S-1298.2

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**SUBSTITUTE SENATE BILL 5085**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Rolfes and Lovelett)

AN ACT Relating to modifying certain alternative fuel vehicles fees; amending RCW 46.17.323; creating a new section; providing an effective date; and providing a contingent expiration date.

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

**Sec.**  RCW 46.17.323 and 2015 3rd sp.s. c 44 s 203 are each amended to read as follows:

(1) Before accepting an application for an annual vehicle registration renewal for a vehicle that both (a) uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and (b) is capable of traveling at least ((~~thirty~~)) 30 miles using only battery power, except for electric motorcycles, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a ((~~one hundred dollar~~)) $100 fee in addition to any other fees and taxes required by law. The ((~~one hundred dollar~~)) $100 fee is due only at the time of annual registration renewal.

(2) This section only applies to a vehicle that is designed to have the capability to drive at a speed of more than ((~~thirty-five~~)) 35 miles per hour.

(3)(a) The fee under this section is imposed to provide funds to mitigate the impact of vehicles on state roads and highways and for the purpose of evaluating the feasibility of transitioning from a revenue collection system based on fuel taxes to a road user assessment system, and is separate and distinct from other vehicle license fees. Proceeds from the fee must be used for highway purposes, and must be deposited in the motor vehicle fund created in RCW 46.68.070, subject to (b) of this subsection.

(b) If in any year the amount of proceeds from the fee collected under this section exceeds ((~~one million dollars~~)) $1,000,000, the excess amount over ((~~one million dollars~~)) $1,000,000 must be deposited as follows:

(i) Seventy percent to the motor vehicle fund created in RCW 46.68.070;

(ii) Fifteen percent to the transportation improvement account created in RCW 47.26.084; and

(iii) Fifteen percent to the rural arterial trust account created in RCW 36.79.020.

(4)(a) In addition to the fee established in subsection (1) of this section, before accepting an application for an annual vehicle registration renewal for a vehicle that both (i) uses at least one method of propulsion that is capable of being reenergized by an external source of electricity and (ii) is capable of traveling at least ((~~thirty~~)) 30 miles using only battery power, except for electric motorcycles, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a ((~~fifty dollar~~)) $50 fee.

(b) The fee required under (a) of this subsection must be distributed as follows:

(i) The first ((~~one million dollars~~)) $1,000,000 raised by the fee must be deposited into the multimodal transportation account created in RCW 47.66.070; and

(ii) Any remaining amounts must be deposited into the motor vehicle fund created in RCW 46.68.070.

(5) Beginning November 1, 2021, before accepting an application for an annual vehicle registration renewal for an electric motorcycle that uses propulsion units powered solely by electricity, the department, county auditor or other agent, or subagent appointed by the director must require the applicant to pay a $30 fee in addition to any other fees and taxes required by law. The $30 fee is due only at the time of annual registration renewal.

(6) The fees collected pursuant to subsection (5) of this section shall be deposited into the motor vehicle fund created in RCW 46.68.070.

(7) This section applies to annual vehicle registration renewals until the effective date of enacted legislation that imposes a vehicle miles traveled fee or tax.

NEW SECTION. **Sec.**  Section 1 of this act expires on the effective date of legislation enacted by the legislature that imposes a vehicle miles traveled fee or tax. However, for purposes of this section, the establishment of a voluntary early adoption program described in chapter . . . (Senate Bill No. 5444), Laws of 2021 (per mile fee) does not constitute legislation that imposes a vehicle miles traveled fee or tax.

NEW SECTION. **Sec.**  The department of licensing must provide written notice of the expiration date of section 1 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the department.

NEW SECTION. **Sec.**  This act takes effect November 1, 2021.

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