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**ENGROSSED SENATE BILL 5893**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators O'Ban, Rossi, Becker, Rivers, Miloscia, King, Bailey, Braun, Wilson, Walsh, Zeiger, Angel, Warnick, Brown, Honeyford, Fortunato, Pearson, Padden, Fain, Schoesler, and Hawkins

AN ACT Relating to establishing a vehicle valuation method for a regional transit authority collecting a motor vehicle excise tax that is based on Kelley blue book or national automobile dealers association values; amending RCW 82.44.135, 81.104.160, 82.44.035, and 81.104.190; adding a new section to chapter 81.112 RCW; and declaring an emergency.

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

NEW SECTION. **Sec.**  A new section is added to chapter 81.112 RCW to read as follows:

A regional transit authority that includes a county with a population of more than one million five hundred thousand shall pay a motor vehicle excise tax impact assessment to be deposited into the motor vehicle fund established in RCW 46.68.070. The rate of the assessment is one dollar per motor vehicle excise tax payment occurring annually within the authority's boundaries. The state revenue generated under this section is to provide funds to mitigate the impact of vehicle loads on the state roads and highways, with an emphasis on roads and highways within the authority's boundaries.

**Sec.**  RCW 82.44.135 and 2006 c 318 s 9 are each amended to read as follows:

(1) Except as otherwise provided in this section, before a local government subject to this chapter may impose a motor vehicle excise tax, the local government must contract with the department for the collection of the tax. The department may charge a reasonable amount, not to exceed one percent of tax collections, for the administration and collection of the tax.

(2) A regional transit authority may contract with the department for the collection of a motor vehicle excise tax only if:

(a) The tax is based solely on the vehicle valuation method identified in RCW 81.104.160(1)(a)(ii); and

(b) The total tax is levied at a rate not exceeding five-tenths of one percent on the value of a vehicle.

(3) Any contract entered into under this section must provide that the department will receive amounts sufficient to fully cover the costs applicable to the tax collection process, including (a) customer service-related costs, (b) information technology-related costs, (c) public announcement and education costs, and (d) any liability or other related risk assessment costs. The contract must also provide that any unforeseen future administrative costs will be borne by the regional transit authority.

**Sec.**  RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1)(a) Regional transit authorities that include a county with a population of more than one million five hundred thousand may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding eight-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before July 15, 2015, if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2). ((~~Notwithstanding any other provision of this subsection or chapter 82.44 RCW~~))

(i) Except as otherwise provided in (a)(ii) of this subsection, a motor vehicle excise tax imposed by a regional transit authority before or after July 15, 2015, must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before July 15, 2015, must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(ii) As an alternative to the vehicle valuation method described in (a)(i) of this subsection, for the purpose of determining a motor vehicle excise tax imposed by a regional transit authority under this subsection (1)(a), the value of a motor vehicle must be based on base model Kelley blue book values or national automobile dealers association values, whichever is lower.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

**Sec.**  RCW 82.44.035 and 2010 c 161 s 910 are each amended to read as follows:

(1) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a truck or trailer ((~~shall be~~)) is the latest purchase price of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the following percentage based on year of service of the vehicle since last sale. The latest purchase year ((~~shall be~~)) is considered the first year of service.

|  |  |
| --- | --- |
| YEAR OF SERVICE | PERCENTAGE |
| 1 | 100 |
| 2 | 81 |
| 3 | 67 |
| 4 | 55 |
| 5 | 45 |
| 6 | 37 |
| 7 | 30 |
| 8 | 25 |
| 9 | 20 |
| 10 | 16 |
| 11 | 13 |
| 12 | 11 |
| 13 | 9 |
| 14 | 7 |
| 15 | 3 |
| 16 or older | 0 |

(2) The reissuance of a certificate of title and registration certificate for a truck or trailer because of the installation of body or special equipment ((~~shall~~)) must be treated as a sale, and the value of the truck or trailer at that time, as determined by the department from such information as may be available, ((~~shall be~~)) is considered the latest purchase price.

(3) For the purpose of determining any locally imposed motor vehicle excise tax, the value of a vehicle other than a truck or trailer shall be eighty-five percent of the manufacturer's base suggested retail price of the vehicle when first offered for sale as a new vehicle, excluding any optional equipment, applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs, multiplied by the applicable percentage listed in this subsection (3) based on year of service of the vehicle.

If the manufacturer's base suggested retail price is unavailable or otherwise unascertainable at the time of initial registration in this state, the department ((~~shall~~)) must determine a value equivalent to a manufacturer's base suggested retail price as follows:

(a) The department ((~~shall~~)) must determine a value using any information that may be available, including any guidebook, report, or compendium of recognized standing in the automotive industry or the selling price and year of sale of the vehicle. The department may use an appraisal by the county assessor. In valuing a vehicle for which the current value or selling price is not indicative of the value of similar vehicles of the same year and model, the department ((~~shall~~)) must establish a value that more closely represents the average value of similar vehicles of the same year and model. The value determined in this subsection (3)(a) ((~~shall~~)) must be divided by the applicable percentage listed in (b) of this subsection (3) to establish a value equivalent to a manufacturer's base suggested retail price and this value ((~~shall~~)) must be multiplied by eighty-five percent.

(b) The year the vehicle is offered for sale as a new vehicle ((~~shall be~~)) is considered the first year of service.

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| --- | --- |
| YEAR OF SERVICE | PERCENTAGE |
| 1 | 100 |
| 2 | 81 |
| 3 | 72 |
| 4 | 63 |
| 5 | 55 |
| 6 | 47 |
| 7 | 41 |
| 8 | 36 |
| 9 | 32 |
| 10 | 27 |
| 11 | 26 |
| 12 | 24 |
| 13 | 23 |
| 14 | 21 |
| 15 | 16 |
| 16 or older | 10 |

(4) For purposes of this chapter, value ((~~shall~~)) excludes value attributable to modifications of a vehicle and equipment that are designed to facilitate the use or operation of the vehicle by a person with a disability.

(5) This section applies to a motor vehicle excise tax imposed by a regional transit authority only to the extent described in RCW 81.104.160(1)(a)(i). This section does not apply to a motor vehicle excise tax imposed by a regional transit authority under RCW 81.104.160(1)(a)(ii).

**Sec.**  RCW 81.104.190 and 2009 c 280 s 7 are each amended to read as follows:

Except as otherwise provided in RCW 82.44.135, cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit systems may contract with the state department of revenue or other appropriate entities for administration and collection of any tax authorized by RCW 81.104.150, 81.104.160, and 81.104.170.

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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