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SENATE BILL 5432

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State of Washington                      57th Legislature                      2001 Regular Session

By Senators Horn, T. Sheldon, Eide, Prentice, Shin and Oke

Read first time 01/23/2001. Referred to Committee on Transportation.

1            AN ACT Relating to the transfer of appointment by subagents of  
2 the director of the department of licensing; and amending RCW  
3 46.01.140.

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

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

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

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

17            (a) Upon authorization of the director, the auditor shall

1 advertise a request for proposals and use the process for  
2 soliciting vendors under RCW 39.04.190(2), except that:

3 (i) The provision requiring the contract to be awarded to the  
4 lowest responsible bidder shall not apply; and

5 (ii) A subagent may nominate a successor who is either the  
6 subagent's sibling, spouse, or child, or a subagency employee. The  
7 auditor shall recommend the appointment of the nominated successor  
8 unless the auditor finds that the nominee does not meet the  
9 eligibility requirements established in the policies and  
10 procedures manual of the department of licensing. The department  
11 shall adopt eligibility requirements in cooperation with the title  
12 registration advisory committee.

13 (A) If a subagency is held by a partnership or corporate  
14 entity, the nomination must be submitted on behalf of, and agreed  
15 to by, all partners or corporate officers.

16 (B) No subagent may receive any direct or indirect compensation  
17 or remuneration from any party or entity in recognition of a  
18 successor nomination. A subagent may not receive any financial  
19 benefit from the transfer or termination of an appointment.

20 (C) This subsection (2)(a)(ii) is intended to assist in the  
21 efficient transfer of appointments in order to minimize public  
22 inconvenience. It does not create any proprietary or property  
23 interest in the appointment.

24 (b) The auditor shall submit all proposals to the director, and  
25 shall recommend the appointment of one or more subagents who have  
26 applied through the request for proposal process. The director has  
27 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  
33 shall enter into a standard contract with the county auditor,  
34 developed with the advice of the title and registration advisory  
35 committee. The director shall provide the standard contract to  
36 county auditors.

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

1 (i) Describe the responsibilities, and where applicable, the  
2 liability, of each party relating to the service expectations and  
3 levels, equipment to be supplied by the department, and equipment  
4 maintenance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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