

SSB 6103 - S AMD 615
By Senator Haugen

ADOPTED 04/20/2005

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

3 "PART I - VEHICLE FUEL TAXES

4 **Sec. 101.** RCW 82.36.025 and 2003 c 361 s 401 are each amended to
5 read as follows:

6 (1) A motor vehicle fuel tax rate of twenty-three cents per gallon
7 applies to the sale, distribution, or use of motor vehicle fuel.

8 (2) Beginning July 1, 2003, an additional and cumulative motor
9 vehicle fuel tax rate of five cents per gallon applies to the sale,
10 distribution, or use of motor vehicle fuel. This subsection (2)
11 expires when the bonds issued for transportation 2003 projects are
12 retired.

13 (3) Beginning July 1, 2005, an additional and cumulative motor
14 vehicle fuel tax rate of three cents per gallon applies to the sale,
15 distribution, or use of motor vehicle fuel.

16 (4) Beginning July 1, 2006, an additional and cumulative motor
17 vehicle fuel tax rate of three cents per gallon applies to the sale,
18 distribution, or use of motor vehicle fuel.

19 (5) Beginning July 1, 2007, an additional and cumulative motor
20 vehicle fuel tax rate of two cents per gallon applies to the sale,
21 distribution, or use of motor vehicle fuel.

22 (6) Beginning July 1, 2008, an additional and cumulative motor
23 vehicle fuel tax rate of one and one-half cents per gallon applies to
24 the sale, distribution, or use of motor vehicle fuel.

25 **Sec. 102.** RCW 82.38.030 and 2003 c 361 s 402 are each amended to
26 read as follows:

27 (1) There is hereby levied and imposed upon special fuel users a

1 tax at the rate of twenty-three cents per gallon of special fuel, or
2 each one hundred cubic feet of compressed natural gas, measured at
3 standard pressure and temperature.

4 (2) Beginning July 1, 2003, an additional and cumulative tax rate
5 of five cents per gallon of special fuel, or each one hundred cubic
6 feet of compressed natural gas, measured at standard pressure and
7 temperature shall be imposed on special fuel users. This subsection
8 (2) expires when the bonds issued for transportation 2003 projects are
9 retired.

10 (3) Beginning July 1, 2005, an additional and cumulative tax rate
11 of three cents per gallon of special fuel, or each one hundred cubic
12 feet of compressed natural gas, measured at standard pressure and
13 temperature shall be imposed on special fuel users.

14 (4) Beginning July 1, 2006, an additional and cumulative tax rate
15 of three cents per gallon of special fuel, or each one hundred cubic
16 feet of compressed natural gas, measured at standard pressure and
17 temperature shall be imposed on special fuel users.

18 (5) Beginning July 1, 2007, an additional and cumulative tax rate
19 of two cents per gallon of special fuel, or each one hundred cubic feet
20 of compressed natural gas, measured at standard pressure and
21 temperature shall be imposed on special fuel users.

22 (6) Beginning July 1, 2008, an additional and cumulative tax rate
23 of one and one-half cents per gallon of special fuel, or each one
24 hundred cubic feet of compressed natural gas, measured at standard
25 pressure and temperature shall be imposed on special fuel users.

26 (7) Taxes are imposed when:

27 (a) Special fuel is removed in this state from a terminal if the
28 special fuel is removed at the rack unless the removal is to a licensed
29 exporter for direct delivery to a destination outside of the state, or
30 the removal is to a special fuel distributor for direct delivery to an
31 international fuel tax agreement licensee under RCW 82.38.320;

32 (b) Special fuel is removed in this state from a refinery if either
33 of the following applies:

34 (i) The removal is by bulk transfer and the refiner or the owner of
35 the special fuel immediately before the removal is not a licensee; or

36 (ii) The removal is at the refinery rack unless the removal is to
37 a licensed exporter for direct delivery to a destination outside of the

1 state, or the removal is to a special fuel distributor for direct
2 delivery to an international fuel tax agreement licensee under RCW
3 82.38.320;

4 (c) Special fuel enters into this state for sale, consumption, use,
5 or storage if either of the following applies:

6 (i) The entry is by bulk transfer and the importer is not a
7 licensee; or

8 (ii) The entry is not by bulk transfer;

9 (d) Special fuel is sold or removed in this state to an unlicensed
10 entity unless there was a prior taxable removal, entry, or sale of the
11 special fuel;

12 (e) Blended special fuel is removed or sold in this state by the
13 blender of the fuel. The number of gallons of blended special fuel
14 subject to tax is the difference between the total number of gallons of
15 blended special fuel removed or sold and the number of gallons of
16 previously taxed special fuel used to produce the blended special fuel;

17 (f) Dyed special fuel is used on a highway, as authorized by the
18 internal revenue code, unless the use is exempt from the special fuel
19 tax;

20 (g) Dyed special fuel is held for sale, sold, used, or is intended
21 to be used in violation of this chapter;

22 (h) Special fuel purchased by an international fuel tax agreement
23 licensee under RCW 82.38.320 is used on a highway; and

24 (i) Special fuel is sold by a licensed special fuel supplier to a
25 special fuel distributor, special fuel importer, or special fuel
26 blender and the special fuel is not removed from the bulk transfer-
27 terminal system.

28 ~~((4))~~ (8) The tax imposed by this chapter, if required to be
29 collected by the licensee, is held in trust by the licensee until paid
30 to the department, and a licensee who appropriates or converts the tax
31 collected to his or her own use or to any use other than the payment of
32 the tax to the extent that the money required to be collected is not
33 available for payment on the due date as prescribed in this chapter is
34 guilty of a felony, or gross misdemeanor in accordance with the theft
35 and anticipatory provisions of Title 9A RCW. A person, partnership,
36 corporation, or corporate officer who fails to collect the tax imposed
37 by this section, or who has collected the tax and fails to pay it to

1 the department in the manner prescribed by this chapter, is personally
2 liable to the state for the amount of the tax.

3 **Sec. 103.** RCW 46.68.090 and 2003 c 361 s 403 are each amended to
4 read as follows:

5 (1) All moneys that have accrued or may accrue to the motor vehicle
6 fund from the motor vehicle fuel tax and special fuel tax shall be
7 first expended for purposes enumerated in (a) and (b) of this
8 subsection. The remaining net tax amount shall be distributed monthly
9 by the state treasurer in accordance with subsections (2)(~~(, (3), and~~
10 ~~(4))~~) through (7) of this section.

11 (a) For payment of refunds of motor vehicle fuel tax and special
12 fuel tax that has been paid and is refundable as provided by law;

13 (b) For payment of amounts to be expended pursuant to
14 appropriations for the administrative expenses of the offices of state
15 treasurer, state auditor, and the department of licensing of the state
16 of Washington in the administration of the motor vehicle fuel tax and
17 the special fuel tax, which sums shall be distributed monthly.

18 (2) All of the remaining net tax amount collected under RCW
19 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a)
20 through (j) of this section.

21 (a) For distribution to the motor vehicle fund an amount equal to
22 44.387 percent to be expended for highway purposes of the state as
23 defined in RCW 46.68.130;

24 (b) For distribution to the special category C account, hereby
25 created in the motor vehicle fund, an amount equal to 3.2609 percent to
26 be expended for special category C projects. Special category C
27 projects are category C projects that, due to high cost only, will
28 require bond financing to complete construction.

29 The following criteria, listed in order of priority, shall be used
30 in determining which special category C projects have the highest
31 priority:

32 (i) Accident experience;

33 (ii) Fatal accident experience;

34 (iii) Capacity to move people and goods safely and at reasonable
35 speeds without undue congestion; and

36 (iv) Continuity of development of the highway transportation
37 network.

1 Moneys deposited in the special category C account in the motor
2 vehicle fund may be used for payment of debt service on bonds the
3 proceeds of which are used to finance special category C projects under
4 this subsection (2)(b);

5 (c) For distribution to the Puget Sound ferry operations account in
6 the motor vehicle fund an amount equal to 2.3283 percent;

7 (d) For distribution to the Puget Sound capital construction
8 account in the motor vehicle fund an amount equal to 2.3726 percent;

9 (e) For distribution to the urban arterial trust account in the
10 motor vehicle fund an amount equal to 7.5597 percent;

11 (f) For distribution to the transportation improvement account in
12 the motor vehicle fund an amount equal to 5.6739 percent and expended
13 in accordance with RCW 47.26.086;

14 (g) For distribution to the cities and towns from the motor vehicle
15 fund an amount equal to 10.6961 percent in accordance with RCW
16 46.68.110;

17 (h) For distribution to the counties from the motor vehicle fund an
18 amount equal to 19.2287 percent: (i) Out of which there shall be
19 distributed from time to time, as directed by the department of
20 transportation, those sums as may be necessary to carry out the
21 provisions of RCW 47.56.725; and (ii) less any amounts appropriated to
22 the county road administration board to implement the provisions of RCW
23 47.56.725(4), with the balance of such county share to be distributed
24 monthly as the same accrues for distribution in accordance with RCW
25 46.68.120;

26 (i) For distribution to the county arterial preservation account,
27 hereby created in the motor vehicle fund an amount equal to 1.9565
28 percent. These funds shall be distributed by the county road
29 administration board to counties in proportions corresponding to the
30 number of paved arterial lane miles in the unincorporated area of each
31 county and shall be used for improvements to sustain the structural,
32 safety, and operational integrity of county arterials. The county road
33 administration board shall adopt reasonable rules and develop policies
34 to implement this program and to assure that a pavement management
35 system is used;

36 (j) For distribution to the rural arterial trust account in the
37 motor vehicle fund an amount equal to 2.5363 percent and expended in
38 accordance with RCW 36.79.020.

1 (3) (~~One hundred percent of~~) The remaining net tax amount
2 collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed
3 to the transportation 2003 account (nickel account).

4 (4) The remaining net tax amount collected under RCW 82.36.025(3)
5 and 82.38.030(3) shall be distributed as follows:

6 (a) 8.3333 percent shall be distributed to the incorporated cities
7 and towns of the state in accordance with RCW 46.68.110;

8 (b) 8.3333 percent shall be distributed to counties of the state in
9 accordance with RCW 46.68.120; and

10 (c) The remainder shall be distributed to the transportation
11 partnership account created in section 104 of this act.

12 (5) The remaining net tax amount collected under RCW 82.36.025(4)
13 and 82.38.030(4) shall be distributed as follows:

14 (a) 8.3333 percent shall be distributed to the incorporated cities
15 and towns of the state in accordance with RCW 46.68.110;

16 (b) 8.3333 percent shall be distributed to counties of the state in
17 accordance with RCW 46.68.120; and

18 (c) The remainder shall be distributed to the transportation
19 partnership account created in section 104 of this act.

20 (6) The remaining net tax amount collected under RCW 82.36.025 (5)
21 and (6) and 82.38.030 (5) and (6) shall be distributed to the
22 transportation partnership account created in section 104 of this act.

23 (7) Nothing in this section or in RCW 46.68.130 may be construed so
24 as to violate any terms or conditions contained in any highway
25 construction bond issues now or hereafter authorized by statute and
26 whose payment is by such statute pledged to be paid from any excise
27 taxes on motor vehicle fuel and special fuels.

28 NEW SECTION. Sec. 104. A new section is added to chapter 46.68
29 RCW to read as follows:

30 (1) The transportation partnership account is hereby created in the
31 state treasury. All distributions to the account from RCW 46.68.090
32 must be deposited into the account. Money in the account may be spent
33 only after appropriation. Expenditures from the account must be used
34 only for projects or improvements identified as 2005 transportation
35 partnership projects or improvements in the omnibus transportation
36 appropriations act, including any principal and interest on bonds
37 authorized for the projects or improvements.

1 (2) If a regional transportation plan has not been adopted by
2 January 2007, the legislature intends to reprioritize allocation of
3 funding for the projects identified on the 2005 transportation
4 partnership project list so that complete and functioning
5 transportation projects can be constructed in a reasonable time.

6 (3) By January 1, 2006, the transportation performance audit board
7 must develop performance measures and benchmarks for the evaluation of
8 the expenditures of the transportation partnership account. The board
9 must also develop an audit plan and schedule for audits of the
10 performance of the department of transportation's delivery of the plan
11 as defined by project list, schedule, and budget enacted by the
12 legislature.

13 (4) The legislature finds that:

14 (a) Citizens demand and deserve accountability of transportation-
15 related programs and expenditures. Transportation-related programs
16 must continuously improve in quality, efficiency, and effectiveness in
17 order to increase public trust;

18 (b) Transportation-related agencies that receive tax dollars must
19 continuously improve the way they operate and deliver services so
20 citizens receive maximum value for their tax dollars; and

21 (c) Fair, independent, comprehensive performance audits of
22 transportation-related agencies by the elected state auditor are
23 essential to improving the efficiency, economy, and effectiveness of
24 the state's transportation system.

25 (5) For purposes of this act:

26 (a) "Performance audit" means an objective and systematic
27 assessment of a state agency or agencies or any of their programs,
28 functions, or activities by the state auditor or designee in order to
29 help improve agency efficiency, effectiveness, and accountability.
30 Performance audits include economy and efficiency audits and program
31 audits.

32 (b) "Transportation-related agency" means any state agency, board,
33 or commission that receives funding primarily for transportation-
34 related purposes. At a minimum, the department of transportation, the
35 transportation improvement board or its successor entity, the county
36 road administration board or its successor entity, and the traffic
37 safety commission are considered transportation-related agencies. The

1 Washington state patrol and the department of licensing shall not be
2 considered transportation-related agencies under this act.

3 (6) Within the authorities and duties under chapter 43.09 RCW, the
4 state auditor shall establish criteria and protocols for performance
5 audits. Transportation-related agencies shall be audited using
6 criteria that include generally accepted government auditing standards
7 as well as legislative mandates and performance objectives established
8 by state agencies. Mandates include, but are not limited to, agency
9 strategies, timelines, program objectives, and mission and goals as
10 required in RCW 43.88.090.

11 (7) Within the authorities and duties under chapter 43.09 RCW, the
12 state auditor may conduct performance audits for transportation-related
13 agencies.

14 (8) In conducting the audits, the state auditor may involve the
15 transportation-related agency front-line employees and internal
16 auditors. The audits may include:

17 (a) Identification of programs and services that can be eliminated,
18 reduced, consolidated, or enhanced;

19 (b) Identification of funding sources to the transportation-related
20 agency, to programs, and to services that can be eliminated, reduced,
21 consolidated, or enhanced;

22 (c) Analysis of gaps and overlaps in programs and services and
23 recommendations for improving, dropping, blending, or separating
24 functions to correct gaps or overlaps;

25 (d) Analysis and recommendations for pooling information technology
26 systems used within the transportation-related agency, and evaluation
27 of information processing and telecommunications policy, organization,
28 and management;

29 (e) Analysis of the roles and functions of the transportation-
30 related agency, its programs, and its services and their compliance
31 with statutory authority and recommendations for eliminating or
32 changing those roles and functions and ensuring compliance with
33 statutory authority;

34 (f) Recommendations for eliminating or changing statutes, rules,
35 and policy directives as may be necessary to ensure that the
36 transportation-related agency carry out reasonably and properly those
37 functions vested in the agency by statute;

1 (g) Verification of the reliability and validity of transportation-
2 related agency performance data, self-assessments, and performance
3 measurement systems as required under RCW 43.88.090;

4 (h) Identification of potential cost savings in the transportation-
5 related agency, its programs, and its services;

6 (i) Identification and recognition of best practices;

7 (j) Evaluation of planning, budgeting, and program evaluation
8 policies and practices;

9 (k) Evaluation of personnel systems operation and management;

10 (l) Evaluation of purchasing operations and management policies and
11 practices;

12 (m) Evaluation of organizational structure and staffing levels,
13 particularly in terms of the ratio of managers and supervisors to
14 nonmanagement personnel; and

15 (n) Evaluation of transportation-related project costs, including
16 but not limited to environmental mitigation, competitive bidding
17 practices, permitting processes, and capital project management.

18 (9) Within the authorities and duties under chapter 43.09 RCW, the
19 state auditor must provide the preliminary performance audit reports to
20 the audited state agency for comment. The auditor also may seek input
21 on the preliminary report from other appropriate officials. Comments
22 must be received within thirty days after receipt of the preliminary
23 performance audit report unless a different time period is approved by
24 the state auditor. The final performance audit report shall include
25 the objectives, scope, and methodology; the audit results, including
26 findings and recommendations; the agency's response and conclusions;
27 and identification of best practices.

28 (10) The state auditor shall provide final performance audit
29 reports to the citizens of Washington, the governor, the joint
30 legislative audit and review committee, the transportation performance
31 audit board, the appropriate legislative committees, and other
32 appropriate officials. Final performance audit reports shall be posted
33 on the internet.

34 (11) The audited transportation-related agency is responsible for
35 follow-up and corrective action on all performance audit findings and
36 recommendations. The audited agency's plan for addressing each audit
37 finding and recommendation shall be included in the final audit report.
38 The plan shall provide the name of the contact person responsible for

1 each action, the action planned, and the anticipated completion date.
2 If the audited agency does not agree with the audit findings and
3 recommendations or believes action is not required, then the action
4 plan shall include an explanation and specific reasons.

5 The office of financial management shall require periodic progress
6 reports from the audited agency until all resolution has occurred. The
7 office of financial management is responsible for achieving audit
8 resolution. The office of financial management shall annually report
9 by December 31st the status of performance audit resolution to the
10 appropriate legislative committees and the state auditor. The
11 legislature shall consider the performance audit results in connection
12 with the state budget process.

13 The auditor may request status reports on specific audits or
14 findings.

15 (12) For the period from July 1, 2005, until June 30, 2007, the
16 amount of \$1,000,000 is appropriated from the transportation
17 partnership account to the state auditors office for the purposes of
18 subsections (4) through (11) of this section.

19 (13) When appointing the citizen members with performance
20 measurement expertise to the transportation performance audit board,
21 the governor shall appoint the state auditor, or his or her designee.

22 (14) If the state auditor's financial audit of a transportation-
23 related agency implies that a performance audit is warranted, the
24 transportation performance audit board shall include in its annual work
25 plan the performance audit recommended by the state auditor.

26 NEW SECTION. **Sec. 105.** A new section is added to chapter 46.68
27 RCW to read as follows:

28 The freight mobility investment account is hereby created in the
29 state treasury. Money in the account may be spent only after
30 appropriation. Expenditures from the account may be used only for
31 freight mobility projects identified in the omnibus transportation
32 appropriations act, including any principal and interest on bonds
33 authorized for the projects or improvements.

34 **Sec. 106.** RCW 46.68.110 and 2003 c 361 s 404 are each amended to
35 read as follows:

1 Funds credited to the incorporated cities and towns of the state as
2 set forth in RCW 46.68.090(~~((2)(g))~~) shall be subject to deduction and
3 distribution as follows:

4 (1) One and one-half percent of such sums distributed under RCW
5 46.68.090(~~((2)(g))~~) shall be deducted monthly as such sums are credited
6 and set aside for the use of the department of transportation for the
7 supervision of work and expenditures of such incorporated cities and
8 towns on the city and town streets thereof, including the supervision
9 and administration of federal-aid programs for which the department of
10 transportation has responsibility: PROVIDED, That any moneys so
11 retained and not expended shall be credited in the succeeding biennium
12 to the incorporated cities and towns in proportion to deductions herein
13 made;

14 (2) Thirty-three one-hundredths of one percent of such funds
15 distributed under RCW 46.68.090(~~((2)(g))~~) shall be deducted monthly, as
16 such funds accrue, and set aside for the use of the department of
17 transportation for the purpose of funding the cities' share of the
18 costs of highway jurisdiction studies and other studies. Any funds so
19 retained and not expended shall be credited in the succeeding biennium
20 to the cities in proportion to the deductions made;

21 (3) One percent of such funds distributed under RCW
22 46.68.090(~~((2)(g))~~) shall be deducted monthly, as such funds accrue, to
23 be deposited in the urban arterial trust account, to implement the city
24 hardship assistance program, as provided in RCW 47.26.164. However,
25 any moneys so retained and not required to carry out the program as of
26 July 1st of each odd-numbered year thereafter, shall be provided within
27 sixty days to the treasurer and distributed in the manner prescribed in
28 subsection (5) of this section;

29 (4) After making the deductions under subsections (1) through (3)
30 of this section and RCW 35.76.050, 31.86 percent of the fuel tax
31 distributed to the cities and towns in RCW 46.68.090(~~((2)(g))~~) shall be
32 allocated to the incorporated cities and towns in the manner set forth
33 in subsection (5) of this section and subject to deductions in
34 subsections (1), (2), and (3) of this section, subject to RCW
35 35.76.050, to be used exclusively for: The construction, improvement,
36 chip sealing, seal-coating, and repair for arterial highways and city
37 streets as those terms are defined in RCW 46.04.030 and 46.04.120; the
38 maintenance of arterial highways and city streets for those cities with

1 a population of less than fifteen thousand; or the payment of any
2 municipal indebtedness which may be incurred in the construction,
3 improvement, chip sealing, seal-coating, and repair of arterial
4 highways and city streets; and

5 (5) The balance remaining to the credit of incorporated cities and
6 towns after such deduction shall be apportioned monthly as such funds
7 accrue among the several cities and towns within the state ratably on
8 the basis of the population last determined by the office of financial
9 management.

10 **Sec. 107.** RCW 82.38.035 and 2003 c 361 s 405 are each amended to
11 read as follows:

12 (1) A licensed supplier shall remit tax on special fuel to the
13 department as provided in RCW 82.38.030(~~((3)(a))~~) (7)(a). On a two-
14 party exchange, or buy-sell agreement between two licensed suppliers,
15 the receiving exchange partner or buyer shall remit the tax.

16 (2) A refiner shall remit tax to the department on special fuel
17 removed from a refinery as provided in RCW 82.38.030(~~((3)(b))~~) (7)(b).

18 (3) An importer shall remit tax to the department on special fuel
19 imported into this state as provided in RCW 82.38.030(~~((3)(e))~~) (7)(c).

20 (4) A blender shall remit tax to the department on the removal or
21 sale of blended special fuel as provided in RCW 82.38.030(~~((3)(e))~~)
22 (7)(e).

23 (5) A dyed special fuel user shall remit tax to the department on
24 the use of dyed special fuel as provided in RCW 82.38.030(~~((3)(f))~~)
25 (7)(f).

26 **Sec. 108.** RCW 82.38.045 and 1998 c 176 s 54 are each amended to
27 read as follows:

28 A terminal operator is jointly and severally liable for remitting
29 the tax imposed under RCW 82.38.030(~~((1))~~) if, at the time of removal:

30 (1) The position holder with respect to the special fuel is a
31 person other than the terminal operator and is not a licensee;

32 (2) The terminal operator is not a licensee;

33 (3) The position holder has an expired internal revenue service
34 notification certificate issued under chapter 26, C.F.R. Part 48; or

35 (4) The terminal operator had reason to believe that information on
36 the notification certificate was false.

1 **Sec. 109.** RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003
2 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as
3 follows:

4 (1) All earnings of investments of surplus balances in the state
5 treasury shall be deposited to the treasury income account, which
6 account is hereby established in the state treasury.

7 (2) The treasury income account shall be utilized to pay or receive
8 funds associated with federal programs as required by the federal cash
9 management improvement act of 1990. The treasury income account is
10 subject in all respects to chapter 43.88 RCW, but no appropriation is
11 required for refunds or allocations of interest earnings required by
12 the cash management improvement act. Refunds of interest to the
13 federal treasury required under the cash management improvement act
14 fall under RCW 43.88.180 and shall not require appropriation. The
15 office of financial management shall determine the amounts due to or
16 from the federal government pursuant to the cash management improvement
17 act. The office of financial management may direct transfers of funds
18 between accounts as deemed necessary to implement the provisions of the
19 cash management improvement act, and this subsection. Refunds or
20 allocations shall occur prior to the distributions of earnings set
21 forth in subsection (4) of this section.

22 (3) Except for the provisions of RCW 43.84.160, the treasury income
23 account may be utilized for the payment of purchased banking services
24 on behalf of treasury funds including, but not limited to, depository,
25 safekeeping, and disbursement functions for the state treasury and
26 affected state agencies. The treasury income account is subject in all
27 respects to chapter 43.88 RCW, but no appropriation is required for
28 payments to financial institutions. Payments shall occur prior to
29 distribution of earnings set forth in subsection (4) of this section.

30 (4) Monthly, the state treasurer shall distribute the earnings
31 credited to the treasury income account. The state treasurer shall
32 credit the general fund with all the earnings credited to the treasury
33 income account except:

34 (a) The following accounts and funds shall receive their
35 proportionate share of earnings based upon each account's and fund's
36 average daily balance for the period: The capitol building
37 construction account, the Cedar River channel construction and
38 operation account, the Central Washington University capital projects

1 account, the charitable, educational, penal and reformatory
2 institutions account, the common school construction fund, the county
3 criminal justice assistance account, the county sales and use tax
4 equalization account, the data processing building construction
5 account, the deferred compensation administrative account, the deferred
6 compensation principal account, the department of retirement systems
7 expense account, the drinking water assistance account, the drinking
8 water assistance administrative account, the drinking water assistance
9 repayment account, the Eastern Washington University capital projects
10 account, the education construction fund, the election account, the
11 emergency reserve fund, The Evergreen State College capital projects
12 account, the federal forest revolving account, the freight mobility
13 investment account, the health services account, the public health
14 services account, the health system capacity account, the personal
15 health services account, the state higher education construction
16 account, the higher education construction account, the highway
17 infrastructure account, the industrial insurance premium refund
18 account, the judges' retirement account, the judicial retirement
19 administrative account, the judicial retirement principal account, the
20 local leasehold excise tax account, the local real estate excise tax
21 account, the local sales and use tax account, the medical aid account,
22 the mobile home park relocation fund, the multimodal transportation
23 account, the municipal criminal justice assistance account, the
24 municipal sales and use tax equalization account, the natural resources
25 deposit account, the oyster reserve land account, the perpetual
26 surveillance and maintenance account, the public employees' retirement
27 system plan 1 account, the public employees' retirement system combined
28 plan 2 and plan 3 account, the public facilities construction loan
29 revolving account beginning July 1, 2004, the public health
30 supplemental account, the public works assistance account, the Puyallup
31 tribal settlement account, the regional transportation investment
32 district account, the resource management cost account, the site
33 closure account, the special wildlife account, the state employees'
34 insurance account, the state employees' insurance reserve account, the
35 state investment board expense account, the state investment board
36 commingled trust fund accounts, the supplemental pension account, the
37 Tacoma Narrows toll bridge account, the teachers' retirement system
38 plan 1 account, the teachers' retirement system combined plan 2 and

1 plan 3 account, the tobacco prevention and control account, the tobacco
2 settlement account, the transportation infrastructure account, the
3 transportation partnership account, the tuition recovery trust fund,
4 the University of Washington bond retirement fund, the University of
5 Washington building account, the volunteer fire fighters' and reserve
6 officers' relief and pension principal fund, the volunteer fire
7 fighters' and reserve officers' administrative fund, the Washington
8 fruit express account, the Washington judicial retirement system
9 account, the Washington law enforcement officers' and fire fighters'
10 system plan 1 retirement account, the Washington law enforcement
11 officers' and fire fighters' system plan 2 retirement account, the
12 Washington school employees' retirement system combined plan 2 and 3
13 account, the Washington state health insurance pool account, the
14 Washington state patrol retirement account, the Washington State
15 University building account, the Washington State University bond
16 retirement fund, the water pollution control revolving fund, and the
17 Western Washington University capital projects account. Earnings
18 derived from investing balances of the agricultural permanent fund, the
19 normal school permanent fund, the permanent common school fund, the
20 scientific permanent fund, and the state university permanent fund
21 shall be allocated to their respective beneficiary accounts. All
22 earnings to be distributed under this subsection (4)(a) shall first be
23 reduced by the allocation to the state treasurer's service fund
24 pursuant to RCW 43.08.190.

25 (b) The following accounts and funds shall receive eighty percent
26 of their proportionate share of earnings based upon each account's or
27 fund's average daily balance for the period: The aeronautics account,
28 the aircraft search and rescue account, the county arterial
29 preservation account, the department of licensing services account, the
30 essential rail assistance account, the ferry bond retirement fund, the
31 grade crossing protective fund, the high capacity transportation
32 account, the highway bond retirement fund, the highway safety account,
33 the motor vehicle fund, the motorcycle safety education account, the
34 pilotage account, the public transportation systems account, the Puget
35 Sound capital construction account, the Puget Sound ferry operations
36 account, the recreational vehicle account, the rural arterial trust
37 account, the safety and education account, the special category C
38 account, the state patrol highway account, the transportation 2003

1 account (nickel account), the transportation equipment fund, the
2 transportation fund, the transportation improvement account, the
3 transportation improvement board bond retirement account, and the urban
4 arterial trust account.

5 (5) In conformance with Article II, section 37 of the state
6 Constitution, no treasury accounts or funds shall be allocated earnings
7 without the specific affirmative directive of this section.

8 **Sec. 110.** RCW 43.84.092 and 2004 c 242 s 60 are each amended to
9 read as follows:

10 (1) All earnings of investments of surplus balances in the state
11 treasury shall be deposited to the treasury income account, which
12 account is hereby established in the state treasury.

13 (2) The treasury income account shall be utilized to pay or receive
14 funds associated with federal programs as required by the federal cash
15 management improvement act of 1990. The treasury income account is
16 subject in all respects to chapter 43.88 RCW, but no appropriation is
17 required for refunds or allocations of interest earnings required by
18 the cash management improvement act. Refunds of interest to the
19 federal treasury required under the cash management improvement act
20 fall under RCW 43.88.180 and shall not require appropriation. The
21 office of financial management shall determine the amounts due to or
22 from the federal government pursuant to the cash management improvement
23 act. The office of financial management may direct transfers of funds
24 between accounts as deemed necessary to implement the provisions of the
25 cash management improvement act, and this subsection. Refunds or
26 allocations shall occur prior to the distributions of earnings set
27 forth in subsection (4) of this section.

28 (3) Except for the provisions of RCW 43.84.160, the treasury income
29 account may be utilized for the payment of purchased banking services
30 on behalf of treasury funds including, but not limited to, depository,
31 safekeeping, and disbursement functions for the state treasury and
32 affected state agencies. The treasury income account is subject in all
33 respects to chapter 43.88 RCW, but no appropriation is required for
34 payments to financial institutions. Payments shall occur prior to
35 distribution of earnings set forth in subsection (4) of this section.

36 (4) Monthly, the state treasurer shall distribute the earnings

1 credited to the treasury income account. The state treasurer shall
2 credit the general fund with all the earnings credited to the treasury
3 income account except:

4 (a) The following accounts and funds shall receive their
5 proportionate share of earnings based upon each account's and fund's
6 average daily balance for the period: The capitol building
7 construction account, the Cedar River channel construction and
8 operation account, the Central Washington University capital projects
9 account, the charitable, educational, penal and reformatory
10 institutions account, the common school construction fund, the county
11 criminal justice assistance account, the county sales and use tax
12 equalization account, the data processing building construction
13 account, the deferred compensation administrative account, the deferred
14 compensation principal account, the department of retirement systems
15 expense account, the drinking water assistance account, the drinking
16 water assistance administrative account, the drinking water assistance
17 repayment account, the Eastern Washington University capital projects
18 account, the education construction fund, the election account, the
19 emergency reserve fund, The Evergreen State College capital projects
20 account, the federal forest revolving account, the freight mobility
21 investment account, the health services account, the public health
22 services account, the health system capacity account, the personal
23 health services account, the state higher education construction
24 account, the higher education construction account, the highway
25 infrastructure account, the industrial insurance premium refund
26 account, the judges' retirement account, the judicial retirement
27 administrative account, the judicial retirement principal account, the
28 local leasehold excise tax account, the local real estate excise tax
29 account, the local sales and use tax account, the medical aid account,
30 the mobile home park relocation fund, the multimodal transportation
31 account, the municipal criminal justice assistance account, the
32 municipal sales and use tax equalization account, the natural resources
33 deposit account, the oyster reserve land account, the perpetual
34 surveillance and maintenance account, the public employees' retirement
35 system plan 1 account, the public employees' retirement system combined
36 plan 2 and plan 3 account, the public facilities construction loan
37 revolving account beginning July 1, 2004, the public health
38 supplemental account, the public works assistance account, the Puyallup

1 tribal settlement account, the regional transportation investment
2 district account, the resource management cost account, the site
3 closure account, the special wildlife account, the state employees'
4 insurance account, the state employees' insurance reserve account, the
5 state investment board expense account, the state investment board
6 commingled trust fund accounts, the supplemental pension account, the
7 Tacoma Narrows toll bridge account, the teachers' retirement system
8 plan 1 account, the teachers' retirement system combined plan 2 and
9 plan 3 account, the tobacco prevention and control account, the tobacco
10 settlement account, the transportation infrastructure account, the
11 transportation partnership account, the tuition recovery trust fund,
12 the University of Washington bond retirement fund, the University of
13 Washington building account, the volunteer fire fighters' and reserve
14 officers' relief and pension principal fund, the volunteer fire
15 fighters' and reserve officers' administrative fund, the Washington
16 fruit express account, the Washington judicial retirement system
17 account, the Washington law enforcement officers' and fire fighters'
18 system plan 1 retirement account, the Washington law enforcement
19 officers' and fire fighters' system plan 2 retirement account, the
20 Washington public safety employees' plan 2 retirement account, the
21 Washington school employees' retirement system combined plan 2 and 3
22 account, the Washington state health insurance pool account, the
23 Washington state patrol retirement account, the Washington State
24 University building account, the Washington State University bond
25 retirement fund, the water pollution control revolving fund, and the
26 Western Washington University capital projects account. Earnings
27 derived from investing balances of the agricultural permanent fund, the
28 normal school permanent fund, the permanent common school fund, the
29 scientific permanent fund, and the state university permanent fund
30 shall be allocated to their respective beneficiary accounts. All
31 earnings to be distributed under this subsection (4)(a) shall first be
32 reduced by the allocation to the state treasurer's service fund
33 pursuant to RCW 43.08.190.

34 (b) The following accounts and funds shall receive eighty percent
35 of their proportionate share of earnings based upon each account's or
36 fund's average daily balance for the period: The aeronautics account,
37 the aircraft search and rescue account, the county arterial
38 preservation account, the department of licensing services account, the

1 essential rail assistance account, the ferry bond retirement fund, the
2 grade crossing protective fund, the high capacity transportation
3 account, the highway bond retirement fund, the highway safety account,
4 the motor vehicle fund, the motorcycle safety education account, the
5 pilotage account, the public transportation systems account, the Puget
6 Sound capital construction account, the Puget Sound ferry operations
7 account, the recreational vehicle account, the rural arterial trust
8 account, the safety and education account, the special category C
9 account, the state patrol highway account, the transportation 2003
10 account (nickel account), the transportation equipment fund, the
11 transportation fund, the transportation improvement account, the
12 transportation improvement board bond retirement account, and the urban
13 arterial trust account.

14 (5) In conformance with Article II, section 37 of the state
15 Constitution, no treasury accounts or funds shall be allocated earnings
16 without the specific affirmative directive of this section.

17 NEW SECTION. **Sec. 111.** A new section is added to chapter 46.68
18 RCW to read as follows:

19 Beginning July 1, 2007, and each year thereafter, the state
20 treasurer shall transfer five million dollars from the multimodal
21 account to the transportation infrastructure account created under RCW
22 82.44.190. The funds must be distributed for rail capital improvements
23 only.

24 **PART II - FEES ADMINISTERED ACCORDING TO VEHICLE WEIGHT**

25 NEW SECTION. **Sec. 201.** (1) There shall be paid and collected
26 annually for motor vehicles subject to the fee under RCW 46.16.0621,
27 except motor homes, a vehicle weight fee. The amount of the fee shall
28 be based upon the vehicle scale weight, which is correlated with
29 vehicle size and roadway lane usage. Fees imposed under this section
30 must be used for transportation purposes, and shall not be used for the
31 general support of state government. The vehicle weight fee shall be
32 that portion of the fee as reflected on the scale weight set forth in
33 schedule B provided in RCW 46.16.070 that is in excess of the fee
34 imposed under RCW 46.16.0621. This fee is due at the time of initial
35 and renewal of vehicle registration.

1 (2) If the resultant weight according to this section is not listed
2 in schedule B provided in RCW 46.16.070, it shall be increased to the
3 next higher weight pursuant to chapter 46.44 RCW.

4 (3) For the purpose of administering this section, the department
5 shall rely on the vehicle empty scale weights as provided by vehicle
6 manufacturers, or other sources defined by the department, to determine
7 the weight of each vehicle. The department shall adopt rules for
8 determining weight for vehicles without manufacturer empty scale
9 weights.

10 (4) The vehicle weight fee under this section is imposed to provide
11 funds to mitigate the impact of vehicle loads on the state roads and
12 highways and is separate and distinct from other vehicle license fees.
13 Proceeds from the fee may be used for transportation purposes, or for
14 facilities and activities that reduce the number of vehicles or load
15 weights on the state roads and highways.

16 (5) The vehicle weight fee collected under this section shall be
17 deposited as follows:

18 (a) On July 1, 2006, six million dollars shall be deposited into
19 the freight mobility investment account created in section 105 of this
20 act, and the remainder collected from the effective date of this
21 section, through June 30, 2006, shall be deposited into the multimodal
22 transportation account;

23 (b) Beginning July 1, 2007, and every July 1st thereafter, three
24 million dollars shall be deposited into the freight mobility investment
25 account created in section 105 of this act, and the remainder shall be
26 deposited into the multimodal transportation account.

27 NEW SECTION. **Sec. 202.** In addition to any other fees or charges,
28 there shall be paid and collected annually for motor homes a vehicle
29 weight fee of seventy-five dollars. This fee is due at the time of
30 initial and renewal of vehicle registration. The fee collected under
31 this section shall be deposited in the multimodal transportation
32 account.

33 NEW SECTION. **Sec. 203.** A new section is added to chapter 46.16
34 RCW to read as follows:

35 In lieu of the license tab fees provided in RCW 46.16.0621, private
36 use single-axle trailers of two thousand pounds scale weight or less

1 may be licensed upon the payment of a license fee in the sum of fifteen
 2 dollars, but only if the trailer is operated upon public highways. The
 3 license fee must be collected annually for each registration year or
 4 fraction of a registration year. This reduced license fee applies only
 5 to trailers operated for personal use of the owners, and not trailers
 6 held for rental to the public or used in any commercial or business
 7 endeavor. The proceeds from the fees collected under this section
 8 shall be distributed in accordance with RCW 46.68.035.

9 **Sec. 204.** RCW 46.16.070 and 2003 c 361 s 201 and 2003 c 1 s 3 are
 10 each reenacted and amended to read as follows:

11 (1) In lieu of all other vehicle licensing fees, unless
 12 specifically exempt, and in addition to the mileage fees prescribed for
 13 buses and stages in RCW 46.16.125, there shall be paid and collected
 14 annually for each truck, motor truck, truck tractor, road tractor,
 15 tractor, bus, auto stage, or for hire vehicle with seating capacity of
 16 more than six, based upon the declared combined gross weight or
 17 declared gross weight under chapter 46.44 RCW, the following licensing
 18 fees by ((~~such gross~~)) weight:

	((DECLARED-GROSS)) WEIGHT	SCHEDULE A	SCHEDULE B
19			
20	4,000 lbs.	\$ ((30.00)).....	\$ ((30.00))
21		<u>40.00</u>	<u>40.00</u>
22	6,000 lbs.	\$ ((30.00)).....	\$ ((30.00))
23		<u>50.00</u>	<u>50.00</u>
24	8,000 lbs.	\$ ((30.00)).....	\$ ((30.00))
25		<u>60.00</u>	<u>60.00</u>
26	10,000 lbs.	\$ 62.00.....	\$ 62.00
27	12,000 lbs.	\$ 79.00.....	\$ 79.00
28	14,000 lbs.	\$ 90.00.....	\$ 90.00
29	16,000 lbs.	\$ 102.00.....	\$ 102.00
30	18,000 lbs.	\$ 154.00.....	\$ 154.00
31	20,000 lbs.	\$ 171.00.....	\$ 171.00
32	22,000 lbs.	\$ 185.00.....	\$ 185.00
33	24,000 lbs.	\$ 200.00.....	\$ 200.00
34	26,000 lbs.	\$ 211.00.....	\$ 211.00
35	28,000 lbs.	\$ 249.00.....	\$ 249.00
36	30,000 lbs.	\$ 287.00.....	\$ 287.00
37	32,000 lbs.	\$ 346.00.....	\$ 346.00
38	34,000 lbs.	\$ 368.00.....	\$ 368.00

1	36,000 lbs.	\$ 399.00	\$ 399.00
2	38,000 lbs.	\$ 438.00	\$ 438.00
3	40,000 lbs.	\$ 501.00	\$ 501.00
4	42,000 lbs.	\$ 521.00	\$ 611.00
5	44,000 lbs.	\$ 532.00	\$ 622.00
6	46,000 lbs.	\$ 572.00	\$ 662.00
7	48,000 lbs.	\$ 596.00	\$ 686.00
8	50,000 lbs.	\$ 647.00	\$ 737.00
9	52,000 lbs.	\$ 680.00	\$ 770.00
10	54,000 lbs.	\$ 734.00	\$ 824.00
11	56,000 lbs.	\$ 775.00	\$ 865.00
12	58,000 lbs.	\$ 806.00	\$ 896.00
13	60,000 lbs.	\$ 859.00	\$ 949.00
14	62,000 lbs.	\$ 921.00	\$ 1,011.00
15	64,000 lbs.	\$ 941.00	\$ 1,031.00
16	66,000 lbs.	\$ 1,048.00	\$ 1,138.00
17	68,000 lbs.	\$ 1,093.00	\$ 1,183.00
18	70,000 lbs.	\$ 1,177.00	\$ 1,267.00
19	72,000 lbs.	\$ 1,259.00	\$ 1,349.00
20	74,000 lbs.	\$ 1,368.00	\$ 1,458.00
21	76,000 lbs.	\$ 1,478.00	\$ 1,568.00
22	78,000 lbs.	\$ 1,614.00	\$ 1,704.00
23	80,000 lbs.	\$ 1,742.00	\$ 1,832.00
24	82,000 lbs.	\$ 1,863.00	\$ 1,953.00
25	84,000 lbs.	\$ 1,983.00	\$ 2,073.00
26	86,000 lbs.	\$ 2,104.00	\$ 2,194.00
27	88,000 lbs.	\$ 2,225.00	\$ 2,315.00
28	90,000 lbs.	\$ 2,346.00	\$ 2,436.00
29	92,000 lbs.	\$ 2,466.00	\$ 2,556.00
30	94,000 lbs.	\$ 2,587.00	\$ 2,677.00
31	96,000 lbs.	\$ 2,708.00	\$ 2,798.00
32	98,000 lbs.	\$ 2,829.00	\$ 2,919.00
33	100,000 lbs.	\$ 2,949.00	\$ 3,039.00
34	102,000 lbs.	\$ 3,070.00	\$ 3,160.00
35	104,000 lbs.	\$ 3,191.00	\$ 3,281.00
36	105,500 lbs.	\$ 3,312.00	\$ 3,402.00

37 Schedule A applies to vehicles either used exclusively for hauling
38 logs or that do not tow trailers. Schedule B applies to vehicles that
39 tow trailers and are not covered under Schedule A.

40 Every truck, motor truck, truck tractor, and tractor exceeding
41 6,000 pounds empty scale weight registered under chapter 46.16, 46.87,
42 or 46.88 RCW shall be licensed for not less than one hundred fifty
43 percent of its empty weight unless the amount would be in excess of the

1 legal limits prescribed for such a vehicle in RCW 46.44.041 or
2 46.44.042, in which event the vehicle shall be licensed for the maximum
3 weight authorized for such a vehicle or unless the vehicle is used only
4 for the purpose of transporting any well drilling machine, air
5 compressor, rock crusher, conveyor, hoist, donkey engine, cook house,
6 tool house, bunk house, or similar machine or structure attached to or
7 made a part of such vehicle.

8 The following provisions apply when increasing gross or combined
9 gross weight for a vehicle licensed under this section:

10 (a) The new license fee will be one-twelfth of the fee listed above
11 for the new gross weight, multiplied by the number of months remaining
12 in the period for which licensing fees have been paid, including the
13 month in which the new gross weight is effective.

14 (b) Upon surrender of the current certificate of registration or
15 cab card, the new licensing fees due shall be reduced by the amount of
16 the licensing fees previously paid for the same period for which new
17 fees are being charged.

18 (2) The proceeds from the fees collected under subsection (1) of
19 this section shall be distributed in accordance with RCW 46.68.035.

20 **Sec. 205.** RCW 46.68.035 and 2003 c 361 s 202 are each amended to
21 read as follows:

22 All proceeds from combined vehicle licensing fees received by the
23 director for vehicles licensed under RCW 46.16.070 and 46.16.085, the
24 license fee under section 203 of this act, and the farm vehicle trip
25 permit under section 206 of this act shall be forwarded to the state
26 treasurer to be distributed into accounts according to the following
27 method:

28 (1) The sum of two dollars for each vehicle shall be deposited into
29 the multimodal transportation account, except that for each vehicle
30 registered by a county auditor or agent to a county auditor pursuant to
31 RCW 46.01.140, the sum of two dollars shall be credited to the current
32 county expense fund.

33 (2) The remainder shall be distributed as follows:

34 (a) (~~((21.963))~~) 24.00 percent shall be deposited into the state
35 patrol highway account of the motor vehicle fund;

36 (b) (~~((1.411))~~) 1.8 percent shall be deposited into the Puget Sound
37 ferry operations account of the motor vehicle fund;

1 (c) (~~(7.240)~~) 6.38 percent shall be deposited into the
2 transportation 2003 account (nickel account); and

3 (d) On July 1, 2006, six million dollars shall be deposited into
4 the freight mobility investment account created in section 105 of this
5 act and beginning on July 1, 2007, and every July 1st thereafter, three
6 million dollars shall be deposited into the freight mobility investment
7 account created in section 105 of this act;

8 (e) The remaining proceeds shall be deposited into the motor
9 vehicle fund.

10 NEW SECTION. Sec. 206. A new section is added to chapter 46.16
11 RCW to read as follows:

12 (1) The owner of a farm vehicle licensed under RCW 46.16.090
13 purchasing a monthly license under RCW 46.16.135 may, as an alternative
14 to the first partial month of the license registration, secure and
15 operate the vehicle under authority of a farm vehicle trip permit
16 issued by this state. The licensed gross weight may not exceed eighty
17 thousand pounds for a combination of vehicles nor forty thousand pounds
18 for a single unit vehicle with three or more axles.

19 (2) If a monthly license previously issued has expired, the owner
20 of a farm vehicle may, as an alternative to purchasing a full monthly
21 license, secure and operate the vehicle under authority of a farm
22 vehicle trip permit issued by this state. The licensed gross weight
23 may not exceed eighty thousand pounds for a combination of vehicles nor
24 forty thousand pounds for a single unit vehicle with three or more
25 axles.

26 (3) Each farm vehicle trip permit shall authorize the operation of
27 a single vehicle at the maximum legal weight limit for the vehicle for
28 the period remaining in the first month of monthly license, commencing
29 with the day of first use. No more than four such permits may be used
30 for any one vehicle in any twelve-month period. Every permit shall
31 identify, as the department may require, the vehicle for which it is
32 issued and shall be completed in its entirety and signed by the
33 operator before operation of the vehicle on the public highways of this
34 state. Correction of data on the permit such as dates, license number,
35 or vehicle identification number invalidates the permit. The farm
36 vehicle trip permit shall be displayed on the vehicle to which it is
37 issued as prescribed by the department.

1 (4) Vehicles operating under authority of farm vehicle trip permits
2 are subject to all laws, rules, and regulations affecting the operation
3 of like vehicles in this state.

4 (5) Farm vehicle trip permits may be obtained from the department
5 of licensing or agents and subagents appointed by the department. The
6 fee for each farm vehicle trip permit is six dollars and twenty-five
7 cents. Farm vehicle trip permits sold by the department's agents or
8 subagents are subject to fees specified in RCW 46.01.140 (4)(a),
9 (5)(b), or (6).

10 (6) The proceeds from farm vehicle trip permits received by the
11 director shall be forwarded to the state treasurer to be distributed as
12 provided in RCW 46.68.035.

13 (7) No exchange, credits, or refunds may be given for farm vehicle
14 trip permits after they have been purchased.

15 (8) The department of licensing may adopt rules as it deems
16 necessary to administer this section.

17 **PART III - MISCELLANEOUS FEES**

18 **Sec. 301.** RCW 46.16.237 and 1987 c 52 s 1 are each amended to read
19 as follows:

20 All vehicle license number plates issued after January 1, 1968, or
21 such earlier date as the director may prescribe with respect to plates
22 issued in any county, shall be treated with fully reflectorized
23 materials designed to increase the visibility and legibility of such
24 plates at night. In addition to all other fees prescribed by law,
25 there shall be paid and collected for each vehicle license number plate
26 treated with such materials, the sum of (~~(fifty cents)~~) two dollars and
27 for each set of two plates, the sum of (~~(one dollar:—PROVIDED,~~
28 ~~HOWEVER,~~) four dollars. However, one plate is available only to those
29 vehicles that by law require only one plate. Such fees shall be
30 deposited in the motor vehicle fund.

31 **Sec. 302.** RCW 46.16.270 and 1997 c 291 s 3 are each amended to
32 read as follows:

33 The total replacement plate fee shall be deposited in the motor
34 vehicle fund.

1 Upon the loss, defacement, or destruction of one or both of the
2 vehicle license number plates issued for any vehicle where more than
3 one plate was originally issued or where one or both have become so
4 illegible or in such a condition as to be difficult to distinguish, or
5 upon the owner's option, the owner of the vehicle shall make
6 application for new vehicle license number plates upon a form furnished
7 by the director. The application shall be filed with the director or
8 the director's authorized agent, accompanied by the certificate of
9 license registration of the vehicle and a fee in the amount of
10 (~~three~~) ten dollars per plate, whereupon the director, or the
11 director's authorized agent, shall issue new vehicle license number
12 plates to the applicant. It shall be accompanied by a fee of two
13 dollars for a new motorcycle license number plate. In the event the
14 director has issued license period tabs or a windshield emblem instead
15 of vehicle license number plates, and upon the loss, defacement, or
16 destruction of the tabs or windshield emblem, application shall be made
17 on a form provided by the director and in the same manner as above
18 described, and shall be accompanied by a fee of one dollar for each
19 pair of tabs or for each windshield emblem, whereupon the director
20 shall issue to the applicant a duplicate pair of tabs, year tabs, and
21 when necessary month tabs or a windshield emblem to replace those lost,
22 defaced, or destroyed. For vehicles owned, rented, or leased by the
23 state of Washington or by any county, city, town, school district, or
24 other political subdivision of the state of Washington or United States
25 government, or owned or leased by the governing body of an Indian tribe
26 as defined in RCW 46.16.020, a fee shall be charged for replacement of
27 a vehicle license number plate only to the extent required by the
28 provisions of RCW 46.16.020, (~~(46.16.061,)~~) 46.16.237, and 46.01.140.
29 For vehicles owned, rented, or leased by foreign countries or
30 international bodies to which the United States government is a
31 signatory by treaty, the payment of any fee for the replacement of a
32 vehicle license number plate shall not be required.

33 **Sec. 303.** RCW 46.20.055 and 2004 c 249 s 3 are each amended to
34 read as follows:

35 (1) **Driver's instruction permit.** The department may issue a
36 driver's instruction permit with or without a photograph to an
37 applicant who has successfully passed all parts of the examination

1 other than the driving test, provided the information required by RCW
2 46.20.091, paid a fee of (~~fifteen~~) twenty dollars, and meets the
3 following requirements:

4 (a) Is at least fifteen and one-half years of age; or

5 (b) Is at least fifteen years of age and:

6 (i) Has submitted a proper application; and

7 (ii) Is enrolled in a traffic safety education program offered,
8 approved, and accredited by the superintendent of public instruction or
9 offered by a driver training school licensed and inspected by the
10 department of licensing under chapter 46.82 RCW, that includes practice
11 driving.

12 (2) **Waiver of written examination for instruction permit.** The
13 department may waive the written examination, if, at the time of
14 application, an applicant is enrolled in:

15 (a) A traffic safety education course as defined by RCW
16 28A.220.020(2); or

17 (b) A course of instruction offered by a licensed driver training
18 school as defined by RCW 46.82.280(1).

19 The department may require proof of registration in such a course
20 as it deems necessary.

21 (3) **Effect of instruction permit.** A person holding a driver's
22 instruction permit may drive a motor vehicle, other than a motorcycle,
23 upon the public highways if:

24 (a) The person has immediate possession of the permit; and

25 (b) An approved instructor, or a licensed driver with at least five
26 years of driving experience, occupies the seat beside the driver.

27 (4) **Term of instruction permit.** A driver's instruction permit is
28 valid for one year from the date of issue.

29 (a) The department may issue one additional one-year permit.

30 (b) The department may issue a third driver's permit if it finds
31 after an investigation that the permittee is diligently seeking to
32 improve driving proficiency.

33 (c) A person applying to renew an instruction permit must submit
34 the application to the department in person.

35 **Sec. 304.** RCW 46.20.070 and 2004 c 249 s 4 are each amended to
36 read as follows:

1 (1) **Agricultural driving permit authorized.** The director may issue
2 a juvenile agricultural driving permit to a person under the age of
3 eighteen years if:

4 (a) The application is signed by the applicant and the applicant's
5 father, mother, or legal guardian;

6 (b) The applicant has passed the driving examination required by
7 RCW 46.20.120;

8 (c) The department has investigated the applicant's need for the
9 permit and determined that the need justifies issuance;

10 (d) The department has determined the applicant is capable of
11 operating a motor vehicle without endangering himself or herself or
12 other persons and property; and

13 (e) The applicant has paid a fee of (~~fifteen~~) twenty dollars.

14 The permit must contain a photograph of the person.

15 (2) **Effect of agricultural driving permit.** (a) The permit
16 authorizes the holder to:

17 (i) Drive a motor vehicle on the public highways of this state in
18 connection with farm work. The holder may drive only within a
19 restricted farming locality described on the permit; and

20 (ii) Participate in the classroom portion of a traffic safety
21 education course authorized under RCW 28A.220.030 or the classroom
22 portion of a traffic safety education course offered by a driver
23 training school licensed and inspected by the department of licensing
24 under chapter 46.82 RCW offered in the community where the holder
25 resides.

26 (b) The director may transfer the permit from one farming locality
27 to another. A transfer is not a renewal of the permit.

28 (3) **Term and renewal of agricultural driving permit.** An
29 agricultural driving permit expires one year from the date of issue.

30 (a) A person under the age of eighteen who holds a permit may renew
31 the permit by paying a fee of fifteen dollars.

32 (b) A person applying to renew an agricultural driving permit must
33 submit the application to the department in person.

34 (c) An agricultural driving permit is invalidated when a permittee
35 attains age eighteen. In order to drive a motor vehicle on a highway
36 he or she must obtain a motor vehicle driver's license under this
37 chapter.

1 (4) **Suspension, revocation, or cancellation.** The director has sole
2 discretion to suspend, revoke, or cancel a juvenile agricultural
3 driving permit if:

4 (a) The permittee has been found to have committed an offense that
5 requires mandatory suspension or revocation of a driver's license; or

6 (b) The director is satisfied that the permittee has violated the
7 permit's restrictions.

8 **Sec. 305.** RCW 46.20.117 and 2004 c 249 s 5 are each amended to
9 read as follows:

10 (1) **Issuance.** The department shall issue an identicard, containing
11 a picture, if the applicant:

12 (a) Does not hold a valid Washington driver's license;

13 (b) Proves his or her identity as required by RCW 46.20.035; and

14 (c) Pays the required fee. The fee is (~~fifteen~~) twenty dollars
15 unless an applicant is a recipient of continuing public assistance
16 grants under Title 74 RCW, who is referred in writing by the secretary
17 of social and health services. For those persons the fee must be the
18 actual cost of production of the identicard.

19 (2) **Design and term.** The identicard must:

20 (a) Be distinctly designed so that it will not be confused with the
21 official driver's license; and

22 (b) Expire on the fifth anniversary of the applicant's birthdate
23 after issuance.

24 (3) **Renewal.** An application for identicard renewal may be
25 submitted by means of:

26 (a) Personal appearance before the department; or

27 (b) Mail or electronic commerce, if permitted by rule of the
28 department and if the applicant did not renew his or her identicard by
29 mail or by electronic commerce when it last expired. However, the
30 department may accept an application for renewal of an identicard
31 submitted by means of mail or electronic commerce only if specific
32 authority and funding is provided for this purpose by June 30, 2004, in
33 the omnibus transportation appropriations act.

34 An identicard may not be renewed by mail or by electronic commerce
35 unless the renewal issued by the department includes a photograph of
36 the identicard holder.

1 (4) **Cancellation.** The department may cancel an identicard if the
2 holder of the identicard used the card or allowed others to use the
3 card in violation of RCW 46.20.0921.

4 **Sec. 306.** RCW 46.20.120 and 2004 c 249 s 6 are each amended to
5 read as follows:

6 An applicant for a new or renewed driver's license must
7 successfully pass a driver licensing examination to qualify for a
8 driver's license. The department shall give examinations at places and
9 times reasonably available to the people of this state.

10 (1) **Waiver.** The department may waive:

11 (a) All or any part of the examination of any person applying for
12 the renewal of a driver's license unless the department determines that
13 the applicant is not qualified to hold a driver's license under this
14 title; or

15 (b) The actual demonstration of the ability to operate a motor
16 vehicle if the applicant:

17 (i) Surrenders a valid driver's license issued by the person's
18 previous home state; and

19 (ii) Is otherwise qualified to be licensed.

20 (2) **Fee.** Each applicant for a new license must pay an examination
21 fee of (~~ten~~) twenty dollars.

22 (a) The examination fee is in addition to the fee charged for
23 issuance of the license.

24 (b) "New license" means a license issued to a driver:

25 (i) Who has not been previously licensed in this state; or

26 (ii) Whose last previous Washington license has been expired for
27 more than five years.

28 (3) An application for driver's license renewal may be submitted by
29 means of:

30 (a) Personal appearance before the department; or

31 (b) Mail or electronic commerce, if permitted by rule of the
32 department and if the applicant did not renew his or her license by
33 mail or by electronic commerce when it last expired. However, the
34 department may accept an application for renewal of a driver's license
35 submitted by means of mail or electronic commerce only if specific
36 authority and funding is provided for this purpose by June 30, 2004, in
37 the omnibus transportation appropriations act.

1 (4) A person whose license expired or will expire while he or she
2 is living outside the state, may:

3 (a) Apply to the department to extend the validity of his or her
4 license for no more than twelve months. If the person establishes to
5 the department's satisfaction that he or she is unable to return to
6 Washington before the date his or her license expires, the department
7 shall extend the person's license. The department may grant
8 consecutive extensions, but in no event may the cumulative total of
9 extensions exceed twelve months. An extension granted under this
10 section does not change the expiration date of the license for purposes
11 of RCW 46.20.181. The department shall charge a fee of five dollars
12 for each license extension;

13 (b) Apply to the department to renew his or her license by mail or,
14 if permitted by rule of the department, by electronic commerce even if
15 subsection (3)(b) of this section would not otherwise allow renewal by
16 that means. If the person establishes to the department's satisfaction
17 that he or she is unable to return to Washington within twelve months
18 of the date that his or her license expires, the department shall renew
19 the person's license by mail or, if permitted by rule of the
20 department, by electronic commerce.

21 (5) If a qualified person submits an application for renewal under
22 subsection (3)(b) or (4)(b) of this section, he or she is not required
23 to pass an examination nor provide an updated photograph. A license
24 renewed by mail or by electronic commerce that does not include a
25 photograph of the licensee must be labeled "not valid for
26 identification purposes."

27 **Sec. 307.** RCW 46.20.308 and 2004 c 187 s 1 and 2004 c 95 s 2 are
28 each reenacted and amended to read as follows:

29 (1) Any person who operates a motor vehicle within this state is
30 deemed to have given consent, subject to the provisions of RCW
31 46.61.506, to a test or tests of his or her breath or blood for the
32 purpose of determining the alcohol concentration or presence of any
33 drug in his or her breath or blood if arrested for any offense where,
34 at the time of the arrest, the arresting officer has reasonable grounds
35 to believe the person had been driving or was in actual physical
36 control of a motor vehicle while under the influence of intoxicating

1 liquor or any drug or was in violation of RCW 46.61.503. Neither
2 consent nor this section precludes a police officer from obtaining a
3 search warrant for a person's breath or blood.

4 (2) The test or tests of breath shall be administered at the
5 direction of a law enforcement officer having reasonable grounds to
6 believe the person to have been driving or in actual physical control
7 of a motor vehicle within this state while under the influence of
8 intoxicating liquor or any drug or the person to have been driving or
9 in actual physical control of a motor vehicle while having alcohol in
10 a concentration in violation of RCW 46.61.503 in his or her system and
11 being under the age of twenty-one. However, in those instances where
12 the person is incapable due to physical injury, physical incapacity, or
13 other physical limitation, of providing a breath sample or where the
14 person is being treated in a hospital, clinic, doctor's office,
15 emergency medical vehicle, ambulance, or other similar facility or
16 where the officer has reasonable grounds to believe that the person is
17 under the influence of a drug, a blood test shall be administered by a
18 qualified person as provided in RCW 46.61.506(5). The officer shall
19 inform the person of his or her right to refuse the breath or blood
20 test, and of his or her right to have additional tests administered by
21 any qualified person of his or her choosing as provided in RCW
22 46.61.506. The officer shall warn the driver, in substantially the
23 following language, that:

24 (a) If the driver refuses to take the test, the driver's license,
25 permit, or privilege to drive will be revoked or denied for at least
26 one year; and

27 (b) If the driver refuses to take the test, the driver's refusal to
28 take the test may be used in a criminal trial; and

29 (c) If the driver submits to the test and the test is administered,
30 the driver's license, permit, or privilege to drive will be suspended,
31 revoked, or denied for at least ninety days if the driver is age
32 twenty-one or over and the test indicates the alcohol concentration of
33 the driver's breath or blood is 0.08 or more, or if the driver is under
34 age twenty-one and the test indicates the alcohol concentration of the
35 driver's breath or blood is 0.02 or more, or if the driver is under age
36 twenty-one and the driver is in violation of RCW 46.61.502 or
37 46.61.504.

1 (3) Except as provided in this section, the test administered shall
2 be of the breath only. If an individual is unconscious or is under
3 arrest for the crime of vehicular homicide as provided in RCW 46.61.520
4 or vehicular assault as provided in RCW 46.61.522, or if an individual
5 is under arrest for the crime of driving while under the influence of
6 intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest
7 results from an accident in which there has been serious bodily injury
8 to another person, a breath or blood test may be administered without
9 the consent of the individual so arrested.

10 (4) Any person who is dead, unconscious, or who is otherwise in a
11 condition rendering him or her incapable of refusal, shall be deemed
12 not to have withdrawn the consent provided by subsection (1) of this
13 section and the test or tests may be administered, subject to the
14 provisions of RCW 46.61.506, and the person shall be deemed to have
15 received the warnings required under subsection (2) of this section.

16 (5) If, following his or her arrest and receipt of warnings under
17 subsection (2) of this section, the person arrested refuses upon the
18 request of a law enforcement officer to submit to a test or tests of
19 his or her breath or blood, no test shall be given except as authorized
20 under subsection (3) or (4) of this section.

21 (6) If, after arrest and after the other applicable conditions and
22 requirements of this section have been satisfied, a test or tests of
23 the person's blood or breath is administered and the test results
24 indicate that the alcohol concentration of the person's breath or blood
25 is 0.08 or more if the person is age twenty-one or over, or 0.02 or
26 more if the person is under the age of twenty-one, or the person
27 refuses to submit to a test, the arresting officer or other law
28 enforcement officer at whose direction any test has been given, or the
29 department, where applicable, if the arrest results in a test of the
30 person's blood, shall:

31 (a) Serve notice in writing on the person on behalf of the
32 department of its intention to suspend, revoke, or deny the person's
33 license, permit, or privilege to drive as required by subsection (7) of
34 this section;

35 (b) Serve notice in writing on the person on behalf of the
36 department of his or her right to a hearing, specifying the steps he or
37 she must take to obtain a hearing as provided by subsection (8) of this
38 section;

1 (c) Mark the person's Washington state driver's license or permit
2 to drive, if any, in a manner authorized by the department;

3 (d) Serve notice in writing that the marked license or permit, if
4 any, is a temporary license that is valid for sixty days from the date
5 of arrest or from the date notice has been given in the event notice is
6 given by the department following a blood test, or until the
7 suspension, revocation, or denial of the person's license, permit, or
8 privilege to drive is sustained at a hearing pursuant to subsection (8)
9 of this section, whichever occurs first. No temporary license is valid
10 to any greater degree than the license or permit that it replaces; and

11 (e) Immediately notify the department of the arrest and transmit to
12 the department within seventy-two hours, except as delayed as the
13 result of a blood test, a sworn report or report under a declaration
14 authorized by RCW 9A.72.085 that states:

15 (i) That the officer had reasonable grounds to believe the arrested
16 person had been driving or was in actual physical control of a motor
17 vehicle within this state while under the influence of intoxicating
18 liquor or drugs, or both, or was under the age of twenty-one years and
19 had been driving or was in actual physical control of a motor vehicle
20 while having an alcohol concentration in violation of RCW 46.61.503;

21 (ii) That after receipt of the warnings required by subsection (2)
22 of this section the person refused to submit to a test of his or her
23 blood or breath, or a test was administered and the results indicated
24 that the alcohol concentration of the person's breath or blood was 0.08
25 or more if the person is age twenty-one or over, or was 0.02 or more if
26 the person is under the age of twenty-one; and

27 (iii) Any other information that the director may require by rule.

28 (7) The department of licensing, upon the receipt of a sworn report
29 or report under a declaration authorized by RCW 9A.72.085 under
30 subsection (6)(e) of this section, shall suspend, revoke, or deny the
31 person's license, permit, or privilege to drive or any nonresident
32 operating privilege, as provided in RCW 46.20.3101, such suspension,
33 revocation, or denial to be effective beginning sixty days from the
34 date of arrest or from the date notice has been given in the event
35 notice is given by the department following a blood test, or when
36 sustained at a hearing pursuant to subsection (8) of this section,
37 whichever occurs first.

1 (8) A person receiving notification under subsection (6)(b) of this
2 section may, within thirty days after the notice has been given,
3 request in writing a formal hearing before the department. The person
4 shall pay a fee of (~~one~~) two hundred dollars as part of the request.
5 If the request is mailed, it must be postmarked within thirty days
6 after receipt of the notification. Upon timely receipt of such a
7 request for a formal hearing, including receipt of the required (~~one~~)
8 two hundred dollar fee, the department shall afford the person an
9 opportunity for a hearing. The department may waive the required
10 (~~one~~) two hundred dollar fee if the person is an indigent as defined
11 in RCW 10.101.010. Except as otherwise provided in this section, the
12 hearing is subject to and shall be scheduled and conducted in
13 accordance with RCW 46.20.329 and 46.20.332. The hearing shall be
14 conducted in the county of the arrest, except that all or part of the
15 hearing may, at the discretion of the department, be conducted by
16 telephone or other electronic means. The hearing shall be held within
17 sixty days following the arrest or following the date notice has been
18 given in the event notice is given by the department following a blood
19 test, unless otherwise agreed to by the department and the person, in
20 which case the action by the department shall be stayed, and any valid
21 temporary license marked under subsection (6)(c) of this section
22 extended, if the person is otherwise eligible for licensing. For the
23 purposes of this section, the scope of the hearing shall cover the
24 issues of whether a law enforcement officer had reasonable grounds to
25 believe the person had been driving or was in actual physical control
26 of a motor vehicle within this state while under the influence of
27 intoxicating liquor or any drug or had been driving or was in actual
28 physical control of a motor vehicle within this state while having
29 alcohol in his or her system in a concentration of 0.02 or more if the
30 person was under the age of twenty-one, whether the person was placed
31 under arrest, and (a) whether the person refused to submit to the test
32 or tests upon request of the officer after having been informed that
33 such refusal would result in the revocation of the person's license,
34 permit, or privilege to drive, or (b) if a test or tests were
35 administered, whether the applicable requirements of this section were
36 satisfied before the administration of the test or tests, whether the
37 person submitted to the test or tests, or whether a test was
38 administered without express consent as permitted under this section,

1 and whether the test or tests indicated that the alcohol concentration
2 of the person's breath or blood was 0.08 or more if the person was age
3 twenty-one or over at the time of the arrest, or 0.02 or more if the
4 person was under the age of twenty-one at the time of the arrest. The
5 sworn report or report under a declaration authorized by RCW 9A.72.085
6 submitted by a law enforcement officer is prima facie evidence that the
7 officer had reasonable grounds to believe the person had been driving
8 or was in actual physical control of a motor vehicle within this state
9 while under the influence of intoxicating liquor or drugs, or both, or
10 the person had been driving or was in actual physical control of a
11 motor vehicle within this state while having alcohol in his or her
12 system in a concentration of 0.02 or more and was under the age of
13 twenty-one and that the officer complied with the requirements of this
14 section.

15 A hearing officer shall conduct the hearing, may issue subpoenas
16 for the attendance of witnesses and the production of documents, and
17 shall administer oaths to witnesses. The hearing officer shall not
18 issue a subpoena for the attendance of a witness at the request of the
19 person unless the request is accompanied by the fee required by RCW
20 5.56.010 for a witness in district court. The sworn report or report
21 under a declaration authorized by RCW 9A.72.085 of the law enforcement
22 officer and any other evidence accompanying the report shall be
23 admissible without further evidentiary foundation and the
24 certifications authorized by the criminal rules for courts of limited
25 jurisdiction shall be admissible without further evidentiary
26 foundation. The person may be represented by counsel, may question
27 witnesses, may present evidence, and may testify. The department shall
28 order that the suspension, revocation, or denial either be rescinded or
29 sustained.

30 (9) If the suspension, revocation, or denial is sustained after
31 such a hearing, the person whose license, privilege, or permit is
32 suspended, revoked, or denied has the right to file a petition in the
33 superior court of the county of arrest to review the final order of
34 revocation by the department in the same manner as an appeal from a
35 decision of a court of limited jurisdiction. Notice of appeal must be
36 filed within thirty days after the date the final order is served or
37 the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ
38 1.1, or other statutes or rules referencing de novo review, the appeal

1 shall be limited to a review of the record of the administrative
2 hearing. The appellant must pay the costs associated with obtaining
3 the record of the hearing before the hearing officer. The filing of
4 the appeal does not stay the effective date of the suspension,
5 revocation, or denial. A petition filed under this subsection must
6 include the petitioner's grounds for requesting review. Upon granting
7 petitioner's request for review, the court shall review the
8 department's final order of suspension, revocation, or denial as
9 expeditiously as possible. The review must be limited to a
10 determination of whether the department has committed any errors of
11 law. The superior court shall accept those factual determinations
12 supported by substantial evidence in the record: (a) That were
13 expressly made by the department; or (b) that may reasonably be
14 inferred from the final order of the department. The superior court
15 may reverse, affirm, or modify the decision of the department or remand
16 the case back to the department for further proceedings. The decision
17 of the superior court must be in writing and filed in the clerk's
18 office with the other papers in the case. The court shall state the
19 reasons for the decision. If judicial relief is sought for a stay or
20 other temporary remedy from the department's action, the court shall
21 not grant such relief unless the court finds that the appellant is
22 likely to prevail in the appeal and that without a stay the appellant
23 will suffer irreparable injury. If the court stays the suspension,
24 revocation, or denial it may impose conditions on such stay.

25 (10)(a) If a person whose driver's license, permit, or privilege to
26 drive has been or will be suspended, revoked, or denied under
27 subsection (7) of this section, other than as a result of a breath or
28 blood test refusal, and who has not committed an offense for which he
29 or she was granted a deferred prosecution under chapter 10.05 RCW,
30 petitions a court for a deferred prosecution on criminal charges
31 arising out of the arrest for which action has been or will be taken
32 under subsection (7) of this section, the court may direct the
33 department to stay any actual or proposed suspension, revocation, or
34 denial for at least forty-five days but not more than ninety days. If
35 the court stays the suspension, revocation, or denial, it may impose
36 conditions on such stay. If the person is otherwise eligible for
37 licensing, the department shall issue a temporary license, or extend
38 any valid temporary license marked under subsection (6) of this

1 section, for the period of the stay. If a deferred prosecution
2 treatment plan is not recommended in the report made under RCW
3 10.05.050, or if treatment is rejected by the court, or if the person
4 declines to accept an offered treatment plan, or if the person violates
5 any condition imposed by the court, then the court shall immediately
6 direct the department to cancel the stay and any temporary marked
7 license or extension of a temporary license issued under this
8 subsection.

9 (b) A suspension, revocation, or denial imposed under this section,
10 other than as a result of a breath or blood test refusal, shall be
11 stayed if the person is accepted for deferred prosecution as provided
12 in chapter 10.05 RCW for the incident upon which the suspension,
13 revocation, or denial is based. If the deferred prosecution is
14 terminated, the stay shall be lifted and the suspension, revocation, or
15 denial reinstated. If the deferred prosecution is completed, the stay
16 shall be lifted and the suspension, revocation, or denial canceled.

17 (c) The provisions of (b) of this subsection relating to a stay of
18 a suspension, revocation, or denial and the cancellation of any
19 suspension, revocation, or denial do not apply to the suspension,
20 revocation, denial, or disqualification of a person's commercial
21 driver's license or privilege to operate a commercial motor vehicle.

22 (11) When it has been finally determined under the procedures of
23 this section that a nonresident's privilege to operate a motor vehicle
24 in this state has been suspended, revoked, or denied, the department
25 shall give information in writing of the action taken to the motor
26 vehicle administrator of the state of the person's residence and of any
27 state in which he or she has a license.

28 **Sec. 308.** RCW 46.20.311 and 2004 c 95 s 3 are each amended to read
29 as follows:

30 (1)(a) The department shall not suspend a driver's license or
31 privilege to drive a motor vehicle on the public highways for a fixed
32 period of more than one year, except as specifically permitted under
33 RCW 46.20.267, 46.20.342, or other provision of law.

34 (b) Except for a suspension under RCW 46.20.267, 46.20.289,
35 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving
36 privilege of any person is suspended by reason of a conviction, a
37 finding that a traffic infraction has been committed, pursuant to

1 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the
2 suspension shall remain in effect until the person gives and thereafter
3 maintains proof of financial responsibility for the future as provided
4 in chapter 46.29 RCW.

5 (c) If the suspension is the result of a violation of RCW 46.61.502
6 or 46.61.504, the department shall determine the person's eligibility
7 for licensing based upon the reports provided by the alcoholism agency
8 or probation department designated under RCW 46.61.5056 and shall deny
9 reinstatement until enrollment and participation in an approved program
10 has been established and the person is otherwise qualified. If the
11 suspension is the result of a violation of RCW 46.61.502 or 46.61.504,
12 and the person is required pursuant to RCW 46.20.720 to drive only a
13 motor vehicle equipped with a functioning ignition interlock, the
14 department shall determine the person's eligibility for licensing based
15 upon written verification by a company doing business in the state that
16 it has installed the required device on a vehicle owned or operated by
17 the person seeking reinstatement. If, based upon notification from the
18 interlock provider or otherwise, the department determines that an
19 interlock required under RCW 46.20.720 is no longer installed or
20 functioning as required, the department shall suspend the person's
21 license or privilege to drive. Whenever the license or driving
22 privilege of any person is suspended or revoked as a result of
23 noncompliance with an ignition interlock requirement, the suspension
24 shall remain in effect until the person provides notice issued by a
25 company doing business in the state that a vehicle owned or operated by
26 the person is equipped with a functioning ignition interlock device.

27 (d) Whenever the license or driving privilege of any person is
28 suspended as a result of certification of noncompliance with a child
29 support order under chapter 74.20A RCW or a residential or visitation
30 order, the suspension shall remain in effect until the person provides
31 a release issued by the department of social and health services
32 stating that the person is in compliance with the order.

33 (e)(i) The department shall not issue to the person a new,
34 duplicate, or renewal license until the person pays a reissue fee of
35 (~~twenty~~) seventy-five dollars.

36 (ii) If the suspension is the result of a violation of RCW
37 46.61.502 or 46.61.504, or is the result of administrative action under
38 RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

1 (2)(a) Any person whose license or privilege to drive a motor
2 vehicle on the public highways has been revoked, unless the revocation
3 was for a cause which has been removed, is not entitled to have the
4 license or privilege renewed or restored until: (i) After the
5 expiration of one year from the date the license or privilege to drive
6 was revoked; (ii) after the expiration of the applicable revocation
7 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the
8 expiration of two years for persons convicted of vehicular homicide; or
9 (iv) after the expiration of the applicable revocation period provided
10 by RCW 46.20.265.

11 (b)(i) After the expiration of the appropriate period, the person
12 may make application for a new license as provided by law together with
13 a reissue fee in the amount of (~~twenty~~) seventy-five dollars.

14 (ii) If the revocation is the result of a violation of RCW
15 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one
16 hundred fifty dollars. If the revocation is the result of a violation
17 of RCW 46.61.502 or 46.61.504, the department shall determine the
18 person's eligibility for licensing based upon the reports provided by
19 the alcoholism agency or probation department designated under RCW
20 46.61.5056 and shall deny reissuance of a license, permit, or privilege
21 to drive until enrollment and participation in an approved program has
22 been established and the person is otherwise qualified. If the
23 revocation is the result of a violation of RCW 46.61.502 or 46.61.504,
24 and the person is required pursuant to RCW 46.20.720 to drive only a
25 motor vehicle equipped with a functioning ignition interlock or other
26 biological or technical device, the department shall determine the
27 person's eligibility for licensing based upon written verification by
28 a company doing business in the state that it has installed the
29 required device on a vehicle owned or operated by the person applying
30 for a new license. If, following issuance of a new license, the
31 department determines, based upon notification from the interlock
32 provider or otherwise, that an interlock required under RCW 46.20.720
33 is no longer functioning, the department shall suspend the person's
34 license or privilege to drive until the department has received written
35 verification from an interlock provider that a functioning interlock is
36 installed.

37 (c) Except for a revocation under RCW 46.20.265, the department
38 shall not then issue a new license unless it is satisfied after

1 investigation of the driving ability of the person that it will be safe
2 to grant the privilege of driving a motor vehicle on the public
3 highways, and until the person gives and thereafter maintains proof of
4 financial responsibility for the future as provided in chapter 46.29
5 RCW. For a revocation under RCW 46.20.265, the department shall not
6 issue a new license unless it is satisfied after investigation of the
7 driving ability of the person that it will be safe to grant that person
8 the privilege of driving a motor vehicle on the public highways.

9 (3)(a) Whenever the driver's license of any person is suspended
10 pursuant to Article IV of the nonresident violators compact or RCW
11 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue
12 to the person any new or renewal license until the person pays a
13 reissue fee of (~~twenty~~) seventy-five dollars.

14 (b) If the suspension is the result of a violation of the laws of
15 this or any other state, province, or other jurisdiction involving (i)
16 the operation or physical control of a motor vehicle upon the public
17 highways while under the influence of intoxicating liquor or drugs, or
18 (ii) the refusal to submit to a chemical test of the driver's blood
19 alcohol content, the reissue fee shall be one hundred fifty dollars.

20 **Sec. 309.** RCW 46.20.049 and 1999 c 308 s 4 are each amended to
21 read as follows:

22 There shall be an additional fee for issuing any class of
23 commercial driver's license in addition to the prescribed fee required
24 for the issuance of the original driver's license. The additional fee
25 for each class shall (~~not exceed twenty~~) be thirty dollars for the
26 original commercial driver's license or subsequent renewals(~~or~~
27 ~~unless~~). If the commercial driver's license is renewed or extended
28 for a period other than five years, (~~in which case~~) the fee for each
29 class shall (~~not exceed four~~) be six dollars for each year that the
30 commercial driver's license is renewed or extended. The fee shall be
31 deposited in the highway safety fund.

32 **PART IV - MISCELLANEOUS PROVISIONS**

33 **Sec. 401.** RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each
34 amended to read as follows:

35 (1) The emergency reserve fund is established in the state

1 treasury. During each fiscal year, the state treasurer shall deposit
2 in the emergency reserve fund all general fund--state revenues in
3 excess of the state expenditure limit for that fiscal year. Deposits
4 shall be made at the end of each fiscal quarter based on projections of
5 state revenues and the state expenditure limit. The treasurer shall
6 make transfers between these accounts as necessary to reconcile actual
7 annual revenues and the expenditure limit for fiscal year 2000 and
8 thereafter.

9 (2) The legislature may appropriate moneys from the emergency
10 reserve fund only with approval of at least two-thirds of the members
11 of each house of the legislature, and then only if the appropriation
12 does not cause total expenditures to exceed the state expenditure limit
13 under this chapter.

14 (3) The emergency reserve fund balance shall not exceed five
15 percent of annual general fund--state revenues as projected by the
16 official state revenue forecast. Any balance in excess of five percent
17 shall be transferred on a quarterly basis by the state treasurer as
18 follows: Seventy-five percent to the student achievement fund hereby
19 created in the state treasury and twenty-five percent to the general
20 fund balance. The treasurer shall make transfers between these
21 accounts as necessary to reconcile actual annual revenues for fiscal
22 year 2000 and thereafter. When per-student state funding for the
23 maintenance and operation of K-12 education meets a level of no less
24 than ninety percent of the national average of total funding from all
25 sources per student as determined by the most recent published data
26 from the national center for education statistics of the United States
27 department of education, as calculated by the office of financial
28 management, further deposits to the student achievement fund shall be
29 required only to the extent necessary to maintain the ninety-percent
30 level. Remaining funds are part of the general fund balance and these
31 funds are subject to the expenditure limits of this chapter.

32 (4) The education construction fund is hereby created in the state
33 treasury.

34 (a) Funds may be appropriated from the education construction fund
35 exclusively for common school construction or higher education
36 construction.

37 (b) Funds may be appropriated for any other purpose only if
38 approved by a two-thirds vote of each house of the legislature and if

1 approved by a vote of the people at the next general election. An
2 appropriation approved by the people under this subsection shall result
3 in an adjustment to the state expenditure limit only for the fiscal
4 period for which the appropriation is made and shall not affect any
5 subsequent fiscal period.

6 (5) Funds from the student achievement fund shall be appropriated
7 to the superintendent of public instruction strictly for distribution
8 to school districts to meet the provisions set out in the student
9 achievement act. Allocations shall be made on an equal per full-time
10 equivalent student basis to each school district.

11 ~~((6) Earnings of the emergency reserve fund under RCW
12 43.84.092(4)(a) shall be transferred quarterly to the multimodal
13 transportation account, except for those earnings that are in excess of
14 thirty five million dollars each fiscal year. Within thirty days
15 following any fiscal year in which earnings transferred to the
16 multimodal transportation account under this subsection did not total
17 thirty five million dollars, the state treasurer shall transfer from
18 the emergency reserve fund an amount necessary to bring the total
19 deposited in the multimodal transportation account under this
20 subsection to thirty five million dollars. The revenues to the
21 multimodal transportation account reflected in this subsection provide
22 ongoing support for the transportation programs of the state. However,
23 it is the intent of the legislature that any new long term financial
24 support that may be subsequently provided for transportation programs
25 will be used to replace and supplant the revenues reflected in this
26 subsection, thereby allowing those revenues to be returned to the
27 purposes to which they were previously dedicated. No transfers from
28 the emergency reserve fund to the multimodal fund shall be made during
29 the 2003-05 fiscal biennium.))~~

30 NEW SECTION. **Sec. 402.** Sections 201 through 206, 301, and 302 of
31 this act apply to vehicle registrations that are due or become due on
32 or after January 1, 2006.

33 NEW SECTION. **Sec. 403.** (1) Section 110 of this act takes effect
34 July 1, 2006.

35 (2) Sections 201 through 206 of this act take effect January 1,
36 2006.

1 NEW SECTION. **Sec. 404.** Sections 201 and 202 of this act
2 constitute a new chapter in Title 46 RCW.

3 NEW SECTION. **Sec. 405.** Sections 101 through 107, 109, 303 through
4 310, and 401 of this act are necessary for the immediate preservation
5 of the public peace, health, or safety, or support of the state
6 government and its existing public institutions, and take effect July
7 1, 2005.

8 NEW SECTION. **Sec. 406.** Section 109 of this act expires July 1,
9 2006.

10 NEW SECTION. **Sec. 407.** Part headings used in this act are not
11 part of the law."

SSB 6103 - S AMD **615**
By Senator Haugen

ADOPTED 04/20/2005

12 On page 1, line 1 of the title, after "revenue;" strike the
13 remainder of the title and insert "amending RCW 82.36.025, 82.38.030,
14 46.68.090, 46.68.110, 82.38.035, 82.38.045, 43.84.092, 46.68.035,
15 46.16.237, 46.16.270, 46.20.055, 46.20.070, 46.20.117, 46.20.120,
16 46.20.311, 46.20.049, and 43.135.045; reenacting and amending RCW
17 43.84.092, 46.16.070, and 46.20.308; adding new sections to chapter
18 46.68 RCW; adding new sections to chapter 46.16 RCW; adding a new
19 chapter to Title 46 RCW; creating new sections; making an
20 appropriation; providing effective dates; providing an expiration date;
21 and declaring an emergency."

--- END ---