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**SUBSTITUTE SENATE BILL 5085**

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**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Rolfes and Lovelett)

READ FIRST TIME 02/22/21.

1 AN ACT Relating to modifying certain alternative fuel vehicles  
2 fees; amending RCW 46.17.323; creating a new section; providing an  
3 effective date; and providing a contingent expiration date.

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

5 **Sec. 1.** RCW 46.17.323 and 2015 3rd sp.s. c 44 s 203 are each  
6 amended to read as follows:

7 (1) Before accepting an application for an annual vehicle  
8 registration renewal for a vehicle that both (a) uses at least one  
9 method of propulsion that is capable of being reenergized by an  
10 external source of electricity and (b) is capable of traveling at  
11 least (~~(thirty)~~) 30 miles using only battery power, except for  
12 electric motorcycles, the department, county auditor or other agent,  
13 or subagent appointed by the director must require the applicant to  
14 pay a (~~(one hundred dollar)~~) \$100 fee in addition to any other fees  
15 and taxes required by law. The (~~(one hundred dollar)~~) \$100 fee is due  
16 only at the time of annual registration renewal.

17 (2) This section only applies to a vehicle that is designed to  
18 have the capability to drive at a speed of more than (~~(thirty-five)~~)  
19 35 miles per hour.

20 (3)(a) The fee under this section is imposed to provide funds to  
21 mitigate the impact of vehicles on state roads and highways and for

1 the purpose of evaluating the feasibility of transitioning from a  
2 revenue collection system based on fuel taxes to a road user  
3 assessment system, and is separate and distinct from other vehicle  
4 license fees. Proceeds from the fee must be used for highway  
5 purposes, and must be deposited in the motor vehicle fund created in  
6 RCW 46.68.070, subject to (b) of this subsection.

7 (b) If in any year the amount of proceeds from the fee collected  
8 under this section exceeds (~~(one million dollars)~~) \$1,000,000, the  
9 excess amount over (~~(one million dollars)~~) \$1,000,000 must be  
10 deposited as follows:

11 (i) Seventy percent to the motor vehicle fund created in RCW  
12 46.68.070;

13 (ii) Fifteen percent to the transportation improvement account  
14 created in RCW 47.26.084; and

15 (iii) Fifteen percent to the rural arterial trust account created  
16 in RCW 36.79.020.

17 (4) (a) In addition to the fee established in subsection (1) of  
18 this section, before accepting an application for an annual vehicle  
19 registration renewal for a vehicle that both (i) uses at least one  
20 method of propulsion that is capable of being reenergized by an  
21 external source of electricity and (ii) is capable of traveling at  
22 least (~~(thirty)~~) 30 miles using only battery power, except for  
23 electric motorcycles, the department, county auditor or other agent,  
24 or subagent appointed by the director must require the applicant to  
25 pay a (~~(fifty dollar)~~) \$50 fee.

26 (b) The fee required under (a) of this subsection must be  
27 distributed as follows:

28 (i) The first (~~(one million dollars)~~) \$1,000,000 raised by the  
29 fee must be deposited into the multimodal transportation account  
30 created in RCW 47.66.070; and

31 (ii) Any remaining amounts must be deposited into the motor  
32 vehicle fund created in RCW 46.68.070.

33 (5) Beginning November 1, 2021, before accepting an application  
34 for an annual vehicle registration renewal for an electric motorcycle  
35 that uses propulsion units powered solely by electricity, the  
36 department, county auditor or other agent, or subagent appointed by  
37 the director must require the applicant to pay a \$30 fee in addition  
38 to any other fees and taxes required by law. The \$30 fee is due only  
39 at the time of annual registration renewal.

1       (6) The fees collected pursuant to subsection (5) of this section  
2 shall be deposited into the motor vehicle fund created in RCW  
3 46.68.070.

4       (7) This section applies to annual vehicle registration renewals  
5 until the effective date of enacted legislation that imposes a  
6 vehicle miles traveled fee or tax.

7       NEW SECTION.   **Sec. 2.** Section 1 of this act expires on the  
8 effective date of legislation enacted by the legislature that imposes  
9 a vehicle miles traveled fee or tax. However, for purposes of this  
10 section, the establishment of a voluntary early adoption program  
11 described in chapter . . . (Senate Bill No. 5444), Laws of 2021 (per  
12 mile fee) does not constitute legislation that imposes a vehicle  
13 miles traveled fee or tax.

14       NEW SECTION.   **Sec. 3.** The department of licensing must provide  
15 written notice of the expiration date of section 1 of this act to  
16 affected parties, the chief clerk of the house of representatives,  
17 the secretary of the senate, the office of the code reviser, and  
18 others as deemed appropriate by the department.

19       NEW SECTION.   **Sec. 4.** This act takes effect November 1, 2021.

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