

SENATE BILL REPORT

HB 2491

As Passed Senate, March 6, 2020

Title: An act relating to authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration.

Brief Description: Authorizing the governor to enter into compacts with federally recognized Indian tribes principally located within Washington state for the issuance of tribal license plates and vehicle registration.

Sponsors: Representatives Ramos, Barkis, Leavitt, Valdez, Callan and Lekanoff; by request of Department of Licensing.

Brief History: Passed House: 2/16/20, 94-2.

Committee Activity: Transportation: 2/24/20, 3/02/20 [DP, w/oRec].

Floor Activity:

Passed Senate: 3/06/20, 47-1.

Brief Summary of Bill

- Authorizes the Governor to enter into compacts with federally-recognized Indian tribes for licensing and registering tribal government and tribal member-owned vehicles with tribal license plates issued by the Department of Licensing.
- Specifies the provisions that each tribal compact must contain.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Randall, Takko, Wilson, C. and Zeiger.

Minority Report: That it be referred without recommendation.

Signed by Senator Padden.

Staff: Bryon Moore (786-7726)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Background: Current law allows exemptions from Washington state vehicle registration requirements for federally recognized tribal government license plates under certain conditions. Current law does not specifically address tribal license plates issued to an individual tribal member for the member's personal vehicle.

According to the Department of Licensing (DOL), there are at least two tribes currently providing tribal issued license plates to individual tribal members for the member's personal vehicle. In this situation, DOL is involved in providing a specific plate configuration recommendation—such as SPN for Spokane. The tribes then work directly with Department of Corrections' Correctional Industries Program to design and produce these plates. DOL does not currently collect any vehicle or owner information for these plates.

Under federal law, a state is generally preempted from imposing a tax on tribes or tribal members on tribal lands. As a result, there are currently several exemptions from some vehicle related taxes and fees. Some of these exemptions for tribal members residing on tribal lands include:

- sales and use taxes on vehicle purchases;
- transportation benefit district vehicle fees; and
- a motor vehicle excise tax imposed by a Regional Transit Authority.

Summary of Bill: The Governor is given authority to enter into compacts with federally recognized Indian tribes for licensing and registering tribal government and tribal member-owned vehicles with tribal license plates issued by DOL. The Governor may delegate the power to negotiate these compacts to DOL.

Each compact entered must contain the following:

- allowing the design of a tribal license plate to be determined by the compacting tribe, except the design must be readable by toll collection facilities and configured in a manner allowing for electronic distribution through state and national law enforcement databases;
- requiring tribal license plate recipients to pay all applicable taxes, fees, and vehicle tolls, except the compacting tribe may pay these expenses on behalf of its enrolled members;
- limiting the eligibility for a tribal license plate to tribal governments and enrolled members of the compacting tribe who reside in the state;
- requiring information regarding a vehicle that has been issued a tribal license plate, including vehicle description and ownership information be maintained in the DOL's recordkeeping systems;
- addressing DOL's administrative costs for issuing tribal license plates and maintaining information regarding vehicles that have been issued tribal license plates; and
- dealing with information sharing between DOL and the compacting tribe, the process for applying for and receiving tribal license plates; and dispute resolution.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a bill that respects tribal sovereignty, but at the same time provides law enforcement access to the tribal plate information. This is a revenue neutral because tribal members will have to pay all applicable fees and taxes or the tribe would have pay those amounts on behalf of their members. The legislation is the result of extensive collaboration with the tribes.

Persons Testifying: PRO: Representative Bill Ramos, Prime Sponsor; Beau Perschbacher, Department of Licensing; Dylan Doty, Muckleshoot Indian Tribe.

Persons Signed In To Testify But Not Testifying: No one.