
SUBSTITUTE SENATE BILL 6654

State of Washington

61st Legislature

2010 Regular Session

By Senate Transportation (originally sponsored by Senators Sheldon and Haugen)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to removing and streamlining certain transportation
2 and motor vehicle reports; amending RCW 43.43.111, 46.32.085,
3 46.61.6885, 46.66.030, 47.01.071, 47.04.210, 47.04.220, 47.04.280,
4 79A.25.030, 79A.25.040, and 79A.25.070; and repealing RCW 47.01.141.

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

6 NEW SECTION. **Sec. 1.** RCW 47.01.141 (Biennial report) and 1987 c
7 505 s 49, 1984 c 7 s 75, 1977 c 75 s 68, & 1973 2nd ex.s. c 12 s 1 are
8 each repealed.

9 **Sec. 2.** RCW 43.43.111 and 2005 c 27 s 2 are each amended to read
10 as follows:

11 To ensure transparency, integrity, and credibility during
12 Washington state patrol vehicle accident investigations, the agency
13 will continue to review and reform the agency policies and procedures
14 regarding Washington state patrol officers that are involved in vehicle
15 accidents. The agency shall develop agency policies and include as
16 part of the terms of their collective bargaining agreements a
17 progressive corrective process addressing Washington state patrol
18 officer vehicle accidents that may include retraining in vehicle

1 handling, wage or benefit reductions, and termination of employment.
2 The agency shall develop a process for tracking accidents and an
3 accident review process. (~~Annually, a collision data report must be~~
4 ~~produced designating each accident during the year as minor or severe~~
5 ~~and any resulting disciplinary actions and be available for review by~~
6 ~~the legislature.)) The agency shall implement communication procedures
7 for the victims involved in the accidents from the time the accident
8 occurs until the investigative process has been concluded. The
9 policies must also provide for outside supervision of accident
10 investigations by a qualified independent agency under certain
11 circumstances.~~

12 Before the legislative committee assembly in September 2005, the
13 Washington state patrol shall have an outside entity that has a
14 reputation for and has proven experience in law enforcement management
15 and reviewing law enforcement and criminal justice policies and
16 procedures review the agency's proposed law enforcement vehicle
17 accident policies and procedures where a law enforcement officer is
18 involved. The agency will present the proposed policies and procedures
19 to the legislature and finalize the policies and procedures based on
20 input from the legislature. The Washington state patrol shall report
21 to the house and senate transportation committees by November 30, 2005,
22 on the updated policies, processes, and procedures. Once the policies
23 and procedures are completed, other law enforcement agencies may adopt
24 the policies and procedures for their agencies.

25 **Sec. 3.** RCW 46.32.085 and 2009 c 46 s 2 are each amended to read
26 as follows:

27 (1) The Washington state patrol, in consultation with the
28 department of licensing, shall adopt rules consistent with this chapter
29 to regulate vehicle safety requirements for motor carriers who own,
30 control, manage, or operate a commercial motor vehicle within this
31 state. Except as otherwise provided in this chapter, the rules adopted
32 by the state patrol under this section must be as rigorous as federal
33 regulations governing certain interstate motor carriers at 49 C.F.R.
34 Parts 40 and 380 through 397, which cover the areas of commercial motor
35 carrier driver training, controlled substance and alcohol use and
36 testing, compliance with the federal driver's license requirements and
37 penalties, vehicle equipment and safety standards, hazardous material

1 practices, financial responsibility, driver qualifications, hours of
2 service, vehicle inspection and corrective actions, and assessed
3 penalties for noncompliance. The state patrol shall amend these rules
4 periodically to maintain, to the extent permissible under this chapter,
5 standards as rigorous as the federal regulations governing certain
6 interstate motor carriers. (~~The state patrol shall submit a report to
7 the legislature by December 31st of each year that outlines new rules
8 or rule changes and explains how the state rules compare to the federal
9 regulations.~~)

10 (2) Motor vehicles operated by entities with authority under
11 chapters 81.66, 81.68, 81.70, and 81.77 RCW, and by household goods
12 carriers operating under chapter 81.80 RCW, must comply with rules
13 regulating vehicle safety adopted by the utilities and transportation
14 commission.

15 **Sec. 4.** RCW 46.61.6885 and 2000 c 190 s 4 are each amended to read
16 as follows:

17 The traffic safety commission shall conduct an educational campaign
18 using all available methods to raise public awareness of the importance
19 of properly restraining child passengers and the value of seatbelts to
20 adult motorists. (~~The traffic safety commission shall report to the
21 transportation committees of the legislature on the campaign and
22 results observed on the highways. The first report is due December 1,
23 2000, and annually thereafter.~~)

24 **Sec. 5.** RCW 46.66.030 and 2007 c 199 s 22 are each amended to read
25 as follows:

26 (1) The Washington auto theft prevention authority may obtain or
27 contract for staff services, including an executive director, and any
28 facilities and equipment as the authority requires to carry out its
29 duties.

30 (2) The director may enter into contracts with any public or
31 private organization to carry out the purposes of this section and RCW
32 46.66.010, 46.66.020, and 46.66.040 through 46.66.080.

33 (3) The authority shall review and make recommendations to the
34 legislature and the governor regarding motor vehicle theft in
35 Washington state. In preparing the recommendations, the authority
36 shall, at a minimum, review the following issues:

1 (a) Determine the scope of the problem of motor vehicle theft,
2 including:

3 (i) Particular areas of the state where the problem is the
4 greatest;

5 (ii) Annual data reported by local law enforcement regarding the
6 number of reported thefts, investigations, recovered vehicles, arrests,
7 and convictions; and

8 (iii) An assessment of estimated funds needed to hire sufficient
9 investigators to respond to all reported thefts.

10 (b) Analyze the various methods of combating the problem of motor
11 vehicle theft;

12 (c) Develop and implement a plan of operation; and

13 (d) Develop and implement a financial plan.

14 (4) The authority is not a law enforcement agency and may not
15 gather, collect, or disseminate intelligence information for the
16 purpose of investigating specific crimes or pursuing or capturing
17 specific perpetrators. Members of the authority may not exercise
18 general authority peace officer powers while acting in their capacity
19 as members of the authority, unless the exercise of peace officer
20 powers is necessary to prevent an imminent threat to persons or
21 property.

22 ~~((5) The authority shall annually report its activities, findings,
23 and recommendations during the preceding year to the legislature by
24 December 31st.))~~

25 **Sec. 6.** RCW 47.01.071 and 2007 c 516 s 4 are each amended to read
26 as follows:

27 The transportation commission shall have the following functions,
28 powers, and duties:

29 (1) To propose policies to be adopted by the governor and the
30 legislature designed to assure the development and maintenance of a
31 comprehensive and balanced statewide transportation system which will
32 meet the needs of the people of this state for safe and efficient
33 transportation services. Wherever appropriate, the policies shall
34 provide for the use of integrated, intermodal transportation systems.
35 The policies must be aligned with the goals established in RCW
36 47.04.280. To this end the commission shall:

1 (a) Develop transportation policies which are based on the
2 policies, goals, and objectives expressed and inherent in existing
3 state laws;

4 (b) Inventory the adopted policies, goals, and objectives of the
5 local and area-wide governmental bodies of the state and define the
6 role of the state, regional, and local governments in determining
7 transportation policies, in transportation planning, and in
8 implementing the state transportation plan;

9 (c) Establish a procedure for review and revision of the state
10 transportation policy and for submission of proposed changes to the
11 governor and the legislature; and

12 (d) Integrate the statewide transportation plan with the needs of
13 the elderly and persons with disabilities, and coordinate federal and
14 state programs directed at assisting local governments to answer such
15 needs;

16 (2) To provide for the effective coordination of state
17 transportation planning with national transportation policy, state and
18 local land use policies, and local and regional transportation plans
19 and programs;

20 (3) In conjunction with the provisions under RCW 47.01.075, to
21 provide for public involvement in transportation designed to elicit the
22 public's views both with respect to adequate transportation services
23 and appropriate means of minimizing adverse social, economic,
24 environmental, and energy impact of transportation programs;

25 (4) By December 2010, to prepare a comprehensive and balanced
26 statewide transportation plan consistent with the state's growth
27 management goals and based on the transportation policy goals provided
28 under RCW 47.04.280 and applicable state and federal laws. The plan
29 must reflect the priorities of government developed by the office of
30 financial management and address regional needs, including multimodal
31 transportation planning. The plan must, at a minimum: (a) Establish
32 a vision for the development of the statewide transportation system;
33 (b) identify significant statewide transportation policy issues; and
34 (c) recommend statewide transportation policies and strategies to the
35 legislature to fulfill the requirements of subsection (1) of this
36 section. The plan must be the product of an ongoing process that
37 involves representatives of significant transportation interests and
38 the general public from across the state. Every four years, the plan

1 shall be reviewed and revised, and submitted to the governor and the
2 house of representatives and senate standing committees on
3 transportation.

4 The plan shall take into account federal law and regulations
5 relating to the planning, construction, and operation of transportation
6 facilities;

7 ~~(5) ((By December 2007, the office of financial management shall~~
8 ~~submit a baseline report on the progress toward attaining the policy~~
9 ~~goals under RCW 47.04.280 in the 2005-2007 fiscal biennium. By October~~
10 ~~1, 2008, beginning with the development of the 2009-2011 biennial~~
11 ~~transportation budget, and by October 1st biennially thereafter, the~~
12 ~~office of financial management shall submit to the legislature and the~~
13 ~~governor a report on the progress toward the attainment by state~~
14 ~~transportation agencies of the state transportation policy goals and~~
15 ~~objectives prescribed by statute, appropriation, and governor~~
16 ~~directive. The report must, at a minimum, include the degree to which~~
17 ~~state transportation programs have progressed toward the attainment of~~
18 ~~the policy goals established under RCW 47.04.280, as measured by the~~
19 ~~objectives and performance measures established by the office of~~
20 ~~financial management under RCW 47.04.280;~~

21 ~~(6))~~ To propose to the governor and the legislature prior to the
22 convening of each regular session held in an odd-numbered year a
23 recommended budget for the operations of the commission as required by
24 RCW 47.01.061;

25 ~~((7))~~ (6) To adopt such rules as may be necessary to carry out
26 reasonably and properly those functions expressly vested in the
27 commission by statute;

28 ~~((8))~~ (7) To contract with the office of financial management or
29 other appropriate state agencies for administrative support, accounting
30 services, computer services, and other support services necessary to
31 carry out its other statutory duties;

32 ~~((9))~~ (8) To conduct transportation-related studies and policy
33 analysis to the extent directed by the legislature or governor in the
34 biennial transportation budget act, or as otherwise provided in law,
35 and subject to the availability of amounts appropriated for this
36 specific purpose; and

37 ~~((10))~~ (9) To exercise such other specific powers and duties as

1 may be vested in the transportation commission by this or any other
2 provision of law.

3 **Sec. 7.** RCW 47.04.210 and 2005 c 319 s 122 are each amended to
4 read as follows:

5 Federal funds that are administered by the department of
6 transportation and are passed through to municipal corporations or
7 political subdivisions of the state and moneys that are received as
8 total reimbursement for goods, services, or projects constructed by the
9 department of transportation are removed from the transportation
10 budget. To process and account for these expenditures a new treasury
11 trust account is created to be used for all department of
12 transportation one hundred percent federal and local reimbursable
13 transportation expenditures. This new account is nonbudgeted and
14 nonappropriated. At the same time, federal and private local
15 appropriations and full-time equivalents in subprograms R2, R3, T6, Y6,
16 and Z2 processed through this new account are removed from the
17 department of transportation's 1997-99 budget.

18 The department of transportation may make expenditures from the
19 account before receiving federal and local reimbursements. However, at
20 the end of each biennium, the account must maintain a zero or positive
21 cash balance. In the twenty-fourth month of each biennium the
22 department of transportation shall calculate and transfer sufficient
23 cash from either the motor vehicle fund or the multimodal
24 transportation account to cover any negative cash balances. The amount
25 transferred is calculated based on expenditures from each fund. In
26 addition, any interest charges accruing to the new account must be
27 distributed to the motor vehicle fund and the multimodal transportation
28 account.

29 ~~((The department of transportation shall provide an annual report
30 to the senate and house transportation committees and the office of
31 financial management on expenditures and full time equivalents
32 processed through the new account. The report must also include
33 recommendations for process changes, if needed.))~~

34 **Sec. 8.** RCW 47.04.220 and 2005 c 319 s 123 are each amended to
35 read as follows:

1 (1) The miscellaneous transportation programs account is created in
2 the custody of the state treasurer.

3 (2) Moneys from the account may be used only for the costs of:

4 (a) Miscellaneous transportation services provided by the
5 department that are reimbursed by other public and private entities;

6 (b) Local transportation projects for which the department is a
7 conduit for federal reimbursement to a municipal corporation or
8 political subdivision; or

9 (c) Other reimbursable activities as recommended by the senate and
10 house transportation committees and approved by the office of financial
11 management.

12 (3) Moneys received as reimbursement for expenditures under
13 subsection (2) of this section must be deposited into the account.

14 (4) No appropriation is required for expenditures from this
15 account. This fund is not subject to allotment procedures provided
16 under chapter 43.88 RCW.

17 (5) Only the secretary of transportation or the secretary's
18 designee may authorize expenditures from the account.

19 (6) It is the intent of the legislature that this account maintain
20 a zero or positive cash balance at the end of each biennium. Toward
21 this purpose the department may make expenditures from the account
22 before receiving reimbursements under subsection (2) of this section.
23 Before the end of the biennium, the department shall transfer
24 sufficient cash to cover any negative cash balances from the motor
25 vehicle fund and the multimodal transportation account to the
26 miscellaneous transportation programs account for unrecovered
27 reimbursements. The department shall calculate the distribution of
28 this transfer based on expenditures. In the ensuing biennium the
29 department shall transfer the reimbursements received in the
30 miscellaneous transportation programs account back to the motor vehicle
31 fund and the multimodal transportation account to the extent of the
32 cash transferred at biennium end. The department shall also distribute
33 any interest charges accruing to the miscellaneous transportation
34 programs account to the motor vehicle fund and the multimodal
35 transportation account. Adjustments for any indirect cost recoveries
36 may also be made at this time.

37 ~~((7) The department shall provide an annual report to the senate
38 and house transportation committees and the office of financial~~

1 ~~management on the expenditures and full-time equivalents processed~~
2 ~~through the miscellaneous transportation programs account. The report~~
3 ~~must also include recommendations for changes to the process, if~~
4 ~~needed.)~~)

5 **Sec. 9.** RCW 47.04.280 and 2007 c 516 s 3 are each amended to read
6 as follows:

7 (1) It is the intent of the legislature to establish policy goals
8 for the planning, operation, performance of, and investment in, the
9 state's transportation system. The policy goals established under this
10 section are deemed consistent with the benchmark categories adopted by
11 the state's blue ribbon commission on transportation on November 30,
12 2000. Public investments in transportation should support achievement
13 of these policy goals:

14 (a) Preservation: To maintain, preserve, and extend the life and
15 utility of prior investments in transportation systems and services;

16 (b) Safety: To provide for and improve the safety and security of
17 transportation customers and the transportation system;

18 (c) Mobility: To improve the predictable movement of goods and
19 people throughout Washington state;

20 (d) Environment: To enhance Washington's quality of life through
21 transportation investments that promote energy conservation, enhance
22 healthy communities, and protect the environment; and

23 (e) Stewardship: To continuously improve the quality,
24 effectiveness, and efficiency of the transportation system.

25 (2) The powers, duties, and functions of state transportation
26 agencies must be performed in a manner consistent with the policy goals
27 set forth in subsection (1) of this section.

28 (3) These policy goals are intended to be the basis for
29 establishing detailed and measurable objectives and related performance
30 measures.

31 (4) It is the intent of the legislature that the office of
32 financial management establish objectives and performance measures for
33 the department of transportation and other state agencies with
34 transportation-related responsibilities to ensure transportation system
35 performance at local, regional, and state government levels progresses
36 toward the attainment of the policy goals set forth in subsection (1)
37 of this section. The office of financial management shall submit

1 initial objectives and performance measures to the legislature for its
2 review and shall provide copies of the same to the commission during
3 the 2008 legislative session. The office of financial management shall
4 submit objectives and performance measures to the legislature for its
5 review and shall provide copies of the same to the commission during
6 each regular session of the legislature during an even-numbered year
7 thereafter.

8 (5) By October 1, 2010, and by October 1st biennially thereafter,
9 the office of financial management shall submit to the legislature and
10 the governor a report on the progress toward the attainment by state
11 transportation agencies of the state transportation policy goals and
12 objectives prescribed by statute, appropriation, and governor
13 directive. The report must, at a minimum, include the degree to which
14 state transportation programs have progressed toward the attainment of
15 the policy goals established under this section, as measured by the
16 objectives and performance measures established by the office of
17 financial management under this section.

18 (6) This section does not create a private right of action.

19 **Sec. 10.** RCW 79A.25.030 and 2007 c 241 s 42 are each amended to
20 read as follows:

21 ~~((From time to time, but at least once each four years, the~~
22 ~~director of licensing shall determine the amount or proportion of~~
23 ~~moneys paid to him or her as motor vehicle fuel tax which is tax on~~
24 ~~marine fuel. The director of licensing shall make or authorize the~~
25 ~~making of studies, surveys, or investigations to assist him or her in~~
26 ~~making such determination, and shall hold one or more public hearings~~
27 ~~on the findings of such studies, surveys, or investigations prior to~~
28 ~~making his or her determination. The studies, surveys, or~~
29 ~~investigations conducted pursuant to this section shall encompass a~~
30 ~~period of twelve consecutive months each time. The final determination~~
31 ~~by the director of licensing shall be implemented as of the next~~
32 ~~biennium after the period from which the study data were collected.~~
33 ~~The director of licensing may delegate his or her duties and authority~~
34 ~~under this section to one or more persons of the department of~~
35 ~~licensing if he or she finds such delegation necessary and proper to~~
36 ~~the efficient performance of these duties. Costs of carrying out the~~
37 ~~provisions of this section shall be paid from the marine fuel tax~~

1 ~~refund account created in RCW 79A.25.040, upon legislative~~
2 ~~appropriation))~~ (1) The amount or proportion of motor vehicle fuel tax
3 moneys that are tax on marine fuel is deemed to be one percent of the
4 total motor vehicle fuel tax moneys collected annually.

5 (2) One percent of the total motor vehicle fuel tax moneys
6 collected annually is to be deposited into the marine fuel tax refund
7 account as provided in RCW 79A.25.040 and 79A.25.070.

8 **Sec. 11.** RCW 79A.25.040 and 2000 c 11 s 71 are each amended to
9 read as follows:

10 There is created the marine fuel tax refund account in the state
11 treasury. The director of licensing shall request the state treasurer
12 to refund monthly from the motor vehicle fund (~~amounts which have been~~
13 ~~determined to be tax on marine fuel~~) an amount equal to one percent of
14 the motor vehicle fuel tax moneys collected during that period. The
15 state treasurer shall refund such amounts and place them in the marine
16 fuel tax refund account to be held for those entitled thereto pursuant
17 to chapter 82.36 RCW and RCW 79A.25.050, except that (~~he or she~~
18 ~~shall~~) the treasurer may not refund and place in the marine fuel tax
19 refund account (~~for any period for which a determination has been made~~
20 ~~pursuant to RCW 79A.25.030~~) more than the greater of the following
21 amounts: (1) An amount equal to two percent of all moneys paid to
22 (~~him or her~~) the treasurer as motor vehicle fuel tax for such period,
23 (2) an amount necessary to meet all approved claims for refund of tax
24 on marine fuel for such period.

25 **Sec. 12.** RCW 79A.25.070 and 2003 c 361 s 409 are each amended to
26 read as follows:

27 Upon expiration of the time limited by RCW 82.36.330 for claiming
28 of refunds of tax on marine fuel, the state of Washington shall succeed
29 to the right to such refunds. The director of licensing, after taking
30 into account past and anticipated claims for refunds from and deposits
31 to the marine fuel tax refund account (~~and the costs of carrying out~~
32 ~~the provisions of RCW 79A.25.030~~), shall request the state treasurer
33 to transfer monthly from the marine fuel tax refund account an amount
34 equal to the proportion of the moneys in the account representing a
35 motor vehicle fuel tax rate of: (1) Nineteen cents per gallon of motor
36 vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents

1 per gallon of motor vehicle fuel from July 1, 2005, through June 30,
2 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July
3 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of
4 motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5)
5 twenty-three cents per gallon of motor vehicle fuel beginning July 1,
6 2011, and thereafter, to the recreation resource account and the
7 remainder to the motor vehicle fund.

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