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**SENATE BILL 5457**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senator Saldaña

1 AN ACT Relating to transportation demand management; amending RCW  
2 46.18.285, 46.74.010, 46.74.030, 82.04.355, 82.08.0287, 82.12.0282,  
3 82.16.047, 82.44.015, and 82.70.010; and reenacting and amending RCW  
4 70A.15.4010.

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

6 **Sec. 1.** RCW 46.18.285 and 2020 c 18 s 17 are each amended to  
7 read as follows:

8 (1) A registered owner who uses a passenger motor vehicle for  
9 (~~commuter~~) ride sharing or ride sharing for persons with special  
10 transportation needs, as defined in RCW 46.74.010, shall apply to the  
11 department, county auditor or other agent, or subagent appointed by  
12 the director for special ride share license plates. The registered  
13 owner must qualify for the tax exemptions provided in RCW 82.08.0287,  
14 82.12.0282, or 82.44.015, and pay the special ride share license  
15 plate fee required under RCW 46.17.220(18) when the special ride  
16 share license plates are initially issued.

17 (2) The special ride share license plates:

18 (a) Must be of a distinguishing separate numerical series or  
19 design as defined by the department;

1 (b) Must be returned to the department when no longer in use or  
2 when the registered owner no longer qualifies for the tax exemptions  
3 provided in subsection (1) of this section; and

4 (c) Are not required to be renewed annually for motor vehicles  
5 described in RCW 46.16A.170.

6 (3) Special ride share license plates may be transferred from one  
7 motor vehicle to another motor vehicle as described in subsection (1)  
8 of this section upon application to the department, county auditor or  
9 other agent, or subagent appointed by the director.

10 (4) Any person who knowingly makes a false statement of a  
11 material fact in the application for a special license plate under  
12 subsection (1) of this section is guilty of a gross misdemeanor.

13 **Sec. 2.** RCW 46.74.010 and 2014 c 97 s 501 are each amended to  
14 read as follows:

15 The definitions in this section apply throughout this chapter  
16 unless the context clearly indicates otherwise.

17 (1) (~~"Commuter ride sharing" means a car pool or van pool~~  
18 ~~arrangement whereby one or more fixed groups not exceeding fifteen~~  
19 ~~persons each including the drivers, and (a) not fewer than five~~  
20 ~~persons including the drivers, or (b) not fewer than four persons~~  
21 ~~including the drivers where at least two of those persons are~~  
22 ~~confined to wheelchairs when riding, are transported in a passenger~~  
23 ~~motor vehicle with a gross vehicle weight not exceeding ten thousand~~  
24 ~~pounds, excluding special rider equipment, between their places of~~  
25 ~~abode or termini near such places, and their places of employment or~~  
26 ~~educational or other institutions, each group in a single daily round~~  
27 ~~trip where the drivers are also on the way to or from their places of~~  
28 ~~employment or educational or other institution.~~

29 (2) ~~"Flexible commuter ride sharing" means a car pool or van pool~~  
30 ~~arrangement whereby a group of at least two but not exceeding fifteen~~  
31 ~~persons including the driver is transported in a passenger motor~~  
32 ~~vehicle with a gross vehicle weight not exceeding ten thousand~~  
33 ~~pounds, excluding special rider equipment, between their places of~~  
34 ~~abode or termini near such places, and their places of employment or~~  
35 ~~educational or other institutions, where the driver is also on the~~  
36 ~~way to or from his or her place of employment or educational or other~~  
37 ~~institution.~~

38 (3)) "Persons with special transportation needs" has the same  
39 meaning as provided in RCW 81.66.010.

1       ~~((4))~~ (2) "Ride sharing" means a carpool or vanpool arrangement  
2 whereby one or more groups not exceeding 15 persons each including  
3 the drivers, and not fewer than three persons including the drivers  
4 are transported in a passenger motor vehicle with a gross vehicle  
5 weight not exceeding 10,000 pounds.

6       (3) "Ride sharing for persons with special transportation needs"  
7 means an arrangement whereby a group of persons with special  
8 transportation needs, and their attendants, is transported by a  
9 public social service agency or a private, nonprofit transportation  
10 provider, as defined in RCW 81.66.010, serving persons with special  
11 needs, in a passenger motor vehicle as defined by the department to  
12 include small buses, cutaways, and modified vans not more than  
13 twenty-eight feet long(~~(: PROVIDED, That the)~~). The driver need not  
14 be a person with special transportation needs.

15       ~~((5))~~ (4) "Ride-sharing operator" means the person, entity, or  
16 concern, not necessarily the driver, responsible for the existence  
17 and continuance of (~~(commuter)~~) ride sharing(~~(, flexible commuter~~  
18 ~~ride sharing,)~~) or ride sharing for persons with special  
19 transportation needs. The term "ride-sharing operator" includes but  
20 is not limited to an employer, an employer's agent, an employer-  
21 organized association, a state agency, a county, a city, a public  
22 transportation benefit area, a public transportation agency, or any  
23 other political subdivision that owns or leases a ride-sharing  
24 vehicle.

25       ~~((6))~~ (5) "Ride-sharing promotional activities" means those  
26 activities involved in forming a (~~(commuter)~~) ride-sharing  
27 arrangement (~~(or a flexible commuter ride-sharing arrangement,)~~)  
28 including, but not limited to, receiving information from existing  
29 and prospective ride-sharing participants, sharing that information  
30 with other existing and prospective ride-sharing participants,  
31 matching those persons with other existing or prospective ride-  
32 sharing participants, and making assignments of persons to ride-  
33 sharing arrangements.

34       **Sec. 3.** RCW 46.74.030 and 1997 c 250 s 9 are each amended to  
35 read as follows:

36       The operator and the driver of a (~~(commuter)~~) ride-sharing  
37 vehicle (~~(or a flexible commuter ride-sharing vehicle)~~) shall be held  
38 to a reasonable and ordinary standard of care, and are not subject to  
39 ordinances or regulations which relate exclusively to the regulation

1 of drivers or owners of motor vehicles operated for hire, or other  
2 common carriers or public transit carriers. No person, entity, or  
3 concern may, as a result of engaging in ride-sharing promotional  
4 activities, be liable for civil damages arising directly or  
5 indirectly (1) from the maintenance and operation of a (~~commuter~~)  
6 ride-sharing (~~or flexible commuter ride-sharing~~) vehicle; or (2)  
7 from an intentional act of another person who is participating or  
8 proposing to participate in a (~~commuter~~) ride-sharing (~~or flexible~~  
9 ~~commuter ride-sharing~~) arrangement, unless the ride-sharing operator  
10 or promoter had prior, actual knowledge that the intentional act was  
11 likely to occur and had a reasonable ability to prevent the act from  
12 occurring.

13 **Sec. 4.** RCW 70A.15.4010 and 2020 c 20 s 1124 are each reenacted  
14 and amended to read as follows:

15 Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout this chapter.

17 (1) "A major employer" means a private or public employer,  
18 including state agencies, that employs one hundred or more full-time  
19 employees at a single worksite who begin their regular workday  
20 between 6:00 a.m. and 9:00 a.m. on weekdays for at least twelve  
21 continuous months during the year.

22 (2) (a) "Affected urban growth area" means:

23 (i) An urban growth area, designated pursuant to RCW 36.70A.110,  
24 whose boundaries contain a state highway segment exceeding the one  
25 hundred person hours of delay threshold calculated by the department  
26 of transportation, and any contiguous urban growth areas; and

27 (ii) An urban growth area, designated pursuant to RCW 36.70A.110,  
28 containing a jurisdiction with a population over seventy thousand  
29 that adopted a commute trip reduction ordinance before the year 2000,  
30 and any contiguous urban growth areas.

31 (b) Affected urban growth areas will be listed by the department  
32 of transportation in the rules for chapter 329, Laws of 2006 using  
33 the criteria identified in (a) of this subsection.

34 (3) "Base year" means the twelve-month period commencing when a  
35 major employer is determined to be participating by the local  
36 jurisdiction, on which commute trip reduction goals shall be based.

37 (4) "Certification" means a determination by a regional  
38 transportation planning organization that a locally designated growth  
39 and transportation efficiency center program meets the minimum

1 criteria developed in a collaborative regional process and the rules  
2 established by the department of transportation.

3 (5) "Commute trip" means trips made from a worker's home to a  
4 worksite (~~((during the peak period of 6:00 a.m. to 9:00 a.m.))~~) on  
5 weekdays.

6 (6) "Commute trip vehicle miles traveled per employee" means the  
7 sum of the individual vehicle commute trip lengths in miles over a  
8 set period divided by the number of full-time employees during that  
9 period.

10 (7) "Growth and transportation efficiency center" means a  
11 defined, compact, mixed-use urban area that contains jobs or housing  
12 and supports multiple modes of transportation. For the purpose of  
13 funding, a growth and transportation efficiency center must meet  
14 minimum criteria established by the commute trip reduction board  
15 under RCW 70A.15.4060, and must be certified by a regional  
16 transportation planning organization as established in RCW 47.80.020.

17 (8) "Major employment installation" means a military base or  
18 federal reservation, excluding tribal reservations, at which there  
19 are one hundred or more full-time employees, who begin their regular  
20 workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at least  
21 twelve continuous months during the year.

22 (9) "Major worksite" means a building or group of buildings that  
23 are on physically contiguous parcels of land or on parcels separated  
24 solely by private or public roadways or rights-of-way, and at which  
25 there are one hundred or more full-time employees, who begin their  
26 regular workday between 6:00 a.m. and 9:00 a.m. on weekdays, for at  
27 least twelve continuous months.

28 (10) "Person hours of delay" means the daily person hours of  
29 delay per mile in the peak period of 6:00 a.m. to 9:00 a.m., as  
30 calculated using the best available methodology by the department of  
31 transportation.

32 (11) "Proportion of single-occupant vehicle commute trips" means  
33 the number of commute trips made by single-occupant automobiles  
34 divided by the number of full-time employees.

35 **Sec. 5.** RCW 82.04.355 and 1999 c 358 s 8 are each amended to  
36 read as follows:

37 This chapter does not apply to any funds received in the course  
38 of (~~(commuter)~~) ride sharing or ride sharing for persons with special  
39 transportation needs in accordance with RCW 46.74.010.

1       **Sec. 6.** RCW 82.08.0287 and 2020 c 20 s 1472 are each amended to  
2 read as follows:

3       (1) The tax imposed by this chapter does not apply to sales of  
4 passenger motor vehicles which are to be used primarily for  
5 (~~commuter~~) ride sharing or ride sharing for persons with special  
6 transportation needs, as defined in RCW 46.74.010, if the vehicles  
7 are used as ride-sharing vehicles for thirty-six consecutive months  
8 beginning from the date of purchase.

9       (2) To qualify for the tax exemption, those passenger motor  
10 vehicles with (~~five~~) three or (~~six~~) more passengers, including  
11 the driver, used for (~~commuter~~) ride sharing, must be operated  
12 either within the state's eight largest counties that are required to  
13 develop commute trip reduction plans as directed by chapter 70A.15  
14 RCW (~~or~~), in other counties, or cities and towns within those  
15 counties, that elect to adopt and implement a commute trip reduction  
16 plan, or in other counties where the vehicle is registered with or  
17 operated by a public transportation agency. Additionally at least one  
18 of the following conditions must apply: (a) The vehicle must be  
19 operated by a public transportation agency for the benefit of the  
20 general public; or (b) the vehicle must be used by a major employer,  
21 as defined in RCW 70A.15.4010 as an element of its commute trip  
22 reduction program for their employees; or (c) the vehicle must be  
23 owned and operated by individual employees and must be registered  
24 either with the employer as part of its commute trip reduction  
25 program or with a public transportation agency (~~servicing the area~~  
26 ~~where the employees live or work)). Individual employee owned and~~  
27 operated motor vehicles will require certification that the vehicle  
28 is registered with a major employer or a public transportation  
29 agency. Major employers who own and operate motor vehicles for their  
30 employees must certify that the (~~commuter~~) ride-sharing arrangement  
31 conforms to a carpool/vanpool element contained within their commute  
32 trip reduction program.

33       **Sec. 7.** RCW 82.12.0282 and 2020 c 20 s 1477 are each amended to  
34 read as follows:

35       (1) The tax imposed by this chapter does not apply with respect  
36 to the use of passenger motor vehicles used primarily for  
37 (~~commuter~~) ride sharing or ride sharing for persons with special  
38 transportation needs, as defined in RCW 46.74.010, if the vehicles

1 are used as ride-sharing vehicles for thirty-six consecutive months  
2 beginning with the date of first use.

3 (2) To qualify for the tax exemption, those passenger motor  
4 vehicles with ~~((five))~~ three or ~~((six))~~ more passengers, including  
5 the driver, used for ~~((commuter))~~ ride sharing, must be operated  
6 either within the state's eight largest counties that are required to  
7 develop commute trip reduction plans as directed by chapter 70A.15  
8 RCW ~~((or))~~, in other counties, or cities and towns within those  
9 counties, that elect to adopt and implement a commute trip reduction  
10 plan, or in other counties where the vehicle is registered with or  
11 operated by a public transportation agency. Additionally at least one  
12 of the following conditions must apply: (a) The vehicle must be  
13 operated by a public transportation agency for the benefit of the  
14 general public; or (b) the vehicle must be used by a major employer,  
15 as defined in RCW 70A.15.4010 as an element of its commute trip  
16 reduction program for their employees; or (c) the vehicle must be  
17 owned and operated by individual employees and must be registered  
18 either with the employer as part of its commute trip reduction  
19 program or with a public transportation agency ~~((serving the area~~  
20 ~~where the employees live or work))~~. Individual employee owned and  
21 operated motor vehicles will require certification that the vehicle  
22 is registered with a major employer or a public transportation  
23 agency. Major employers who own and operate motor vehicles for their  
24 employees must certify that the ~~((commuter))~~ ride-sharing arrangement  
25 conforms to a carpool/vanpool element contained within their commute  
26 trip reduction program.

27 **Sec. 8.** RCW 82.16.047 and 1999 c 358 s 12 are each amended to  
28 read as follows:

29 This chapter does not apply to any funds received in the course  
30 of ~~((commuter))~~ ride sharing or ride sharing for persons with special  
31 transportation needs in accordance with RCW 46.74.010.

32 **Sec. 9.** RCW 82.44.015 and 2020 c 20 s 1488 are each amended to  
33 read as follows:

34 (1) Passenger motor vehicles used primarily for ~~((commuter))~~ ride  
35 sharing and ride sharing for persons with special transportation  
36 needs, as defined in RCW 46.74.010, are not subject to the motor  
37 vehicle excise tax authorized under this chapter if the vehicles are

1 used as ride-sharing vehicles for thirty-six consecutive months  
2 beginning from the date of purchase.

3 (2) To qualify for the motor vehicle excise tax exemption for  
4 (~~(commuter)~~) ride-sharing vehicles, passenger motor vehicles must:

5 (a) Have a seating capacity of (~~(five)~~) three or (~~(six)~~) more  
6 passengers, including the driver;

7 (b) Be used for (~~(commuter)~~) ride sharing;

8 (c) Be operated either within:

9 (i) The state's eight largest counties that are required to  
10 develop commute trip reduction plans as directed by chapter 70A.15  
11 RCW; (~~(or)~~)

12 (ii) (~~(In other)~~) Other counties, or cities and towns within  
13 those counties, that elect to adopt and implement a commute trip  
14 reduction plan; or

15 (iii) Other counties, where the vehicle is registered with or  
16 operated by a public transportation agency; and

17 (d) Meet at least one of the following conditions:

18 (i) The vehicle must be operated by a public transportation  
19 agency for the benefit of the general public;

20 (ii) The vehicle must be used by a major employer, as defined in  
21 RCW 70A.15.4010 as an element of its commute trip reduction program  
22 for their employees; or

23 (iii) The vehicle must be owned and operated by individual  
24 employees and must be registered either with the employer as part of  
25 its commute trip reduction program or with a public transportation  
26 agency (~~(serving the area where the employees live or work)~~).  
27 Individual employee owned and operated motor vehicles will require  
28 certification that the vehicle is registered with a major employer or  
29 a public transportation agency. Major employers who own and operate  
30 motor vehicles for their employees must certify that the (~~(commuter)~~)  
31 ride-sharing arrangement conforms to a carpool/vanpool element  
32 contained within their commute trip reduction program.

33 (3) The registered owner of a passenger motor vehicle described  
34 in subsection (2) of this section:

35 (a) Shall notify the department upon the termination of the  
36 primary use of the vehicle in (~~(commuter)~~) ride sharing or ride  
37 sharing for persons with special transportation needs; and

38 (b) Is liable for the motor vehicle excise tax imposed under this  
39 chapter, prorated on the remaining months for which the vehicle is  
40 registered.



1       **Sec. 10.** RCW 82.70.010 and 2005 c 297 s 1 are each amended to  
2 read as follows:

3       The definitions in this section apply throughout this chapter and  
4 RCW 70.94.996 unless the context clearly requires otherwise.

5       (1) "Public agency" means any county, city, or other local  
6 government agency or any state government agency, board, or  
7 commission.

8       (2) "Public transportation" means the same as "public  
9 transportation service" as defined in RCW 36.57A.010 and includes  
10 passenger services of the Washington state ferries.

11       (3) "Nonmotorized commuting" means commuting to and from the  
12 workplace by an employee by walking or running or by riding a bicycle  
13 or other device not powered by a motor.

14       (4) "Ride sharing" means the same as "~~((flexible-commuter))~~ ride  
15 sharing" as defined in RCW 46.74.010, including ride sharing on  
16 Washington state ferries.

17       (5) "Car sharing" means a membership program intended to offer an  
18 alternative to car ownership under which persons or entities that  
19 become members are permitted to use vehicles from a fleet on an  
20 hourly basis.

21       (6) "Telework" means a program where work functions that are  
22 normally performed at a traditional workplace are instead performed  
23 by an employee at his or her home at least one day a week for the  
24 purpose of reducing the number of trips to the employee's workplace.

25       (7) "Applicant" means a person applying for a tax credit under  
26 this chapter.

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