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HOUSE BILL 2052

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Benton, L. Thomas, Crouse, Boldt, Morris, McMahan and Honeyford

Read first time 02/24/95. Referred to Committee on Transportation.

1 AN ACT Relating to authorizing the department of licensing to  
2 contract with county auditors and subagents for renewal of drivers'  
3 licenses; and amending RCW 46.01.130, 46.01.140, and 46.01.310.

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

5 **Sec. 1.** RCW 46.01.130 and 1979 c 158 s 121 are each amended to  
6 read as follows:

7 The department of licensing shall have the general supervision and  
8 control of the issuing of vehicle licenses and vehicle license number  
9 plates and drivers' licenses and shall have the full power to do all  
10 things necessary and proper to carry out the provisions of the law  
11 relating to the licensing of vehicles and drivers; the director shall  
12 have the power to appoint and employ deputies, assistants and  
13 representatives, and such clerks as may be required from time to time,  
14 and to provide for their operation in different parts of the state, and  
15 the director shall have the power to appoint the county auditors of the  
16 several counties as his or her agents for the licensing of vehicles and  
17 renewal of drivers' licenses.

1       **Sec. 2.** RCW 46.01.140 and 1992 c 216 s 1 are each amended to read  
2 as follows:

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

12       (2) A county auditor appointed by the director may request that the  
13 director appoint subagencies within the county. Upon authorization of  
14 the director, the auditor shall advertise a request for proposals and  
15 use the process for soliciting vendors under RCW 39.04.190(2), except  
16 that the provision requiring the contract to be awarded to the lowest  
17 responsible bidder shall not apply. The auditor shall submit all  
18 proposals to the director, and shall recommend the appointment of one  
19 or more subagents who have applied through the request for proposal  
20 process. The director has final appointment authority.

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

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

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

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

35       (ii) Require the specific type of insurance or bonds so that the  
36 state is protected against any loss of collected motor vehicle tax or  
37 license renewal fee revenues or loss of equipment;

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

1 (iv) Describe allowable costs that may be charged to motor vehicle  
2 licensing and driver's license renewal activities as provided for in  
3 (d) of this subsection;

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

6 (d) The department shall develop procedures that will standardize  
7 and prescribe allowable costs that may be assigned to motor vehicle  
8 licensing and driver's license renewal activities performed by county  
9 auditors.

10 (e) The contracts may include any provision that the director deems  
11 necessary to ensure acceptable service and the full collection of motor  
12 vehicle tax and license renewal fee revenues.

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

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

23 (b) Counties that do not cover the expenses of motor vehicle  
24 licensing or driver's license renewal activities may submit to the  
25 department a request for cost-coverage moneys. The request must be  
26 submitted on a form developed by the department. The department shall  
27 develop procedures to verify whether a request is reasonable. Payment  
28 shall be made on requests found to be allowable from the licensing  
29 services account.

30 (c) Applicants for certificates of ownership, including applicants  
31 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the  
32 director, county auditor, or other agent a fee of three dollars in  
33 addition to any other fees required by law.

34 (d) The fees under (a) and (c) of this subsection, if paid to the  
35 county auditor as agent of the director, or if paid to a subagent of  
36 the county auditor, shall be paid to the county treasurer in the same  
37 manner as other fees collected by the county auditor and credited to  
38 the county current expense fund. If the fee is paid to another agent

1 of the director, the fee shall be used by the agent to defray his or  
2 her expenses in handling the application.

3 (5) A subagent shall collect a service fee of (a) five dollars and  
4 fifty cents for changes in a certificate of ownership, with or without  
5 registration renewal, or verification of record and preparation of an  
6 affidavit of lost title other than at the time of the title application  
7 or transfer and (b) two dollars and twenty-five cents for driver's  
8 license renewal, registration renewal only, issuing a transit permit,  
9 or any other service under this section.

10 (6) If the fee is collected by the state patrol as agent for the  
11 director, the fee so collected shall be certified to the state  
12 treasurer and deposited to the credit of the state patrol highway  
13 account. If the fee is collected by the department of transportation  
14 as agent for the director, the fee shall be certified to the state  
15 treasurer and deposited to the credit of the motor vehicle fund. All  
16 such fees collected by the director or branches of his or her office  
17 shall be certified to the state treasurer and deposited to the credit  
18 of the highway safety fund.

19 (7) Any county revenues that exceed the cost of providing motor  
20 vehicle licensing or driver's license renewal activities in a county,  
21 calculated in accordance with the procedures in subsection (3)(d) of  
22 this section, shall be expended as determined by the county legislative  
23 authority during the process established by law for adoption of county  
24 budgets.

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

26 **Sec. 3.** RCW 46.01.310 and 1987 c 302 s 3 are each amended to read  
27 as follows:

28 No civil suit or action may ever be commenced or prosecuted against  
29 any county auditor, or against any other government officer or entity,  
30 or against any other person, by reason of any act done or omitted to be  
31 done in connection with the titling, licensing, or registration of  
32 vehicles or vessels or the renewal of drivers' licenses while  
33 administering duties and responsibilities as an agent of the director  
34 of licensing, or as an agent of an agent of the director of licensing,  
35 pursuant to RCW 46.01.140. However, this section does not bar the  
36 state of Washington or the director of licensing from bringing any  
37 action, whether civil or criminal, against any such agent, nor shall it

1 bar a county auditor or other agent of the director from bringing an  
2 action against his or her agent.

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