

SB 5893 - S AMD 228
By Senator O'Ban

ADOPTED 04/06/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 81.112
4 RCW to read as follows:

5 A regional transit authority that includes a county with a
6 population of more than one million five hundred thousand shall pay a
7 motor vehicle excise tax impact assessment to be deposited into the
8 motor vehicle fund established in RCW 46.68.070. The rate of the
9 assessment is one dollar per motor vehicle excise tax payment
10 occurring annually within the authority's boundaries. The state
11 revenue generated under this section is to provide funds to mitigate
12 the impact of vehicle loads on the state roads and highways, with an
13 emphasis on roads and highways within the authority's boundaries.

14 **Sec. 2.** RCW 82.44.135 and 2006 c 318 s 9 are each amended to
15 read as follows:

16 (1) Except as otherwise provided in this section, before a local
17 government subject to this chapter may impose a motor vehicle excise
18 tax, the local government must contract with the department for the
19 collection of the tax. The department may charge a reasonable amount,
20 not to exceed one percent of tax collections, for the administration
21 and collection of the tax.

22 (2) A regional transit authority may contract with the department
23 for the collection of a motor vehicle excise tax only if:

24 (a) The tax is based solely on the vehicle valuation method
25 identified in RCW 81.104.160(1)(a)(ii); and

26 (b) The total tax is levied at a rate not exceeding five-tenths
27 of one percent on the value of a vehicle.

28 (3) Any contract entered into under this section must provide
29 that the department will receive amounts sufficient to fully cover
30 the costs applicable to the tax collection process, including (a)
31 customer service-related costs, (b) information technology-related

1 costs, (c) public announcement and education costs, and (d) any
2 liability or other related risk assessment costs. The contract must
3 also provide that any unforeseen future administrative costs will be
4 borne by the regional transit authority.

5 **Sec. 3.** RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each
6 amended to read as follows:

7 (1)(a) Regional transit authorities that include a county with a
8 population of more than one million five hundred thousand may submit
9 an authorizing proposition to the voters, and if approved, may levy
10 and collect an excise tax, at a rate approved by the voters, but not
11 exceeding eight-tenths of one percent on the value, under chapter
12 82.44 RCW, of every motor vehicle owned by a resident of the taxing
13 district, solely for the purpose of providing high capacity
14 transportation service. The maximum tax rate under this subsection
15 does not include a motor vehicle excise tax approved before July 15,
16 2015, if the tax will terminate on the date bond debt to which the
17 tax is pledged is repaid. This tax does not apply to vehicles
18 licensed under RCW 46.16A.455 except vehicles with an unladen weight
19 of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2).
20 (~~Notwithstanding any other provision of this subsection or chapter~~
21 ~~82.44 RCW~~)

22 (i) Except as otherwise provided in (a)(ii) of this subsection, a
23 motor vehicle excise tax imposed by a regional transit authority
24 before or after July 15, 2015, must comply with chapter 82.44 RCW as
25 it existed on January 1, 1996, until December 31st of the year in
26 which the regional transit authority repays bond debt to which a
27 motor vehicle excise tax was pledged before July 15, 2015. Motor
28 vehicle taxes collected by regional transit authorities after
29 December 31st of the year in which a regional transit authority
30 repays bond debt to which a motor vehicle excise tax was pledged
31 before July 15, 2015, must comply with chapter 82.44 RCW as it
32 existed on the date the tax was approved by voters.

33 (ii) As an alternative to the vehicle valuation method described
34 in (a)(i) of this subsection, for the purpose of determining a motor
35 vehicle excise tax imposed by a regional transit authority under this
36 subsection (1)(a), the value of a motor vehicle must be based on base
37 model Kelley blue book values or national automobile dealers
38 association values, whichever is lower.

1 (2) An agency and high capacity transportation corridor area may
2 impose a sales and use tax solely for the purpose of providing high
3 capacity transportation service, in addition to the tax authorized by
4 RCW 82.14.030, upon retail car rentals within the applicable
5 jurisdiction that are taxable by the state under chapters 82.08 and
6 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of
7 tax imposed under this subsection must bear the same ratio of the
8 2.172 percent authorized that the rate imposed under subsection (1)
9 of this section bears to the rate authorized under subsection (1) of
10 this section. The base of the tax is the selling price in the case of
11 a sales tax or the rental value of the vehicle used in the case of a
12 use tax.

13 (3) Any motor vehicle excise tax previously imposed under the
14 provisions of RCW 81.104.160(1) shall be repealed, terminated, and
15 expire on December 5, 2002, except for a motor vehicle excise tax for
16 which revenues have been contractually pledged to repay a bonded debt
17 issued before December 5, 2002, as determined by *Pierce County et al.*
18 *v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds
19 that were previously issued, the motor vehicle excise tax must comply
20 with chapter 82.44 RCW as it existed on January 1, 1996.

21 (4) If a regional transit authority imposes the tax authorized
22 under subsection (1) of this section, the authority may not receive
23 any state grant funds provided in an omnibus transportation
24 appropriations act except transit coordination grants created in
25 chapter 11, Laws of 2015 3rd sp. sess.

26 **Sec. 4.** RCW 82.44.035 and 2010 c 161 s 910 are each amended to
27 read as follows:

28 (1) For the purpose of determining any locally imposed motor
29 vehicle excise tax, the value of a truck or trailer (~~shall be~~) is
30 the latest purchase price of the vehicle, excluding applicable
31 federal excise taxes, state and local sales or use taxes,
32 transportation or shipping costs, or preparatory or delivery costs,
33 multiplied by the following percentage based on year of service of
34 the vehicle since last sale. The latest purchase year (~~shall be~~) is
35 considered the first year of service.

36	YEAR OF SERVICE	PERCENTAGE
37	1	100
38	2	81

	YEAR OF SERVICE	PERCENTAGE
2		
1	3	67
3	4	55
4	5	45
5	6	37
6	7	30
7	8	25
8	9	20
9	10	16
10	11	13
11	12	11
12	13	9
13	14	7
14	15	3
15	16 or older	0

16 (2) The reissuance of a certificate of title and registration
17 certificate for a truck or trailer because of the installation of
18 body or special equipment (~~shall~~) must be treated as a sale, and
19 the value of the truck or trailer at that time, as determined by the
20 department from such information as may be available, (~~shall be~~) is
21 considered the latest purchase price.

22 (3) For the purpose of determining any locally imposed motor
23 vehicle excise tax, the value of a vehicle other than a truck or
24 trailer shall be eighty-five percent of the manufacturer's base
25 suggested retail price of the vehicle when first offered for sale as
26 a new vehicle, excluding any optional equipment, applicable federal
27 excise taxes, state and local sales or use taxes, transportation or
28 shipping costs, or preparatory or delivery costs, multiplied by the
29 applicable percentage listed in this subsection (3) based on year of
30 service of the vehicle.

31 If the manufacturer's base suggested retail price is unavailable
32 or otherwise unascertainable at the time of initial registration in
33 this state, the department (~~shall~~) must determine a value
34 equivalent to a manufacturer's base suggested retail price as
35 follows:

1 (a) The department (~~shall~~) must determine a value using any
 2 information that may be available, including any guidebook, report,
 3 or compendium of recognized standing in the automotive industry or
 4 the selling price and year of sale of the vehicle. The department may
 5 use an appraisal by the county assessor. In valuing a vehicle for
 6 which the current value or selling price is not indicative of the
 7 value of similar vehicles of the same year and model, the department
 8 (~~shall~~) must establish a value that more closely represents the
 9 average value of similar vehicles of the same year and model. The
 10 value determined in this subsection (3)(a) (~~shall~~) must be divided
 11 by the applicable percentage listed in (b) of this subsection (3) to
 12 establish a value equivalent to a manufacturer's base suggested
 13 retail price and this value (~~shall~~) must be multiplied by eighty-
 14 five percent.

15 (b) The year the vehicle is offered for sale as a new vehicle
 16 (~~shall be~~) is considered the first year of service.

17	YEAR OF SERVICE	PERCENTAGE
18	1	100
19	2	81
20	3	72
21	4	63
22	5	55
23	6	47
24	7	41
25	8	36
26	9	32
27	10	27
28	11	26
29	12	24
30	13	23
31	14	21
32	15	16
33	16 or older	10

34 (4) For purposes of this chapter, value (~~shall~~) excludes value
 35 attributable to modifications of a vehicle and equipment that are

1 designed to facilitate the use or operation of the vehicle by a
2 person with a disability.

3 (5) This section applies to a motor vehicle excise tax imposed by
4 a regional transit authority only to the extent described in RCW
5 81.104.160(1)(a)(i). This section does not apply to a motor vehicle
6 excise tax imposed by a regional transit authority under RCW
7 81.104.160(1)(a)(ii).

8 **Sec. 5.** RCW 81.104.190 and 2009 c 280 s 7 are each amended to
9 read as follows:

10 Except as otherwise provided in RCW 82.44.135, cities that
11 operate transit systems, county transportation authorities,
12 metropolitan municipal corporations, public transportation benefit
13 areas, high capacity transportation corridor areas, and regional
14 transit systems may contract with the state department of revenue or
15 other appropriate entities for administration and collection of any
16 tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

17 NEW SECTION. **Sec. 6.** If any provision of this act or its
18 application to any person or circumstance is held invalid, the
19 remainder of the act or the application of the provision to other
20 persons or circumstances is not affected.

21 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of
23 the state government and its existing public institutions, and takes
24 effect immediately."

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25 On page 1, line 1 of the title, after "Relating to" strike the
26 remainder of the title and insert "establishing a vehicle valuation
27 method for a regional transit authority collecting a motor vehicle
28 excise tax that is based on Kelley blue book or national automobile
29 dealers association values; amending RCW 82.44.135, 81.104.160,
30 82.44.035, and 81.104.190; adding a new section to chapter 81.112
31 RCW; and declaring an emergency."

EFFECT: Adds an additional condition that prohibits a Regional Transit Authority (RTA) from contracting with the Department of Licensing (DOL) for the collection of a Motor Vehicle Excise Tax (MVET) if the tax is levied at a rate higher than 0.5 percent.

Establishes a motor vehicle excise tax (MVET) impact assessment paid by an RTA of \$1 per MVET payment, to be deposited into the motor vehicle fund.

Amends the title.

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