuting to and from the
35 workplace by an employee by walking or running or by riding a bicycle
36 or other device not powered by a motor.

37 (4) "Ride sharing" means the same as "~~(flexible commuter)~~ ride
38 sharing" as defined in RCW 46.74.010, including ride sharing on
39 Washington state ferries.

1 (5) "Car sharing" means a membership program intended to offer an
2 alternative to car ownership under which persons or entities that
3 become members are permitted to use vehicles from a fleet on an
4 hourly basis.

5 (6) "Telework" means a program where work functions that are
6 normally performed at a traditional workplace are instead performed
7 by an employee at his or her home at least one day a week for the
8 purpose of reducing the number of trips to the employee's workplace.

9 (7) "Applicant" means a person applying for a tax credit under
10 this chapter.

11 NEW SECTION. **Sec. 11.** This act takes effect September 1, 2021."

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By Committee on Ways & Means

ADOPTED 04/08/2021

12 On page 1, line 1 of the title, after "management;" strike the
13 remainder of the title and insert "amending RCW 46.18.285, 46.74.010,
14 46.74.030, 82.04.355, 82.08.0287, 82.12.0282, 82.16.047, 82.44.015,
15 and 82.70.010; creating a new section; and providing an effective
16 date."

EFFECT: Requires ridership of at least five persons for
eligibility for the sales and use tax exemptions unless the vehicle
is operated by a public transportation agency.

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