

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5274

Chapter 331, Laws of 2001

57th Legislature
2001 Regular Session

MOTOR VEHICLE LICENSING SUBAGENTS

EFFECTIVE DATE: 7/22/01

Passed by the Senate April 18, 2001
YEAS 45 NAYS 3

BRAD OWEN
President of the Senate

Passed by the House April 5, 2001
YEAS 94 NAYS 1

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved May 15, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5274** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 15, 2001 - 3:21 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5274

AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Gardner, Haugen and McCaslin)

READ FIRST TIME 03/08/01.

1 AN ACT Relating to motor vehicle licensing subagents; and amending
2 RCW 46.01.140.

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

4 **Sec. 1.** RCW 46.01.140 and 1996 c 315 s 1 are each amended to read
5 as follows:

6 (1) The county auditor, if appointed by the director of licensing
7 shall carry out the provisions of this title relating to the licensing
8 of vehicles and the issuance of vehicle license number plates under the
9 direction and supervision of the director and may with the approval of
10 the director appoint assistants as special deputies and recommend
11 subagents to accept applications and collect fees for vehicle licenses
12 and transfers and to deliver vehicle license number plates.

13 (2) A county auditor appointed by the director may request that the
14 director appoint subagencies within the county.

15 (a) Upon authorization of the director, the auditor shall
16 ~~((advertise a request for proposals and use the process for soliciting~~
17 ~~vendors under RCW 39.04.190(2), except that the provision requiring the~~
18 ~~contract to be awarded to the lowest responsible bidder shall not~~
19 ~~apply)) use an open competitive process including, but not limited to,~~

1 a written business proposal and oral interview to determine the
2 qualifications of all interested applicants.

3 (b) A subagent may recommend a successor who is either the
4 subagent's sibling, spouse, or child, or a subagency employee, as long
5 as the recommended successor participates in the open, competitive
6 process used to select an applicant. In making successor
7 recommendation and appointment determinations, the following provisions
8 apply:

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

12 (ii) No subagent may receive any direct or indirect compensation or
13 remuneration from any party or entity in recognition of a successor
14 nomination. A subagent may not receive any financial benefit from the
15 transfer or termination of an appointment.

16 (iii) (a) and (b) of this subsection are intended to assist in the
17 efficient transfer of appointments in order to minimize public
18 inconvenience. They do not create a proprietary or property interest
19 in the appointment.

20 (c) The auditor shall submit all proposals to the director, and
21 shall recommend the appointment of one or more subagents who have
22 applied through the ((request for proposal)) open competitive process.
23 The auditor shall include in his or her recommendation to the director,
24 not only the name of the successor who is a relative or employee, if
25 applicable and if otherwise qualified, but also the name of one other
26 applicant who is qualified and was chosen through the open competitive
27 process. The director has final appointment authority.

28 (3)(a) A county auditor who is appointed as an agent by the
29 department shall enter into a standard contract provided by the
30 director, developed with the advice of the title and registration
31 advisory committee.

32 (b) A subagent appointed under subsection (2) of this section shall
33 enter into a standard contract with the county auditor, developed with
34 the advice of the title and registration advisory committee. The
35 director shall provide the standard contract to county auditors.

36 (c) The contracts provided for in (a) and (b) of this subsection
37 must contain at a minimum provisions that:

38 (i) Describe the responsibilities, and where applicable, the
39 liability, of each party relating to the service expectations and

1 levels, equipment to be supplied by the department, and equipment
2 maintenance;

3 (ii) Require the specific type of insurance or bonds so that the
4 state is protected against any loss of collected motor vehicle tax
5 revenues or loss of equipment;

6 (iii) Specify the amount of training that will be provided by the
7 state, the county auditor, or subagents;

8 (iv) Describe allowable costs that may be charged to vehicle
9 licensing activities as provided for in (d) of this subsection;

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

12 (d) The department shall develop procedures that will standardize
13 and prescribe allowable costs that may be assigned to vehicle licensing
14 and vessel registration and title activities performed by county
15 auditors.

16 (e) The contracts may include any provision that the director deems
17 necessary to ensure acceptable service and the full collection of
18 vehicle and vessel tax revenues.

19 (f) The director may waive any provisions of the contract deemed
20 necessary in order to ensure that readily accessible service is
21 provided to the citizens of the state.

22 (4)(a) At any time any application is made to the director, the
23 county auditor, or other agent pursuant to any law dealing with
24 licenses, registration, or the right to operate any vehicle or vessel
25 upon the public highways or waters of this state, excluding applicants
26 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant
27 shall pay to the director, county auditor, or other agent a fee of
28 three dollars for each application in addition to any other fees
29 required by law.

30 (b) Counties that do not cover the expenses of vehicle licensing
31 and vessel registration and title activities may submit to the
32 department a request for cost-coverage moneys. The request must be
33 submitted on a form developed by the department. The department shall
34 develop procedures to verify whether a request is reasonable. Payment
35 shall be made on requests found to be allowable from the licensing
36 services account.

37 (c) Applicants for certificates of ownership, including applicants
38 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the

1 director, county auditor, or other agent a fee of four dollars in
2 addition to any other fees required by law.

3 (d) The fees under (a) and (c) of this subsection, if paid to the
4 county auditor as agent of the director, or if paid to a subagent of
5 the county auditor, shall be paid to the county treasurer in the same
6 manner as other fees collected by the county auditor and credited to
7 the county current expense fund. If the fee is paid to another agent
8 of the director, the fee shall be used by the agent to defray his or
9 her expenses in handling the application.

10 (e) Applicants required to pay the three-dollar fee established
11 under (a) of this subsection, must pay an additional fifty cents, which
12 must be collected and remitted to the state treasurer for deposit into
13 the department of licensing services account of the motor vehicle fund.
14 Revenue deposited into this account must be used for agent and subagent
15 support, which is to include but not be limited to the replacement of
16 department-owned equipment in the possession of agents and subagents.

17 (5) A subagent shall collect a service fee of (a) (~~seven~~) eight
18 dollars and fifty cents for changes in a certificate of ownership, with
19 or without registration renewal, or verification of record and
20 preparation of an affidavit of lost title other than at the time of the
21 title application or transfer and (b) three dollars and fifty cents for
22 registration renewal only, issuing a transit permit, or any other
23 service under this section.

24 (6) If the fee is collected by the state patrol as agent for the
25 director, the fee so collected shall be certified to the state
26 treasurer and deposited to the credit of the state patrol highway
27 account. If the fee is collected by the department of transportation
28 as agent for the director, the fee shall be certified to the state
29 treasurer and deposited to the credit of the motor vehicle fund. All
30 such fees collected by the director or branches of his office shall be
31 certified to the state treasurer and deposited to the credit of the
32 highway safety fund.

33 (7) Any county revenues that exceed the cost of providing vehicle
34 licensing and vessel registration and title activities in a county,
35 calculated in accordance with the procedures in subsection (3)(d) of
36 this section, shall be expended as determined by the county legislative
37 authority during the process established by law for adoption of county
38 budgets.

39 (8) The director may adopt rules to implement this section.

Passed the Senate April 18, 2001.
Passed the House April 5, 2001.
Approved by the Governor May 15, 2001.
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