
SEVENTY SECOND DAY

House Chamber, Olympia, Tuesday, March 24, 2015

The House was called to order at 9:55 a.m. by the Speaker (Representative Orwall presiding).

Reading of the Journal of the previous day was dispensed with and it was ordered to stand approved.

There being no objection, the House advanced to the fourth order of business.

INTRODUCTION & FIRST READING

HB 2202 by Representatives Shea, Scott, Taylor, G. Hunt, Condotta, McCaslin and Young

AN ACT Relating to protecting the constitutionally guaranteed right to the lawful possession of firearms during an emergency; amending RCW 43.06.220; and creating a new section.

Referred to Committee on Judiciary.

HB 2203 by Representatives Shea, Taylor, G. Hunt, Condotta, Scott, Young and McCaslin

AN ACT Relating to the use of surplus federal property transferred to local law enforcement agencies; adding a new section to chapter 36.28 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Public Safety.

HB 2204 by Representatives Shea, Young, Taylor, Condotta, Scott, G. Hunt and McCaslin

AN ACT Relating to the defend the guard act; adding a new section to chapter 38.40 RCW; and creating new sections.

Referred to Committee on Community Development, Housing & Tribal Affairs.

HB 2205 by Representatives Young, G. Hunt, Shea, Taylor, Scott, Condotta and McCaslin

AN ACT Relating to reporting agreements between state agencies and the federal government; adding a new section to chapter 43.88 RCW; and creating a new section.

Referred to Committee on Appropriations.

HB 2206 by Representative Klippert

AN ACT Relating to adding the crime of commercial sexual abuse of a minor to the list of crimes in detaining defendants pending sentencing; and amending RCW 10.64.025 and 9.95.062.

Referred to Committee on Public Safety.

HB 2207 by Representative Klippert

AN ACT Relating to changing the commercial sexual abuse of a minor statute so that it includes attempting to engage in sexual conduct with a minor for a fee and the person guilty had reasonable belief the victim was a minor; amending RCW 9.68A.100; and prescribing penalties.

Referred to Committee on Public Safety.

There being no objection, the bills listed on the day's introduction sheet under the fourth order of business were referred to the committees so designated.

There being no objection, the House advanced to the fifth order of business.

REPORTS OF STANDING COMMITTEES

SSB 5025 Prime Sponsor, Committee on Transportation: March 19, 2015
Modifying the apportionment of quick title service fees collected by appointed subagents.
Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

SSB 5030 Prime Sponsor, Committee on Law & Justice: March 19, 2015
Addressing the limited liability company act.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

On page 38, line 1, strike "**ARTICLE VII. ASSIGNMENT OF LIMITED LIABILITY COMPANY INTERESTS**"

On page 38, after line 34, insert "**ARTICLE VII. ASSIGNMENT OF LIMITED LIABILITY COMPANY INTERESTS**"

On page 72, at the beginning of line 25, strike "commended" and insert "commenced"

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

March 19, 2015

SB 5031 Prime Sponsor, Senator Pedersen: Permitting advance action regarding business opportunities under the business corporation act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

March 19, 2015

SB 5032 Prime Sponsor, Senator Pedersen: Specifying when a transaction in the form of a lease does not create a security interest for purposes of the uniform commercial code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Passed to Committee on Rules for second reading.

March 19, 2015

ESSB 5048 Prime Sponsor, Committee on Government Operations & Security: Subjecting a resolution or ordinance adopted by the legislative body of a city or town to assume a water-sewer district to a referendum. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.13A RCW to read as follows:

(1) Except as provided otherwise by subsection (4) of this section, a resolution or ordinance adopted by the legislative body of a city to assume jurisdiction of all or part of a water-sewer district under this chapter is subject to a referendum. Any referendum petition to repeal the assumption resolution or ordinance must be filed with the county auditor within ten days of passage of the resolution or ordinance. Within ten days of the filing of a petition, the county auditor must confer with the petitioner concerning the form and style of the petition, issue an identification number for the petition, and write a ballot title for the measure. The ballot title must be posed as a question so that an affirmative answer to the question and a majority affirmative vote on the measure results in approval of the proposed assumption, and a negative answer to the question and a majority negative vote on the measure results in the assumption being barred. The petitioner must be notified of the identification number and ballot title within this ten-day period. After this notification, the petitioner has forty-five days in which to secure on petition forms the signatures of at

least ten percent of the number of voters residing in the part of the water-sewer district subject to the assumption resolution or ordinance who voted in the most recent general election, and file the signed petitions with the county auditor. Each petition form must contain the ballot title and full text of the measure to be referred. The county auditor must verify the sufficiency of the signatures on the petitions.

(2) If sufficient valid signatures on the petitions are properly submitted, the county auditor must submit the referendum measure to the registered voters residing in the part of the water-sewer district subject to the assumption resolution or ordinance in a general or special election no later than one hundred twenty days after the signed petition has been filed with the county auditor. Elections must be conducted in accordance with general election law, and the cost of the election must be borne by the city seeking approval to assume jurisdiction of all or part of the water-sewer district.

(3) When a referendum petition is filed with the county auditor, the assumption resolution or ordinance sought to be referred to the voters, and any proceedings before a boundary review board under chapter 36.93 RCW, are suspended from taking effect. Such suspension terminates when: (a) There is a final determination of insufficiency or untimeliness of the referendum petition; or (b) the assumption resolution or ordinance so referred is approved by the voters at a referendum election.

(4) If a city legislative authority assumes jurisdiction of all or part of a water-sewer district through a contract with a water-sewer district, or through an interlocal agreement with a water-sewer district under chapter 39.34 RCW, the provisions of this section do not apply.

NEW SECTION. Sec. 2. A new section is added to chapter 35.13A RCW to read as follows:

A resolution or ordinance adopted by a city in accordance with this chapter to assume jurisdiction of all or part of a district may not take effect until ninety or more days after its adoption."

Correct the title.

Signed by Representatives Takko, Chair; Gregerson, Vice Chair; Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

Passed to Committee on Rules for second reading.

March 20, 2015

SB 5104 Prime Sponsor, Senator Padden: Concerning the possession or use of alcohol and controlled substances in sentencing provisions. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

March 19, 2015

SB 5107 Prime Sponsor, Senator Padden: Encouraging the establishment of therapeutic courts. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Referred to Committee on Appropriations.

March 19, 2015

E2SSB 5269 Prime Sponsor, Committee on Ways & Means: Concerning court review of detention decisions under the involuntary treatment act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. This act may be known and cited as Joel's Law.

NEW SECTION. Sec. 2. A new section is added to chapter 71.05 RCW to read as follows:

(1) If a designated mental health professional decides not to detain a person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since a designated mental health professional received a request for investigation and the designated mental health professional has not taken action to have the person detained, an immediate family member or guardian or conservator of the person may petition the superior court for the person's initial detention.

(2)(a) The petition must be submitted on forms developed by the administrative office of the courts for this purpose. The petition must be accompanied by a sworn declaration from the petitioner, and other witnesses if desired, describing why the person should be detained for evaluation and treatment. The description of why the person should be detained may contain, but is not limited to, the information identified in RCW 71.05.212.

(b) The petition must contain:

(i) A description of the relationship between the petitioner and the person; and

(ii) The date on which an investigation was requested from the designated mental health professional.

(3) The court shall, within one judicial day, review the petition to determine whether the petition raises sufficient evidence to support the allegation. If the court so finds, it shall provide a copy of the petition to the designated mental health professional agency with an order for the agency to provide the court, within one judicial day, with a written sworn statement describing the basis for the decision not to seek initial detention and a copy of all information collected during the investigation.

(4) Following the filing of the petition and before the court reaches a decision, any person may submit a sworn declaration to the court in support of or in opposition to initial detention.

(5) The court shall dismiss the petition at any time if it finds that a designated mental health professional has filed a petition for the person's initial detention under RCW 71.05.150 or 71.05.153 or that the person has voluntarily accepted appropriate treatment.

(6) The court must issue a final ruling on the petition within five judicial days after it is filed. After reviewing all of the information provided to the court, the court may enter an order for initial detention if the court finds that: (a) There is probable cause to support a petition for detention; and (b) the person has refused

or failed to accept appropriate evaluation and treatment voluntarily. The court shall transmit its final decision to the petitioner.

(7) If the court enters an order for initial detention, it shall provide the order to the designated mental health professional agency, which shall execute the order without delay. An order for initial detention under this section expires one hundred eighty days from issuance.

(8) Except as otherwise expressly stated in this chapter, all procedures must be followed as if the order had been entered under RCW 71.05.150. RCW 71.05.160 does not apply if detention was initiated under the process set forth in this section.

(9) For purposes of this section, "immediate family member" means a spouse, domestic partner, child, stepchild, parent, stepparent, grandparent, or sibling.

NEW SECTION. Sec. 3. A new section is added to chapter 71.05 RCW to read as follows:

(1) The department and each regional support network or agency employing designated mental health professionals shall publish information in an easily accessible format describing the process for an immediate family member, guardian, or conservator to petition for court review of a detention decision under section 2 of this act.

(2) A designated mental health professional or designated mental health professional agency that receives a request for investigation for possible detention under this chapter must inquire whether the request comes from an immediate family member, guardian, or conservator who would be eligible to petition under section 2 of this act. If the designated mental health professional decides not to detain the person for evaluation and treatment under RCW 71.05.150 or 71.05.153 or forty-eight hours have elapsed since the request for investigation was received and the designated mental health professional has not taken action to have the person detained, the designated mental health professional or designated mental health professional agency must inform the immediate family member, guardian, or conservator who made the request for investigation about the process to petition for court review under section 2 of this act.

Sec. 4. RCW 71.05.130 and 1998 c 297 s 7 are each amended to read as follows:

In any judicial proceeding for involuntary commitment or detention ~~except under section 2 of this act~~, or in any proceeding challenging ~~(such)~~ involuntary commitment or detention, the prosecuting attorney for the county in which the proceeding was initiated shall represent the individuals or agencies petitioning for commitment or detention and shall defend all challenges to such commitment or detention ~~(-PROVIDED)~~, except that the attorney general shall represent and provide legal services and advice to state hospitals or institutions with regard to all provisions of and proceedings under this chapter ~~(except in)~~ other than proceedings initiated by such hospitals and institutions seeking fourteen day detention."

Correct the title.

EFFECT: The striking amendment makes the following changes:

(1) Makes changes to the petition requirements:

(a) Provides that the petitioner's description of the reason that the person should be detained may include certain historical information about the person;

(b) Removes specific authorization for a petition to contain a declaration in support of detention by a mental health professional; and

(c) Requires the court to review the petition within one judicial day.

(2) Modifies the process under which the court receives information from the designated mental health professional (DMHP):

(a) Requires the DMHP, in response to the court's order requesting information, to provide the court with a copy of all information collected during the investigation (along with a written statement); and

(b) Removes the requirement that the court provide the DMHP with any information accompanying the petition.

(3) Provides that orders expire 180 days from issuance, rather than "within 180 days."

(4) Removes the requirement that a DMHP prepare and submit a supplemental petition after the person is placed in the facility.

(5) Requires DMHP agencies to provide notice of the petition process to persons who requested an investigation if the DMHP decides not to detain the person (in addition to when 48 hours have elapsed and the person has not been detained).

(6) Changes references to "business day" to "judicial day."

(7) Removes the null and void clause.

(8) Reorganizes provisions and makes wording changes for clarity, and removes redundant language.

Signed by Representatives Jinkins, Chair; Kilduff, Vice Chair; Rodne, Ranking Minority Member; Shea, Assistant Ranking Minority Member; Goodman; Haler; Hansen; Kirby; Klippert; Muri; Orwall; Stokesbary and Walkinshaw.

Referred to Committee on Appropriations.

March 19, 2015

SB 5272 Prime Sponsor, Senator Schoesler: Concerning heavy haul industrial corridors. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Sells; Shea; Takko; Tarleton; Wilson; Young and Zeiger.

Passed to Committee on Rules for second reading.

March 19, 2015

SB 5297 Prime Sponsor, Senator Liias: Updating and clarifying statutory provisions within the commercial vehicle registration and fuel tax administrative systems. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 46.87.010 and 2011 c 171 s 95 are each amended to read as follows:

This chapter applies to proportional registration and reciprocity granted under the provisions of the international registration plan (IRP). This chapter shall become effective and be implemented beginning with the 1988 registration year.

(1) (~~Provisions and terms of the IRP prevail unless given a different meaning in chapter 46.04 RCW, this chapter, or in rules adopted under the authority of this chapter.~~)

~~(2))~~ The director may adopt and enforce rules deemed necessary to implement and administer this chapter.

~~((3))~~ (2) Owners having a fleet of apportionable vehicles operating in two or more IRP member jurisdictions may elect to proportionally register the vehicles of the fleet under the provisions of the IRP and this chapter in lieu of full or temporary registration as provided for in chapter 46.16A RCW.

~~((4))~~ (3) If a due date or an expiration date (~~established under authority of this chapter~~) falls on a Saturday, Sunday, or a state legal holiday, such period is automatically extended through the end of the next business day.

Sec. 2. RCW 46.87.020 and 2010 c 161 s 1141 are each amended to read as follows:

Provisions and terms used in this chapter have the meaning given to them in the international registration plan (IRP), in chapter 46.04 RCW, or as otherwise defined in this section. Definitions given to terms by the IRP prevail unless given a different meaning in this chapter or in rules adopted under authority of this chapter.

(1) "Adequate records" are records maintained by the owner of the fleet sufficient to enable the department to verify the distances reported in the owner's application for apportioned registration and to evaluate the accuracy of the owner's distance accounting system.

(2) "Apportionable vehicle" has the meaning given by the IRP, except that it does not include vehicles with a declared gross weight of twelve thousand pounds or less. (~~Apportionable vehicles include trucks, tractors, truck tractors, road tractors, and buses, each as separate and licensable vehicles.~~)

~~(2))~~ (3) "Cab card" is a certificate of registration issued for a vehicle (~~upon which is disclosed the jurisdictions and registered gross weights in such jurisdictions for which the vehicle is registered~~).

~~((3))~~ (4) "Credentials" means cab cards, apportioned plates (~~for Washington-based fleets~~), temporary operating authority, and validation tabs issued for proportionally registered vehicles.

~~((4))~~ (5) "Declared combined gross weight" means the total unladen weight of any combination of vehicles plus the maximum weight of the (~~maximum~~) load to be carried on the combination of vehicles as (~~set~~) declared by the registrant (~~in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid~~).

~~((5))~~ (6) "Declared gross weight" means the total unladen weight of any vehicle plus the maximum weight of the (~~maximum~~) load to be carried on the vehicle as (~~set~~) declared by the registrant (~~in the application pursuant to chapter 46.44 RCW and for which registration fees have been or are to be paid~~). In the case of a bus, auto stage, or a passenger-carrying for hire vehicle with a seating capacity of more than six, the declared gross weight (~~shall be~~) is determined by multiplying (~~the average load factor of~~) one hundred (~~and~~) fifty pounds by the number of seats in the vehicle, including the driver's seat, and (~~add~~) adding this amount to the unladen weight of the vehicle. If the resultant gross weight is not listed in RCW 46.17.355, it (~~will~~) must be increased to the next higher gross weight (~~so listed pursuant to~~) authorized in chapter 46.44 RCW.

~~((6))~~ (7) "Department" means the department of licensing.

~~((7))~~ (8) "Fleet" means one or more apportionable vehicles (~~in the IRP~~).

~~((8))~~ (9) "In-jurisdiction (~~miles~~) distance" means the total distance, in miles, accumulated in a jurisdiction during the

~~((preceding year))~~ reporting period by vehicles of the fleet while they were a part of the fleet.

~~((9))~~ (10) "IRP" means the international registration plan.

~~((10))~~ (11) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country, and a state or province of a foreign country.

~~((11))~~ (12) "Motor carrier" means an entity engaged in the transportation of goods or persons. ~~((The term))~~ "Motor carrier" includes a for-hire motor carrier, private motor carrier, ~~((contract motor carrier, or))~~ exempt motor carrier~~((The term includes a)),~~ registrant licensed under this chapter, ~~((a))~~ motor vehicle lessor, and ~~((a))~~ motor vehicle lessee.

~~((12))~~ (13) "Owner" means a person or business ~~((firm))~~ who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for its conditional sale with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or if a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, or if a mortgagor of a vehicle is entitled to possession, then the owner is deemed to be the person or business ~~((firm))~~ in whom is vested right of possession or control.

(13) ~~((("Preceding year" means the period of twelve consecutive months immediately before July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought.))~~ "Person" means any individual, partnership, association, public or private corporation, limited liability company, or other type of legal or commercial entity, including its members, managers, partners, directors, or officers.

(14) "Prorate percentage" is the factor ~~((that is))~~ applied to the total proratable fees and taxes to determine the apportionable ~~((or prorate))~~ fees required for registration in a ~~((particular))~~ jurisdiction. It is determined by dividing the in-jurisdiction ~~((miles))~~ distance for a particular jurisdiction by the total ~~((miles. This term is synonymous with the term "mileage percentage."))~~ distance.

(15) "Registrant" means a person, business ~~((firm))~~, or corporation in whose name or names a vehicle or fleet of vehicles is registered.

(16) "Registration year" means the twelve-month period during which the ~~((registration plates))~~ credentials issued by the base jurisdiction are valid ~~((according to the laws of the base jurisdiction))~~.

(17) "Reporting period" means the period of twelve consecutive months immediately prior to July 1st of the calendar year immediately preceding the beginning of the registration year for which apportioned registration is sought. If the fleet registration period commences in October, November, or December, the reporting period is the period of twelve consecutive months immediately preceding July 1st of the current calendar year.

(18) "Total ~~((miles))~~ distance" means ~~((the total number of miles accumulated in all jurisdictions during the preceding year by all vehicles of the fleet while they were a part of the fleet. Mileage))~~ all distance operated by a fleet of apportioned vehicles. "Total distance" includes the full distance traveled in all vehicle movements, both interjurisdictional and intrajurisdictional, including loaded, unladen, deadhead, and bobtail distances. Distance traveled by a vehicle while under a trip lease is considered to have been traveled by the lessor's fleet. All distance, both interstate and intrastate, accumulated by vehicles of the fleet ~~((that did not engage in interstate operations))~~ is ~~((not))~~ included in the fleet ~~((miles))~~ distance.

Sec. 3. RCW 46.87.022 and 1990 c 250 s 74 are each amended to read as follows:

Owners of rental trailers and semitrailers over six thousand pounds gross vehicle weight~~((, and converter gears))~~ used solely in pool fleets ~~((shall))~~ must fully register a portion of the pool fleet in this state. To determine the percentage of total fleet vehicles that must be registered in this state, divide the gross revenue received in the ~~((preceding year))~~ reporting period for the use of the rental vehicles arising from rental transactions occurring in this state by the total revenue received in the ~~((preceding year))~~ reporting period for the use of the rental vehicles arising from rental transactions in all jurisdictions in which the vehicles are operated. Apply the resulting percentage to the total number of vehicles that ~~((shall))~~ must be registered in this state. Vehicles registered in this state ~~((shall))~~ must be representative of the vehicles in the fleet according to age, size, and value.

Sec. 4. RCW 46.87.025 and 1990 c 250 s 75 are each amended to read as follows:

All vehicles being added to ~~((an existing))~~ a Washington~~((based))~~ fleet or those vehicles that make up a new Washington~~((based))~~ fleet ~~((shall))~~ must be titled in the name of the owner at time of registration~~((, or evidence of filing application for title for such vehicles in the name of the owner shall accompany the application for proportional registration)).~~

Sec. 5. RCW 46.87.030 and 2010 c 161 s 1142 are each amended to read as follows:

(1) When application to register ~~((an apportionable))~~ a vehicle in an existing fleet is made, the Washington ~~((prorated))~~ apportioned fees ~~((may))~~ must be reduced by one-twelfth for each full ~~((registration))~~ month that has elapsed ~~((at))~~ from the time ~~((a temporary authorization permit (TAP) was issued or if no TAP was issued, at such time as))~~ an application for registration is received in the department. ~~((If a vehicle is being added to a currently registered fleet,))~~ The prorate percentage previously established for the fleet ~~((for such registration year shall))~~ must be used in the computation of the ~~((proportional))~~ apportionable fees and taxes due.

(2) If ~~((any))~~ a vehicle is withdrawn from a ~~((proportionally registered))~~ fleet during the period ~~((for which))~~ it is registered under this chapter, the registrant of the fleet ~~((shall))~~ must notify the department on ~~((appropriate))~~ forms prescribed by the department. The department may require the registrant to surrender credentials ~~((that were))~~ issued to the vehicle. If a ~~((motor))~~ vehicle is ~~((permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold, or otherwise))~~ completely removed from the service of the fleet ~~((registrant))~~, the unused portion of the license fee paid under RCW 46.17.355 ~~((with respect to the vehicle)),~~ reduced by one-twelfth for each ~~((calendar))~~ month and fraction thereof elapsing between the first day of the month of the current registration year ~~((in which the vehicle was registered))~~ and the date the notice of ~~((withdrawal, accompanied by such credentials as may be required,))~~ removal is received in the department, ~~((shall))~~ must be credited to the registrant's fleet proportional registration account ~~((of the registrant))~~. Credit ~~((shall))~~ must be applied against the license fee liability for subsequent additions of ~~((motor))~~ vehicles to ~~((be proportionally registered in))~~ the fleet during ~~((such))~~ the registration year or for additional license fees due under RCW 46.17.355 or ~~((to))~~ be due upon audit under RCW 46.87.310. If any credit is less than fifteen dollars, ~~((no))~~ the credit ~~((will))~~ must not be entered. In lieu of credit, the registrant may ~~((choose to))~~ transfer the unused portion of the license fee for the ~~((motor))~~ vehicle to the new owner, in

which case it ~~((shall))~~ must remain with the ~~((motor))~~ vehicle for which it was originally paid. ~~((In no event may any))~~ An amount may not be credited against fees other than those for the registration year from which the credit was obtained ~~((nor is any))~~ and an amount ~~((subject to refund))~~ may not be refunded.

Sec. 6. RCW 46.87.040 and 1994 c 262 s 13 are each amended to read as follows:

Additional gross weight may be purchased ~~((for proportionally registered motor vehicles))~~ to the limits authorized under chapter 46.44 RCW. ~~((Reregistration at the higher gross weight (maximum gross weights under this chapter are fifty four thousand pounds for a solo three axle truck or one hundred five thousand five hundred pounds for a combination)))~~ Registration must be for the ~~((balance))~~ remainder of the registration year, including the full registration month in which the vehicle is initially ~~((licensed))~~ registered at the higher gross weight. The apportionable ~~((or proportional))~~ fee initially paid to the state of Washington, reduced ~~((for))~~ by the number of full registration months the license was in effect, ~~((will))~~ must be deducted from the total fee ~~((to be paid to this state for licensing at the higher gross weight for the balance of the registration year))~~ due. ~~((No))~~ A credit or refund ~~((will))~~ may not be given for a reduction of gross weight.

Sec. 7. RCW 46.87.050 and 2005 c 194 s 4 are each amended to read as follows:

Each day the department ~~((shall))~~ must forward to the state treasurer the fees collected under this chapter ~~((s))~~ and ~~((s))~~ within ten days of the end of each registration quarter, a detailed report identifying the amount to be deposited to each account for which fees are required ~~((for the licensing of proportionally registered vehicles)).~~ Such fees ~~((shall))~~ must be deposited pursuant to RCW 46.68.035 ~~((and 82.44.170)).~~

Sec. 8. RCW 46.87.060 and 1987 c 244 s 21 are each amended to read as follows:

The apportionment of fees to IRP member jurisdictions ~~((shall))~~ must be in accordance with the provisions of the IRP agreement ~~((based on the apportionable fee multiplied by the prorate percentage for each jurisdiction in which the fleet will be registered or is currently registered)).~~

Sec. 9. RCW 46.87.070 and 2005 c 194 s 5 are each amended to read as follows:

Trailers, semitrailers, and pole trailers ~~((that are))~~ properly based in jurisdictions other than Washington ~~((s))~~ and ~~((that display))~~ displaying currently registered license plates ~~((from such))~~ issued by the jurisdictions ~~((will be))~~ are granted vehicle ~~((license))~~ registration reciprocity in this state ~~((without the need of further vehicle license registration)).~~ Unless registered under the provisions of the IRP as a pool fleet, such trailers, semitrailers, and pole trailers must be operated in combination with an apportioned power unit to qualify for reciprocity. If pole trailers are not required to be licensed separately by a member jurisdiction, ~~((such vehicles))~~ they may be operated in this state without displaying a ~~((current))~~ base license plate.

Sec. 10. RCW 46.87.080 and 2013 c 225 s 609 are each amended to read as follows:

(1) Upon making satisfactory application and payment of ~~((applicable))~~ fees and taxes for proportional registration under this

chapter, the department must issue ~~((a cab card and validation tab for each vehicle, and to vehicles of Washington based fleets, two distinctive apportionable license plates for each motor vehicle))~~ credentials. License plates must be displayed ~~((on vehicles))~~ as required ~~((by))~~ under RCW 46.16A.200(5). The ~~((number and))~~ license plates must be of a design ~~((size, and color))~~ determined by the department. The license plates must be treated with reflectorized material and clearly marked with the words "WASHINGTON" and "APPORTIONED," both words to appear in full and without abbreviation.

(2) The cab card ~~((serves as))~~ is the certificate of registration for ~~((a proportionally registered))~~ the vehicle. The ~~((face of the))~~ cab card must contain the name and address of the registrant as ~~((contained))~~ maintained in the records of the department, the license plate number assigned to the vehicle ~~((by the base jurisdiction)),~~ the vehicle identification number, and ~~((such))~~ other ~~((description of the vehicle and data as))~~ information the department may require. The cab card must be signed by the registrant, or a designated person if the registrant is a business ~~((firm)),~~ and must ~~((at all times))~~ always be carried in ~~((or on))~~ the vehicle ~~((to which it was issued)).~~

(3) The apportioned license plates are not transferrable ~~((from vehicle to vehicle unless otherwise determined by rule and may be used only on the vehicle to which they are assigned by the department for as long as they are)).~~ License plates must be legible ~~((or))~~ and remain with the vehicle until ~~((such time as))~~ the department requires them to be removed ~~((and returned to the department)).~~

(4) ~~((Distinctive))~~ Validation tab(s) of a design ~~((size, and color))~~ determined by the department must be affixed to the ~~((apportioned))~~ license plate(s) as prescribed by the department ~~((to))~~ and indicate the month ~~((if necessary,))~~ and year for which the vehicle is registered.

(5) ~~((Renewals are effected by the issuance and display of such tab(s) after making satisfactory application and payment of applicable fees and taxes.~~

~~((6))~~ A fleet vehicle ~~((s so))~~ properly registered ~~((and identified are))~~ is deemed to be fully ~~((licensed and))~~ registered in this state for any type of legal movement or operation. ~~((However,))~~ In ~~((those))~~ instances in which a permit or grant of authority is required for interstate or intrastate ~~((movement or))~~ operation, ~~((no such))~~ the vehicle ~~((may))~~ must not be operated in interstate or intrastate commerce ~~((in this state))~~ unless the owner ~~((has been))~~ is granted ~~((interstate))~~ the appropriate operating authority ~~((in the ease of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the ease of intrastate operations))~~ and ~~((unless))~~ the vehicle is being operated in conformity with that permit or operating authority.

~~((7))~~ The department may issue temporary authorization permits (TAPs) to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar plus a one dollar filing fee must be collected for each permit issued. The permit fee must be deposited in the motor vehicle fund, and the filing fee must be deposited in the highway safety fund. The department may adopt rules for use and issuance of the permits.

~~((8))~~ ~~((6))~~ The department may ~~((refuse to issue any license or permit))~~ deny, suspend, or revoke the credentials authorized ~~((by))~~ under subsection (1) ~~((or (7)))~~ of this section to any person: (a) Who formerly held any type of license, registration, credentials, or permit issued by the department pursuant to chapter 46.16A, 46.44, 46.85, 46.87, or 82.38 RCW that has been revoked for cause, which cause has not been removed; ~~((or))~~ (b) who is a subterfuge for the real party in interest whose license, registration, credentials, or permit issued by the department pursuant to chapter 46.16A, 46.44, 46.85, 46.87, or 82.38 RCW and has been revoked for

cause, which cause has not been removed; ~~((or))~~ (c) who, as ~~((an))~~ a person, individual licensee, or officer, partner, director, owner, or managing employee of a nonindividual licensee, has had a license, registration, or permit issued by the department pursuant to chapter 46.16A, 46.44, 46.85, 46.87, or 82.38 RCW ~~((which))~~ that has been revoked for cause, which cause has not been removed; ~~((or))~~ (d) who has an unsatisfied debt to the state assessed under either chapter 46.16A, 46.44, 46.85, 46.87, 82.38, or 82.44 RCW; or (e) who, as a person, individual licensee, officer, partner, director, owner, or managing employee of a nonindividual licensee, has been prohibited from operating as a motor carrier by the federal motor carrier safety administration or Washington state patrol and the cause for such prohibition has not been satisfied.

~~((9))~~ The department may revoke the license or permit authorized by subsection (1) or (7) of this section issued to any person for any of the grounds constituting cause for denial of licenses or permits set forth in subsection (8) of this section.

~~((10))~~ (7) Before such ~~((refusal))~~ denial, suspension, or revocation under subsection ~~((8) or (9))~~ (6) of this section, the department must grant the applicant ~~((a))~~, registrant, or owner an informal hearing and at least ten days written notice of the time and place of the hearing.

Sec. 11. RCW 46.87.090 and 1994 c 262 s 14 are each amended to read as follows:

(1) To replace ~~((an apportioned vehicle))~~ license ~~((plate(s)))~~ plates, a cab card, or validation tab(s) ~~((due to loss, defacement, or destruction))~~, the registrant ~~((shall))~~ must apply to the department on forms furnished ~~((for that purpose))~~ by the department. ~~((The application, together with proper payment and other documentation as indicated, shall be filed with the department as follows:))~~

(a) ~~((Apportioned plate(s)-))~~ A fee of ten dollars ~~((shall be))~~ is charged for ~~((vehicles required to display))~~ two ~~((apportioned))~~ license plates ~~((or five dollars for vehicles required to display one apportioned plate. The cab card of the vehicle for which a plate is requested shall accompany the application)).~~ The department ~~((shall))~~ must issue ~~((a))~~ new ~~((apportioned plate(s)))~~ license plates with validation ~~((tab(s)))~~ tabs and a new cab card ~~((upon acceptance of the completed application form, old cab card, and the required replacement fee)).~~

(b) ~~((Cab card-))~~ A fee of two dollars ~~((shall be))~~ is charged for each cab card. ~~((If this is a duplicate cab card, it will be noted thereon.))~~

(c) ~~((Validation year tab(s)-))~~ A fee of two dollars ~~((shall be))~~ is charged for each ~~((vehicle))~~ validation year tab.

(2) All fees collected under this section ~~((shall))~~ must be deposited ~~((to))~~ in the motor vehicle fund.

Sec. 12. RCW 46.87.120 and 2005 c 194 s 7 are each amended to read as follows:

(1) ~~((The initial))~~ An application for proportional registration of a fleet ~~((shall))~~ must state the ~~((mileage data with respect to))~~ actual distance accumulated by the fleet ~~((for the preceding year in this and other jurisdictions))~~ during the reporting period. If ~~((no))~~ operations were not conducted ~~((with))~~ by the fleet during the ~~((preceding year))~~ reporting period, the application ~~((shall))~~ must contain a ~~((full statement of the proposed method of operation and estimates of annual mileage in each of the jurisdictions in which operation is contemplated. The registrant shall determine the in-jurisdiction and total miles to be used in computing the fees and taxes due for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to its correctness.~~

(2) When operations of a Washington-based fleet is materially changed through merger, acquisition, or extended authority, the

registrant shall notify the department, which shall then require the filing of an amended application setting forth the proposed operation by use of estimated mileage for all jurisdictions. The department may adjust the estimated mileage by audit or otherwise to an actual travel basis to insure proper fee payment. The actual travel basis may be used for determination of fee payments until such time as a normal mileage year is available under the new operation)) department determined average per vehicle distance of the fleet in all jurisdictions.

Sec. 13. RCW 46.87.130 and 2005 c 194 s 8 are each amended to read as follows:

~~((In addition to all other fees prescribed for the proportional registration of vehicles under this chapter,))~~ The department ~~((shall))~~ must collect a vehicle transaction fee each time a vehicle is added to a Washington~~((based))~~ fleet, and each time the ~~((proportional))~~ registration of a Washington~~((based))~~ fleet vehicle is renewed. The exact amount of the vehicle transaction fee ~~((shall))~~ must be fixed by rule, but ~~((shall))~~ must not exceed ten dollars. This fee ~~((shall))~~ must be deposited in the motor vehicle fund.

Sec. 14. RCW 46.87.140 and 2011 c 171 s 98 are each amended to read as follows:

(1) Any owner ~~((engaged in interstate operations))~~ of one or more fleets of apportionable vehicles may, in lieu of registration of the vehicles under chapter 46.16A RCW, register ~~((and license))~~ the vehicles of each fleet ~~((under this chapter))~~ by filing a proportional registration application ~~((for each fleet))~~ with the department. The application ~~((shall))~~ must contain the following information and ~~((such))~~ other information ~~((pertinent to vehicle registration as))~~ the department may require:

(a) A description and identification of each vehicle ~~((of))~~ in the fleet.

(b) ~~((The member jurisdictions in which registration is desired and such other information as member jurisdictions require.~~

~~((c))~~ An original or renewal application ~~((shall also))~~ must be accompanied by a ~~((mileage))~~ distance schedule for each fleet.

~~((d))~~ (c) The USDOT number issued to the registrant and the USDOT number of the motor carrier responsible for the safety of ~~((the))~~ each vehicle, if different.

~~((e))~~ A completed Motor Carrier Identification Report (MCS-150) at the time of fleet renewal or at the time of vehicle registration, if required by the department.

~~((f))~~ (d) The taxpayer identification number of the registrant and the motor carrier responsible for the safety of ~~((the))~~ each vehicle, if different.

(2) Each application ~~((shall))~~ must, at the time and in the manner required by the department, be supported by payment of a fee computed as follows:

(a) Divide the in-jurisdiction ~~((miles))~~ distance for each jurisdiction by the total ~~((miles))~~ distance and carry the answer to the nearest thousandth of a percent (three places beyond the decimal, e.g. 10.543(%) percent). This factor is known as the prorate percentage.

(b) Determine the ~~((total proratable))~~ apportionable fees and taxes required for each vehicle in the fleet ~~((for which registration is requested,))~~ based on the ~~((regular annual fees and taxes or))~~ applicable fees and taxes ~~((for the unexpired portion of the registration year))~~ under the laws of each jurisdiction ~~((for which fees or taxes are to be calculated)).~~

~~((Applicable))~~ Fees and taxes for vehicles of Washington~~((based))~~ fleets and foreign jurisdiction fleets operating in Washington are those prescribed under RCW ~~((46.17.350(1)(e)))~~

46.17.315, 46.17.355, and 82.38.075(~~(-as applicable)~~). If, during the registration period, the lessor of an apportioned vehicle changes and the vehicle remains in the fleet of the registrant, the department (~~(shall)~~ must) only charge those fees prescribed for the issuance of new apportioned license plates, validation tabs, and cab card.

(c) Multiply the total, (~~(proratable)~~ apportionable) fees or taxes for each (~~(motor)~~) vehicle by the prorate percentage applicable to (~~(the desired)~~) each jurisdiction and round the results to the nearest cent.

(d) Add the total fees and taxes determined in (c) of this subsection for each vehicle to the (~~(nonproratable)~~) nonapportionable fees and taxes required under the laws of (~~(the)~~) each jurisdiction (~~(for which fees are being calculated)~~). (~~(Nonproratable)~~) Nonapportionable fees required for vehicles of Washington(~~-based~~) fleets are the administrative fee required (~~(by)~~) under RCW 82.38.075, (~~(if applicable, and)~~) the vehicle transaction fee pursuant to (~~(the provisions of)~~) RCW 46.87.130, and the commercial vehicle safety inspection fee in RCW 46.17.315.

(e) The amount due and payable (~~(for the application)~~) is the sum of the fees and taxes calculated for each (~~(member)~~) jurisdiction in which (~~(registration of)~~) the fleet is (~~(desired)~~) registered.

(3) All assessments for (~~(proportional registration)~~) taxes and fees are due and payable in United States funds on the date presented or mailed to the registrant at the address listed in the proportional registration records of the department. The registrant may petition for reassessment of the fees or taxes due (~~(under this section)~~) within thirty days of the date of original service (~~(as provided for in this chapter)~~).

Sec. 15. RCW 46.87.150 and 1996 c 91 s 1 are each amended to read as follows:

(~~(Whenever)~~) If a person (~~(has been required to)~~) pays a fee or tax (~~(pursuant to this chapter)~~) that amounts to an overpayment of ten dollars or more, the person is entitled to a refund of the entire amount of (~~(such)~~) the overpayment, regardless of whether or not a refund (~~(of the overpayment)~~) has been requested. (~~(Nothing in)~~) This subsection does not preclude(~~(s anyone)~~) a person from applying for a refund of (~~(such)~~) an overpayment if the overpayment is less than ten dollars. (~~(Conversely,)~~) If the department or its agents (~~(has failed to charge)~~) fail to assess and collect the full amount of fees or taxes (~~(pursuant to this chapter)~~) owed, which underpayment is (~~(in the amount of)~~) ten dollars or more, the department (~~(shall charge and)~~) must collect (~~(such)~~) the additional amount (~~(as will constitute full payment of the fees and taxes due)~~) owed.

Sec. 16. RCW 46.87.190 and 2005 c 194 s 10 are each amended to read as follows:

The department may suspend or cancel the exemptions, benefits, or privileges granted under chapter 46.85 RCW or this chapter to any person (~~(or business firm)~~) who violates any of the conditions or terms of the IRP or who violates the laws or rules of this state relating to the operation or registration of vehicles (~~(or rules lawfully adopted thereunder)~~).

Sec. 17. RCW 46.87.200 and 1987 c 244 s 33 are each amended to read as follows:

The department (~~(may)~~) must refuse registration of a vehicle if the applicant has failed to furnish proof, acceptable to the department, that the federal heavy vehicle use tax imposed (~~(by~~

~~section 4481 of the internal revenue code of 1954)) under 26 U.S.C. Sec. 4481 has been suspended or paid. ((The department may adopt rules as deemed necessary to administer this section.))~~

Sec. 18. RCW 46.87.220 and 2010 c 161 s 1144 are each amended to read as follows:

The gross weight (~~(in the case of a motor truck, tractor, or truck tractor)~~) of a vehicle is the scale weight of the (~~(motor truck, tractor, or truck tractor)~~) vehicle, plus the scale weight of any trailer, semitrailer, converter gear, or pole trailer to be towed by it, to which (~~(shall)~~) must be added the maximum weight of the (~~(maximum)~~) load to be carried on it or towed by it as (~~(set forth)~~) declared by the licensee (~~(in the application providing)~~) as long as it does not exceed the weight limitations prescribed (~~(by)~~) under chapter 46.44 RCW.

The gross weight in the case of a bus, auto stage, or passenger-carrying for hire vehicle(~~(-except a taxicab,))~~ with a seating capacity over six, is the scale weight of the bus, auto stage, or passenger-carrying for hire vehicle plus the seating capacity, including the operator's seat, computed at one hundred (~~(and)~~) fifty pounds per seat.

If the resultant gross weight, according to this section, is not listed in RCW 46.17.355, it (~~(will)~~) must be increased to the next higher gross weight (~~(so)~~) listed pursuant to chapter 46.44 RCW.

A (~~(motor)~~) vehicle or combination of vehicles found to be loaded beyond the licensed gross weight of the (~~(motor)~~) vehicle (~~(registered under this chapter shall)~~) or combination of vehicles must be cited and handled under RCW 46.16A.540 and 46.16A.545.

Sec. 19. RCW 46.87.230 and 2011 c 171 s 99 are each amended to read as follows:

Whenever an act or omission is declared to be unlawful under chapter 46.12, 46.16A, or 46.44 RCW or this chapter, and (~~(if)~~) the operator of the vehicle is not the owner or lessee of the vehicle but is (~~(so)~~) operating or moving the vehicle with the express or implied permission of the owner or lessee, (~~(then)~~) the operator and the owner or lessee are both subject to this chapter, with the primary responsibility to be that of the owner or lessee.

If the person operating the vehicle at the time of the unlawful act or omission is not the owner or the lessee of the vehicle, that person is fully authorized to accept the citation or notice of infraction and execute the promise to appear on behalf of the owner or lessee.

Sec. 20. RCW 46.87.240 and 1987 c 244 s 37 are each amended to read as follows:

(~~(Under)~~) To administer the provisions of the IRP, the department may act in a quasi-agency relationship with other jurisdictions. The department may collect and forward applicable registration fees and taxes (~~(and applications)~~) to other jurisdictions on behalf of the applicant or another jurisdiction and may take other action that facilitates the administration of the (~~(plan)~~) IRP.

Sec. 21. RCW 46.87.250 and 1987 c 244 s 38 are each amended to read as follows:

This chapter constitutes complete authority for the registration of (~~(fleet)~~) vehicles upon a proportional registration basis without reference to or application of any other statutes of this state except as expressly provided in this chapter.

Sec. 22. RCW 46.87.260 and 2003 c 53 s 255 are each amended to read as follows:

Any person who alters ~~((or)),~~ forges, or causes to be altered or forged any ~~((a cab card, letter of authority, or other temporary authority issued by the department under this chapter))~~ credential, or holds or uses ~~((a cab card, letter of authority, or other temporary authority,))~~ any credential knowing the ~~((document))~~ credential to have been altered or forged, is guilty of a class B felony punishable according to chapter 9A.20 RCW.

Sec. 23. RCW 46.87.280 and 1987 c 244 s 41 are each amended to read as follows:

~~((Nothing contained in))~~ This chapter ~~((relating to proportional registration of fleet vehicles))~~ does not require(s) any vehicle to be proportionally registered if it is otherwise properly registered for operation on the highways of this state.

Sec. 24. RCW 46.87.290 and 2003 c 53 s 256 are each amended to read as follows:

(1) If the department determines at any time that an applicant for proportional registration of a vehicle or ~~((a fleet of))~~ vehicles is not entitled to ~~((a cab card for a vehicle or fleet of vehicles))~~ credentials, the department may refuse to issue ~~((the cab card(s) or to license))~~ credentials for the vehicle or ~~((fleet of))~~ vehicles and ~~((may for like reason)),~~ after notice, ~~((and in the exercise of discretion,))~~ cancel ~~((the cab card(s) and license plate(s) already issued))~~ any existing credentials. The department ~~((shall))~~ must send the notice of cancellation by first-class mail, addressed to the owner of the vehicle ~~((in question))~~ or vehicles at the owner's address as it appears in the proportional registration records of the department ~~((, and record the transmittal on an affidavit of first-class mail)).~~ It is ~~((then))~~ unlawful for any person to ~~((remove,))~~ drive ~~((,))~~ or operate the vehicle(s) until ~~((a))~~ proper ~~((certificate(s) of registration or cab card(s) has))~~ credentials have been issued.

(2) Any person ~~((removing,))~~ driving ~~((,))~~ or operating the vehicle(s) after the refusal of the department to issue ~~((a cab card(s), certificate(s) of registration, license plate(s,))~~ credentials or the suspension, revocation, or cancellation of the ~~((cab card(s), certificate(s) of registration, or license plate(s))~~ credentials is guilty of a gross misdemeanor.

(3) ~~((At the discretion of the department,))~~ A vehicle that has been ~~((moved,))~~ driven ~~((,))~~ or operated in violation of this section may be impounded by the Washington state patrol, county sheriff, or city police in a manner directed for such cases by the chief of the Washington state patrol until proper ~~((registration and license plate))~~ credentials have been issued.

Sec. 25. RCW 46.87.294 and 2011 c 171 s 100 are each amended to read as follows:

The department ~~((shall))~~ must refuse to register a vehicle ~~((under this chapter))~~ if the registrant or motor carrier responsible for the safety of the vehicle has been prohibited ~~((under federal law))~~ from operating by the federal motor carrier safety administration. The department ~~((shall))~~ may not register a vehicle if the Washington state patrol has placed an out-of-service order on the vehicle's department of transportation number, as defined in RCW 46.16A.010.

Sec. 26. RCW 46.87.296 and 2011 c 171 s 101 are each amended to read as follows:

The department ~~((shall))~~ must suspend or revoke the ~~((registration))~~ credentials of a vehicle ~~((registered under this~~

~~chapter))~~ if the registrant or motor carrier responsible for the safety of the vehicle has been prohibited ~~((under federal law))~~ from operating by the federal motor carrier safety administration. The department ~~((shall))~~ may not register a vehicle if the Washington state patrol has placed an out-of-service order on the vehicle's department of transportation number, as defined in RCW 46.16A.010.

Sec. 27. RCW 46.87.300 and 1987 c 244 s 43 are each amended to read as follows:

The suspension, revocation, cancellation, or refusal by the director, or the director's designee, of ~~((a license plate(s), certificate(s) of registration, or cab card(s) provided for in))~~ the credentials issued under this chapter is conclusive unless the person whose ~~((license plate(s), certificate(s) of registration, or cab card(s) is))~~ credentials are suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at the person's option if a resident of Washington, to the superior court of his or her county of residence, for the purpose of having the suspension, revocation, cancellation, or refusal of the ~~((license plate(s), certificate(s) of registration, or cab card(s))~~ credentials set aside. Notice of appeal ~~((shall))~~ must be filed within ten calendar days after service of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the appeal, the court ~~((shall))~~ must issue an order to the director to show cause why the ~~((license(s))~~ credentials should not be granted or reinstated. The director ~~((shall))~~ must respond to the order within ten days after the date of service of the order upon the director. Service ~~((shall))~~ must be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court ~~((shall))~~ must hear evidence concerning matters related to the suspension, revocation, cancellation, or refusal of the ~~((license plate(s), certificate(s) of registration, or cab card(s))~~ credentials and ~~((shall))~~ enter judgment either affirming or setting aside the suspension, revocation, cancellation, or refusal.

Sec. 28. RCW 46.87.310 and 1996 c 91 s 2 are each amended to read as follows:

~~((Any))~~ An owner ~~((whose application for proportional registration has been accepted shall))~~ must preserve the records on which the owner's application for apportioned registration is based for a period of ~~((four))~~ three years following the ~~((preceding year or period upon which the application is based. These records shall be complete and shall include, but not be limited to, the following: Copies of proportional registration applications and supplements for all jurisdictions in which the fleet is prorated; proof of proportional or full registration with other jurisdictions; vehicle license or trip permits; temporary authorization permits; documents establishing the latest purchase year and cost of each fleet vehicle in ready for the road condition; weight certificates indicating the unladen, ready for the road, weight of each vehicle in the fleet; periodic summaries of mileage by fleet and by individual vehicles; individual trip reports, driver's daily logs, or other source documents maintained for each individual trip that provide trip dates, points of origin and destinations, total miles traveled, miles traveled in each jurisdiction, routes traveled, vehicle equipment number, driver's full name, and all other information pertinent to each trip. Upon request of the department, the owner shall make the records available to the department at its designated office for audit as to accuracy of records, computations, and payments))~~ close of the registration year. The owner must make records available to the department for audit as to the accuracy and adequacy of records, computations, and payments at a location designated by the department. The department ((shall))

must assess and collect any unpaid fees and taxes ((found to be) due ((the state)) affected jurisdictions and provide credits ((or refunds)) for any overpayments of ((Washington)) apportionable fees and taxes ((as determined in accordance with formulas and other requirements prescribed in this chapter)) to the jurisdictions affected. If the records produced by the owner for the audit fail to meet the criteria for adequate records, or are not produced within thirty calendar days after a written request by the department, the department must impose on the owner an assessment in the amount of twenty percent of the total apportionable fees paid or found due because of appropriate adjustment for the registration of the fleet in the registration year to which records pertain. In the instance of a second offense, the department must impose upon the owner an assessment in the amount of fifty percent of the total apportionable fees paid or found due because of appropriate adjustment for the registration of the fleet in the registration year to which records pertain. In the instance of a third or any subsequent offense, the department must impose upon the owner an assessment in the amount of one hundred percent of the total apportionable fees paid or found due because of appropriate adjustment for the registration of the fleet in the registration year to which records pertain. The department must distribute the amount of assessments it collects under this section on a pro rata basis to the other jurisdictions in which the fleet was registered or required to be registered.

If the owner fails to maintain complete records as required ((by)) under this section, the department ((shall)) may attempt to reconstruct or reestablish such records. ((However, if the department is unable to do so and the missing or incomplete records involve mileages accrued by vehicles while they are part of the fleet, the department may assess an amount not to exceed the difference between the Washington proportional fees and taxes paid and one hundred percent of the fees and taxes. Further, if the owner fails to maintain complete records as required by this section, or if the department determines that the owner should have registered more vehicles in this state under this chapter, the department may deny the owner the right of any further benefits provided by this chapter until any final audit or assessment made under this chapter has been satisfied.))

The department may ((audit the records of any owner and may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner)) conduct joint audits of any owner with other jurisdictions. ((No)) An assessment for deficiency or claim for credit may not be made for any period for which records are no longer required. Any fees, taxes, penalties, or interest ((found to be)) due and owing the state upon audit ((shall)) bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount should have been paid until the date of payment. If the audit discloses a deliberate and willful intent to evade the requirements of payment under RCW 46.87.140, a penalty of ten percent ((shall also)) of the amount owed, in addition to any other assessments authorized under this chapter, must be assessed.

If the audit discloses that an overpayment ((to the state)) in excess of ten dollars has been made, the department ((shall certify)) must refund the overpayment to the ((state treasurer who shall issue a warrant for the overpayment to the vehicle operator)) owner. Overpayments ((shall)) must bear interest at the rate of eight percent per annum from the date on which the overpayment ((is)) was incurred until the date of payment.

Sec. 29. RCW 46.87.320 and 1987 c 244 s 45 are each amended to read as follows:

The department may initiate and conduct audits and investigations ((as may be reasonably necessary)) to establish the

existence of any alleged violations of or noncompliance with this chapter or any rules adopted under it.

For the purpose of any audit, investigation, or proceeding under this chapter, the director or any designee of the director may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, paper, correspondence, memoranda, agreements, or other documents or records that the department deems relevant or material to the inquiry.

In case of contumacy or refusal to obey a subpoena issued to any person, any court of competent jurisdiction ((upon application by the department,)) may issue an order requiring that person to appear before the director or the officer designated by the director to produce testimony or other evidence touching the matter under audit, investigation, or in question. Failure to obey an order of the court may be punishable by contempt.

Sec. 30. RCW 46.87.330 and 1996 c 91 s 3 are each amended to read as follows:

An owner of ((proportionally registered)) vehicles against whom an assessment is made under RCW 46.87.310 may petition for reassessment ((thereof)) within thirty days after service of notice of the assessment upon the owner ((of the proportionally registered vehicles)). If the petition is not filed within the thirty-day period, the amount of the assessment becomes final ((at the expiration of that time period)).

If a petition for reassessment is filed within the thirty-day period, the department ((shall)) must reconsider the assessment and, if the petitioner has ((so)) requested in the petition, ((shall)) grant the petitioner an oral hearing and give the petitioner ten days notice of the time and place of the hearing. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment becomes final thirty days after service upon the petitioner of notice of the decision.

Every assessment made under RCW 46.87.310 becomes due and payable at the time it is served on the owner. If the assessment is not paid in full when it becomes final, the department ((shall)) must add a penalty of ten percent of the amount of the assessment.

Any notice of assessment, reassessment, oral hearing, or decision required ((by)) under this section ((shall)) must be served personally or by mail. If served by mail, service is deemed to have been accomplished on the date the notice was deposited in the United States mail ((, postage prepaid, addressed to the owner of the proportionally registered vehicles at)) and mailed to the owner's address as it appears in the proportional registration records of the department.

((No)) An injunction or writ of mandate or other legal or equitable process may not be issued in any suit, action, or proceeding in any court against any officer of the state to prevent or enjoin the collection under this chapter of any fee or tax or any amount of fee or tax required to be collected, except as specifically provided for in chapter 34.05 RCW.

Sec. 31. RCW 46.87.335 and 1994 c 262 s 15 are each amended to read as follows:

Except in the case of violations of filing a false or fraudulent application, if the department deems mitigation of penalties, fees, and interest to be reasonable ((and in the best interests of carrying out the purpose of this chapter)), it may mitigate such assessments ((upon whatever terms the department deems proper,)) giving consideration to the degree and extent of the lack of records and reporting errors. The department may ascertain the facts regarding recordkeeping and payment penalties in lieu of more elaborate proceedings under this chapter.

Sec. 32. RCW 46.87.340 and 1993 c 307 s 16 are each amended to read as follows:

~~(If an owner of proportionally registered vehicles liable for the remittance of fees and taxes imposed by this chapter fails to pay the fees and taxes, the amount thereof, including any interest, penalty, or addition to the fees and taxes together with any additional costs that may accrue, constitutes a lien in favor of the state upon all franchises, property, and rights to property, whether the property is employed by the person for personal or business use or is in the hands of a trustee, receiver, or assignee for the benefit of creditors, from the date the fees and taxes were due and payable until the amount of the lien is paid or the property is sold to pay the lien. The lien has priority over any lien or encumbrance whatsoever, except the lien of other state taxes having priority by law, and except that the lien is not valid as against any bona fide mortgagee, pledgee, judgment creditor, or purchaser whose rights have attached before the time the department has filed and recorded notice of the lien as provided in this chapter.~~

~~In order to avail itself of the lien created by this section, the department shall file with any county auditor a statement of claim and lien specifying the amount of delinquent fees and taxes, penalties, and interest claimed by the department. From the time of filing for record, the amount required to be paid constitutes a lien upon all franchises, property, and rights to property, whether real or personal, then belonging to or thereafter acquired by the person in the county. Any lien as provided in this section may also be filed in the office of the secretary of state. Filing in the office of the secretary of state is of no effect, however, until the lien or a copy of it has been filed with the county auditor in the county where the property is located. When a lien is filed in compliance with this section and with the secretary of state, the filing has the same effect as if the lien had been duly filed for record in the office of each county auditor of this state.)~~ (1) If a person liable for the payment of fees and taxes fails to pay the amount, including any interest and penalty, together with costs incurred, there must be a lien in favor of the state upon all franchises, property, and rights to property, whether real or personal, belonging to or acquired, whether the property is employed by such person for personal or business use or is in the control of a trustee, receiver, or assignee. The lien is effective from the date fees and taxes were due and payable until the amount is satisfied. The lien has priority over any lien or encumbrance except liens of other fees and taxes having priority by law.

(2) The department must file with any county auditor or other agent a statement of claim and lien specifying the amount of delinquent fees, taxes, penalties, and interest owed.

Sec. 33. RCW 46.87.350 and 1994 c 262 s 16 are each amended to read as follows:

~~If (an owner of proportionally registered vehicles for which an assessment has become final) a person is delinquent in the payment of ((an)) any obligation ((imposed under this chapter)), the department may give notice of the amount of the delinquency ((by registered or certified)), in person or by mail, to ((all)) persons having ((in their)) possession or ((under their)) control ((any)) of credits or ((other)) personal and real property belonging to the ((vehicle owner)) person, or owing any debts to the ((owner, at the time of the receipt by them of the notice)) person. ((Thereafter, a)) Any person ((so)) notified ((shall neither)) may not transfer ((nor make other disposition)) or dispose of ((those)) credits, personal and real property, or debts ((until)) without the consent of the department ((consents to a transfer or other disposition)). A person ((so)) notified ((shall)) must, within twenty days after receipt of the notice, advise the department of any ((and all such)) credits, personal and real property, or debts in ((their)) his or her~~

~~possession, under ((their)) his or her control or owing by ((them, as the case may be)) him or her, and ((shall forthwith)) must immediately deliver ((such)) the credits, personal and real property, or debts to the department ((or its duly authorized representative to be applied to the indebtedness involved)).~~

~~If a person fails to timely answer the notice ((within the time prescribed by this section, it is lawful for the court upon application of the department and after the time to answer the notice has expired, to)), a court may render judgment by default against the person ((for the full amount claimed by the department in the notice to withhold and deliver, together with costs)).~~

~~((Upon service,)) The notice and order to withhold and deliver constitutes a continuing lien on property of the ((taxpayer)) person. The department ((shall)) must include in the ((caption of the)) notice to withhold and deliver "continuing lien." The effective date of a notice to withhold and deliver ((served under this section)) is the date of service ((of the notice)).~~

Sec. 34. RCW 46.87.360 and 2010 c 8 s 9101 are each amended to read as follows:

~~((Whenever the owner of proportionally registered vehicles)) If a person is delinquent in the payment of ((an)) any obligation ((imposed under this chapter)), and the delinquency continues after notice and demand for payment ((by the department)), the department ((may proceed to)) must collect the amount due ((from the owner in the following manner:)). The department ((shall)) must seize any property subject to the lien of the fees, taxes, penalties, and interest and sell it at public auction ((to pay the obligation and any and all costs that may have been incurred because of the seizure and sale)). Notice of the intended sale and its time and place ((shall)) must be given to the ((delinquent owner)) person and to all persons ((appearing of record to have)) with an interest in the property. ((The notice shall be given in writing at least ten days before the date set for the sale by registered or certified mail addressed to the owner as appearing in the proportional registration records of the department and, in the case of any person appearing of record to have an interest in such property, addressed to that person at his or her last known residence or place of business. In addition,)) The notice ((shall)) must be published at least ten days before the date set for the sale in a newspaper of general circulation published in the county in which the property ((seized is to)) will be sold. If there is no newspaper of general circulation in the county, the notice ((shall)) must be posted in three public places in the county for a period of ten days. The notice ((shall)) must contain a description of the property ((to be sold)), a statement of the amount due ((under this chapter)), the name of the ((owner of the proportionally registered vehicles)) person, and ((the further)) a statement that unless the amount due is paid on or before the time ((fixed)) in the notice the property will be sold ((in accordance with law)).~~

~~The department ((shall then proceed to)) must sell the property ((in accordance with law and the notice,)) and ((shall)) deliver to the purchaser a bill of sale or deed ((that vests title in the purchaser)). If ((upon any such sale)) the moneys received exceed the amount due ((to the state under this chapter)) from the ((delinquent owner)) person, the excess ((shall)) must be returned to the ((delinquent owner and his or her)) person with a receipt ((obtained for it)). ((The department may withhold payment of the excess to the delinquent owner)) If ((a)) any person having an interest in or lien upon the property has filed notice with the department ((his or her notice of the lien or interest)) before the sale, the department must withhold payment of any excess to the person pending determination of the rights of the respective parties ((thereto)) by a court of competent jurisdiction. If ((for any reason)) the receipt of the ((delinquent owner)) person is not~~

available, the department (~~(shall)~~) must deposit the excess with the state treasurer as trustee for the (~~(delinquent owner)~~) person or his or her heirs, successors, or assigns.

Sec. 35. RCW 46.87.370 and 2001 c 146 s 6 are each amended to read as follows:

~~((Whenever any))~~ When an assessment (~~(has)~~) becomes final ~~((in accordance with this chapter)),~~ the department may file with the clerk of any county within ~~((this))~~ the state a warrant in the amount of fees, taxes, penalties, interest, and a filing fee under RCW 36.18.012(10). ~~((The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for the warrant, and the clerk shall cause to be entered in the judgment docket under the superior court cause number assigned to the warrant the name of the delinquent owner of proportionally registered vehicles mentioned in the warrant, the amount of the fees, taxes, penalties, interest, and filing fee, and the date when the warrant was filed.))~~ The ~~((aggregate amount of the))~~ warrant ~~((as docketed))~~ constitutes a lien upon the title to, and interest in, all real and personal property of the ~~((named))~~ person against whom the warrant is issued ~~((the same as a judgment in a civil case duly docketed in the office of the clerk)).~~ ~~((A))~~ The warrant ~~((so docketed))~~ is sufficient to support the issuance of writs of execution and writs of garnishment in favor of the state ~~((in the manner provided by law in the case of civil judgment wholly or partially unsatisfied. The clerk of the court is entitled to a filing fee under RCW 36.18.012(10), which shall be added to the amount of the warrant)).~~

Sec. 36. RCW 46.87.410 and 1997 c 183 s 1 are each amended to read as follows:

A ~~((proportional registration))~~ licensee ~~((s))~~ who files ~~((or against whom is filed))~~ a petition in bankruptcy, ~~((shall, within ten days of the filing,))~~ or against whom a petition for bankruptcy is filed, must notify the department ~~((of the proceedings in bankruptcy))~~ within ten days of the filing, including the ~~((identity))~~ name and location of the court in which ~~((the proceedings are pending))~~ petition is filed.

Sec. 37. RCW 46.19.020 and 2014 c 124 s 3 are each amended to read as follows:

(1) The following organizations may apply for special parking privileges:

- (a) Public transportation authorities;
- (b) Nursing homes licensed under chapter 18.51 RCW;
- (c) Assisted living facilities licensed under chapter 18.20 RCW;
- (d) Senior citizen centers;
- (e) Accessible van rental companies registered ~~((under RCW 46.87.023))~~ with the department;
- (f) Private nonprofit corporations, as defined in RCW 24.03.005; and

(g) Cabulance companies that regularly transport persons with disabilities who have been determined eligible for special parking privileges under this section and who are registered with the department under chapter 46.72 RCW.

(2) An organization that qualifies for special parking privileges may receive, upon application, special license plates or parking placards, or both, for persons with disabilities as defined by the department.

(3) Public transportation authorities, nursing homes, assisted living facilities, senior citizen centers, accessible van rental companies, private nonprofit corporations, and cabulance services

are responsible for ensuring that the parking placards and special license plates are not used improperly and are responsible for all fines and penalties for improper use.

(4) The department shall adopt rules to determine organization eligibility.

NEW SECTION. Sec. 38. The following acts or parts of acts are each repealed:

- (1) RCW 46.87.023 (Rental car businesses) and 2011 c 171 s 96, 1994 c 227 s 2, & 1992 c 194 s 7;
- (2) RCW 46.87.210 (Refusal of application from nonreciprocal jurisdiction) and 1987 c 244 s 34;
- (3) RCW 46.87.270 (Gross weight on vehicle) and 1990 c 250 s 77 & 1987 c 244 s 40; and
- (4) RCW 46.87.380 (Delinquent obligations—Collection by attorney general) and 1987 c 244 s 51.

NEW SECTION. Sec. 39. 2013 c 225 s 305 is repealed.

Sec. 40. 2013 c 225 s 650 (uncodified) is amended to read as follows:

~~((This act takes effect July 1, 2015.))~~ Section 110, chapter 225, Laws of 2013 takes effect July 1, 2015. Sections 101 through 109, 111 through 304, and 306 through 647, chapter 225, Laws of 2013 take effect July 1, 2016.

Sec. 41. 2014 c 216 s 601 (uncodified) is amended to read as follows:

~~((This act takes effect July 1, 2015.))~~ Sections 101, 202, and 207 through 501, chapter 216, Laws of 2014 take effect July 1, 2015. Sections 201 and 203 through 206, chapter 216, Laws of 2014 take effect July 1, 2016.

NEW SECTION. Sec. 42. Sections 1 through 27 and 29 through 38 of this act take effect July 1, 2016.

NEW SECTION. Sec. 43. Sections 28 and 39 through 41 of this act are necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and take effect July 1, 2015."

Correct the title.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Bergquist; Gregerson; Hayes; Kochmar; McBride; Moeller; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Sells; Takko; Wilson and Zeiger.

MINORITY recommendation: Do not pass. Signed by Representatives Shea and Young.

MINORITY recommendation: Without recommendation. Signed by Representative Harmsworth.

Passed to Committee on Rules for second reading.

March 19, 2015

SSB 5362

Prime Sponsor, Committee on Transportation:
Concerning the regulation of passenger charter

and excursion carriers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 81.70.020 and 2007 c 234 s 55 are each amended to read as follows:

Unless the context otherwise requires, the definitions and general provisions in this section govern the construction of this chapter:

- (1) "Commission" means the Washington utilities and transportation commission;
- (2) "Person or persons" means an individual, a corporation, association, joint stock association, and partnership, their lessees, trustees, or receivers;
- (3) "Public highway" includes every public street, road, or highway in this state;
- (4) "Motor vehicle" means every self-propelled vehicle with seating capacity for seven or more persons, excluding the driver;
- (5) Subject to the exclusions of RCW 81.70.030, "charter party carrier" means every person engaged in the transportation over any public highways in this state of a group of persons, who, pursuant to a common purpose and under a single contract, acquire the use of a motor vehicle to travel together as a group to a specified destination or for a particular itinerary, either agreed upon in advance or modified by the chartered group after leaving the place of origin;
- (6) Subject to the exclusion of RCW 81.70.030, "excursion service carrier" means every person engaged in the transportation of persons for compensation over any public highway in this state from points of origin within the incorporated limits of any city or town or area, to any other location within the state of Washington and returning to that origin. The service must not pick up or drop off passengers after leaving and before returning to the area of origin. The excursions may be regularly scheduled. Compensation for the transportation offered or afforded must be computed, charged, or assessed by the excursion service company on an individual fare basis;
- (7) "Customer" means a person, corporation, or other entity that prearranges for transportation services with a charter party carrier or purchases a ticket for transportation services aboard an excursion service carrier;
- (8) "Double-decker bus" means a motor vehicle with more than one passenger deck. A person using a double-decker bus must comply with the maximum height vehicle requirements contained in RCW 46.44.020;
- (9) Subject to the exclusions of RCW 81.70.030, "party bus" means any motor vehicle whose interior enables passengers to stand and circulate throughout the vehicle because seating is placed around the perimeter of the bus or is nonexistent and in which food, beverages, or entertainment may be provided. A motor vehicle configured in the traditional manner of forward-facing seating with a center aisle is not a party bus. A person engaged in the transportation of persons by party bus over any public highway in this state is considered engaging in the business of a charter party carrier or excursion service carrier;
- (10) "Permit holder" means a holder of an appropriate special permit issued under chapter 66.20 RCW who is twenty-one years of age or older and who is responsible for compliance with the requirements of section 8 of this act and chapter 66.20 RCW during the provision of transportation services.

Sec. 2. RCW 81.70.030 and 2007 c 234 s 56 are each amended to read as follows:

This chapter does not apply to:

- (1) ~~(Persons operating motor vehicles wholly within the limits of incorporated cities;~~
- ~~(2))~~ Persons or their lessees, receivers, or trustees insofar as they own, control, operate, or manage taxicabs, hotel buses, or school buses, when operated as such;
- ~~((3))~~ (2) Passenger vehicles carrying passengers on a noncommercial enterprise basis; or
- ~~((4))~~ (3) Limousine charter party carriers of passengers under chapter 46.72A RCW.

Sec. 3. RCW 81.70.220 and 2009 c 557 s 4 are each amended to read as follows:

(1) No person may engage in the business of a charter party carrier or excursion service carrier of ~~((persons))~~ passengers over any public highway without first having obtained a certificate from the commission to do so or having registered as an interstate carrier. For the purposes of this section, "engage in the business of a charter party carrier or excursion service carrier" includes advertising or soliciting, offering, or entering into an agreement to provide such service. Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.

(2) Any person who engages in the business of a charter party carrier or excursion service carrier in violation of subsection (1) of this section is subject to a penalty of up to five thousand dollars per violation.

(3) An auto transportation company carrying passengers for compensation over any public highway in this state between fixed termini or over a regular route that is not required to hold an auto transportation certificate because of a commission finding under RCW 81.68.015 must obtain a certificate under this chapter.

Sec. 4. RCW 81.70.260 and 1989 c 163 s 9 are each amended to read as follows:

(1) After the cancellation or revocation of a certificate or interstate registration or during the period of its suspension, it is unlawful for a charter party carrier or excursion service carrier of passengers to conduct any operations as such a carrier. For the purposes of this section, "conduct any operations" includes advertising or soliciting, offering, or entering into an agreement to provide such service. Each advertisement reproduced, broadcast, or displayed via a particular medium constitutes a separate violation under this chapter.

(2) Any person who conducts operations as a charter party carrier or excursion service carrier of passengers in violation of subsection (1) of this section is subject to a penalty of up to five thousand dollars per violation.

Sec. 5. RCW 81.70.320 and 2007 c 234 s 61 are each amended to read as follows:

(1) An application for a certificate, amendment of a certificate, or transfer of a certificate must be accompanied by a filing fee the commission may prescribe by rule. The fee must not exceed two hundred dollars.

(2) All fees paid to the commission under this chapter must be deposited in the state treasury to the credit of the public service revolving fund.

(3) It is the intent of the legislature that all fees collected under this chapter must reasonably approximate the cost of supervising and regulating charter party carriers and excursion service carriers

subject thereto, and to that end the commission may decrease the schedule of fees provided for in RCW 81.70.350 by general order entered before ~~((November))~~ March 1st of any year in which the commission determines that the moneys, then in the charter party carrier and excursion service carrier account of the public service revolving fund, and the fees currently owed will exceed the reasonable cost of supervising and regulating such carriers during the succeeding calendar year. Whenever the cost accounting records of the commission indicate that the schedule of fees previously reduced should be increased, the increase, not to exceed the schedule set forth in this chapter, may be effected by a similar general order entered before ~~((November))~~ March 1st of any calendar year.

Sec. 6. RCW 81.70.350 and 1994 c 83 s 3 are each amended to read as follows:

(1) The commission shall collect from each charter party carrier and excursion service carrier holding a certificate issued pursuant to this chapter and from each interstate or foreign carrier subject to this chapter an annual regulatory fee, to be established by the commission but which in total shall not exceed the cost of supervising and regulating such carriers, for each bus used by such carrier.

(2) ~~((All))~~ The fee(s) prescribed ~~((by))~~ under this section ~~((shall be))~~ is due and payable on or before ~~((December 31))~~ May 1st of each year, to cover operations during the ~~((ensuing))~~ calendar year ~~((beginning February 1))~~ in which the fee is paid.

(3) Any payment of the fee imposed by this section made after its due date shall include a late fee of two percent of the amount due. Delinquent fees shall accrue interest at the rate of one percent per month.

Sec. 7. RCW 81.70.360 and 1984 c 166 s 5 are each amended to read as follows:

No excursion service company may operate for the transportation of persons for compensation without first having obtained from the commission under the provisions of this chapter a certificate to do so. For the purposes of this section, "operate for the transportation of persons for compensation" includes advertising or soliciting, offering, or entering into an agreement to provide such service.

A certificate shall be issued to any qualified applicant therefor, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing, and able to properly perform the services proposed and conform to the provisions of this chapter and the rules of the commission adopted under this chapter, and that such operations will be consistent with the public interest. ~~((However, a certificate shall be granted when it appears to the satisfaction of the commission that the person, firm, or corporation was actually operating in good faith that type of service for which the certificate was sought on January 15, 1983.))~~ Any right, privilege, or certificate held, owned, or obtained by an excursion service company may be sold, assigned, leased, transferred, or inherited as other property only upon authorization by the commission. For good cause shown the commission may refuse to issue the certificate, or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the certificate such terms and conditions as, in its judgment, the public interest may require.

NEW SECTION. Sec. 8. A new section is added to chapter 81.70 RCW to read as follows:

(1)(a) A charter party carrier or excursion service carrier operating a party bus must determine whether alcoholic beverages will be served or consumed in the passenger compartment of the vehicle. If it is expected that alcoholic beverages will be served or consumed in the passenger compartment, the permit holder must have obtained the appropriate liquor permit, provided a copy of the permit to the charter party carrier or excursion service carrier in advance of the trip, and be on the vehicle or reasonably proximate and available to the vehicle during the transportation service. The company must maintain the copy of the permit required with the contract of carriage.

(b) If the charter party carrier or excursion service carrier operating a party bus is the permit holder, the carrier must have a person separate from the driver be responsible for the permit holder requirements in this section and either chapter 66.20 or 66.24 RCW.

(c) The permit holder must:

(i) Be on the party bus or reasonably proximate and available to the vehicle during the transportation service;

(ii) Monitor and control party activities in a manner to prevent the driver from being distracted by the party activities; and

(iii) Assume responsibility for compliance with the terms of the special permit, if a permit is required, including compliance with RCW 66.44.270 concerning the prohibition against furnishing liquor to minors.

(2) If at any time the charter party carrier or excursion service carrier operating a party bus believes that conditions aboard the vehicle are unsafe due to party activities involving alcohol, the carrier must remove all alcoholic beverages and lock them in the party bus trunk or other locked compartment. The carrier may cancel the trip and return the passengers to the place of origin.

(3) This section does not limit the right of a charter party carrier or excursion service carrier to prohibit the consumption of alcohol aboard the vehicle.

(4) This section does not limit the right of a permit holder to seek indemnity from any person, corporation, or other entity other than the charter party carrier or excursion service carrier.

(5) This section does not relieve a passenger of legal responsibility for his or her own conduct or the permit holder of legal responsibility for compliance with Title 66 RCW.

(6) Any charter party carrier or excursion service carrier in violation of this section is subject to a penalty of up to five thousand dollars per violation.

NEW SECTION. Sec. 9. A new section is added to chapter 81.70 RCW to read as follows:

(1) A charter party carrier or excursion service carrier may not knowingly allow any passenger to smoke aboard a motor vehicle regulated under this chapter.

(2) For the purposes of this section, "smoke" has the same meaning as defined in RCW 70.160.020."

Correct the title.

EFFECT: Removes language that prohibited charter party carriers and excursion service carriers from serving alcohol and prohibited any alcohol on an excursion service carrier. Clarifies requirements if alcohol will be served on a party bus operated by either a charter party carrier or an excursion service carrier, including the responsibilities of the permit holder.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Gregerson; Harmsworth; Hayes; Kochmar; McBride; Morris; Ortiz-Self; Pike; Riccelli; Rodne; Sells; Shea; Takko; Wilson; Young and Zeiger.

	vessel permit			
(j)	Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section RCW 88.02.650
(k)	Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
(l)	Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
(m)	Service fee	<u>RCW 46.17.040</u>	<u>RCW 88.02.515 and 88.02.560(2)</u>	<u>RCW 46.17.040</u>
(n)	Title application	\$5.00	RCW 88.02.515	General fund
((#)) (o)	Transfer	\$1.00	RCW 88.02.560(7)	General fund
((#)) (p)	Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this section

(2) The five dollar dealer temporary permit fee required in subsection (1) of this section must be credited to the payment of registration fees at the time application for registration is made.

(3) The derelict vessel and invasive species removal fee required in subsection (1) of this section is five dollars and must be distributed as follows:

(a) One dollar and fifty cents must be deposited in the aquatic invasive species prevention account created in RCW 77.12.879;

(b) One dollar must be deposited into the aquatic algae control account created in RCW 43.21A.667;

(c) Fifty cents must be deposited into the aquatic invasive species enforcement account created in RCW 43.43.400; and

(d) Two dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100.

(4) In addition to other fees required in this section, an annual derelict vessel removal surcharge of one dollar must be charged with each vessel registration. The surcharge is to address the significant backlog of derelict vessels accumulated in Washington waters that pose a threat to the health and safety of the people and to the environment and must be deposited into the derelict vessel removal account created in RCW 79.100.100.

(5) The twenty-five dollar nonresident vessel permit fee must be paid by the vessel owner to the department for the cost of providing the identification document by the department. Any moneys remaining from the fee after the payment of costs must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650.

(6) The thirty dollar vessel visitor permit fee must be distributed as follows:

(a) Five dollars must be deposited in the derelict vessel removal account created in RCW 79.100.100;

(b) The department may keep an amount to cover costs for providing the vessel visitor permit;

(c) Any moneys remaining must be allocated to counties by the state treasurer for approved boating safety programs under RCW 88.02.650; and

(d) Any fees required for licensing agents under RCW 46.17.005 are in addition to any other fee or tax due for the titling and registration of vessels.

(7)(a) The fifty dollar quick title service fee must be distributed as follows:

(i) If the fee is paid to the director, the fee must be deposited to the general fund.

(ii) If the fee is paid to the participating county auditor or other agent or subagent appointed by the director, twenty-five dollars must be deposited to the general fund. The remainder must be retained by the county treasurer in the same manner as other fees collected by the county auditor.

(b) For the purposes of this subsection, "quick title" has the same meaning as in RCW 88.02.540.

NEW SECTION. Sec. 3. This act applies to vessel registrations that are due or become due on or after January 1, 2016, and certificate of title transactions that are processed on or after January 1, 2016." Correct the title.

Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Bergquist; Gregerson; McBride; Moeller; Morris; Ortiz-Self; Riccelli; Sells; Takko and Tarleton.

MINORITY recommendation: Do not pass. Signed by Representatives Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Harmsworth; Kochmar; Pike; Rodne; Shea; Wilson; Young and Zeiger.

MINORITY recommendation: Without recommendation. Signed by Representative Hayes.

Passed to Committee on Rules for second reading.

March 19, 2015

SSB 5438 Prime Sponsor, Committee on Transportation: Allowing bicycles and mopeds to stop and proceed through traffic control signals under certain conditions. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Clibborn, Chair; Farrell, Vice Chair; Fey, Vice Chair; Moscoso, Vice Chair; Orcutt, Ranking Minority Member; Hargrove, Assistant Ranking Minority Member; Gregerson; Harmsworth; Kochmar; McBride; Pike; Riccelli; Rodne; Sells; Shea; Takko; Wilson; Young and Zeiger.

MINORITY recommendation: Do not pass. Signed by Representatives Hayes and Morris.

MINORITY recommendation: Without recommendation. Signed by Representative Ortiz-Self.

Passed to Committee on Rules for second reading.

March 20, 2015

SB 5499 Prime Sponsor, Senator Roach: Allowing the filing of a special allegation of a nefarious drone

enterprise. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Griffey; Moscoso and Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Appleton and Pettigrew.

Referred to Committee on General Government & Information Technology.

March 19, 2015

SB 5555

Prime Sponsor, Senator Warnick: Concerning irrigation district review and conditioning authority. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 58.17.310 and 2009 c 145 s 1 are each amended to read as follows:

(1) Whenever a city, town, or county receives an application for the approval of a plat of a subdivision, alteration of an existing subdivision, the creation of a new parcel or parcels, or modification of existing parcels, for real property that lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW, the responsible administrator shall give written notice of the application, including a legal description of the short subdivision and a location map, to the irrigation district. The irrigation district shall, after receiving the notice, submit to the responsible administrator who furnished the notice a statement with any information or conditions for approval that the irrigation district deems to be necessary regarding the proposed division's effect upon the structural integrity, including lateral support, of the irrigation district facilities, other risk exposures, and the safety of the public and irrigation district.

(2) In addition to any other requirements imposed by the provisions of this chapter, the legislative authority of any city, town, or county shall not approve a short plat or final plat, as defined in RCW 58.17.020, for any subdivision, short subdivision, lot, tract, parcel, or site which lies in whole or in part in an irrigation district organized pursuant to chapter 87.03 RCW unless there has been provided an irrigation water right-of-way for each parcel of land in such district. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site lies within land within the district classified as irrigable, completed irrigation water distribution facilities for such land may be required by the irrigation district by resolution, bylaw, or rule of general applicability as a condition for approval of the short plat or final plat by the legislative authority of the city, town, or county. Rights-of-way shall be evidenced by the respective plats submitted for final approval to the appropriate legislative authority. In addition, if the subdivision, short subdivision, lot, tract, parcel, or site to be platted is wholly or partially within an irrigation district of two hundred thousand acres or more and has been previously platted by the United States bureau of reclamation as a farm unit in the district, the legislative authority shall not approve for such land a short plat or final plat as defined in RCW 58.17.020 without the approval of the irrigation district and the administrator or manager

of the project of the bureau of reclamation, or its successor agency, within which that district lies. Compliance with the requirements of this section together with all other applicable provisions of this chapter shall be a prerequisite, within the expressed purpose of this chapter, to any sale, lease, or development of land in this state."

Correct the title.

Signed by Representatives Takko, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride and Peterson.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; McCaslin and Pike.

Passed to Committee on Rules for second reading.

March 20, 2015

SB 5650

Prime Sponsor, Senator Padden: Modifying provisions governing inmate funds subject to deductions. Reported by Committee on Public Safety

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 72.09.480 and 2011 c 282 s 3 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this section apply to this section.

(a) "Cost of incarceration" means the cost of providing an inmate with shelter, food, clothing, transportation, supervision, and other services and supplies as may be necessary for the maintenance and support of the inmate while in the custody of the department, based on the average per inmate costs established by the department and the office of financial management.

(b) "Minimum term of confinement" means the minimum amount of time an inmate will be confined in the custody of the department, considering the sentence imposed and adjusted for the total potential earned early release time available to the inmate.

(c) "Program" means any series of courses or classes necessary to achieve a proficiency standard, certificate, or postsecondary degree.

(2) When an inmate, except as provided in subsections (4) and (8) of this section, receives any funds in addition to his or her wages or gratuities, except settlements or awards resulting from legal action, the additional funds shall be subject to the following deductions and the priorities established in chapter 72.11 RCW:

(a) Five percent to the crime victims' compensation account provided in RCW 7.68.045;

(b) Ten percent to a department personal inmate savings account;

(c) Twenty percent for payment of legal financial obligations for all inmates who have legal financial obligations owing in any Washington state superior court;

(d) Twenty percent for any child support owed under a support order;

(e) Twenty percent to the department to contribute to the cost of incarceration; and

(f) Twenty percent for payment of any civil judgment for assault for all inmates who are subject to a civil judgment for assault in any Washington state court or federal court.

(3) When an inmate, except as provided in subsection ~~((8))~~ (9) of this section, receives any funds from a settlement or award

resulting from a legal action, the additional funds shall be subject to the deductions in RCW 72.09.111(1)(a) and the priorities established in chapter 72.11 RCW.

(4) When an inmate who is subject to a child support order receives funds from an inheritance, the deduction required under subsection (2)(e) and (f) of this section shall only apply after the child support obligation has been paid in full.

(5) The amount deducted from an inmate's funds under subsection (2) of this section shall not exceed the department's total cost of incarceration for the inmate incurred during the inmate's minimum or actual term of confinement, whichever is longer.

(6)(a) The deductions required under subsection (2) of this section shall not apply to funds received by the department from an offender or from a third party on behalf of an offender for payment of education or vocational programs or postsecondary education degree programs as provided in RCW 72.09.460 and 72.09.465.

(b) The deductions required under subsection (2) of this section shall not apply to funds received by the department from a third party, including but not limited to a nonprofit entity on behalf of the department's education, vocation, or postsecondary education degree programs.

(7) The deductions required under subsection (2) of this section shall not apply to any money received by the department, on behalf of an inmate, from family or other outside sources for the payment of postage expenses. Money received under this subsection may only be used for the payment of postage expenses and may not be transferred to any other account or purpose. Money that remains unused in the inmate's postage fund at the time of release shall be subject to the deductions outlined in subsection (2) of this section.

(8) ~~(When an)~~ The deductions required under subsection (2) of this section do not apply to any money received by the department on behalf of an inmate from family or other outside sources for the payment of certain medical expenses. Money received under this subsection may only be used for the payment of medical expenses associated with the purchase of eyeglasses, over-the-counter medications, and offender copayments. Funds received specifically for these purposes may not be transferred to any other account or purpose. Money that remains unused in the inmate's medical fund at the time of release is subject to deductions under subsection (2) of this section.

(9) Inmates sentenced to life imprisonment without possibility of release or sentenced to death under chapter 10.95 RCW receives funds, deductions are required under subsection (2) of this section, with the exception of a personal inmate savings account under subsection (2)(b) of this section.

~~((9))~~ (10) The secretary of the department of corrections, or his or her designee, may exempt an inmate from a personal inmate savings account under subsection (2)(b) of this section if the inmate's earliest release date is beyond the inmate's life expectancy.

~~((10))~~ (11) The interest earned on an inmate savings account created as a result of the plan in section 4, chapter 325, Laws of 1999 shall be exempt from the mandatory deductions under this section and RCW 72.09.111.

~~((11))~~ (12) Nothing in this section shall limit the authority of the department of social and health services division of child support, the county clerk, or a restitution recipient from taking collection action against an inmate's moneys, assets, or property pursuant to chapter 9.94A, 26.23, 74.20, or 74.20A RCW including, but not limited to, the collection of moneys received by the inmate from settlements or awards resulting from legal action." Correct the title.

Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant

Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Referred to Committee on General Government & Information Technology.

March 19, 2015

SSB 5694

Prime Sponsor, Committee on Government Operations & Security: Allowing assessments for nuisance abatement in cities and towns. Reported by Committee on Local Government

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 35.21 RCW to read as follows:

(1) A city or town that exercises its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable law to abate a nuisance which threatens health or safety must provide prior notice to the property owner that abatement is pending and a special assessment may be levied on the property for the expense of abatement. The notice must be sent by regular mail.

(2) A city or town that exercises its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable law to declare a nuisance, abate a nuisance, or impose fines or costs upon persons who create, continue, or maintain a nuisance may levy a special assessment on the land or premises where the nuisance is situated to reimburse the city or town for the expense of abatement. The special assessment may not exceed five thousand dollars. A city or town must, before levying a special assessment, notify the property owner and any identifiable mortgage holder that a special assessment will be levied on the property and provide the estimated amount of the special assessment. The notice must be sent by regular mail.

(3) The special assessment authorized by this section constitutes a lien against the property and is of equal rank with state, county, and municipal taxes.

(4) A city or town levying a special assessment under this section may contract with the county treasurer to collect the special assessment in accordance with RCW 84.56.035.

NEW SECTION. Sec. 2. A new section is added to chapter 35A.21 RCW to read as follows:

(1) A code city that exercises its authority under chapter 7.48 RCW, RCW 35.22.280, 35.23.440, or 35.27.410, or other applicable law to abate a nuisance which threatens health or safety must provide prior notice to the property owner that abatement is pending and a special assessment may be levied on the property for the expense of abatement. The notice must be sent by regular mail.

(2) A code city that exercises its authority under chapter 7.48 RCW or other applicable law to declare a nuisance, abate a nuisance, or impose fines or costs upon persons who create, continue, or maintain a nuisance may levy a special assessment on the land or premises where the nuisance is situated to reimburse the code city for the expense of abatement. The special assessment may not exceed five thousand dollars. A code city must, before levying a special assessment, notify the property owner and any identifiable mortgage holder that a special assessment will be levied on the property and provide the estimated amount of the special assessment. The notice must be sent by regular mail.

(3) The special assessment authorized by this section constitutes a lien against the property and is of equal rank with state, county, and municipal taxes.

(4) A code city levying a special assessment under this section may contract with the county treasurer to collect the special assessment in accordance with RCW 84.56.035."

Correct the title.

Signed by Representatives Takko, Chair; Gregerson, Vice Chair; Fitzgibbon; McBride; McCaslin; Peterson and Pike.

MINORITY recommendation: Do not pass. Signed by Representatives Taylor, Ranking Minority Member Griffey, Assistant Ranking Minority Member.

Referred to Committee on Finance.

March 19, 2015

ESB 5993 Prime Sponsor, Senator King: Concerning public works contracts and projects. Reported by Committee on Labor

MAJORITY recommendation: Do pass as amended.

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 39.04.320 and 2009 c 197 s 1 are each amended to read as follows:

(1)(a) Except as provided in (b) through (d) of this subsection, from January 1, 2005, and thereafter, for all public works estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(b)(i) This section does not apply to contracts advertised for bid before July 1, 2007, for any public works by the department of transportation.

(ii) For contracts advertised for bid on or after July 1, 2007, and before July 1, 2008, for all public works by the department of transportation estimated to cost five million dollars or more, all specifications shall require that no less than ten percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after July 1, 2008, and before July 1, 2009, for all public works by the department of transportation estimated to cost three million dollars or more, all specifications shall require that no less than twelve percent of the labor hours be performed by apprentices.

(iv) For contracts advertised for bid on or after July 1, ~~((2009))~~ 2015, and before July 1, 2020, for all public works by the department of transportation estimated to cost ~~((two))~~ three million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(v) For contracts advertised for bid on or after July 1, 2020, for all public works by the department of transportation estimated to cost two million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(c)(i) This section does not apply to contracts advertised for bid before January 1, 2008, for any public works by a school district, or to any project funded in whole or in part by bond issues approved before July 1, 2007.

(ii) For contracts advertised for bid on or after January 1, 2008, for all public works by a school district estimated to cost three million dollars or more, all specifications shall require that no less than ten percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after January 1, 2009, for all public works by a school district estimated to cost two million dollars or more, all specifications shall require that no less than twelve percent of the labor hours be performed by apprentices.

(iv) For contracts advertised for bid on or after January 1, 2010, for all public works by a school district estimated to cost one million dollars or more, all specifications shall require that no less than fifteen percent of the labor hours be performed by apprentices.

(d)(i) For contracts advertised for bid on or after January 1, 2010, for all public works by a four-year institution of higher education estimated to cost three million dollars or more, all specifications must require that no less than ten percent of the labor hours be performed by apprentices.

(ii) For contracts advertised for bid on or after January 1, 2011, for all public works by a four-year institution of higher education estimated to cost two million dollars or more, all specifications must require that no less than twelve percent of the labor hours be performed by apprentices.

(iii) For contracts advertised for bid on or after January 1, 2012, for all public works by a four-year institution of higher education estimated to cost one million dollars or more, all specifications must require that no less than fifteen percent of the labor hours be performed by apprentices.

(2) Awarding entities may adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas;

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation;

(c) Participating contractors have demonstrated a good faith effort to comply with the requirements of RCW 39.04.300 and 39.04.310 and this section; or

(d) Other criteria the awarding entity deems appropriate, which are subject to review by the office of the governor.

(3) The secretary of the department of transportation shall adjust the requirements of this section for a specific project for the following reasons:

(a) The demonstrated lack of availability of apprentices in specific geographic areas; or

(b) A disproportionately high ratio of material costs to labor hours, which does not make feasible the required minimum levels of apprentice participation.

(4) This section applies to public works contracts awarded by the state, to public works contracts awarded by school districts, and to public works contracts awarded by state four-year institutions of higher education. However, this section does not apply to contracts awarded by state agencies headed by a separately elected public official.

(5)(a) The department of ~~((general administration))~~ enterprise services must provide information and technical assistance to affected agencies and collect the following data from affected agencies for each project covered by this section:

(i) The name of each apprentice and apprentice registration number;

(ii) The name of each project;

(iii) The dollar value of each project;

(iv) The date of the contractor's notice to proceed;

(v) The number of apprentices and labor hours worked by them, categorized by trade or craft;

(vi) The number of journey level workers and labor hours worked by them, categorized by trade or craft; and

(vii) The number, type, and rationale for the exceptions granted under subsection (2) of this section.

(b) The department of labor and industries shall assist the department of ~~((general administration))~~ enterprise services in providing information and technical assistance.

(6) The secretary of transportation shall establish and maintain an apprenticeship utilization advisory committee, which shall include statewide geographic representation and consist of equal numbers of representatives of contractors and labor. The committee must include at least one member representing contractor businesses with less than thirty-five employees. The advisory committee shall meet regularly with the secretary of transportation to discuss implementation of this section by the department of transportation, including development of the process to be used to adjust the requirements of this section for a specific project. ~~((The committee shall provide a report to the legislature by January 1, 2008, on the effects of the apprentice labor requirement on transportation projects and on the availability of apprentice labor and programs statewide.))~~

(7) At the request of the senate labor, commerce, research and development committee, the house of representatives commerce and labor committee, or their successor committees, and the governor, the department of ~~((general administration))~~ enterprise services and the department of labor and industries shall compile and summarize the agency data and provide a joint report to both committees. The report shall include recommendations on modifications or improvements to the apprentice utilization program and information on skill shortages in each trade or craft.

Sec. 2. RCW 39.12.026 and 2003 c 363 s 206 are each amended to read as follows:

(1) In establishing the prevailing rate of wage under RCW 39.12.010, 39.12.015, and 39.12.020, all data collected by the department of labor and industries may be used only in the county for which the work was performed.

(2) ~~((This section applies only to prevailing wage surveys initiated on or after August 1, 2003.))~~ The department of labor and industries must provide registered contractors with the option of completing a wage survey electronically.

Sec. 3. RCW 39.12.015 and 1965 ex.s. c 133 s 2 are each amended to read as follows:

(1) All determinations of the prevailing rate of wage shall be made by the industrial statistician of the department of labor and industries.

(2) The industrial statistician shall establish the prevailing rate of wage by adopting the hourly wage, usual benefits, and overtime pay established in collective bargaining agreements for those trades and occupations that have collective bargaining agreements. For trades and occupations for which there are no collective bargaining agreements, the industrial statistician shall establish the prevailing rate of wage by conducting wage and hour surveys. In instances when there are no collective bargaining agreements and conducting wage and hour surveys is not feasible, the industrial

statistician may employ other appropriate methods to establish the prevailing rate of wage.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015."

Correct the title.

Signed by Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

MINORITY recommendation: Without recommendation.
Signed by Representative McCabe.

Passed to Committee on Rules for second reading.

SJM 8006

March 20, 2015
Prime Sponsor, Senator Kohl-Welles: Requesting Congress, the President, and the Departments of Education, Health and Human Services, and Justice to take action to implement the recommendations of the Government Accountability Office concerning efforts to prevent and respond to child sexual abuse by school personnel and sexual abuse between peers.
Reported by Committee on Public Safety

MAJORITY recommendation: Do pass. Signed by Representatives Goodman, Chair; Orwall, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton; Griffey; Moscoso; Pettigrew and Wilson.

Passed to Committee on Rules for second reading.

There being no objection, the bills listed on the day's committee reports under the fifth order of business were referred to the committees so designated.

There being no objection, the House advanced to the eleventh order of business.

There being no objection, the House adjourned until 9:55 a.m., March 25, 2015, the 73rd Day of the Regular Session.

FRANK CHOPP, Speaker

BARBARA BAKER, Chief Clerk

2202 Introduction & 1st Reading 1

2203 Introduction & 1st Reading 1

2204 Introduction & 1st Reading 1

2205 Introduction & 1st Reading 1

2206 Introduction & 1st Reading 1

2207 Introduction & 1st Reading 1

5025-S Committee Report 1

5030-S Committee Report 1

5031 Committee Report 1

5032 Committee Report 1

5048-S Committee Report 1

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5107 Committee Report 1

5269-S2 Committee Report 1

5272 Committee Report 1

5297 Committee Report 1

5362-S Committee Report 1

5416 Committee Report 1

5438-S Committee Report 1

5499 Committee Report 1

5555 Committee Report 1

5650 Committee Report 1

5694-S Committee Report 1

5993 Committee Report 1

8006 Committee Report 1