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**HOUSE JOINT RESOLUTION 4201**

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**State of Washington 67th Legislature 2021 Regular Session**

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

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

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

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

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

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

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

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