
SUBSTITUTE SENATE BILL 5971

State of Washington

66th Legislature

2019 Regular Session

By Senate Transportation (originally sponsored by Senators Hobbs, Saldaña, Sheldon, Cleveland, Randall, Palumbo, Takko, Nguyen, Mullet, Liias, Lovelett, and Conway)

1 AN ACT Relating to transportation funding; amending RCW
2 82.08.020, 82.38.030, 46.68.090, 46.17.355, 46.17.350, 46.68.030,
3 46.17.365, 46.17.400, 46.68.455, 82.38.110, 46.20.202, 46.68.041,
4 46.17.323, 46.61.165, 46.63.110, 3.62.090, 2.68.040, 47.60.315,
5 46.25.100, 46.25.052, 46.25.060, and 82.38.310; reenacting and
6 amending RCW 43.84.092; adding a new section to chapter 19.--- RCW;
7 adding a new section to chapter 36.73 RCW; adding a new section to
8 chapter 46.01 RCW; adding new sections to chapter 46.68 RCW; adding a
9 new section to chapter 47.46 RCW; adding a new chapter to Title 82
10 RCW; creating a new section; repealing RCW 47.46.190 and 47.46.200;
11 repealing 2018 c 195 s 3; prescribing penalties; providing an
12 effective date; providing a contingent effective date; and declaring
13 an emergency.

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

15 **Part I**
16 **Carbon Pollution Fee**

17 NEW SECTION. **Sec. 101.** DEFINITIONS. The definitions in this
18 section apply throughout this chapter unless the context clearly
19 requires otherwise.

- 1 (1) "Aircraft fuel" has the same meaning as provided in RCW
2 82.42.010.
- 3 (2) "Asset controlling supplier" means any entity that owns or
4 operates interconnected electricity generating facilities or serves
5 as an exclusive marketer for these facilities even though it does not
6 own them, and is assigned a supplier-specific identification number
7 and system emission factor by the department of ecology, in
8 consultation with the department of commerce, for the wholesale
9 electricity procured from its system and sold into Washington.
- 10 (3) "Carbon calculation" means a calculation made by the
11 department of ecology, in consultation with the department of
12 commerce, for purposes of determining the carbon dioxide emissions
13 from the complete combustion or oxidation of fossil fuels and, for
14 each specified source, the carbon dioxide emissions in electricity
15 for use in calculating the carbon pollution fee pursuant to section
16 102 of this act.
- 17 (4) "Carbon dioxide emissions content inherent in electricity"
18 means the carbon dioxide generated by the production of electricity
19 from fossil fuels.
- 20 (5) "Carbon dioxide equivalent" means a metric measure used to
21 compare the emissions from various greenhouse gases based on their
22 global warming potential.
- 23 (6) "Carbon pollution fee" means the fee created in section 102
24 of this act.
- 25 (7) "Coal" means a readily combustible rock of carbonaceous
26 material, including anthracite coal, bituminous coal, subbituminous
27 coal, lignite, waste coal, syncoal, and coke of any kind.
- 28 (8) "Direct access electricity customer" means a person who
29 purchases electricity for consumption from any seller other than a
30 seller registered with the department for purposes of paying taxes
31 due under chapter 82.04 or 82.16 RCW.
- 32 (9) "Direct access gas customer" means a person who purchases
33 natural gas for consumption from any seller other than a seller
34 registered with the department for purposes of paying taxes due under
35 chapter 82.04 or 82.16 RCW.
- 36 (10) "Direct service industrial customer" has the same meaning as
37 provided in RCW 82.16.0495.
- 38 (11) "Energy-intensive trade-exposed sectors" and "EITE sectors"
39 mean:

1 (a) Those sectors identified under "EITE covered party" in WAC
2 173-442-020(1)(m) as of April 22, 2017; and

3 (b) Other sectors the department of commerce designates that
4 have, on average across all facilities belonging to the sector in the
5 state, both a greater energy intensity of production and a greater
6 trade share of goods than the corresponding averages for any other
7 EITE sector.

8 (12) "Facility" means any physical property, plant, building,
9 structure, source, or stationary equipment located on one or more
10 contiguous or adjacent properties in actual physical contact or
11 separated solely by a public roadway or other public right-of-way and
12 under common ownership or common control, that emits or may emit any
13 greenhouse gas.

14 (13) "Fossil fuel" means motor vehicle fuel, special fuel, dyed
15 special fuel, aircraft fuel, natural gas, coal, and any form of
16 solid, liquid, or gaseous fuel derived from natural gas, coal,
17 petroleum, or crude oil, including without limitation still gas,
18 propane, and petroleum residuals including bunker fuel.

19 (14) "Gas distribution business" has the same meaning as provided
20 in RCW 82.16.010.

21 (15) "Greenhouse gas" means carbon dioxide (CO₂), methane (CH₄),
22 nitrogen trifluoride (NF₃), nitrous oxide (N₂O), sulfur hexafluoride
23 (SF₆), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other
24 fluorinated greenhouse gases.

25 (16) "Light and power business" has the same meaning as provided
26 in RCW 82.16.010.

27 (17) "Motor vehicle fuel" has the same meaning as provided in RCW
28 82.38.020.

29 (18) "Natural gas" means naturally occurring mixtures of
30 hydrocarbon gases and vapors consisting principally of methane,
31 whether in gaseous or liquid form, including methane clathrate.

32 (19) "Person" has the same meaning as provided in RCW 82.04.030.

33 (20) "Sale" has the same meaning as provided in RCW 82.04.040.

34 (21) "Special fuel" has the same meaning as provided in RCW
35 82.38.020.

36 (22) "Specified source" means an electrical generation facility
37 serving Washington customers in which the person subject to the fee
38 under this section directly or indirectly has full or partial

1 ownership in the facility or unit or is party to a written contract
2 or other agreement to procure electricity generated by that facility.

3 (23) "Tribal lands" has the same meaning as "Indian country" as
4 provided in 18 U.S.C. Sec. 1151, and also includes sacred sites,
5 traditional cultural properties, burial grounds and other tribal
6 sites protected by federal or state law.

7 (24) "Unspecified source" means electricity from a source other
8 than a specified source.

9 (25) (a) "Use," "used," "using," or "put to use" means, with
10 respect to any fossil fuel other than natural gas, the consumption in
11 this state of the fossil fuel by the person subject to the fee under
12 this section or the possession or storage in this state of the fossil
13 fuel by the person subject to the fee under this section preparatory
14 to subsequent consumption of the fossil fuel within this state by the
15 person subject to the fee under this section.

16 (b) "Use," "used," "using," or "put to use" means, with respect
17 to natural gas, the consumption in this state of the fossil fuel by
18 the person subject to the fee under this section.

19 (c) For purposes of this subsection (25), "possession" means the
20 control of fossil fuel located within this state and includes either
21 actual and/or constructive possession. "Actual possession" occurs
22 when the person with control has physical possession. "Constructive
23 possession" occurs when the person with control does not have
24 physical possession. "Control" means the power to sell or use a
25 fossil fuel or to authorize the sale or use by another.

26 (26) "Western interconnection" means the area comprising those
27 states and provinces, or portions thereof, in western Canada,
28 northern Mexico, and the western United States in which members of
29 the western electricity coordinating council, or any successor
30 thereto, operate synchronously connected transmission systems.

31 (27) "Year" means the twelve-month period commencing January 1st
32 and ending December 31st unless otherwise specified.

33 NEW SECTION. **Sec. 102.** CARBON POLLUTION FEE. (1) (a) Beginning
34 July 1, 2020, a carbon pollution fee is imposed on:

35 (i) The sale or use within this state of all fossil fuels, except
36 fossil fuels used to generate electricity in the state; or

37 (ii) The generation within or import for consumption to this
38 state of electricity generated through the combustion of fossil
39 fuels.

1 (b) The carbon pollution fee is calculated by measuring the
2 carbon dioxide emissions:

3 (i) Resulting from the complete combustion or oxidation of fossil
4 fuels sold or used by the person subject to the fee under this
5 section within this state; or

6 (ii) Inherent in electricity generated within or imported for
7 consumption to this state.

8 (c)(i) Except as provided in (c)(ii) of this subsection, the
9 carbon pollution fee is equal to fifteen dollars per metric ton of
10 carbon dioxide.

11 (ii) For a light and power business, gas distribution business,
12 and asset controlling supplier, the carbon pollution fee on the sale
13 or use of fossil fuels, or the generation within or import for
14 consumption to this state of electricity generated through the
15 combustion of fossil fuels, is equal to ten dollars per metric ton of
16 carbon dioxide.

17 (2) For the purposes of this chapter, the carbon pollution fee is
18 charged:

19 (a) Only once with respect to the same unit of fossil fuel or
20 electric energy;

21 (b) At the time and place of the first sale, use, or consumption
22 within this state, except as otherwise provided in this section,
23 occurring on or after the effective date of this section, regardless
24 of whether the fossil fuel or electricity was previously sold, used,
25 or consumed within this state before the effective date of this
26 section; and

27 (c) Upon the first person subject to the fee under this section
28 within this state, except as otherwise provided in this section. A
29 person subject to the fee under this section is:

30 (i) A person required to be registered with the department under
31 RCW 82.32.030(1);

32 (ii) The state, its political subdivisions, and municipal
33 corporations; and

34 (iii) A person who maintains a place of business in this state
35 but who is not required to be registered with the department under
36 RCW 82.32.030(1).

37 (3) As provided in this section, the carbon pollution fee on the
38 sale or use of fossil fuels is charged to the seller or user of the
39 fossil fuel.

1 (4) The carbon pollution fee on the sale or use of natural gas is
2 charged as follows:

3 (a) Natural gas transported through the state that is not
4 produced or delivered in the state is exempt from the carbon
5 pollution fee charged by this section. Natural gas possessed or
6 stored in this state is exempt from the carbon pollution fee charged
7 by this section unless charged under (b), (c), or (d) of this
8 subsection;

9 (b) For natural gas sold by a gas distribution business to a
10 retail customer in the state, the carbon pollution fee is charged on
11 the gas distribution business upon the sale of such natural gas to
12 the retail customer;

13 (c) For natural gas sold to a light and power business for the
14 purpose of generation of electricity in the state, the carbon
15 pollution fee is charged on the light and power business as provided
16 for in subsection (5)(a) of this section; and

17 (d) For natural gas sold to a direct access gas customer in the
18 state, the carbon pollution fee is charged on the direct access gas
19 customer upon the consumption of such natural gas by the direct
20 access gas customer.

21 (5) The carbon pollution fee on the generation or import of
22 electricity for consumption in this state is charged as follows:

23 (a) For electricity produced in the state, the carbon pollution
24 fee is charged on the person required to be registered with the
25 department for purposes of paying taxes due under chapter 82.04 or
26 82.16 RCW that owns or operates the electrical generation facility
27 producing the electricity; and

28 (b) For electricity produced outside the state and imported for
29 consumption in the state, the carbon pollution fee is charged on the
30 first person that imports or delivers such electricity to or within
31 the state.

32 (6) For motor vehicle fuel and special fuel, the carbon pollution
33 fee is charged to the seller or user of the fuel at the points of
34 taxation specified in RCW 82.38.030(10).

35 (7)(a) The carbon pollution fee does not apply to the sale or use
36 of fossil fuels or consumption of electricity upon which the fee
37 under this chapter has been charged.

38 (b) A sale of fossil fuel takes place in this state when the
39 fossil fuel is delivered in this state to the purchaser or a person

1 designated by the purchaser, notwithstanding any contract terms
2 designating a location outside of this state as the place of sale.

3 (c) All taxable sales within this state of a fossil fuel or
4 electricity must document the amount of carbon pollution fee paid in
5 accordance with rules adopted by the department.

6 (d) The carbon pollution fee liability charged to a person
7 consistent with (a) and (b) of this subsection may be assumed by a
8 light and power business when it purchases electricity if the light
9 and power business meets the following requirements:

10 (i) A light and power business must apply to the utilities and
11 transportation commission, in a manner and form acceptable to the
12 commission, for approval to assume liability for the carbon pollution
13 fee pursuant to this subsection (7)(d).

14 (ii) Upon approval of an application pursuant to (d)(i) of this
15 subsection, the commission must issue a certificate or other
16 documentation, as prescribed by the department, authorizing the light
17 and power business to assume liability for the carbon pollution fee
18 pursuant to this subsection (7)(d).

19 (iii) A light and power business that elects to assume liability
20 for the carbon pollution fee as authorized under this subsection
21 (7)(d) must present the certificate or documentation issued pursuant
22 to (d)(ii) of this subsection to a person selling electricity to the
23 light and power business. Acceptance of the certificate or
24 documentation presented by a light and power business under this
25 subsection (7)(d) relieves that person from paying the carbon
26 pollution fee due on such a sale. Acceptance of the certificate or
27 documentation may not be unreasonably withheld. The person selling
28 electricity must keep a copy of the certificate or documentation in
29 its records pursuant to RCW 82.32.070. If the light and power
30 business does not elect to assume the carbon pollution fee, the
31 carbon pollution fee charged on the sale of electricity is charged
32 pursuant to (a) or (b) of this subsection, as applicable.

33 (8) For purposes of determining the carbon pollution fee due
34 under this chapter:

35 (a) The department must use the carbon calculation for all fossil
36 fuels sold or used within the state or inherent in electricity
37 generated or imported for consumption within this state;

38 (b) For fossil fuels, the department of ecology, in consultation
39 with the department of commerce, must adopt by rule criteria for
40 making the carbon calculation;

1 (c) For the import of electricity sourced from an asset
2 controlling supplier, including the Bonneville power administration
3 and others as approved by the department of ecology, the department
4 of ecology must calculate and publish on its web site no later than
5 December 1st of each year the system emissions factors for each asset
6 controlling supplier for the previous calendar year. Such system
7 emissions factors must be used to determine the carbon tax associated
8 with power sourced from asset controlling supplier systems for the
9 upcoming calendar year. Asset controlling suppliers are considered
10 specified sources of electricity;

11 (d) For the generation or import of electricity from an
12 unspecified source, the carbon dioxide inherent in that electricity
13 is equal to the default emission factor adopted by the department of
14 ecology, in consultation with the department of commerce, in a manner
15 consistent with the default emission factors for electricity
16 established for other markets in the western interconnection, or, if
17 the department of ecology has not adopted a default emission factor
18 by rule, 0.437 metric tons of carbon dioxide per megawatt-hour;

19 (e) For the generation or import of electricity from a specified
20 source, the carbon dioxide inherent in that electricity must be based
21 on the carbon calculation for that source established by the
22 department of ecology. The department of ecology, in consultation
23 with the department of commerce, must adopt by rule criteria for
24 making the carbon calculation for specified sources; and

25 (f) The department of ecology may require additional information
26 to existing reporting programs as necessary, in consultation with the
27 department of commerce, for determining the carbon calculation under
28 this chapter.

29 (9) For persons subject to the fee under this section who are
30 also subject to any of the taxes imposed under chapter 82.04, 82.08,
31 82.12, or 82.16 RCW, the frequency of reporting and payment of the
32 carbon pollution fee must, to the extent practicable, coincide with
33 the person's reporting periods for the taxes imposed under chapter
34 82.04, 82.08, 82.12, or 82.16 RCW.

35 (10) The department must develop and make available worksheets,
36 tax tables, and guidance documents it deems necessary to calculate
37 the carbon dioxide emissions of fossil fuels or the carbon dioxide
38 emissions inherent in electricity.

1 (11) All receipts from the carbon pollution fee under this
2 section must be deposited to the forward Washington account created
3 in section 801 of this act.

4 NEW SECTION. **Sec. 103.** EXEMPTIONS. (1) The carbon pollution fee
5 does not apply to:

6 (a) Fossil fuels brought into this state by means of the primary
7 fuel supply tank of a motor vehicle, vessel, locomotive, or aircraft,
8 actively supplying fuel for combustion upon entry into the state, and
9 any electricity generated by such fossil fuels;

10 (b) Fossil fuels or electricity that the state is prohibited from
11 taxing under the state Constitution or the Constitution or laws of
12 the United States;

13 (c)(i) Fossil fuels or electricity exported from this state.
14 Export from this state includes electricity transmitted through the
15 state that is not produced or consumed in the state including, but
16 not limited to, imports of electricity that are netted by exports of
17 electricity with a comparable carbon content by the same entity
18 within or for the same hour. Export to Indian country located within
19 the boundaries of this state is not considered export from this
20 state. For purposes of this subsection, "Indian country" has the same
21 meaning as provided in RCW 37.12.160.

22 (ii) An exporter of fossil fuels or electricity upon which
23 another person previously paid the carbon pollution fee is entitled
24 to a credit or refund of the fee paid, if the exporter can establish
25 to the department's satisfaction that the fee under this chapter was
26 previously paid on the exported fossil fuels or electricity. The
27 person who paid the carbon pollution fee is not entitled to an
28 exemption under this subsection (1)(c) when any other person is
29 entitled to a refund or credit under this subsection (1)(c)(ii). For
30 purposes of this subsection, "exporter" means a person who exports
31 fossil fuels or electricity from this state;

32 (d) The sale or use of coal transition power as defined in RCW
33 80.80.010;

34 (e) Diesel fuel, biodiesel fuel, or aircraft fuel when these
35 fuels are used solely for agricultural purposes by a farm fuel user,
36 as those terms are defined in RCW 82.08.865;

37 (f) Biogas, which includes renewable liquid natural gas or liquid
38 compressed natural gas made from biogas, landfill gas, biodiesel,
39 renewable diesel, and cellulosic ethanol;

1 (g) Aircraft fuel as defined in RCW 82.42.010;

2 (h) Facilities that manufacture equipment used to generate
3 electricity from eligible renewable resources as defined in RCW
4 19.285.030(21) or facilities that produce components or materials
5 used exclusively to manufacture eligible renewable resources;

6 (i) The portion of fossil fuels purchased in the state and
7 combusted outside the state by interstate motor carriers and vessels
8 used primarily in interstate or foreign commerce. The department must
9 provide a methodology by rule to apportion fossil fuels consumed
10 inside the state of Washington by interstate motor carriers and
11 vessels used primarily in interstate or foreign commerce;

12 (j) Activities or property of Indian tribes and individual
13 Indians that are exempt from state taxation as a matter of federal
14 law or state law, whether by statute, rule, or compact. For motor
15 vehicle fuel or special fuel sold on tribal lands, the fee may be
16 included in any agreements under RCW 82.38.310; and

17 (k) Fossil fuels used for transporting logs as described in RCW
18 82.16.010(5).

19 (2)(a) For any electricity and fossil fuels subject to the carbon
20 pollution fee charged by section 102 of this act that are also
21 subject to a comparable carbon pollution tax, fee, or other charge on
22 carbon content imposed by another jurisdiction, including the federal
23 government or allowances required to be purchased by another
24 jurisdiction, the entity may take a credit against the fee charged
25 under this chapter by the amount of the comparable pollution tax,
26 fee, or other charge paid to the other jurisdiction up to the amount
27 of the fee owed under this chapter, provided that the person subject
28 to the fee under this section claiming the credit provides evidence
29 acceptable to the department that the equivalent fee has been paid.

30 (b) For the purposes of this section, a comparable carbon
31 pollution tax, fee, or other charge means a tax, fee, or other charge
32 that is not generally imposed on other activities or privileges that
33 is:

34 (i) Imposed on:

35 (A) The sale, use, possession, transfer, or consumption of fossil
36 fuels; or

37 (B) The sale, consumption, or generation of electricity produced
38 through the combustion of fossil fuels; and

39 (ii) Measured in terms of greenhouse gas emissions by the
40 greenhouse gas emissions resulting from the complete combustion or

1 oxidation of such fossil fuels or by the greenhouse gases inherent in
2 such electricity.

3 (3) (a) The carbon pollution fee charged in section 102 of this
4 act does not apply to fossil fuels and electricity sold to or used
5 on-site by facilities with a primary activity that falls into an
6 energy-intensive trade-exposed sector, including any facility
7 primarily supporting one or more facilities falling into one or more
8 energy-intensive trade-exposed sectors such as administrative,
9 engineering, or other office facilities, after the department of
10 commerce has validated a facility's designation within such sector or
11 its supporting facility status in an energy-intensive trade-exposed
12 sector. The fossil fuel exemption does not apply to fossil fuels used
13 for generation of electricity which is not used on site by the
14 facility.

15 (b) The department of commerce must establish objective numerical
16 criteria for both energy intensity and trade exposure for the purpose
17 of identifying energy-intensive trade-exposed sectors. The criteria
18 must take into consideration approaches used by other jurisdictions
19 with existing carbon reduction or carbon pricing programs, and the
20 impact of the carbon pollution fee on manufacturing activity,
21 including manufacturers with a 2017 North American industry
22 classification system code 31-33 as developed by the office of
23 management and budget. A manufacturing business that can demonstrate
24 to the department of commerce that its facility or facilities meet
25 the criteria must be issued a certificate denoting energy-intensive
26 trade-exposed exempt status for the purpose of exempting appropriate
27 on-site manufacturing processes. Exempt status may be extended to any
28 facility primarily supporting one or more facilities qualifying for
29 energy-intensive trade-exposed exempt status such as administrative,
30 engineering, or other office facilities.

31 (c) Notwithstanding the criteria established in (b) of this
32 subsection, the department must issue a certificate denoting energy-
33 intensive trade-exposed exempt status to:

34 (i) Any facility engaged in an activity described in RCW
35 82.04.260(12); or

36 (ii) A facility primarily engaged in an activity encompassed
37 within any of the following North American industry classification
38 system codes (2017):

39 212230: Copper, nickel, lead, and zinc mining;

40 311411: Frozen fruit, juice, and vegetable manufacturing;

1 311423: Dried and dehydrated food manufacturing;
2 311611: Animal (except poultry) slaughtering;
3 322110: Pulp mills;
4 321113: Sawmills;
5 321212: Softwood veneer and plywood manufacturing;
6 321213: Engineered wood products;
7 322110: Pulp mills;
8 322121: Paper (except newsprint) mills;
9 322122: Newsprint mills;
10 322130: Paperboard mills;
11 325188: All other basic inorganic chemical manufacturing;
12 325199: All other basic organic chemical manufacturing;
13 325311: Nitrogenous fertilizer manufacturing;
14 327211: Flat glass manufacturing;
15 327213: Glass container manufacturing;
16 327310: Cement manufacturing;
17 327410: Lime manufacturing;
18 327420: Gypsum product manufacturing;
19 327992: Ultra high purity silicon manufacturing;
20 331111: Iron and steel mills;
21 331312: Primary aluminum production;
22 331314: Secondary smelting and alloying of aluminum;
23 331315: Aluminum sheet, plate, and foil manufacturing;
24 331318: Other aluminum rolling, drawing, and extruding;
25 331419: Primary smelting and refining of nonferrous metal (except
26 copper and aluminum);
27 334413: Semiconductor and related device manufacturing;
28 336411: Aircraft manufacturing;
29 336412: Aircraft engine and engine parts manufacturing;
30 336413: Other aircraft parts and auxiliary equipment
31 manufacturing;
32 336414: Guided missile and space vehicle manufacturing;
33 336415: Guided missile and space vehicle propulsion unit and
34 propulsion unit parts manufacturing; and
35 336419: Other guided missile and space vehicle parts and
36 auxiliary equipment manufacturing.

37 (d) (i) To qualify for an exemption under this subsection (3) for
38 a specific facility, a person must apply to the department in the
39 form and manner required by the department. If a person has more than
40 one potentially exempt facility, that person must submit a separate

1 application for each facility. The department may consult with the
2 department of commerce and can take whatever steps it deems necessary
3 to determine eligibility under this subsection (3), including
4 requesting additional information from the applicant or an on-site
5 visit to the facility to observe its operations.

6 (ii) If a person qualifies for an exemption for more than one
7 facility, the department must issue an exemption certificate for each
8 exempt facility. An exemption certificate issued under this
9 subsection (3) must include the name of the person operating the
10 facility, the physical location of the facility, and the activities
11 that qualify the facility for an exemption.

12 (e)(i) The department may rescind an exemption certificate issued
13 under this subsection (3) if it determines that the facility does not
14 meet the qualifications for an exemption under this subsection (3).
15 The department must notify the certificate holder of its decision to
16 rescind an exemption certificate.

17 (ii) A person receiving an exemption under this subsection (3)
18 based on a certificate issued in error must immediately repay to the
19 department the exempted amounts plus interest as provided in chapter
20 82.32 RCW. No penalties apply if amounts assessed by the department
21 under this subsection (3)(e)(ii) are paid in full by the date due.

22 (4)(a) A person is entitled to a refund or credit of the carbon
23 pollution fee included in the price of fossil fuels or electricity
24 purchased by the person if:

25 (i) An exemption under this chapter applies to the person or the
26 person's use or disposition of the fossil fuel or electricity;

27 (ii) The person can establish to the department's satisfaction
28 that the fee under this chapter was previously paid on the fossil
29 fuel or electricity; and

30 (iii) The person submits an application to the department in a
31 form and manner required by the department within four years after
32 the calendar year in which the person paid the carbon pollution fees
33 for which the refund or credit is sought.

34 (b) A person is not entitled to a refund or credit of the carbon
35 pollution fee under this section if any subsequent purchaser of the
36 fossil fuel or electricity is entitled to a refund or credit of that
37 fee under this subsection.

38 (c) Refunds or credits under this subsection are not subject to
39 interest.

1 (d) For purposes of this subsection (4), "person" means any
2 purchaser or consumer of fossil fuel or electricity who indirectly
3 paid the carbon pollution fee included in the price of the fossil
4 fuel or electricity.

5 NEW SECTION. **Sec. 104.** RULE MAKING AND OTHER ADMINISTRATIVE
6 AUTHORITY. (1) The provisions of chapter 82.32 RCW apply to this
7 chapter.

8 (2) The department and department of ecology may adopt rules as
9 they deem necessary to administer this chapter. The department of
10 commerce may adopt rules as it deems necessary to administer section
11 103 of this act.

12 (3) The department of commerce must convene a stakeholder work
13 group to examine the efficient and consistent integration of carbon
14 pricing in electricity markets within the state and transactions with
15 markets outside the state, including the market operated by the
16 California independent system operator. To assist in its examination
17 of the issues identified in this subsection, as well as any other
18 issues pertinent to its review, the work group must, at a minimum,
19 consist of light and power businesses, gas distribution businesses,
20 the Bonneville power administration, and other agencies. The work
21 group must prepare a report to the legislature of its findings and
22 recommendations to improve the carbon transparency and market
23 liquidity in electricity markets and submit the report, in compliance
24 with RCW 43.01.036, by no later than December 1, 2021. The department
25 and the department of ecology must provide necessary data and other
26 support to the department of commerce.

27 (4) By December 31, 2026, the department of revenue, supported by
28 the departments of commerce and ecology must review the energy-
29 intensive trade-exposed process under section 103 of this act,
30 including its effectiveness in controlling leakage and minimizing any
31 unnecessary exemptions from the fee under this chapter, merits of
32 alternative exemption structures such as production-based incentives,
33 and the scope of industries within the energy-intensive trade-exposed
34 designation.

35 (5) The department of commerce must provide information on its
36 web site regarding the impacts of the carbon pollution fee under this
37 chapter on the price of electricity, natural gas, and vehicle fuels
38 by sector.

1 NEW SECTION. **Sec. 105.** TECHNICAL ASSISTANCE. Upon request of
2 the department, the department of commerce, the department of
3 ecology, and the Washington State University extension energy program
4 must provide technical assistance to the department as may be
5 necessary for the department to effectively administer this chapter.

6 NEW SECTION. **Sec. 106.** PREEMPTION. (1) The carbon pollution fee
7 levied in section 102 of this act is in lieu of any carbon fee upon
8 the sale or use within this state of all fossil fuels, including
9 fossil fuels used in generating electricity and the retail sale or
10 consumption within this state of electricity generated through the
11 combustion of fossil fuels. No city, town, county, township, or other
12 subdivision or municipal corporation of the state may levy or collect
13 any comparable carbon tax, fee, or other charge upon the sale or use
14 within this state of all fossil fuels, including fossil fuels used in
15 generating electricity and the retail sale or consumption within this
16 state of electricity generated through the combustion of fossil
17 fuels.

18 (2) No city, town, county, township, or other subdivision or
19 municipal corporation of the state may levy any tax, fee, or other
20 charge of any kind whatsoever on amounts received by any person with
21 respect to a carbon pollution fee liability charged under the
22 provisions of the carbon pollution fee act. This restriction is not
23 imposed upon federally recognized Indian tribes and this section
24 places no restriction on the ability of such tribes to institute a
25 comparable tribal tax, fee, or other charge within tribal lands.

26 NEW SECTION. **Sec. 107.** A new section is added to chapter 19.---
27 RCW (the new chapter created in section 26, chapter . . ., Laws of
28 2019 (Substitute Senate Bill No. 5116)) to read as follows:

29 An electric utility may deduct from the amount of the
30 administrative penalty under RCW 19.---.--- (section 8,
31 chapter . . ., Laws of 2019 (Substitute Senate Bill No. 5116)) any
32 carbon pollution fee under section 102 of this act that is also
33 imposed on the sale, use, or consumption of electricity subject to
34 the administrative penalty.

35 **Part II**
36 **Sales and Use Taxes on Car Rentals, Automobile Parts, and Bicycles**

1 **Sec. 201.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to
2 read as follows:

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

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

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

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

13 (d) Extended warranties to consumers; and

14 (e) Anything else, the sale of which is included within the RCW
15 82.04.050 definition of retail sale.

16 (2) There is levied and collected an additional tax on each
17 retail car rental, regardless of whether the vehicle is licensed in
18 this state, equal to ~~((five))~~ six and nine-tenths percent of the
19 selling price. Fourteen and one-half percent of the revenues
20 collected under this subsection must be deposited into the forward
21 flexible account created in section 802 of this act and the remainder
22 of the revenue collected under this subsection must be deposited in
23 the multimodal transportation account created in RCW 47.66.070.

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

30 ~~((4))~~ (b) For purposes of this subsection (3) ~~((of this~~
31 ~~section))~~, "motor vehicle" has the meaning provided in RCW 46.04.320,
32 but does not include:

33 ~~((a))~~ (i) Farm tractors or farm vehicles as defined in RCW
34 46.04.180 and 46.04.181, unless the farm tractor or farm vehicle is
35 for use in the production of marijuana;

36 ~~((b))~~ (ii) Off-road vehicles as defined in RCW 46.04.365;

37 ~~((c))~~ (iii) Nonhighway vehicles as defined in RCW 46.09.310;

38 and

39 ~~((d))~~ (iv) Snowmobiles as defined in RCW 46.04.546.

1 (4) (a) Beginning July 1, 2019, there is levied and collected an
2 additional tax equal to one percent of the selling price on each
3 retail sale in this state of automobile parts and accessories. All
4 revenues collected under this subsection must be deposited into the
5 forward flexible account created in section 802 of this act.

6 (b) Beginning July 1, 2019, there is levied and collected an
7 additional tax equal to one percent of the selling price on each
8 retail sale in this state of bicycles. All revenues collected under
9 this subsection must be deposited into the forward flexible account
10 created in section 802 of this act.

11 (c) The definitions in this subsection apply throughout this
12 subsection (4) unless the context clearly requires otherwise.

13 (i) "Automobile parts and accessories" means any tangible
14 personal property primarily used to improve, repair, replace, or
15 serve as a component part of a motor vehicle, as defined in RCW
16 46.04.320. "Automobile parts and accessories" includes any tangible
17 personal property designed to be attached to or used in connection
18 with a motor vehicle to add to its utility or ornamentation,
19 regardless of whether the tangible personal property is essential to
20 the motor vehicles operation or use.

21 (ii) "Bicycle" has the same meaning as provided in RCW 46.04.071.

22 (5) Beginning on December 8, 2005, 0.16 percent of the taxes
23 collected under subsection (1) of this section must be dedicated to
24 funding comprehensive performance audits required under RCW
25 43.09.470. The revenue identified in this subsection must be
26 deposited in the performance audits of government account created in
27 RCW 43.09.475.

28 (6) The taxes imposed under this chapter apply to successive
29 retail sales of the same property.

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

Part III

Special Transportation Benefit Assessment

34 NEW SECTION. Sec. 301. A new section is added to chapter 36.73
35 RCW to read as follows:

36 (1) A statewide annual special transportation benefit assessment
37 is imposed on developed parcels for the purposes of mitigating the
38 impacts of growth on state transportation infrastructure throughout

1 the state. The amount of the transportation benefit assessment is the
2 increase in assessed value for the parcel resulting from new
3 construction multiplied by the applicable rate:

4 (a) For residential developed parcels the rate is two dollars per
5 thousand dollars of assessed value resulting from new construction;

6 (b) For manufacturing developed parcels the rate is one dollar
7 per thousand dollars of assessed value resulting from new
8 construction; and

9 (c) For all other developed parcels not otherwise described in
10 (a) or (b) of this subsection (1), the rate is four dollars per
11 thousand dollars of assessed value resulting from new construction.

12 (2) Parcels that are classified as designated forestland under
13 chapter 84.33 RCW or designated agriculture land or timberland under
14 chapter 84.34 RCW are exempt from the transportation benefit
15 assessment imposed in this section.

16 (3) To determine the appropriate designation of the parcel for
17 purposes of applying the rate under subsection (1) of this section,
18 county assessors may use land use codes or data collected from parcel
19 investigations, or both, obtained in their normal course of business
20 with respect to administering property taxes. The amount of the
21 transportation benefit assessment constitutes a lien against the
22 property. The assessment is subject to the same provisions as those
23 for property tax collections, as provided in RCW 84.56.020 and must
24 be collected by the county treasurer under the authority in RCW
25 84.56.035. The transportation benefit assessment fee must be
26 collected concurrently with property taxes levied for collection in
27 calendar year 2020 and thereafter.

28 (4) All revenues generated under this section must be transferred
29 to the state treasurer to be deposited into the forward flexible
30 account created in section 802 of this act.

31 (5) The definitions in this subsection apply throughout this
32 section unless the context clearly requires otherwise.

33 (a) "Developed parcel" means any parcel altered from the natural
34 state by the construction, creation, or addition of structures or
35 other impervious surfaces.

36 (b) "Land use code" means restrictions on the type of development
37 for a specific parcel of land as identified by records maintained by
38 the assessor or supplemented by information resulting from
39 investigation and generally conforming with the department of
40 revenue's two-digit land use codes in WAC 458-53-030.

1 (c) "Manufacturing developed parcel" means any developed parcel
2 used for manufacturing purposes.

3 (d) "Parcel" means the smallest separately segregated unit or
4 plot of land having an identified owner, boundaries, and surface area
5 that is documented for property tax purposes and given a tax lot
6 number by the assessor.

7 (e) "Residence" means a building or structure or portion thereof,
8 designed for and used to provide a place of abode for human beings.
9 "Residence" includes "residential" or "residential unit" as referring
10 to the type of or intended use of a building or structure.

11 (f) "Residential parcel" means any developed parcel that contains
12 no more than four residences or four residential units within a
13 single structure and used primarily for residential purposes.

14 **Part IV**
15 **Motor Vehicle Fuel Taxes**

16 **Sec. 401.** RCW 82.38.030 and 2015 3rd sp.s. c 44 s 103 are each
17 amended to read as follows:

18 (1) There is levied and imposed upon fuel licensees a tax at the
19 rate of twenty-three cents per gallon of fuel.

20 (2) Beginning July 1, 2003, an additional and cumulative tax rate
21 of five cents per gallon of fuel is imposed on fuel licensees. This
22 subsection (2) expires when the bonds issued for transportation 2003
23 projects are retired.

24 (3) Beginning July 1, 2005, an additional and cumulative tax rate
25 of three cents per gallon of fuel is imposed on fuel licensees.

26 (4) Beginning July 1, 2006, an additional and cumulative tax rate
27 of three cents per gallon of fuel is imposed on fuel licensees.

28 (5) Beginning July 1, 2007, an additional and cumulative tax rate
29 of two cents per gallon of fuel is imposed on fuel licensees.

30 (6) Beginning July 1, 2008, an additional and cumulative tax rate
31 of one and one-half cents per gallon of fuel is imposed on fuel
32 licensees.

33 (7) Beginning August 1, 2015, an additional and cumulative tax
34 rate of seven cents per gallon of fuel is imposed on fuel licensees.

35 (8) Beginning July 1, 2016, an additional and cumulative tax rate
36 of four and nine-tenths cents per gallon of fuel is imposed on fuel
37 licensees.

1 (9) Beginning July 1, 2019, an additional and cumulative tax rate
2 of six cents per gallon of fuel is imposed on fuel licensees.

3 (10) Taxes are imposed when:

4 (a) Fuel is removed in this state from a terminal if the fuel is
5 removed at the rack unless the removal is by a licensed supplier or
6 distributor for direct delivery to a destination outside of the
7 state, or the removal is by a fuel supplier for direct delivery to an
8 international fuel tax agreement licensee under RCW 82.38.320;

9 (b) Fuel is removed in this state from a refinery if either of
10 the following applies:

11 (i) The removal is by bulk transfer and the refiner or the owner
12 of the fuel immediately before the removal is not a licensed
13 supplier; or

14 (ii) The removal is at the refinery rack unless the removal is to
15 a licensed supplier or distributor for direct delivery to a
16 destination outside of the state, or the removal is to a licensed
17 supplier for direct delivery to an international fuel tax agreement
18 licensee under RCW 82.38.320;

19 (c) Fuel enters into this state for sale, consumption, use, or
20 storage, unless the fuel enters this state for direct delivery to an
21 international fuel tax agreement licensee under RCW 82.38.320, if
22 either of the following applies:

23 (i) The entry is by bulk transfer and the importer is not a
24 licensed supplier; or

25 (ii) The entry is not by bulk transfer;

26 (d) Fuel enters this state by means outside the bulk transfer-
27 terminal system and is delivered directly to a licensed terminal
28 unless the owner is a licensed distributor or supplier;

29 (e) Fuel is sold or removed in this state to an unlicensed entity
30 unless there was a prior taxable removal, entry, or sale of the fuel;

31 (f) Blended fuel is removed or sold in this state by the blender
32 of the fuel. The number of gallons of blended fuel subject to tax is
33 the difference between the total number of gallons of blended fuel
34 removed or sold and the number of gallons of previously taxed fuel
35 used to produce the blended fuel;

36 (g) Dyed special fuel is used on a highway, as authorized by the
37 internal revenue code, unless the use is exempt from the fuel tax;

38 (h) Dyed special fuel is held for sale, sold, used, or is
39 intended to be used in violation of this chapter;

1 (i) Special fuel purchased by an international fuel tax agreement
2 licensee under RCW 82.38.320 is used on a highway; and

3 (j) Fuel is sold by a licensed fuel supplier to a fuel
4 distributor or fuel blender and the fuel is not removed from the bulk
5 transfer-terminal system.

6 **Sec. 402.** RCW 46.68.090 and 2015 3rd sp.s. c 44 s 105 are each
7 amended to read as follows:

8 (1) All moneys that have accrued or may accrue to the motor
9 vehicle fund from the fuel tax must be first expended for purposes
10 enumerated in (a) and (b) of this subsection. The remaining net tax
11 amount must be distributed monthly by the state treasurer in
12 accordance with subsections (2) through (~~(8)~~) (9) of this section.

13 (a) For payment of refunds of fuel tax that has been paid and is
14 refundable as provided by law;

15 (b) For payment of amounts to be expended pursuant to
16 appropriations for the administrative expenses of the offices of
17 state treasurer, state auditor, and the department of licensing of
18 the state of Washington in the administration of the fuel tax, which
19 sums must be distributed monthly.

20 (2) All of the remaining net tax amount collected under RCW
21 82.38.030(1) must be distributed as set forth in (a) through (j) of
22 this subsection.

23 (a) For distribution to the motor vehicle fund an amount equal to
24 44.387 percent to be expended for highway purposes of the state as
25 defined in RCW 46.68.130;

26 (b)(i) For distribution to the special category C account, hereby
27 created in the motor vehicle fund, an amount equal to 3.2609 percent
28 to be expended for special category C projects. Special category C
29 projects are category C projects that, due to high cost only, will
30 require bond financing to complete construction.

31 (ii) The following criteria, listed in order of priority, must be
32 used in determining which special category C projects have the
33 highest priority:

34 (A) Accident experience;

35 (B) Fatal accident experience;

36 (C) Capacity to move people and goods safely and at reasonable
37 speeds without undue congestion; and

38 (D) Continuity of development of the highway transportation
39 network.

1 (iii) Moneys deposited in the special category C account in the
2 motor vehicle fund may be used for payment of debt service on bonds
3 the proceeds of which are used to finance special category C projects
4 under this subsection (2) (b);

5 (c) For distribution to the Puget Sound ferry operations account
6 in the motor vehicle fund an amount equal to 2.3283 percent;

7 (d) For distribution to the Puget Sound capital construction
8 account in the motor vehicle fund an amount equal to 2.3726 percent;

9 (e) For distribution to the transportation improvement account in
10 the motor vehicle fund an amount equal to 7.5597 percent;

11 (f) For distribution to the transportation improvement account in
12 the motor vehicle fund an amount equal to 5.6739 percent and expended
13 in accordance with RCW 47.26.086;

14 (g) For distribution to the cities and towns from the motor
15 vehicle fund an amount equal to 10.6961 percent in accordance with
16 RCW 46.68.110;

17 (h) For distribution to the counties from the motor vehicle fund
18 an amount equal to 19.2287 percent: (i) Out of which there must be
19 distributed from time to time, as directed by the department of
20 transportation, those sums as may be necessary to carry out the
21 provisions of RCW 47.56.725; and (ii) less any amounts appropriated
22 to the county road administration board to implement the provisions
23 of RCW 47.56.725(4), with the balance of such county share to be
24 distributed monthly as the same accrues for distribution in
25 accordance with RCW 46.68.120;

26 (i) For distribution to the county arterial preservation account,
27 hereby created in the motor vehicle fund an amount equal to 1.9565
28 percent. These funds must be distributed by the county road
29 administration board to counties in proportions corresponding to the
30 number of paved arterial lane miles in the unincorporated area of
31 each county and must be used for improvements to sustain the
32 structural, safety, and operational integrity of county arterials.
33 The county road administration board must adopt reasonable rules and
34 develop policies to implement this program and to assure that a
35 pavement management system is used;

36 (j) For distribution to the rural arterial trust account in the
37 motor vehicle fund an amount equal to 2.5363 percent and expended in
38 accordance with RCW 36.79.020.

1 (3) The remaining net tax amount collected under RCW 82.38.030(2)
2 must be distributed to the transportation 2003 account (nickel
3 account).

4 (4) The remaining net tax amount collected under RCW 82.38.030(3)
5 must be distributed as follows:

6 (a) 8.3333 percent must be distributed to the incorporated cities
7 and towns of the state in accordance with RCW 46.68.110;

8 (b) 8.3333 percent must be distributed to counties of the state
9 in accordance with RCW 46.68.120; and

10 (c) The remainder must be distributed to the transportation
11 partnership account created in RCW 46.68.290.

12 (5) The remaining net tax amount collected under RCW 82.38.030(4)
13 must be distributed as follows:

14 (a) 8.3333 percent must be distributed to the incorporated cities
15 and towns of the state in accordance with RCW 46.68.110;

16 (b) 8.3333 percent must be distributed to counties of the state
17 in accordance with RCW 46.68.120; and

18 (c) The remainder must be distributed to the transportation
19 partnership account created in RCW 46.68.290.

20 (6) The remaining net tax amount collected under RCW 82.38.030
21 (5) and (6) must be distributed to the transportation partnership
22 account created in RCW 46.68.290.

23 (7) The remaining net tax amount collected under RCW 82.38.030
24 (7) and (8) must be distributed to the connecting Washington account
25 created in RCW 46.68.395.

26 (8) The remaining net tax amount collected under RCW 82.38.030(9)
27 must be distributed to the forward Washington account created in
28 section 801 of this act.

29 (10) Nothing in this section or in RCW 46.68.130 may be construed
30 so as to violate any terms or conditions contained in any highway
31 construction bond issues now or hereafter authorized by statute and
32 whose payment is by such statute pledged to be paid from any excise
33 taxes on fuel.

34 **Part V**

35 **Passenger Vehicle Registration Fees, Passenger Weight Fees, Light**
36 **Duty Truck Weight Fees, Freight Project Fees, International Fuel Tax**
37 **Agreement Decal Fees, Trip Permit Fees, Motor Home Weight Fees**

1 **Sec. 501.** RCW 46.17.355 and 2015 3rd sp.s. c 44 s 201 are each
2 amended to read as follows:

3 (1)(a) For vehicle registrations that are due or become due
4 before July 1, 2016, in lieu of the vehicle license fee required
5 under RCW 46.17.350 and before accepting an application for a vehicle
6 registration for motor vehicles described in RCW 46.16A.455, the
7 department, county auditor or other agent, or subagent appointed by
8 the director (~~shall~~) must require the applicant, unless
9 specifically exempt, to pay the following license fee by weight:

	WEIGHT	SCHEDULE	SCHEDULE
		A	B
12	4,000 pounds	\$ 38.00	\$ 38.00
13	6,000 pounds	\$ 48.00	\$ 48.00
14	8,000 pounds	\$ 58.00	\$ 58.00
15	10,000 pounds	\$ 60.00	\$ 60.00
16	12,000 pounds	\$ 77.00	\$ 77.00
17	14,000 pounds	\$ 88.00	\$ 88.00
18	16,000 pounds	\$ 100.00	\$ 100.00
19	18,000 pounds	\$ 152.00	\$ 152.00
20	20,000 pounds	\$ 169.00	\$ 169.00
21	22,000 pounds	\$ 183.00	\$ 183.00
22	24,000 pounds	\$ 198.00	\$ 198.00
23	26,000 pounds	\$ 209.00	\$ 209.00
24	28,000 pounds	\$ 247.00	\$ 247.00
25	30,000 pounds	\$ 285.00	\$ 285.00
26	32,000 pounds	\$ 344.00	\$ 344.00
27	34,000 pounds	\$ 366.00	\$ 366.00
28	36,000 pounds	\$ 397.00	\$ 397.00
29	38,000 pounds	\$ 436.00	\$ 436.00
30	40,000 pounds	\$ 499.00	\$ 499.00
31	42,000 pounds	\$ 519.00	\$ 609.00
32	44,000 pounds	\$ 530.00	\$ 620.00
33	46,000 pounds	\$ 570.00	\$ 660.00
34	48,000 pounds	\$ 594.00	\$ 684.00

1	50,000 pounds	\$ 645.00	\$ 735.00
2	52,000 pounds	\$ 678.00	\$ 768.00
3	54,000 pounds	\$ 732.00	\$ 822.00
4	56,000 pounds	\$ 773.00	\$ 863.00
5	58,000 pounds	\$ 804.00	\$ 894.00
6	60,000 pounds	\$ 857.00	\$ 947.00
7	62,000 pounds	\$ 919.00	\$ 1,009.00
8	64,000 pounds	\$ 939.00	\$ 1,029.00
9	66,000 pounds	\$ 1,046.00	\$ 1,136.00
10	68,000 pounds	\$ 1,091.00	\$ 1,181.00
11	70,000 pounds	\$ 1,175.00	\$ 1,265.00
12	72,000 pounds	\$ 1,257.00	\$ 1,347.00
13	74,000 pounds	\$ 1,366.00	\$ 1,456.00
14	76,000 pounds	\$ 1,476.00	\$ 1,566.00
15	78,000 pounds	\$ 1,612.00	\$ 1,702.00
16	80,000 pounds	\$ 1,740.00	\$ 1,830.00
17	82,000 pounds	\$ 1,861.00	\$ 1,951.00
18	84,000 pounds	\$ 1,981.00	\$ 2,071.00
19	86,000 pounds	\$ 2,102.00	\$ 2,192.00
20	88,000 pounds	\$ 2,223.00	\$ 2,313.00
21	90,000 pounds	\$ 2,344.00	\$ 2,434.00
22	92,000 pounds	\$ 2,464.00	\$ 2,554.00
23	94,000 pounds	\$ 2,585.00	\$ 2,675.00
24	96,000 pounds	\$ 2,706.00	\$ 2,796.00
25	98,000 pounds	\$ 2,827.00	\$ 2,917.00
26	100,000 pounds	\$ 2,947.00	\$ 3,037.00
27	102,000 pounds	\$ 3,068.00	\$ 3,158.00
28	104,000 pounds	\$ 3,189.00	\$ 3,279.00
29	105,500 pounds	\$ 3,310.00	\$ 3,400.00

30 (b) For vehicle registrations that are due or become due on or
31 after July 1, 2016, in lieu of the vehicle license fee required under
32 RCW 46.17.350 and before accepting an application for a vehicle
33 registration for motor vehicles described in RCW 46.16A.455, the

1 department, county auditor or other agent, or subagent appointed by
2 the director (~~shall~~) must require the applicant, unless
3 specifically exempt, to pay the following license fee by weight:

4	WEIGHT	SCHEDULE	SCHEDULE
5		A	B
6	4,000 pounds	\$ 53.00	\$ 53.00
7	6,000 pounds	\$ 73.00	\$ 73.00
8	8,000 pounds	\$ 93.00	\$ 93.00
9	10,000 pounds	\$ 93.00	\$ 93.00
10	12,000 pounds	\$ 81.00	\$ 81.00
11	14,000 pounds	\$ 88.00	\$ 88.00
12	16,000 pounds	\$ 100.00	\$ 100.00
13	18,000 pounds	\$ 152.00	\$ 152.00
14	20,000 pounds	\$ 169.00	\$ 169.00
15	22,000 pounds	\$ 183.00	\$ 183.00
16	24,000 pounds	\$ 198.00	\$ 198.00
17	26,000 pounds	\$ 209.00	\$ 209.00
18	28,000 pounds	\$ 247.00	\$ 247.00
19	30,000 pounds	\$ 285.00	\$ 285.00
20	32,000 pounds	\$ 344.00	\$ 344.00
21	34,000 pounds	\$ 366.00	\$ 366.00
22	36,000 pounds	\$ 397.00	\$ 397.00
23	38,000 pounds	\$ 436.00	\$ 436.00
24	40,000 pounds	\$ 499.00	\$ 499.00
25	42,000 pounds	\$ 519.00	\$ 609.00
26	44,000 pounds	\$ 530.00	\$ 620.00
27	46,000 pounds	\$ 570.00	\$ 660.00
28	48,000 pounds	\$ 594.00	\$ 684.00
29	50,000 pounds	\$ 645.00	\$ 735.00
30	52,000 pounds	\$ 678.00	\$ 768.00
31	54,000 pounds	\$ 732.00	\$ 822.00
32	56,000 pounds	\$ 773.00	\$ 863.00
33	58,000 pounds	\$ 804.00	\$ 894.00

1	60,000 pounds	\$ 857.00	\$ 947.00
2	62,000 pounds	\$ 919.00	\$ 1,009.00
3	64,000 pounds	\$ 939.00	\$ 1,029.00
4	66,000 pounds	\$ 1,046.00	\$ 1,136.00
5	68,000 pounds	\$ 1,091.00	\$ 1,181.00
6	70,000 pounds	\$ 1,175.00	\$ 1,265.00
7	72,000 pounds	\$ 1,257.00	\$ 1,347.00
8	74,000 pounds	\$ 1,366.00	\$ 1,456.00
9	76,000 pounds	\$ 1,476.00	\$ 1,566.00
10	78,000 pounds	\$ 1,612.00	\$ 1,702.00
11	80,000 pounds	\$ 1,740.00	\$ 1,830.00
12	82,000 pounds	\$ 1,861.00	\$ 1,951.00
13	84,000 pounds	\$ 1,981.00	\$ 2,071.00
14	86,000 pounds	\$ 2,102.00	\$ 2,192.00
15	88,000 pounds	\$ 2,223.00	\$ 2,313.00
16	90,000 pounds	\$ 2,344.00	\$ 2,434.00
17	92,000 pounds	\$ 2,464.00	\$ 2,554.00
18	94,000 pounds	\$ 2,585.00	\$ 2,675.00
19	96,000 pounds	\$ 2,706.00	\$ 2,796.00
20	98,000 pounds	\$ 2,827.00	\$ 2,917.00
21	100,000 pounds	\$ 2,947.00	\$ 3,037.00
22	102,000 pounds	\$ 3,068.00	\$ 3,158.00
23	104,000 pounds	\$ 3,189.00	\$ 3,279.00
24	105,500 pounds	\$ 3,310.00	\$ 3,400.00

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

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

31 (4) The license fees provided in subsection (1) of this section
32 and the freight project fee provided in subsection (6) of this
33 section are in addition to the filing fee required under RCW
34 46.17.005 and any other fee or tax required by law.

1 (5) The license fee based on declared gross weight as provided in
2 subsection (1) of this section must be distributed under RCW
3 46.68.035.

4 (6) For vehicle registrations that are due or become due on or
5 after July 1, 2016, in addition to the license fee based on declared
6 gross weight as provided in subsection (1) of this section, the
7 department, county auditor or other agent, or subagent appointed by
8 the director must require an applicant with a vehicle with a declared
9 gross weight of more than 10,000 pounds, unless specifically exempt,
10 to pay a freight project fee equal to fifteen percent of the license
11 fee provided in subsection (1) of this section, rounded to the
12 nearest whole dollar, which must be distributed under RCW 46.68.035.

13 (7)(a) For vehicle registrations that are due or become due on or
14 after July 1, 2019, in addition to the license fee based on declared
15 gross weight as provided in subsection (1) of this section and the
16 freight project fee as provided in subsection (6) of this section,
17 the department, county auditor or other agent, or subagent appointed
18 by the director must require an applicant with a vehicle with a
19 declared gross weight of more than 10,000 pounds, unless specifically
20 exempt, to pay a freight project fee equal to ten percent of the
21 license fee provided in subsection (1) of this section, rounded to
22 the nearest whole dollar.

23 (b) Beginning July 1, 2021, and on July 1st of each subsequent
24 biennium until the 2029-2031 biennium, if chapter . . ., Laws of 2019
25 (Senate Bill No. 5830) is enacted by June 30, 2019, the freight
26 project fee imposed under this subsection must be increased by an
27 additional three percent each biennium.

28 (c) All proceeds from the freight project fee imposed pursuant to
29 this subsection (7) must be deposited in the forward Washington
30 account created in section 801 of this act.

31 (8) For vehicle registrations that are due or become due on or
32 after July 1, ((2022)) 2019, in addition to the license fee based on
33 declared gross weight as provided in subsection (1) of this section,
34 the department, county auditor or other agent, or subagent appointed
35 by the director must require an applicant with a vehicle with a
36 declared gross weight of less than or equal to 12,000 pounds, unless
37 specifically exempt, to pay an additional weight fee of ten dollars,
38 which ((must be distributed under RCW 46.68.035)) until June 30,
39 2022, must be deposited in the forward Washington account created in

1 section 801 of this act and must be distributed under RCW 46.68.035
2 after June 30, 2022.

3 (9) For vehicle registrations that are due or become due on or
4 after July 1, 2019, in addition to the license fee based on declared
5 gross weight as provided in subsections (1) and (8) of this section,
6 the department, county auditor or other agent, or subagent appointed
7 by the director must require an applicant with a vehicle with a
8 declared gross weight of less than or equal to 12,000 pounds, unless
9 specifically exempt, to pay an additional weight fee of ten dollars,
10 which must be deposited in the forward Washington account created in
11 section 801 of this act.

12 **Sec. 502.** RCW 46.17.350 and 2014 c 30 s 2 are each amended to
13 read as follows:

14 (1) Before accepting an application for a vehicle registration,
15 the department, county auditor or other agent, or subagent appointed
16 by the director (~~shall~~) must require the applicant, unless
17 specifically exempt, to pay the following vehicle license fee by
18 vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$ 34.00	\$ 30.00	RCW 46.68.035
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035

1	(l) Snowmobile	\$ 50.00	\$ 50.00	RCW 46.68.350
2	(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
3	(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
4	(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
5	(p) Trailer, over 2000	\$ 30.00	\$ 30.00	RCW 46.68.030
6	pounds			
7	(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
8	(r) Wheeled all-terrain	\$ 12.00	\$ 12.00	RCW 46.09.540
9	vehicle, on-road use			
10	(s) Wheeled all-terrain	\$ 18.00	\$ 18.00	RCW 46.09.510
11	vehicle, off-road use			

12 (2) For a vehicle paying the vehicle license fee by vehicle type
13 under RCW 46.17.350(1) (a), (c), (d), (e), (g), (h), (j), (k), (n),
14 (o), (p), and (q), before accepting an application for a vehicle
15 registration, the department, county auditor or other agent, or
16 subagent appointed by the director must require the applicant, unless
17 specifically exempt, to pay an additional five dollar vehicle license
18 fee.

19 (3) The vehicle license fee required in subsections (1) and (2)
20 of this section is in addition to the filing fee required under RCW
21 46.17.005, and any other fee or tax required by law.

22 **Sec. 503.** RCW 46.68.030 and 2017 c 313 s 706 are each amended to
23 read as follows:

24 (1) The director (~~shall~~) must forward all fees for vehicle
25 registrations under chapters 46.16A and 46.17 RCW, unless otherwise
26 specified by law, to the state treasurer with a proper identifying
27 detailed report. The state treasurer (~~shall~~) must credit these
28 moneys to the motor vehicle fund created in RCW 46.68.070.

29 (2) Proceeds from vehicle license fees and renewal vehicle
30 license fees must be deposited by the state treasurer as follows:

31 (a) \$23.60 of each initial or renewal vehicle license fee must be
32 deposited in the state patrol highway account in the motor vehicle
33 fund, hereby created. Vehicle license fees, renewal vehicle license
34 fees, and all other funds in the state patrol highway account must be
35 for the sole use of the Washington state patrol for highway

1 activities of the Washington state patrol, subject to proper
2 appropriations and reappropriations.

3 (b) \$2.02 of each initial vehicle license fee and \$0.93 of each
4 renewal vehicle license fee must be deposited each biennium in the
5 Puget Sound ferry operations account.

6 (c) Any remaining amounts of vehicle license fees and renewal
7 vehicle license fees that are not distributed otherwise under this
8 section must be deposited in the motor vehicle fund.

9 (3) During the 2015-2017 fiscal biennium, the legislature may
10 transfer from the state patrol highway account to the connecting
11 Washington account such amounts as reflect the excess fund balance of
12 the state patrol highway account.

13 (4) During the 2017-2019 fiscal biennium, the legislature may
14 direct the state treasurer to make transfers of moneys in the state
15 patrol highway account to the connecting Washington account.

16 (5) Proceeds from the additional five dollar vehicle license fee
17 imposed under RCW 46.17.350(2) must be deposited in the forward
18 Washington account created in section 801 of this act.

19 **Sec. 504.** RCW 46.17.365 and 2015 3rd sp.s. c 44 s 202 are each
20 amended to read as follows:

21 (1) A person applying for a motor vehicle registration and paying
22 the vehicle license fee required in RCW 46.17.350(1) (a), (d), (e),
23 (h), (j), (n), and (o) (~~shall~~) must pay a motor vehicle weight fee
24 in addition to all other fees and taxes required by law.

25 (a) For vehicle registrations that are due or become due before
26 July 1, 2016, the motor vehicle weight fee:

- 27 (i) Must be based on the motor vehicle scale weight;
- 28 (ii) Is the difference determined by subtracting the vehicle
29 license fee required in RCW 46.17.350 from the license fee in
30 Schedule B of RCW 46.17.355, plus two dollars; and
- 31 (iii) Must be distributed under RCW 46.68.415.

32 (b) For vehicle registrations that are due or become due on or
33 after July 1, 2016, the motor vehicle weight fee:

34 (i) Must be based on the motor vehicle scale weight as follows:

35	WEIGHT	FEE
36	4,000 pounds	\$ 25.00
37	6,000 pounds	\$ 45.00

1	8,000 pounds	\$ 65.00
2	16,000 pounds and over	\$ 72.00;

3 (ii) If the resultant motor vehicle scale weight is not listed in
4 the table provided in (b)(i) of this subsection, must be increased to
5 the next highest weight; and

6 (iii) Must be distributed under RCW 46.68.415 unless (~~prior to~~
7 ~~July 1, 2023,~~) the actions described in (b)(iii)(A) or (B) of this
8 subsection occur, in which case the portion of the revenue that is
9 the result of the fee increased in this subsection must be
10 distributed to the connecting Washington account created under RCW
11 46.68.395.

12 (A) Any state agency files a notice of rule making under chapter
13 34.05 RCW for a rule regarding a fuel standard based upon or defined
14 by the carbon intensity of fuel, including a low carbon fuel standard
15 or clean fuel standard.

16 (B) Any state or local agency otherwise enacts, adopts, orders,
17 or in any way implements a fuel standard based upon or defined by the
18 carbon intensity of fuel, including a low carbon fuel standard or
19 clean fuel standard.

20 (C) Nothing in this subsection acknowledges, establishes, or
21 creates legal authority for the department of ecology or any other
22 state or local agency to enact, adopt, order, or in any way implement
23 a fuel standard based upon or defined by the carbon intensity of
24 fuel, including a low carbon fuel standard or clean fuel standard.

25 (2) A person applying for a motor home vehicle registration
26 (~~shall~~) must, in lieu of the motor vehicle weight fee required in
27 subsection (1) of this section, pay a motor home vehicle weight fee
28 of (~~seventy-five~~) one hundred dollars in addition to all other fees
29 and taxes required by law. (~~The motor home vehicle weight fee~~)
30 Twenty-five dollars of the motor home vehicle weight fee must be
31 deposited in the forward flexible account created in section 802 of
32 this act, and the remainder must be distributed under RCW 46.68.415.

33 (3) (~~Beginning July 1, 2022~~) For vehicle registrations that are
34 due or become due on or after July 1, 2019, in addition to the motor
35 vehicle weight fee as provided in subsection (1) of this section, the
36 department, county auditor or other agent, or subagent appointed by
37 the director must require an applicant to pay an additional weight
38 fee of ten dollars, which until June 30, 2022, must be deposited in
39 the forward flexible account created in section 802 of this act and

1 after June 30, 2022, must be distributed to the multimodal
2 transportation account under RCW 47.66.070 unless (~~prior to July 1,~~
3 ~~2023,~~) the actions described in (a) or (b) of this subsection occur,
4 in which case the portion of the revenue that is the result of the
5 fee increased in this subsection must be distributed to the
6 (~~connecting Washington account created under RCW 46.68.395~~) forward
7 Washington account created under section 801 of this act.

8 (a) Any state agency files a notice of rule making under chapter
9 34.05 RCW for a rule regarding a fuel standard based upon or defined
10 by the carbon intensity of fuel, including a low carbon fuel standard
11 or clean fuel standard.

12 (b) Any state or local agency otherwise enacts, adopts, orders,
13 or in any way implements a fuel standard based upon or defined by the
14 carbon intensity of fuel, including a low carbon fuel standard or
15 clean fuel standard.

16 (c) Nothing in this subsection acknowledges, establishes, or
17 creates legal authority for the department of ecology or any other
18 state or local agency to enact, adopt, order, or in any way implement
19 a fuel standard based upon or defined by the carbon intensity of
20 fuel, including a low carbon fuel standard or clean fuel standard.

21 (4) For vehicle registrations that are due or become due on or
22 after July 1, 2019, in addition to the motor vehicle weight fee as
23 provided in subsections (1) and (3) of this section, the department,
24 county auditor or other agent, or subagent appointed by the director
25 must require an applicant to pay an additional weight fee of ten
26 dollars, which must be deposited in the forward flexible account
27 created in section 802 of this act, unless the actions described in
28 subsection (3)(a) or (b) of this section occur, in which case the
29 portion of the revenue that is the result of the fee increased in
30 this subsection must be distributed to the forward Washington account
31 created under section 801 of this act.

32 (5) The department (~~shall~~) must:

33 (a) Rely on motor vehicle empty scale weights provided by vehicle
34 manufacturers, or other sources defined by the department, to
35 determine the weight of each motor vehicle; and

36 (b) Adopt rules for determining weight for vehicles without
37 manufacturer empty scale weights.

38 **Sec. 505.** RCW 46.17.400 and 2011 c 171 s 62 are each amended to
39 read as follows:

1 (1) Before accepting an application for one of the following
2 permits, the department, county auditor or other agent, or subagent
3 appointed by the director (~~shall~~) must require the applicant to pay
4 the following permit fee by permit type in addition to any other fee
5 or tax required by law:

PERMIT TYPE	FEE	AUTHORITY	DISTRIBUTION
(a) Dealer temporary	\$ 15.00	RCW 46.16A.300	RCW 46.68.030
(b) Department temporary	\$.50	RCW 46.16A.305	RCW 46.68.450
(c) Farm vehicle trip	\$ 6.25	RCW 46.16A.330	RCW 46.68.035
(d) Nonresident military	\$ 10.00	RCW 46.16A.340	RCW 46.68.070
(e) Nonresident temporary snowmobile	\$ 5.00	RCW 46.10.450	RCW 46.68.350
(f) Special fuel trip	\$ 30.00	RCW 82.38.100	RCW 46.68.460
(g) Temporary ORV use	\$ 7.00	RCW 46.09.430	RCW 46.68.045
(h) Vehicle trip	((25.00)) \$ <u>45.00</u>	RCW 46.16A.320	RCW 46.68.455

19 (2) Permit fees as provided in subsection (1) of this section are
20 in addition to the filing fee required under RCW 46.17.005, except an
21 additional filing fee may not be charged for:

- 22 (a) Dealer temporary permits;
- 23 (b) Special fuel trip permits; and
- 24 (c) Vehicle trip permits.

25 (3) Five dollars of the fifteen dollar dealer temporary permit
26 fee provided in subsection (1)(a) of this section must be credited to
27 the payment of vehicle license fees at the time application for
28 registration is made. The remainder must be deposited to the state
29 patrol highway account created in RCW 46.68.030.

30 **Sec. 506.** RCW 46.68.455 and 2011 c 171 s 89 are each amended to
31 read as follows:

32 (1) The vehicle trip permit fee imposed under RCW 46.17.400(1)(h)
33 must be distributed as follows:

34 ~~((1))~~ (a) Five dollars to the state patrol highway account for
35 commercial motor vehicle inspections;

1 ~~((2))~~ (b) Five dollars to the motor vehicle fund created in RCW
2 46.68.070 to be distributed as follows:

3 ~~((a))~~ (i) If paid by motor carriers, to be used for supporting
4 vehicle weigh stations, weigh-in-motion programs, and the commercial
5 vehicle information systems and networks programs; and

6 ~~((b))~~ (ii) If paid by a person other than a motor carrier, to
7 be used for supporting congestion relief programs;

8 ~~((3))~~ (c) A one dollar excise tax to the state general fund;

9 ~~((4))~~ (d) The amount of the filing fee imposed under RCW
10 46.17.005(1) to be credited as required under RCW 46.68.400; ~~((and~~

11 ~~(5))~~ (e) Twenty dollars to the forward Washington account
12 created in section 801 of this act; and

13 (f) The remainder to the credit of the motor vehicle fund created
14 in RCW 46.68.070 as an administrative fee.

15 (2) The administrative fee must be increased or decreased in an
16 equal amount if the amount of the filing fee imposed under RCW
17 46.17.005(1) increases or decreases, so that the total trip permit
18 fee is adjusted equally to compensate.

19 **Sec. 507.** RCW 82.38.110 and 2013 c 225 s 113 are each amended to
20 read as follows:

21 (1) Application for a license must be made to the department. The
22 application must be filed in a manner prescribed by the department
23 and must contain information the department requires. For purposes of
24 this section, the term "applicant" has the same meaning as "person"
25 as provided in RCW 82.38.020.

26 (2) An application for a license other than an application for a
27 dyed special fuel user or international fuel tax agreement license
28 must contain the following information to the extent it applies to
29 the applicant:

30 (a) Proof the department may require concerning the applicant's
31 identity;

32 (b) The applicant's business structure and place of business,
33 including proof the applicant is licensed to conduct business in this
34 state;

35 (c) The employment history of the applicant and partner, officer,
36 or director;

37 (d) A bank reference and whether the applicant or partner,
38 officer, or director has ever been adjudged bankrupt or has an
39 unsatisfied judgment;

1 (e) Whether the applicant or partner, officer, or director has
2 been convicted of a crime or suffered a civil judgment directly
3 related to the distribution and sale of fuel within the last ten
4 years.

5 (3) An applicant must identify each state, province, or country
6 the applicant intends to import fuel from by means other than bulk
7 transfer and must maintain the appropriate license required of each
8 state, province, or country.

9 (4) An applicant must identify each state, province, or country
10 the applicant intends to export fuel to by means other than bulk
11 transfer and must maintain the appropriate license required of each
12 state, province, or country.

13 (5) An applicant for a fuel supplier or terminal operator license
14 must have the appropriate federal certificate of registry issued by
15 the internal revenue service for the activity in which the applicant
16 is engaging.

17 (6) An applicant must submit a surety bond in an amount, form,
18 and manner set by the department. In lieu of a bond, a licensed
19 distributor may provide evidence to the department of sufficient
20 assets to adequately meet fuel tax payments, penalties, interest, or
21 other obligations arising out of this chapter.

22 (7) An application for a dyed special fuel user license must be
23 made in a manner prescribed by the department.

24 (8) An application for an international fuel tax agreement
25 license must be made in a manner prescribed by the department. A fee
26 of (~~ten dollars~~) thirty-two dollars and fifty cents per set of
27 international fuel tax agreement decals issued to each applicant or
28 licensee must be charged. Of this amount, twenty-two dollars and
29 fifty cents must be deposited into the forward Washington account
30 created in section 801 of this act.

31 (9) For the purpose of considering any application for a license,
32 the department may inspect, cause an inspection, investigate, or
33 cause an investigation of the records of this or any other state,
34 Canadian province, country, or the federal government to ascertain
35 the veracity of the information on the application and the
36 applicant's criminal, civil, and licensing history.

37 **Part VI**

38 **Enhanced Driver's License Fees, Electric Vehicle Fees, For-Hire**
39 **Vehicle Fees**

1 **Sec. 601.** RCW 46.20.202 and 2017 c 310 s 3 are each amended to
2 read as follows:

3 (1) The department may enter into a memorandum of understanding
4 with any federal agency for the purposes of facilitating the crossing
5 of the border between the state of Washington and the Canadian
6 province of British Columbia.

7 (2) The department may enter into an agreement with the Canadian
8 province of British Columbia for the purposes of implementing a
9 border-crossing initiative.

10 (3)(a) The department may issue an enhanced driver's license or
11 identicard for the purposes of crossing the border between the state
12 of Washington and the Canadian province of British Columbia to an
13 applicant who provides the department with proof of: United States
14 citizenship, identity, and state residency. The department (~~shall~~)
15 must continue to offer a standard driver's license and identicard. If
16 the department chooses to issue an enhanced driver's license, the
17 department must allow each applicant to choose between a standard
18 driver's license or identicard, or an enhanced driver's license or
19 identicard.

20 (b) The department (~~shall~~) must implement a one-to-many
21 biometric matching system for the enhanced driver's license or
22 identicard. An applicant for an enhanced driver's license or
23 identicard (~~shall~~) must submit a biometric identifier as designated
24 by the department. The biometric identifier must be used solely for
25 the purpose of verifying the identity of the holders and for any
26 purpose set out in RCW 46.20.037. Applicants are required to sign a
27 declaration acknowledging their understanding of the one-to-many
28 biometric match.

29 (c) The enhanced driver's license or identicard must include
30 reasonable security measures to protect the privacy of Washington
31 state residents, including reasonable safeguards to protect against
32 unauthorized disclosure of data about Washington state residents. If
33 the enhanced driver's license or identicard includes a radio
34 frequency identification chip, or similar technology, the department
35 (~~shall~~) must ensure that the technology is encrypted or otherwise
36 secure from unauthorized data access.

37 (d) The requirements of this subsection are in addition to the
38 requirements otherwise imposed on applicants for a driver's license
39 or identicard. The department (~~shall~~) must adopt such rules as
40 necessary to meet the requirements of this subsection. From time to

1 time the department (~~shall~~) must review technological innovations
2 related to the security of identity cards and amend the rules related
3 to enhanced driver's licenses and identicards as the director deems
4 consistent with this section and appropriate to protect the privacy
5 of Washington state residents.

6 (e) Notwithstanding RCW 46.20.118, the department may make images
7 associated with enhanced drivers' licenses or identicards from the
8 negative file available to United States customs and border agents
9 for the purposes of verifying identity.

10 (4) Beginning on July 23, 2017, and until September 30, 2020, the
11 fee for an enhanced driver's license or enhanced identicard is
12 twenty-four dollars, which is in addition to the fees for any regular
13 driver's license or identicard. Beginning October 1, 2020, the fee
14 for an enhanced driver's license or enhanced identicard is fifty-four
15 dollars, which is in addition to the fees for any regular driver's
16 license or identicard. Beginning July 23, 2017, and until September
17 30, 2020, if the enhanced driver's license or enhanced identicard is
18 issued, renewed, or extended for a period other than six years, the
19 fee for each class is four dollars for each year that the enhanced
20 driver's license or enhanced identicard is issued, renewed, or
21 extended. Beginning October 1, 2020, if the enhanced driver's license
22 or enhanced identicard is issued, renewed, or extended for a period
23 less than six years, the fee for each class is nine dollars for each
24 year that the enhanced driver's license or enhanced identicard is
25 issued, renewed, or extended.

26 (5)(a) The first twenty-four dollars of the enhanced driver's
27 license and enhanced identicard fee under this section must be
28 deposited into the highway safety fund unless (~~prior to July 1,~~
29 2023,)) the actions described in (a)(i) or (~~(b)~~) (ii) of this
30 subsection occur, in which case the portion of the revenue that is
31 the result of the fee increased in section 209, chapter 44, Laws of
32 2015 3rd sp. sess. must be distributed to the (~~connecting Washington~~
33 account created under RCW 46.68.395)) forward Washington account
34 created under section 801 of this act.

35 (~~(a)~~) (i) Any state agency files a notice of rule making under
36 chapter 34.05 RCW for a rule regarding a fuel standard based upon or
37 defined by the carbon intensity of fuel, including a low carbon fuel
38 standard or clean fuel standard.

39 (~~(b)~~) (ii) Any state or local agency otherwise enacts, adopts,
40 orders, or in any way implements a fuel standard based upon or

1 defined by the carbon intensity of fuel, including a low carbon fuel
2 standard or clean fuel standard.

3 ~~((e))~~ (iii) Nothing in this subsection acknowledges,
4 establishes, or creates legal authority for the department of ecology
5 or any other state or local agency to enact, adopt, order, or in any
6 way implement a fuel standard based upon or defined by the carbon
7 intensity of fuel, including a low carbon fuel standard or clean fuel
8 standard.

9 (b) Thirty dollars of the enhanced driver's license and enhanced
10 identocard fee under this section must be deposited into the forward
11 flexible account created in section 802 of this act unless the
12 actions described in (a)(i) or (ii) of this subsection occur, in
13 which case the portion of the revenue that is the result of the fee
14 increased in this subsection must be distributed to the forward
15 Washington account created under section 801 of this act.

16 **Sec. 602.** RCW 46.68.041 and 2004 c 95 s 15 are each amended to
17 read as follows:

18 (1) Except as provided in subsection (2) of this section and RCW
19 46.20.202(5), the department ~~((shall))~~ must forward all funds
20 accruing under the provisions of chapter 46.20 RCW together with a
21 proper identifying, detailed report to the state treasurer who
22 ~~((shall))~~ must deposit such moneys to the credit of the highway
23 safety fund.

24 (2) Sixty-three percent of each fee collected by the department
25 under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b) ~~((shall))~~ must
26 be deposited in the impaired driving safety account.

27 **Sec. 603.** RCW 46.17.323 and 2015 3rd sp.s. c 44 s 203 are each
28 amended to read as follows:

29 (1) Before accepting an application for an annual vehicle
30 registration renewal for a vehicle that both (a) uses at least one
31 method of propulsion that is capable of being reenergized by an
32 external source of electricity and (b) is capable of traveling at
33 least thirty miles using only battery power, the department, county
34 auditor or other agent, or subagent appointed by the director must
35 require the applicant to pay a one hundred dollar fee in addition to
36 any other fees and taxes required by law. The one hundred dollar fee
37 is due only at the time of annual registration renewal.

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

4 (3) (a) The fee under this section is imposed to provide funds to
5 mitigate the impact of vehicles on state roads and highways and for
6 the purpose of evaluating the feasibility of transitioning from a
7 revenue collection system based on fuel taxes to a road user
8 assessment system, and is separate and distinct from other vehicle
9 license fees. Proceeds from the fee must be used for highway
10 purposes, and must be deposited in the motor vehicle fund created in
11 RCW 46.68.070, subject to (b) of this subsection.

12 (b) If in any year the amount of proceeds from the fee collected
13 under this section exceeds one million dollars, the excess amount
14 over one million dollars must be deposited as follows:

15 (i) Seventy percent to the motor vehicle fund created in RCW
16 46.68.070;

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

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

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

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

31 (i) The first one million dollars raised by the fee must be
32 deposited into the multimodal transportation account created in RCW
33 47.66.070; and

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

36 (5) (a) In addition to the fee established in subsections (1) and
37 (4) of this section, before accepting an application for an annual
38 vehicle registration renewal for a vehicle that both (i) uses at
39 least one method of propulsion that is capable of being reenergized
40 by an external source of electricity and (ii) is capable of traveling

1 at least thirty miles using only battery power, the department,
2 county auditor or other agent, or subagent appointed by the director
3 must require the applicant to pay a one hundred fifty dollar fee.

4 (b) The fee required under (a) of this subsection must be
5 deposited into the forward Washington account created in section 801
6 of this act.

7 (6)(a) Before accepting an application for an annual vehicle
8 registration renewal for a vehicle that uses at least one method of
9 propulsion that is capable of being reenergized by an external source
10 of electricity but is not capable of traveling at least thirty miles
11 using only battery power, the department, county auditor or other
12 agent, or subagent appointed by the director must require the
13 applicant to pay a fifty dollar hybrid vehicle fee.

14 (b) Vehicles paying the fees specified in subsections (1), (4),
15 and (5) of this section are exempt from this additional hybrid
16 vehicle fee.

17 (c) The fee required under (a) of this subsection must be
18 deposited into the forward Washington account created in section 801
19 of this act.

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

23 NEW SECTION. Sec. 604. A new section is added to chapter 46.01
24 RCW to read as follows:

25 (1) Beginning July 1, 2019, the department must charge a fifty
26 cent per trip fee on prearranged and nonprearranged rides by for-hire
27 vehicles operating in the state of Washington.

28 (2) The director must adopt rules to implement this section. The
29 rules may include, but are not limited to, the:

30 (a) Administration, enforcement, and collection of the fee in the
31 most efficient manner deemed by the director;

32 (b) Imposition of audit requirements to ensure compliance;

33 (c) Establishment of penalties on drivers and companies for
34 noncompliance; and

35 (d) Implementation of cooperative arrangements with cities,
36 counties, or port districts for the collection and remittance of this
37 fee.

38 (3) All revenues generated under this section must be deposited
39 into the forward flexible account created in section 802 of this act.

1 Of the amount deposited pursuant to this subsection, twenty percent
2 shall be used to enhance department of transportation, public
3 transportation division programs as follows:

4 (a) Fifty percent must be for funding the special needs
5 transportation grant program; and

6 (b) Fifty percent must be for funding the transit coordination
7 grant program.

8 (4) The definitions in this subsection apply throughout this
9 section unless the context clearly requires otherwise.

10 (a) "For-hire vehicle" means vehicles used for the transportation
11 of passengers for compensation including, taxicab transportation
12 services provided under chapter 46.72 or 81.72 RCW, or a
13 transportation network company driver providing prearranged trips
14 through a digital network. The term excludes auto stages, school
15 buses operating exclusively under a contract to a school district,
16 ride-sharing vehicles under chapter 46.74 RCW, limousine carriers
17 licensed under chapter 46.72A RCW, vehicles used by nonprofit
18 transportation providers for elderly or persons with disabilities and
19 their attendants under chapter 81.66 RCW, vehicles used by auto
20 transportation companies licensed under chapter 81.68 RCW, vehicles
21 used to provide courtesy transportation at no charge to and from
22 parking lots, hotels, and rental offices, and vehicles used by
23 charter party carriers of passengers and excursion service carriers
24 licensed under chapter 81.70 RCW.

25 (b) "Transportation network company" means a corporation,
26 partnership, sole proprietorship, or other entity that is operating
27 in Washington state and uses a digital network to connect
28 transportation network company riders to transportation network
29 company drivers who provide prearranged rides.

30 (c) "Transportation network company driver" means an individual
31 who:

32 (i) Receives connections to potential transportation network
33 company riders and related services from a transportation network
34 company; and

35 (ii) Uses a transportation network company vehicle to offer or
36 provide a prearranged ride to transportation network company riders
37 upon connection through a digital network controlled by a
38 transportation network company in exchange for compensation or
39 payment of a fee.

1 **Part VII**

2 **High Occupancy Vehicle Lane and Toll Violation Provisions and Capital**
3 **Vessel Surcharge**

4 **Sec. 701.** RCW 46.61.165 and 2013 c 26 s 2 are each amended to
5 read as follows:

6 (1) The state department of transportation and the local
7 authorities are authorized to reserve all or any portion of any
8 highway under their respective jurisdictions, including any
9 designated lane or ramp, for the exclusive or preferential use of one
10 or more of the following: (a) Public transportation vehicles; (b)
11 motorcycles; (c) private motor vehicles carrying no fewer than a
12 specified number of passengers; or (d) the following private
13 transportation provider vehicles if the vehicle has the capacity to
14 carry eight or more passengers, regardless of the number of
15 passengers in the vehicle, and if such use does not interfere with
16 the efficiency, reliability, and safety of public transportation
17 operations: (i) Auto transportation company vehicles regulated under
18 chapter 81.68 RCW; (ii) passenger charter carrier vehicles regulated
19 under chapter 81.70 RCW, except marked or unmarked stretch limousines
20 and stretch sport utility vehicles as defined under department of
21 licensing rules; (iii) private nonprofit transportation provider
22 vehicles regulated under chapter 81.66 RCW; and (iv) private employer
23 transportation service vehicles, when such limitation will increase
24 the efficient utilization of the highway or will aid in the
25 conservation of energy resources.

26 (2) Any transit-only lanes that allow other vehicles to access
27 abutting businesses that are authorized pursuant to subsection (1) of
28 this section may not be authorized for the use of private
29 transportation provider vehicles as described under subsection (1) of
30 this section.

31 (3) The state department of transportation and the local
32 authorities authorized to reserve all or any portion of any highway
33 under their respective jurisdictions, for exclusive or preferential
34 use, may prohibit the use of a high occupancy vehicle lane by the
35 following private transportation provider vehicles: (a) Auto
36 transportation company vehicles regulated under chapter 81.68 RCW;
37 (b) passenger charter carrier vehicles regulated under chapter 81.70
38 RCW, and marked or unmarked limousines and stretch sport utility
39 vehicles as defined under department of licensing rules; (c) private

1 nonprofit transportation provider vehicles regulated under chapter
2 81.66 RCW; and (d) private employer transportation service vehicles,
3 when the average transit speed in the high occupancy vehicle lane
4 fails to meet department of transportation standards and falls below
5 forty-five miles per hour at least ninety percent of the time during
6 the peak hours, as determined by the department of transportation or
7 the local authority, whichever operates the facility.

8 (4) Regulations authorizing such exclusive or preferential use of
9 a highway facility may be declared to be effective at all times or at
10 specified times of day or on specified days. Violation of a
11 restriction of highway usage prescribed by the appropriate authority
12 under this section is a traffic infraction. A person found to have
13 committed a traffic infraction under this section is also subject to
14 a separate monetary penalty as defined in RCW 46.63.110(11). The
15 additional monetary penalty is separate from the base penalty and
16 assessments issued for the traffic infraction and is intended to
17 raise awareness and improve the efficiency of the high occupancy
18 vehicle lane system.

19 (5) Local authorities are encouraged to establish a process for
20 private transportation providers, as described under subsections (1)
21 and (3) of this section, to apply for the use of public
22 transportation facilities reserved for the exclusive or preferential
23 use of public transportation vehicles. The application and review
24 processes should be uniform and should provide for an expeditious
25 response by the local authority. Whenever practicable, local
26 authorities should enter into agreements with such private
27 transportation providers to allow for the reasonable use of these
28 facilities.

29 (6) For the purposes of this section, "private employer
30 transportation service" means regularly scheduled, fixed-route
31 transportation service that is similarly marked or identified to
32 display the business name or logo on the driver and passenger sides
33 of the vehicle, meets the annual certification requirements of the
34 department of transportation, and is offered by an employer for the
35 benefit of its employees.

36 **Sec. 702.** RCW 46.63.110 and 2012 c 82 s 1 are each amended to
37 read as follows:

38 (1) A person found to have committed a traffic infraction
39 (~~shall~~) must be assessed a monetary penalty. No penalty may exceed

1 two hundred and fifty dollars for each offense unless authorized by
2 this chapter or title.

3 (2) The monetary penalty for a violation of (a) RCW 46.55.105(2)
4 is two hundred fifty dollars for each offense; (b) RCW 46.61.210(1)
5 is five hundred dollars for each offense. No penalty assessed under
6 this subsection (2) may be reduced.

7 (3) The supreme court (~~shall~~) must prescribe by rule a schedule
8 of monetary penalties for designated traffic infractions. This rule
9 (~~shall~~) must also specify the conditions under which local courts
10 may exercise discretion in assessing fines and penalties for traffic
11 infractions. The legislature respectfully requests the supreme court
12 to adjust this schedule every two years for inflation.

13 (4) There (~~shall be~~) is a penalty of twenty-five dollars for
14 failure to respond to a notice of traffic infraction except where the
15 infraction relates to parking as defined by local law, ordinance,
16 regulation, or resolution or failure to pay a monetary penalty
17 imposed pursuant to this chapter. A local legislative body may set a
18 monetary penalty not to exceed twenty-five dollars for failure to
19 respond to a notice of traffic infraction relating to parking as
20 defined by local law, ordinance, regulation, or resolution. The local
21 court, whether a municipal, police, or district court, (~~shall~~) must
22 impose the monetary penalty set by the local legislative body.

23 (5) Monetary penalties provided for in chapter 46.70 RCW
24 (~~which~~) that are civil in nature and penalties (~~which~~) that may
25 be assessed for violations of chapter 46.44 RCW relating to size,
26 weight, and load of motor vehicles are not subject to the limitation
27 on the amount of monetary penalties (~~which~~) that may be imposed
28 pursuant to this chapter.

29 (6) Whenever a monetary penalty, fee, cost, assessment, or other
30 monetary obligation is imposed by a court under this chapter, it is
31 immediately payable and is enforceable as a civil judgment under
32 Title 6 RCW. If the court determines, in its discretion, that a
33 person is not able to pay a monetary obligation in full, and not more
34 than one year has passed since the later of July 1, 2005, or the date
35 the monetary obligation initially became due and payable, the court
36 (~~shall~~) must enter into a payment plan with the person, unless the
37 person has previously been granted a payment plan with respect to the
38 same monetary obligation, or unless the person is in noncompliance of
39 any existing or prior payment plan, in which case the court may, at
40 its discretion, implement a payment plan. If the court has notified

1 the department that the person has failed to pay or comply and the
2 person has subsequently entered into a payment plan and made an
3 initial payment, the court (~~shall~~) must notify the department that
4 the infraction has been adjudicated, and the department (~~shall~~)
5 must rescind any suspension of the person's driver's license or
6 driver's privilege based on failure to respond to that infraction.
7 "Payment plan," as used in this section, means a plan that requires
8 reasonable payments based on the financial ability of the person to
9 pay. The person may voluntarily pay an amount at any time in addition
10 to the payments required under the payment plan.

11 (a) If a payment required to be made under the payment plan is
12 delinquent or the person fails to complete a community restitution
13 program on or before the time established under the payment plan,
14 unless the court determines good cause therefor and adjusts the
15 payment plan or the community restitution plan accordingly, the court
16 may refer the unpaid monetary penalty, fee, cost, assessment, or
17 other monetary obligation for civil enforcement until all monetary
18 obligations, including those imposed under subsections (3) and (4) of
19 this section, have been paid, and court authorized community
20 restitution has been completed, or until the court has entered into a
21 new time payment or community restitution agreement with the person.
22 For those infractions subject to suspension under RCW 46.20.289, the
23 court (~~shall~~) must notify the department of the person's failure to
24 meet the conditions of the plan, and the department (~~shall~~) must
25 suspend the person's driver's license or driving privileges.

26 (b) If a person has not entered into a payment plan with the
27 court and has not paid the monetary obligation in full on or before
28 the time established for payment, the court may refer the unpaid
29 monetary penalty, fee, cost, assessment, or other monetary obligation
30 to a collections agency until all monetary obligations have been
31 paid, including those imposed under subsections (3) and (4) of this
32 section, or until the person has entered into a payment plan under
33 this section. For those infractions subject to suspension under RCW
34 46.20.289, the court (~~shall~~) must notify the department of the
35 person's delinquency, and the department (~~shall~~) must suspend the
36 person's driver's license or driving privileges.

37 (c) If the payment plan is to be administered by the court, the
38 court may assess the person a reasonable administrative fee to be
39 wholly retained by the city or county with jurisdiction. The
40 administrative fee (~~shall~~) may not exceed ten dollars per

1 infraction or twenty-five dollars per payment plan, whichever is
2 less.

3 (d) Nothing in this section precludes a court from contracting
4 with outside entities to administer its payment plan system. When
5 outside entities are used for the administration of a payment plan,
6 the court may assess the person a reasonable fee for such
7 administrative services, which fee may be calculated on a periodic,
8 percentage, or other basis.

9 (e) If a court authorized community restitution program for
10 offenders is available in the jurisdiction, the court may allow
11 conversion of all or part of the monetary obligations due under this
12 section to court authorized community restitution in lieu of time
13 payments if the person is unable to make reasonable time payments.

14 (7) In addition to any other penalties imposed under this section
15 and not subject to the limitation of subsection (1) of this section,
16 a person found to have committed a traffic infraction (~~(shall)~~) must
17 be assessed:

18 (a) A fee of five dollars per infraction. Under no circumstances
19 (~~(shall)~~) may this fee be reduced or waived. Revenue from this fee
20 (~~(shall)~~) must be forwarded to the state treasurer for deposit in the
21 emergency medical services and trauma care system trust account under
22 RCW 70.168.040;

23 (b) A fee of ten dollars per infraction. Under no circumstances
24 (~~(shall)~~) may this fee be reduced or waived. Revenue from this fee
25 (~~(shall)~~) must be forwarded to the state treasurer for deposit in the
26 Washington auto theft prevention authority account; and

27 (c) A fee of two dollars per infraction. Revenue from this fee
28 (~~(shall)~~) must be forwarded to the state treasurer for deposit in the
29 traumatic brain injury account established in RCW 74.31.060.

30 (8)(a) In addition to any other penalties imposed under this
31 section and not subject to the limitation of subsection (1) of this
32 section, a person found to have committed a traffic infraction other
33 than of RCW 46.61.527 or 46.61.212 (~~(shall)~~) must be assessed an
34 additional penalty of twenty dollars. The court may not reduce,
35 waive, or suspend the additional penalty unless the court finds the
36 offender to be indigent. If a court authorized community restitution
37 program for offenders is available in the jurisdiction, the court
38 (~~(shall)~~) must allow offenders to offset all or a part of the penalty
39 due under this subsection (8) by participation in the court
40 authorized community restitution program.

1 (b) Eight dollars and fifty cents of the additional penalty under
2 (a) of this subsection (~~shall~~) must be remitted to the state
3 treasurer. The remaining revenue from the additional penalty must be
4 remitted under chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW.
5 Money remitted under this subsection to the state treasurer must be
6 deposited in the state general fund. The balance of the revenue
7 received by the county or city treasurer under this subsection must
8 be deposited into the county or city current expense fund. Moneys
9 retained by the city or county under this subsection (~~shall~~)
10 constitute reimbursement for any liabilities under RCW 43.135.060.

11 (9) If a legal proceeding, such as garnishment, has commenced to
12 collect any delinquent amount owed by the person for any penalty
13 imposed by the court under this section, the court may, at its
14 discretion, enter into a payment plan.

15 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
16 hundred fifty dollars for the first violation; (b) five hundred
17 dollars for the second violation; and (c) seven hundred fifty dollars
18 for each violation thereafter.

19 (11) (a) Whenever a person commits a traffic infraction as
20 provided in RCW 46.61.165(4), an additional monetary penalty must be
21 collected as follows:

22 (i) One hundred seventy-five dollars for the first offense;
23 (ii) Two hundred fifty dollars for the second offense; and
24 (iii) Three hundred fifty dollars for the third and subsequent
25 offenses.

26 (b) The monetary penalty under this subsection (11) is an
27 additional, separate, and distinct penalty from the base penalty and
28 is not subject to the assessments provided in this section and under
29 RCW 3.62.090 and 2.68.040. The monetary penalty under this subsection
30 (11) must be deposited into the forward flexible account created in
31 section 802 of this act. The monetary penalty under this subsection
32 (11) may not be waived or reduced by the court.

33 **Sec. 703.** RCW 3.62.090 and 2004 c 15 s 5 are each amended to
34 read as follows:

35 (1) There (~~shall be~~) is assessed and collected in addition to
36 any fines, forfeitures, or penalties assessed, other than for parking
37 infractions, by all courts organized under Title 3 or 35 RCW a public
38 safety and education assessment equal to seventy percent of such
39 fines, forfeitures, or penalties, which (~~shall~~) must be remitted as

1 provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment
2 required by this section (~~shall~~) may not be suspended or waived by
3 the court.

4 (2) There (~~shall be~~) is assessed and collected in addition to
5 any fines, forfeitures, or penalties assessed, other than for parking
6 infractions and for fines levied under RCW 46.61.5055, and in
7 addition to the public safety and education assessment required under
8 subsection (1) of this section, by all courts organized under Title 3
9 or 35 RCW, an additional public safety and education assessment equal
10 to fifty percent of the public safety and education assessment
11 required under subsection (1) of this section, which (~~shall~~) must
12 be remitted to the state treasurer and deposited as provided in RCW
13 43.08.250. The additional assessment required by this subsection
14 (~~shall~~) may not be suspended or waived by the court.

15 (3) This section does not apply to:

16 (a) The fee imposed under RCW 46.63.110(7) (~~(7)~~);

17 (b) The penalty imposed under RCW 46.63.110(8) (~~(7-0)~~);

18 (c) The penalty assessment imposed under RCW 10.99.080; or

19 (d) The additional monetary penalty under RCW 46.63.110(11).

20 **Sec. 704.** RCW 2.68.040 and 1994 c 8 s 2 are each amended to read
21 as follows:

22 (1) To support the judicial information system account provided
23 for in RCW 2.68.020, the supreme court may provide by rule for an
24 increase in fines, penalties, and assessments, and the increased
25 amount (~~shall~~) must be forwarded to the state treasurer for deposit
26 in the account:

27 (a) Pursuant to the authority of RCW 46.63.110(~~(2)~~) (3), the
28 sum of ten dollars to any penalty collected by a court pursuant to
29 supreme court infraction rules for courts of limited jurisdiction;

30 (b) Pursuant to RCW 3.62.060, a mandatory appearance cost in the
31 initial sum of ten dollars to be assessed on all defendants; and

32 (c) Pursuant to RCW 46.63.110(~~(5)~~) (6), a ten-dollar assessment
33 for each account for which a person requests a time payment schedule.

34 (2) Notwithstanding a provision of law or rule to the contrary,
35 the assessments provided for in this section may not be waived or
36 suspended and (~~shall~~) must be immediately due and payable upon
37 forfeiture, conviction, deferral of prosecution, or request for time
38 payment, as each (~~shall~~) occurs.

1 (3) The supreme court is requested to adjust these assessments
2 for inflation.

3 (4) This section does not apply to the additional monetary
4 penalty in RCW 46.63.110(11).

5 **Sec. 705.** RCW 47.60.315 and 2011 1st sp.s. c 16 s 3 are each
6 amended to read as follows:

7 (1) The commission (~~shall~~) must adopt fares and pricing
8 policies by rule, under chapter 34.05 RCW, according to the following
9 schedule:

10 (a) Each year the department (~~shall~~) must provide the
11 commission a report of its review of fares and pricing policies, with
12 recommendations for the revision of fares and pricing policies for
13 the ensuing year;

14 (b) By September 1st of each year, beginning in 2008, the
15 commission (~~shall~~) must adopt by rule fares and pricing policies
16 for the ensuing year.

17 (2) The commission may adopt by rule fares that are effective for
18 more or less than one year for the purposes of transitioning to the
19 fare schedule in subsection (1) of this section.

20 (3) The commission may increase ferry fares included in the
21 schedule of charges adopted under this section by a percentage that
22 exceeds the fiscal growth factor.

23 (4) The chief executive officer of the ferry system may authorize
24 the use of promotional, discounted, and special event fares to the
25 general public and commercial enterprises for the purpose of
26 maximizing capacity use and the revenues collected by the ferry
27 system. The department (~~shall~~) must report to the commission a
28 summary of the promotional, discounted, and special event fares
29 offered during each fiscal year and the financial results from these
30 activities.

31 (5) Fare revenues and other revenues deposited in the Puget Sound
32 ferry operations account created in RCW 47.60.530 may not be used to
33 support the Puget Sound capital construction account created in RCW
34 47.60.505, unless the support for capital is separately identified in
35 the fare.

36 (6) The commission may not raise fares until the fare rules
37 contain pricing policies developed under RCW 47.60.290, or September
38 1, 2009, whichever is later.

1 (7) The commission (~~shall~~) must impose a vessel replacement
2 surcharge of twenty-five cents on every one-way and round-trip ferry
3 fare sold, including multiride and monthly pass fares (~~(. This~~
4 ~~surcharge)~~), which must be deposited into the capital vessel
5 replacement account created under RCW 47.60.322.

6 (8) Beginning July 1, 2019, the commission must impose an
7 additional vessel replacement surcharge of twenty-five cents on every
8 one-way and round-trip ferry fare sold, including multiride and
9 monthly pass fares, which must be deposited into the forward
10 Washington account created in section 801 of this act. These
11 surcharges must be clearly indicated to ferry passengers and drivers
12 and, if possible, on the fare media itself.

13 **Part VIII**
14 **Other Provisions**

15 NEW SECTION. Sec. 801. A new section is added to chapter 46.68
16 RCW to read as follows:

17 The forward Washington account is created in the motor vehicle
18 fund. Moneys in the account may be spent only after appropriation.
19 Expenditures from the account must be used only for projects or
20 improvements identified as forward Washington projects or
21 improvements in a transportation appropriations act, including any
22 principal and interest on bonds authorized for the projects or
23 improvements.

24 NEW SECTION. Sec. 802. A new section is added to chapter 46.68
25 RCW to read as follows:

26 The forward flexible account is created in the state treasury.
27 Moneys in the account may be spent only after appropriation.
28 Expenditures from the account may be used only for transportation
29 projects, programs, or activities identified as forward flexible
30 projects, programs, or activities in a transportation appropriations
31 act.

32 **Sec. 803.** RCW 43.84.092 and 2018 c 287 s 7, 2018 c 275 s 10, and
33 2018 c 203 s 14 are each reenacted and amended to read as follows:

34 (1) All earnings of investments of surplus balances in the state
35 treasury shall be deposited to the treasury income account, which
36 account is hereby established in the state treasury.

1 (2) The treasury income account shall be utilized to pay or
2 receive funds associated with federal programs as required by the
3 federal cash management improvement act of 1990. The treasury income
4 account is subject in all respects to chapter 43.88 RCW, but no
5 appropriation is required for refunds or allocations of interest
6 earnings required by the cash management improvement act. Refunds of
7 interest to the federal treasury required under the cash management
8 improvement act fall under RCW 43.88.180 and shall not require
9 appropriation. The office of financial management shall determine the
10 amounts due to or from the federal government pursuant to the cash
11 management improvement act. The office of financial management may
12 direct transfers of funds between accounts as deemed necessary to
13 implement the provisions of the cash management improvement act, and
14 this subsection. Refunds or allocations shall occur prior to the
15 distributions of earnings set forth in subsection (4) of this
16 section.

17 (3) Except for the provisions of RCW 43.84.160, the treasury
18 income account may be utilized for the payment of purchased banking
19 services on behalf of treasury funds including, but not limited to,
20 depository, safekeeping, and disbursement functions for the state
21 treasury and affected state agencies. The treasury income account is
22 subject in all respects to chapter 43.88 RCW, but no appropriation is
23 required for payments to financial institutions. Payments shall occur
24 prior to distribution of earnings set forth in subsection (4) of this
25 section.

26 (4) Monthly, the state treasurer shall distribute the earnings
27 credited to the treasury income account. The state treasurer shall
28 credit the general fund with all the earnings credited to the
29 treasury income account except:

30 (a) The following accounts and funds shall receive their
31 proportionate share of earnings based upon each account's and fund's
32 average daily balance for the period: The abandoned recreational
33 vehicle disposal account, the aeronautics account, the aircraft
34 search and rescue account, the Alaskan Way viaduct replacement
35 project account, the brownfield redevelopment trust fund account, the
36 budget stabilization account, the capital vessel replacement account,
37 the capitol building construction account, the Cedar River channel
38 construction and operation account, the Central Washington University
39 capital projects account, the charitable, educational, penal and
40 reformatory institutions account, the Chehalis basin account, the

1 cleanup settlement account, the Columbia river basin water supply
2 development account, the Columbia river basin taxable bond water
3 supply development account, the Columbia river basin water supply
4 revenue recovery account, the common school construction fund, the
5 community forest trust account, the connecting Washington account,
6 the county arterial preservation account, the county criminal justice
7 assistance account, the deferred compensation administrative account,
8 the deferred compensation principal account, the department of
9 licensing services account, the department of licensing tuition
10 recovery trust fund, the department of retirement systems expense
11 account, the developmental disabilities community trust account, the
12 diesel idle reduction account, the drinking water assistance account,
13 the drinking water assistance administrative account, the early
14 learning facilities development account, the early learning
15 facilities revolving account, the Eastern Washington University
16 capital projects account, the Interstate 405 express toll lanes
17 operations account, the education construction fund, the education
18 legacy trust account, the election account, the electric vehicle
19 charging infrastructure account, the energy freedom account, the
20 energy recovery act account, the essential rail assistance account,
21 The Evergreen State College capital projects account, the federal
22 forest revolving account, the ferry bond retirement fund, the forward
23 flexible account, the forward Washington account, the freight
24 mobility investment account, the freight mobility multimodal account,
25 the grade crossing protective fund, the public health services
26 account, the high capacity transportation account, the state higher
27 education construction account, the higher education construction
28 account, the highway bond retirement fund, the highway infrastructure
29 account, the highway safety fund, the high occupancy toll lanes
30 operations account, the hospital safety net assessment fund, the
31 industrial insurance premium refund account, the judges' retirement
32 account, the judicial retirement administrative account, the judicial
33 retirement principal account, the local leasehold excise tax account,
34 the local real estate excise tax account, the local sales and use tax
35 account, the marine resources stewardship trust account, the medical
36 aid account, the mobile home park relocation fund, the money-purchase
37 retirement savings administrative account, the money-purchase
38 retirement savings principal account, the motor vehicle fund, the
39 motorcycle safety education account, the multimodal transportation
40 account, the multiuse roadway safety account, the municipal criminal

1 justice assistance account, the natural resources deposit account,
2 the oyster reserve land account, the pension funding stabilization
3 account, the perpetual surveillance and maintenance account, the
4 pollution liability insurance agency underground storage tank
5 revolving account, the public employees' retirement system plan 1
6 account, the public employees' retirement system combined plan 2 and
7 plan 3 account, the public facilities construction loan revolving
8 account beginning July 1, 2004, the public health supplemental
9 account, the public works assistance account, the Puget Sound capital
10 construction account, the Puget Sound ferry operations account, the
11 Puget Sound taxpayer accountability account, the real estate
12 appraiser commission account, the recreational vehicle account, the
13 regional mobility grant program account, the resource management cost
14 account, the rural arterial trust account, the rural mobility grant
15 program account, the rural Washington loan fund, the sexual assault
16 prevention and response account, the site closure account, the
17 skilled nursing facility safety net trust fund, the small city
18 pavement and sidewalk account, the special category C account, the
19 special wildlife account, the state employees' insurance account, the
20 state employees' insurance reserve account, the state investment
21 board expense account, the state investment board commingled trust
22 fund accounts, the state patrol highway account, the state route
23 number 520 civil penalties account, the state route number 520
24 corridor account, the state wildlife account, the statewide tourism
25 marketing account, the student achievement council tuition recovery
26 trust fund, the supplemental pension account, the Tacoma Narrows toll
27 bridge account, the teachers' retirement system plan 1 account, the
28 teachers' retirement system combined plan 2 and plan 3 account, the
29 tobacco prevention and control account, the tobacco settlement
30 account, the toll facility bond retirement account, the
31 transportation 2003 account (nickel account), the transportation
32 equipment fund, the transportation future funding program account,
33 the transportation improvement account, the transportation
34 improvement board bond retirement account, the transportation
35 infrastructure account, the transportation partnership account, the
36 traumatic brain injury account, the tuition recovery trust fund, the
37 University of Washington bond retirement fund, the University of
38 Washington building account, the volunteer firefighters' and reserve
39 officers' relief and pension principal fund, the volunteer
40 firefighters' and reserve officers' administrative fund, the

1 Washington judicial retirement system account, the Washington law
2 enforcement officers' and firefighters' system plan 1 retirement
3 account, the Washington law enforcement officers' and firefighters'
4 system plan 2 retirement account, the Washington public safety
5 employees' plan 2 retirement account, the Washington school
6 employees' retirement system combined plan 2 and 3 account, the
7 Washington state health insurance pool account, the Washington state
8 patrol retirement account, the Washington State University building
9 account, the Washington State University bond retirement fund, the
10 water pollution control revolving administration account, the water
11 pollution control revolving fund, the Western Washington University
12 capital projects account, the Yakima integrated plan implementation
13 account, the Yakima integrated plan implementation revenue recovery
14 account, and the Yakima integrated plan implementation taxable bond
15 account. Earnings derived from investing balances of the agricultural
16 permanent fund, the normal school permanent fund, the permanent
17 common school fund, the scientific permanent fund, the state
18 university permanent fund, and the state reclamation revolving
19 account shall be allocated to their respective beneficiary accounts.

20 (b) Any state agency that has independent authority over accounts
21 or funds not statutorily required to be held in the state treasury
22 that deposits funds into a fund or account in the state treasury
23 pursuant to an agreement with the office of the state treasurer shall
24 receive its proportionate share of earnings based upon each account's
25 or fund's average daily balance for the period.

26 (5) In conformance with Article II, section 37 of the state
27 Constitution, no treasury accounts or funds shall be allocated
28 earnings without the specific affirmative directive of this section.

29 **Sec. 804.** RCW 46.25.100 and 2015 3rd sp.s. c 44 s 208 are each
30 amended to read as follows:

31 (1) When a person has been disqualified from operating a
32 commercial motor vehicle, the person is not entitled to have the
33 commercial driver's license or commercial learner's permit restored
34 until after the expiration of the appropriate disqualification period
35 required under RCW 46.25.090 or until the department has received a
36 drug and alcohol assessment and evidence is presented of satisfactory
37 participation in or completion of any required drug or alcohol
38 treatment program for ending the disqualification under RCW
39 46.25.090(7). After expiration of the appropriate period and upon

1 payment of a requalification fee of twenty dollars until June 30,
2 2016, and thirty-five dollars beginning July 1, 2016, or one hundred
3 fifty dollars if the person has been disqualified under RCW
4 46.25.090(7), the person may apply for a new, duplicate, or renewal
5 commercial driver's license or commercial learner's permit as
6 provided by law. If the person has been disqualified for a period of
7 one year or more, the person (~~shall~~) must demonstrate that he or
8 she meets the commercial driver's license or commercial learner's
9 permit qualification standards specified in RCW 46.25.060.

10 (2) The fees under this section must be deposited into the
11 highway safety fund unless (~~prior to July 1, 2023,~~) the actions
12 described in (a) or (b) of this subsection occur, in which case the
13 portion of the revenue that is the result of the fee increased in
14 section 208, chapter 44, Laws of 2015 3rd sp. sess. must be
15 distributed to the (~~connecting Washington account created under RCW~~
16 ~~46.68.395~~) forward Washington account created under section 801 of
17 this act.

18 (a) Any state agency files a notice of rule making under chapter
19 34.05 RCW for a rule regarding a fuel standard based upon or defined
20 by the carbon intensity of fuel, including a low carbon fuel standard
21 or clean fuel standard.

22 (b) Any state or local agency otherwise enacts, adopts, orders,
23 or in any way implements a fuel standard based upon or defined by the
24 carbon intensity of fuel, including a low carbon fuel standard or
25 clean fuel standard.

26 (c) Nothing in this subsection acknowledges, establishes, or
27 creates legal authority for the department of ecology or any other
28 state or local agency to enact, adopt, order, or in any way implement
29 a fuel standard based upon or defined by the carbon intensity of
30 fuel, including a low carbon fuel standard or clean fuel standard.

31 **Sec. 805.** RCW 46.25.052 and 2015 3rd sp.s. c 44 s 206 are each
32 amended to read as follows:

33 (1) The department may issue a CLP to an applicant who is at
34 least eighteen years of age and holds a valid Washington state
35 driver's license and who has:

36 (a) Submitted an application on a form or in a format provided by
37 the department;

38 (b) Passed the general knowledge examination required for
39 issuance of a CDL under RCW 46.25.060 for the commercial motor

1 vehicle classification in which the applicant operates or expects to
2 operate; and

3 (c) Paid the appropriate examination fee or fees and an
4 application fee of ten dollars until June 30, 2016, and forty dollars
5 beginning July 1, 2016.

6 (2) A CLP must be marked "commercial learner's permit" or "CLP,"
7 and must be, to the maximum extent practicable, tamperproof. Other
8 than a photograph of the applicant, it must include, but not be
9 limited to, the information required on a CDL under RCW 46.25.080(1).

10 (3) The holder of a CLP may drive a commercial motor vehicle on a
11 highway only when in possession of a valid driver's license and
12 accompanied by the holder of a valid CDL who has the proper CDL
13 classification and endorsement or endorsements necessary to operate
14 the commercial motor vehicle. The CDL holder must at all times be
15 physically present in the front seat of the vehicle next to the CLP
16 holder or, in the case of a passenger vehicle, directly behind or in
17 the first row behind the driver and must have the CLP holder under
18 observation and direct supervision.

19 (4) A CLP may be classified in the same manner as a CDL under RCW
20 46.25.080(2)(a).

21 (5) CLPs may be issued with only P, S, or N endorsements as
22 described in RCW 46.25.080(2)(b).

23 (a) The holder of a CLP with a P endorsement must have taken and
24 passed the P endorsement knowledge examination. The holder of a CLP
25 with a P endorsement is prohibited from operating a commercial motor
26 vehicle carrying passengers other than authorized employees or
27 representatives of the department and the federal motor carrier
28 safety administration, examiners, other trainees, and the CDL holder
29 accompanying the CLP holder as required under subsection (2) of this
30 section. The P endorsement must be class specific.

31 (b) The holder of a CLP with an S endorsement must have taken and
32 passed the S endorsement knowledge examination. The holder of a CLP
33 with an S endorsement is prohibited from operating a school bus with
34 passengers other than authorized employees or representatives of the
35 department and the federal motor carrier safety administration,
36 examiners, other trainees, and the CDL holder accompanying the CLP
37 holder as required under subsection (2) of this section.

38 (c) The holder of a CLP with an N endorsement must have taken and
39 passed the N endorsement knowledge examination. The holder of a CLP
40 with an N endorsement may only operate an empty tank vehicle and is

1 prohibited from operating any tank vehicle that previously contained
2 hazardous materials and has not been purged of any residue.

3 (6) A CLP may be issued with appropriate restrictions as
4 described in RCW 46.25.080(2)(c). In addition, a CLP may be issued
5 with the following restrictions:

6 (a) "P" restricts the driver from operating a bus with
7 passengers;

8 (b) "X" restricts the driver from operating a tank vehicle that
9 contains cargo; and

10 (c) Any restriction as established by rule of the department.

11 (7) The holder of a CLP is not authorized to operate a commercial
12 motor vehicle transporting hazardous materials.

13 (8) A CLP may not be issued for a period to exceed one hundred
14 eighty days. The department may renew the CLP for one additional one
15 hundred eighty-day period without requiring the CLP holder to retake
16 the general and endorsement knowledge examinations.

17 (9) The department must transmit the fees collected for CLPs to
18 the state treasurer for deposit in the highway safety fund unless
19 (~~prior to July 1, 2023,~~) the actions described in (a) or (b) of
20 this subsection occur, in which case the portion of the revenue that
21 is the result of the fee increased in section 206, chapter 44, Laws
22 of 2015 3rd sp. sess. must be distributed to the (~~connecting~~
23 ~~Washington account created under RCW 46.68.395~~) forward Washington
24 account created under section 801 of this act.

25 (a) Any state agency files a notice of rule making under chapter
26 34.05 RCW for a rule regarding a fuel standard based upon or defined
27 by the carbon intensity of fuel, including a low carbon fuel standard
28 or clean fuel standard.

29 (b) Any state or local agency otherwise enacts, adopts, orders,
30 or in any way implements a fuel standard based upon or defined by the
31 carbon intensity of fuel, including a low carbon fuel standard or
32 clean fuel standard.

33 (c) Nothing in this subsection acknowledges, establishes, or
34 creates legal authority for the department of ecology or any other
35 state or local agency to enact, adopt, order, or in any way implement
36 a fuel standard based upon or defined by the carbon intensity of
37 fuel, including a low carbon fuel standard or clean fuel standard.

38 **Sec. 806.** RCW 46.25.060 and 2015 3rd sp.s. c 44 s 207 are each
39 amended to read as follows:

1 (1)(a) No person may be issued a commercial driver's license
2 unless that person:

3 (i) Is a resident of this state;

4 (ii) Has successfully completed a course of instruction in the
5 operation of a commercial motor vehicle that has been approved by the
6 director or has been certified by an employer as having the skills
7 and training necessary to operate a commercial motor vehicle safely;

8 (iii) If he or she does not hold a valid commercial driver's
9 license of the appropriate classification, has been issued a
10 commercial learner's permit under RCW 46.25.052; and

11 (iv) Has passed a knowledge and skills examination for driving a
12 commercial motor vehicle that complies with minimum federal standards
13 established by federal regulation enumerated in 49 C.F.R. Part 383,
14 subparts F, G, and H, in addition to other requirements imposed by
15 state law or federal regulation. The department may not allow the
16 person to take the skills examination during the first fourteen days
17 after initial issuance of the person's commercial learner's permit.
18 The examinations must be prescribed and conducted by the department.

19 (b) In addition to the fee charged for issuance or renewal of any
20 license, the applicant (~~shall~~) must pay a fee of no more than ten
21 dollars until June 30, 2016, and thirty-five dollars beginning July
22 1, 2016, for the classified knowledge examination, classified
23 endorsement knowledge examination, or any combination of classified
24 license and endorsement knowledge examinations. The applicant
25 (~~shall~~) must pay a fee of no more than one hundred dollars until
26 June 30, 2016, and two hundred fifty dollars beginning July 1, 2016,
27 for each classified skill examination or combination of classified
28 skill examinations conducted by the department.

29 (c) The department may authorize a person, including an agency of
30 this or another state, an employer, a private driver training
31 facility, or other private institution, or a department, agency, or
32 instrumentality of local government, to administer the skills
33 examination specified by this section under the following conditions:

34 (i) The examination is the same which would otherwise be
35 administered by the state;

36 (ii) The third party has entered into an agreement with the state
37 that complies with the requirements of 49 C.F.R. Sec. 383.75; and

38 (iii) The director has adopted rules as to the third party
39 testing program and the development and justification for fees
40 charged by any third party.

1 (d) If the applicant's primary use of a commercial driver's
2 license is for any of the following, then the applicant (~~shall~~)
3 must pay a fee of no more than seventy-five dollars until June 30,
4 2016, and two hundred twenty-five dollars beginning July 1, 2016, for
5 the classified skill examination or combination of classified skill
6 examinations whether conducted by the department or a third-party
7 tester:

8 (i) Public benefit not-for-profit corporations that are federally
9 supported head start programs; or

10 (ii) Public benefit not-for-profit corporations that support
11 early childhood education and assistance programs as described in RCW
12 (~~43.215.405(2)~~) 43.216.505(2).

13 (e) Beginning July 1, 2016, if the applicant's primary use of a
14 commercial driver's license is to drive a school bus, the applicant
15 (~~shall~~) must pay a fee of no more than one hundred dollars for the
16 classified skill examination or combination of classified skill
17 examinations conducted by the department.

18 (f) Beginning July 1, 2016, payment of the examination fees under
19 this subsection entitles the applicant to take the examination up to
20 two times in order to pass.

21 (2)(a) The department may waive the skills examination and the
22 requirement for completion of a course of instruction in the
23 operation of a commercial motor vehicle specified in this section for
24 a commercial driver's license applicant who meets the requirements of
25 49 C.F.R. Sec. 383.77.

26 (b) An applicant who operates a commercial motor vehicle for
27 agribusiness purposes is exempt from the course of instruction
28 completion and employer skills and training certification
29 requirements under this section. By January 1, 2010, the department
30 (~~shall~~) must submit recommendations regarding the continuance of
31 this exemption to the transportation committees of the legislature.
32 For purposes of this subsection (2)(b), "agribusiness" means a
33 private carrier who in the normal course of business primarily
34 transports:

35 (i) Farm machinery, farm equipment, implements of husbandry, farm
36 supplies, and materials used in farming;

37 (ii) Agricultural inputs, such as seed, feed, fertilizer, and
38 crop protection products;

1 (iii) Unprocessed agricultural commodities, as defined in RCW
2 17.21.020, where such commodities are produced by farmers, ranchers,
3 vineyardists, or orchardists; or

4 (iv) Any combination of (b) (i) through (iii) of this subsection.

5 (3) The department (~~shall~~) must notify the transportation
6 committees of the legislature if the federal government takes action
7 affecting the exemption provided in (~~this~~) subsection (2) (b) of
8 this section.

9 (~~(3)~~) (4) A commercial driver's license or commercial learner's
10 permit may not be issued to a person while the person is subject to a
11 disqualification from driving a commercial motor vehicle, or while
12 the person's driver's license is suspended, revoked, or canceled in
13 any state, nor may a commercial driver's license be issued to a
14 person who has a commercial driver's license issued by any other
15 state unless the person first surrenders all such licenses, which
16 must be returned to the issuing state for cancellation.

17 (~~(4)~~) (5) The fees under this section must be deposited into
18 the highway safety fund unless (~~prior to July 1, 2023,~~) the actions
19 described in (a) or (b) of this subsection occur, in which case the
20 portion of the revenue that is the result of the fee increased in
21 section 207, chapter 44, Laws of 2015 3rd sp. sess. must be
22 distributed to the (~~connecting Washington account created under RCW~~
23 ~~46.68.395~~) forward Washington account created under section 801 of
24 this act.

25 (a) Any state agency files a notice of rule making under chapter
26 34.05 RCW for a rule regarding a fuel standard based upon or defined
27 by the carbon intensity of fuel, including a low carbon fuel standard
28 or clean fuel standard.

29 (b) Any state or local agency otherwise enacts, adopts, orders,
30 or in any way implements a fuel standard based upon or defined by the
31 carbon intensity of fuel, including a low carbon fuel standard or
32 clean fuel standard.

33 (c) Nothing in this subsection acknowledges, establishes, or
34 creates legal authority for the department of ecology or any other
35 state or local agency to enact, adopt, order, or in any way implement
36 a fuel standard based upon or defined by the carbon intensity of
37 fuel, including a low carbon fuel standard or clean fuel standard.

38 **Sec. 807.** RCW 82.38.310 and 2013 c 225 s 130 are each amended to
39 read as follows:

1 (1) The governor may enter into an agreement with any federally
2 recognized Indian tribe located on a reservation within this state
3 regarding fuel taxes included in the price of fuel delivered to a
4 retail station wholly owned and operated by a tribe, tribal
5 enterprise, or tribal member licensed by the tribe to operate a
6 retail station located on reservation or trust property. The
7 agreement may provide mutually agreeable means to address any tribal
8 immunities or any preemption of the fuel tax.

9 (2) The provisions of this section do not repeal existing state/
10 tribal fuel tax agreements or consent decrees in existence on May 15,
11 2007. The state and the tribe may agree to substitute an agreement
12 negotiated under this section for an existing agreement or consent
13 decree, or to enter into an agreement using a methodology similar to
14 the state/tribal fuel tax agreements in effect on May 15, 2007.

15 (3) If a new agreement is negotiated, the agreement must:

16 (a) Require that the tribe or the tribal retailer acquire all
17 fuel only from persons or companies operating lawfully in accordance
18 with this chapter as a fuel distributor, supplier, or blender, or
19 from a tribal distributor, supplier, or blender lawfully doing
20 business according to all applicable laws;

21 (b) Provide that the tribe will expend fuel tax proceeds or
22 equivalent amounts on: Planning, construction, and maintenance of
23 roads, bridges, and boat ramps; transit services and facilities;
24 transportation planning; police services; and other highway-related
25 purposes;

26 (c) Include provisions for audits or other means of ensuring
27 compliance to certify the number of gallons of fuel purchased by the
28 tribe for resale at tribal retail stations, and the use of fuel tax
29 proceeds or their equivalent for the purposes identified in (b) of
30 this subsection. Compliance reports must be delivered to the director
31 of the department of licensing.

32 (4) Information from the tribe or tribal retailers received by
33 the state or open to state review under the terms of an agreement are
34 deemed personal information under RCW 42.56.230(4)(b) and are exempt
35 from public inspection and copying.

36 (5) The governor may delegate the power to negotiate fuel tax
37 agreements to the department of licensing.

38 (6) The department of licensing must prepare and submit an annual
39 report to the legislature on the status of existing agreements and
40 any ongoing negotiations with tribes.

1 (7) An agreement under subsection (1) of this section may include
2 the carbon pollution fee created under section 102 of this act.

3 NEW SECTION. **Sec. 808.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 47.46.190 (Tacoma Narrows bridge facility funding—Intent
6 —State contribution loans—Private right of action not created) and
7 2018 c 195 s 1;

8 (2) RCW 47.46.200 (Reports—Determination of contribution amount
9 from nontoll sources—Maintenance of debt service plan repayment
10 schedule—Annual expected toll revenue information to be used for
11 repayment of state contribution loans—Private right of action not
12 created) and 2018 c 195 s 2; and

13 (3) 2018 c 195 s 3.

14 NEW SECTION. **Sec. 809.** A new section is added to chapter 47.46
15 RCW to read as follows:

16 (1) The legislature finds that the users of the Tacoma Narrows
17 bridge deserve toll relief and an equitable plan to address the
18 rapidly escalating costs of debt service used to finance construction
19 of the bridge. Rather than loans, the state should simply provide the
20 funds to keep the tolls at the level as of January 1, 2019, thus
21 keeping the promises that the state made regarding the term of the
22 tolls on the Tacoma Narrows bridge and providing an appropriate
23 amount of toll relief to the users of the bridge.

24 (2)(a) On July 1, 2019, for fiscal year 2020 costs, the state
25 treasurer must transfer from the forward Washington account created
26 in section 801 of this act to the Tacoma Narrows toll bridge account
27 created in RCW 47.56.165, six million five hundred ten thousand
28 dollars.

29 (b) On July 1, 2020, for fiscal year 2021 costs, the state
30 treasurer must transfer from the forward Washington account created
31 in section 801 of this act to the Tacoma Narrows toll bridge account
32 created in RCW 47.56.165, eight million three hundred ninety thousand
33 dollars.

34 (c) On July 1, 2021, for fiscal year 2022 costs, the state
35 treasurer must transfer from the forward Washington account created
36 in section 801 of this act to the Tacoma Narrows toll bridge account

1 created in RCW 47.56.165, eleven million four hundred thirty thousand
2 dollars.

3 (d) On July 1, 2022, for fiscal year 2023 costs, the state
4 treasurer must transfer from the forward Washington account created
5 in section 801 of this act to the Tacoma Narrows toll bridge account
6 created in RCW 47.56.165, ten million ninety thousand dollars.

7 (e) On July 1, 2023, for fiscal year 2024 costs, the state
8 treasurer must transfer from the forward Washington account created
9 in section 801 of this act to the Tacoma Narrows toll bridge account
10 created in RCW 47.56.165, ten million two hundred sixty thousand
11 dollars.

12 (f) On July 1, 2024, for fiscal year 2025 costs, the state
13 treasurer must transfer from the forward Washington account created
14 in section 801 of this act to the Tacoma Narrows toll bridge account
15 created in RCW 47.56.165, eleven million five hundred thirty thousand
16 dollars.

17 (g) On July 1, 2025, for fiscal year 2026 costs, the state
18 treasurer must transfer from the forward Washington account created
19 in section 801 of this act to the Tacoma Narrows toll bridge account
20 created in RCW 47.56.165, ten million seven hundred forty thousand
21 dollars.

22 (h) On July 1, 2026, for fiscal year 2027 costs, the state
23 treasurer must transfer from the forward Washington account created
24 in section 801 of this act to the Tacoma Narrows toll bridge account
25 created in RCW 47.56.165, ten million five hundred ten thousand
26 dollars.

27 (i) On July 1, 2027, for fiscal year 2028 costs, the state
28 treasurer must transfer from the forward Washington account created
29 in section 801 of this act to the Tacoma Narrows toll bridge account
30 created in RCW 47.56.165, thirteen million three hundred ninety
31 thousand dollars.

32 (j) On July 1, 2028, for fiscal year 2029 costs, the state
33 treasurer must transfer from the forward Washington account created
34 in section 801 of this act to the Tacoma Narrows toll bridge account
35 created in RCW 47.56.165, fifteen million seven hundred fifty
36 thousand dollars.

37 (k) On July 1, 2029, for fiscal year 2030 costs, the state
38 treasurer must transfer from the forward Washington account created
39 in section 801 of this act to the Tacoma Narrows toll bridge account

1 created in RCW 47.56.165, five million eight hundred eighty thousand
2 dollars.

3 **Part IX**

4 **Miscellaneous Provisions**

5 NEW SECTION. **Sec. 901.** The provisions of RCW 82.32.805 and
6 82.32.808 do not apply to this act.

7 NEW SECTION. **Sec. 902.** Part I of this act constitutes a new
8 chapter in Title 82 RCW.

9 NEW SECTION. **Sec. 903.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of
11 the state government and its existing public institutions, and takes
12 effect July 1, 2019.

13 NEW SECTION. **Sec. 904.** Section 107 of this act takes effect if
14 Substitute Senate Bill No. 5116, as amended, is enacted into law
15 prior to July 1, 2019.

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