

RCW 46.01.140 County auditors, agents, and subagents—Powers and duties—Standard contracts—Rules. (1) **County auditor/agent duties.** A county auditor or other agent appointed by the director must:

- (a) Enter into a standard contract provided by the director;
- (b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the director including, but not limited to:
 - (i) Processing reports of sale;
 - (ii) Processing transitional ownership transactions;
 - (iii) Processing mail-in vehicle registration renewals until directed otherwise by legislative authority;
 - (iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;
 - (v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and
 - (vi) Collecting fees and taxes as required;
- (c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(2) **County auditor/agent assistants and subagents.** A county auditor or other agent appointed by the director may, with approval of the director:

- (a) Appoint assistants as special deputies to accept applications for vehicle certificates of title and to issue vehicle registrations; and
- (b) Recommend and request that the director appoint subagencies within the county to accept applications for vehicle certificates of title and vehicle registration application issuance.

(3) **Appointing subagents.** A county auditor or other agent appointed by the director who requests a subagency must, with approval of the director:

- (a) Use an open competitive process including, but not limited to, a written business proposal and oral interview to determine the qualifications of all interested applicants; and
- (b) Submit all proposals to the director with a recommendation for appointment of one or more subagents who have applied through the open competitive process. If a qualified successor who is an existing subagent's sibling, spouse, or child, or a subagency employee has applied, the county auditor must provide the name of the qualified successor and the name of one other applicant who is qualified and was chosen through the open competitive process.

(4) **Subagent duties.** A subagent appointed by the director must:

- (a) Enter into a standard contract with the county auditor or agent provided by the director;
- (b) Provide all services authorized by the director for vehicle certificates of title and vehicle registration applications and issuance under the direction and supervision of the county auditor or agent and the director including, but not limited to:
 - (i) Processing reports of sale;
 - (ii) Processing transitional ownership transactions;
 - (iii) Mailing out vehicle registrations and replacement plates to internet payment option customers until directed otherwise by legislative authority;
 - (iv) Issuing registrations and temporary ORV use permits for off-road vehicles as required under chapter 46.09 RCW;

(v) Issuing registrations for snowmobiles as required under chapter 46.10 RCW; and

(vi) Collecting fees and taxes as required; and

(c) If authorized by the director, offer for sale discover passes as provided in chapter 79A.80 RCW.

(5) **Subagent successorship.** A subagent appointed by the director who no longer wants his or her appointment may recommend a successor who is the subagent's sibling, spouse, or child, or a subagency employee. The recommended successor must participate in the open competitive process used to select an applicant. In making successor recommendations and appointment determinations, the following provisions apply:

(a) If a subagency is held by a partnership or corporate entity, the nomination must be submitted on behalf of, and agreed to by, all partners or corporate officers;

(b) A subagent may not receive any direct or indirect compensation or remuneration from any party or entity in recognition of a successor nomination. A subagent may not receive any financial benefit from the transfer or termination of an appointment;

(c) The appointment of a successor is intended to assist in the efficient transfer of appointments to minimize public inconvenience. The appointment of a successor does not create a proprietary or property interest in the appointment;

(d) A subagent appointee who is planning to retire within twelve months may recommend a successor without resigning his or her appointment by submitting a letter of intent to retire with a successor recommendation to the county auditor or other agent appointed by the director. The county auditor or other agent appointed by the director shall, within sixty days, respond in writing to the subagent appointee indicating if the recommended successor would be considered in the open competitive process. If there are negative factors or deficiencies pertaining to the subagency operation or the recommended successor, the county auditor or other agent appointed by the director must state these factors in writing to the subagent appointee. The subagent appointee may withdraw the letter of intent to retire any time prior to the start of the open competitive process by writing to the county auditor or other agent appointed by the director and filing a copy with the director;

(e) A subagent appointee may name a recommended successor at any time during his or her appointment by notifying the county auditor or other agent appointed by the director in writing and filing a copy with the director. The purpose of this recommendation is for the county auditor or other agent appointed by the director to know the wishes of the subagent appointee in the event of the death or incapacitation of a sole subagent appointee or last remaining subagent appointee that could lead to the inability of the subagent to continue to fulfill the obligations of the appointment; and

(f) If the county auditor or other agent appointed by the director does not select the recommended successor for appointment as a result of the open competitive process, the county auditor or other agent appointed by the director must contact the subagent appointee by letter and explain the decision. The subagent appointee must be provided an opportunity to respond in writing. Any response by the subagent appointee must be included in the open competitive process materials submitted to the department.

(6) **Standard contracts.** The standard contracts provided by the director in this section may include provisions that the director

deems necessary to ensure that readily accessible and acceptable service is provided to the citizens of the state, including the full collection of fees and taxes. The standard contracts must include provisions that:

(a) Describe responsibilities and liabilities of each party related to service expectations and levels;

(b) Describe the equipment to be supplied by the department and equipment maintenance;

(c) Require specific types of insurance or bonds, or both, to protect the state against any loss of collected revenue or loss of equipment;

(d) Specify the amount of training that will be provided by each of the parties;

(e) Describe allowable costs that may be charged for vehicle registration activities as described in subsection (7) of this section; and

(f) Describe causes and procedures for termination of the contract, which may include mediation and binding arbitration.

(7) **County auditor/agent cost reimbursement.** A county auditor or other agent appointed by the director who does not cover expenses for services provided by the standard contract may submit to the department a request for cost-coverage moneys. The request must be submitted on a form developed by the department. The department must develop procedures to standardize and identify allowable costs and to verify whether a request is reasonable. Payment must be made on those requests found to be allowable from the licensing services account.

(8) **County auditor/agent revenue disbursement.** County revenues that exceed the cost of providing services described in the standard contract, calculated in accordance with the procedures in subsection (7) of this section, must be expended as determined by the county legislative authority during the process established by law for adoption of county budgets.

(9) **Appointment authority.** The director has final appointment authority for county auditors or other agents or subagents.

(10) **Rules.** The director may adopt rules to implement this section. [2013 c 169 s 1; 2012 c 261 s 10; 2011 c 171 s 11. Prior: 2010 1st sp.s. c 7 s 139; 2010 c 221 s 1; 2010 c 161 s 204; 2005 c 343 s 1; 2003 c 370 s 3; 2001 c 331 s 1; 1996 c 315 s 1; 1992 c 216 s 1; 1991 c 339 s 16; 1990 c 250 s 89; 1988 c 12 s 1; 1987 c 302 s 1; 1985 c 380 s 12; prior: 1983 c 77 s 1; 1983 c 26 s 1; 1980 c 114 s 2; 1979 c 158 s 122; 1975 1st ex.s. c 146 s 1; 1973 c 103 s 1; 1971 ex.s. c 231 s 9; 1971 ex.s. c 91 s 3; 1965 c 156 s 14; 1963 c 85 s 1; 1961 c 12 s 46.08.100; prior: 1955 c 89 s 3; 1937 c 188 s 27; RRS s 6312-27. Formerly RCW 46.08.100.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—2010 1st sp.s. c 26; 2010 1st sp.s. c 7: See note following RCW 43.03.027.

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Application—2003 c 370: "Sections 2 and 3 of this act take effect for renewals that are due or become due on or after November 1, 2003." [2003 c 370 s 6.] Section 2 of this act was vetoed by the governor.

Effective dates—1996 c 315 ss 1, 4, 5: "(1) Section 4 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vehicle fees due or to become due on January 1, 1997, and thereafter.

(2) Section 5 of this act and the amendments to RCW 46.01.140(4) (a) and (c) by section 1 of this act become effective on vessel fees due or to become due on July 1, 1997, and thereafter.

(3) The amendments to RCW 46.01.140(5) (a) and (b) by section 1 of this act become effective on July 1, 1996." [1996 c 315 s 6.]

Effective date—1991 c 339 ss 16, 17: "Sections 16 and 17 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1991." [1991 c 339 s 34.]

Severability—1987 c 302: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1987 c 302 s 5.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.