

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5876

53rd Legislature
1993 Regular Session

Passed by the Senate April 18, 1993
YEAS 41 NAYS 2

President of the Senate

Passed by the House April 12, 1993
YEAS 95 NAYS 0

**Speaker of the
House of Representatives**

Approved

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5876** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5876

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Prentice, Skratek, Sellar, M. Rasmussen and Winsley)

Read first time 03/03/93.

1 AN ACT Relating to ride sharing, vanpools, and public
2 transportation facilities and vehicles; amending RCW 82.08.0287,
3 82.44.015, 82.12.0282, and 46.16.023; creating new sections; repealing
4 1987 c 175 s 1 (uncodified); and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that ride sharing and
7 vanpools are the fastest growing transportation choice because of their
8 flexibility and cost-effectiveness. Ride sharing and vanpools
9 represent an effective means for local jurisdictions, transit agencies,
10 and the private sector to assist in addressing the requirements of the
11 Commute Trip Reduction Act, the Growth Management Act, the Americans
12 with Disabilities Act, and the Clean Air Act.

13 **Sec. 2.** RCW 82.08.0287 and 1980 c 166 s 1 are each amended to read
14 as follows:

15 The tax imposed by this chapter shall not apply to sales of
16 ~~((vans))~~ passenger motor vehicles which are to be used ~~((regularly))~~ as
17 ride-sharing vehicles, as defined in RCW 46.74.010(3), by not less than
18 ~~((seven))~~ five persons, including ~~((passengers and))~~ the driver, with

1 a gross vehicle weight not to exceed 10,000 pounds where the primary
2 usage is for commuter ride-sharing, as defined in RCW 46.74.010(1), or
3 passenger motor vehicles where the primary usage is for ride-sharing
4 for the elderly and the handicapped, as defined in RCW 46.74.010(2), if
5 the ride-sharing vehicles are exempt under RCW 82.44.015 for thirty-six
6 consecutive months beginning within thirty days of application for
7 exemption under this section. If used as a ride-sharing vehicle for
8 less than thirty-six consecutive months, the registered owner of one of
9 these vehicles shall notify the department of revenue upon termination
10 of primary use of the vehicle as a ride-sharing vehicle and is liable
11 for the tax imposed by this chapter.

12 To qualify for the tax exemption, those passenger motor vehicles
13 with five or six passengers, including the driver, used for commuter
14 ride-sharing, must be operated either within the state's eight largest
15 counties that are required to develop commute trip reduction plans as
16 directed by chapter 70.94 RCW or in other counties, or cities and towns
17 within those counties, that elect to adopt and implement a commute trip
18 reduction plan. Additionally at least one of the following conditions
19 must apply: (1) The vehicle must be operated by a public
20 transportation agency for the general public; or (2) the vehicle must
21 be used by a major employer, as defined in RCW 70.94.524 as an element
22 of its commute trip reduction program for their employees; or (3) the
23 vehicle must be owned and operated by individual employees and must be
24 registered either with the employer as part of its commute trip
25 reduction program or with a public transportation agency serving the
26 area where the employees live or work. Individual employee owned and
27 operated motor vehicles will require certification that the vehicle is
28 registered with a major employer or a public transportation agency.
29 Major employers who own and operate motor vehicles for their employees
30 must certify that the commuter ride-sharing arrangement conforms to a
31 carpool/vanpool element contained within their commute trip reduction
32 program.

33 **Sec. 3.** RCW 82.44.015 and 1982 c 142 s 1 are each amended to read
34 as follows:

35 For the purposes of this chapter, in addition to the exclusions
36 under RCW 82.44.010, "motor vehicle" shall not include: (1) ~~((Vans))~~
37 Passenger motor vehicles used ~~((regularly))~~ primarily as ride-sharing
38 vehicles, as defined in RCW 46.74.010(3), by not fewer than ~~((seven))~~

1 five persons, including (~~passengers and~~) the driver, or not fewer
2 than (~~five~~) four persons including the driver, when at least
3 (~~three~~) two of those persons are confined to wheelchairs when riding;
4 or (2) vehicles with a seating capacity greater than fifteen persons
5 which otherwise qualify as ride-sharing vehicles under RCW 46.74.010(3)
6 used exclusively for ride sharing for the elderly or the handicapped by
7 not fewer than seven persons, including the driver. This exemption is
8 restricted to passenger motor vehicles with a gross vehicle weight not
9 to exceed 10,000 pounds where the primary usage is for commuter ride-
10 sharing as defined in RCW 46.74.010(1). The registered owner of one of
11 these vehicles shall notify the department of licensing upon
12 termination of (~~regular~~) primary use of the vehicle as a ride-sharing
13 vehicle and shall be liable for the tax imposed by this chapter,
14 prorated on the remaining months for which the vehicle is licensed.

15 To qualify for the tax exemption, those passenger motor vehicles
16 with five or six passengers, including the driver, used for commuter
17 ride-sharing, must be operated either within the state's eight largest
18 counties that are required to develop commute trip reduction plans as
19 directed by chapter 70.94 RCW or in other counties, or cities and towns
20 within those counties, that elect to adopt and implement a commute trip
21 reduction plan. Additionally at least one of the following conditions
22 must apply: (1) The vehicle must be operated by a public
23 transportation agency for the general public; or (2) the vehicle must
24 be used by a major employer, as defined in RCW 70.94.524 as an element
25 of its commute trip reduction program for their employees; or (3) the
26 vehicle must be owned and operated by individual employees and must be
27 registered either with the employer as part of its commute trip
28 reduction program or with a public transportation agency serving the
29 area where the employees live or work. Individual employee owned and
30 operated motor vehicles will require certification that the vehicle is
31 registered with a major employer or a public transportation agency.
32 Major employers who own and operate motor vehicles for their employees
33 must certify that the commuter ride-sharing arrangement conforms to a
34 carpool/vanpool element contained within their commute trip reduction
35 program.

36 **Sec. 4.** RCW 82.12.0282 and 1980 c 166 s 2 are each amended to read
37 as follows:

1 The tax imposed by this chapter shall not apply with respect to the
2 use of (~~vans~~) passenger motor vehicles used (~~regularly~~) as ride-
3 sharing vehicles, as defined in RCW 46.74.010(3), by not less than
4 (~~seven~~) five persons, including (~~passengers and~~) the driver, with
5 a gross vehicle weight not to exceed 10,000 pounds where the primary
6 usage is for commuter ride-sharing, as defined in RCW 46.74.010(1), or
7 passenger motor vehicles where the primary usage is for ride-sharing
8 for the elderly and the handicapped, as defined in RCW 46.74.010(2), if
9 the (~~vans~~) vehicles are exempt under RCW 82.44.015 for thirty-six
10 consecutive months beginning within thirty days of application for
11 exemption under this section. If used as a ride-sharing vehicle for
12 less than thirty-six consecutive months, the registered owner of one of
13 these vehicles shall notify the department of revenue upon termination
14 of primary use of the vehicle as a ride-sharing vehicle and is liable
15 for the tax imposed by this chapter.

16 To qualify for the tax exemption, those passenger motor vehicles
17 with five or six passengers, including the driver, used for commuter
18 ride-sharing, must be operated either within the state's eight largest
19 counties that are required to develop commute trip reduction plans as
20 directed by chapter 70.94 RCW or in other counties, or cities and towns
21 within those counties, that elect to adopt and implement a commute trip
22 reduction plan. Additionally at least one of the following conditions
23 must apply: (1) The vehicle must be operated by a public
24 transportation agency for the general public; or (2) the vehicle must
25 be used by a major employer, as defined in RCW 70.94.524 as an element
26 of its commute trip reduction program for their employees; or (3) the
27 vehicle must be owned and operated by individual employees and must be
28 registered either with the employer as part of its commute trip
29 reduction program or with a public transportation agency serving the
30 area where the employees live or work. Individual employee owned and
31 operated motor vehicles will require certification that the vehicle is
32 registered with a major employer or a public transportation agency.
33 Major employers who own and operate motor vehicles for their employees
34 must certify that the commuter ride-sharing arrangement conforms to a
35 carpool/vanpool element contained within their commute trip reduction
36 program.

37 **Sec. 5.** RCW 46.16.023 and 1987 c 175 s 2 are each amended to read
38 as follows:

1 (1) Every owner or lessee of a vehicle seeking to apply for an
2 excise tax exemption under RCW 82.08.0287, 82.12.0282, or 82.44.015
3 shall apply to the director for, and upon satisfactory showing of
4 eligibility, receive in lieu of the regular motor vehicle license
5 plates for that vehicle, special plates of a distinguishing separate
6 numerical series or design, as the director shall prescribe. In
7 addition to paying all other initial fees required by law, each
8 applicant for the special license plates shall pay an additional
9 license fee of twenty-five dollars upon the issuance of such plates.
10 The special fee shall be deposited in the motor vehicle fund.
11 Application for renewal of the license plates shall be as prescribed
12 for the renewal of other vehicle licenses. No renewal is required for
13 vehicles exempted under RCW 46.16.020.

14 (2) Whenever the ownership of a vehicle receiving special plates
15 under subsection (1) of this section is transferred or assigned, the
16 plates shall be removed from the motor vehicle, and if another vehicle
17 qualifying for special plates is acquired, the plates shall be
18 transferred to that vehicle for a fee of five dollars, and the director
19 shall be immediately notified of the transfer of the plates. Otherwise
20 the removed plates shall be immediately forwarded to the director to be
21 canceled. Whenever the owner or lessee of a vehicle receiving special
22 plates under subsection (1) of this section is for any reason relieved
23 of the tax-exempt status, the special plates shall immediately be
24 forwarded to the director along with an application for replacement
25 plates and the required fee. Upon receipt the director shall issue the
26 license plates that are otherwise provided by law.

27 (3) Any person who knowingly makes any false statement of a
28 material fact in the application for a special plate under subsection
29 (1) of this section is guilty of a gross misdemeanor.

30 NEW SECTION. Sec. 6. The department shall adopt by rule a process
31 requiring annual recertification upon renewal for vehicles registered
32 under RCW 46.16.023 to discourage abuse of tax exemptions under RCW
33 82.08.0287, 82.12.0282, and 82.44.015. The department of licensing in
34 consultation with the department of transportation shall submit a
35 report to the legislative transportation committee and the house and
36 senate standing committees on transportation by July 1, 1996, assessing
37 the effectiveness of the department of licensing at limiting tax
38 exemptions to bona fide ride-sharing vehicles.

1 NEW SECTION. **Sec. 7.** 1987 c 175 s 1 (uncodified) is repealed.

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