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HOUSE JOINT RESOLUTION 4201

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State of Washington                      67th Legislature                      2021 Regular Session

By Representatives Young, Walsh, Dent, Caldier, and Sutherland

Read first time 01/18/21. Referred to Committee on Transportation.

1            NEW SECTION.    **Sec. 1.** The legislature believes that the personal  
2 privacy of an individual should not be infringed upon by the  
3 government for the purposes of taxation and fee administration.  
4 Therefore, it is the intent of the legislature that details regarding  
5 when, where, and how an individual travels never be utilized by the  
6 state to calculate any taxes or fees owed to the state. Any form of  
7 technology currently in existence, or that is developed in the  
8 future, that has the capability of tracking the movement of  
9 individuals may not under any circumstances be collected by the  
10 state, or by a third party working to collect information for the  
11 state, to provide information to calculate taxes or fees for a per  
12 mile road usage charge for motor vehicles, or for any other tax or  
13 fee that could rely on such a calculation.

14            BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
15 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

16            THAT, At the next general election to be held in this state the  
17 secretary of state shall submit to the qualified voters of the state  
18 for their approval and ratification, or rejection, an amendment to  
19 Article I of the Constitution of the state of Washington by adding a  
20 new section to read as follows:

1 Article I, section . . . . No tax or fee assessed by the state may  
2 rely, in whole or in part, on technology that is used to track the  
3 movement of individuals or vehicles to collect information used in  
4 the calculation of the tax or fee to be assessed. Such technology  
5 could be hardware that is permanently or temporarily attached to a  
6 vehicle, transportation device, or entity; software that is installed  
7 on or can be configured on a vehicle, smartphone, or other  
8 technological device transported by individuals; or any other type of  
9 device that may be used to track the movement of individuals or  
10 vehicles. This prohibition does not include a prohibition on  
11 technology similar in function to a vehicle odometer, which is used  
12 solely to collect information on distance traveled, and which does  
13 not collect specific location information to determine distance  
14 traveled. This prohibition also does not include a prohibition on  
15 technology that has the capability to distinguish driving that occurs  
16 in Washington from driving that occurs outside of Washington,  
17 provided that: (1) This technology does not retain any location  
18 information for a period of time longer than the amount of time  
19 required to make this determination; and (2) this capability is not  
20 activated unless a person selects the option to use it.

21 BE IT FURTHER RESOLVED, That this amendment is a single amendment  
22 within the meaning of Article XXIII, section 1 of the state  
23 Constitution.

24 The legislature finds that the changes contained in this  
25 amendment constitute a single integrated plan for prohibiting the  
26 tracking of the movement of individuals for the purposes of  
27 determining taxes or fees to be assessed. If this amendment is held  
28 to be separate amendments, this joint resolution is void in its  
29 entirety and is of no further force and effect.

30 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
31 notice of this constitutional amendment to be published at least four  
32 times during the four weeks next preceding the election in every  
33 legal newspaper in the state.

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