

1 **Vehicle Owners' Bill of Rights**

2 AN ACT Relating to establishing a vehicle owners' bill of rights;
3 amending RCW 46.17.355, 46.17.005, 36.73.065, 82.08.020, 46.17.200,
4 81.104.160, 36.120.050, 82.44.065, 47.46.100, 47.46.090, 47.46.120,
5 47.56.785, 47.56.805, 47.56.810, 47.56.820, 47.56.830, 47.56.850,
6 47.56.078, 47.56.030, 47.56.790, and 46.63.170; adding a new section
7 to chapter 81.112 RCW; adding a new section to chapter 82.44 RCW;
8 creating new sections; and repealing RCW 46.17.365, 46.68.415,
9 81.100.060, and 82.44.035.

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

11
12 **POLICIES AND PURPOSES**

13
14 NEW SECTION. **Sec. 1.** Vehicle owners deserve respect. Vehicle
15 owners' spending represents a huge portion of Washington's state and
16 local economy, generating billions of dollars every year in tabs,
17 tolls, and tickets. Vehicle owners are entitled to fair treatment.
18 This measure establishes a vehicle owners' bill of rights to ensure
19 that vehicle owners are treated fairly and reasonable policies are
20 set for vehicle-related charges. The rights guaranteed by this act
21 are:

1 (1) TABS: Vehicle owners have a right to \$30 tabs. Voters
2 have repeatedly approved \$30 tabs, yet politicians continually
3 ignore the voters' repeated, unambiguous mandate by unilaterally
4 imposing higher and higher vehicle taxes and fees to get around the
5 voters' clear intent. Voters' ballot box decisions need to be
6 respected.

7 (2) TABS: Vehicle owners have a right to an honest and
8 accurate calculation of vehicle taxes. If a tax on a vehicle's
9 value is imposed, it must be calculated using a depreciation
10 schedule based on that vehicle's purchase price, not the
11 artificially inflated manufacturer's suggested retail price.

12 (3) TOLLS: Vehicle owners have a right to representation when
13 it comes to tolls. Toll must never be imposed by unelected
14 bureaucrats; any proposed toll must be introduced as a bill in the
15 legislature, be subject to cost analysis and public hearings in the
16 house and senate, and be approved by the legislature in a recorded
17 vote (or be subject to a vote of the people).

18 (4) TOLLS: Require tolls to be dedicated to the project
19 they're paying for, ending such tolls when the project is completed,
20 and only allowing tolls to be used for purposes consistent with the
21 18th Amendment to the Washington Constitution. Toll on a project
22 must be spent on that project and may not be diverted and spent on
23 other things (allowing tolls to be spent on anything stops them from
24 being tolls and makes them into de facto taxes).

25 (5) TICKETS: Vehicle owners have a right to vote on for-profit
26 camera surveillance (red-light cameras and speed cameras) because
27 such an intrusive, Big Brother policy must have the consent of the
28 governed. This measure prohibits governments and for-profit camera
29 companies from installing or maintaining camera surveillance to
30 impose fines unless such a policy is put on the ballot and approved
31 by the voters in that jurisdiction.

1 (6) TICKETS: Vehicle owners have a right to reasonable limits
2 on fines relating to red-light cameras and speed cameras. This
3 measure sets the fines at the least expensive parking ticket in that
4 jurisdiction which was the original intent of the authorizing
5 legislation in 2005. Limiting the fines removes the profit motive
6 for camera surveillance.

7
8 **VEHICLE OWNERS' BILL OF RIGHTS #1:**

9 **\$30 TABS**

10
11 **NEW SECTION. Sec. 2.** A new section is added to chapter 46.17
12 RCW to read as follows:

13 (1) License tab fees are set at \$30 per year for motor
14 vehicles, regardless of year, value, make, or model, subject to the
15 requirements of RCW 46.17.350.

16 (2) In any jurisdiction which imposes a nonvoter-approved
17 vehicle fee required for licensing or renewal, license tab fees on a
18 motor vehicle for a vehicle owner in that jurisdiction shall be set
19 at thirty dollars minus the amount(s) of any required nonvoter-
20 approved vehicle fee(s) and minus any license tab charge collected
21 under RCW 46.16.076.

22
23 **Sec. 3.** RCW 46.17.355 and 2010 c 161 s 530 are each amended to
24 read as follows:

25 (1) In lieu of the vehicle license fee required under RCW
26 46.17.350 and before accepting an application for a vehicle
27 registration for motor vehicles described in RCW 46.16A.455, the
28 department, county auditor or other agent, or subagent appointed by
29 the director shall require the applicant, unless specifically
30 exempt, to pay the following license fee by gross weight:

WEIGHT	SCHEDULE A	SCHEDULE B
((4,000 lbs.))	\$ ((38.00))	\$ ((38.00))
<u>4,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
((6,000 lbs.))	\$ ((48.00))	\$ ((48.00))
<u>6,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
((8,000 lbs.))	\$ ((58.00))	\$ ((58.00))
<u>8,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
((10,000 lbs.))	\$ ((60.00))	\$ ((60.00))
<u>10,000 lbs.</u>	<u>30.00</u>	<u>30.00</u>
12,000 lbs.	77.00	77.00
14,000 lbs.	88.00	88.00
16,000 lbs.	100.00	100.00
18,000 lbs.	152.00	152.00
20,000 lbs.	169.00	169.00
22,000 lbs.	183.00	183.00
24,000 lbs.	198.00	198.00
26,000 lbs.	209.00	209.00
28,000 lbs.	247.00	247.00
30,000 lbs.	285.00	285.00
32,000 lbs.	344.00	344.00
34,000 lbs.	366.00	366.00
36,000 lbs.	397.00	397.00
40,000 lbs.	499.00	499.00
42,000 lbs.	519.00	609.00
44,000 lbs.	530.00	620.00
46,000 lbs.	570.00	660.00
48,000 lbs.	594.00	684.00
50,000 lbs.	645.00	735.00
52,000 lbs.	678.00	768.00
54,000 lbs.	732.00	822.00
56,000 lbs.	773.00	863.00
58,000 lbs.	804.00	894.00
60,000 lbs.	857.00	947.00
62,000 lbs.	919.00	1,009.00
64,000 lbs.	939.00	1,029.00
66,000 lbs.	1046.00	1,136.00
68,000 lbs.	1091.00	1,181.00
70,000 lbs.	1175.00	1,265.00
72,000 lbs.	1257.00	1,347.00
74,000 lbs.	1366.00	1,456.00
76,000 lbs.	1476.00	1,566.00
78,000 lbs.	1612.00	1,702.00
80,000 lbs.	1740.00	1,830.00
82,000 lbs.	1861.00	1,951.00
84,000 lbs.	1981.00	2,071.00
86,000 lbs.	2102.00	2,192.00
88,000 lbs.	2223.00	2,313.00
90,000 lbs.	2344.00	2,434.00
92,000 lbs.	2464.00	2,554.00
94,000 lbs.	2585.00	2,675.00
96,000 lbs.	2706.00	2,796.00
98,000 lbs.	2827.00	2,917.00
100,000 lbs.	2947.00	3,037.00

102,000 lbs.	3068.00	3,158.00
104,000 lbs.	3189.00	3,279.00
105,500 lbs.	3310.00	3,400.00

(2) Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

(3) If the resultant gross weight is not listed in the table provided in subsection (1) of this section, it must be increased to the next higher weight.

(4) The license fees provided in subsection (1) of this section are in addition to the filing fee required under RCW 46.17.005 and any other fee or tax required by law.

(5) The license fee based on declared gross weight as provided in subsection (1) of this section must be distributed under RCW 46.68.035.

Sec. 4. RCW 46.17.005 and 2010 c 161 s 501 are each amended to read as follows:

(1) A person who applies for a vehicle registration or for any other right to operate a vehicle on the highways of this state shall pay a three dollar filing fee (~~(in addition to any other fees and taxes required by law)~~) subject to the requirements of section 2 of this act.

(2) A person who applies for a certificate of title shall pay a four dollar filing fee in addition to any other fees and taxes required by law.

(3) The filing fees established in this section must be distributed under RCW 46.68.400.

Sec. 5. RCW 36.73.065 and 2007 c 329 s 1 are each amended to read as follows:

(1) (~~(Except as provided in subsection (4) of this section,)~~) Taxes, fees, charges, and tolls may not be imposed by a district without approval of a majority of the voters in the district voting on a proposition at a general or special election. The proposition must

include a specific description of the transportation improvement or improvements proposed by the district and the proposed taxes, fees, charges, and the range of tolls imposed by the district to raise revenue to fund the improvement or improvements.

(2) Voter approval under this section shall be accorded substantial weight regarding the validity of a transportation improvement as defined in RCW 36.73.015.

(3) A district may not increase any taxes, fees, charges, or range of tolls imposed under this chapter once the taxes, fees, charges, or tolls take effect, unless authorized by the district voters pursuant to RCW 36.73.160.

(4)(a) A district that includes all the territory within the boundaries of the jurisdiction, or jurisdictions, establishing the district may impose by a majority vote of the governing board of the district, subject to the requirements of subsection (4)(b) the following fees and charges:

(i) Up to twenty dollars of the vehicle fee authorized in RCW 82.80.140; or

(ii) A fee or charge in accordance with RCW 36.73.120.

(b) The vehicle fee authorized in (a) of this subsection may only be imposed (~~for a passenger-only ferry transportation improvement~~) if the vehicle fee is first approved by a majority of the voters within the jurisdiction of the district. Any jurisdiction imposing a vehicle fee under this section that was not approved by voters in that jurisdiction at an election must discontinue collecting revenue from that fee no later than the effective date of this act.

(c)(i) A district solely comprised of a city or cities shall not impose the fees or charges identified in (a) of this subsection within one hundred eighty days after July 22, 2007, unless the county in which the city or cities reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection within the one hundred eighty-day period; or

(ii) A district solely comprised of a city or cities identified in RCW 36.73.020(6)(b) shall not impose the fees or charges until after May 22, 2008, unless the county in which the city or cities

reside, by resolution, declares that it will not impose the fees or charges identified in (a) of this subsection through May 22, 2008.

(5) If the interlocal agreement in RCW 82.80.140(2)(a) cannot be reached, a district that includes only the unincorporated territory of a county may impose by a majority vote of the (~~governing body of the district~~) people up to twenty dollars of the vehicle fee authorized in RCW 82.80.140.

NEW SECTION. **Sec. 6.** The following acts or parts of acts are each repealed:

(1) RCW 46.17.365 (Motor vehicle weight fee--Motor home vehicle weight fee. (Effective July 1, 2011.)) and 2010 c 161 s 533; and

(2) RCW 46.68.415 (Motor vehicle weight fee--motor home vehicle--Disposition. (Effective July 1, 2011)) and 2010 c 161 s 813.

Sec. 7. RCW 82.08.020 and 2010 c 106 s 212 are each amended to read as follows:

(1) There is levied and collected a tax equal to six and five-tenths percent of the selling price on each retail sale in this state of:

(a) Tangible personal property, unless the sale is specifically excluded from the RCW 82.04.050 definition of retail sale;

(b) Digital goods, digital codes, and digital automated services, if the sale is included within the RCW 82.04.050 definition of retail sale;

(c) Services, other than digital automated services, included within the RCW 82.04.050 definition of retail sale;

(d) Extended warranties to consumers; and

(e) Anything else, the sale of which is included within the RCW 82.04.050 definition of retail sale.

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling

price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

~~(3) ((Beginning July 1, 2003, there is levied and collected an additional tax of three-tenths of one percent of the selling price on each retail sale of a motor vehicle in this state, other than retail car rentals taxed under subsection (2) of this section. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.~~

~~—(4) For purposes of subsection (3) of this section, "motor vehicle" has the meaning provided in RCW 46.04.320, but does not include farm tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181, off-road and nonhighway vehicles as defined in RCW 46.09.020, and snowmobiles as defined in RCW 46.10.010.~~

~~—(5)) Beginning on December 8, 2005, 0.16 percent of the taxes collected under subsection (1) of this section must be dedicated to funding comprehensive performance audits required under RCW 43.09.470. The revenue identified in this subsection must be deposited in the performance audits of government account created in RCW 43.09.475.~~

~~((+6)) (4) The taxes imposed under this chapter apply to successive retail sales of the same property.~~

~~((+7)) (5) The rates provided in this section apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.~~

(6) Taxes levied and collected under subsection (1) of this section from the sale of a motor vehicle must be reduced by the amount of fees, if any, charged under RCW 46.70.180(2)(a)(ii) and (iii).

Sec. 8. RCW 46.17.200 and 2010 c 161 s 518 are each amended to read as follows:

(1) ~~((In addition to all other fees and taxes required by law))~~ Subject to the requirements of section 2 of this act, the department, county auditor or other agent, or subagent appointed by the director shall charge:

(a) The following license plate fees for each license plate, unless the owner or type of vehicle is exempt from payment:

FEE TYPE	FEE	DISTRIBUTION
Reflectivity	\$2.00	RCW 46.68.070
Replacement	\$10.00	RCW 46.68.070
Replacement, motorcycle	\$2.00	RCW 46.68.070

(b) A license plate retention fee, as required under RCW 46.16A.200(10)(a)(iii), of twenty dollars if the owner wishes to retain the current license plate number upon license plate replacement, unless the owner or type of vehicle is exempt from payment. The twenty dollar fee must be deposited in the multimodal transportation account created in RCW 47.66.070.

(c) A ten dollar license plate transfer fee, as required under RCW 46.16A.200(8)(a), when transferring standard issue license plates from one vehicle to another, unless the owner or type of vehicle is exempt from payment. The ten dollar license plate transfer fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

(d) Former prisoner of war license plates, as described in RCW 46.18.235, may be transferred to a replacement vehicle upon payment of a five dollar license plate fee, in addition to any other fee required by law.

(2) The department may, upon request, provide license plates that have been used and returned to the department to individuals for nonvehicular use. The department may charge a fee of up to five dollars per license plate to cover costs or recovery for postage and handling. The department may waive the fee for license plates used in educational projects and may, by rule, provide standards for the fee waiver and restrictions on the number of license plates provided to any one person. The fee must be deposited in the motor vehicle fund created in RCW 46.68.070.

Sec. 9. RCW 81.104.160 and 2010 c 280 s 4 are each amended to read as follows:

(1) 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 shall not exceed 2.172 percent. The base of the tax shall be 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.

(2) Any motor vehicle excise tax (~~((previously))~~) imposed or bond issued 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))~~ this section prior to the effective date of this act is discontinued as provided in section 10 of this act.

NEW SECTION. **Sec. 10.** A new section is added to chapter 81.112 RCW to read as follows:

An authority must fully retire or defease any outstanding bonds by ninety days following the effective date of this section if: (1) The bonds have pledged the motor vehicle excise tax imposed under RCW 81.104.160 prior to the effective date of this act; and (2) the bonds, by virtue of the terms of the bond contract, covenants, or similar terms, may be defeased or retired early at the authority's discretion. To defease the outstanding bonds, the authority must set aside with a trustee or escrow agent and pledge for that purpose cash and/or nonmalleable government obligations sufficient to redeem and retire such bonds. The authority may use funds from the sale or

liquidation of liquid assets, including cash reserves and short term investments and securities, and, if necessary, the sale of other assets. The pledged motor vehicle excise tax may not be collected after ninety days following the effective date of this section or the date the bonds have been fully retired or defeased, whichever occurs first.

NEW SECTION. **Sec. 11.** The following acts or parts of acts are each repealed:

(1) RCW 81.100.060 (Imposition of surcharge--Excise tax) and 2006 c 318 s 2, 2006 c 311 s 15, 2002 c 56 s 411, 1998 c 321 s 34, 1992 c 194 s 12, 1991 c 363 s 154, & 1990 c 43 s 17; and

(2) RCW 82.44.035 (Valuation of vehicles) and 2010 c 161 s 910 & 2006 c 318 s 1.

Sec. 12. RCW 36.120.050 and 2008 c 122 s 16 are each amended to read as follows:

(1) A regional transportation investment district planning committee may, as part of a regional transportation investment plan, recommend the imposition or authorization of some or all of the following revenue sources, which a regional transportation investment district may impose or authorize upon approval of the voters as provided in this chapter:

(a) A regional sales and use tax, as specified in RCW 82.14.430, of up to 0.1 percent of the selling price, in the case of a sales tax, or value of the article used, in the case of a use tax, upon the occurrence of any taxable event in the regional transportation investment district;

(b) A local option vehicle license fee, as specified under RCW 82.80.100, of up to one hundred dollars per vehicle registered in the district. As used in this subsection, "vehicle" means motor vehicle as defined in RCW 46.04.320. Certain classes of vehicles, as defined under chapter 46.04 RCW, may be exempted from this fee;

(c) A parking tax under RCW 82.80.030;

(d) (~~A local motor vehicle excise tax under RCW 81.100.060;~~

~~(e)~~) A local option fuel tax under RCW 82.80.120;
~~((f))~~) (e) An employer excise tax under RCW 81.100.030; and
~~((g))~~) (f) Vehicle tolls on new or reconstructed local or regional arterials or state routes within the boundaries of the district, if the following conditions are met:

(i) Consistent with RCW 47.56.820, the vehicle toll must first be authorized by the legislature if the toll is imposed on a state route;

(ii) Consistent with RCW 47.56.850, the vehicle toll, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in RCW 47.56.850 if the toll, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility;

(iii) The regional transportation investment plan must identify the facilities that may be tolled; and

(iv) Unless otherwise specified by law, the department shall administer the collection of vehicle tolls on designated facilities, and the state transportation commission, or its successor, shall be the tolling authority, and shall act in accordance with RCW 47.56.850.

(2) Taxes, fees, and tolls may not be imposed or authorized without an affirmative vote of the majority of the voters within the boundaries of the district voting on a ballot proposition as set forth in RCW 36.120.070. Revenues from these taxes and fees may be used only to implement the plan as set forth in this chapter. A district may contract with the state department of revenue or other appropriate entities for administration and collection of any of the taxes or fees authorized in this section.

(3) Existing statewide motor vehicle fuel and special fuel taxes, at the distribution rates in effect on January 1, 2001, are not intended to be altered by this chapter.

VEHICLE OWNERS' BILL OF RIGHTS #2:

AN HONEST AND ACCURATE CALCULATION OF VEHICLE TAXES

NEW SECTION. **Sec. 13.** A new section is added to chapter 82.44 RCW is added to read as follows:

(1) A motor vehicle excise tax must be calculated in an honest and accurate way so the burden on vehicle owners is not artificially inflated. For the purpose of determining any motor vehicle excise tax otherwise authorized by law, any taxing district imposing a motor vehicle excise tax must set a vehicle's taxable value by using the depreciation schedule set forth in this section. The taxable value equals the product of a percentage based on a vehicle's year of service, as provided in subsection (2) of this section, and the latest purchase price of the vehicle. The purchase price for year of service 1 shall be determined by the bill of sale provided by the buyer and seller, subject to the exemptions, exceptions, and definitions provided by this section, and which must be affirmed by declaration by both parties. This ensures an honest and accurate calculation of the tax and, combined with the appeal process in RCW 82.44.065, ensures that vehicle owners are taxed fairly.

(2) For the purpose of determining the tax under this chapter, the value of a truck-type power or trailing unit, or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck shall be 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 its most recent sale. The year in which a purchase occurs shall be considered the first year of service.

YEAR OF SERVICE	PERCENTAGE
1	100
2	75
3	55
	10

4	40
5	25
6	10
7 and over	5

(3) The reissuance of title and registration for a truck-type power or trailing unit or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck because of the installation of body or special equipment shall be treated as a sale, and the latest purchase price of the truck-type power or trailing unit or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport-utility vehicle, or light-duty truck at that time, as determined by the department from such information as may be available, shall be considered its base value.

(4) If the purchase price is unavailable or otherwise unascertainable or the reissuance of title and registration is the result of a gift or inheritance, the department shall determine a value equivalent to the latest purchase price by 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 establish a value that more closely represents the average value of similar vehicles of the same year and model.

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

Sec. 14. RCW 82.44.065 and 2006 c 318 s 5 are each amended to read as follows:

If the department determines a value for a motor vehicle (~~(equivalent to a manufacturer's base suggested retail price)~~) under section 13 of this act or the value of a truck-type power or trailing unit under (~~RCW 82.44.035~~) section 13 of this act, any person who pays a locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120. This ensures an honest and accurate calculation of the tax.

VEHICLE OWNERS' BILL OF RIGHTS #3:

TOLLS MAY NOT BE IMPOSED BY UNELECTED BUREAUCRATS

AND

VEHICLE OWNERS' BILL OF RIGHTS #4:

TOLLS ON A PROJECT MUST BE DEDICATED TO THAT PROJECT

Sec. 15. RCW 47.46.100 and 2002 c 114 s 7 are each amended to read as follows:

(1) The (~~commission~~) legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, shall fix the rates of toll and other charges for all toll bridges built under this chapter that are financed primarily by bonds issued by the state. Subject to RCW 47.46.090, the (~~commission~~) legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, may impose and modify toll charges from time to time as conditions warrant.

(2) In establishing toll charges, the (~~commission~~) legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, shall give due consideration to any required costs for operating and maintaining the toll bridge or toll bridges, including the cost of insurance, and to any amount required by law to meet the redemption of bonds and interest payments on them.

(3) The toll charges must be imposed in amounts sufficient to:

(a) Provide annual revenue sufficient to provide for annual operating and maintenance expenses, except as provided in RCW 47.56.245;

(b) Make payments required under RCW 47.56.165 and 47.46.140, including insurance costs and the payment of principal and interest on bonds issued for any particular toll bridge or toll bridges; and

(c) Repay the motor vehicle fund under RCW 47.46.110, 47.56.165, and 47.46.140.

(4) The bond principal and interest payments, including repayment of the motor vehicle fund for amounts transferred from that fund to provide for such principal and interest payments, constitute a first direct and exclusive charge and lien on all tolls and other revenues from the toll bridge concerned, subject to operating and maintenance expenses.

Sec. 16. RCW 47.46.090 and 2005 c 329 s 1 are each amended to read as follows:

(1) A citizen advisory committee must be created for any project developed under this chapter that imposes toll charges for use of a transportation facility. The governor shall appoint nine members to the committee, all of whom must be permanent residents of the affected project area as defined for each project. Members of the committee shall serve without compensation.

(2) The citizen advisory committee shall serve in an advisory capacity to the ~~((commission))~~ legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, on all matters related to the imposition of tolls including, but not limited to, (a) the feasibility of providing discounts to frequent users, electronic transponder users, senior citizens, or students; (b) the tradeoff of lower tolls versus the early retirement of debt; and (c) a consideration of variable, or time of day pricing.

(3) No toll charge may be imposed or modified unless the citizen advisory committee has been given ~~((at least twenty days))~~ reasonable opportunity to review and comment on any proposed toll

charge schedule. In setting toll rates, the ~~((commission))~~ legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, shall give consideration to any recommendations of the citizen advisory committee.

Sec. 17. RCW 47.46.120 and 2002 c 114 s 9 are each amended to read as follows:

~~((Pursuant to RCW 43.135.055, t))~~ The legislature authorizes the transportation commission to ~~((increase bridge tolls in excess of the fiscal growth factor))~~ provide recommendations to the legislature with regard to tolls or charges but under no circumstances may the unelected members of local and state agencies on the transportation commission have the authority or responsibility to determine, establish, set, or impose new tolls or charges or change existing tolls or charges.

Sec. 18. RCW 47.56.785 and 2008 c 270 s 4 are each amended to read as follows:

(1) Following the submission of the report required in section 6, chapter 270, Laws of 2008, the department may seek authorization from the legislature to collect tolls on the existing state route number 520 bridge or on a replacement state route number 520 bridge.

(2) The schedule of toll charges ~~((must))~~ may be ~~((established))~~ recommended by the transportation commission and collected in a manner ~~((determined))~~ recommended by the department, but the actual schedule and manner of collection must be set and established by the legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053.

Sec. 19. RCW 47.56.805 and 2008 c 122 s 1 are each amended to read as follows:

The legislature finds and declares that it is the policy of the state of Washington to use tolling to provide a source of transportation funding and to encourage effective use of the

transportation system.

The legislature intends that the policy framework created by chapter 122, Laws of 2008 will guide subsequent legislation and decisions regarding the tolling of specific facilities and corridors. For each state-owned facility or corridor, the legislature intends that it will authorize the budget and finance plan. Specific issues that may be addressed in the finance plan and budget authorization legislation include the amount of financing required for a facility or corridor, the budget for any construction and operations financed by tolling, whether and how variable pricing will be applied, and the timing of tolling.

The legislature also intends that while the transportation commission (~~((, as the toll-setting authority,))~~) may ~~((set))~~ recommend toll rates for facilities, corridors, or systems thereof, the legislature reserves the authority to establish and impose tolls on any state transportation route or facility, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053. Similarly, local or quasi-local entities that retain the power to impose tolls may do so as long as the effect of those tolls on the state highway system is consistent with the policy guidelines detailed in chapter 122, Laws of 2008. If the imposition of tolls could have an impact on state facilities, the ~~((state tolling authority must review and))~~ legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, must approve such tolls.

Sec. 20. RCW 47.56.810 and 2008 c 122 s 3 are each amended to read as follows:

The definitions in this section apply throughout this subchapter unless the context clearly requires otherwise:

(1) "Tolling authority" means the governing body that is legally empowered to review and adjust toll rates. ~~((Unless otherwise delegated, the transportation commission))~~ The legislature is the tolling authority for all state highways.

(2) "Eligible toll facility" or "eligible toll facilities" means portions of the state highway system specifically identified by the legislature including, but not limited to, transportation corridors, bridges, crossings, interchanges, on-ramps, off-ramps, approaches, bistate facilities, and interconnections between highways.

(3) "Toll revenue" or "revenue from an eligible toll facility" means toll receipts, all interest income derived from the investment of toll receipts, and any gifts, grants, or other funds received for the benefit of the eligible toll facility.

Sec. 21. RCW 47.56.820 and 2008 c 122 s 4 are each amended to read as follows:

(1) (~~Unless otherwise delegated~~) As required by RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, only the legislature may authorize the imposition of tolls on eligible toll facilities.

(2) All revenue from an eligible toll facility must be used only to construct, improve, preserve, maintain, manage, or operate the eligible toll facility on or in which the revenue is collected subject to the limitations in RCW 47.56.830. Expenditures of toll revenues are subject to appropriation and must be made only for the following purposes as long as the expenditure is consistent with the eighteenth amendment to the Washington Constitution:

(a) To cover the operating costs of the eligible toll facility, including necessary maintenance, preservation, administration, and toll enforcement by public law enforcement within the boundaries of the facility;

(b) To meet obligations for the repayment of debt and interest on the eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves and insurance;

(c) To meet any other obligations to provide funding contributions for any projects or operations on the eligible toll facilities;

(d) To provide for the operations of conveyances of people or goods; or

(e) For any other improvements to the eligible toll facilities.

Sec. 22. RCW 47.56.830 and 2008 c 122 s 5 are each amended to read as follows:

Any proposal for the establishment of eligible toll facilities shall consider the following policy guidelines:

(1) Overall direction. Washington should use tolling to encourage effective use of the transportation system and provide a source of transportation funding.

(2) When to use tolling. Tolling should be used when it can be demonstrated to contribute a significant portion of the cost of a project that cannot be funded solely with existing sources or optimize the performance of the transportation system. Such tolling should, in all cases, be fairly and equitably applied in the context of the statewide transportation system and not have significant adverse impacts through the diversion of traffic to other routes that cannot otherwise be reasonably mitigated. Such tolling should also consider relevant social equity, environmental, and economic issues, and should be directed at making progress toward the state's greenhouse gas reduction goals.

(3) Use of toll revenue. All revenue from an eligible toll facility must be used only to improve, preserve, manage, or operate the eligible toll facility on or in which the revenue is collected. Additionally, toll revenue should provide for and encourage the inclusion of recycled and reclaimed construction materials.

(4) Setting toll rates. Toll rates, which may include variable pricing, must be set to meet anticipated funding obligations. To the extent possible, the toll rates should be set to optimize system performance, recognizing necessary trade-offs to generate revenue.

(5) Duration of toll collection. ~~((Because transportation infrastructure projects have costs and benefits that extend well beyond those paid for by initial construction funding,))~~ Tolls on future toll facilities ~~((may remain in place to fund additional~~

~~capacity, capital rehabilitation, maintenance, management, and operations, and to optimize performance of the system)) must end after the completion of the project.~~

(6) Dedication of tolls. As referenced in RCW 47.56.030, tolls on a project must be spent on that project and may not be diverted elsewhere and all revenues from such tolls may only be used for purposes consistent with the eighteenth amendment to the Washington Constitution.

Sec. 23. RCW 47.56.850 and 2009 c 498 s 15 are each amended to read as follows:

(1) (~~Unless these powers are otherwise delegated by the legislature, the transportation commission~~) The legislature is the tolling authority for the state. The tolling authority shall:

(a) Set toll rates, establish appropriate exemptions, if any, and make adjustments as conditions warrant on eligible toll facilities;

(b) Review toll collection policies, toll operations policies, and toll revenue expenditures on the eligible toll facilities and report annually on this review to the (~~legislature~~) people.

(2) The tolling authority, in determining toll rates, shall consider the policy guidelines established in RCW 47.56.830.

(3) (~~Unless otherwise directed by the legislature, i~~) In setting and periodically adjusting toll rates, the tolling authority must ensure that toll rates will generate revenue sufficient to:

(a) Meet the operating costs of the eligible toll facilities, including necessary maintenance, preservation, renewal, replacement, administration, and toll enforcement by public law enforcement;

(b) Meet obligations for the timely payment of debt service on bonds issued for eligible toll facilities, and any other associated financing costs including, but not limited to, required reserves, minimum debt coverage or other appropriate contingency funding, insurance, and compliance with all other financial and other covenants made by the state in the bond proceedings;

(c) Meet obligations to reimburse the motor vehicle fund for excise taxes on motor vehicle and special fuels applied to the payment of bonds issued for eligible toll facilities; and

(d) Meet any other obligations of the tolling authority to provide its proportionate share of funding contributions for any projects or operations of the eligible toll facilities.

(4) The established toll rates may include variable pricing, and should be set to optimize system performance, recognizing necessary trade-offs to generate revenue for the purposes specified in subsection (3) of this section. Tolls may vary for type of vehicle, time of day, traffic conditions, or other factors designed to improve performance of the system.

(5) In fixing and adjusting toll rates under this section, the only toll revenue to be taken into account must be toll revenue pledged to bonds that includes toll receipts, and the only debt service requirements to be taken into account must be debt service on bonds payable from and secured by toll revenue that includes toll receipts.

(6) The legislature pledges to appropriate toll revenue as necessary to carry out the purposes of this section. When the legislature has specifically identified and designated an eligible toll facility and authorized the issuance of bonds for the financing of the eligible toll facility that are payable from and secured by a pledge of toll revenue, the legislature further agrees for the benefit of the owners of outstanding bonds issued by the state for eligible toll facilities to continue in effect and not to impair or withdraw the authorization of the tolling authority to fix and adjust tolls as provided in this section. The state finance committee shall pledge the state's obligation to impose and maintain tolls, together with the application of toll revenue as described in this section, to the owners of any bonds.

Sec. 22. RCW 47.56.078 and 2008 c 122 s 12 are each amended to read as follows:

(1) Subject to the provisions under chapter 36.73 RCW, a transportation benefit district may authorize vehicle tolls on state routes or federal highways, city streets, or county roads, within the boundaries of the district, unless otherwise prohibited by law. The department of transportation shall administer the collection of vehicle tolls authorized on state routes or federal highways, unless otherwise specified in law or by contract, and the state transportation commission, or its successor, may approve, set, and impose the tolls in amounts sufficient to implement the district's transportation improvement finance plan. The district shall administer the collection of vehicle tolls authorized on city streets or county roads, and shall set and impose the tolls, only with approval of the (~~transportation commission~~) legislature, in amounts sufficient to implement the district's transportation improvement plan. Tolls may vary for type of vehicle, for time of day, for traffic conditions, and/or other factors designed to improve performance of the facility or the transportation network.

(2) Consistent with RCW 47.56.820, vehicle tolls must first be authorized and set by the legislature if the tolls are imposed on a state route.

(3) Consistent with RCW 47.56.850, vehicle tolls, including any change in an existing toll rate, must first be reviewed and approved by the tolling authority designated in RCW 47.56.850 if the tolls, or change in toll rate, would have a significant impact, as determined by the tolling authority, on the operation of any state facility.

Sec. 23. RCW 47.56.030 and 2008 c 122 s 8 are each amended to read as follows:

(1) Except as permitted under chapter 47.29 or 47.46 RCW:

(a) Unless otherwise delegated, and subject to RCW 47.56.820, the department of transportation shall have full charge of the planning, analysis, and construction of all toll bridges and other toll facilities including the Washington state ferries, and the operation and maintenance thereof.

(b) The (~~transportation commission~~) legislature, subject to the requirements of RCW 43.135.055 as amended by Initiative Measure No. 960 and Initiative Measure No. 1053, shall determine and establish the tolls and charges thereon. Except for Washington state ferries toll facilities, revenue from tolls or charges on a highway, freeway, road, bridge, or street may only be used for the cost of construction, operation, or maintenance of toll facilities and capital improvements to that particular highway, freeway, road, bridge, or street and all revenues from such tolls may only be used for purposes consistent with the eighteenth amendment to the Washington Constitution.

(c) Unless otherwise delegated, and subject to RCW 47.56.820, the department shall have full charge of planning, analysis, and design of all toll facilities. The department may conduct the planning, analysis, and design of toll facilities as necessary to support the legislature's consideration of tolls (~~authorization~~).

(d) The department shall utilize and administer toll collection systems that are simple, unified, and interoperable. To the extent practicable, the department shall avoid the use of toll booths. The department shall set the statewide standards and protocols for all toll facilities within the state, including those authorized by local authorities.

(e) Except as provided in this section, the department shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The department is authorized to negotiate contracts for any amount without bid under (e) (i) and (ii) of this subsection:

(i) Emergency contracts, in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities; and

(ii) Single source contracts for vessel dry dockings, when there is clearly and legitimately only one available bidder to conduct dry dock-related work for a specific class or classes of vessels. The contracts may be entered into for a single vessel dry docking or for multiple vessel dry dockings for a period not to exceed two years.

(2) The department shall proceed with the procurement of materials, supplies, services, and equipment needed for the support, maintenance, and use of a ferry, ferry terminal, or other facility operated by Washington state ferries, in accordance with chapter 43.19 RCW except as follows:

(a) When the secretary of the department of transportation determines in writing that the use of invitation for bid is either not practicable or not advantageous to the state and it may be necessary to make competitive evaluations, including technical or performance evaluations among acceptable proposals to complete the contract award, a contract may be entered into by use of a competitive sealed proposals method, and a formal request for proposals solicitation. Such formal request for proposals solicitation shall include a functional description of the needs and requirements of the state and the significant factors.

(b) When purchases are made through a formal request for proposals solicitation the contract shall be awarded to the responsible proposer whose competitive sealed proposal is determined in writing to be the most advantageous to the state taking into consideration price and other evaluation factors set forth in the request for proposals. No significant factors may be used in evaluating a proposal that are not specified in the request for proposals. Factors that may be considered in evaluating proposals include but are not limited to: Price; maintainability; reliability; commonality; performance levels; life cycle cost if applicable under this section; cost of transportation or delivery; delivery schedule offered; installation cost; cost of spare parts; availability of parts and service offered; and the following:

(i) The ability, capacity, and skill of the proposer to perform

the contract or provide the service required;

(ii) The character, integrity, reputation, judgment, experience, and efficiency of the proposer;

(iii) Whether the proposer can perform the contract within the time specified;

(iv) The quality of performance of previous contracts or services;

(v) The previous and existing compliance by the proposer with laws relating to the contract or services;

(vi) Objective, measurable criteria defined in the request for proposal. These criteria may include but are not limited to items such as discounts, delivery costs, maintenance services costs, installation costs, and transportation costs; and

(vii) Such other information as may be secured having a bearing on the decision to award the contract.

(c) When purchases are made through a request for proposal process, proposals received shall be evaluated based on the evaluation factors set forth in the request for proposal. When issuing a request for proposal for the procurement of propulsion equipment or systems that include an engine, the request for proposal must specify the use of a life cycle cost analysis that includes an evaluation of fuel efficiency. When a life cycle cost analysis is used, the life cycle cost of a proposal shall be given at least the same relative importance as the initial price element specified in the request of proposal documents. The department may reject any and all proposals received. If the proposals are not rejected, the award shall be made to the proposer whose proposal is most advantageous to the department, considering price and the other evaluation factors set forth in the request for proposal.

Sec. 27. RCW 47.56.790 and 2008 c 270 s 5 are each amended to read as follows:

The department shall work with the federal highways administration to determine the necessary actions for receiving federal authorization to toll the Interstate 90 floating bridge.

The department must periodically report the status of those discussions to the governor and the joint transportation committee. Toll revenue imposed and collected on the Interstate 90 floating bridge must be used exclusively for toll facilities and capital improvements to the Interstate 90 floating bridge and may only be used for purposes consistent with the eighteenth amendment to the Washington Constitution.

VEHICLE OWNERS' BILL OF RIGHTS #5:

RIGHT TO VOTE ON FOR-PROFIT CAMERA SURVEILLANCE

AND

VEHICLE OWNERS' BILL OF RIGHTS #6:

**REMOVES PROFIT MOTIVE FOR CITIES TO CONDUCT CAMERA SURVEILLANCE
BY LIMITING CAMERA-IMPOSED FINES**

Sec. 28. RCW 46.63.170 and 2010 c 161 s 1127 are each amended to read as follows:

(1) The use of automated traffic safety cameras for issuance of notices of infraction is subject to the following requirements:

(a) The appropriate local legislative authority must first enact an ordinance that is only valid if approved by a vote of the people at an election in that jurisdiction allowing for their use to detect one or more of the following: Stoplight, railroad crossing, or school speed zone violations. At a minimum, the local ordinance must contain the restrictions described in this section and provisions for public notice and signage. Cities and counties using automated traffic safety cameras before July 24, 2005, are subject to the restrictions described in this section, but are not required to enact an authorizing ordinance. Any government using camera surveillance to impose fines (automated traffic safety cameras) before the effective date of this act must ask the voters within its jurisdiction for permission to continue the program at an election no later than six months following the effective date of this section.

(b) Use of automated traffic safety cameras is restricted to two-arterial intersections, railroad crossings, and school speed zones only.

(c) During the 2009-2011 fiscal biennium, automated traffic safety cameras may be used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009 if the local legislative authority first enacts an ordinance authorizing the use of cameras to detect speed violations subject to the voter approval requirements in (a) of this subsection (1).

(d) Automated traffic safety cameras may only take pictures of the vehicle and vehicle license plate and only while an infraction is occurring. The picture must not reveal the face of the driver or of passengers in the vehicle.

(e) A notice of infraction must be mailed to the registered owner of the vehicle within fourteen days of the violation, or to the renter of a vehicle within fourteen days of establishing the renter's name and address under subsection (3)(a) of this section. The law enforcement officer issuing the notice of infraction shall include with it a certificate or facsimile thereof, based upon inspection of photographs, microphotographs, or electronic images produced by an automated traffic safety camera, stating the facts supporting the notice of infraction. This certificate or facsimile is prima facie evidence of the facts contained in it and is admissible in a proceeding charging a violation under this chapter. The photographs, microphotographs, or electronic images evidencing the violation must be available for inspection and admission into evidence in a proceeding to adjudicate the liability for the infraction. A person receiving a notice of infraction based on evidence detected by an automated traffic safety camera may respond to the notice by mail.

(f) The registered owner of a vehicle is responsible for an infraction under RCW 46.63.030(1)(~~(e)~~) (d) unless the registered owner overcomes the presumption in RCW 46.63.075, or, in the case of a rental car business, satisfies the conditions under subsection (3) of this section. If appropriate under the circumstances, a renter

identified under subsection (3)(a) of this section is responsible for an infraction.

(g) Notwithstanding any other provision of law, all photographs, microphotographs, or electronic images prepared under this section are for the exclusive use of law enforcement in the discharge of duties under this section and are not open to the public and may not be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation under this section. No photograph, microphotograph, or electronic image may be used for any purpose other than enforcement of violations under this section nor retained longer than necessary to enforce this section.

(h) All locations where an automated traffic safety camera is used must be clearly marked by placing signs in locations that clearly indicate to a driver that he or she is entering a zone where traffic laws are enforced by an automated traffic safety camera.

(i) If a county or city has established an authorized automated traffic safety camera program under this section, the compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system, and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

(2) Infractions detected through the use of automated traffic safety cameras are not part of the registered owner's driving record under RCW 46.52.101 and 46.52.120. Additionally, infractions generated by the use of automated traffic safety cameras under this section shall be processed in the same manner as parking infractions, including for the purposes of RCW 3.50.100, 35.20.220, 46.16A.120, and 46.20.270(3). However, the amount of the fine issued for an infraction generated through the use of an automated traffic safety camera shall not exceed the amount of a fine issued for ~~((other))~~ the least expensive parking infraction~~((s))~~ within the jurisdiction.

(3) If the registered owner of the vehicle is a rental car business, the law enforcement agency shall, before a notice of infraction being issued under this section, provide a written notice

to the rental car business that a notice of infraction may be issued to the rental car business if the rental car business does not, within eighteen days of receiving the written notice, provide to the issuing agency by return mail:

(a) A statement under oath stating the name and known mailing address of the individual driving or renting the vehicle when the infraction occurred; or

(b) A statement under oath that the business is unable to determine who was driving or renting the vehicle at the time the infraction occurred because the vehicle was stolen at the time of the infraction. A statement provided under this subsection must be accompanied by a copy of a filed police report regarding the vehicle theft; or

(c) In lieu of identifying the vehicle operator, the rental car business may pay the applicable penalty.

Timely mailing of this statement to the issuing law enforcement agency relieves a rental car business of any liability under this chapter for the notice of infraction.

(4) Nothing in this section prohibits a law enforcement officer from issuing a notice of traffic infraction to a person in control of a vehicle at the time a violation occurs under RCW 46.63.030(1) (a), (b), or (c).

(5) For the purposes of this section, "automated traffic safety camera" means a device that uses a vehicle sensor installed to work in conjunction with an intersection traffic control system, a railroad grade crossing control system, or a speed measuring device, and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of a motor vehicle at the time the vehicle fails to stop when facing a steady red traffic control signal or an activated railroad grade crossing control signal, or exceeds a speed limit in a school speed zone as detected by a speed measuring device. During the 2009-2011 fiscal biennium, an automated traffic safety camera includes a camera used to detect speed violations for the purposes of section 201(2), chapter 470, Laws of 2009.

(6) During the 2009-2011 fiscal biennium, this section does not apply to automated traffic safety cameras for the purposes of section 218(2), chapter 470, Laws of 2009.

MISCELLANEOUS

NEW SECTION. **Sec. 29.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 30.** 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. If the repeal or reduction of any tax, fee or charge in this act is judicially held to impair any contract in existence as of the effective date of this section, the repeal of pledged revenues shall apply to any other contract, including novation, renewal, or refunding (in the case of bond contract).

NEW SECTION. **Sec. 31.** (1) If a taxing district continues to collect tax revenue from a tax, fee, or charge that is repealed, reduced, or eliminated by this act, for any reason, including reliance on a judicial determination that such taxes, fees, or charges may continue to be collected, and a court rules subsequently that the continued collection of tax, fee, or charge revenues was unlawful, taxpayers are entitled to a refund of the tax, fee, or charge paid plus eighteen percent annualized interest (calculated from the effective date of this section to the date the refunds are sent) on the refund amount due to vehicle owners, plus litigation costs and attorneys' fees reasonably incurred in seeking refunds. For an authority under chapter 81.112 RCW, referenced in section 10 of this act, the calculation will be from ninety days following the effective date of this section to the date the refunds are sent.

(2) The people find that taxpayers deserve to be compensated when state or local governments continue to collect taxes, fees, or charges illegally.

NEW SECTION. **Sec. 32.** This act is called the "Vehicle Owners' Bill of Rights."

--- **END** ---