
HOUSE BILL 2876

State of Washington 54th Legislature 1996 Regular Session

By Representatives Chandler and Mulliken

Read first time 01/23/96. Referred to Committee on Transportation.

1 AN ACT Relating to specialized transportation needs districts;
2 amending RCW 82.44.150 and 35.58.273; and adding a new section to
3 chapter 36.57 RCW.

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

5 **Sec. 1.** RCW 82.44.150 and 1995 2nd sp.s. c 14 s 538 are each
6 amended to read as follows:

7 (1) The director of licensing shall, on the twenty-fifth day of
8 February, May, August, and November of each year, advise the state
9 treasurer of the total amount of motor vehicle excise taxes imposed by
10 RCW 82.44.020 (1) and (2) remitted to the department during the
11 preceding calendar quarter ending on the last day of March, June,
12 September, and December, respectively, except for those payable under
13 RCW 82.44.030, from motor vehicle owners residing within each
14 municipality which has levied a tax under RCW 35.58.273, which amount
15 of excise taxes shall be determined by the director as follows:

16 The total amount of motor vehicle excise taxes remitted to the
17 department, except those payable under RCW 82.44.020(3) and 82.44.030,
18 from each county shall be multiplied by a fraction, the numerator of
19 which is the population of the municipality residing in such county,

1 and the denominator of which is the total population of the county in
2 which such municipality or portion thereof is located. The product of
3 this computation shall be the amount of excise taxes from motor vehicle
4 owners residing within such municipality or portion thereof. Where the
5 municipality levying a tax under RCW 35.58.273 is located in more than
6 one county, the above computation shall be made by county, and the
7 combined products shall provide the total amount of motor vehicle
8 excise taxes from motor vehicle owners residing in the municipality as
9 a whole. Population figures required for these computations shall be
10 supplied to the director by the office of financial management, who
11 shall adjust the fraction annually.

12 (2) On the first day of the months of January, April, July, and
13 October of each year, the state treasurer based upon information
14 provided by the department shall, from motor vehicle excise taxes
15 deposited in the general fund, under RCW 82.44.110(1)(g), make the
16 following deposits:

17 (a) To the high capacity transportation account created in RCW
18 47.78.010, a sum equal to four and five-tenths percent of the special
19 excise tax levied under RCW 35.58.273 by those municipalities
20 authorized to levy a special excise tax within each county that has a
21 population of one hundred seventy-five thousand or more and has an
22 interstate highway within its borders; except that in a case of a
23 municipality located in a county that has a population of one hundred
24 seventy-five thousand or more that does not have an interstate highway
25 located within its borders, that sum shall be deposited in the
26 passenger ferry account;

27 (b) To the central Puget Sound public transportation account
28 created in RCW 82.44.180, for revenues distributed after December 31,
29 1992, within a county with a population of one million or more and a
30 county with a population of from two hundred thousand to less than one
31 million bordering a county with a population of one million or more, a
32 sum equal to the difference between (i) the special excise tax levied
33 and collected under RCW 35.58.273 by those municipalities authorized to
34 levy and collect a special excise tax subject to the requirements of
35 subsections (3) and (4) of this section and (ii) the special excise tax
36 that the municipality would otherwise have been eligible to levy and
37 collect at a tax rate of .815 percent and been able to match with
38 locally generated tax revenues, other than the excise tax imposed under
39 RCW 35.58.273, budgeted for any public transportation purpose. Before

1 this deposit, the sum shall be reduced by an amount equal to the amount
2 distributed under (a) of this subsection for each of the municipalities
3 within the counties to which this subsection (2)(b) applies; however,
4 any transfer under this subsection (2)(b) must be greater than zero;

5 (c) To the public transportation systems account created in RCW
6 82.44.180, for revenues distributed after December 31, 1992, within
7 counties not described in (b) of this subsection, a sum equal to the
8 difference between (i) the special excise tax levied and collected
9 under RCW 35.58.273 by those municipalities authorized to levy and
10 collect a special excise tax subject to the requirements of subsections
11 (3) and (4) of this section and (ii) the special excise tax that the
12 municipality would otherwise have been eligible to levy and collect at
13 a tax rate of .815 percent and been able to match with locally
14 generated tax revenues, other than the excise tax imposed under RCW
15 35.58.273, budgeted for any public transportation purpose. Before this
16 deposit, the sum shall be reduced by an amount equal to the amount
17 distributed under (a) of this subsection for each of the municipalities
18 within the counties to which this subsection (2)(c) applies; however,
19 any transfer under this subsection (2)(c) must be greater than zero;
20 and

21 (d) To the general fund, for revenues distributed after June 30,
22 1993, and to the transportation fund, for revenues distributed after
23 June 30, 1995, a sum equal to the difference between (i) the special
24 excise tax levied and collected under RCW 35.58.273 by those
25 municipalities authorized to levy and collect a special excise tax
26 subject to the requirements of subsections (3) and (4) of this section
27 and (ii) the special excise tax that the municipality would otherwise
28 have been eligible to levy and collect at a tax rate of .815 percent
29 notwithstanding the requirements set forth in subsections (3) through
30 (6) of this section, reduced by an amount equal to distributions made
31 under (a), (b), and (c) of this subsection and RCW 82.14.046.

32 (3) On the first day of the months of January, April, July, and
33 October of each year, the state treasurer, based upon information
34 provided by the department, shall remit motor vehicle excise tax
35 revenues imposed and collected under RCW 35.58.273 as follows:

36 (a) The amount required to be remitted by the state treasurer to
37 the treasurer of any municipality or county levying the tax shall not
38 exceed in any calendar year, for the municipality, the amount of
39 locally-generated tax revenues, and for the county, the amount of the

1 local matching amount as defined in section 3 of this act, excluding
2 (i) the excise tax imposed under RCW 35.58.273 for the purposes of this
3 section, which shall have been budgeted by the municipality or county
4 to be collected in such calendar year for any public transportation
5 purposes or in the case of a county, for the transportation of "persons
6 with specialized transportation needs" as defined in section 3 of this
7 act including but not limited to operating costs, capital costs, and
8 debt service on general obligation or revenue bonds issued for these
9 purposes; and (ii) the sales and use tax equalization distributions
10 provided under RCW 82.14.046; and

11 (b) In no event may the amount remitted in a single calendar
12 quarter exceed the amount collected on behalf of the municipality or
13 county under RCW 35.58.273 during the calendar quarter next preceding
14 the immediately preceding quarter, excluding the sales and use tax
15 equalization distributions provided under RCW 82.14.046.

16 (4) At the close of each calendar year accounting period, but not
17 later than April 1, each municipality or county that has received motor
18 vehicle excise taxes under subsection (3) of this section shall
19 transmit to the director of licensing and the state auditor a written
20 report showing by source the previous year's budgeted tax revenues for
21 public transportation purposes as compared to actual collections. Any
22 municipality or county that has not submitted the report by April 1
23 shall cease to be eligible to receive motor vehicle excise taxes under
24 subsection (3) of this section until the report is received by the
25 director of licensing. If a municipality has received more or less
26 money under subsection (3) of this section for the period covered by
27 the report than it is entitled to receive by reason of its locally-
28 generated collected tax revenues, the director of licensing shall,
29 during the next ensuing quarter that the municipality is eligible to
30 receive motor vehicle excise tax funds, increase or decrease the amount
31 to be remitted in an amount equal to the difference between the
32 locally-generated budgeted tax revenues and the locally-generated
33 collected tax revenues. In no event may the amount remitted for a
34 calendar year exceed the amount collected on behalf of the municipality
35 or county under RCW 35.58.273 during that same calendar year excluding
36 the sales and use tax equalization distributions provided under RCW
37 82.14.046. At the time of the next fiscal audit of each municipality
38 or county, the state auditor shall verify the accuracy of the report
39 submitted and notify the director of licensing of any discrepancies.

1 (5) The motor vehicle excise taxes imposed under RCW 35.58.273 and
2 required to be remitted under this section and RCW 82.14.046 shall be
3 remitted without legislative appropriation.

4 (6) Any municipality levying and collecting a tax under RCW
5 35.58.273 which does not have an operating, public transit system or a
6 contract for public transportation services in effect within one year
7 or any county levying and collecting a tax under RCW 35.58.273 that is
8 not providing services under section 3 of this act or a contract for
9 services under section 3 of this act from the initial effective date of
10 the tax shall return to the state treasurer all motor vehicle excise
11 taxes received under subsection (3) of this section.

12 **Sec. 2.** RCW 35.58.273 and 1992 c 194 s 11 are each amended to read
13 as follows:

14 (1) Through June 30, 1992, any municipality, as defined in this
15 subsection, is authorized to levy and collect a special excise tax not
16 exceeding .7824 percent and beginning July 1, 1992, .725 percent on the
17 value, as determined under chapter 82.44 RCW, of every motor vehicle
18 owned by a resident of such municipality for the privilege of using
19 such motor vehicle provided that in no event shall the tax be less than
20 one dollar and, subject to RCW 82.44.150 (3) and (4), the amount of
21 such tax shall be credited against the amount of the excise tax levied
22 by the state under RCW 82.44.020(1). As used in this subsection, the
23 term "municipality" means a municipality that is located within (a)
24 each county with a population of two hundred ten thousand or more and
25 (b) each county with a population of from one hundred twenty-five
26 thousand to less than two hundred ten thousand except for those
27 counties that do not border a county with a population as described
28 under ((subsection)) (a) of this subsection.

29 (2) Through June 30, 1992, any other municipality is authorized to
30 levy and collect a special excise tax not exceeding .815 percent, and
31 beginning July 1, 1992, .725 percent on the value, as determined under
32 chapter 82.44 RCW, of every motor vehicle owned by a resident of such
33 municipality for the privilege of using such motor vehicle provided
34 that in no event shall the tax be less than one dollar and, subject to
35 RCW 82.44.150 (3) and (4), the amount of such tax shall be credited
36 against the amount of the excise tax levied by the state under RCW
37 82.44.020(1). Before utilization of any excise tax moneys collected
38 under authorization of this section for acquisition of right of way or

1 construction of a mass transit facility on a separate right of way the
2 municipality shall adopt rules affording the public an opportunity for
3 "corridor public hearings" and "design public hearings" as herein
4 defined, which rule shall provide in detail the procedures necessary
5 for public participation in the following instances: (a) Prior to
6 adoption of location and design plans having a substantial social,
7 economic or environmental effect upon the locality upon which they are
8 to be constructed or (b) on such mass rapid transit systems operating
9 on a separate right of way whenever a substantial change is proposed
10 relating to location or design in the adopted plan. In adopting rules
11 the municipality shall adhere to the provisions of the Administrative
12 Procedure Act.

13 (3) Beginning January 1, 1997, a county in which no public
14 transportation system is imposing a tax under this section or under RCW
15 82.14.045 or 35.95.040 may levy and collect a special excise tax not
16 exceeding 0.15 percent on the value, as determined under chapter 82.44
17 RCW, on every motor vehicle owned by a resident of such county
18 specialized transportation needs district for the privilege of using
19 the motor vehicle. In no event may the tax be less than one dollar.
20 Subject to RCW 82.44.150 (3) and (4), the amount of such tax shall be
21 credited against the amount of the excise tax levied by the state under
22 RCW 82.44.020(1).

23 (4) A "corridor public hearing" is a public hearing that: (a) Is
24 held before the municipality is committed to a specific mass transit
25 route proposal, and before a route location is established; (b) is held
26 to afford an opportunity for participation by those interested in the
27 determination of the need for, and the location of, the mass rapid
28 transit system; (c) provides a public forum that affords a full
29 opportunity for presenting views on the mass rapid transit system route
30 location, and the social, economic and environmental effects on that
31 location and alternate locations: PROVIDED, That such hearing shall
32 not be deemed to be necessary before adoption of an overall mass rapid
33 transit system plan by a vote of the electorate of the municipality.

34 ~~((+4))~~ (5) A "design public hearing" is a public hearing that:
35 (a) Is held after the location is established but before the design is
36 adopted; and (b) is held to afford an opportunity for participation by
37 those interested in the determination of major design features of the
38 mass rapid transit system; and (c) provides a public forum to afford a
39 full opportunity for presenting views on the mass rapid transit system

1 design, and the social, economic, environmental effects of that design
2 and alternate designs.

3 ~~((5))~~ (6) A municipality imposing a tax under subsection (1) or
4 (2) of this section or a county imposing a tax under subsection (3) of
5 this section may also impose a sales and use tax, in addition to the
6 tax authorized by RCW 82.14.030, upon retail car rentals within the
7 municipality that are taxable by the state under chapters 82.08 and
8 82.12 RCW. The rate of tax shall bear the same ratio to the rate
9 imposed under RCW 82.08.020(2) as the excise tax rate imposed under
10 subsection (1) of this section bears to the excise tax rate imposed
11 under RCW 82.44.020 (1) and (2), except that for a county imposing the
12 tax under subsection (3) of this section the rate of the tax must bear
13 the same ratio to the rate imposed under RCW 82.08.020(2) as the excise
14 tax rate imposed under subsection (3) of this section bears to the
15 excise tax rate imposed under RCW 82.44.020 (1) and (2). The base of
16 the tax shall be the selling price in the case of a sales tax or the
17 rental value of the vehicle used in the case of a use tax. The tax
18 imposed under this section shall be deducted from the amount of tax
19 otherwise due under RCW 82.08.020(2). The revenue collected under this
20 subsection shall be distributed in the same manner as special excise
21 taxes under subsections (1) and (2) of this section.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 36.57 RCW
23 to read as follows:

24 (1) The county legislative authority of every county, except a
25 county within which public transportation services are being provided
26 by a municipality as defined in RCW 35.58.272 and in which taxes are
27 being imposed to support public transportation services under RCW
28 82.14.045 and 35.95.040, may establish a specialized transportation
29 needs district, either county-wide or less than county-wide. Within
30 this district, the county may provide for services for persons with
31 specialized transportation needs and exercise those powers specified in
32 RCW 36.57.040 that are necessary to provide for those services for
33 persons with specialized transportation needs.

34 (2) For the purposes of this section and RCW 82.44.150, "persons
35 with specialized transportation needs" means elderly persons or persons
36 with physical, sensory, or mental disabilities, and their personal
37 attendants.

1 (3) Before imposing a tax under RCW 35.58.273, the commission must
2 pass an ordinance describing the services that will be provided under
3 this section.

4 (4) Any taxes imposed under RCW 35.58.273 must have a local
5 matching amount of at least twenty-five percent of the taxes imposed.
6 The local matching amount may include funds or in-kind resources from
7 federal, state, local, or private sources for transportation programs
8 for those with specialized transportation needs.

9 (5) The commission shall comply with reporting requirements
10 provided for municipalities in RCW 35.58.2796, with such information to
11 be included in the department of transportation's annual report.

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