

CERTIFICATION OF ENROLLMENT

**SENATE BILL 6826**

Chapter 221, Laws of 2010

(partial veto)

61st Legislature  
2010 Regular Session

VEHICLE LICENSING SUBAGENTS--FEES

EFFECTIVE DATE: 06/10/10

Passed by the Senate March 9, 2010  
YEAS 44 NAYS 4

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Passed by the House March 3, 2010  
YEAS 88 NAYS 9

FRANK CHOPP

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**Speaker of the House of Representatives**

Approved March 25, 2010, 4:11 p.m., with  
the exception of Section 2 which is  
vetoed.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Thomas Hoemann, Secretary of  
the Senate of the State of  
Washington, do hereby certify that  
the attached is **SENATE BILL 6826**  
as passed by the Senate and the  
House of Representatives on the  
dates hereon set forth.

THOMAS HOEMANN

\_\_\_\_\_  
**Secretary**

FILED

March 26, 2010

**Secretary of State  
State of Washington**

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**SENATE BILL 6826**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2010 Regular Session

**State of Washington**                      **61st Legislature**                      **2010 Regular Session**

**By** Senator Swecker

Read first time 02/02/10. Referred to Committee on Transportation.

1            AN ACT Relating to subagent service fees; amending RCW 46.01.140;  
2 and adding a new section to chapter 46.01 RCW.

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

4            **Sec. 1.** RCW 46.01.140 and 2005 c 343 s 1 are each amended to read  
5 as follows:

6            (1) The county auditor, if appointed by the director of licensing  
7 shall carry out the provisions of this title relating to the licensing  
8 of vehicles and the issuance of vehicle license number plates under the  
9 direction and supervision of the director and may with the approval of  
10 the director appoint assistants as special deputies and recommend  
11 subagents to accept applications and collect fees for vehicle licenses  
12 and transfers and to deliver vehicle license number plates.

13            (2) A county auditor appointed by the director may request that the  
14 director appoint subagencies within the county.

15            (a) Upon authorization of the director, the auditor shall use an  
16 open competitive process including, but not limited to, a written  
17 business proposal and oral interview to determine the qualifications of  
18 all interested applicants.

1 (b) A subagent may recommend a successor who is either the  
2 subagent's sibling, spouse, or child, or a subagency employee, as long  
3 as the recommended successor participates in the open, competitive  
4 process used to select an applicant. In making successor  
5 recommendation and appointment determinations, the following provisions  
6 apply:

7 (i) If a subagency is held by a partnership or corporate entity,  
8 the nomination must be submitted on behalf of, and agreed to by, all  
9 partners or corporate officers.

10 (ii) No subagent may receive any direct or indirect compensation or  
11 remuneration from any party or entity in recognition of a successor  
12 nomination. A subagent may not receive any financial benefit from the  
13 transfer or termination of an appointment.

14 (iii) (a) and (b) of this subsection are intended to assist in the  
15 efficient transfer of appointments in order to minimize public  
16 inconvenience. They do not create a proprietary or property interest  
17 in the appointment.

18 (c) The auditor shall submit all proposals to the director, and  
19 shall recommend the appointment of one or more subagents who have  
20 applied through the open competitive process. The auditor shall  
21 include in his or her recommendation to the director, not only the name  
22 of the successor who is a relative or employee, if applicable and if  
23 otherwise qualified, but also the name of one other applicant who is  
24 qualified and was chosen through the open competitive process. The  
25 director has final appointment authority.

26 (3)(a) A county auditor who is appointed as an agent by the  
27 department shall enter into a standard contract provided by the  
28 director, developed with the advice of the title and registration  
29 advisory committee.

30 (b) A subagent appointed under subsection (2) of this section shall  
31 enter into a standard contract with the county auditor, developed with  
32 the advice of the title and registration advisory committee. The  
33 director shall provide the standard contract to county auditors.

34 (c) The contracts provided for in (a) and (b) of this subsection  
35 must contain at a minimum provisions that:

36 (i) Describe the responsibilities, and where applicable, the  
37 liability, of each party relating to the service expectations and

1 levels, equipment to be supplied by the department, and equipment  
2 maintenance;

3 (ii) Require the specific type of insurance or bonds so that the  
4 state is protected against any loss of collected motor vehicle tax  
5 revenues or loss of equipment;

6 (iii) Specify the amount of training that will be provided by the  
7 state, the county auditor, or subagents;

8 (iv) Describe allowable costs that may be charged to vehicle  
9 licensing activities as provided for in (d) of this subsection;

10 (v) Describe the causes and procedures for termination of the  
11 contract, which may include mediation and binding arbitration.

12 (d) The department shall develop procedures that will standardize  
13 and prescribe allowable costs that may be assigned to vehicle licensing  
14 and vessel registration and title activities performed by county  
15 auditors.

16 (e) The contracts may include any provision that the director deems  
17 necessary to ensure acceptable service and the full collection of  
18 vehicle and vessel tax revenues.

19 (f) The director may waive any provisions of the contract deemed  
20 necessary in order to ensure that readily accessible service is  
21 provided to the citizens of the state.

22 (4)(a) At any time any application is made to the director, the  
23 county auditor, or other agent pursuant to any law dealing with  
24 licenses, registration, or the right to operate any vehicle or vessel  
25 upon the public highways or waters of this state, excluding applicants  
26 already paying such fee under RCW 46.16.070 or 46.16.085, the applicant  
27 shall pay to the director, county auditor, or other agent a fee of  
28 three dollars for each application in addition to any other fees  
29 required by law.

30 (b) Counties that do not cover the expenses of vehicle licensing  
31 and vessel registration and title activities may submit to the  
32 department a request for cost-coverage moneys. The request must be  
33 submitted on a form developed by the department. The department shall  
34 develop procedures to verify whether a request is reasonable. Payment  
35 shall be made on requests found to be allowable from the licensing  
36 services account.

37 (c) Applicants for certificates of ownership, including applicants

1 paying fees under RCW 46.16.070 or 46.16.085, shall pay to the  
2 director, county auditor, or other agent a fee of four dollars in  
3 addition to any other fees required by law.

4 (d) The fees under (a) and (c) of this subsection, if paid to the  
5 county auditor as agent of the director, or if paid to a subagent of  
6 the county auditor, shall be paid to the county treasurer in the same  
7 manner as other fees collected by the county auditor and credited to  
8 the county current expense fund. If the fee is paid to another agent  
9 of the director, the fee shall be used by the agent to defray his or  
10 her expenses in handling the application.

11 (e) Applicants required to pay the three-dollar fee established  
12 under (a) of this subsection, must pay an additional seventy-five  
13 cents, which must be collected and remitted to the state treasurer and  
14 distributed as follows:

15 (i) Fifty cents must be deposited into the department of licensing  
16 services account of the motor vehicle fund and must be used for agent  
17 and subagent support, which is to include but not be limited to the  
18 replacement of department-owned equipment in the possession of agents  
19 and subagents.

20 (ii) Twenty-five cents must be deposited into the license plate  
21 technology account created under RCW 46.16.685.

22 (5) A subagent shall collect a service fee of (a) (~~ten~~) twelve  
23 dollars for changes in a certificate of ownership, with or without  
24 registration renewal, or verification of record and preparation of an  
25 affidavit of lost title other than at the time of the title application  
26 or transfer and (b) (~~four~~) five dollars for registration renewal  
27 only, issuing a transit permit, or any other service under this  
28 section.

29 (6) If the fee is collected by the state patrol as agent for the  
30 director, the fee so collected shall be certified to the state  
31 treasurer and deposited to the credit of the state patrol highway  
32 account. If the fee is collected by the department of transportation  
33 as agent for the director, the fee shall be certified to the state  
34 treasurer and deposited to the credit of the motor vehicle fund. All  
35 such fees collected by the director or branches of his office shall be  
36 certified to the state treasurer and deposited to the credit of the  
37 highway safety fund.

1 (7) Any county revenues that exceed the cost of providing vehicle  
2 licensing and vessel registration and title activities in a county,  
3 calculated in accordance with the procedures in subsection (3)(d) of  
4 this section, shall be expended as determined by the county legislative  
5 authority during the process established by law for adoption of county  
6 budgets.

7 (8) The director may adopt rules to implement this section.

8 ***\*NEW SECTION. Sec. 2. A new section is added to chapter 46.01 RCW  
9 to read as follows:***

10 ***The department must implement a fair, equitable, and objective  
11 rotation of public and private entity listings on the department's  
12 vehicle licensing and registration web site. The entities to be listed  
13 on the rotation are the vehicle licensing subagents and county auditors  
14 to assist the public and businesses in locating vehicle licensing  
15 offices.***

*\*Sec. 2 was vetoed. See message at end of chapter.*

Passed by the Senate March 9, 2010.

Passed by the House March 3, 2010.

Approved by the Governor March 25, 2010, with the exception of  
certain items that were vetoed.

Filed in Office of Secretary of State March 26, 2010.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 2 of  
Senate Bill 6826.

"AN ACT Relating to subagent service fees."

This bill authorizes a fee increase to help independent vehicle  
licensing subagents keep up with the cost of doing business and  
requires the Department of Licensing to implement a rotation of public  
and private vehicle service office listings on the Department's  
website. For some time now the Department has been working with the  
Washington Association of Vehicle Subagents to redesign the website  
listings, so that the lookup function will allow a person to enter his  
or her zip code and receive a listing of licensing offices in order of  
proximity to that zip code. The Department has indicated to the  
Association that they will have this change completed by December 31,  
2010. This proximity website feature will better serve the needs of  
the public and the subagents. Section 2 would not allow  
implementation of the proximity website feature requested by the  
subagents and planned by the Department.

For this reason I have vetoed Section 2 of Senate Bill 6826.

With the exception of Section 2, Senate Bill 6826 is approved."