

CERTIFICATION OF ENROLLMENT

SENATE BILL 5518

Chapter 343, Laws of 2005

59th Legislature
2005 Regular Session

LICENSING--SUBAGENTS' FEES

EFFECTIVE DATE: 7/24/05

Passed by the Senate March 12, 2005
YEAS 49 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 13, 2005
YEAS 93 NAYS 3

FRANK CHOPP

Speaker of the House of Representatives

Approved May 9, 2005.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5518** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 9, 2005 - 3:45 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5518

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senators Eide, Swecker, Spanel, Stevens, Mulliken, Rasmussen and Benson

Read first time 01/26/2005. Referred to Committee on Transportation.

1 AN ACT Relating to subagents' fees; and amending RCW 46.01.140.

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

3 **Sec. 1.** RCW 46.01.140 and 2003 c 370 s 3 are each amended to read
4 as follows:

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

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

14 (a) Upon authorization of the director, the auditor shall use an
15 open competitive process including, but not limited to, a written
16 business proposal and oral interview to determine the qualifications of
17 all interested applicants.

18 (b) A subagent may recommend a successor who is either the
19 subagent's sibling, spouse, or child, or a subagency employee, as long

1 as the recommended successor participates in the open, competitive
2 process used to select an applicant. In making successor
3 recommendation and appointment determinations, the following provisions
4 apply:

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

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

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

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

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

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

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

34 (i) Describe the responsibilities, and where applicable, the
35 liability, of each party relating to the service expectations and
36 levels, equipment to be supplied by the department, and equipment
37 maintenance;

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

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

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

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

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

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

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

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

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

35 (c) Applicants for certificates of ownership, including applicants
36 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the
37 director, county auditor, or other agent a fee of four dollars in
38 addition to any other fees required by law.

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

8 (e) Applicants required to pay the three-dollar fee established
9 under (a) of this subsection, must pay an additional seventy-five
10 cents, which must be collected and remitted to the state treasurer and
11 distributed as follows:

12 (i) Fifty cents must be deposited into the department of licensing
13 services account of the motor vehicle fund and must be used for agent
14 and subagent support, which is to include but not be limited to the
15 replacement of department-owned equipment in the possession of agents
16 and subagents.

17 (ii) Twenty-five cents must be deposited into the license plate
18 technology account created under RCW 46.16.685.

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

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

35 (7) Any county revenues that exceed the cost of providing vehicle
36 licensing and vessel registration and title activities in a county,
37 calculated in accordance with the procedures in subsection (3)(d) of

1 this section, shall be expended as determined by the county legislative
2 authority during the process established by law for adoption of county
3 budgets.

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

Passed by the Senate March 12, 2005.

Passed by the House April 13, 2005.

Approved by the Governor May 9, 2005.

Filed in Office of Secretary of State May 9, 2005.