

By Senator Hobbs

Concerning transportation funding.

1 AN ACT Relating to transportation funding; amending RCW
2 82.38.030, 46.68.090, 46.09.520, 46.10.530, 79A.25.070, 82.42.020,
3 82.08.020, 82.12.020, 46.17.355, 46.17.365, 46.17.400, 46.68.455,
4 46.17.200, 46.17.100, 46.17.160, 46.68.025, 46.17.120, 46.17.015,
5 46.17.025, 46.17.345, 46.17.350, 46.68.035, 46.12.635, 46.12.630,
6 46.20.202, 46.20.161, 46.20.161, 46.20.181, 46.20.117, 46.68.041,
7 46.68.041, 46.52.130, 46.20.200, 47.60.315, 47.60.322, 82.49.010,
8 82.49.030, 46.17.323, 46.17.324, 42.56.330, 82.21.030, 46.70.180,
9 82.32.385, 47.68.250, 47.68.250, 47.68.020, 47.56.850, and 47.46.100;
10 reenacting and amending RCW 46.20.117, 43.84.092, and 43.84.092;
11 adding a new section to chapter 36.01 RCW; adding a new section to
12 chapter 46.01 RCW; adding a new section to chapter 82.02 RCW; adding
13 a new section to chapter 46.17 RCW; adding a new section to chapter
14 46.08 RCW; adding new sections to chapter 46.68 RCW; adding a new
15 section to chapter 47.46 RCW; adding a new section to chapter 47.68
16 RCW; repealing RCW 46.17.323, 47.46.190, and 47.46.200; repealing
17 2018 c 195 s 3; prescribing penalties; providing effective dates;
18 providing a contingent effective date; providing expiration dates;
19 and declaring an emergency.

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

21

Part I

1 **Motor Vehicle Fuel & Aircraft Fuel Taxes**

2 **Sec. 101.** RCW 82.38.030 and 2015 3rd sp.s. c 44 s 103 are each
3 amended to read as follows:

4 (1) There is levied and imposed upon fuel licensees a tax at the
5 rate of twenty-three cents per gallon of fuel.

6 (2) Beginning July 1, 2003, an additional and cumulative tax rate
7 of five cents per gallon of fuel is imposed on fuel licensees. This
8 subsection (2) expires when the bonds issued for transportation 2003
9 projects are retired.

10 (3) Beginning July 1, 2005, an additional and cumulative tax rate
11 of three cents per gallon of fuel is imposed on fuel licensees.

12 (4) Beginning July 1, 2006, an additional and cumulative tax rate
13 of three cents per gallon of fuel is imposed on fuel licensees.

14 (5) Beginning July 1, 2007, an additional and cumulative tax rate
15 of two cents per gallon of fuel is imposed on fuel licensees.

16 (6) Beginning July 1, 2008, an additional and cumulative tax rate
17 of one and one-half cents per gallon of fuel is imposed on fuel
18 licensees.

19 (7) Beginning August 1, 2015, an additional and cumulative tax
20 rate of seven cents per gallon of fuel is imposed on fuel licensees.

21 (8) Beginning July 1, 2016, an additional and cumulative tax rate
22 of four and nine-tenths cents per gallon of fuel is imposed on fuel
23 licensees.

24 (9) Beginning July 1, 2021, an additional and cumulative tax rate
25 of nine and eight-tenths cents per gallon of fuel is imposed on fuel
26 licensees.

27 (10) Taxes are imposed when:

28 (a) Fuel is removed in this state from a terminal if the fuel is
29 removed at the rack unless the removal is by a licensed supplier or
30 distributor for direct delivery to a destination outside of the
31 state, or the removal is by a fuel supplier for direct delivery to an
32 international fuel tax agreement licensee under RCW 82.38.320;

33 (b) Fuel is removed in this state from a refinery if either of
34 the following applies:

35 (i) The removal is by bulk transfer and the refiner or the owner
36 of the fuel immediately before the removal is not a licensed
37 supplier; or

38 (ii) The removal is at the refinery rack unless the removal is to
39 a licensed supplier or distributor for direct delivery to a

1 destination outside of the state, or the removal is to a licensed
2 supplier for direct delivery to an international fuel tax agreement
3 licensee under RCW 82.38.320;

4 (c) Fuel enters into this state for sale, consumption, use, or
5 storage, unless the fuel enters this state for direct delivery to an
6 international fuel tax agreement licensee under RCW 82.38.320, if
7 either of the following applies:

8 (i) The entry is by bulk transfer and the importer is not a
9 licensed supplier; or

10 (ii) The entry is not by bulk transfer;

11 (d) Fuel enters this state by means outside the bulk transfer-
12 terminal system and is delivered directly to a licensed terminal
13 unless the owner is a licensed distributor or supplier;

14 (e) Fuel is sold or removed in this state to an unlicensed entity
15 unless there was a prior taxable removal, entry, or sale of the fuel;

16 (f) Blended fuel is removed or sold in this state by the blender
17 of the fuel. The number of gallons of blended fuel subject to tax is
18 the difference between the total number of gallons of blended fuel
19 removed or sold and the number of gallons of previously taxed fuel
20 used to produce the blended fuel;

21 (g) Dyed special fuel is used on a highway, as authorized by the
22 internal revenue code, unless the use is exempt from the fuel tax;

23 (h) Dyed special fuel is held for sale, sold, used, or is
24 intended to be used in violation of this chapter;

25 (i) Special fuel purchased by an international fuel tax agreement
26 licensee under RCW 82.38.320 is used on a highway; and

27 (j) Fuel is sold by a licensed fuel supplier to a fuel
28 distributor or fuel blender and the fuel is not removed from the bulk
29 transfer-terminal system.

30 **Sec. 102.** RCW 46.68.090 and 2015 3rd sp.s. c 44 s 105 are each
31 amended to read as follows:

32 (1) All moneys that have accrued or may accrue to the motor
33 vehicle fund from the fuel tax must be first expended for purposes
34 enumerated in (a) and (b) of this subsection. The remaining net tax
35 amount must be distributed monthly by the state treasurer in
36 accordance with subsections (2) through (~~(8)~~) (9) of this section.

37 (a) For payment of refunds of fuel tax that has been paid and is
38 refundable as provided by law;

1 (b) For payment of amounts to be expended pursuant to
2 appropriations for the administrative expenses of the offices of
3 state treasurer, state auditor, and the department of licensing of
4 the state of Washington in the administration of the fuel tax, which
5 sums must be distributed monthly.

6 (2) All of the remaining net tax amount collected under RCW
7 82.38.030(1) must be distributed as set forth in (a) through (j) of
8 this subsection.

9 (a) For distribution to the motor vehicle fund an amount equal to
10 44.387 percent to be expended for highway purposes of the state as
11 defined in RCW 46.68.130;

12 (b)(i) For distribution to the special category C account, hereby
13 created in the motor vehicle fund, an amount equal to 3.2609 percent
14 to be expended for special category C projects. Special category C
15 projects are category C projects that, due to high cost only, will
16 require bond financing to complete construction.

17 (ii) The following criteria, listed in order of priority, must be
18 used in determining which special category C projects have the
19 highest priority:

20 (A) Accident experience;

21 (B) Fatal accident experience;

22 (C) Capacity to move people and goods safely and at reasonable
23 speeds without undue congestion; and

24 (D) Continuity of development of the highway transportation
25 network.

26 (iii) Moneys deposited in the special category C account in the
27 motor vehicle fund may be used for payment of debt service on bonds
28 the proceeds of which are used to finance special category C projects
29 under this subsection (2)(b);

30 (c) For distribution to the Puget Sound ferry operations account
31 in the motor vehicle fund an amount equal to 2.3283 percent;

32 (d) For distribution to the Puget Sound capital construction
33 account in the motor vehicle fund an amount equal to 2.3726 percent;

34 (e) For distribution to the transportation improvement account in
35 the motor vehicle fund an amount equal to 7.5597 percent;

36 (f) For distribution to the transportation improvement account in
37 the motor vehicle fund an amount equal to 5.6739 percent and expended
38 in accordance with RCW 47.26.086;

1 (g) For distribution to the cities and towns from the motor
2 vehicle fund an amount equal to 10.6961 percent in accordance with
3 RCW 46.68.110;

4 (h) For distribution to the counties from the motor vehicle fund
5 an amount equal to 19.2287 percent: (i) Out of which there must be
6 distributed from time to time, as directed by the department of
7 transportation, those sums as may be necessary to carry out the
8 provisions of RCW 47.56.725; and (ii) less any amounts appropriated
9 to the county road administration board to implement the provisions
10 of RCW 47.56.725(4), with the balance of such county share to be
11 distributed monthly as the same accrues for distribution in
12 accordance with RCW 46.68.120;

13 (i) For distribution to the county arterial preservation account,
14 hereby created in the motor vehicle fund an amount equal to 1.9565
15 percent. These funds must be distributed by the county road
16 administration board to counties in proportions corresponding to the
17 number of paved arterial lane miles in the unincorporated area of
18 each county and must be used for improvements to sustain the
19 structural, safety, and operational integrity of county arterials.
20 The county road administration board must adopt reasonable rules and
21 develop policies to implement this program and to assure that a
22 pavement management system is used;

23 (j) For distribution to the rural arterial trust account in the
24 motor vehicle fund an amount equal to 2.5363 percent and expended in
25 accordance with RCW 36.79.020.

26 (3) The remaining net tax amount collected under RCW 82.38.030(2)
27 must be distributed to the transportation 2003 account (nickel
28 account).

29 (4) The remaining net tax amount collected under RCW 82.38.030(3)
30 must be distributed as follows:

31 (a) 8.3333 percent must be distributed to the incorporated cities
32 and towns of the state in accordance with RCW 46.68.110;

33 (b) 8.3333 percent must be distributed to counties of the state
34 in accordance with RCW 46.68.120; and

35 (c) The remainder must be distributed to the transportation
36 partnership account created in RCW 46.68.290.

37 (5) The remaining net tax amount collected under RCW 82.38.030(4)
38 must be distributed as follows:

39 (a) 8.3333 percent must be distributed to the incorporated cities
40 and towns of the state in accordance with RCW 46.68.110;

1 (b) 8.3333 percent must be distributed to counties of the state
2 in accordance with RCW 46.68.120; and

3 (c) The remainder must be distributed to the transportation
4 partnership account created in RCW 46.68.290.

5 (6) The remaining net tax amount collected under RCW 82.38.030
6 (5) and (6) must be distributed to the transportation partnership
7 account created in RCW 46.68.290.

8 (7) The remaining net tax amount collected under RCW 82.38.030
9 (7) and (8) must be distributed to the connecting Washington account
10 created in RCW 46.68.395.

11 (8) The remaining net tax amount collected under RCW 82.38.030(9)
12 must be distributed to the forward Washington account created in
13 section 801 of this act.

14 (9) Nothing in this section or in RCW 46.68.130 may be construed
15 so as to violate any terms or conditions contained in any highway
16 construction bond issues now or hereafter authorized by statute and
17 whose payment is by such statute pledged to be paid from any excise
18 taxes on fuel.

19 **Sec. 103.** RCW 46.09.520 and 2015 3rd sp.s. c 44 s 110 are each
20 amended to read as follows:

21 (1) From time to time, but at least once each year, the state
22 treasurer must refund from the motor vehicle fund one percent of the
23 motor vehicle fuel tax revenues collected under chapter 82.38 RCW,
24 based on: (a) A tax rate of: (i) Nineteen cents per gallon of motor
25 vehicle fuel from July 1, 2003, through June 30, 2005; (ii) twenty
26 cents per gallon of motor vehicle fuel from July 1, 2005, through
27 June 30, 2007; (iii) twenty-one cents per gallon of motor vehicle
28 fuel from July 1, 2007, through June 30, 2009; (iv) twenty-two cents
29 per gallon of motor vehicle fuel from July 1, 2009, through June 30,
30 2011; (v) twenty-three cents per gallon of motor vehicle fuel from
31 July 1, 2011, through July 31, 2015; (vi) thirty cents per gallon of
32 motor vehicle fuel from August 1, 2015, through June 30, 2016;
33 (~~and~~) (vii) thirty-four and nine-tenths cents per gallon of motor
34 vehicle fuel from July 1, 2016, through June 30, 2021; (viii) forty-
35 four and seven-tenths cents per gallon of motor vehicle fuel from
36 July 1, 2021, through June 30, 2031; and (b) beginning July 1, 2031,
37 and thereafter, the state's motor vehicle fuel tax rate in existence
38 at the time of the fuel purchase, less proper deductions for refunds
39 and costs of collection as provided in RCW 46.68.090.

1 (2) The treasurer must place these funds in the general fund as
2 follows:

3 (a) Thirty-six percent must be credited to the ORV and nonhighway
4 vehicle account and administered by the department of natural
5 resources solely for acquisition, planning, development, maintenance,
6 and management of ORV, nonmotorized, and nonhighway road recreation
7 facilities, and information programs and maintenance of nonhighway
8 roads;

9 (b) Three and one-half percent must be credited to the ORV and
10 nonhighway vehicle account and administered by the department of fish
11 and wildlife solely for the acquisition, planning, development,
12 maintenance, and management of ORV, nonmotorized, and nonhighway road
13 recreation facilities and the maintenance of nonhighway roads;

14 (c) Two percent must be credited to the ORV and nonhighway
15 vehicle account and administered by the parks and recreation
16 commission solely for the acquisition, planning, development,
17 maintenance, and management of ORV, nonmotorized, and nonhighway road
18 recreation facilities; and

19 (d) Fifty-eight and one-half percent must be credited to the
20 nonhighway and off-road vehicle activities program account to be
21 administered by the board for planning, acquisition, development,
22 maintenance, and management of ORV, nonmotorized, and nonhighway road
23 recreation facilities and for education, information, and law
24 enforcement programs. The funds under this subsection must be
25 expended in accordance with the following limitations:

26 (i) Not more than thirty percent may be expended for education,
27 information, and law enforcement programs under this chapter;

28 (ii) Not less than seventy percent may be expended for ORV,
29 nonmotorized, and nonhighway road recreation facilities. Except as
30 provided in (d)(iii) of this subsection, of this amount:

31 (A) Not less than thirty percent, together with the funds the
32 board receives under RCW 46.68.045, may be expended for ORV
33 recreation facilities;

34 (B) Not less than thirty percent may be expended for nonmotorized
35 recreation facilities. Funds expended under this subsection
36 (2)(d)(ii)(B) are known as Ira Spring outdoor recreation facilities
37 funds; and

38 (C) Not less than thirty percent may be expended for nonhighway
39 road recreation facilities;

1 (iii) The board may waive the minimum percentage cited in (d) (ii)
2 of this subsection due to insufficient requests for funds or projects
3 that score low in the board's project evaluation. Funds remaining
4 after such a waiver must be allocated in accordance with board
5 policy.

6 (3) On a yearly basis an agency may not, except as provided in
7 RCW 46.68.045, expend more than ten percent of the funds it receives
8 under this chapter for general administration expenses incurred in
9 carrying out this chapter.

10 (4) During the 2009-2011 fiscal biennium, the legislature may
11 appropriate such amounts as reflect the excess fund balance in the
12 NOVA account to the department of natural resources to install
13 consistent off-road vehicle signage at department-managed recreation
14 sites, and to implement the recreation opportunities on department-
15 managed lands in the Reiter block and Ahtanum state forest, and to
16 the state parks and recreation commission. The legislature finds that
17 the appropriation of funds from the NOVA account during the 2009-2011
18 fiscal biennium for maintenance and operation of state parks or to
19 improve accessibility for boaters and off-road vehicle users at state
20 parks will benefit boaters and off-road vehicle users and others who
21 use nonhighway and nonmotorized recreational facilities. The
22 appropriations under this subsection are not required to follow the
23 specific distribution specified in subsection (2) of this section.

24 **Sec. 104.** RCW 46.10.530 and 2015 3rd sp.s. c 44 s 112 are each
25 amended to read as follows:

26 From time to time, but at least once each four years, the
27 department shall determine the amount of moneys paid to it as motor
28 vehicle fuel tax that is tax on snowmobile fuel. Such determination
29 shall use one hundred thirty-five gallons as the average yearly fuel
30 usage per snowmobile, the number of registered snowmobiles during the
31 calendar year under determination, and: (1) A fuel tax rate of: (a)
32 Nineteen cents per gallon of motor vehicle fuel from July 1, 2003,
33 through June 30, 2005; (b) twenty cents per gallon of motor vehicle
34 fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents
35 per gallon of motor vehicle fuel from July 1, 2007, through June 30,
36 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July
37 1, 2009, through June 30, 2011; (e) twenty-three cents per gallon of
38 motor vehicle fuel from July 1, 2011, through July 31, 2015; (f)
39 thirty cents per gallon of motor vehicle fuel from August 1, 2015,

1 through June 30, 2016; (~~and~~) (g) thirty-four and nine-tenths cents
2 per gallon of motor vehicle fuel from July 1, 2016, through June 30,
3 2021; (h) forty-four and seven-tenths cents per gallon of motor
4 vehicle fuel from July 1, 2021, through June 30, 2031; and (2)
5 beginning July 1, 2031, and thereafter, the state's motor vehicle
6 fuel tax rate in existence at the time of the fuel purchase.

7 **Sec. 105.** RCW 79A.25.070 and 2015 3rd sp.s. c 44 s 113 are each
8 amended to read as follows:

9 Upon expiration of the time limited by RCW 82.36.330 for claiming
10 of refunds of tax on marine fuel, the state of Washington shall
11 succeed to the right to such refunds. The director of licensing,
12 after taking into account past and anticipated claims for refunds
13 from and deposits to the marine fuel tax refund account, shall
14 request the state treasurer to transfer monthly from the marine fuel
15 tax refund account an amount equal to the proportion of the moneys in
16 the account representing: (1) A motor vehicle fuel tax rate of: (a)
17 Nineteen cents per gallon of motor vehicle fuel from July 1, 2003,
18 through June 30, 2005; (b) twenty cents per gallon of motor vehicle
19 fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents
20 per gallon of motor vehicle fuel from July 1, 2007, through June 30,
21 2009; (d) twenty-two cents per gallon of motor vehicle fuel from July
22 1, 2009, through June 30, 2011; (e) twenty-three cents per gallon of
23 motor vehicle fuel from July 1, 2011, through July 31, 2015; (f)
24 thirty cents per gallon of motor vehicle fuel from August 1, 2015,
25 through June 30, 2016; (~~and~~) (g) thirty-four and nine-tenths cents
26 per gallon of motor vehicle fuel from July 1, 2016, through June 30,
27 2021; and (h) forty-four and seven-tenths cents per gallon of motor
28 vehicle fuel from July 1, 2021, through June 30, 2031; and (2)
29 beginning July 1, 2031, and thereafter, the state's motor vehicle
30 fuel tax rate in existence at the time of the fuel purchase, to the
31 recreation resource account and the remainder to the motor vehicle
32 fund.

33 **Sec. 106.** RCW 82.42.020 and 2013 c 225 s 302 are each amended to
34 read as follows:

35 There is levied upon every distributor of aircraft fuel, an
36 excise tax at the rate of (~~eleven~~) 16 cents on each gallon of
37 aircraft fuel sold, delivered, or used in this state. There must be
38 collected from every user of aircraft fuel either the use tax imposed

1 by RCW 82.12.020 or the retail sales tax imposed by RCW 82.08.020.
2 The taxes imposed by this chapter must be collected and paid to the
3 state but once in respect to any aircraft fuel.

4 **Part II**

5 **Rental Car Tax, Sales and Use Taxes on Automobile Parts,**
6 **Redirection of Sales and Use Tax on Electric, Hybrid, and Other**
7 **Alternative Fuel Vehicles**

8 **Sec. 201.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to
9 read as follows:

10 (1) There is levied and collected a tax equal to six and five-
11 tenths percent of the selling price on each retail sale in this state
12 of:

13 (a) Tangible personal property, unless the sale is specifically
14 excluded from the RCW 82.04.050 definition of retail sale;

15 (b) Digital goods, digital codes, and digital automated services,
16 if the sale is included within the RCW 82.04.050 definition of retail
17 sale;

18 (c) Services, other than digital automated services, included
19 within the RCW 82.04.050 definition of retail sale;

20 (d) Extended warranties to consumers; and

21 (e) Anything else, the sale of which is included within the RCW
22 82.04.050 definition of retail sale.

23 (2) There is levied and collected an additional tax on each
24 retail car rental, regardless of whether the vehicle is licensed in
25 this state, equal to (~~five~~) six and nine-tenths percent of the
26 selling price. 14.5 percent of the revenues collected under this
27 subsection must be deposited into the forward flexible account
28 created in section 802 of this act and the remainder of the revenue
29 collected under this subsection must be deposited in the multimodal
30 transportation account created in RCW 47.66.070.

31 (3) (a) Beginning July 1, 2003, there is levied and collected an
32 additional tax of three-tenths of one percent of the selling price on
33 each retail sale of a motor vehicle in this state, other than retail
34 car rentals taxed under subsection (2) of this section. The revenue
35 collected under this subsection must be deposited in the multimodal
36 transportation account created in RCW 47.66.070.

1 (~~(4)~~) (b) For purposes of this subsection (3) (~~(of this~~
2 ~~section)~~), "motor vehicle" has the meaning provided in RCW 46.04.320,
3 but does not include:

4 (~~(a)~~) (i) Farm tractors or farm vehicles as defined in RCW
5 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is
6 for use in the production of marijuana;

7 (~~(b)~~) (ii) Off-road vehicles as defined in RCW 46.04.365;

8 (~~(c)~~) (iii) Nonhighway vehicles as defined in RCW 46.09.310;
9 and

10 (~~(d)~~) (iv) Snowmobiles as defined in RCW 46.04.546.

11 (4) (a) Beginning October 1, 2021, there is levied and collected
12 an additional tax equal to one percent of the selling price on each
13 retail sale in this state of automobile parts and accessories. All
14 revenues collected under this subsection must be deposited into the
15 forward flexible account created in section 802 of this act.

16 (b) For the purposes of this subsection (4), "automobile parts
17 and accessories" means any tangible personal property primarily used
18 to improve, repair, replace, or serve as a component part of a motor
19 vehicle, as defined in RCW 46.04.320. "Automobile parts and
20 accessories" includes any tangible personal property designed to be
21 attached to or used in connection with a motor vehicle to add to its
22 utility or ornamentation, regardless of whether the tangible personal
23 property is essential to the motor vehicles operation or use.

24 (5) (a) Beginning July 1, 2026, all revenue collected under
25 subsection (1) of this section on each new and used retail sales in
26 this state of an electric or hybrid vehicle that is a passenger car
27 or light truck, including private-party sales, but excluding retail
28 car rentals taxed under subsection (2) of this section, must be
29 deposited in the forward flexible account created in section 802 of
30 this act.

31 (b) For purposes of this subsection (5):

32 (i) "Electric or hybrid vehicle" means:

33 (A) An electric or hybrid vehicle that uses at least one method
34 of propulsion that is capable of being reenergized by an external
35 source of electricity; or

36 (B) A hybrid electric and gasoline vehicle that is not a plug-in
37 hybrid; or

38 (C) An alternative fuel vehicle, including those powered by an
39 electric fuel cell.

1 (ii) "Light truck" has the same meaning provided in RCW
2 46.04.271.

3 (iii) "Passenger car" has the same meaning provided in RCW
4 46.04.382.

5 (6) Beginning on December 8, 2005, 0.16 percent of the taxes
6 collected under subsection (1) of this section must be dedicated to
7 funding comprehensive performance audits required under RCW
8 43.09.470. The revenue identified in this subsection must be
9 deposited in the performance audits of government account created in
10 RCW 43.09.475.

11 ((+6)) (7) There is levied and collected an additional tax on
12 personal vehicle sharing transactions equal to five percent of the
13 selling price. The revenue collected under this subsection must be
14 deposited in the forward flexible account created in section 802 of
15 this act. For purposes of this subsection, "personal vehicle sharing"
16 has the same meaning as in RCW 48.175.005 and does not mean a "retail
17 car rental" as defined in RCW 82.08.011.

18 (8) The taxes imposed under this chapter apply to successive
19 retail sales of the same property.

20 ((+7)) (9) The rates provided in this section apply to taxes
21 imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

22 **Sec. 202.** RCW 82.12.020 and 2017 c 323 s 520 are each amended to
23 read as follows:

24 (1) There is levied and collected from every person in this state
25 a tax or excise for the privilege of using within this state as a
26 consumer any:

27 (a) Article of tangible personal property acquired by the user in
28 any manner, including tangible personal property acquired at a casual
29 or isolated sale, and including by-products used by the manufacturer
30 thereof, except as otherwise provided in this chapter, irrespective
31 of whether the article or similar articles are manufactured or are
32 available for purchase within this state;

33 (b) Prewritten computer software, regardless of the method of
34 delivery, but excluding prewritten computer software that is either
35 provided free of charge or is provided for temporary use in viewing
36 information, or both;

37 (c) Services defined as a retail sale in RCW 82.04.050 (2) (a) or
38 (g) or (6)(c), excluding services defined as a retail sale in RCW
39 82.04.050(6)(c) that are provided free of charge;

1 (d) Extended warranty; or

2 (e) (i) Digital good, digital code, or digital automated service,
3 including the use of any services provided by a seller exclusively in
4 connection with digital goods, digital codes, or digital automated
5 services, whether or not a separate charge is made for such services.

6 (ii) With respect to the use of digital goods, digital automated
7 services, and digital codes acquired by purchase, the tax imposed in
8 this subsection (1) (e) applies in respect to:

9 (A) Sales in which the seller has granted the purchaser the right
10 of permanent use;

11 (B) Sales in which the seller has granted the purchaser a right
12 of use that is less than permanent;

13 (C) Sales in which the purchaser is not obligated to make
14 continued payment as a condition of the sale; and

15 (D) Sales in which the purchaser is obligated to make continued
16 payment as a condition of the sale.

17 (iii) With respect to digital goods, digital automated services,
18 and digital codes acquired other than by purchase, the tax imposed in
19 this subsection (1) (e) applies regardless of whether or not the
20 consumer has a right of permanent use or is obligated to make
21 continued payment as a condition of use.

22 (2) The provisions of this chapter do not apply in respect to the
23 use of any article of tangible personal property, extended warranty,
24 digital good, digital code, digital automated service, or service
25 taxable under RCW 82.04.050 (2) (a) or (g) or (6) (c), if the sale to,
26 or the use by, the present user or the present user's bailor or donor
27 has already been subjected to the tax under chapter 82.08 RCW or this
28 chapter and the tax has been paid by the present user or by the
29 present user's bailor or donor.

30 (3) (a) Except as provided in this section, payment of the tax
31 imposed by this chapter or chapter 82.08 RCW by one purchaser or user
32 of tangible personal property, extended warranty, digital good,
33 digital code, digital automated service, or other service does not
34 have the effect of exempting any other purchaser or user of the same
35 property, extended warranty, digital good, digital code, digital
36 automated service, or other service from the taxes imposed by such
37 chapters.

38 (b) The tax imposed by this chapter does not apply:

39 (i) If the sale to, or the use by, the present user or his or her
40 bailor or donor has already been subjected to the tax under chapter

1 82.08 RCW or this chapter and the tax has been paid by the present
2 user or by his or her bailor or donor;

3 (ii) In respect to the use of any article of tangible personal
4 property acquired by bailment and the tax has once been paid based on
5 reasonable rental as determined by RCW 82.12.060 measured by the
6 value of the article at time of first use multiplied by the tax rate
7 imposed by chapter 82.08 RCW or this chapter as of the time of first
8 use;

9 (iii) In respect to the use of any article of tangible personal
10 property acquired by bailment, if the property was acquired by a
11 previous bailee from the same bailor for use in the same general
12 activity and the original bailment was prior to June 9, 1961; or

13 (iv) To the use of digital goods or digital automated services,
14 which were obtained through the use of a digital code, if the sale of
15 the digital code to, or the use of the digital code by, the present
16 user or the present user's bailor or donor has already been subjected
17 to the tax under chapter 82.08 RCW or this chapter and the tax has
18 been paid by the present user or by the present user's bailor or
19 donor.

20 (4) (a) Except as provided in (b) of this subsection (4), the tax
21 is levied and must be collected in an amount equal to the value of
22 the article used, value of the digital good or digital code used,
23 value of the extended warranty used, or value of the service used by
24 the taxpayer, multiplied by the applicable rates in effect for the
25 retail sales tax under RCW 82.08.020.

26 (b) In the case of a seller required to collect use tax from the
27 purchaser, the tax must be collected in an amount equal to the
28 purchase price multiplied by the applicable rate in effect for the
29 retail sales tax under RCW 82.08.020.

30 (5) For purposes of the tax imposed in this section, "person"
31 includes anyone within the definition of "buyer," "purchaser," and
32 "consumer" in RCW 82.08.010.

33 (6) (a) Beginning July 1, 2026, all use tax revenue collected
34 under subsection (1) of this section on the use of each new and used
35 electric or hybrid vehicle in this state that is a passenger car or
36 light truck, including private-party sales, but excluding retail car
37 rentals taxed under RCW 82.08.020, must be deposited in the forward
38 flexible account created in section 802 of this act.

39 (b) For purposes of this subsection (6):

40 (i) "Electric or hybrid vehicle" means:

1 (A) An electric or hybrid vehicle that uses at least one method
2 of propulsion that is capable of being reenergized by an external
3 source of electricity; or

4 (B) A hybrid electric and gasoline vehicle that is not a plug-in
5 hybrid; or

6 (C) An alternative fuel vehicle, including those powered by an
7 electric fuel cell.

8 (ii) "Light truck" has the same meaning provided in RCW
9 46.04.271.

10 (iii) "Passenger car" has the same meaning provided in RCW
11 46.04.382.

12 **Part III**

13 **Special Transportation Benefit Assessment**

14 NEW SECTION. Sec. 301. A new section is added to chapter 36.01
15 RCW to read as follows:

16 (1) A statewide annual special transportation benefit assessment
17 is imposed on developed parcels for the purposes of mitigating the
18 impacts of growth on state transportation infrastructure throughout
19 the state. The amount of the transportation benefit assessment is the
20 increase in assessed value for the parcel resulting from new
21 construction multiplied by the applicable rate:

22 (a) For residential developed parcels the rate is \$1.50 per
23 \$1,000 of assessed value resulting from new construction;

24 (b) For manufacturing developed parcels the rate is one dollar
25 per \$1,000 of assessed value resulting from new construction; and

26 (c) For all other developed parcels not otherwise described in
27 (a) or (b) of this subsection (1), the rate is \$3 per \$1,000 of
28 assessed value resulting from new construction.

29 (2) Parcels that are classified as designated forestland under
30 chapter 84.33 RCW or designated agriculture land or timberland under
31 chapter 84.34 RCW are exempt from the transportation benefit
32 assessment imposed in this section.

33 (3) To determine the appropriate designation of the parcel for
34 purposes of applying the rate under subsection (1) of this section,
35 county assessors may use land use codes or data collected from parcel
36 investigations, or both, obtained in their normal course of business
37 with respect to administering property taxes. The amount of the
38 transportation benefit assessment constitutes a lien against the

1 property. The assessment is subject to the same provisions as those
2 for property tax collections, as provided in RCW 84.56.020 and must
3 be collected by the county treasurer under the authority in RCW
4 84.56.035. The transportation benefit assessment fee must be
5 collected concurrently with property taxes levied for collection in
6 calendar year 2023 and thereafter.

7 (4) All revenues generated under this section must be transferred
8 to the state treasurer to be deposited into the forward flexible
9 account created in section 802 of this act.

10 (5) For the purposes of this section:

11 (a) "Developed parcel" means any parcel altered from the natural
12 state by the construction, creation, or addition of structures or
13 other impervious surfaces.

14 (b) "Land use code" means restrictions on the type of development
15 for a specific parcel of land as identified by records maintained by
16 the assessor or supplemented by information resulting from
17 investigation and generally conforming with the department of
18 revenue's two-digit land use codes in WAC 458-53-030.

19 (c) "Manufacturing developed parcel" means any developed parcel
20 used for manufacturing purposes.

21 (d) "Parcel" means the smallest separately segregated unit or
22 plot of land having an identified owner, boundaries, and surface area
23 that is documented for property tax purposes and given a tax lot
24 number by the assessor.

25 (e) "Residence" means a building or structure or portion thereof,
26 designed for and used to provide a place of abode for human beings.
27 "Residence" includes "residential" or "residential unit" as referring
28 to the type of or intended use of a building or structure.

29 (f) "Residential parcel" means any developed parcel that contains
30 no more than four residences or four residential units within a
31 single structure and used primarily for residential purposes.

32 **Part IV**

33 **Vehicle and Other Related Fees**

34 **Sec. 401.** RCW 46.17.355 and 2015 3rd sp.s. c 44 s 201 are each
35 amended to read as follows:

36 (1)(a) For vehicle registrations that are due or become due
37 before July 1, 2016, in lieu of the vehicle license fee required
38 under RCW 46.17.350 and before accepting an application for a vehicle

1 registration for motor vehicles described in RCW 46.16A.455, the
 2 department, county auditor or other agent, or subagent appointed by
 3 the director (~~shall~~) must require the applicant, unless
 4 specifically exempt, to pay the following license fee by weight:

	WEIGHT	SCHEDULE	SCHEDULE
		A	B
5			
6			
7	4,000 pounds	\$ 38.00	\$ 38.00
8	6,000 pounds	\$ 48.00	\$ 48.00
9	8,000 pounds	\$ 58.00	\$ 58.00
10	10,000 pounds	\$ 60.00	\$ 60.00
11	12,000 pounds	\$ 77.00	\$ 77.00
12	14,000 pounds	\$ 88.00	\$ 88.00
13	16,000 pounds	\$ 100.00	\$ 100.00
14	18,000 pounds	\$ 152.00	\$ 152.00
15	20,000 pounds	\$ 169.00	\$ 169.00
16	22,000 pounds	\$ 183.00	\$ 183.00
17	24,000 pounds	\$ 198.00	\$ 198.00
18	26,000 pounds	\$ 209.00	\$ 209.00
19	28,000 pounds	\$ 247.00	\$ 247.00
20	30,000 pounds	\$ 285.00	\$ 285.00
21	32,000 pounds	\$ 344.00	\$ 344.00
22	34,000 pounds	\$ 366.00	\$ 366.00
23	36,000 pounds	\$ 397.00	\$ 397.00
24	38,000 pounds	\$ 436.00	\$ 436.00
25	40,000 pounds	\$ 499.00	\$ 499.00
26	42,000 pounds	\$ 519.00	\$ 609.00
27	44,000 pounds	\$ 530.00	\$ 620.00
28	46,000 pounds	\$ 570.00	\$ 660.00
29	48,000 pounds	\$ 594.00	\$ 684.00
30	50,000 pounds	\$ 645.00	\$ 735.00
31	52,000 pounds	\$ 678.00	\$ 768.00
32	54,000 pounds	\$ 732.00	\$ 822.00
33	56,000 pounds	\$ 773.00	\$ 863.00

1	58,000 pounds	\$ 804.00	\$ 894.00
2	60,000 pounds	\$ 857.00	\$ 947.00
3	62,000 pounds	\$ 919.00	\$ 1,009.00
4	64,000 pounds	\$ 939.00	\$ 1,029.00
5	66,000 pounds	\$ 1,046.00	\$ 1,136.00
6	68,000 pounds	\$ 1,091.00	\$ 1,181.00
7	70,000 pounds	\$ 1,175.00	\$ 1,265.00
8	72,000 pounds	\$ 1,257.00	\$ 1,347.00
9	74,000 pounds	\$ 1,366.00	\$ 1,456.00
10	76,000 pounds	\$ 1,476.00	\$ 1,566.00
11	78,000 pounds	\$ 1,612.00	\$ 1,702.00
12	80,000 pounds	\$ 1,740.00	\$ 1,830.00
13	82,000 pounds	\$ 1,861.00	\$ 1,951.00
14	84,000 pounds	\$ 1,981.00	\$ 2,071.00
15	86,000 pounds	\$ 2,102.00	\$ 2,192.00
16	88,000 pounds	\$ 2,223.00	\$ 2,313.00
17	90,000 pounds	\$ 2,344.00	\$ 2,434.00
18	92,000 pounds	\$ 2,464.00	\$ 2,554.00
19	94,000 pounds	\$ 2,585.00	\$ 2,675.00
20	96,000 pounds	\$ 2,706.00	\$ 2,796.00
21	98,000 pounds	\$ 2,827.00	\$ 2,917.00
22	100,000 pounds	\$ 2,947.00	\$ 3,037.00
23	102,000 pounds	\$ 3,068.00	\$ 3,158.00
24	104,000 pounds	\$ 3,189.00	\$ 3,279.00
25	105,500 pounds	\$ 3,310.00	\$ 3,400.00

26 (b) For vehicle registrations that are due or become due on or
27 after July 1, 2016, in lieu of the vehicle license fee required under
28 RCW 46.17.350 and before accepting an application for a vehicle
29 registration for motor vehicles described in RCW 46.16A.455, the
30 department, county auditor or other agent, or subagent appointed by
31 the director (~~(shall)~~) must require the applicant, unless
32 specifically exempt, to pay the following license fee by weight:

	WEIGHT	SCHEDULE	SCHEDULE
		A	B
3	4,000 pounds	\$ 53.00	\$ 53.00
4	6,000 pounds	\$ 73.00	\$ 73.00
5	8,000 pounds	\$ 93.00	\$ 93.00
6	10,000 pounds	\$ 93.00	\$ 93.00
7	12,000 pounds	\$ 81.00	\$ 81.00
8	14,000 pounds	\$ 88.00	\$ 88.00
9	16,000 pounds	\$ 100.00	\$ 100.00
10	18,000 pounds	\$ 152.00	\$ 152.00
11	20,000 pounds	\$ 169.00	\$ 169.00
12	22,000 pounds	\$ 183.00	\$ 183.00
13	24,000 pounds	\$ 198.00	\$ 198.00
14	26,000 pounds	\$ 209.00	\$ 209.00
15	28,000 pounds	\$ 247.00	\$ 247.00
16	30,000 pounds	\$ 285.00	\$ 285.00
17	32,000 pounds	\$ 344.00	\$ 344.00
18	34,000 pounds	\$ 366.00	\$ 366.00
19	36,000 pounds	\$ 397.00	\$ 397.00
20	38,000 pounds	\$ 436.00	\$ 436.00
21	40,000 pounds	\$ 499.00	\$ 499.00
22	42,000 pounds	\$ 519.00	\$ 609.00
23	44,000 pounds	\$ 530.00	\$ 620.00
24	46,000 pounds	\$ 570.00	\$ 660.00
25	48,000 pounds	\$ 594.00	\$ 684.00
26	50,000 pounds	\$ 645.00	\$ 735.00
27	52,000 pounds	\$ 678.00	\$ 768.00
28	54,000 pounds	\$ 732.00	\$ 822.00
29	56,000 pounds	\$ 773.00	\$ 863.00
30	58,000 pounds	\$ 804.00	\$ 894.00
31	60,000 pounds	\$ 857.00	\$ 947.00
32	62,000 pounds	\$ 919.00	\$ 1,009.00
33	64,000 pounds	\$ 939.00	\$ 1,029.00

1	66,000 pounds	\$ 1,046.00	\$ 1,136.00
2	68,000 pounds	\$ 1,091.00	\$ 1,181.00
3	70,000 pounds	\$ 1,175.00	\$ 1,265.00
4	72,000 pounds	\$ 1,257.00	\$ 1,347.00
5	74,000 pounds	\$ 1,366.00	\$ 1,456.00
6	76,000 pounds	\$ 1,476.00	\$ 1,566.00
7	78,000 pounds	\$ 1,612.00	\$ 1,702.00
8	80,000 pounds	\$ 1,740.00	\$ 1,830.00
9	82,000 pounds	\$ 1,861.00	\$ 1,951.00
10	84,000 pounds	\$ 1,981.00	\$ 2,071.00
11	86,000 pounds	\$ 2,102.00	\$ 2,192.00
12	88,000 pounds	\$ 2,223.00	\$ 2,313.00
13	90,000 pounds	\$ 2,344.00	\$ 2,434.00
14	92,000 pounds	\$ 2,464.00	\$ 2,554.00
15	94,000 pounds	\$ 2,585.00	\$ 2,675.00
16	96,000 pounds	\$ 2,706.00	\$ 2,796.00
17	98,000 pounds	\$ 2,827.00	\$ 2,917.00
18	100,000 pounds	\$ 2,947.00	\$ 3,037.00
19	102,000 pounds	\$ 3,068.00	\$ 3,158.00
20	104,000 pounds	\$ 3,189.00	\$ 3,279.00
21	105,500 pounds	\$ 3,310.00	\$ 3,400.00

22 (2) Schedule A applies to vehicles either used exclusively for
23 hauling logs or that do not tow trailers. Schedule B applies to
24 vehicles that tow trailers and are not covered under Schedule A.

25 (3) If the resultant gross weight is not listed in the table
26 provided in subsection (1) of this section, it must be increased to
27 the next higher weight.

28 (4) The license fees provided in subsection (1) of this section
29 and the freight project fee provided in subsection (6) of this
30 section are in addition to the filing fee required under RCW
31 46.17.005 and any other fee or tax required by law.

32 (5) The license fee based on declared gross weight as provided in
33 subsection (1) of this section must be distributed under RCW
34 46.68.035.

1 (6) For vehicle registrations that are due or become due on or
2 after July 1, 2016, in addition to the license fee based on declared
3 gross weight as provided in subsection (1) of this section, the
4 department, county auditor or other agent, or subagent appointed by
5 the director must require an applicant with a vehicle with a declared
6 gross weight of more than 10,000 pounds, unless specifically exempt,
7 to pay a freight project fee equal to fifteen percent of the license
8 fee provided in subsection (1) of this section, rounded to the
9 nearest whole dollar, which must be distributed under RCW 46.68.035.

10 (7)(a) For vehicle registrations that are due or become due on or
11 after October 1, 2021, in addition to the license fee based on
12 declared gross weight as provided in subsection (1) of this section
13 and the freight project fee as provided in subsection (6) of this
14 section, the department, county auditor or other agent, or subagent
15 appointed by the director must require an applicant with a vehicle
16 with a declared gross weight of more than 10,000 pounds, unless
17 specifically exempt, to pay a freight project fee equal to five
18 percent of the license fee provided in subsection (1) of this
19 section, rounded to the nearest whole dollar.

20 (b) All proceeds from the freight project fee imposed pursuant to
21 this subsection (7) must be deposited in the forward Washington
22 account created in section 801 of this act.

23 (8) For vehicle registrations that are due or become due on or
24 after July 1, ((2022)) 2021, in addition to the license fee based on
25 declared gross weight as provided in subsection (1) of this section,
26 the department, county auditor or other agent, or subagent appointed
27 by the director must require an applicant with a vehicle with a
28 declared gross weight of less than or equal to 12,000 pounds, unless
29 specifically exempt, to pay an additional weight fee of ten dollars,
30 which ((must be distributed under RCW 46.68.035)) until June 30,
31 2022, must be deposited in the forward Washington account created in
32 section 801 of this act and must be distributed under RCW 46.68.035
33 after June 30, 2023.

34 **Sec. 402.** RCW 46.17.365 and 2015 3rd sp.s. c 44 s 202 are each
35 amended to read as follows:

36 (1) A person applying for a motor vehicle registration and paying
37 the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e),
38 (h), (j), (n), and (o) ((shall)) must pay a motor vehicle weight fee
39 in addition to all other fees and taxes required by law.

1 (a) For vehicle registrations that are due or become due before
2 July 1, 2016, the motor vehicle weight fee:

3 (i) Must be based on the motor vehicle scale weight;

4 (ii) Is the difference determined by subtracting the vehicle
5 license fee required in RCW 46.17.350 from the license fee in
6 Schedule B of RCW 46.17.355, plus two dollars; and

7 (iii) Must be distributed under RCW 46.68.415.

8 (b) For vehicle registrations that are due or become due on or
9 after July 1, 2016, the motor vehicle weight fee:

10 (i) Must be based on the motor vehicle scale weight as follows:

11	WEIGHT	FEE
12	4,000 pounds	\$ 25.00
13	6,000 pounds	\$ 45.00
14	8,000 pounds	\$ 65.00
15	16,000 pounds and over	\$ 72.00;

16 (ii) If the resultant motor vehicle scale weight is not listed in
17 the table provided in (b)(i) of this subsection, must be increased to
18 the next highest weight; and

19 (iii) Must be distributed under RCW 46.68.415 unless prior to
20 July 1, 2023, the actions described in (b)(iii)(A) or (B) of this
21 subsection occur, in which case the portion of the revenue that is
22 the result of the fee increased in this subsection must be
23 distributed to the connecting Washington account created under RCW
24 46.68.395.

25 (A) Any state agency files a notice of rule making under chapter
26 34.05 RCW for a rule regarding a fuel standard based upon or defined
27 by the carbon intensity of fuel, including a low carbon fuel standard
28 or clean fuel standard.

29 (B) Any state agency otherwise enacts, adopts, orders, or in any
30 way implements a fuel standard based upon or defined by the carbon
31 intensity of fuel, including a low carbon fuel standard or clean fuel
32 standard.

33 (C) Nothing in this subsection acknowledges, establishes, or
34 creates legal authority for the department of ecology or any other
35 state agency to enact, adopt, order, or in any way implement a fuel
36 standard based upon or defined by the carbon intensity of fuel,
37 including a low carbon fuel standard or clean fuel standard.

1 (2) A person applying for a motor home vehicle registration
2 (~~shall~~) must, in lieu of the motor vehicle weight fee required in
3 subsection (1) of this section, pay a motor home vehicle weight fee
4 of (~~seventy-five dollars~~) \$75 until September 1, 2021, and \$95
5 after October 1, 2021, in addition to all other fees and taxes
6 required by law. (~~The~~) Until October 1, 2021, the motor home
7 vehicle weight fee must be deposited in the forward flexible account
8 created in section 802 of this act, and the remainder must be
9 distributed under RCW 46.68.415.

10 (3) Beginning July 1, (~~2022~~) 2021, in addition to the motor
11 vehicle weight fee as provided in subsection (1) of this section, the
12 department, county auditor or other agent, or subagent appointed by
13 the director must require an applicant to pay an additional weight
14 fee of ten dollars, which must be distributed to the multimodal
15 transportation account under RCW 47.66.070 unless prior to July 1,
16 2023, the actions described in (a) or (b) of this subsection occur,
17 in which case the portion of the revenue that is the result of the
18 fee increased in this subsection must be distributed to the
19 (~~connecting Washington account created under RCW 46.68.395~~) forward
20 Washington account created under section 801 of this act.

21 (a) Any state agency files a notice of rule making under chapter
22 34.05 RCW for a rule regarding a fuel standard based upon or defined
23 by the carbon intensity of fuel, including a low carbon fuel standard
24 or clean fuel standard.

25 (b) Any state agency otherwise enacts, adopts, orders, or in any
26 way implements a fuel standard based upon or defined by the carbon
27 intensity of fuel, including a low carbon fuel standard or clean fuel
28 standard.

29 (c) Nothing in this subsection acknowledges, establishes, or
30 creates legal authority for the department of ecology or any other
31 state agency to enact, adopt, order, or in any way implement a fuel
32 standard based upon or defined by the carbon intensity of fuel,
33 including a low carbon fuel standard or clean fuel standard.

34 (4) The department (~~shall~~) must:

35 (a) Rely on motor vehicle empty scale weights provided by vehicle
36 manufacturers, or other sources defined by the department, to
37 determine the weight of each motor vehicle; and

38 (b) Adopt rules for determining weight for vehicles without
39 manufacturer empty scale weights.

1 **Sec. 403.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to
2 read as follows:

3 (1) Before accepting an application for one of the following
4 permits, the department, county auditor or other agent, or subagent
5 appointed by the director (~~(shall)~~) must require the applicant to pay
6 the following permit fee by permit type in addition to any other fee
7 or tax required by law:

PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
(a) Dealer temporary	\$ 15.00	RCW 46.16A.300	RCW 46.68.030
(b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
(c) Farm vehicle trip	\$ 6.25	RCW 46.16A.330	RCW 46.68.035
(d) Nonresident military	\$ 10.00	RCW 46.16A.340	RCW 46.68.070
(e) Nonresident temporary snowmobile	\$ 5.00	RCW 46.10.450	RCW 46.68.350
(f) Special fuel trip	\$ 30.00	RCW 82.38.100	RCW 46.68.460
(g) Temporary ORV use	\$ 7.00	RCW 46.09.430	RCW 46.68.045
(h) Vehicle trip	((25.00)) \$ <u>45.00</u>	RCW 46.16A.320	RCW 46.68.455

21 (2) Permit fees as provided in subsection (1) of this section are
22 in addition to the filing fee required under RCW 46.17.005, except an
23 additional filing fee may not be charged for:

- 24 (a) Dealer temporary permits;
- 25 (b) Special fuel trip permits; and
- 26 (c) Vehicle trip permits.

27 (3) Five dollars of the fifteen dollar dealer temporary permit
28 fee provided in subsection (1)(a) of this section must be credited to
29 the payment of vehicle license fees at the time application for
30 registration is made. The remainder must be deposited to the state
31 patrol highway account created in RCW 46.68.030.

32 **Sec. 404.** RCW 46.68.455 and 2011 c 171 s 89 are each amended to
33 read as follows:

34 (1) The vehicle trip permit fee imposed under RCW 46.17.400(1)(h)
35 must be distributed as follows:

1 ~~((1))~~ (a) Five dollars to the state patrol highway account for
 2 commercial motor vehicle inspections;
 3 ~~((2))~~ (b) Five dollars to the motor vehicle fund created in RCW
 4 46.68.070 to be distributed as follows:
 5 ~~((a))~~ (i) If paid by motor carriers, to be used for supporting
 6 vehicle weigh stations, weigh-in-motion programs, and the commercial
 7 vehicle information systems and networks programs; and
 8 ~~((b))~~ (ii) If paid by a person other than a motor carrier, to
 9 be used for supporting congestion relief programs;
 10 ~~((3))~~ (c) A one dollar excise tax to the state general fund;
 11 ~~((4))~~ (d) The amount of the filing fee imposed under RCW
 12 46.17.005(1) to be credited as required under RCW 46.68.400; ~~((and~~
 13 ~~(5))~~ (e) \$20 to the forward Washington account created in
 14 section 801 of this act; and
 15 (f) The remainder to the credit of the motor vehicle fund created
 16 in RCW 46.68.070 as an administrative fee.
 17 (2) The administrative fee must be increased or decreased in an
 18 equal amount if the amount of the filing fee imposed under RCW
 19 46.17.005(1) increases or decreases, so that the total trip permit
 20 fee is adjusted equally to compensate.

21 **Sec. 405.** RCW 46.17.200 and 2014 c 80 s 4 are each amended to
 22 read as follows:

23 (1) In addition to all other fees and taxes required by law, the
 24 department, county auditor or other agent, or subagent appointed by
 25 the director shall charge:

26 (a) The following license plate fees for each license plate,
 27 unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
Original issue	((40.00))	RCW 46.68.070
	\$ <u>15.00</u>	
Reflectivity	\$ 2.00	RCW 46.68.070
Replacement	((40.00))	RCW 46.68.070
	\$ <u>15.00</u>	
Original issue, motorcycle	((4.00))	RCW 46.68.070
	\$ <u>6.00</u>	
Replacement, motorcycle	((4.00))	RCW 46.68.070
	\$ <u>6.00</u>	

1 Original issue, \$ 1.50 RCW 46.68.070

2 moped

3 (b) A license plate retention fee, as required under RCW
4 46.16A.200(9)(a), of twenty dollars if the owner wishes to retain the
5 current license plate number upon license plate replacement, unless
6 the owner or type of vehicle is exempt from payment. The twenty
7 dollar fee must be deposited in the multimodal transportation account
8 created in RCW 47.66.070.

9 (c) A ten dollar license plate transfer fee, as required under
10 RCW 46.16A.200(8)(a), when transferring standard issue license plates
11 from one vehicle to another, unless the owner or type of vehicle is
12 exempt from payment. The ten dollar license plate transfer fee must
13 be deposited in the motor vehicle fund created in RCW 46.68.070.

14 (d) Former prisoner of war license plates, as described in RCW
15 46.18.235, may be transferred to a replacement vehicle upon payment
16 of a five dollar license plate fee, in addition to any other fee
17 required by law.

18 (2) The department may, upon request, provide license plates that
19 have been used and returned to the department to individuals for
20 nonvehicular use. The department may charge a fee of up to five
21 dollars per license plate to cover costs or recovery for postage and
22 handling. The department may waive the fee for license plates used in
23 educational projects and may, by rule, provide standards for the fee
24 waiver and restrictions on the number of license plates provided to
25 any one person. The fee must be deposited in the motor vehicle fund
26 created in RCW 46.68.070.

27 (3) \$5 of the original issue and replacement license plate fees
28 imposed under RCW 46.17.200(1)(a) and \$2 of the original issue
29 motorcycle and replacement motorcycle license plate fees imposed
30 under RCW 46.17.200(1)(a) must be deposited in the forward Washington
31 account created under section 801 of this act.

32 **Sec. 406.** RCW 46.17.100 and 2012 c 74 s 1 are each amended to
33 read as follows:

34 Before accepting an application for a certificate of title as
35 required in this title, the department, county auditor or other
36 agent, or subagent appointed by the director shall require the
37 applicant to pay a fifteen dollar application fee in addition to any
38 other fees and taxes required by law.

1 (1) Five dollars of the certificate of title application fee must
2 be distributed under RCW 46.68.020.

3 (2) Ten dollars of the certificate of title application fee must
4 be credited to the transportation 2003 account (nickel account)
5 created in RCW 46.68.280.

6 (3) \$1 must be deposited in the forward Washington account
7 created in section 801 of this act.

8 **Sec. 407.** RCW 46.17.160 and 2011 c 326 s 2 are each amended to
9 read as follows:

10 Before accepting an application for a quick title of a vehicle
11 under RCW 46.12.555, the department, participating county auditor or
12 other agent, or subagent appointed by the director shall require the
13 applicant to pay a (~~fifty dollar~~) \$55 quick title service fee in
14 addition to any other fees and taxes required by law. The quick title
15 service fee must be distributed under RCW 46.68.025.

16 **Sec. 408.** RCW 46.68.025 and 2015 2nd sp.s. c 1 s 1 are each
17 amended to read as follows:

18 (1) The quick title service fee imposed under RCW 46.17.160 must
19 be distributed as follows: The first \$5 must be deposited in the
20 forward Washington account created in section 801 of this act with
21 the remaining amounts distributed as follows:

22 (a) If the fee is paid to the director, the fee must be deposited
23 to the motor vehicle fund established under RCW 46.68.070.

24 (b) If the fee is paid to the participating county auditor or
25 other agent appointed by the director, twenty-five dollars must be
26 deposited to the motor vehicle fund established under RCW 46.68.070.
27 The remainder must be retained by the county treasurer in the same
28 manner as other fees collected by the county auditor.

29 (c) If the fee is paid to a subagent appointed by the director,
30 twenty-five dollars must be deposited to the motor vehicle fund
31 established under RCW 46.68.070. The remaining twenty-five dollars
32 must be distributed as follows: Twelve dollars and fifty cents must
33 be retained by the county treasurer in the same manner as other fees
34 collected by the county auditor and twelve dollars and fifty cents
35 must be retained by the subagent.

36 (2) For the purposes of this section, "quick title" has the same
37 meaning as in RCW 46.12.555.

1 **Sec. 409.** RCW 46.17.120 and 2020 c 239 s 1 are each amended to
2 read as follows:

3 (1) Before accepting an application for a certificate of title
4 for a vehicle previously registered in any other state or country,
5 the department, county auditor or other agent, or subagent appointed
6 by the director shall require the applicant to pay a fee of (~~fifteen~~
7 ~~dollars. The fifteen dollar fee~~) \$25.

8 (a) \$15 of the fee required by this section must be distributed
9 under RCW 46.68.020.

10 (b) \$10 of the fee required by this section must be deposited in
11 the forward Washington account created in section 801 of this act.

12 (2) An applicant is exempt from the (~~fifteen dollar~~) \$25 fee if
13 the applicant previously registered the vehicle in Washington state
14 and maintained ownership of the vehicle while registered in another
15 state or country.

16 **Sec. 410.** RCW 46.17.015 and 2010 c 161 s 502 are each amended to
17 read as follows:

18 (1) A person who applies for a vehicle registration or for any
19 other right to operate a vehicle on the highways of this state shall
20 pay a twenty-five cent license plate technology fee in addition to
21 any other fees and taxes required by law. The license plate
22 technology fee must be distributed under RCW 46.68.370.

23 (2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not
24 subject to the license plate technology fee, except for a vehicle
25 registered under RCW 46.16A.455(3).

26 (3) The revenue from the license plate technology fee imposed on
27 vehicles registered under RCW 46.16A.455(3) must be deposited in the
28 forward flexible account created in section 802 of this act.

29 **Sec. 411.** RCW 46.17.025 and 2010 c 161 s 503 are each amended to
30 read as follows:

31 (1) A person who applies for a vehicle registration or for any
32 other right to operate a vehicle on the highways of this state shall
33 pay a fifty cent license service fee in addition to any other fees
34 and taxes required by law. The license service fee must be
35 distributed under RCW 46.68.220.

36 (2) A vehicle registered under RCW 46.16A.455 or 46.17.330 is not
37 subject to the license service fee, except for a vehicle registered
38 under RCW 46.16A.455(3).

1 (3) The revenue from the license service fee imposed on vehicles
2 registered under RCW 46.16A.455(3) must be deposited into the forward
3 Washington account created in section 801 of this act.

4 **Sec. 412.** RCW 46.17.345 and 2015 c 200 s 2 are each amended to
5 read as follows:

6 Before accepting an application for a permanent registration
7 authorized under RCW 46.16A.428, the department, county auditor or
8 other agent, or subagent appointed by the director must require an
9 applicant to pay a (~~one hundred eighty-seven dollar and fifty cent~~)
10 \$200 fee, of which \$12.50 must be deposited in the forward Washington
11 account created in section 801 of this act, and with the remainder
12 deposited and distributed under RCW 46.68.030.

13 **Sec. 413.** RCW 46.17.350 and 2019 c 44 s 4 are each amended to
14 read as follows:

15 (1) Before accepting an application for a vehicle registration,
16 the department, county auditor or other agent, or subagent appointed
17 by the director shall require the applicant, unless specifically
18 exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 34.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030

1	(k) Private use single-axle	(\$15.00)	(\$15.00)	RCW 46.68.035
2	trailer	\$20.00	\$20.00	
3	(l) Snowmobile	\$ 50.00	\$ 50.00	RCW 46.68.350
4	(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
5	(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
6	(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
7	(p) Trailer, over 2000	\$ 30.00	\$ 30.00	RCW 46.68.030
8	pounds			
9	(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
10	(r) Wheeled all-terrain	\$ 12.00	\$ 12.00	RCW 46.09.540
11	vehicle, on-road use			
12	(s) Wheeled all-terrain	\$ 18.00	\$ 18.00	RCW 46.09.510
13	vehicle, off-road use			

14 (2) The vehicle license fee required in subsection (1) of this
15 section is in addition to the filing fee required under RCW
16 46.17.005, and any other fee or tax required by law.

17 **Sec. 414.** RCW 46.68.035 and 2017 c 147 s 10 are each amended to
18 read as follows:

19 ((The)) Except as otherwise provided in subsection (6) of this
20 section, the director shall forward all proceeds from vehicle license
21 fees received by the director for vehicles registered under RCW
22 46.17.330, 46.17.350(1) (c) and (k), 46.17.355, and 46.17.400(1)(c)
23 to the state treasurer to be distributed into accounts according to
24 the following method:

25 (1) 22.36 percent must be deposited into the state patrol highway
26 account of the motor vehicle fund;

27 (2) 1.375 percent must be deposited into the Puget Sound ferry
28 operations account of the motor vehicle fund;

29 (3) 5.237 percent must be deposited into the transportation 2003
30 account (nickel account);

31 (4) 11.533 percent must be deposited into the transportation
32 partnership account created in RCW 46.68.290; and

33 (5) The remaining proceeds must be deposited into the motor
34 vehicle fund.

35 (6) \$5 of the private use single-axle trailer initial and renewal
36 vehicle license fees imposed under RCW 46.17.350 must be deposited in

1 the forward Washington account created in section 801 of this act,
2 with the remainder distributed in accordance with this section.

3 **Sec. 415.** RCW 46.12.635 and 2019 c 278 s 1 are each amended to
4 read as follows:

5 (1) Notwithstanding the provisions of chapter 42.56 RCW, the name
6 or address of an individual vehicle or vessel owner shall not be
7 released by the department, county auditor, or agency or firm
8 authorized by the department except under the following
9 circumstances:

10 (a) The requesting party is a business entity that requests the
11 information for use in the course of business;

12 (b) The request is a written request that is signed by the person
13 requesting disclosure that contains the full legal name and address
14 of the requesting party, that specifies the purpose for which the
15 information will be used; and

16 (c) The requesting party enters into a disclosure agreement with
17 the department in which the party promises that the party will use
18 the information only for the purpose stated in the request for the
19 information; and that the party does not intend to use, or facilitate
20 the use of, the information for the purpose of making any unsolicited
21 business contact with a person named in the disclosed information.
22 The term "unsolicited business contact" means a contact that is
23 intended to result in, or promote, the sale of any goods or services
24 to a person named in the disclosed information. The term does not
25 apply to situations where the requesting party and such person have
26 been involved in a business transaction prior to the date of the
27 disclosure request and where the request is made in connection with
28 the transaction.

29 (2) Where both a mailing address and residence address are
30 recorded on the vehicle or vessel record and are different, only the
31 mailing address will be disclosed. Both addresses will be disclosed
32 in response to requests for disclosure from courts, law enforcement
33 agencies, or government entities with enforcement, investigative, or
34 taxing authority and only for use in the normal course of conducting
35 their business.

36 (3) The disclosing entity shall retain the request for disclosure
37 for three years.

38 (4) (a) Whenever the disclosing entity grants a request for
39 information under this section by an attorney or private

1 investigator, the disclosing entity shall provide notice to the
2 vehicle or vessel owner, to whom the information applies, that the
3 request has been granted. The notice must only include: (i) That the
4 disclosing entity has disclosed the vehicle or vessel owner's name
5 and address pursuant to a request made under this section; (ii) the
6 date that the disclosure was made; and (iii) that the vehicle or
7 vessel owner has five days from receipt of the notice to contact the
8 disclosing entity to determine the occupation of the requesting
9 party.

10 (b) Except as provided in (c) of this subsection, the only
11 information about the requesting party that the disclosing entity may
12 disclose in response to a request made by a vehicle or vessel owner
13 under (a) of this subsection is whether the requesting party was an
14 attorney or private investigator. The request by the vehicle or
15 vessel owner must be submitted to the disclosing entity within five
16 days of receipt of the original notice.

17 (c) In the case of a vehicle or vessel owner who submits to the
18 disclosing entity a copy of a valid court order restricting another
19 person from contacting the vehicle or vessel owner or his or her
20 family or household member, the disclosing entity shall provide the
21 vehicle or vessel owner with the name and address of the requesting
22 party.

23 (5) Any person who is furnished vehicle or vessel owner
24 information under this section shall be responsible for assuring that
25 the information furnished is not used for a purpose contrary to the
26 agreement between the person and the department.

27 (6) This section shall not apply to requests for information by
28 governmental entities or requests that may be granted under any other
29 provision of this title expressly authorizing the disclosure of the
30 names or addresses of vehicle or vessel owners. Requests from law
31 enforcement officers for vessel record information must be granted.
32 The disclosure agreement with law enforcement entities must provide
33 that law enforcement may redisclose a vessel owner's name or address
34 when trying to locate the owner of or otherwise deal with a vessel
35 that has become a hazard.

36 (7) The department shall disclose vessel records for any vessel
37 owned by a governmental entity upon request.

38 (8) This section shall not apply to title history information
39 under RCW 19.118.170.

1 (9) The department shall charge a fee of (~~two dollars~~) \$4 for
2 each record returned pursuant to a request made by a business entity
3 under subsection (1) of this section and deposit 50 percent of the
4 fee revenue into the highway safety (~~account [fund]~~) fund and 50
5 percent in the forward flexible account created in section 802 of
6 this act.

7 (10) The department, county auditor, or agency or firm authorized
8 by the department shall not release the name, any address, vehicle
9 make, vehicle model, vehicle year, vehicle identification number,
10 vessel make and model, vessel model year, hull identification number,
11 vessel document number, vessel registration number, vessel decal
12 number, or license plate number associated with an individual vehicle
13 or vessel owner who is a participant in the address confidentiality
14 program under chapter 40.24 RCW except as allowed in subsection (6)
15 of this section and RCW 40.24.075.

16 **Sec. 416.** RCW 46.12.630 and 2016 c 80 s 1 are each amended to
17 read as follows:

18 (1) The department of licensing must furnish lists of registered
19 and legal owners of: (a) Motor vehicles only for the purposes
20 specified in this subsection (1)(a) to the manufacturers of motor
21 vehicles or motor vehicle components, or their authorized agents, to
22 enable those manufacturers to carry out the provisions of Titles I
23 and IV of the anti car theft act of 1992, the automobile information
24 disclosure act (15 U.S.C. Sec. 1231 et seq.), the clean air act (42
25 U.S.C. Sec. 7401 et seq.), and 49 U.S.C. Secs. 30101-30183,
26 30501-30505, and 32101-33118, as these acts existed on January 1,
27 2014, or such subsequent date as may be provided by the department by
28 rule, consistent with the purposes of this section. However, the
29 department may only provide a vehicle or vehicle component
30 manufacturer, or its authorized agent, lists of registered or legal
31 owners who purchased or leased a vehicle manufactured by that
32 manufacturer or a vehicle containing a component manufactured by that
33 component manufacturer. Manufacturers or authorized agents receiving
34 information on behalf of one manufacturer must not disclose this
35 information to any other third party that is not necessary to carry
36 out the purposes of this section; and (b) vessels only for the
37 purposes of this subsection (1)(b) to the manufacturers of vessels,
38 or their authorized agents, to enable those manufacturers to carry
39 out the provisions of 46 U.S.C. Sec. 4310 and any relevant Code of

1 Federal (~~Regulation[s]~~) Regulations adopted by the United States
2 coast guard, as these provisions and rules existed on January 1,
3 2015, or such subsequent date as may be provided by the department by
4 rule, consistent with the purposes of this section.

5 (2) The department of licensing may furnish lists of registered
6 and legal owners of motor vehicles or vessels, only to the entities
7 and only for the purposes specified in this section, to:

8 (a) The manufacturers of motor vehicles or vessels, legitimate
9 businesses as defined by the department in rule, or their authorized
10 agents, for purposes of using lists of registered and legal owner
11 information to conduct research activities and produce statistical
12 reports, as long as the entity does not allow personal information
13 received under this section to be published, redisclosed, or used to
14 contact individuals. For purposes of this subsection (2)(a), the
15 department of licensing may only provide the manufacturer of a motor
16 vehicle or vessel, or the manufacturer of components contained in a
17 motor vehicle or vessel, the lists of registered or legal owners who
18 purchased or leased a vehicle or vessel manufactured by that
19 manufacturer or a vehicle or vessel containing components
20 manufactured by that component manufacturer;

21 (b) Any governmental agency of the United States or Canada, or
22 political subdivisions thereof, to be used by it or by its authorized
23 commercial agents or contractors only in connection with the
24 enforcement of: (i) Motor vehicle or traffic laws by, or programs
25 related to traffic safety of, that government agency; or (ii) the
26 laws governing vessels, vessel operation, or vessel safety programs
27 administered by that government agency or as otherwise provided by
28 law. Only such parts of the list under (b)(i) and (ii) of this
29 subsection (2)(~~(b)~~) as are required for completion of the work
30 required of the agent or contractor shall be provided to such agent
31 or contractor;

32 (c) Any insurer or insurance support organization, a self-insured
33 entity, or its agents, employees, or contractors for use in
34 connection with claims investigation activities, antifraud
35 activities, rating, or underwriting;

36 (d) Any local governmental entity or its agents for use in
37 providing notice to owners of towed and impounded vehicles, or to any
38 law enforcement entity for use, as may be necessary, in locating the
39 owner of or otherwise dealing with a vessel that has become a hazard;

1 (e) A government agency, commercial parking company, or its
2 agents requiring the names and addresses of registered owners to
3 notify them of outstanding parking violations. Subject to the
4 disclosure agreement provisions of RCW 46.12.635 and the requirements
5 of Executive Order 97-01, the department may provide only the parts
6 of the list that are required for completion of the work required of
7 the company;

8 (f) An authorized agent or contractor of the department, to be
9 used only in connection with providing motor vehicle or vessel excise
10 tax, licensing, title, and registration information to motor vehicle
11 or vessel dealers;

12 (g) Any business regularly making loans to other persons to
13 finance the purchase of motor vehicles or vessels, to be used to
14 assist the person requesting the list to determine ownership of
15 specific vehicles or vessels for the purpose of determining whether
16 or not to provide such financing; or

17 (h) A company or its agents operating a toll facility under
18 chapter 47.46 RCW or other applicable authority requiring the names,
19 addresses, and vehicle information of motor vehicle registered owners
20 to identify toll violators.

21 (3) Personal information received by an entity listed in
22 subsection (1) or (2) of this section may not be released for direct
23 marketing purposes.

24 (4) Prior to the release of any lists of vehicle or vessel owners
25 under subsection (1) or (2) of this section, the department must
26 enter into a contract with the entity authorized to receive the data.
27 The contract must include:

28 (a) A requirement that the department or its agent conduct both
29 regular permissible use and data security audits subject to the
30 following conditions and limitations:

31 (i) The data security audits must demonstrate compliance with the
32 data security standards adopted by the office of the chief
33 information officer.

34 (ii) When determining whether to conduct an audit under this
35 subsection, the department must first take into consideration any
36 independent third-party audit a data recipient has had before
37 requiring that any additional audits be performed. If the independent
38 third-party audit is a data security audit and it meets both
39 recognized national or international standards and the standards
40 adopted by the office of the chief information officer pursuant to

1 (a)(i) of this subsection, the department must accept the audit and
2 the audit is deemed to satisfy the conditions set out in this
3 subsection (4)(a). If the independent third-party audit is a
4 permissible use audit and it meets recognized national or
5 international standards, the department must accept the audit and the
6 audit is deemed to satisfy the conditions set out in this subsection
7 (4)(a); and

8 (b) A provision that the cost of the audits performed pursuant to
9 this subsection must be borne by the data recipient. A new data
10 recipient must bear the initial cost to set up a system to disburse
11 the data to the data recipient.

12 (5)(a)(i) Beginning January 1, 2015, the department must collect
13 a fee of ten dollars per one thousand individual registered or legal
14 owners included on a list requested by a private entity under
15 subsection (1) or (2) of this section.

16 (ii) Beginning January 1, 2016, the department must collect a fee
17 of twenty dollars per one thousand individual registered or legal
18 vehicle or vessel owners included on a list requested by a private
19 entity under subsection (1) or (2) of this section.

20 (iii) Beginning January 1, 2021, the department must collect a
21 fee of twenty-five dollars per one thousand individual registered or
22 legal owners included on a list requested by a private entity under
23 subsection (1) or (2) of this section.

24 (iv) Beginning July 1, 2025, the department must collect a fee of
25 \$50 per 1,000 individual registered or legal owners included on a
26 list requested by a private entity under subsection (1) or (2) of
27 this section.

28 (v) The department must prorate the fee imposed by this
29 subsection when the request is for less than a full one thousand
30 records.

31 (b) In lieu of the fee specified in (a) of this subsection, if
32 the request requires a daily, weekly, monthly, or other regular
33 update of those vehicle or vessel records that have changed:

34 (i) Beginning January 1, 2015, the department must collect a fee
35 of one cent per individual registered or legal vehicle or vessel
36 owner record provided to the private entity;

37 (ii) Beginning January 1, 2016, the department must collect a fee
38 of two cents per individual registered or legal vehicle or vessel
39 owner record provided to the private entity;

1 (iii) Beginning January 1, 2021, the department must collect a
2 fee of two and one-half cents per individual registered or legal
3 vehicle or vessel owner record provided to the private entity.

4 (iv) Beginning July 1, 2025, the department must collect a fee of
5 5 cents per individual registered or legal vehicle or vessel owner
6 record provided to the private entity.

7 (c) The department must deposit 50 percent of any moneys
8 collected under this subsection to the department of licensing
9 technology improvement and data management account created in RCW
10 46.68.063 and the remainder to the forward flexible account created
11 in section 802 of this act.

12 (6) Where both a mailing address and residence address are
13 recorded on the vehicle or vessel record and are different, only the
14 mailing address will be disclosed. Both addresses will be disclosed
15 in response to requests for disclosure from courts, law enforcement
16 agencies, or government entities with enforcement, investigative, or
17 taxing authority and only for use in the normal course of conducting
18 their business.

19 (7) If a list of registered and legal owners of motor vehicles or
20 vessels is used for any purpose other than that authorized in this
21 section, the manufacturer, governmental agency, commercial parking
22 company, contractor, financial institution, insurer, insurance
23 support organization, self-insured entity, legitimate business
24 entity, toll facility operator, or any authorized agent or contractor
25 responsible for the unauthorized disclosure or use will be denied
26 further access to such information by the department of licensing.

27 (8) For purposes of this section, "personal information" means
28 information that identifies an individual, including an individual's
29 photograph, social security number, driver identification number,
30 name, address (but not the five-digit zip code), telephone number, or
31 medical or disability information. However, an individual's
32 photograph, social security number, and any medical or disability-
33 related information is considered highly restricted personal
34 information and may not be released under this section.

35 **Part V**

36 **Driver's License and Identocard Fees and Other Driver Fees,**
37 **For Hire Vehicle Per Trip Fees, Third-Party Food Delivery Fees**

1 **Sec. 501.** RCW 46.20.202 and 2017 c 310 s 3 are each amended to
2 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 must continue to offer a standard driver's license and identicard. If
16 the 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~~) must implement a one-to-many
21 biometric matching system for the enhanced driver's license or
22 identicard. An applicant for an enhanced driver's license or
23 identicard (~~shall~~) must submit a biometric identifier as designated
24 by the department. The biometric identifier must be used solely for
25 the purpose of verifying the identity of the holders and for any
26 purpose set out in RCW 46.20.037. Applicants are required to sign a
27 declaration acknowledging their understanding of the one-to-many
28 biometric match.

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

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

1 time the department (~~shall~~) must review technological innovations
2 related to the security of identity cards and amend the rules related
3 to enhanced driver's licenses and identicards as the director deems
4 consistent with this section and appropriate to protect the privacy
5 of Washington state residents.

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

10 (4) Beginning on July 23, 2017, and until September 30, 2021, the
11 fee for an enhanced driver's license or enhanced identicard is
12 twenty-four dollars, which is in addition to the fees for any regular
13 driver's license or identicard. Beginning October 1, 2021, the fee
14 for an enhanced driver's license or enhanced identicard is \$42, which
15 is in addition to the fees for any regular driver's license or
16 identicard. Beginning July 23, 2017, and until September 30, 2021, if
17 the enhanced driver's license or enhanced identicard is issued,
18 renewed, or extended for a period other than six years, the fee for
19 each class is four dollars for each year that the enhanced driver's
20 license or enhanced identicard is issued, renewed, or extended.
21 Beginning October 1, 2021, if the enhanced driver's license or
22 enhanced identicard is issued, renewed, or extended for a period less
23 than six years, the fee for each class is \$7 for each year that the
24 enhanced driver's license or enhanced identicard is issued, renewed,
25 or extended.

26 (5)(a) The first \$24 of the enhanced driver's license and
27 enhanced identicard fee under this section must be deposited into the
28 highway safety fund unless (~~prior to July 1, 2023,~~) the actions
29 described in (a)(i) or (~~(b)~~) (ii) of this subsection occur, in
30 which case the portion of the revenue that is the result of the fee
31 increased in section 209, chapter 44, Laws of 2015 3rd sp. sess. must
32 be distributed to the connecting Washington account created under RCW
33 46.68.395.

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

38 (~~(b)~~) (ii) Any state agency otherwise enacts, adopts, orders,
39 or in any way implements a fuel standard based upon or defined by the

1 carbon intensity of fuel, including a low carbon fuel standard or
2 clean fuel standard.

3 ~~((e))~~ (iii) Nothing in this subsection acknowledges,
4 establishes, or creates legal authority for the department of ecology
5 or any other state agency to enact, adopt, order, or in any way
6 implement a fuel standard based upon or defined by the carbon
7 intensity of fuel, including a low carbon fuel standard or clean fuel
8 standard.

9 (b) \$18 of the enhanced driver's license and enhanced identicard
10 fee under this section must be deposited into the forward flexible
11 account created in section 802 of this act.

12 **Sec. 502.** RCW 46.20.161 and 2018 c 69 s 1 are each amended to
13 read as follows:

14 (1) The department, upon receipt of a fee of forty-five dollars
15 from October 1, 2012, to June 30, 2013, and ~~((fifty-four dollars))~~
16 \$60 after June 30, 2013, unless the driver's license is issued for a
17 period other than five years from October 1, 2012, to June 30, 2013,
18 or six years after June 30, 2013, in which case the fee shall be
19 ~~((nine dollars))~~ \$10 for each year that the license is issued, which
20 includes the fee for the required photograph, shall issue to every
21 qualifying applicant a driver's license. A driver's license issued to
22 a person under the age of eighteen is an intermediate license,
23 subject to the restrictions imposed under RCW 46.20.075, until the
24 person reaches the age of eighteen. The license must include a
25 distinguishing number assigned to the licensee, the name of record,
26 date of birth, Washington residence address, photograph, a brief
27 description of the licensee, either a facsimile of the signature of
28 the licensee or a space upon which the licensee shall write his or
29 her usual signature with pen and ink immediately upon receipt of the
30 license, and, if applicable, the person's status as a veteran as
31 provided in subsection (2) of this section. No license is valid until
32 it has been so signed by the licensee.

33 (2) A veteran, as defined in RCW 41.04.007, or an individual who
34 otherwise meets the criteria of RCW 41.04.007 but who has received a
35 general discharge under honorable conditions, may apply to the
36 department to obtain a veteran designation on a driver's license
37 issued under this section by providing:

38 (a) A United States department of veterans affairs identification
39 card or proof of service letter;

1 (b) A United States department of defense discharge document, DD
2 Form 214 or DD Form 215, as it exists on June 7, 2018, or such
3 subsequent date as may be provided by the department by rule,
4 consistent with the purposes of this section, or equivalent or
5 successor discharge paperwork, that shows a discharge status of
6 "honorable" or "general under honorable conditions" that establishes
7 the person's service in the armed forces of the United States;

8 (c) A national guard state-issued report of separation and
9 military service, NGB Form 22, as it exists on June 7, 2018, or such
10 subsequent date as may be provided by the department by rule,
11 consistent with the purposes of this section, or equivalent or
12 successor discharge paperwork, that shows a discharge status of
13 "honorable" or "general under honorable conditions" that establishes
14 the person's active duty or reserve service in the national guard; or

15 (d) A United States uniformed services identification card, DD
16 Form 2, that displays on its face that it has been issued to a
17 retired member of any of the armed forces of the United States,
18 including the national guard and armed forces reserves.

19 The department may permit a veteran, as defined in RCW 41.04.007,
20 or an individual who otherwise meets the criteria of RCW 41.04.007
21 but who has received a general discharge under honorable conditions,
22 to submit an alternate form of documentation to apply to obtain a
23 veteran designation on a driver's license, as specified by rule, that
24 requires a discharge status of "honorable" or "general under
25 honorable conditions" and that establishes the person's service as
26 required under RCW 41.04.007.

27 **Sec. 503.** RCW 46.20.161 and 2020 c 261 s 3 are each amended to
28 read as follows:

29 (1) The department, upon receipt of a fee of forty-five dollars
30 from October 1, 2012, to June 30, 2013, and (~~(fifty-four dollars)~~)
31 \$60 after June 30, 2013, unless the driver's license is issued for a
32 period other than five years from October 1, 2012, to June 30, 2013,
33 or six years after June 30, 2013, in which case the fee shall be
34 (~~(nine dollars)~~) \$10 for each year that the license is issued, which
35 includes the fee for the required photograph, shall issue to every
36 qualifying applicant a driver's license. A driver's license issued to
37 a person under the age of eighteen is an intermediate license,
38 subject to the restrictions imposed under RCW 46.20.075, until the
39 person reaches the age of eighteen.

1 (2) The license must include:
2 (a) A distinguishing number assigned to the licensee;
3 (b) The name of record;
4 (c) Date of birth;
5 (d) Washington residence address;
6 (e) Photograph;
7 (f) A brief description of the licensee;
8 (g) Either a facsimile of the signature of the licensee or a
9 space upon which the licensee shall write his or her usual signature
10 with pen and ink immediately upon receipt of the license;
11 (h) If applicable, the person's status as a veteran as provided
12 in subsection (4) of this section; and
13 (i) If applicable, a medical alert designation as provided in
14 subsection (5) of this section.
15 (3) No license is valid until it has been signed by the licensee.
16 (4) (a) A veteran, as defined in RCW 41.04.007, or an individual
17 who otherwise meets the criteria of RCW 41.04.007 but who has
18 received a general discharge under honorable conditions, may apply to
19 the department to obtain a veteran designation on a driver's license
20 issued under this section by providing:
21 (i) A United States department of veterans affairs identification
22 card or proof of service letter;
23 (ii) A United States department of defense discharge document, DD
24 Form 214 or DD Form 215, as it exists on June 7, 2018, or such
25 subsequent date as may be provided by the department by rule,
26 consistent with the purposes of this section, or equivalent or
27 successor discharge paperwork, that shows a discharge status of
28 "honorable" or "general under honorable conditions" that establishes
29 the person's service in the armed forces of the United States;
30 (iii) A national guard state-issued report of separation and
31 military service, NGB Form 22, as it exists on June 7, 2018, or such
32 subsequent date as may be provided by the department by rule,
33 consistent with the purposes of this section, or equivalent or
34 successor discharge paperwork, that shows a discharge status of
35 "honorable" or "general under honorable conditions" that establishes
36 the person's active duty or reserve service in the national guard; or
37 (iv) A United States uniformed services identification card, DD
38 Form 2, that displays on its face that it has been issued to a
39 retired member of any of the armed forces of the United States,
40 including the national guard and armed forces reserves.

1 (b) The department may permit a veteran, as defined in RCW
2 41.04.007, or an individual who otherwise meets the criteria of RCW
3 41.04.007 but who has received a general discharge under honorable
4 conditions, to submit an alternate form of documentation to apply to
5 obtain a veteran designation on a driver's license, as specified by
6 rule, that requires a discharge status of "honorable" or "general
7 under honorable conditions" and that establishes the person's service
8 as required under RCW 41.04.007.

9 (5) Any person may apply to the department to obtain a medical
10 alert designation, a developmental disability designation, or a
11 deafness designation on a driver's license issued under this chapter
12 by providing:

13 (a) Self-attestation that the individual:

14 (i) Has a medical condition that could affect communication or
15 account for a driver health emergency;

16 (ii) Is deaf or hard of hearing; or

17 (iii) Has a developmental disability as defined in RCW
18 71A.10.020;

19 (b) A statement from the person that they have voluntarily
20 provided the self-attestation and other information verifying the
21 condition; and

22 (c) For persons under eighteen years of age or who have a
23 developmental disability, the signature of a parent or legal
24 guardian.

25 (6) A self-attestation or data contained in a self-attestation
26 provided under this section:

27 (a) Shall not be disclosed;

28 (b) Is for the confidential use of the director, the chief of the
29 Washington state patrol, and law enforcement and emergency medical
30 service providers as designated by law; and

31 (c) Is subject to the privacy protections of the driver's privacy
32 protection act, 18 U.S.C. Sec. 2725.

33 **Sec. 504.** RCW 46.20.181 and 2012 c 80 s 9 are each amended to
34 read as follows:

35 (1) Except as provided in subsection (4) or (5) of this section,
36 every driver's license expires on the sixth anniversary of the
37 licensee's birthdate following the issuance of the license.

38 (2) A person may renew his or her license on or before the
39 expiration date by submitting an application as prescribed by the

1 department and paying a fee of forty-five dollars from October 1,
2 2012, to June 30, 2013, and (~~(fifty-four dollars)~~) \$60 after June 30,
3 2013. This fee includes the fee for the required photograph.

4 (3) A person renewing his or her driver's license more than sixty
5 days after the license has expired shall pay a penalty fee of ten
6 dollars in addition to the renewal fee, unless his or her license
7 expired when:

8 (a) The person was outside the state and he or she renews the
9 license within sixty days after returning to this state; or

10 (b) The person was incapacitated and he or she renews the license
11 within sixty days after the termination of the incapacity.

12 (4) The department may issue or renew a driver's license for a
13 period other than five years from October 1, 2012, to June 30, 2013,
14 or six years after June 30, 2013, or may extend by mail or electronic
15 commerce a license that has already been issued, in order to evenly
16 distribute, as nearly as possible, the yearly renewal rate of
17 licensed drivers. The fee for a driver's license issued or renewed
18 for a period other than five years from October 1, 2012, to June 30,
19 2013, or six years after June 30, 2013, or that has been extended by
20 mail or electronic commerce, is (~~(nine dollars)~~) \$10 for each year
21 that the license is issued, renewed, or extended. The department may
22 adopt any rules as are necessary to carry out this subsection.

23 (5) A driver's license that includes a hazardous materials
24 endorsement under chapter 46.25 RCW may expire on an anniversary of
25 the licensee's birthdate other than the sixth year following issuance
26 or renewal of the license in order to match, as nearly as possible,
27 the validity of certification from the federal transportation
28 security administration that the licensee has been determined not to
29 pose a security risk. The fee for a driver's license issued or
30 renewed for a period other than five years from October 1, 2012, to
31 June 30, 2013, or six years after June 30, 2013, is (~~(nine dollars)~~)
32 \$10 for each year that the license is issued or renewed, not
33 including any endorsement fees. The department may adjust the
34 expiration date of a driver's license that has previously been issued
35 to conform to the provisions of this subsection if a hazardous
36 materials endorsement is added to the license subsequent to its
37 issuance. If the validity of the driver's license is extended, the
38 licensee must pay a fee of (~~(nine dollars)~~) \$10 for each year that
39 the license is extended.

1 (6) The department may adopt any rules as are necessary to carry
2 out this section.

3 **Sec. 505.** RCW 46.20.117 and 2020 c 124 s 2 are each amended to
4 read as follows:

5 (1) **Issuance.** The department shall issue an identicard,
6 containing a picture, if the applicant:

7 (a) Does not hold a valid Washington driver's license;

8 (b) Proves his or her identity as required by RCW 46.20.035; and

9 (c) Pays the required fee. Except as provided in subsection (5)
10 of this section, the fee is (~~(fifty-four dollars)~~) \$60, unless an
11 applicant is:

12 (i) A recipient of continuing public assistance grants under
13 Title 74 RCW, who is referred in writing by the secretary of social
14 and health services;

15 (ii) Under the age of twenty-five and does not have a permanent
16 residence address as determined by the department by rule; or

17 (iii) An individual who is scheduled to be released from an
18 institution as defined in RCW 13.40.020, a community facility as
19 defined in RCW 72.05.020, or other juvenile rehabilitation facility
20 operated by the department of social and health services or the
21 department of children, youth, and families; or an individual who has
22 been released from such an institution or facility within thirty
23 calendar days before the date of the application.

24 For those persons under (c)(i) through (iii) of this subsection,
25 the fee must be the actual cost of production of the identicard.

26 (2)(a) **Design and term.** The identicard must:

27 (i) Be distinctly designed so that it will not be confused with
28 the official driver's license; and

29 (ii) Except as provided in subsection (5) of this section, expire
30 on the sixth anniversary of the applicant's birthdate after issuance.

31 (b) The identicard may include the person's status as a veteran,
32 consistent with RCW 46.20.161(2).

33 (3) **Renewal.** An application for identicard renewal may be
34 submitted by means of:

35 (a) Personal appearance before the department; or

36 (b) Mail or electronic commerce, if permitted by rule of the
37 department and if the applicant did not renew his or her identicard
38 by mail or by electronic commerce when it last expired.

1 An identicard may not be renewed by mail or by electronic
2 commerce unless the renewal issued by the department includes a
3 photograph of the identicard holder.

4 (4) **Cancellation.** The department may cancel an identicard if the
5 holder of the identicard used the card or allowed others to use the
6 card in violation of RCW 46.20.0921.

7 (5) **Alternative issuance/renewal/extension.** The department may
8 issue or renew an identicard for a period other than six years, or
9 may extend by mail or electronic commerce an identicard that has
10 already been issued, in order to evenly distribute, as nearly as
11 possible, the yearly renewal rate of identicard holders. The fee for
12 an identicard issued or renewed for a period other than six years, or
13 that has been extended by mail or electronic commerce, is nine
14 dollars for each year that the identicard is issued, renewed, or
15 extended. The department may adopt any rules as are necessary to
16 carry out this subsection.

17 **Sec. 506.** RCW 46.20.117 and 2020 c 261 s 2 and 2020 c 124 s 2
18 are each reenacted and amended to read as follows:

19 (1) **Issuance.** The department shall issue an identicard,
20 containing a picture, if the applicant:

21 (a) Does not hold a valid Washington driver's license;

22 (b) Proves his or her identity as required by RCW 46.20.035; and

23 (c) Pays the required fee. Except as provided in subsection (7)
24 of this section, the fee is (~~(fifty-four dollars)~~) \$60, unless an
25 applicant is:

26 (i) A recipient of continuing public assistance grants under
27 Title 74 RCW, who is referred in writing by the secretary of social
28 and health services;

29 (ii) Under the age of twenty-five and does not have a permanent
30 residence address as determined by the department by rule; or

31 (iii) An individual who is scheduled to be released from an
32 institution as defined in RCW 13.40.020, a community facility as
33 defined in RCW 72.05.020, or other juvenile rehabilitation facility
34 operated by the department of social and health services or the
35 department of children, youth, and families; or an individual who has
36 been released from such an institution or facility within thirty
37 calendar days before the date of the application.

38 For those persons under (c)(i) through (iii) of this subsection,
39 the fee must be the actual cost of production of the identicard.

1 (2) (a) **Design and term.** The identicard must:

2 (i) Be distinctly designed so that it will not be confused with
3 the official driver's license; and

4 (ii) Except as provided in subsection (7) of this section, expire
5 on the sixth anniversary of the applicant's birthdate after issuance.

6 (b) The identicard may include the person's status as a veteran,
7 consistent with RCW 46.20.161(4).

8 (c) If applicable, the identicard may include a medical alert
9 designation as provided in subsection (5) of this section.

10 (3) **Renewal.** An application for identicard renewal may be
11 submitted by means of:

12 (a) Personal appearance before the department; or

13 (b) Mail or electronic commerce, if permitted by rule of the
14 department and if the applicant did not renew his or her identicard
15 by mail or by electronic commerce when it last expired.

16 An identicard may not be renewed by mail or by electronic
17 commerce unless the renewal issued by the department includes a
18 photograph of the identicard holder.

19 (4) **Cancellation.** The department may cancel an identicard if the
20 holder of the identicard used the card or allowed others to use the
21 card in violation of RCW 46.20.0921.

22 (5) Any person may apply to the department to obtain a medical
23 alert designation, a developmental disability designation, or a
24 deafness designation on an identicard issued under this chapter by
25 providing:

26 (a) Self-attestation that the individual:

27 (i) Has a medical condition that could affect communication or
28 account for a health emergency;

29 (ii) Is deaf or hard of hearing; or

30 (iii) Has a developmental disability as defined in RCW
31 71A.10.020;

32 (b) A statement from the person that they have voluntarily
33 provided the self-attestation and other information verifying the
34 condition; and

35 (c) For persons under eighteen years of age or who have a
36 developmental disability, the signature of a parent or legal
37 guardian.

38 (6) A self-attestation or data contained in a self-attestation
39 provided under this section:

40 (a) Shall not be disclosed; and

1 (b) Is for the confidential use of the director, the chief of the
2 Washington state patrol, and law enforcement and emergency medical
3 service providers as designated by law.

4 (7) **Alternative issuance/renewal/extension.** The department may
5 issue or renew an identicard for a period other than six years, or
6 may extend by mail or electronic commerce an identicard that has
7 already been issued, in order to evenly distribute, as nearly as
8 possible, the yearly renewal rate of identicard holders. The fee for
9 an identicard issued or renewed for a period other than six years, or
10 that has been extended by mail or electronic commerce, is nine
11 dollars for each year that the identicard is issued, renewed, or
12 extended. The department may adopt any rules as are necessary to
13 carry out this subsection.

14 **Sec. 507.** RCW 46.68.041 and 2004 c 95 s 15 are each amended to
15 read as follows:

16 (1) Except as provided in (~~subsection (2)~~) subsections (2)
17 through (4) of this section and RCW 46.20.202(5), the department
18 (~~shall~~) must forward all funds accruing under the provisions of
19 chapter 46.20 RCW together with a proper identifying, detailed report
20 to the state treasurer who (~~shall~~) must deposit such moneys to the
21 credit of the highway safety fund.

22 (2) Sixty-three percent of each fee collected by the department
23 under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) (~~shall~~) must
24 be deposited in the impaired driving safety account.

25 (3) \$6 of the driver's license fee collected under RCW 46.20.181
26 and \$6 of the identicard fee collected under RCW 46.20.117 must be
27 deposited in the forward flexible account created in section 802 of
28 this act.

29 (4) Fifty percent of the revenue from the revenue from the fees
30 imposed under section 502(2), chapter . . ., Laws of 2021 (section
31 502(2) of this act) must be deposited in the forward flexible account
32 created in section 802 of this act.

33 **Sec. 508.** RCW 46.68.041 and 2020 c 330 s 18 are each amended to
34 read as follows:

35 (1) Except as provided in (~~subsection (2)~~) subsections (2)
36 through (4) of this section and RCW 46.20.202(5), the department
37 (~~shall~~) must forward all funds accruing under the provisions of
38 chapter 46.20 RCW together with a proper identifying, detailed report

1 to the state treasurer who (~~shall~~) must deposit such moneys to the
2 credit of the highway safety fund.

3 (2) Fifty-six percent of each fee collected by the department
4 under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) (~~shall~~) must
5 be deposited in the impaired driving safety account.

6 (3) \$6 of the driver's license fee collected under RCW 46.20.181
7 and \$6 of the identicard fee collected under RCW 46.20.117 must be
8 deposited into the forward flexible account created in section 802 of
9 this act with the remainder deposited in accordance with this
10 section.

11 (4) Fifty percent of the revenue from the revenue from the fees
12 imposed under section 510(2), chapter . . ., Laws of 2021 (section
13 510(2) of this act) must be deposited in the forward flexible account
14 created in section 802 of this act with the remainder deposited in
15 accordance with this section.

16 **Sec. 509.** RCW 46.52.130 and 2019 c 99 s 1 are each amended to
17 read as follows:

18 Upon a proper request, the department may furnish an abstract of
19 a person's driving record as permitted under this section. For the
20 purposes of this section, an "agent" means a representative of an
21 authorized recipient that has contracted with the recipient to
22 request driving records on its behalf and insurance pools established
23 under RCW 48.62.031 of which the authorized recipient is a member.

24 (1) **Contents of abstract of driving record.** An abstract of a
25 person's driving record, whenever possible, must include:

26 (a) An enumeration of motor vehicle accidents in which the person
27 was driving, including:

28 (i) The total number of vehicles involved;

29 (ii) Whether the vehicles were legally parked or moving;

30 (iii) Whether the vehicles were occupied at the time of the
31 accident; and

32 (iv) Whether the accident resulted in a fatality;

33 (b) Any reported convictions, forfeitures of bail, or findings
34 that an infraction was committed based upon a violation of any motor
35 vehicle law;

36 (c) The status of the person's driving privilege in this state;
37 and

1 (d) Any reports of failure to appear in response to a traffic
2 citation or failure to respond to a notice of infraction served upon
3 the named individual by an arresting officer.

4 (2) **Release of abstract of driving record.** Unless otherwise
5 required in this section, the release of an abstract does not require
6 a signed statement by the subject of the abstract. An abstract of a
7 person's driving record may be furnished to the following persons or
8 entities:

9 (a) **Named individuals.** (i) An abstract of the full driving record
10 maintained by the department may be furnished to the individual named
11 in the abstract.

12 (ii) Nothing in this section prevents a court from providing a
13 copy of the driver's abstract to the individual named in the abstract
14 or that named individual's attorney, provided that the named
15 individual has a pending or open infraction or criminal case in that
16 court. A pending case includes criminal cases that have not reached a
17 disposition by plea, stipulation, trial, or amended charge. An open
18 infraction or criminal case includes cases on probation, payment
19 agreement or subject to, or in collections. Courts may charge a
20 reasonable fee for the production and copying of the abstract for the
21 individual.

22 (b) **Employers or prospective employers.** (i) (A) An abstract of the
23 full driving record maintained by the department may be furnished to
24 an employer or prospective employer or an agent acting on behalf of
25 an employer or prospective employer of the named individual for
26 purposes related to driving by the individual as a condition of
27 employment or otherwise at the direction of the employer.

28 (B) Release of an abstract of the driving record of an employee
29 or prospective employee requires a statement signed by: (I) The
30 employee or prospective employee that authorizes the release of the
31 record; and (II) the employer attesting that the information is
32 necessary for employment purposes related to driving by the
33 individual as a condition of employment or otherwise at the direction
34 of the employer. If the employer or prospective employer authorizes
35 an agent to obtain this information on their behalf, this must be
36 noted in the statement. The statement must also note that any
37 information contained in the abstract related to an adjudication that
38 is subject to a court order sealing the juvenile record of an
39 employee or prospective employee may not be used by the employer or
40 prospective employer, or an agent authorized to obtain this

1 information on their behalf, unless required by federal regulation or
2 law. The employer or prospective employer must afford the employee or
3 prospective employee an opportunity to demonstrate that an
4 adjudication contained in the abstract is subject to a court order
5 sealing the juvenile record.

6 (C) Upon request of the person named in the abstract provided
7 under this subsection, and upon that same person furnishing copies of
8 court records ruling that the person was not at fault in a motor
9 vehicle accident, the department must indicate on any abstract
10 provided under this subsection that the person was not at fault in
11 the motor vehicle accident.

12 (D) No employer or prospective employer, nor any agent of an
13 employer or prospective employer, may use information contained in
14 the abstract related to an adjudication that is subject to a court
15 order sealing the juvenile record of an employee or prospective
16 employee for any purpose unless required by federal regulation or
17 law. The employee or prospective employee must furnish a copy of the
18 court order sealing the juvenile record to the employer or
19 prospective employer, or the agent of the employer or prospective
20 employer, as may be required to ensure the application of this
21 subsection.

22 (ii) In addition to the methods described in (b)(i) of this
23 subsection, the director may enter into a contractual agreement with
24 an employer or its agent for the purpose of reviewing the driving
25 records of existing employees for changes to the record during
26 specified periods of time. The department shall establish a fee for
27 this service, which must be deposited in the highway safety fund. The
28 fee for this service must be set at a level that will not result in a
29 net revenue loss to the state, and must be at least eight cents for
30 each record and distributed as specified in subsection (7) of this
31 section. Any information provided under this subsection must be
32 treated in the same manner and is subject to the same restrictions as
33 driving record abstracts.

34 (c) **Volunteer organizations.** (i) An abstract of the full driving
35 record maintained by the department may be furnished to a volunteer
36 organization or an agent for a volunteer organization for which the
37 named individual has submitted an application for a position that
38 would require driving by the individual at the direction of the
39 volunteer organization.

1 (ii) Release of an abstract of the driving record of a
2 prospective volunteer requires a statement signed by: (A) The
3 prospective volunteer that authorizes the release of the record; and
4 (B) the volunteer organization attesting that the information is
5 necessary for purposes related to driving by the individual at the
6 direction of the volunteer organization. If the volunteer
7 organization authorizes an agent to obtain this information on their
8 behalf, this must be noted in the statement.

9 (d) **Transit authorities.** An abstract of the full driving record
10 maintained by the department may be furnished to an employee or agent
11 of a transit authority checking prospective or existing volunteer
12 vanpool drivers for insurance and risk management needs.

13 The director may enter into a contractual agreement with a
14 transit authority or its agent for the purpose of reviewing the
15 driving records of existing vanpool drivers for changes to the record
16 during specified periods of time. The department shall establish a
17 fee for this service, which must be deposited in the highway safety
18 fund. The fee for this service must be set at a level that does not
19 result in a net revenue loss to the state, and must be at least eight
20 cents for each record and distributed as specified in subsection (7)
21 of this section. Any information provided under this subsection must
22 be treated in the same manner and is subject to the same restrictions
23 as driving record abstracts.

24 (e) **Insurance carriers.** (i) An abstract of the driving record
25 maintained by the department covering the period of not more than the
26 last three years may be furnished to an insurance company or its
27 agent:

28 (A) That has motor vehicle or life insurance in effect covering
29 the named individual;

30 (B) To which the named individual has applied; or

31 (C) That has insurance in effect covering the employer or a
32 prospective employer of the named individual.

33 (ii) The abstract provided to the insurance company must:

34 (A) Not contain any information related to actions committed by
35 law enforcement officers or firefighters, as both terms are defined
36 in RCW 41.26.030, or by Washington state patrol officers, while
37 driving official vehicles in the performance of their occupational
38 duty, or by registered tow truck operators as defined in RCW
39 46.55.010 in the performance of their occupational duties while at
40 the scene of a roadside impound or recovery so long as they are not

1 issued a citation. This does not apply to any situation where the
2 vehicle was used in the commission of a misdemeanor or felony;

3 (B) Include convictions under RCW 46.61.5249 and 46.61.525,
4 except that the abstract must report the convictions only as
5 negligent driving without reference to whether they are for first or
6 second degree negligent driving; and

7 (C) Exclude any deferred prosecution under RCW 10.05.060, except
8 that if a person is removed from a deferred prosecution under RCW
9 10.05.090, the abstract must show the deferred prosecution as well as
10 the removal.

11 (iii) Any policy of insurance may not be canceled, nonrenewed,
12 denied, or have the rate increased on the basis of information
13 regarding an accident included in the abstract of a driving record,
14 unless the policyholder was determined to be at fault.

15 (iv) Any insurance company or its agent, for underwriting
16 purposes relating to the operation of commercial motor vehicles, may
17 not use any information contained in the abstract relative to any
18 person's operation of motor vehicles while not engaged in such
19 employment. Any insurance company or its agent, for underwriting
20 purposes relating to the operation of noncommercial motor vehicles,
21 may not use any information contained in the abstract relative to any
22 person's operation of commercial motor vehicles.

23 (v) The director may enter into a contractual agreement with an
24 insurance company or its agent for the limited purpose of reviewing
25 the driving records of existing policyholders for changes to the
26 record during specified periods of time. The department shall
27 establish a fee for this service, which must be deposited in the
28 highway safety fund. The fee for this service must be set at a level
29 that will not result in a net revenue loss to the state, and must be
30 at least eight cents for each record and distributed as specified in
31 subsection (7) of this section. Any information provided under this
32 subsection must be treated in the same manner and is subject to the
33 same restrictions as driving record abstracts.

34 (f) **Alcohol/drug assessment or treatment agencies.** An abstract of
35 the driving record maintained by the department covering the period
36 of not more than the last five years may be furnished to an alcohol/
37 drug assessment or treatment agency approved by the department of
38 social and health services to which the named individual has applied
39 or been assigned for evaluation or treatment, for purposes of

1 assisting employees in making a determination as to what level of
2 treatment, if any, is appropriate, except that the abstract must:

3 (i) Also include records of alcohol-related offenses, as defined
4 in RCW 46.01.260(2), covering a period of not more than the last ten
5 years; and

6 (ii) Indicate whether an alcohol-related offense was originally
7 charged as a violation of either RCW 46.61.502 or 46.61.504.

8 (g) **Attorneys—City attorneys, county prosecuting attorneys, and**
9 **named individual's attorney of record.** An abstract of the full
10 driving record maintained by the department, including whether a
11 recorded violation is an alcohol-related offense, as defined in RCW
12 46.01.260(2), that was originally charged as a violation of either
13 RCW 46.61.502 or 46.61.504, may be furnished to city attorneys,
14 county prosecuting attorneys, or the named individual's attorney of
15 record. City attorneys, county prosecuting attorneys, or the named
16 individual's attorney of record may provide the driving record to
17 alcohol/drug assessment or treatment agencies approved by the
18 department of social and health services to which the named
19 individual has applied or been assigned for evaluation or treatment.

20 (h) **State colleges, universities, or agencies, or units of local**
21 **government.** An abstract of the full driving record maintained by the
22 department may be furnished to (i) state colleges, universities, or
23 agencies for employment and risk management purposes or (ii) units of
24 local government authorized to self-insure under RCW 48.62.031, or
25 their agents, for employment and risk management purposes. The
26 director may enter into a contractual agreement with a unit of local
27 government, or its agent, for the purpose of reviewing the driving
28 records of existing employees for changes to the record during
29 specified periods of time. The department shall establish a fee for
30 this service, which must be deposited in the highway safety fund. The
31 fee for this service must be set at a level that will not result in a
32 net revenue loss to the state, and must be at least eight cents for
33 each record and distributed as specified in subsection (7) of this
34 section. Any information provided under this subsection must be
35 treated in the same manner and is subject to the same restrictions as
36 driving record abstracts. "Unit of local government" includes an
37 insurance pool established under RCW 48.62.031.

38 (i) **Superintendent of public instruction.** An abstract of the full
39 driving record maintained by the department may be furnished to the
40 superintendent of public instruction for review of public school bus

1 driver records. The superintendent or superintendent's designee may
2 discuss information on the driving record with an authorized
3 representative of the employing school district for employment and
4 risk management purposes.

5 (3) **Release to third parties prohibited.** Any person or entity
6 receiving an abstract of a person's driving record under subsection
7 (2)(b) through (i) of this section shall use the abstract exclusively
8 for his, her, or its own purposes or as otherwise expressly permitted
9 under this section, and shall not divulge any information contained
10 in the abstract to a third party.

11 (4) **Fee.** The director shall collect a (~~thirteen-dollar~~) \$14 fee
12 for each abstract of a person's driving record furnished by the
13 department. After depositing \$1 of the driver's abstract fee in the
14 forward flexible account created in section 802 of this act, the
15 remainder shall be distributed as follows:

16 (i) Fifty percent (~~of the fee~~) must be deposited in the highway
17 safety fund(~~(7)~~); and (~~fifty~~)

18 (ii) Fifty percent (~~of the fee~~) must be deposited according to
19 RCW 46.68.038.

20 (5) **Violation.** (a) Any negligent violation of this section is a
21 gross misdemeanor.

22 (b) Any intentional violation of this section is a class C
23 felony.

24 (6) Effective July 1, 2019, the contents of a driving abstract
25 pursuant to this section shall not include any information related to
26 sealed juvenile records unless that information is required by
27 federal law or regulation.

28 (7) **Driver record monitoring fee.** Seventy-five percent of the fee
29 must be deposited in the highway safety fund and 25 percent must be
30 deposited in the forward flexible account created in section 802 of
31 this act.

32 **Sec. 510.** RCW 46.20.200 and 2012 c 80 s 10 are each amended to
33 read as follows:

34 (1) If an instruction permit, identicard, or a driver's license
35 is lost or destroyed, the person to whom it was issued may obtain a
36 duplicate of it upon furnishing proof of such fact satisfactory to
37 the department and payment of a fee of twenty dollars to the
38 department.

1 (2) A replacement permit, identicard, or driver's license may be
2 obtained to change or correct material information upon payment of a
3 fee of (~~ten dollars~~) \$20 and surrender of the permit, identicard,
4 or driver's license being replaced.

5 NEW SECTION. **Sec. 511.** A new section is added to chapter 46.01
6 RCW to read as follows:

7 (1) The state of Washington occupies and preempts the charging of
8 per trip fees on prearranged rides by transportation network company
9 drivers operating in the state of Washington as provided in this
10 section. Local laws and ordinances that are inconsistent with this
11 subsection may not be enacted and are hereby preempted and repealed.
12 However, this subsection does not apply to local laws and ordinances
13 enacted regarding per trip fees enacted prior to January 1, 2021.

14 (2) Beginning January 1, 2022, the department must charge a 50
15 cent per trip fee on prearranged and nonprearranged rides by for hire
16 vehicles operating in the state of Washington. However, in a county
17 with a population greater than 2,000,000, the per trip fee is 25
18 cents.

19 (3) The director must adopt rules to implement this section. The
20 rules may include, but are not limited to, the:

21 (a) Administration, enforcement, and collection of the fee in the
22 most efficient manner deemed by the director;

23 (b) Imposition of audit requirements to ensure compliance;

24 (c) Establishment of penalties on drivers and companies for
25 noncompliance; and

26 (d) Implementation of cooperative arrangements with cities,
27 counties, or port districts for the collection and remittance of this
28 fee.

29 (4) All revenues generated under this section must be deposited
30 into the forward flexible account created in section 802 of this act.
31 Of the amount deposited pursuant to this subsection, 20 percent shall
32 be used to enhance department of transportation, public
33 transportation division programs as follows:

34 (a) Fifty percent must be for funding the special needs
35 transportation grant program; and

36 (b) Fifty percent must be for funding the transit coordination
37 grant program.

38 (5) The definitions in this subsection apply throughout this
39 section unless the context clearly requires otherwise.

1 (a) "For hire vehicle" means vehicles used for the transportation
2 of passengers for compensation including, taxicab transportation
3 services provided under chapter 46.72 or 81.72 RCW, or a
4 transportation network company driver providing prearranged trips
5 through a digital network. The term excludes auto stages, school
6 buses operating exclusively under a contract to a school district,
7 ride-sharing vehicles under chapter 46.74 RCW, limousine carriers
8 licensed under chapter 46.72A RCW, vehicles used by nonprofit
9 transportation providers for elderly or persons with disabilities and
10 their attendants under chapter 81.66 RCW, vehicles used by auto
11 transportation companies licensed under chapter 81.68 RCW, vehicles
12 used to provide courtesy transportation at no charge to and from
13 parking lots, hotels, and rental offices, and vehicles used by
14 charter party carriers of passengers and excursion service carriers
15 licensed under chapter 81.70 RCW.

16 (b) "Transportation network company" means a corporation,
17 partnership, sole proprietorship, or other entity that is operating
18 in Washington state and uses a digital network to connect
19 transportation network company riders to transportation network
20 company drivers who provide prearranged rides.

21 (c) "Transportation network company driver" means an individual
22 who:

23 (i) Receives connections to potential transportation network
24 company riders and related services from a transportation network
25 company; and

26 (ii) Uses a transportation network company vehicle to offer or
27 provide a prearranged ride to transportation network company riders
28 upon connection through a digital network controlled by a
29 transportation network company in exchange for compensation or
30 payment of a fee.

31 (6) (a) By August 1, 2021, the department must convene a work
32 group to negotiate and develop a comprehensive framework and
33 recommendations for:

34 (i) The regulation of transportation network companies within the
35 state of Washington; and

36 (ii) Coordinated linkages with existing systems for taxi and for
37 hire services regulated by state and local governments.

38 (b) (i) In convening this work group, the department must involve
39 relevant representatives of the utilities and transportation
40 commission, local governments involved in the regulation of

1 transportation network companies and for hire vehicles, entities
2 providing transportation network services, entities providing taxicab
3 services and other for hire services, and other relevant parties. The
4 work group must periodically provide updates to the joint
5 transportation committee and allow opportunities for interested
6 members to attend meetings of the work group and provide feedback.

7 (ii) The work group must attempt to develop a comprehensive
8 framework and recommendations for regulatory fees, the most effective
9 and efficient state and local regulatory structure or structures, the
10 most effective public safety aspects including the type of required
11 background checks, appropriate driver compensation policies, and
12 other ways to improve the consistency and overall effectiveness and
13 competitive fairness of the current regulatory systems.

14 (iii) The department must issue a report of its agreed to
15 framework and recommendations, including draft legislation, to the
16 house and senate transportation committees by December 1, 2022.

17 NEW SECTION. **Sec. 512.** A new section is added to chapter 82.02
18 RCW to read as follows:

19 (1) (a) The state of Washington occupies and preempts the charging
20 of per trip fees on prearranged food delivery trips by third-party
21 food delivery service providers operating in the state of Washington
22 as provided in this section. Local laws and ordinances that are
23 inconsistent with this subsection may not be enacted and are hereby
24 preempted and repealed.

25 (b) Beginning January 1, 2022, the department must charge a 25
26 cent per trip fee on prearranged food delivery trips operating in the
27 state of Washington. This fee shall be assessed on and paid by the
28 third-party food delivery service provider on each order processed.

29 (2) Chapter 82.32 RCW applies to the administration of the per
30 trip fee on prearranged food delivery trips in this section.

31 (3) All revenues generated under this section must be deposited
32 in the forward flexible account created in section 802 of this act.

33 (4) For the purposes of this section:

34 (a) "Food delivery contractor" means an individual who:

35 (i) Receives connections to potential food deliveries through a
36 telephonic or digital network, including a website; and

37 (ii) Uses that telephonic or digital network, including a
38 website, to offer or provide a prearranged food delivery in exchange
39 for compensation or payment of a fee.

1 (b) "Food delivery trips" means a trip by a food delivery
2 contractor where the order is placed by telephone, or website or
3 digital network provided by a third-party corporation, partnership,
4 sole proprietorship, or other entity in which the driver is connected
5 with a restaurant or other similar business requesting delivery of
6 prepared food product or meal. However, food delivery trips do not
7 include deliveries provided by delivery drivers exclusively employed
8 by a (i) grocery store, (ii) mini-market, (iii) convenience store, or
9 (iv) restaurant or other similar business actually preparing the food
10 product or meal. A trip shall be defined as drop-off or delivery of a
11 prepared food order at one geographic location.

12 (c) "Restaurant" has the same meaning as provided in RCW
13 82.08.9995, but excludes prepared food deliveries made by a nonprofit
14 organization to senior citizens.

15 (d) "Third-party food delivery service provider" means the third-
16 party corporation, partnership, sole proprietorship, or other entity
17 that connects a driver to a restaurant or other similar business
18 requesting delivery of a prepared food product or meal through a
19 website, digital network, or using a telephone.

20 Part VI

21 Capital Vessel Surcharge, Watercraft Excise Tax

22 **Sec. 601.** RCW 47.60.315 and 2019 c 431 s 3 are each amended to
23 read as follows:

24 (1) The commission (~~shall~~) must adopt fares and pricing
25 policies by rule, under chapter 34.05 RCW, according to the following
26 schedule:

27 (a) Each year the department (~~shall~~) must provide the
28 commission a report of its review of fares and pricing policies, with
29 recommendations for the revision of fares and pricing policies for
30 the ensuing year;

31 (b) By September 1st of each year, beginning in 2008, the
32 commission shall adopt by rule fares and pricing policies for the
33 ensuing year.

34 (2) The commission may adopt by rule fares that are effective for
35 more or less than one year for the purposes of transitioning to the
36 fare schedule in subsection (1) of this section.

1 (3) The commission may increase ferry fares included in the
2 schedule of charges adopted under this section by a percentage that
3 exceeds the fiscal growth factor.

4 (4) The chief executive officer of the ferry system may authorize
5 the use of promotional, discounted, and special event fares to the
6 general public and commercial enterprises for the purpose of
7 maximizing capacity use and the revenues collected by the ferry
8 system. The department shall report to the commission a summary of
9 the promotional, discounted, and special event fares offered during
10 each fiscal year and the financial results from these activities.

11 (5) Fare revenues and other revenues deposited in the Puget Sound
12 ferry operations account created in RCW 47.60.530 may not be used to
13 support the Puget Sound capital construction account created in RCW
14 47.60.505, unless the support for capital is separately identified in
15 the fare.

16 (6) The commission may not raise fares until the fare rules
17 contain pricing policies developed under RCW 47.60.290, or September
18 1, 2009, whichever is later.

19 (7) The commission shall impose a vessel replacement surcharge of
20 twenty-five cents on every one-way and round-trip ferry fare sold,
21 including multiride and monthly pass fares. This surcharge must be
22 clearly indicated to ferry passengers and drivers and, if possible,
23 on the fare media itself.

24 (8) Except as provided in subsection (10) of this section,
25 beginning May 1, 2020, the commission shall impose an additional
26 vessel replacement surcharge in an amount sufficient to fund twenty-
27 five year debt service on one 144-auto hybrid vessel taking into
28 account funds provided in chapter 417, Laws of 2019 or chapter . . .
29 (SSB 5419), Laws of 2019. The department of transportation shall
30 provide to the commission vessel and debt service cost estimates.
31 Information on vessels constructed or purchased with revenue from the
32 surcharges must be publicly posted including, but not limited to, the
33 commission website.

34 (9) The vessel replacement surcharges imposed in this section
35 must be deposited into the capital vessel replacement account created
36 in RCW 47.60.322 and may only be used for the construction or
37 purchase of ferry vessels and to pay the principal and interest on
38 bonds authorized for the construction or purchase of new ferry
39 vessels.

1 (10) The commission shall not impose the additional vessel
2 replacement surcharge in subsection (8) of this section if doing so
3 would increase fares by more than ten percent.

4 (11) Beginning October 1, 2021, the commission must impose an
5 additional vessel replacement surcharge of 25 cents on every one-way
6 and round-trip ferry fare sold, including multiride and monthly pass
7 fares.

8 **Sec. 602.** RCW 47.60.322 and 2019 c 416 s 716 are each amended to
9 read as follows:

10 (1) The capital vessel replacement account is created in the
11 motor vehicle fund. All revenues generated from the vessel
12 replacement (~~(surcharge)~~) surcharges under RCW 47.60.315(~~(+7)~~) and
13 service fees collected by the department of licensing or county
14 auditor or other agent appointed by the director under RCW 46.17.040,
15 46.17.050, and 46.17.060 must be deposited into the account. Moneys
16 in the account may be spent only after appropriation. Expenditures
17 from the account may be used only for the construction or purchase of
18 ferry vessels and to pay the principal and interest on bonds
19 authorized for the construction or purchase of ferry vessels.
20 However, expenditures from the account must first be used to support
21 the construction or purchase, including any applicable financing
22 costs, of a ferry vessel with a carrying capacity of at least one
23 hundred forty-four cars.

24 (2) The state treasurer may transfer moneys from the capital
25 vessel replacement account to the transportation 2003 account (nickel
26 account) for debt service on bonds issued for the construction of
27 144-car class ferry vessels.

28 (3) The legislature may transfer from the capital vessel
29 replacement account to the connecting Washington account created
30 under RCW 46.68.395 such amounts as reflect the excess fund balance
31 of the capital vessel replacement account to be used for ferry
32 terminal construction and preservation.

33 (4) During the 2019-2021 fiscal biennium, the legislature may
34 direct the state treasurer to make transfers of moneys in the capital
35 vessel replacement account to the transportation partnership account.

36 **Sec. 603.** RCW 82.49.010 and 2014 c 195 s 503 are each amended to
37 read as follows:

1 (1) An excise tax is imposed for the privilege of using a vessel
2 upon the waters of this state, except vessels exempt under RCW
3 82.49.020. The annual amount of the excise tax is (~~one-half of~~) one
4 percent of fair market value, as determined under this chapter, or
5 five dollars, whichever is greater. Violation of this subsection is a
6 misdemeanor.

7 (2) A person who is required under chapter 88.02 RCW to register
8 a vessel in this state and who fails to register the vessel in this
9 state or registers the vessel in another state or foreign country and
10 avoids the Washington watercraft excise tax is guilty of a gross
11 misdemeanor and is liable for such unpaid excise tax. The department
12 of revenue may assess and collect the unpaid excise tax under chapter
13 82.32 RCW, including the penalty imposed in RCW 82.49.080 and
14 penalties and interest provided in chapter 82.32 RCW.

15 (3) The excise tax upon a vessel registered for the first time in
16 this state shall be imposed for a twelve-month period, including the
17 month in which the vessel is registered, unless the director of
18 licensing extends or diminishes vessel registration periods for the
19 purpose of staggered renewal periods under RCW 88.02.560. A vessel is
20 registered for the first time in this state when the vessel was not
21 registered in this state for the immediately preceding registration
22 year, or when the vessel was registered in another jurisdiction for
23 the immediately preceding year.

24 **Sec. 604.** RCW 82.49.030 and 2010 c 161 s 1045 are each amended
25 to read as follows:

26 (1) The excise tax imposed under this chapter is due and payable
27 to the department of licensing, county auditor or other agent, or
28 subagent appointed by the director of the department of licensing at
29 the time of registration of a vessel. The department of licensing
30 shall not issue or renew a registration for a vessel until the tax is
31 paid in full.

32 (2) (~~The~~) (a) Fifty percent of the excise tax collected under
33 this chapter must be deposited in the general fund; and

34 (b) Fifty percent of the excise tax collected under this chapter
35 must be deposited in forward flexible account created in section 802
36 of this act.

37 **Part VII**

38 **Per Mile Funding System**

1 NEW SECTION. **Sec. 701.** A new section is added to chapter 46.17

2 RCW to read as follows:

3 (1) By December 1, 2023, the department and the transportation
4 commission must collaborate to develop an implementation plan for the
5 voluntary early adoption program pursuant to subsection (3) of this
6 section and imposing a per mile fee on electric and hybrid vehicles
7 pursuant to subsection (2) of this section with the goal of creating
8 a more dynamic and equitable funding system that could potentially
9 incorporate additional policy priorities than the current
10 transportation funding system. This plan must incorporate the ongoing
11 work of the transportation commission in evaluating a road usage
12 charge, including coordinating with federal grant-funded research and
13 development to continue in parallel with these activities. The plan
14 must include, but is not limited to:

15 (a) Different mileage reporting methods;

16 (b) Recommended payment collection means and rates for achieving
17 cost efficiency, fairness, minimal administrative cost, payment
18 compliance, consumer choice, and preserving individual privacy;

19 (c) Adjustments or modifications to ensure that the existing
20 funding for local government support and transportation
21 infrastructure investments are maintained and not reduced as a result
22 of the fee reductions in sections 702 and 703, chapter . . ., Laws of
23 2021 (sections 702 and 703 of this act);

24 (d) Options for differential or additional rates based on the
25 particular classifications of vehicles, to ensure vehicles are paying
26 for their proportional impact on road preservation and maintenance
27 costs, legislative environmental policies, or other policy levers
28 that the legislature may want to consider;

29 (e) Options for collaborating with other states or countries in
30 the development and administration of the per mile funding system;

31 (f) Evaluation and comparison of the benefits and costs of
32 allowing for payment plan options and annual payment;

33 (g) Any recommended statutory changes, including suggested
34 offsets or rebates to the per mile fees. These offsets or rebates
35 will not be utilized in the per mile funding system until approved by
36 the legislature;

37 (h) Specific recommendations to better align the system with
38 other vehicle-related charges and potentially establish the framework
39 for broader implementation of a per mile funding system, including

1 analysis of the preferred method for addressing eighteenth amendment
2 restriction considerations;

3 (i) A recommended implementation and governance structure, and
4 transition plan with the department as the designated lead agency to
5 operate and administer the per mile funding system;

6 (j) A recommendation on the best agency to be lead for public
7 outreach and education;

8 (k) Recommendations for augmenting vehicle owner privacy in light
9 of new and emerging mileage reporting methods or technologies, and
10 proposed rules to be adopted by the commission related to extend
11 privacy protections in a per mile funding system; and

12 (l) Detailed information on the recommended periodic review and
13 evaluation process to best ensure the per mile funding system is
14 achieving the policy and revenue goals established by the
15 legislature.

16 (2)(a) Beginning July 1, 2026, before accepting an application
17 for an initial annual vehicle registration or renewal for a vehicle
18 that both (i) uses at least one method of propulsion that is capable
19 of being reenergized by an external source of electricity and (ii) is
20 capable of traveling at least 30 miles using only battery power, the
21 department, county auditor or other agent, or subagent appointed by
22 the director must require the applicant to pay a per mile fee as
23 specified in this section. This fee is in addition to all other fees
24 and taxes required by law.

25 (b) The rate of the per mile fee is as follows:

26 (i) From July 1, 2026, through June 30, 2029, two cents per mile
27 driven;

28 (ii) On July 1, 2029, and thereafter, two and one-half cents per
29 mile driven; and

30 (iii) The rates specified in (b)(i) and (ii) of this subsection
31 may be adjusted based on new information and changes in legislative
32 policy.

33 (3)(a) By July 1, 2025, the department, in consultation with the
34 transportation commission, must establish a voluntary early adoption
35 program that allows the registered owner of an electric or hybrid
36 vehicle that uses at least one method of propulsion that is capable
37 of being reenergized by an external source of electricity and is
38 capable of traveling at least 30 miles using only battery power to
39 start paying a per mile fee earlier than the mandatory participation
40 date of July 1, 2026.

1 (b) Except as otherwise specified in this subsection (3),
2 participants in the voluntary early adoption program must pay two
3 cents per mile driven in addition to all other fees and taxes
4 required by law.

5 (c) For active participants in the voluntary early adoption
6 program, the department must waive payment of the electric vehicle
7 registration renewal fees as specified in RCW 46.17.323 and the
8 transportation electrification fee as specified in RCW 46.17.324(1).

9 (d) Besides the vehicles specified in (a) of this subsection, the
10 voluntary early adoption program must include participation of at
11 least 500 electric, hybrid, and internal combustion state-owned
12 passenger or light duty truck fleet vehicles. These vehicles are not
13 subject to the per mile fee specified in (b) of this subsection. The
14 department, in consultation with the transportation commission, shall
15 establish the types of state fleet vehicles for participation to
16 further test the viability of a per mile fee on the full range of
17 vehicles that may be subject to a per mile fee in future years. The
18 voluntary early adoption program as it specifically relates to state-
19 owned fleet vehicles may be initiated as early as December 1, 2024,
20 based on the technical capability of the department to implement the
21 program for these vehicles.

22 (e) By July 1, 2024, after consultation with the transportation
23 commission on lessons learned from Washington's road usage charge
24 pilot and research, the department must adopt rules to implement the
25 voluntary early adoption program specified in this subsection (3),
26 which must include procedures for recoupment of any waived fees if
27 the participant is not actively participating in the voluntary early
28 adoption program.

29 (4) This section only applies to a vehicle that is designed to
30 have the capability to drive at a speed of more than 35 miles per
31 hour and has a gross vehicle weight rating of 10,000 pounds or less.

32 (5) Proceeds from the per mile fee imposed under this section
33 must be used for preservation and maintenance and must be deposited
34 in the motor vehicle fund created in RCW 46.68.070.

35 **Sec. 702.** RCW 46.17.323 and 2015 3rd sp.s. c 44 s 203 are each
36 amended to read as follows:

37 (1) Before accepting an application for an annual vehicle
38 registration renewal for a vehicle that both (a) uses at least one
39 method of propulsion that is capable of being reenergized by an

1 external source of electricity and (b) is capable of traveling at
2 least thirty miles using only battery power, the department, county
3 auditor or other agent, or subagent appointed by the director must
4 require the applicant to pay a one hundred dollar fee in addition to
5 any other fees and taxes required by law. The one hundred dollar fee
6 is due only at the time of annual registration renewal.

7 (2) This section only applies to a vehicle that is designed to
8 have the capability to drive at a speed of more than thirty-five
9 miles per hour.

10 (3) (a) The fee under this section is imposed to provide funds to
11 mitigate the impact of vehicles on state roads and highways and for
12 the purpose of evaluating the feasibility of transitioning from a
13 revenue collection system based on fuel taxes to a road user
14 assessment system, and is separate and distinct from other vehicle
15 license fees. Proceeds from the fee must be used for highway
16 purposes, and must be deposited in the motor vehicle fund created in
17 RCW 46.68.070, subject to (b) of this subsection.

18 (b) If in any year the amount of proceeds from the fee collected
19 under this section exceeds one million dollars, the excess amount
20 over one million dollars must be deposited as follows:

21 (i) Seventy percent to the motor vehicle fund created in RCW
22 46.68.070;

23 (ii) Fifteen percent to the transportation improvement account
24 created in RCW 47.26.084; and

25 (iii) Fifteen percent to the rural arterial trust account created
26 in RCW 36.79.020.

27 (4) (a) In addition to the fee established in subsection (1) of
28 this section, before accepting an application for an annual vehicle
29 registration renewal for a vehicle that both (i) uses at least one
30 method of propulsion that is capable of being reenergized by an
31 external source of electricity and (ii) is capable of traveling at
32 least thirty miles using only battery power, the department, county
33 auditor or other agent, or subagent appointed by the director must
34 require the applicant to pay a fifty dollar fee.

35 (b) The fee required under (a) of this subsection must be
36 distributed as follows:

37 (i) The first one million dollars raised by the fee must be
38 deposited into the multimodal transportation account created in RCW
39 47.66.070; and

1 (ii) Any remaining amounts must be deposited into the motor
2 vehicle fund created in RCW 46.68.070.

3 (5) This section applies to annual vehicle registration renewals
4 until the effective date of enacted legislation that imposes a
5 vehicle miles traveled fee or tax. However, for purposes of this
6 subsection, the establishment of the voluntary early adoption program
7 described in section 701(3) of this act does not constitute
8 legislation that imposes a vehicle miles traveled fee or tax.

9 (6) Beginning July 1, 2025, participants in the voluntary early
10 adoption program described in section 701(3) of this act are exempt
11 from the fees specified in this section.

12 **Sec. 703.** RCW 46.17.324 and 2019 c 287 s 23 are each amended to
13 read as follows:

14 To realize the environmental benefits of electrification of the
15 transportation system it is necessary to support the adoption of
16 electric vehicles and other electric technology in the state by
17 incentivizing the purchase of these vehicles, building out the
18 charging infrastructure, developing greener transit options, and
19 supporting clean alternative fuel infrastructure. Therefore, it is
20 the intent of the legislature to support these activities through the
21 imposition of new transportation electrification fees in this
22 section.

23 (1) ((A)) Until July 1, 2026, a vehicle that both (a) uses at
24 least one method of propulsion that is capable of being reenergized
25 by an external source of electricity and (b) is capable of traveling
26 at least thirty miles using only battery power, is subject to an
27 annual seventy-five dollar transportation electrification fee to be
28 collected by the department, county auditor, or other agent or
29 subagent appointed by the director, in addition to any other fees and
30 taxes required by law. For administrative efficiencies, the
31 transportation electrification fee must be collected at the same time
32 as vehicle registration renewals and may only be collected for
33 vehicles that are renewing an annual vehicle registration.

34 (2) Beginning October 1, 2019, and until July 1, 2026, in lieu of
35 the fee in subsection (1) of this section for a hybrid or alternative
36 fuel vehicle that is not required to pay the fees established in RCW
37 46.17.323 (1) and (4), the department, county auditor, or other agent
38 or subagent appointed by the director must require that the applicant
39 for the annual vehicle registration renewal of such hybrid or

1 alternative fuel vehicle pay a seventy-five dollar hybrid vehicle
2 transportation electrification fee, in addition to any other fees and
3 taxes required by law. However, the fee imposed under this subsection
4 does not apply to applicants participating in the voluntary early
5 adoption program described in section 701(3) of this act.

6 (3) Beginning July 1, 2026, the department, county auditor, or
7 other agent or subagent appointed by the director must require that
8 an applicant for the annual vehicle registration renewal for vehicles
9 specified in this subsection to pay a \$75 hybrid vehicle
10 transportation electrification fee, in addition to any other fees and
11 taxes required by law. This fee applies to:

12 (a) An electric or hybrid vehicle that uses at least one method
13 of propulsion that is capable of being reenergized by an external
14 source of electricity, but is not capable of traveling at least 30
15 miles using only battery power; or

16 (b) A hybrid electric and gasoline vehicle that is not a plug-in
17 hybrid.

18 ~~((3))~~ (4) The fees required under this section must be
19 deposited in the electric vehicle account created in RCW 82.44.200,
20 until July 1, 2025, when the fee must be deposited in the motor
21 vehicle account.

22 ~~((4))~~ (5) This section only applies to a vehicle that is
23 designed to have the capability to drive at a speed of more than
24 thirty-five miles per hour.

25 (6) Beginning July 1, 2025, participants in the voluntary early
26 adoption program described in section 701(3) of this act are exempt
27 from the fees specified in subsection (1) of this section.

28 NEW SECTION. Sec. 704. A new section is added to chapter 46.08
29 RCW to read as follows:

30 (1) The per mile system established to collect the per mile fee
31 under section 701 of this act may not involve the collection of any
32 personally identifying information beyond what is necessary to
33 properly calculate, report, and collect the per mile fee, unless the
34 vehicle owner provides his or her express written consent for the
35 collection of additional information.

36 (2) Per mile reporting methods may record or report general
37 location data under the following circumstances: (a) The vehicle
38 owner chooses that specific reporting method; (b) proper disclosure
39 of the reporting method was made pursuant to rules adopted by the

1 transportation commission; and (c) the vehicle owner specifically
2 consents to the reporting of general location data.

3 (3) Per mile reporting methods shall not report specific location
4 data to the department or any subdivision of the state, including
5 travel patterns, origins, destinations, waypoint locations, or times
6 of travel unless a vehicle owner specifically consents to the
7 recording or reporting of such location data.

8 (4) The department and any per mile account manager have an
9 affirmative public duty regarding the collection of the per mile fee
10 under section 701 of this act to:

11 (a) Ensure that per mile information is protected with reasonable
12 operational, administrative, technical, and physical safeguards to
13 ensure its confidentiality and integrity;

14 (b) Implement and maintain reasonable security procedures and
15 practices in order to protect per mile information from unauthorized
16 access, destruction, use, modification, or disclosure; and

17 (c) Implement and maintain a usage and privacy policy to ensure
18 that the collection of per mile information is consistent with
19 respect for individuals' privacy and civil liberties.

20 (5) Per mile system data retained beyond the period of time
21 necessary to ensure proper mileage account payment must have all
22 personally identifying information removed and may only be used for
23 public purposes.

24 (6) For the purposes of this section:

25 (a) "General location data" means information about whether a
26 vehicle has traveled on taxable roadways within the state of
27 Washington.

28 (b) "Personally identifying information" means any information
29 that identifies or describes a person including, but not limited to,
30 travel pattern data, address, telephone number, email address,
31 photograph, bank account information, or credit card number.
32 "Personally identifying information" does not include publicly
33 available information that is lawfully made available to the general
34 public from federal, state, or local government records.

35 (c) "Public purposes" means research, testing, and information
36 gathering that advances the safety of the motoring public and the
37 adequate preservation, maintenance, and upkeep of public roadways.

38 (d) "Specific location data" means information about the origin,
39 destination, waypoint, or travel patterns of vehicles.

1 (e) "Vehicle owner" has the same meaning as "owner" in RCW
2 46.04.380.

3 **Sec. 705.** RCW 42.56.330 and 2017 c 333 s 6 are each amended to
4 read as follows:

5 The following information relating to public utilities and
6 transportation is exempt from disclosure under this chapter:

7 (1) Records filed with the utilities and transportation
8 commission or attorney general under RCW 80.04.095 or 81.77.210 that
9 a court has determined are confidential under RCW 80.04.095 or
10 81.77.210;

11 (2) The addresses, telephone numbers, electronic contact
12 information, and customer-specific utility usage and billing
13 information in increments less than a billing cycle of the customers
14 of a public utility contained in the records or lists held by the
15 public utility of which they are customers, except that this
16 information may be released to the division of child support or the
17 agency or firm providing child support enforcement for another state
18 under Title IV-D of the federal social security act, for the
19 establishment, enforcement, or modification of a support order;

20 (3) The names, residential addresses, residential telephone
21 numbers, and other individually identifiable records held by an
22 agency in relation to a vanpool, carpool, or other ride-sharing
23 program or service. Participants' names, general locations, and point
24 of contact may be disclosed to other persons who apply for ride-
25 matching services and who need that information in order to identify
26 potential riders or drivers with whom to share rides;

27 (4) The personally identifying information of current or former
28 participants or applicants in a paratransit or other transit service
29 operated for the benefit of persons with disabilities or elderly
30 persons;

31 (5) The personally identifying information of persons who acquire
32 and use transit passes or other fare payment media including, but not
33 limited to, stored value smart cards and magnetic strip cards, except
34 that an agency may disclose personally identifying information to a
35 person, employer, educational institution, or other entity that is
36 responsible, in whole or in part, for payment of the cost of
37 acquiring or using a transit pass or other fare payment media for the
38 purpose of preventing fraud. As used in this subsection, "personally
39 identifying information" includes acquisition or use information

1 pertaining to a specific, individual transit pass or fare payment
2 media.

3 (a) Information regarding the acquisition or use of transit
4 passes or fare payment media may be disclosed in aggregate form if
5 the data does not contain any personally identifying information.

6 (b) Personally identifying information may be released to law
7 enforcement agencies if the request is accompanied by a court order;

8 (6) Any information obtained by governmental agencies that is
9 collected by the use of a motor carrier intelligent transportation
10 system or any comparable information equipment attached to a truck,
11 tractor, or trailer; however, the information may be given to other
12 governmental agencies or the owners of the truck, tractor, or trailer
13 from which the information is obtained. As used in this subsection,
14 "motor carrier" has the same definition as provided in RCW 81.80.010;

15 (7) The personally identifying information of persons who acquire
16 and use transponders or other technology to facilitate payment of
17 tolls. This information may be disclosed in aggregate form as long as
18 the data does not contain any personally identifying information. For
19 these purposes aggregate data may include the census tract of the
20 account holder as long as any individual personally identifying
21 information is not released. Personally identifying information may
22 be released to law enforcement agencies only for toll enforcement
23 purposes. Personally identifying information may be released to law
24 enforcement agencies for other purposes only if the request is
25 accompanied by a court order;

26 (8) The personally identifying information of persons who acquire
27 and use a driver's license or identicard that includes a radio
28 frequency identification chip or similar technology to facilitate
29 border crossing. This information may be disclosed in aggregate form
30 as long as the data does not contain any personally identifying
31 information. Personally identifying information may be released to
32 law enforcement agencies only for United States customs and border
33 protection enforcement purposes. Personally identifying information
34 may be released to law enforcement agencies for other purposes only
35 if the request is accompanied by a court order; (~~and~~)

36 (9) Personally identifying information included in safety
37 complaints submitted under chapter 81.61 RCW; and

38 (10) The personally identifying information of persons, as
39 defined in section 704 of this act, who report their vehicle odometer
40 mileage, including any vehicle location information, in relation to a

1 per mile fee imposed under section 701 of this act, or similar
2 mileage tax, collected by or on behalf of the state of Washington.
3 This information may be disclosed in aggregate form as long as the
4 data does not contain any personally identifying information.
5 Personally identifying information may be released to law enforcement
6 agencies only if the request is accompanied by a court order.

7 NEW SECTION. **Sec. 706.** The following acts or parts of acts, as
8 now existing or hereafter amended are each repealed, effective July
9 1, 2026:

10 RCW 46.17.323 (Electric vehicle registration renewal fees) and
11 2021 c . . . s 3 (section 3 of this act), 2015 3rd sp.s. c 44 s 203,
12 (2020 c 1 s 5 (Initiative Measure No. 976, approved November 5,
13 2019), &) and 2012 c 74 s 10.

14 **Part VIII**
15 **Other Provisions**

16 NEW SECTION. **Sec. 801.** A new section is added to chapter 46.68
17 RCW to read as follows:

18 The forward Washington account is created in the motor vehicle
19 fund. Moneys in the account may be spent only after appropriation.
20 Expenditures from the account must be used only for projects or
21 improvements identified as forward Washington projects or
22 improvements in an omnibus transportation appropriations act,
23 including any principal and interest on bonds authorized for the
24 projects or improvements.

25 NEW SECTION. **Sec. 802.** A new section is added to chapter 46.68
26 RCW to read as follows:

27 The forward flexible account is created in the state treasury.
28 Moneys in the account may be spent only after appropriation.
29 Expenditures from the account may be used only for transportation
30 projects, programs, or activities identified as forward flexible
31 projects, programs, or activities in an omnibus transportation
32 appropriations act.

33 **Sec. 803.** RCW 82.21.030 and 2020 c 20 s 1483 are each amended to
34 read as follows:

1 (1)(a) A tax is imposed on the privilege of possession of
2 hazardous substances in this state. Except as provided in (b) of this
3 subsection, the rate of the tax is seven-tenths of one percent
4 multiplied by the wholesale value of the substance. Moneys collected
5 under this subsection (1)(a) must be deposited in the model toxics
6 control capital account.

7 (b) Beginning July 1, 2019, the rate of the tax on petroleum
8 products is one dollar and nine cents per barrel. The tax collected
9 under this subsection (1)(b) on petroleum products must be deposited
10 as follows, after first depositing the tax as provided in (c) of this
11 subsection (1):

12 (i) Sixty percent to the model toxics control operating account
13 created under RCW 70A.305.180;

14 (ii) Twenty-five percent to the model toxics control capital
15 account created under RCW 70A.305.190; and

16 (iii) Fifteen percent to the model toxics control stormwater
17 account created under RCW 70A.305.200.

18 (c) (~~Until the beginning of the ensuing biennium after the~~
19 ~~enactment of an additive transportation funding act, fifty~~) Fifty
20 million dollars per biennium to the motor vehicle fund to be used
21 exclusively for transportation stormwater activities and projects.
22 (~~For purposes of this subsection, "additive transportation funding~~
23 ~~act" means an act in which the combined total of new revenues~~
24 ~~deposited into the motor vehicle fund and the multimodal~~
25 ~~transportation account exceed two billion dollars per biennium~~
26 ~~attributable solely to an increase in revenue from the enactment of~~
27 ~~the act.~~

28 ~~(d)~~) The department must compile a list of petroleum products
29 that are not easily measured on a per barrel basis. Petroleum
30 products identified on the list are subject to the rate under (a) of
31 this subsection in lieu of the volumetric rate under (b) of this
32 subsection. The list will be made in a form and manner prescribed by
33 the department and must be made available on the department's
34 internet website. In compiling the list, the department may accept
35 technical assistance from persons that sell, market, or distribute
36 petroleum products and consider any other resource the department
37 finds useful in compiling the list.

38 (2) Chapter 82.32 RCW applies to the tax imposed in this chapter.
39 The tax due dates, reporting periods, and return requirements

1 applicable to chapter 82.04 RCW apply equally to the tax imposed in
2 this chapter.

3 (3) Beginning July 1, 2020, and every July 1st thereafter, the
4 rate specified in subsection (1)(b) of this section must be adjusted
5 to reflect the percentage change in the implicit price deflator for
6 nonresidential structures as published by the United States
7 department of commerce, bureau of economic analysis for the most
8 recent twelve-month period ending December 31st of the prior year.

9 **Sec. 804.** RCW 43.84.092 and 2020 c 354 s 11, 2020 c 221 s 5,
10 2020 c 148 s 3, 2020 c 103 s 7, and 2020 c 18 s 3 are each reenacted
11 and amended to read as follows:

12 (1) All earnings of investments of surplus balances in the state
13 treasury shall be deposited to the treasury income account, which
14 account is hereby established in the state treasury.

15 (2) The treasury income account shall be utilized to pay or
16 receive funds associated with federal programs as required by the
17 federal cash management improvement act of 1990. The treasury income
18 account is subject in all respects to chapter 43.88 RCW, but no
19 appropriation is required for refunds or allocations of interest
20 earnings required by the cash management improvement act. Refunds of
21 interest to the federal treasury required under the cash management
22 improvement act fall under RCW 43.88.180 and shall not require
23 appropriation. The office of financial management shall determine the
24 amounts due to or from the federal government pursuant to the cash
25 management improvement act. The office of financial management may
26 direct transfers of funds between accounts as deemed necessary to
27 implement the provisions of the cash management improvement act, and
28 this subsection. Refunds or allocations shall occur prior to the
29 distributions of earnings set forth in subsection (4) of this
30 section.

31 (3) Except for the provisions of RCW 43.84.160, the treasury
32 income account may be utilized for the payment of purchased banking
33 services on behalf of treasury funds including, but not limited to,
34 depository, safekeeping, and disbursement functions for the state
35 treasury and affected state agencies. The treasury income account is
36 subject in all respects to chapter 43.88 RCW, but no appropriation is
37 required for payments to financial institutions. Payments shall occur
38 prior to distribution of earnings set forth in subsection (4) of this
39 section.

1 (4) Monthly, the state treasurer shall distribute the earnings
2 credited to the treasury income account. The state treasurer shall
3 credit the general fund with all the earnings credited to the
4 treasury income account except:

5 (a) The following accounts and funds shall receive their
6 proportionate share of earnings based upon each account's and fund's
7 average daily balance for the period: The abandoned recreational
8 vehicle disposal account, the aeronautics account, the Alaskan Way
9 viaduct replacement project account, the ambulance transport fund,
10 the brownfield redevelopment trust fund account, the budget
11 stabilization account, the capital vessel replacement account, the
12 capitol building construction account, the Central Washington
13 University capital projects account, the charitable, educational,
14 penal and reformatory institutions account, the Chehalis basin
15 account, the Chehalis basin taxable account, the cleanup settlement
16 account, the Columbia river basin water supply development account,
17 the Columbia river basin taxable bond water supply development
18 account, the Columbia river basin water supply revenue recovery
19 account, the common school construction fund, the community forest
20 trust account, the connecting Washington account, the county arterial
21 preservation account, the county criminal justice assistance account,
22 the deferred compensation administrative account, the deferred
23 compensation principal account, the department of licensing services
24 account, the department of retirement systems expense account, the
25 developmental disabilities community (~~trust~~) services account, the
26 diesel idle reduction account, the drinking water assistance account,
27 the administrative subaccount of the drinking water assistance
28 account, the early learning facilities development account, the early
29 learning facilities revolving account, the Eastern Washington
30 University capital projects account, the education construction fund,
31 the education legacy trust account, the election account, the
32 electric vehicle account, the energy freedom account, the energy
33 recovery act account, the essential rail assistance account, The
34 Evergreen State College capital projects account, the ferry bond
35 retirement fund, the fish, wildlife, and conservation account, the
36 forward flexible account, the forward Washington account, the freight
37 mobility investment account, the freight mobility multimodal account,
38 the grade crossing protective fund, the public health services
39 account, the state higher education construction account, the higher
40 education construction account, the higher education retirement plan

1 supplemental benefit fund, the highway bond retirement fund, the
2 highway infrastructure account, the highway safety fund, the hospital
3 safety net assessment fund, the Interstate 405 and state route number
4 167 express toll lanes account, the judges' retirement account, the
5 judicial retirement administrative account, the judicial retirement
6 principal account, the limited fish and wildlife account, the local
7 leasehold excise tax account, the local real estate excise tax
8 account, the local sales and use tax account, the marine resources
9 stewardship trust account, the medical aid account, the money-
10 purchase retirement savings administrative account, the money-
11 purchase retirement savings principal account, the motor vehicle
12 fund, the motorcycle safety education account, the multimodal
13 transportation account, the multiuse roadway safety account, the
14 municipal criminal justice assistance account, the oyster reserve
15 land account, the pension funding stabilization account, the
16 perpetual surveillance and maintenance account, the pilotage account,
17 the pollution liability insurance agency underground storage tank
18 revolving account, the public employees' retirement system plan 1
19 account, the public employees' retirement system combined plan 2 and
20 plan 3 account, the public facilities construction loan revolving
21 account, the public health supplemental account, the public works
22 assistance account, the Puget Sound capital construction account, the
23 Puget Sound ferry operations account, the Puget Sound Gateway
24 facility account, the Puget Sound taxpayer accountability account,
25 the real estate appraiser commission account, the recreational
26 vehicle account, the regional mobility grant program account, the
27 resource management cost account, the rural arterial trust account,
28 the rural mobility grant program account, the rural Washington loan
29 fund, the sexual assault prevention and response account, the site
30 closure account, the skilled nursing facility safety net trust fund,
31 the small city pavement and sidewalk account, the special category C
32 account, the special wildlife account, the state investment board
33 expense account, the state investment board commingled trust fund
34 accounts, the state patrol highway account, the state reclamation
35 revolving account, the state route number 520 civil penalties
36 account, the state route number 520 corridor account, the statewide
37 broadband account, the statewide tourism marketing account, the
38 supplemental pension account, the Tacoma Narrows toll bridge account,
39 the teachers' retirement system plan 1 account, the teachers'
40 retirement system combined plan 2 and plan 3 account, the tobacco

1 prevention and control account, the tobacco settlement account, the
2 toll facility bond retirement account, the transportation 2003
3 account (nickel account), the transportation equipment fund, the
4 transportation future funding program account, the transportation
5 improvement account, the transportation improvement board bond
6 retirement account, the transportation infrastructure account, the
7 transportation partnership account, the traumatic brain injury
8 account, the University of Washington bond retirement fund, the
9 University of Washington building account, the voluntary cleanup
10 account, the volunteer firefighters' and reserve officers' relief and
11 pension principal fund, the volunteer firefighters' and reserve
12 officers' administrative fund, the vulnerable roadway user education
13 account, the Washington judicial retirement system account, the
14 Washington law enforcement officers' and firefighters' system plan 1
15 retirement account, the Washington law enforcement officers' and
16 firefighters' system plan 2 retirement account, the Washington public
17 safety employees' plan 2 retirement account, the Washington school
18 employees' retirement system combined plan 2 and 3 account, the
19 Washington state patrol retirement account, the Washington State
20 University building account, the Washington State University bond
21 retirement fund, the water pollution control revolving administration
22 account, the water pollution control revolving fund, the Western
23 Washington University capital projects account, the Yakima integrated
24 plan implementation account, the Yakima integrated plan
25 implementation revenue recovery account, and the Yakima integrated
26 plan implementation taxable bond account. Earnings derived from
27 investing balances of the agricultural permanent fund, the normal
28 school permanent fund, the permanent common school fund, the
29 scientific permanent fund, and the state university permanent fund
30 shall be allocated to their respective beneficiary accounts.

31 (b) Any state agency that has independent authority over accounts
32 or funds not statutorily required to be held in the state treasury
33 that deposits funds into a fund or account in the state treasury
34 pursuant to an agreement with the office of the state treasurer shall
35 receive its proportionate share of earnings based upon each account's
36 or fund's average daily balance for the period.

37 (5) In conformance with Article II, section 37 of the state
38 Constitution, no treasury accounts or funds shall be allocated
39 earnings without the specific affirmative directive of this section.

1 **Sec. 805.** RCW 43.84.092 and 2020 c 221 s 5, 2020 c 148 s 3, 2020
2 c 103 s 7, and 2020 c 18 s 3 are each reenacted and amended to read
3 as follows:

4 (1) All earnings of investments of surplus balances in the state
5 treasury shall be deposited to the treasury income account, which
6 account is hereby established in the state treasury.

7 (2) The treasury income account shall be utilized to pay or
8 receive funds associated with federal programs as required by the
9 federal cash management improvement act of 1990. The treasury income
10 account is subject in all respects to chapter 43.88 RCW, but no
11 appropriation is required for refunds or allocations of interest
12 earnings required by the cash management improvement act. Refunds of
13 interest to the federal treasury required under the cash management
14 improvement act fall under RCW 43.88.180 and shall not require
15 appropriation. The office of financial management shall determine the
16 amounts due to or from the federal government pursuant to the cash
17 management improvement act. The office of financial management may
18 direct transfers of funds between accounts as deemed necessary to
19 implement the provisions of the cash management improvement act, and
20 this subsection. Refunds or allocations shall occur prior to the
21 distributions of earnings set forth in subsection (4) of this
22 section.

23 (3) Except for the provisions of RCW 43.84.160, the treasury
24 income account may be utilized for the payment of purchased banking
25 services on behalf of treasury funds including, but not limited to,
26 depository, safekeeping, and disbursement functions for the state
27 treasury and affected state agencies. The treasury income account is
28 subject in all respects to chapter 43.88 RCW, but no appropriation is
29 required for payments to financial institutions. Payments shall occur
30 prior to distribution of earnings set forth in subsection (4) of this
31 section.

32 (4) Monthly, the state treasurer shall distribute the earnings
33 credited to the treasury income account. The state treasurer shall
34 credit the general fund with all the earnings credited to the
35 treasury income account except:

36 (a) The following accounts and funds shall receive their
37 proportionate share of earnings based upon each account's and fund's
38 average daily balance for the period: The abandoned recreational
39 vehicle disposal account, the aeronautics account, the Alaskan Way
40 viaduct replacement project account, the brownfield redevelopment

1 trust fund account, the budget stabilization account, the capital
2 vessel replacement account, the capitol building construction
3 account, the Central Washington University capital projects account,
4 the charitable, educational, penal and reformatory institutions
5 account, the Chehalis basin account, the Chehalis basin taxable
6 account, the cleanup settlement account, the Columbia river basin
7 water supply development account, the Columbia river basin taxable
8 bond water supply development account, the Columbia river basin water
9 supply revenue recovery account, the common school construction fund,
10 the community forest trust account, the connecting Washington
11 account, the county arterial preservation account, the county
12 criminal justice assistance account, the deferred compensation
13 administrative account, the deferred compensation principal account,
14 the department of licensing services account, the department of
15 retirement systems expense account, the developmental disabilities
16 community ((~~trust~~)) services account, the diesel idle reduction
17 account, the drinking water assistance account, the administrative
18 subaccount of the drinking water assistance account, the early
19 learning facilities development account, the early learning
20 facilities revolving account, the Eastern Washington University
21 capital projects account, the education construction fund, the
22 education legacy trust account, the election account, the electric
23 vehicle account, the energy freedom account, the energy recovery act
24 account, the essential rail assistance account, The Evergreen State
25 College capital projects account, the ferry bond retirement fund, the
26 fish, wildlife, and conservation account, the forward flexible
27 account, the forward Washington account, the freight mobility
28 investment account, the freight mobility multimodal account, the
29 grade crossing protective fund, the public health services account,
30 the state higher education construction account, the higher education
31 construction account, the higher education retirement plan
32 supplemental benefit fund, the highway bond retirement fund, the
33 highway infrastructure account, the highway safety fund, the hospital
34 safety net assessment fund, the Interstate 405 and state route number
35 167 express toll lanes account, the judges' retirement account, the
36 judicial retirement administrative account, the judicial retirement
37 principal account, the limited fish and wildlife account, the local
38 leasehold excise tax account, the local real estate excise tax
39 account, the local sales and use tax account, the marine resources
40 stewardship trust account, the medical aid account, the money-

1 purchase retirement savings administrative account, the money-
2 purchase retirement savings principal account, the motor vehicle
3 fund, the motorcycle safety education account, the multimodal
4 transportation account, the multiuse roadway safety account, the
5 municipal criminal justice assistance account, the oyster reserve
6 land account, the pension funding stabilization account, the
7 perpetual surveillance and maintenance account, the pilotage account,
8 the pollution liability insurance agency underground storage tank
9 revolving account, the public employees' retirement system plan 1
10 account, the public employees' retirement system combined plan 2 and
11 plan 3 account, the public facilities construction loan revolving
12 account, the public health supplemental account, the public works
13 assistance account, the Puget Sound capital construction account, the
14 Puget Sound ferry operations account, the Puget Sound Gateway
15 facility account, the Puget Sound taxpayer accountability account,
16 the real estate appraiser commission account, the recreational
17 vehicle account, the regional mobility grant program account, the
18 resource management cost account, the rural arterial trust account,
19 the rural mobility grant program account, the rural Washington loan
20 fund, the sexual assault prevention and response account, the site
21 closure account, the skilled nursing facility safety net trust fund,
22 the small city pavement and sidewalk account, the special category C
23 account, the special wildlife account, the state investment board
24 expense account, the state investment board commingled trust fund
25 accounts, the state patrol highway account, the state reclamation
26 revolving account, the state route number 520 civil penalties
27 account, the state route number 520 corridor account, the statewide
28 broadband account, the statewide tourism marketing account, the
29 supplemental pension account, the Tacoma Narrows toll bridge account,
30 the teachers' retirement system plan 1 account, the teachers'
31 retirement system combined plan 2 and plan 3 account, the tobacco
32 prevention and control account, the tobacco settlement account, the
33 toll facility bond retirement account, the transportation 2003
34 account (nickel account), the transportation equipment fund, the
35 transportation future funding program account, the transportation
36 improvement account, the transportation improvement board bond
37 retirement account, the transportation infrastructure account, the
38 transportation partnership account, the traumatic brain injury
39 account, the University of Washington bond retirement fund, the
40 University of Washington building account, the voluntary cleanup

1 account, the volunteer firefighters' and reserve officers' relief and
2 pension principal fund, the volunteer firefighters' and reserve
3 officers' administrative fund, the vulnerable roadway user education
4 account, the Washington judicial retirement system account, the
5 Washington law enforcement officers' and firefighters' system plan 1
6 retirement account, the Washington law enforcement officers' and
7 firefighters' system plan 2 retirement account, the Washington public
8 safety employees' plan 2 retirement account, the Washington school
9 employees' retirement system combined plan 2 and 3 account, the
10 Washington state patrol retirement account, the Washington State
11 University building account, the Washington State University bond
12 retirement fund, the water pollution control revolving administration
13 account, the water pollution control revolving fund, the Western
14 Washington University capital projects account, the Yakima integrated
15 plan implementation account, the Yakima integrated plan
16 implementation revenue recovery account, and the Yakima integrated
17 plan implementation taxable bond account. Earnings derived from
18 investing balances of the agricultural permanent fund, the normal
19 school permanent fund, the permanent common school fund, the
20 scientific permanent fund, and the state university permanent fund
21 shall be allocated to their respective beneficiary accounts.

22 (b) Any state agency that has independent authority over accounts
23 or funds not statutorily required to be held in the state treasury
24 that deposits funds into a fund or account in the state treasury
25 pursuant to an agreement with the office of the state treasurer shall
26 receive its proportionate share of earnings based upon each account's
27 or fund's average daily balance for the period.

28 (5) In conformance with Article II, section 37 of the state
29 Constitution, no treasury accounts or funds shall be allocated
30 earnings without the specific affirmative directive of this section.

31 **Sec. 806.** RCW 46.70.180 and 2017 c 41 s 1 are each amended to
32 read as follows:

33 Each of the following acts or practices is unlawful:

34 (1) To cause or permit to be advertised, printed, displayed,
35 published, distributed, broadcasted, televised, or disseminated in
36 any manner whatsoever, any statement or representation with regard to
37 the sale, lease, or financing of a vehicle which is false, deceptive,
38 or misleading, including but not limited to the following:

1 (a) That no down payment is required in connection with the sale
2 of a vehicle when a down payment is in fact required, or that a
3 vehicle may be purchased for a smaller down payment than is actually
4 required;

5 (b) That a certain percentage of the sale price of a vehicle may
6 be financed when such financing is not offered in a single document
7 evidencing the entire security transaction;

8 (c) That a certain percentage is the amount of the service charge
9 to be charged for financing, without stating whether this percentage
10 charge is a monthly amount or an amount to be charged per year;

11 (d) That a new vehicle will be sold for a certain amount above or
12 below cost without computing cost as the exact amount of the factory
13 invoice on the specific vehicle to be sold;

14 (e) That a vehicle will be sold upon a monthly payment of a
15 certain amount, without including in the statement the number of
16 payments of that same amount which are required to liquidate the
17 unpaid purchase price.

18 (2) (a) (i) To incorporate within the terms of any purchase and
19 sale or lease agreement any statement or representation with regard
20 to the sale, lease, or financing of a vehicle which is false,
21 deceptive, or misleading, including but not limited to terms that
22 include as an added cost to the selling price or capitalized cost of
23 a vehicle an amount for licensing or transfer of title of that
24 vehicle which is not actually due to the state, unless such amount
25 has in fact been paid by the dealer prior to such sale.

26 (ii) However, an amount not to exceed (~~one hundred fifty~~
27 ~~dollars~~) \$200 per vehicle sale or lease may be charged by a dealer
28 to recover administrative costs for collecting motor vehicle excise
29 taxes, licensing and registration fees and other agency fees,
30 verifying and clearing titles, transferring titles, perfecting,
31 releasing, or satisfying liens or other security interests, and other
32 administrative and documentary services rendered by a dealer in
33 connection with the sale or lease of a vehicle and in carrying out
34 the requirements of this chapter or any other provisions of state
35 law.

36 (b) A dealer may charge the documentary service fee in (a) of
37 this subsection under the following conditions:

38 (i) The documentary service fee is disclosed in writing to a
39 prospective purchaser or lessee before the execution of a purchase
40 and sale or lease agreement;

1 (ii) The dealer discloses to the purchaser or lessee in writing
2 that the documentary service fee is a negotiable fee. The disclosure
3 must be written in a typeface that is at least as large as the
4 typeface used in the standard text of the document that contains the
5 disclosure and that is bold faced, capitalized, underlined, or
6 otherwise set out from the surrounding material so as to be
7 conspicuous. The dealer shall not represent to the purchaser or
8 lessee that the fee or charge is required by the state to be paid by
9 either the dealer or prospective purchaser or lessee;

10 (iii) The documentary service fee is separately designated from
11 the selling price or capitalized cost of the vehicle and from any
12 other taxes, fees, or charges; and

13 (iv) Dealers disclose in any advertisement that a documentary
14 service fee in an amount up to one hundred fifty dollars may be added
15 to the sale price or the capitalized cost.

16 For the purposes of this subsection (2), the term "documentary
17 service fee" means the optional amount charged by a dealer to provide
18 the services specified in (a) of this subsection.

19 (3) To set up, promote, or aid in the promotion of a plan by
20 which vehicles are to be sold or leased to a person for a
21 consideration and upon further consideration that the purchaser or
22 lessee agrees to secure one or more persons to participate in the
23 plan by respectively making a similar purchase and in turn agreeing
24 to secure one or more persons likewise to join in said plan, each
25 purchaser or lessee being given the right to secure money, credits,
26 goods, or something of value, depending upon the number of persons
27 joining the plan.

28 (4) To commit, allow, or ratify any act of "bushing" which is
29 defined as follows: Entering into a written contract, written
30 purchase order or agreement, retail installment sales agreement, note
31 and security agreement, or written lease agreement, hereinafter
32 collectively referred to as contract or lease, signed by the
33 prospective buyer or lessee of a vehicle, which:

34 (a) Is subject to any conditions or the dealer's or his or her
35 authorized representative's future acceptance, and the dealer fails
36 or refuses within the "bushing" period, which is four calendar days,
37 exclusive of Saturday, Sunday, or legal holiday, and prior to any
38 further negotiations with said buyer or lessee to inform the buyer or
39 lessee either: (i) That the dealer unconditionally accepts the
40 contract or lease, having satisfied, removed, or waived all

1 conditions to acceptance or performance, including, but not limited
2 to, financing, assignment, or lease approval; or (ii) that the dealer
3 rejects the contract or lease, thereby automatically voiding the
4 contract or lease, as long as such voiding does not negate
5 commercially reasonable contract or lease provisions pertaining to
6 the return of the subject vehicle and any physical damage, excessive
7 mileage after the demand for return of the vehicle, and attorneys'
8 fees authorized by law, and tenders the refund of any initial payment
9 or security made or given by the buyer or lessee, including, but not
10 limited to, any down payment, and tenders return of the trade-in
11 vehicle, key, other trade-in, or certificate of title to a trade-in.
12 Tender may be conditioned on return of the subject vehicle if
13 previously delivered to the buyer or lessee.

14 The provisions of this subsection (4)(a) do not impair,
15 prejudice, or abrogate the rights of a dealer to assert a claim
16 against the buyer or lessee for misrepresentation or breach of
17 contract and to exercise all remedies available at law or in equity,
18 including those under chapter 62A.9A RCW, if the dealer, bank, or
19 other lender or leasing company discovers that approval of the
20 contract or financing or approval of the lease was based upon
21 material misrepresentations made by the buyer or lessee, including,
22 but not limited to, misrepresentations regarding income, employment,
23 or debt of the buyer or lessee, as long as the dealer, or his or her
24 staff, has not, with knowledge of the material misrepresentation,
25 aided, assisted, encouraged, or participated, directly or indirectly,
26 in the misrepresentation. A dealer shall not be in violation of this
27 subsection (4)(a) if the buyer or lessee made a material
28 misrepresentation to the dealer, as long as the dealer, or his or her
29 staff, has not, with knowledge of the material misrepresentation,
30 aided, assisted, encouraged, or participated, directly or indirectly,
31 in the misrepresentation.

32 A dealer may inform a buyer or lessee under this subsection
33 (4)(a) regarding the unconditional acceptance or rejection of the
34 contract, lease, or financing by sending an email message to the
35 buyer's or lessee's supplied email address, by phone call, by leaving
36 a voice message or sending a text message to a phone number provided
37 by the buyer or lessee, by in-person oral communication, by mailing a
38 letter by first-class mail if the buyer or lessee expresses a
39 preference for a letter or declines to provide an email address and a
40 phone number capable of receiving a free text message, or by another

1 means agreed to by the buyer or lessee or approved by the department,
2 effective upon the execution, mailing, or sending of the
3 communication and before expiration of the "bushing" period;

4 (b) Permits the dealer to renegotiate a dollar amount specified
5 as trade-in allowance on a vehicle delivered or to be delivered by
6 the buyer or lessee as part of the purchase price or lease, for any
7 reason except:

8 (i) Failure to disclose that the vehicle's certificate of title
9 has been branded for any reason, including, but not limited to,
10 status as a rebuilt vehicle as provided in RCW 46.12.540 and
11 46.12.560; or

12 (ii) Substantial physical damage or latent mechanical defect
13 occurring before the dealer took possession of the vehicle and which
14 could not have been reasonably discoverable at the time of the taking
15 of the order, offer, or contract; or

16 (iii) Excessive additional miles or a discrepancy in the mileage.
17 "Excessive additional miles" means the addition of five hundred miles
18 or more, as reflected on the vehicle's odometer, between the time the
19 vehicle was first valued by the dealer for purposes of determining
20 its trade-in value and the time of actual delivery of the vehicle to
21 the dealer. "A discrepancy in the mileage" means (A) a discrepancy
22 between the mileage reflected on the vehicle's odometer and the
23 stated mileage on the signed odometer statement; or (B) a discrepancy
24 between the mileage stated on the signed odometer statement and the
25 actual mileage on the vehicle; or

26 (c) Fails to comply with the obligation of any written warranty
27 or guarantee given by the dealer requiring the furnishing of services
28 or repairs within a reasonable time.

29 (5) To commit any offense relating to odometers, as such offenses
30 are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A
31 violation of this subsection is a class C felony punishable under
32 chapter 9A.20 RCW.

33 (6) For any vehicle dealer or vehicle salesperson to refuse to
34 furnish, upon request of a prospective purchaser or lessee, for
35 vehicles previously registered to a business or governmental entity,
36 the name and address of the business or governmental entity.

37 (7) To commit any other offense under RCW 46.37.423, 46.37.424,
38 or 46.37.425.

39 (8) To commit any offense relating to a dealer's temporary
40 license permit, including but not limited to failure to properly

1 complete each such permit, or the issuance of more than one such
2 permit on any one vehicle. However, a dealer may issue a second
3 temporary permit on a vehicle if the following conditions are met:

4 (a) The lienholder fails to deliver the vehicle title to the
5 dealer within the required time period;

6 (b) The dealer has satisfied the lien; and

7 (c) The dealer has proof that payment of the lien was made within
8 two calendar days, exclusive of Saturday, Sunday, or a legal holiday,
9 after the sales contract has been executed by all parties and all
10 conditions and contingencies in the sales contract have been met or
11 otherwise satisfied.

12 (9) For a dealer, salesperson, or mobile home manufacturer,
13 having taken an instrument or cash "on deposit" from a purchaser or
14 lessee prior to the delivery of the bargained-for vehicle, to
15 commingle the "on deposit" funds with assets of the dealer,
16 salesperson, or mobile home manufacturer instead of holding the "on
17 deposit" funds as trustee in a separate trust account until the
18 purchaser or lessee has taken delivery of the bargained-for vehicle.
19 Delivery of a manufactured home shall be deemed to occur in
20 accordance with RCW 46.70.135(5). Failure, immediately upon receipt,
21 to endorse "on deposit" instruments to such a trust account, or to
22 set aside "on deposit" cash for deposit in such trust account, and
23 failure to deposit such instruments or cash in such trust account by
24 the close of banking hours on the day following receipt thereof,
25 shall be evidence of intent to commit this unlawful practice:
26 PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate
27 trust account which equals his or her customary total customer
28 deposits for vehicles for future delivery. For purposes of this
29 section, "on deposit" funds received from a purchaser of a
30 manufactured home means those funds that a seller requires a
31 purchaser to advance before ordering the manufactured home, but does
32 not include any loan proceeds or moneys that might have been paid on
33 an installment contract.

34 (10) For a dealer or manufacturer to fail to comply with the
35 obligations of any written warranty or guarantee given by the dealer
36 or manufacturer requiring the furnishing of goods and services or
37 repairs within a reasonable period of time, or to fail to furnish to
38 a purchaser or lessee, all parts which attach to the manufactured
39 unit including but not limited to the undercarriage, and all items

1 specified in the terms of a sales or lease agreement signed by the
2 seller and buyer or lessee.

3 (11) For a vehicle dealer to pay to or receive from any person,
4 firm, partnership, association, or corporation acting, either
5 directly or through a subsidiary, as a buyer's agent for consumers,
6 any compensation, fee, purchase moneys or funds that have been
7 deposited into or withdrawn out of any account controlled or used by
8 any buyer's agent, gratuity, or reward in connection with the
9 purchase, sale, or lease of a new motor vehicle.

10 (12) For a buyer's agent, acting directly or through a
11 subsidiary, to pay to or to receive from any motor vehicle dealer any
12 compensation, fee, gratuity, or reward in connection with the
13 purchase, sale, or lease of a new motor vehicle. In addition, it is
14 unlawful for any buyer's agent to engage in any of the following acts
15 on behalf of or in the name of the consumer:

16 (a) Receiving or paying any purchase moneys or funds into or out
17 of any account controlled or used by any buyer's agent;

18 (b) Signing any vehicle purchase orders, sales contracts, leases,
19 odometer statements, or title documents, or having the name of the
20 buyer's agent appear on the vehicle purchase order, sales contract,
21 lease, or title; or

22 (c) Signing any other documentation relating to the purchase,
23 sale, lease, or transfer of any new motor vehicle.

24 It is unlawful for a buyer's agent to use a power of attorney
25 obtained from the consumer to accomplish or effect the purchase,
26 sale, lease, or transfer of ownership documents of any new motor
27 vehicle by any means which would otherwise be prohibited under (a)
28 through (c) of this subsection. However, the buyer's agent may use a
29 power of attorney for physical delivery of motor vehicle license
30 plates to the consumer.

31 Further, it is unlawful for a buyer's agent to engage in any
32 false, deceptive, or misleading advertising, disseminated in any
33 manner whatsoever, including but not limited to making any claim or
34 statement that the buyer's agent offers, obtains, or guarantees the
35 lowest price on any motor vehicle or words to similar effect.

36 (13) For a buyer's agent to arrange for or to negotiate the
37 purchase, or both, of a new motor vehicle through an out-of-state
38 dealer without disclosing in writing to the customer that the new
39 vehicle would not be subject to chapter 19.118 RCW. This subsection
40 also applies to leased vehicles. In addition, it is unlawful for any

1 buyer's agent to fail to have a written agreement with the customer
2 that: (a) Sets forth the terms of the parties' agreement; (b)
3 discloses to the customer the total amount of any fees or other
4 compensation being paid by the customer to the buyer's agent for the
5 agent's services; and (c) further discloses whether the fee or any
6 portion of the fee is refundable.

7 (14) Being a manufacturer, other than a motorcycle manufacturer
8 governed by chapter 46.93 RCW, to:

9 (a) Coerce or attempt to coerce any vehicle dealer to order or
10 accept delivery of any vehicle or vehicles, parts or accessories, or
11 any other commodities which have not been voluntarily ordered by the
12 vehicle dealer: PROVIDED, That recommendation, endorsement,
13 exposition, persuasion, urging, or argument are not deemed to
14 constitute coercion;

15 (b) Cancel or fail to renew the franchise or selling agreement of
16 any vehicle dealer doing business in this state without fairly
17 compensating the dealer at a fair going business value for his or her
18 capital investment which shall include but not be limited to tools,
19 equipment, and parts inventory possessed by the dealer on the day he
20 or she is notified of such cancellation or termination and which are
21 still within the dealer's possession on the day the cancellation or
22 termination is effective, if: (i) The capital investment has been
23 entered into with reasonable and prudent business judgment for the
24 purpose of fulfilling the franchise; and (ii) the cancellation or
25 nonrenewal was not done in good faith. Good faith is defined as the
26 duty of each party to any franchise to act in a fair and equitable
27 manner towards each other, so as to guarantee one party freedom from
28 coercion, intimidation, or threats of coercion or intimidation from
29 the other party: PROVIDED, That recommendation, endorsement,
30 exposition, persuasion, urging, or argument are not deemed to
31 constitute a lack of good faith;

32 (c) Encourage, aid, abet, or teach a vehicle dealer to sell or
33 lease vehicles through any false, deceptive, or misleading sales or
34 financing practices including but not limited to those practices
35 declared unlawful in this section;

36 (d) Coerce or attempt to coerce a vehicle dealer to engage in any
37 practice forbidden in this section by either threats of actual
38 cancellation or failure to renew the dealer's franchise agreement;

39 (e) Refuse to deliver any vehicle publicly advertised for
40 immediate delivery to any duly licensed vehicle dealer having a

1 franchise or contractual agreement for the retail sale or lease of
2 new and unused vehicles sold or distributed by such manufacturer
3 within sixty days after such dealer's order has been received in
4 writing unless caused by inability to deliver because of shortage or
5 curtailment of material, labor, transportation, or utility services,
6 or by any labor or production difficulty, or by any cause beyond the
7 reasonable control of the manufacturer;

8 (f) To provide under the terms of any warranty that a purchaser
9 or lessee of any new or unused vehicle that has been sold or leased,
10 distributed for sale or lease, or transferred into this state for
11 resale or lease by the vehicle manufacturer may only make any
12 warranty claim on any item included as an integral part of the
13 vehicle against the manufacturer of that item.

14 Nothing in this section may be construed to impair the
15 obligations of a contract or to prevent a manufacturer, distributor,
16 representative, or any other person, whether or not licensed under
17 this chapter, from requiring performance of a written contract
18 entered into with any licensee hereunder, nor does the requirement of
19 such performance constitute a violation of any of the provisions of
20 this section if any such contract or the terms thereof requiring
21 performance, have been freely entered into and executed between the
22 contracting parties. This paragraph and subsection (14)(b) of this
23 section do not apply to new motor vehicle manufacturers governed by
24 chapter 46.96 RCW.

25 (15) Unlawful transfer of an ownership interest in a motor
26 vehicle as defined in RCW 19.116.050.

27 (16) To knowingly and intentionally engage in collusion with a
28 registered owner of a vehicle to repossess and return or resell the
29 vehicle to the registered owner in an attempt to avoid a suspended
30 license impound under chapter 46.55 RCW. However, compliance with
31 chapter 62A.9A RCW in repossessing, selling, leasing, or otherwise
32 disposing of the vehicle, including providing redemption rights to
33 the debtor, is not a violation of this section.

34 (17)(a) For a dealer to enter into a new motor vehicle sales
35 contract without disclosing in writing to a buyer of the new motor
36 vehicle, or to a dealer in the case of an unregistered motor vehicle,
37 any known damage and repair to the new motor vehicle if the damage
38 exceeds five percent of the manufacturer's suggested retail price as
39 calculated at the dealer's authorized warranty rate for labor and
40 parts, or one thousand dollars, whichever amount is greater. A

1 manufacturer or new motor vehicle dealer is not required to disclose
2 to a dealer or buyer that glass, tires, bumpers, or cosmetic parts of
3 a new motor vehicle were damaged at any time if the damaged item has
4 been replaced with original or comparable equipment. A replaced part
5 is not part of the cumulative damage required to be disclosed under
6 this subsection.

7 (b) A manufacturer is required to provide the same disclosure to
8 a dealer of any known damage or repair as required in (a) of this
9 subsection.

10 (c) If disclosure of any known damage or repair is not required
11 under this section, a buyer may not revoke or rescind a sales
12 contract due to the fact that the new motor vehicle was damaged and
13 repaired before completion of the sale.

14 (d) As used in this section:

15 (i) "Cosmetic parts" means parts that are attached by and can be
16 replaced in total through the use of screws, bolts, or other
17 fasteners without the use of welding or thermal cutting, and includes
18 windshields, bumpers, hoods, or trim panels.

19 (ii) "Manufacturer's suggested retail price" means the retail
20 price of the new motor vehicle suggested by the manufacturer, and
21 includes the retail delivered price suggested by the manufacturer for
22 each accessory or item of optional equipment physically attached to
23 the new motor vehicle at the time of delivery to the new motor
24 vehicle dealer that is not included within the retail price suggested
25 by the manufacturer for the new motor vehicle.

26 NEW SECTION. **Sec. 807.** The following acts or parts of acts are
27 each repealed:

28 (1) RCW 47.46.190 (Tacoma Narrows bridge facility funding—Intent
29 —State contribution loans—Private right of action not created) and
30 2018 c 195 s 1;

31 (2) RCW 47.46.200 (Reports—Determination of contribution amount
32 from nontoll sources—Maintenance of debt service plan repayment
33 schedule—Annual expected toll revenue information to be used for
34 repayment of state contribution loans—Private right of action not
35 created) and 2018 c 195 s 2; and

36 (3) 2018 c 195 s 3.

1 NEW SECTION. **Sec. 808.** A new section is added to chapter 47.46

2 RCW to read as follows:

3 (1) The legislature finds that the users of the Tacoma Narrows
4 bridge deserve toll relief and an equitable plan to address the
5 rapidly escalating costs of debt service used to finance construction
6 of the bridge. Rather than loans, the state should simply provide the
7 funds to keep the tolls at the level as of January 1, 2021, thus
8 keeping the promises that the state made regarding the term of the
9 tolls on the Tacoma Narrows bridge and providing an appropriate
10 amount of toll relief to the users of the bridge.

11 (2)(a) On July 1, 2021, for fiscal year 2022 costs, the state
12 treasurer must transfer from the forward Washington account created
13 in section 801 of this act to the Tacoma Narrows toll bridge account
14 created in RCW 47.56.165, \$28,715,000.

15 (b) On July 1, 2022, for fiscal year 2023 costs, the state
16 treasurer must transfer from the forward Washington account created
17 in section 801 of this act to the Tacoma Narrows toll bridge account
18 created in RCW 47.56.165, \$16,643,000.

19 (c) On July 1, 2023, for fiscal year 2024 costs, the state
20 treasurer must transfer from the forward Washington account created
21 in section 801 of this act to the Tacoma Narrows toll bridge account
22 created in RCW 47.56.165, \$13,334,000.

23 (d) On July 1, 2024, for fiscal year 2025 costs, the state
24 treasurer must transfer from the forward Washington account created
25 in section 801 of this act to the Tacoma Narrows toll bridge account
26 created in RCW 47.56.165, \$15,750,000.

27 (e) On July 1, 2025, for fiscal year 2026 costs, the state
28 treasurer must transfer from the forward Washington account created
29 in section 801 of this act to the Tacoma Narrows toll bridge account
30 created in RCW 47.56.165, \$11,715,000.

31 (f) On July 1, 2026, for fiscal year 2027 costs, the state
32 treasurer must transfer from the forward Washington account created
33 in section 801 of this act to the Tacoma Narrows toll bridge account
34 created in RCW 47.56.165, \$12,975,000.

35 (g) On July 1, 2027, for fiscal year 2028 costs, the state
36 treasurer must transfer from the forward Washington account created
37 in section 801 of this act to the Tacoma Narrows toll bridge account
38 created in RCW 47.56.165, \$13,421,000.

39 (h) On July 1, 2028, for fiscal year 2029 costs, the state
40 treasurer must transfer from the forward Washington account created

1 in section 801 of this act to the Tacoma Narrows toll bridge account
2 created in RCW 47.56.165, \$13,169,000.

3 (i) On July 1, 2029, for fiscal year 2030 costs, the state
4 treasurer must transfer from the forward Washington account created
5 in section 801 of this act to the Tacoma Narrows toll bridge account
6 created in RCW 47.56.165, \$7,908,000.

7 (j) On July 1, 2030, for fiscal year 2031 costs, the state
8 treasurer must transfer from the forward Washington account created
9 in section 801 of this act to the Tacoma Narrows toll bridge account
10 created in RCW 47.56.165, \$12,543,000.

11 **Sec. 809.** RCW 82.32.385 and 2020 c 219 s 703 are each amended to
12 read as follows:

13 (1) Beginning September 2019 and ending December 2019, by the
14 last day of September and December, the state treasurer must transfer
15 from the general fund to the connecting Washington account created in
16 RCW 46.68.395 thirteen million six hundred eighty thousand dollars.

17 (2) Beginning March 2020 and ending June 2021, by the last day of
18 September, December, March, and June of each year, the state
19 treasurer must transfer from the general fund to the multimodal
20 transportation account created in RCW 47.66.070 thirteen million six
21 hundred eighty thousand dollars.

22 (3) Beginning September 2021 and ending June 2023, by the last
23 day of September, December, March, and June of each year, the state
24 treasurer must transfer from the general fund to the connecting
25 Washington account created in RCW 46.68.395 thirteen million eight
26 hundred five thousand dollars.

27 (4) Beginning September 2023 and ending June 2025, by the last
28 day of September, December, March, and June of each year, the state
29 treasurer must transfer from the general fund to the connecting
30 Washington account created in RCW 46.68.395 thirteen million nine
31 hundred eighty-seven thousand dollars.

32 (5) Beginning September 2025 and ending June 2027, by the last
33 day of September, December, March, and June of each year, the state
34 treasurer must transfer from the general fund to the connecting
35 Washington account created in RCW 46.68.395 eleven million six
36 hundred fifty-eight thousand dollars.

37 (6) Beginning September 2027 and ending June 2029, by the last
38 day of September, December, March, and June of each year, the state
39 treasurer must transfer from the general fund to the connecting

1 Washington account created in RCW 46.68.395 seven million five
2 hundred sixty-four thousand dollars.

3 (7) Beginning September 2029 and ending June 2031, by the last
4 day of September, December, March, and June of each year, the state
5 treasurer must transfer from the general fund to the connecting
6 Washington account created in RCW 46.68.395 four million fifty-six
7 thousand dollars.

8 (8) For fiscal year 2026 through fiscal year 2037, the state
9 treasurer must transfer from the general fund to the forward flexible
10 account created in section 802 of this act \$46,969,000 each fiscal
11 year in four equal quarterly transfers.

12 NEW SECTION. Sec. 810. A new section is added to chapter 47.68
13 RCW to read as follows:

14 (1) Pursuant to section 811 of this act, every commercial
15 unpiloted aircraft system must be registered with the department for
16 each calendar year in which the aircraft is operated or is based
17 within this state and pay an annual fee. Within amounts collected
18 from commercial unpiloted aircraft registration fees pursuant to
19 section 811, chapter . . ., Laws of 2021 (section 811 of this act),
20 the aviation division director (also known as the senior state
21 aviation official) or the aviation division director's designee shall
22 act as the unpiloted aircraft system coordinator. The unpiloted
23 aircraft system coordinator serves primarily in an advisory role and
24 is not authorized to direct unpiloted aircraft system operations,
25 training, or policy outside the department. The duties of the
26 unpiloted aircraft system coordinator include:

27 (a) Assisting with unpiloted aircraft system training and
28 continuing education for state agencies;

29 (b) Coordinating with local governments on state and federal
30 unpiloted aircraft system policies and regulations;

31 (c) Acting as a state level coordinator for unpiloted aircraft
32 system operations during a governor declaration of emergency pursuant
33 to RCW 43.06.210;

34 (d) Coordinating with the federal aviation administration and
35 state agencies on unpiloted aircraft system trends;

36 (e) Identifying and disseminating information on unpiloted
37 aircraft system training sites;

38 (f) Establishing and maintaining an unpiloted aircraft system
39 coordination website for state and local governments;

1 (g) Assisting with the advancement of unpiloted aircraft systems
2 across the state in coordination with the department of commerce, the
3 aerospace industry, and the commercial unmanned aircraft systems
4 industry;

5 (h) Acting as the principal advisor to the secretary on unpiloted
6 aircraft system matters;

7 (i) Undertaking other unpiloted aircraft system coordination
8 duties that are deemed appropriate by the aviation division director
9 and the unpiloted aircraft system coordinator including, but not
10 limited to, overseeing unpiloted aircraft system symposiums or other
11 events for state agencies and other stakeholder groups.

12 (2) The department may adopt rules to implement this section.

13 (3) By December 1, 2022, the department shall provide a report to
14 the transportation committees of the legislature and the department
15 of commerce that provides details on the specific activities,
16 accomplishments, and opportunities undertaken by the unpiloted
17 aircraft system coordinator as to each of the duties provided in this
18 section. The report must also be shared with interested aviation and
19 aerospace industry stakeholders. The report shall include:

20 (a) Information on the specific activities, accomplishments, and
21 opportunities taken by the aviation division director or the
22 director's designee in their role as the unpiloted aircraft system
23 coordinator;

24 (b) A statement on the justification and need for the aviation
25 division director or the director's designee to continue to perform
26 the specific activities of the unpiloted aircraft system coordinator;
27 and

28 (c) Recommendations on any changes to the scope of the work and
29 duties of the unpiloted aircraft system coordinator. This shall
30 include recommendations on the reassignment of duties of the
31 unpiloted aircraft system coordinator to the department's aviation
32 division and recommendations on the termination of the unpiloted
33 aircraft system coordinator position.

34 **Sec. 811.** RCW 47.68.250 and 2020 c 304 s 3 are each amended to
35 read as follows:

36 (1) Every aircraft, inclusive of commercial unpiloted aircraft
37 systems, must be registered with the department for each calendar
38 year in which the aircraft is operated or is based within this state.

1 A fee of fifteen dollars is charged for each such registration and
2 each annual renewal thereof.

3 (2) The department must review the fee schedule based on the
4 number of unpiloted aircraft systems registered under any single
5 entity. Consideration should be given to the cost to administer the
6 program and the number of commercial aircraft registered in the
7 state. The department shall collaborate with the department of
8 commerce, the department of revenue, and industry representatives in
9 determining any recommendations to revise the initial fee. The report
10 is due to the transportation committees of the legislature by
11 December 1, 2022.

12 (3) Possession of the appropriate effective federal certificate,
13 permit, rating, or license relating to ownership and airworthiness of
14 the aircraft, and payment of the excise tax imposed by Title 82 RCW
15 for the privilege of using the aircraft within this state during the
16 year for which the registration is sought, and payment of the
17 registration fee required by this section are the only requisites for
18 registration of an aircraft under this section.

19 ~~((3))~~ (4) The registration fee imposed by this section is
20 payable to and collected by the secretary. The fee for any calendar
21 year must be paid during the month of January, and collected by the
22 secretary at the time of the collection by him or her of the excise
23 tax. If the secretary is satisfied that the requirements for
24 registration of the aircraft have been met, he or she must issue to
25 the owner of the aircraft a certificate of registration therefor. The
26 secretary must pay to the state treasurer the registration fees
27 collected under this section, which registration fees must be
28 credited to the aeronautics account.

29 ~~((4))~~ (5) It is not necessary for the registrant to provide the
30 secretary with originals or copies of federal certificates, permits,
31 ratings, or licenses. The secretary must issue certificates of
32 registration, or such other evidences of registration or payment of
33 fees as he or she may deem proper; and in connection therewith may
34 prescribe requirements for the possession and exhibition of such
35 certificates or other evidences.

36 ~~((5))~~ (6) The provisions of this section do not apply to:

37 (a) An aircraft owned by and used exclusively in the service of
38 any government or any political subdivision thereof, including the
39 government of the United States, any state, territory, or possession

1 of the United States, or the District of Columbia, which is not
2 engaged in carrying persons or property for commercial purposes;

3 (b) An aircraft registered under the laws of a foreign country;

4 (c) An aircraft that is owned by a nonresident if:

5 (i) The aircraft remains in this state or is based in this state,
6 or both, for a period less than ninety days; or

7 (ii) The aircraft is a large private airplane as defined in RCW
8 82.08.215 and remains in this state for a period of ninety days or
9 longer, but only when:

10 (A) The airplane is in this state exclusively for the purpose of
11 repairs, alterations, or reconstruction, including any flight testing
12 related to the repairs, alterations, or reconstruction, or for the
13 purpose of continual storage of not less than one full calendar year;

14 (B) An employee of the facility providing these services is on
15 board the airplane during any flight testing; and

16 (C) Within ninety days of the date the airplane first arrived in
17 this state during the calendar year, the nonresident files a written
18 statement with the department indicating that the airplane is exempt
19 from registration under this subsection (~~((+5))~~) (6)(c)(ii). The
20 written statement must be filed in a form and manner prescribed by
21 the department and must include such information as the department
22 requires. The department may require additional periodic verification
23 that the airplane remains exempt from registration under this
24 subsection (~~((+5))~~) (6)(c)(ii) and that written statements conform
25 with the provisions of chapter 5.50 RCW;

26 (d) (~~(A)~~) A piloted aircraft engaged principally in commercial
27 flying constituting an act of interstate or foreign commerce;

28 (e) An aircraft owned by the commercial manufacturer thereof
29 while being operated for test or experimental purposes, or for the
30 purpose of training crews for purchasers of the aircraft;

31 (f) An aircraft being held for sale, exchange, delivery, test, or
32 demonstration purposes solely as stock in trade of an aircraft dealer
33 licensed under Title 14 RCW; (~~and~~)

34 (g) An aircraft based within the state that is in an unairworthy
35 condition, is not operated within the registration period, and has
36 obtained a written exemption issued by the secretary; and

37 (h) Unpiloted aircraft systems used exclusively for hobby or
38 recreation.

39 (~~((+6))~~) (7) The secretary must be notified within thirty days of
40 any change in ownership of a registered aircraft. The notification

1 must contain the N, NC, NR, NL, or NX number of the aircraft, the
2 full name and address of the former owner, and the full name and
3 address of the new owner. For failure to so notify the secretary, the
4 registration of that aircraft may be canceled by the secretary,
5 subject to reinstatement upon application and payment of a
6 reinstatement fee of ten dollars by the new owner.

7 ~~((7))~~ (8) A municipality or port district that owns, operates,
8 or leases an airport, as defined in RCW 47.68.020, with the intent to
9 operate, must require from an aircraft owner proof of aircraft
10 registration as a condition of leasing or selling tiedown or hangar
11 space for an aircraft. It is the responsibility of the lessee or
12 purchaser to register the aircraft. Proof of registration must be
13 provided according to the following schedule:

14 (a) For the purchase of tiedown or hangar space, the municipality
15 or port district must allow the purchaser thirty days from the date
16 of the application for purchase to produce proof of aircraft
17 registration.

18 (b) For the lease of tiedown or hangar space that extends thirty
19 days or more, the municipality or port district must allow the lessee
20 thirty days to produce proof of aircraft registration from the date
21 of the application for lease of tiedown or hangar space.

22 (c) For the lease of tiedown or hangar space that extends less
23 than thirty days, the municipality or port district must allow the
24 lessee to produce proof of aircraft registration at any point prior
25 to the final day of the lease.

26 ~~((8))~~ (9) The airport must work with the aviation division to
27 assist in its efforts to register aircraft by providing information
28 about based aircraft on an annual basis as requested by the division.

29 (10) The department may adopt rules to implement this section.

30 **Sec. 812.** RCW 47.68.250 and 2019 c 232 s 23 are each amended to
31 read as follows:

32 (1) Every aircraft, inclusive of commercial unpowered aircraft
33 systems, must be registered with the department for each calendar
34 year in which the aircraft is operated or is based within this state.
35 A fee of fifteen dollars is charged for each such registration and
36 each annual renewal thereof.

37 (2) The department must review the fee schedule based on the
38 number of unpowered aircraft systems registered under any single
39 entity. Consideration should be given to the cost to administer the

1 program and the number of commercial aircraft registered in the
2 state. The department shall collaborate with the department of
3 commerce, the department of revenue, and industry representatives in
4 determining any recommendations to revise the initial fee. The report
5 is due to the transportation committees of the legislature by
6 December 1, 2022.

7 (3) Possession of the appropriate effective federal certificate,
8 permit, rating, or license relating to ownership and airworthiness of
9 the aircraft, and payment of the excise tax imposed by Title 82 RCW
10 for the privilege of using the aircraft within this state during the
11 year for which the registration is sought, and payment of the
12 registration fee required by this section are the only requisites for
13 registration of an aircraft under this section.

14 ~~((3))~~ (4) The registration fee imposed by this section is
15 payable to and collected by the secretary. The fee for any calendar
16 year must be paid during the month of January, and must be collected
17 by the secretary at the time of the collection by him or her of the
18 excise tax. If the secretary is satisfied that the requirements for
19 registration of the aircraft have been met, he or she must issue to
20 the owner of the aircraft a certificate of registration therefor. The
21 secretary must pay to the state treasurer the registration fees
22 collected under this section, which registration fees must be
23 credited to the aeronautics account.

24 ~~((4))~~ (5) It is not necessary for the registrant to provide the
25 secretary with originals or copies of federal certificates, permits,
26 ratings, or licenses. The secretary must issue certificates of
27 registration, or such other evidences of registration or payment of
28 fees as he or she may deem proper; and in connection therewith may
29 prescribe requirements for the possession and exhibition of such
30 certificates or other evidences.

31 ~~((5))~~ (6) The provisions of this section do not apply to:

32 (a) An aircraft owned by and used exclusively in the service of
33 any government or any political subdivision thereof, including the
34 government of the United States, any state, territory, or possession
35 of the United States, or the District of Columbia, which is not
36 engaged in carrying persons or property for commercial purposes;

37 (b) An aircraft registered under the laws of a foreign country;

38 (c) An aircraft that is owned by a nonresident if:

39 (i) The aircraft remains in this state or is based in this state,
40 or both, for a period less than ninety days; or

1 (ii) The aircraft is a large private airplane as defined in RCW
2 82.08.215 and remains in this state for a period of ninety days or
3 longer, but only when:

4 (A) The airplane is in this state exclusively for the purpose of
5 repairs, alterations, or reconstruction, including any flight testing
6 related to the repairs, alterations, or reconstruction, or for the
7 purpose of continual storage of not less than one full calendar year;

8 (B) An employee of the facility providing these services is on
9 board the airplane during any flight testing; and

10 (C) Within ninety days of the date the airplane first arrived in
11 this state during the calendar year, the nonresident files a written
12 statement with the department indicating that the airplane is exempt
13 from registration under this subsection (~~((5))~~) (6)(c)(ii). The
14 written statement must be filed in a form and manner prescribed by
15 the department and must include such information as the department
16 requires. The department may require additional periodic verification
17 that the airplane remains exempt from registration under this
18 subsection (~~((5))~~) (6)(c)(ii) and that written statements conform
19 with the provisions of chapter 5.50 RCW;

20 (d) (~~(A)~~) A piloted aircraft engaged principally in commercial
21 flying constituting an act of interstate or foreign commerce;

22 (e) An aircraft owned by the commercial manufacturer thereof
23 while being operated for test or experimental purposes, or for the
24 purpose of training crews for purchasers of the aircraft;

25 (f) An aircraft being held for sale, exchange, delivery, test, or
26 demonstration purposes solely as stock in trade of an aircraft dealer
27 licensed under Title 14 RCW; (~~and~~)

28 (g) An aircraft based within the state that is in an unairworthy
29 condition, is not operated within the registration period, and has
30 obtained a written exemption issued by the secretary; and

31 (h) Unpiloted aircraft systems used exclusively for hobby or
32 recreation.

33 (~~((6))~~) (7) The secretary must be notified within thirty days of
34 any change in ownership of a registered aircraft. The notification
35 must contain the N, NC, NR, NL, or NX number of the aircraft, the
36 full name and address of the former owner, and the full name and
37 address of the new owner. For failure to so notify the secretary, the
38 registration of that aircraft may be canceled by the secretary,
39 subject to reinstatement upon application and payment of a
40 reinstatement fee of ten dollars by the new owner.

1 (~~(7)~~) (8) A municipality or port district that owns, operates,
2 or leases an airport, as defined in RCW 47.68.020, with the intent to
3 operate, must require from an aircraft owner proof of aircraft
4 registration as a condition of leasing or selling tiedown or hangar
5 space for an aircraft. It is the responsibility of the lessee or
6 purchaser to register the aircraft. Proof of registration must be
7 provided according to the following schedule:

8 (a) For the purchase of tiedown or hangar space, the municipality
9 or port district must allow the purchaser thirty days from the date
10 of the application for purchase to produce proof of aircraft
11 registration.

12 (b) For the lease of tiedown or hangar space that extends thirty
13 days or more, the municipality or port district must allow the lessee
14 thirty days to produce proof of aircraft registration from the date
15 of the application for lease of tiedown or hangar space.

16 (c) For the lease of tiedown or hangar space that extends less
17 than thirty days, the municipality or port district must allow the
18 lessee to produce proof of aircraft registration at any point prior
19 to the final day of the lease.

20 (~~(8)~~) (9) The airport must work with the aviation division to
21 assist in its efforts to register aircraft by providing information
22 about based aircraft on an annual basis as requested by the division.

23 (10) The department may adopt rules to implement this section.

24 **Sec. 813.** RCW 47.68.020 and 1993 c 208 s 4 are each amended to
25 read as follows:

26 As used in this chapter, unless the context clearly indicates
27 otherwise:

28 (1) "Aeronautics" means the science and art of flight and
29 including, but not limited to, transportation by aircraft; the
30 operation, construction, repair, or maintenance of aircraft, aircraft
31 power plants and accessories, including the repair, packing, and
32 maintenance of parachutes; the design, establishment, construction,
33 extension, operation, improvement, repair, or maintenance of airports
34 or air navigation facilities; and instruction in flying or ground
35 subjects pertaining thereto.

36 (2) "Aircraft" means (~~(any)~~) a piloted or unmanned contrivance
37 now known, or hereafter invented, used or designed for navigation of
38 or flight in the air.

1 (3) "Airport" means any area of land or water which is used, or
2 intended for use, for the landing and take-off of aircraft, and any
3 appurtenant areas which are used, or intended for use, for airport
4 buildings or other airport facilities or right-of-way, together with
5 all airport buildings and facilities located thereon.

6 (4) "Department" means the state department of transportation.

7 (5) "Secretary" means the state secretary of transportation.

8 (6) "State" or "this state" means the state of Washington.

9 (7) "Air navigation facility" means any facility, other than one
10 owned or operated by the United States, used in, available for use
11 in, or designed for use in aid of air navigation, including any
12 structures, mechanisms, lights, beacons, markers, communicating
13 systems, or other instrumentalities or devices used or useful as an
14 aid, or constituting an advantage or convenience, to the safe taking-
15 off, navigation, and landing of aircraft, or the safe and efficient
16 operation or maintenance of an airport, and any combination of any or
17 all of such facilities.

18 (8) "Operation of aircraft" or "operate aircraft" means the use,
19 navigation, or piloting of aircraft in the airspace over this state
20 or upon any airport within this state.

21 (9) "Airman or airwoman" means any individual who engages, as the
22 person in command, or as pilot, mechanic, or member of the crew in
23 the navigation of aircraft while under way, and any individual who is
24 directly in charge of the inspection, maintenance, overhauling, or
25 repair of aircraft engines, airframes, propellers, or appliances, and
26 any individual who serves in the capacity of aircraft dispatcher or
27 air-traffic control tower operator; but does not include any
28 individual employed outside the United States, or any individual
29 employed by a manufacturer of aircraft, aircraft engines, airframes,
30 propellers, or appliances to perform duties as inspector or mechanic
31 in connection therewith, or any individual performing inspection or
32 mechanical duties in connection with aircraft owned or operated by
33 the person.

34 (10) "Aeronautics instructor" means any individual who for hire
35 or reward engages in giving instruction or offering to give
36 instruction in flying or ground subjects pertaining to aeronautics,
37 but excludes any instructor in a public school, university, or
38 institution of higher learning duly accredited and approved for
39 carrying on collegiate work, who instructs in flying or ground

1 subjects pertaining to aeronautics, while in the performance of his
2 or her duties at such school, university, or institution.

3 (11) "Air school" means any person who advertises, represents, or
4 holds out as giving or offering to give instruction in flying or
5 ground subjects pertaining to aeronautics whether for or without hire
6 or reward; but excludes any public school, university, or institution
7 of higher learning duly accredited and approved for carrying on
8 collegiate work.

9 (12) "Person" means any individual, firm, partnership,
10 corporation, company, association, joint stock association, or body
11 politic; and includes any trustee, receiver, assignee, or other
12 similar representative thereof.

13 (13) "Municipal" means pertaining to a municipality, and
14 "municipality" means any county, city, town, authority, district, or
15 other political subdivision or public corporation of this state.

16 (14) "Airport hazard" means any structure, object of natural
17 growth, or use of land, which obstructs the airspace required for the
18 flight of aircraft in landing or taking off at an airport or is
19 otherwise hazardous to such landing or taking off.

20 (15) "State airway" means a route in the navigable airspace over
21 and above the lands or waters of this state, designated by the
22 department as a route suitable for air navigation.

23 (16) "Aviation division" means the aeronautics division of the
24 department.

25 (17) "Commercial" means an aircraft, piloted or unpiloted, not
26 used exclusively for hobby or recreation.

27 (18) "Unpiloted aircraft system" means an aircraft operated
28 without the possibility of direct human intervention from within or
29 on the aircraft and is synonymous with the term "unmanned aircraft
30 system". An unpiloted aircraft system must meet the same criteria and
31 standards established by the federal aviation administration for an
32 unmanned aircraft system.

33 **Sec. 814.** RCW 47.56.850 and 2009 c 498 s 15 are each amended to
34 read as follows:

35 (1) Unless these powers are otherwise delegated by the
36 legislature, the transportation commission is the tolling authority
37 for the state. The tolling authority shall:

1 (a) (i) Set toll rates, (ii) establish appropriate exemptions, if
2 any, except as provided otherwise in this section, and (iii) make
3 adjustments as conditions warrant on eligible toll facilities;

4 (b) Review toll collection policies, toll operations policies,
5 and toll revenue expenditures on the eligible toll facilities and
6 report annually on this review to the legislature.

7 (2) The tolling authority, in determining toll rates, shall
8 consider the policy guidelines established in RCW 47.56.830.

9 (3) Unless otherwise directed by the legislature, in setting and
10 periodically adjusting toll rates, the tolling authority must ensure
11 that toll rates will generate revenue sufficient to:

12 (a) Meet the operating costs of the eligible toll facilities,
13 including necessary maintenance, preservation, renewal, replacement,
14 administration, and toll enforcement by public law enforcement;

15 (b) Meet obligations for the timely payment of debt service on
16 bonds issued for eligible toll facilities, and any other associated
17 financing costs including, but not limited to, required reserves,
18 minimum debt coverage or other appropriate contingency funding,
19 insurance, and compliance with all other financial and other
20 covenants made by the state in the bond proceedings;

21 (c) Meet obligations to reimburse the motor vehicle fund for
22 excise taxes on motor vehicle and special fuels applied to the
23 payment of bonds issued for eligible toll facilities; and

24 (d) Meet any other obligations of the tolling authority to
25 provide its proportionate share of funding contributions for any
26 projects or operations of the eligible toll facilities.

27 (4) The established toll rates may include variable pricing, and
28 should be set to optimize system performance, recognizing necessary
29 trade-offs to generate revenue for the purposes specified in
30 subsection (3) of this section. Tolls may vary for type of vehicle,
31 time of day, traffic conditions, or other factors designed to improve
32 performance of the system.

33 (5) In fixing and adjusting toll rates under this section, the
34 only toll revenue to be taken into account must be toll revenue
35 pledged to bonds that includes toll receipts, and the only debt
36 service requirements to be taken into account must be debt service on
37 bonds payable from and secured by toll revenue that includes toll
38 receipts.

39 (6) The legislature pledges to appropriate toll revenue as
40 necessary to carry out the purposes of this section. When the

1 legislature has specifically identified and designated an eligible
2 toll facility and authorized the issuance of bonds for the financing
3 of the eligible toll facility that are payable from and secured by a
4 pledge of toll revenue, the legislature further agrees for the
5 benefit of the owners of outstanding bonds issued by the state for
6 eligible toll facilities to continue in effect and not to impair or
7 withdraw the authorization of the tolling authority to fix and adjust
8 tolls as provided in this section. The state finance committee shall
9 pledge the state's obligation to impose and maintain tolls, together
10 with the application of toll revenue as described in this section, to
11 the owners of any bonds.

12 (7) The tolling authority may not exempt the following vehicles
13 from tolls on toll bridges:

14 (a) Publicly owned or operated transit buses;

15 (b) Passenger motor vehicles licensed for ride sharing as
16 described in RCW 46.18.285;

17 (c) School buses; and

18 (d) Privately owned and operated passenger buses meeting annual
19 certification requirements of the department.

20 **Sec. 815.** RCW 47.46.100 and 2002 c 114 s 7 are each amended to
21 read as follows:

22 (1) The commission shall fix the rates of toll and other charges
23 for all toll bridges built under this chapter that are financed
24 primarily by bonds issued by the state. Subject to RCW 47.46.090, the
25 commission may impose and modify toll charges from time to time as
26 conditions warrant. However, the commission may not exempt the
27 following vehicles from tolls:

28 (a) Publicly owned or operated transit buses;

29 (b) Passenger motor vehicles licensed for ride sharing as
30 described in RCW 46.18.285;

31 (c) School buses; and

32 (d) Privately owned and operated passenger buses meeting annual
33 certification requirements of the department.

34 (2) In establishing toll charges, the commission shall give due
35 consideration to any required costs for operating and maintaining the
36 toll bridge or toll bridges, including the cost of insurance, and to
37 any amount required by law to meet the redemption of bonds and
38 interest payments on them.

39 (3) The toll charges must be imposed in amounts sufficient to:

1 (a) Provide annual revenue sufficient to provide for annual
2 operating and maintenance expenses, except as provided in RCW
3 47.56.245;

4 (b) Make payments required under RCW 47.56.165 and 47.46.140,
5 including insurance costs and the payment of principal and interest
6 on bonds issued for any particular toll bridge or toll bridges; and

7 (c) Repay the motor vehicle fund under RCW 47.46.110, 47.56.165,
8 and 47.46.140.

9 (4) The bond principal and interest payments, including repayment
10 of the motor vehicle fund for amounts transferred from that fund to
11 provide for such principal and interest payments, constitute a first
12 direct and exclusive charge and lien on all tolls and other revenues
13 from the toll bridge concerned, subject to operating and maintenance
14 expenses.

15 **Part IX**

16 **Miscellaneous Provisions**

17 NEW SECTION. **Sec. 901.** Sections 810, 811, and 813 of this act
18 are necessary for the immediate preservation of the public peace,
19 health, or safety, or support of the state government and its
20 existing public institutions, and take effect July 1, 2021.

21 NEW SECTION. **Sec. 902.** Section 811 of this act expires July 1,
22 2031.

23 NEW SECTION. **Sec. 903.** Section 812 of this act takes effect
24 July 1, 2031.

25 NEW SECTION. **Sec. 904.** Sections 810 through 813, and 901
26 through 903, take effect only if Substitute House Bill No. 1379
27 (Unpiloted aircraft system) is not enacted by June 30, 2021.

28 NEW SECTION. **Sec. 905.** Sections 101 through 105, 401, 402, 511,
29 512, 601, 602, 801 through 809, 814, and 815 of this act are
30 necessary for the immediate preservation of the public peace, health,
31 or safety, or support of the state government and its existing public
32 institutions, and take effect July 1, 2021.

1 NEW SECTION. **Sec. 906.** Section 804 of this act expires July 1,
2 2024.

3 NEW SECTION. **Sec. 907.** Section 805 of this act takes effect
4 July 1, 2024.

5 NEW SECTION. **Sec. 908.** Sections 502, 505, and 507 of this act
6 expire January 1, 2022.

7 NEW SECTION. **Sec. 909.** Sections 503, 506, and 508 of this act
8 take effect January 1, 2022.

9 NEW SECTION. **Sec. 910.** Sections 106, 201 through 301, 403
10 through 502, 504, 505, 507, 509, 510, and 603 through 706 of this act
11 take effect October 1, 2021.

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