BILL REQ. #: S-2751.8/05 8th draft

ATTY/TYPIST: JM:seg

BRIEF DESCRIPTION: Providing funding and funding options for transportation projects.
AN ACT Relating to transportation revenue; amending RCW 82.36.025, 82.38.030, 46.68.090, 82.38.035, 82.38.045, 43.84.092, 46.68.035, 46.16.237, 46.16.270, 46.20.055, 46.20.070, 46.20.117, 46.20.120, 46.20.311, and 43.135.045; reenacting and amending RCW 43.84.092, 46.16.070, and 46.20.308; adding new sections to chapter 46.68 RCW; adding new sections to chapter 46.16 RCW; adding new sections to chapter 82.80 RCW; creating new sections; providing effective dates; providing an expiration date; and declaring an emergency.

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

PART I - VEHICLE FUEL TAXES

Sec. 101. RCW 82.36.025 and 2003 c 361 s 401 are each amended to read as follows:

(1) A motor vehicle fuel tax rate of twenty-three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(2) Beginning July 1, 2003, an additional and cumulative motor vehicle fuel tax rate of five cents per gallon applies to the sale, distribution, or use of motor vehicle fuel. This subsection (2)
expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative motor vehicle fuel tax rate of three cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(4) Beginning July 1, 2006, an additional and cumulative motor vehicle fuel tax rate of two cents per gallon applies to the sale, distribution, or use of motor vehicle fuel.

(5) Beginning July 1, 2007, and every July 1st through July 1, 2016, an additional and cumulative annual motor vehicle fuel tax rate of one cent per gallon applies to the sale, distribution, or use of motor vehicle fuel.

Sec. 102. RCW 82.38.030 and 2003 c 361 s 402 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate of twenty-three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature.

(2) Beginning July 1, 2003, an additional and cumulative tax rate of five cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users. This subsection (2) expires when the bonds issued for transportation 2003 projects are retired.

(3) Beginning July 1, 2005, an additional and cumulative tax rate of three cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(4) Beginning July 1, 2006, an additional and cumulative tax rate of two cents per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.

(5) Beginning July 1, 2007, and every July 1st through July 1, 2016, an additional and cumulative annual tax rate of one cent per gallon of special fuel, or each one hundred cubic feet of compressed natural gas, measured at standard pressure and temperature shall be imposed on special fuel users.
(6) Taxes are imposed when:

(a) Special fuel is removed in this state from a terminal if the special fuel is removed at the rack unless the removal is to a licensed exporter for direct delivery to a destination outside of the state, or the removal is to a special fuel distributor for direct delivery to an international fuel tax agreement licensee under RCW 82.38.320;

(b) Special fuel is removed in this state from a refinery if either of the following applies:

(i) The removal is by bulk transfer and the refiner or the owner of the special fuel immediately before the removal is not a licensee; or

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

(c) Special fuel enters into this state for sale, consumption, use, or storage if either of the following applies:

(i) The entry is by bulk transfer and the importer is not a licensee; or

(ii) The entry is not by bulk transfer;

(d) Special fuel is sold or removed in this state to an unlicensed entity unless there was a prior taxable removal, entry, or sale of the special fuel;

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

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

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

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

(i) Special fuel is sold by a licensed special fuel supplier to a special fuel distributor, special fuel importer, or special fuel
blender and the special fuel is not removed from the bulk transfer-
terminal system.

((4)) (7) The tax imposed by this chapter, if required to be
collected by the licensee, is held in trust by the licensee until paid
to the department, and a licensee who appropriates or converts the tax
collected to his or her own use or to any use other than the payment of
the tax to the extent that the money required to be collected is not
available for payment on the due date as prescribed in this chapter is
guilty of a felony, or gross misdemeanor in accordance with the theft
and anticipatory provisions of Title 9A RCW. A person, partnership,
corporation, or corporate officer who fails to collect the tax imposed
by this section, or who has collected the tax and fails to pay it to
the department in the manner prescribed by this chapter, is personally
liable to the state for the amount of the tax.

Sec. 103. RCW 46.68.090 and 2003 c 361 s 403 are each amended to
read as follows:
(1) All moneys that have accrued or may accrue to the motor vehicle
fund from the motor vehicle fuel tax and special fuel tax shall be
first expended for purposes enumerated in (a) and (b) of this
subsection. The remaining net tax amount shall be distributed monthly
by the state treasurer in accordance with subsections (2)((, (3), and
(4)) through (7) of this section.

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

(b) For payment of amounts to be expended pursuant to
appropriations for the administrative expenses of the offices of state
treasurer, state auditor, and the department of licensing of the state
of Washington in the administration of the motor vehicle fuel tax and
the special fuel tax, which sums shall be distributed monthly.

(2) All of the remaining net tax amount collected under RCW
82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a)
through (j) of this section.

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

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

The following criteria, listed in order of priority, shall be used in determining which special category C projects have the highest priority:

(i) Accident experience;

(ii) Fatal accident experience;

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

(iv) Continuity of development of the highway transportation network.

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

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

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

(e) For distribution to the urban arterial trust account in the motor vehicle fund an amount equal to 7.5597 percent;

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

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

(h) For distribution to the counties from the motor vehicle fund an amount equal to 19.2287 percent: (i) Out of which there shall be distributed from time to time, as directed by the department of transportation, those sums as may be necessary to carry out the provisions of RCW 47.56.725; and (ii) less any amounts appropriated to the county road administration board to implement the provisions of RCW 47.56.725(4), with the balance of such county share to be distributed monthly as the same accrues for distribution in accordance with RCW 46.68.120;
(i) For distribution to the county arterial preservation account, hereby created in the motor vehicle fund an amount equal to 1.9565 percent. These funds shall be distributed by the county road administration board to counties in proportions corresponding to the number of paved arterial lane miles in the unincorporated area of each county and shall be used for improvements to sustain the structural, safety, and operational integrity of county arterials. The county road administration board shall adopt reasonable rules and develop policies to implement this program and to assure that a pavement management system is used;

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

(3) ((One hundred percent of)) The remaining net tax amount collected under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the transportation 2003 account (nickel account).

(4) The remaining net tax amount collected under RCW 82.36.025(3) and 82.38.030(3) shall be distributed as follows:

(a) 8.3333 percent shall be distributed to the incorporated cities and towns of the state ratably on the basis of population as last determined by the office of financial management. Cities and towns must use the money for highway purposes. "Highway purposes" has the same meaning as provided in RCW 82.80.070(1);

(b) 8.3333 percent shall be distributed to counties of the state ratably on the basis of population in the unincorporated areas of the counties, as last determined by the office of financial management. Counties must use the money for highway purposes. "Highway purposes" has the same meaning as provided in RCW 82.80.070(1); and

(c) The remainder shall be distributed to the transportation partnership account created in section 104 of this act.

(5) The remaining net tax amount collected under RCW 82.36.025(4) and 82.38.030(4) shall be distributed as follows:

(a) 12.5 percent shall be distributed to the incorporated cities and towns of the state ratably on the basis of population as last determined by the office of financial management. Cities and towns must use the money for highway purposes. "Highway purposes" has the same meaning as provided in RCW 82.80.070(1);
(b) 12.5 percent shall be distributed to counties of the state ratably on the basis of population in the unincorporated areas of the counties, as last determined by the office of financial management. Counties must use the money for highway purposes. "Highway purposes" has the same meaning as provided in RCW 82.80.070(1); and

(c) The remainder shall be distributed to the transportation partnership account created in section 104 of this act.

(6) The remaining net tax amount collected under RCW 82.36.025(5) and 82.38.030(5) shall be distributed to the transportation partnership account created in section 104 of this act.

(7) Nothing in this section or in RCW 46.68.130 may be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuel and special fuels.

NEW SECTION. Sec. 104. A new section is added to chapter 46.68 RCW to read as follows:

(1) The transportation partnership account is hereby created in the motor vehicle fund in the state treasury. All distributions to the account from RCW 46.68.090 must be deposited into the account. Money in the account may be spent only after appropriation. Expenditures from the account must be used only for projects or improvements identified as transportation partnership projects or improvements in the omnibus transportation appropriations act, including any principal and interest on bonds authorized for the projects or improvements.

(2) If a regional transportation funding plan has not been adopted by January 2007, the legislature intends to reprioritize allocation of funding for the projects identified as transportation partnership projects so that complete and functioning transportation projects can be constructed in a reasonable time.

Sec. 105. RCW 82.38.035 and 2003 c 361 s 405 are each amended to read as follows:

(1) A licensed supplier shall remit tax on special fuel to the department as provided in RCW 82.38.030((3)(a)) (6)(a). On a two-party exchange, or buy-sell agreement between two licensed suppliers, the receiving exchange partner or buyer shall remit the tax.
(2) A refiner shall remit tax to the department on special fuel removed from a refinery as provided in RCW 82.38.030((3)(b)) (6)(b).
(3) An importer shall remit tax to the department on special fuel imported into this state as provided in RCW 82.38.030((3)(c)) (6)(c).
(4) A blender shall remit tax to the department on the removal or sale of blended special fuel as provided in RCW 82.38.030((3)(e)) (6)(e).
(5) A dyed special fuel user shall remit tax to the department on the use of dyed special fuel as provided in RCW 82.38.030((3)(f)) (6)(f).

Sec. 106. RCW 82.38.045 and 1998 c 176 s 54 are each amended to read as follows:
A terminal operator is jointly and severally liable for remitting the tax imposed under RCW 82.38.030((4))) if, at the time of removal:
(1) The position holder with respect to the special fuel is a person other than the terminal operator and is not a licensee;
(2) The terminal operator is not a licensee;
(3) The position holder has an expired internal revenue service notification certificate issued under chapter 26, C.F.R. Part 48; or
(4) The terminal operator had reason to believe that information on the notification certificate was false.

Sec. 107. RCW 43.84.092 and 2003 c 361 s 602, 2003 c 324 s 1, 2003 c 150 s 2, and 2003 c 48 s 2 are each reenacted and amended to read as follows:
(1) All earnings of investments of surplus balances in the state treasury shall be deposited to the treasury income account, which account is hereby established in the state treasury.
(2) The treasury income account shall be utilized to pay or receive funds associated with federal programs as required by the federal cash management improvement act of 1990. The treasury income account is subject in all respects to chapter 43.88 RCW, but no appropriation is required for refunds or allocations of interest earnings required by the cash management improvement act. Refunds of interest to the federal treasury required under the cash management improvement act fall under RCW 43.88.180 and shall not require appropriation. The office of financial management shall determine the amounts due to or
from the federal government pursuant to the cash management improvement act. The office of financial management may direct transfers of funds between accounts as deemed necessary to implement the provisions of the cash management improvement act, and this subsection. Refunds or allocations shall occur prior to the distributions of earnings set forth in subsection (4) of this section.

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account, the education construction fund, the election account, the emergency reserve fund, The Evergreen State College capital projects account, the federal forest revolving account, the health services account, the public health services account, the health system capacity account, the personal health services account, the state higher education construction account, the higher education construction
account, the highway infrastructure account, the industrial insurance premium refund account, the judges' retirement account, the judicial retirement administrative account, the judicial retirement principal account, the local leasehold excise tax account, the local real estate excise tax account, the local sales and use tax account, the medical aid account, the mobile home park relocation fund, the multimodal transportation account, the municipal criminal justice assistance account, the municipal sales and use tax equalization account, the natural resources deposit account, the oyster reserve land account, the perpetual surveillance and maintenance account, the public employees' retirement system plan 1 account, the public employees' retirement system combined plan 2 and plan 3 account, the public facilities construction loan revolving account beginning July 1, 2004, the public health supplemental account, the public works assistance account, the Puyallup tribal settlement account, the regional transportation investment district account, the resource management cost account, the site closure account, the special wildlife account, the state employees' insurance account, the state employees' insurance reserve account, the state investment board expense account, the state investment board commingled trust fund accounts, the supplemental pension account, the Tacoma Narrows toll bridge account, the teachers' retirement system plan 1 account, the teachers' retirement system combined plan 2 and plan 3 account, the tobacco prevention and control account, the tobacco settlement account, the transportation infrastructure account, the transportation partnership account, the tuition recovery trust fund, the University of Washington bond retirement fund, the University of Washington building account, the volunteer fire fighters' and reserve officers' relief and pension principal fund, the volunteer fire fighters' and reserve officers' administrative fund, the Washington fruit express account, the Washington judicial retirement system account, the Washington law enforcement officers' and fire fighters' system plan 1 retirement account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution
control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

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

Sec. 108. RCW 43.84.092 and 2004 c 242 s 60 are each amended to read as follows:

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

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

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

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

(a) The following accounts and funds shall receive their proportionate share of earnings based upon each account's and fund's average daily balance for the period: The capitol building construction account, the Cedar River channel construction and operation account, the Central Washington University capital projects account, the charitable, educational, penal and reformatory institutions account, the common school construction fund, the county criminal justice assistance account, the county sales and use tax equalization account, the data processing building construction account, the deferred compensation administrative account, the deferred compensation principal account, the department of retirement systems expense account, the drinking water assistance account, the drinking water assistance administrative account, the drinking water assistance repayment account, the Eastern Washington University capital projects account.
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emergency reserve fund, The Evergreen State College capital projects 
account, the federal forest revolving account, the health services 
account, the public health services account, the health system capacity 
account, the personal health services account, the state higher 
education construction account, the higher education construction 
account, the highway infrastructure account, the industrial insurance 
premium refund account, the judges' retirement account, the judicial 
retirement administrative account, the judicial retirement principal 
account, the local leasehold excise tax account, the local real estate 
excise tax account, the local sales and use tax account, the medical 
aid account, the mobile home park relocation fund, the multimodal 
transportation account, the municipal criminal justice assistance 
account, the municipal sales and use tax equalization account, the 
natural resources deposit account, the oyster reserve land account, the 
perpetual surveillance and maintenance account, the public employees' 
retirement system plan 1 account, the public employees' retirement 
system combined plan 2 and plan 3 account, the public facilities 
construction loan revolving account beginning July 1, 2004, the public 
health supplemental account, the public works assistance account, the 
Puyallup tribal settlement account, the regional transportation 
investment district account, the resource management cost account, the 
site closure account, the special wildlife account, the state 
employees' insurance account, the state employees' insurance reserve 
account, the state investment board expense account, the state 
investment board commingled trust fund accounts, the supplemental 
pension account, the Tacoma Narrows toll bridge account, the teachers' 
retirement system plan 1 account, the teachers' retirement system 
combined plan 2 and plan 3 account, the tobacco prevention and control 
account, the tobacco settlement account, the transportation 
infrastructure account, the transportation partnership account, the 
tuition recovery trust fund, the University of Washington bond 
retirement fund, the University of Washington building account, the 
voluteer fire fighters' and reserve officers' relief and pension 
principal fund, the volunteer fire fighters' and reserve officers' 
administrative fund, the Washington fruit express account, the 
Washington judicial retirement system account, the Washington law 
enforcement officers' and fire fighters' system plan 1 retirement
account, the Washington law enforcement officers' and fire fighters' system plan 2 retirement account, the Washington public safety employees' plan 2 retirement account, the Washington school employees' retirement system combined plan 2 and 3 account, the Washington state health insurance pool account, the Washington state patrol retirement account, the Washington State University building account, the Washington State University bond retirement fund, the water pollution control revolving fund, and the Western Washington University capital projects account. Earnings derived from investing balances of the agricultural permanent fund, the normal school permanent fund, the permanent common school fund, the scientific permanent fund, and the state university permanent fund shall be allocated to their respective beneficiary accounts. All earnings to be distributed under this subsection (4)(a) shall first be reduced by the allocation to the state treasurer's service fund pursuant to RCW 43.08.190.

(b) The following accounts and funds shall receive eighty percent of their proportionate share of earnings based upon each account's or fund's average daily balance for the period: The aeronautics account, the aircraft search and rescue account, the county arterial preservation account, the department of licensing services account, the essential rail assistance account, the ferry bond retirement fund, the grade crossing protective fund, the high capacity transportation account, the highway bond retirement fund, the highway safety account, the motor vehicle fund, the motorcycle safety education account, the pilotage account, the public transportation systems account, the Puget Sound capital construction account, the Puget Sound ferry operations account, the recreational vehicle account, the rural arterial trust account, the safety and education account, the special category C account, the state patrol highway account, the transportation 2003 account (nickel account), the transportation equipment fund, the transportation fund, the transportation improvement account, the transportation improvement board bond retirement account, and the urban arterial trust account.

(5) In conformance with Article II, section 37 of the state Constitution, no treasury accounts or funds shall be allocated earnings without the specific affirmative directive of this section.
NEW SECTION. Sec. 109. The governor's council of economic advisors shall annually advise the governor, at their November meeting, on the ability of the state economy to sustain the incremental, annual fuel tax increases authorized in sections 101 and 102 of this act. Subsequent to the council's advice, the governor may recommend to the legislature whether to suspend the imposition of further incremental increases in the tax, until such time the council advises the governor the state economy can again sustain additional fuel tax increases as authorized in sections 101 and 102 of this act.

NEW SECTION. Sec. 110. A new section is added to chapter 46.68 RCW to read as follows:

(1) Beginning July 1, 2006, and each year thereafter, the state treasurer shall transfer five million dollars from the multimodal account to the transportation infrastructure account created under RCW 82.44.190. The funds must be distributed for rail capital improvements only.

(2) Beginning July 1, 2006, and each month thereafter, the state treasurer shall transfer three hundred thirty-three thousand three hundred thirty-three dollars from the transportation partnership account to the transportation improvement account.

(3) Beginning July 1, 2006, and each month thereafter, the state treasurer shall transfer eighty-three thousand three hundred thirty-three dollars from the transportation partnership account to the urban arterial trust account.

PART II - VEHICLE WEIGHT FEES

NEW SECTION. Sec. 201. A new section is added to chapter 46.16 RCW to read as follows:

(1) There shall be paid and collected annually for motor vehicles subject to the fee under RCW 46.16.0621 a vehicle scale weight fee. The vehicle scale weight fee is imposed to provide funds to mitigate the impact of vehicle loads on the state roads and highways and is separate and distinct from other vehicle license fees. Proceeds from the fee may be used for maintenance, repair, renovation, reconstruction and replacement of state roads and highways, or for facilities and activities that reduce the number of vehicles or load weights on the
state roads and highways. The vehicle scale weight fee shall be that
portion of the fee as reflected on the scale weight set forth in
schedule B provided in RCW 46.16.070 that is in excess of the fee
imposed under RCW 46.16.0621.

(2) For the purposes of this section, the department shall rely on
the vehicle empty scale weights as provided by vehicle manufacturers,
or other sources defined by the department, to determine the weight of
each vehicle. The department shall adopt rules for determining weight
for vehicles without manufacturer empty scale weights.

(3) When the scale weight of a motor home is 6,667 pounds or
greater, the scale weight shall be multiplied by one hundred fifty
percent to determine the annual vehicle scale weight fee. The annual
vehicle scale weight fee applicable to a motor home of 6,667 pounds or
greater may be paid for any full registration month or months at one-
twelveth of the usual annual fee plus two dollars, this sum to be
multiplied by the number of months for which the fees are paid if less
than a full year.

(4) If the resultant weight according to this section is not listed
in schedule B provided in RCW 46.16.070, it shall be increased to the
next higher weight pursuant to chapter 46.44 RCW.

(5) Proceeds from the fees collected under this section shall be
distributed into the multimodal transportation account.

NEW SECTION. Sec. 202. A new section is added to chapter 46.16
RCW to read as follows:

In lieu of the license tab fees provided in RCW 46.16.0621, private
use single-axle trailers of two thousand pounds scale weight or less
may be licensed upon the payment of a license fee in the sum of fifteen
dollars, but only if the trailer is operated upon public highways. The
license fee must be collected annually for each registration year or
fraction of a registration year. This reduced license fee applies only
to trailers operated for personal use of the owners, and not trailers
held for rental to the public or used in any commercial or business
endeavor. The proceeds from the fees collected under this section
shall be distributed in accordance with RCW 46.68.035.

Sec. 203. RCW 46.16.070 and 2003 c 361 s 201 and 2003 c 1 s 3 are
each reenacted and amended to read as follows:
(1) In lieu of all other vehicle licensing fees, unless specifically exempt, and in addition to the mileage fees prescribed for buses and stages in RCW 46.16.125, there shall be paid and collected annually for each truck, motor truck, truck tractor, road tractor, tractor, bus, auto stage, or for hire vehicle with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight under chapter 46.44 RCW, the following licensing fees by (such gross) weight:

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<th>((declared gross)) weight</th>
<th>SCHEDULE A</th>
<th>SCHEDULE B</th>
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<tr>
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<td>8,000 lbs.</td>
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<td>10,000 lbs.</td>
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<tr>
<td>60,000 lbs.</td>
<td>859.00</td>
<td>949.00</td>
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Schedule A applies to vehicles either used exclusively for hauling logs or that do not tow trailers. Schedule B applies to vehicles that tow trailers and are not covered under Schedule A.

Every truck, motor truck, truck tractor, and tractor exceeding 6,000 pounds empty scale weight registered under chapter 46.16, 46.87, or 46.88 RCW shall be licensed for not less than one hundred fifty percent of its empty weight unless the amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.041 or 46.44.042, in which event the vehicle shall be licensed for the maximum weight authorized for such a vehicle or unless the vehicle is used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such vehicle.

The following provisions apply when increasing gross or combined gross weight for a vehicle licensed under this section:

(a) The new license fee will be one-twelfth of the fee listed above
for the new gross weight, multiplied by the number of months remaining
in the period for which licensing fees have been paid, including the
month in which the new gross weight is effective.

(b) Upon surrender of the current certificate of registration or
cab card, the new licensing fees due shall be reduced by the amount of
the licensing fees previously paid for the same period for which new
fees are being charged.

(2) The proceeds from the fees collected under subsection (1) of
this section shall be distributed in accordance with RCW 46.68.035.

Sec. 204. RCW 46.68.035 and 2003 c 361 s 202 are each amended to
read as follows:

All proceeds from combined vehicle licensing fees received by the
director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall
be forwarded to the state treasurer to be distributed into accounts
according to the following method:

(1) The sum of two dollars for each vehicle shall be deposited into
the multimodal transportation account, except that for each vehicle
registered by a county auditor or agent to a county auditor pursuant to
RCW 46.01.140, the sum of two dollars shall be credited to the current
county expense fund.

(2) The remainder shall be distributed as follows:
(a) ((21.963)) 24.00 percent shall be deposited into the state
patrol highway account of the motor vehicle fund;
(b) ((1.411)) 1.8 percent shall be deposited into the Puget Sound
ferry operations account of the motor vehicle fund;
(c) ((7.240)) 6.38 percent shall be deposited into the
transportation 2003 account (nickel account); and
(d) The remaining proceeds shall be deposited into the motor
vehicle fund.

PART III - LOCAL TRANSPORTATION FUNDING OPTIONS

NEW SECTION. Sec. 301. A new section is added to chapter 82.80
RCW to read as follows:

(1)(a) A county may fix and impose an annual vehicle fee of (i)
twenty dollars per vehicle between July 1, 2005, and December 31, 2009;
(ii) twenty-five dollars per vehicle between January 1, 2010, and
December 31, 2014; and (iii) thirty dollars per vehicle for all fees imposed after December 31, 2014. This fee applies to each vehicle that is subject to license fees under RCW 46.16.0621 and for each vehicle that is subject to gross weight fees under RCW 46.16.070 with an unladen weight of ten thousand pounds or less, and that is determined by the department of licensing to be registered within the boundaries of the county imposing the fee.

(b) The following vehicles registered within the county boundaries are exempt from annual vehicle fees under this section: (i) Farm equipment as defined in RCW 46.04.181; (ii) vehicles licensed under RCW 46.16.374; and (iii) small trailers with an empty scale weight under one thousand pounds.

(c) Annual vehicle fees may be authorized under this section by the county legislative authority, or upon approval by a majority of the voters in the county voting on a proposition at a general or special election.

(2) The department of licensing shall administer and annually collect the fee on behalf of the county at the time of registration renewal and remit the fee to the custody of the state treasurer for monthly distribution under subsection (5) of this section. A county imposing the fee, or initiating an exemption process under subsection (4) of this section, shall enter into a contract with the department of licensing. The contract must contain provisions that fully recover the costs to the department of licensing for the collection and administration of the fee.

(3) A county imposing a vehicle licensing fee or initiating an exemption process under this section shall delay the effective date of the fee or exemption at least six months from the date the ordinance is enacted to allow the department of licensing to administer the fee or exemption.

(4) A county may develop and initiate an exemption process for the registered owners of vehicles residing within the boundaries of the county: (a) Who are sixty-two years of age or older at the time payment of the fee is due and whose household income for the previous calendar year is less than an amount prescribed by the county; or (b) who have a physical disability.

(5) Revenues generated by the fee authorized under this section must be distributed to the levying county, and cities and towns
1 contained in the county, based on the relative per capita population. County population under this section is equal to one and one-quarter multiplied by the unincorporated population of the county. In calculating the distributions, the county shall use the population estimates prepared by the state office of financial management.

(6)(a) If a county does not impose an annual vehicle fee under this section within one year of the effective date of this section, then a city or town may fix and impose an annual vehicle fee of (i) twenty dollars per vehicle between July 1, 2007, and December 31, 2009; (ii) twenty-five dollars per vehicle between January 1, 2010, and December 31, 2014; and (iii) thirty dollars per vehicle for all fees imposed after December 31, 2014. This fee applies to each vehicle that is subject to license fees under RCW 46.16.0621 and for each vehicle that is subject to gross weight fees under RCW 46.16.070 with an unladen weight of ten thousand pounds or less, and that is determined by the department of licensing to be registered within the boundaries of the county imposing the fee.

(b) The following vehicles registered within the city or town boundaries are exempt under this section: (i) Farm equipment as defined in RCW 46.04.181; (ii) vehicles licensed under RCW 46.16.374; and (iii) small trailers with an empty scale weight under one thousand pounds.

(c) Annual vehicle Fees may be authorized under this section by the city or town legislative authority, or upon approval by a majority of the voters in the city voting on a proposition at a general or special election.

(7) The department of licensing shall administer and annually collect the fee on behalf of the city or town at the time of registration renewal and remit the fee to the custody of the state treasurer for monthly distribution to the city or town imposing the fee.

(8) A city or town imposing a vehicle licensing fee or initiating an exemption process under this section shall delay the effective date of the fee or exemption at least six months from the date the ordinance is enacted to allow the department of licensing to administer the fee or exemption.

(9) A city or town may develop and initiate an exemption process for the registered owners of vehicles residing within the boundaries of
the city or town: (a) Who are sixty-two years of age or older at the
time payment of the fee is due and whose household income for the
previous calendar year is less than an amount prescribed by the county;
or (b) who have a physical disability.

(10) If a county imposes an annual vehicle fee under this section
after a city or town has begun imposing this fee, the city or town fee
shall be reduced or eliminated so the combined fee does not exceed the
amount authorized under subsection (1) of this section. Cities or
towns within a county imposing a fee under this section may not impose
the fee at a rate that, when combined with the county rate, would
exceed the total rate authorized under subsection (1) of this section.

(11) The proceeds of a vehicle license fee imposed under this
section shall be used strictly for transportation purposes in
accordance with RCW 82.80.070.

NEW SECTION. Sec. 302. A new section is added to chapter 82.80
RCW to read as follows:

(1) A county, city, or town may fix and impose an excise tax for
the privilege of occupying a housing unit within the county, city, or
town in such amounts as shall be fixed and determined by the county,
city, or town; however, the excise tax may not exceed four dollars per
month for each occupied housing unit. For the purposes of this
section, "housing unit" means a building or portion thereof designed
for or used as the residence or living quarters of one or more persons
living together, or of one family. The excise tax may be authorized
under this section by the county, city, or town legislative authority,
or upon approval by a majority of the voters in the county, city, or
town voting on a proposition at a general or special election. A
county, city, or town imposing the tax provided for in this section may
provide for its payment on a monthly, quarterly, or annual basis. Each
local government may develop by ordinance or resolution rules for
administering the tax including the reporting thereof. A county, city,
or town imposing the tax authorized in this section may develop by
ordinance or resolution rules that provide for exemptions from the tax
for certain persons as the county, city, or town deems appropriate.

(2)(a) If a county imposes this excise tax after a city or town has
begun collecting this tax, the city or town tax shall be reduced or
eliminated so the combined tax does not exceed the amount authorized
under subsection (1) of this section. Cities or towns within a county
imposing a tax under this section may not impose the tax at a rate
that, when combined with the county rate, would exceed the total rate
authorized under subsection (1) of this section; and

(b) If the excise tax is county-wide, then revenues generated by
the tax authorized under this section must be distributed to the
levying county, and cities and towns contained in the county, based on
the relative per capita population. County population under this
section is equal to one and one-quarter multiplied by the
unincorporated population of the county. In calculating the
distributions, the county shall use the population estimates prepared
by the state office of financial management.

(3) The tax authorized under this section shall be used strictly
for transportation purposes in accordance with RCW 82.80.070.

NEW SECTION. Sec. 303. A new section is added to chapter 82.80
RCW to read as follows:

(1) A county, city, or town may impose an excise tax, for the
privilege of engaging in business, of up to two dollars per employee
per month on all employers or any class or classes of employers, public
and private, measured by the number of full-time equivalent employees.
In no event may the total taxes imposed under this section exceed two
dollars per employee per month for any single employer. The county,
city, or town imposing the tax authorized in this section may provide
for exemptions from the tax for such educational, cultural, health,
charitable, or religious organizations as it deems appropriate.

(2) The excise tax may be authorized under this section by the
county, city, or town legislative authority, or upon approval by a
majority of the voters in the county, city, or town voting on a
proposition at a general or special election. A county, city, or town
imposing the tax provided for in this section may provide for its
payment on a monthly, quarterly, or annual basis. Each local
government may develop by ordinance or resolution rules for
administering the tax including the reporting thereof.

(3)(a) Counties, cities, or towns may contract with the state
department of revenue or other appropriate entities for administration
and collection of the tax. The contract shall provide for deduction of
an amount for administration and collection expenses. If the excise
tax is imposed county-wide, the department shall remit the tax to the
custody of the state treasurer for monthly distribution under
subsection (4)(b) of this section. If the excise tax is levied by a
city or town, the department shall remit the tax to the custody of the
state treasurer for monthly distribution to the city or town imposing
the tax.

(b) If the department of revenue is contracted for administration
and collection of the tax, all provisions of chapter 82.32 RCW shall be
applicable to the tax imposed under this section. The employment
security department shall provide to the department of revenue such
information necessary for the department of revenue to administer the
tax. The department of revenue must receive at least seventy-five
days' notice of the imposition of the tax, and collection can begin
only on the first day of January, April, July, or October.

(4)(a) If a county imposes this excise tax after a city or town has
begun collecting this tax, the city or town tax shall be reduced or
eliminated so the combined tax does not exceed the amount authorized
under subsection (1) of this section. Cities or towns within a county
imposing a tax under this section may not impose the tax at a rate
that, when combined with the county rate, would exceed the total rate
authorized under subsection (1) of this section; and

(b) If the excise tax is county-wide, revenues generated by the tax
authorized under this section must be distributed to the levying
county, and cities and towns contained in the county, based on the
relative per capita population. County population under this section
is equal to one and one-quarter multiplied by the unincorporated
population of the county. In calculating the distributions, the county
shall use the population estimates prepared by the state office of
financial management.

(5) The proceeds of this tax shall be used strictly for
transportation purposes in accordance with RCW 82.80.070.

(6) For purposes of this section, "employer" has the same meaning
as defined in RCW 50.04.080.

NEW SECTION. Sec. 304. A new section is added to chapter 82.80
RCW to read as follows:

(1) A county, city, or town may impose special assessments on all
property within the county to support transportation improvements that
benefit county, city, or town property owners. The assessments shall not exceed fifty dollars annually per parcel. The assessment rate authorized or adopted shall be uniformly applied to all parcels within the county, city, or town. The assessments may be authorized under this section by the county, city, or town legislative authority, or upon approval by a majority of the voters in the county, city, or town voting on a proposition at a general or special election.

(2) The amount of the assessment constitutes a lien against the property. The assessments shall be subject to the same provisions as those for property tax collections, as provided in RCW 84.56.020, and shall be billed and collected by the county treasurer under the authority in RCW 84.56.035.

(3)(a) If a county imposes this tax after a city or town has begun collecting this tax, the city or town tax shall be reduced or eliminated so the combined tax does not exceed the amount authorized under subsection (1) of this section. Cities or towns within a county imposing a tax under this section may not impose the tax at a rate that, when combined with the county rate, would exceed the total rate authorized under subsection (1) of this section; and

(b) If the tax is county-wide, revenues generated by the tax authorized under this section must be distributed to the levying county, and cities and towns contained in the county, based on the relative per capita population. County population under this section is equal to one and one-quarter multiplied by the unincorporated population of the county. In calculating the distributions, the county shall use the population estimates prepared by the state office of financial management.

(4) The proceeds of this assessment shall be used strictly for transportation purposes in accordance with RCW 82.80.070.

PART IV - MISCELLANEOUS FEES

Sec. 401. RCW 46.16.237 and 1987 c 52 s 1 are each amended to read as follows:

All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with fully reflectorized materials designed to increase the visibility and legibility of such
plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of \((50\text{ cents})\) two dollars and for each set of two plates, the sum of \((1\text{ dollar})\) four dollars. However, one plate is available only to those vehicles that by law require only one plate. Such fees shall be deposited in the motor vehicle fund.

**Sec. 402.** RCW 46.16.270 and 1997 c 291 s 3 are each amended to read as follows:

The total replacement plate fee shall be deposited in the motor vehicle fund.

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director. The application shall be filed with the director or the director's authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of \((10\text{ dollars})\) per plate, whereupon the director, or the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs, year tabs, and when necessary month tabs or a windshield emblem to replace those lost, defaced, or destroyed. For vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, or owned or leased by the governing body of an Indian tribe as defined in RCW 46.16.020, a fee shall be charged for replacement of
a vehicle license number plate only to the extent required by the
provisions of RCW 46.16.020, ((46.16.061,)) 46.16.237, and 46.01.140.
For vehicles owned, rented, or leased by foreign countries or
international bodies to which the United States government is a
signatory by treaty, the payment of any fee for the replacement of a
vehicle license number plate shall not be required.

Sec. 403. RCW 46.20.055 and 2004 c 249 s 3 are each amended to
read as follows:

(1) Driver's instruction permit. The department may issue a
driver's instruction permit with or without a photograph to an
applicant who has successfully passed all parts of the examination
other than the driving test, provided the information required by RCW
46.20.091, paid a fee of ((fifteen)) twenty dollars, and meets the
following requirements:
   (a) Is at least fifteen and one-half years of age; or
   (b) Is at least fifteen years of age and:
      (i) Has submitted a proper application; and
      (ii) Is enrolled in a traffic safety education program offered,
           approved, and accredited by the superintendent of public instruction or
           offered by a driver training school licensed and inspected by the
department of licensing under chapter 46.82 RCW, that includes practice
driving.

(2) Waiver of written examination for instruction permit. The
department may waive the written examination, if, at the time of
application, an applicant is enrolled in:
   (a) A traffic safety education course as defined by RCW
       28A.220.020(2); or
   (b) A course of instruction offered by a licensed driver training
       school as defined by RCW 46.82.280(1).

   The department may require proof of registration in such a course
   as it deems necessary.

(3) Effect of instruction permit. A person holding a driver's
instruction permit may drive a motor vehicle, other than a motorcycle,
upon the public highways if:
   (a) The person has immediate possession of the permit; and
   (b) An approved instructor, or a licensed driver with at least five
years of driving experience, occupies the seat beside the driver.
(4) **Term of instruction permit.** A driver's instruction permit is valid for one year from the date of issue.

(a) The department may issue one additional one-year permit.

(b) The department may issue a third driver's permit if it finds after an investigation that the permittee is diligently seeking to improve driving proficiency.

(c) A person applying to renew an instruction permit must submit the application to the department in person.

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**Sec. 404.** RCW 46.20.070 and 2004 c 249 s 4 are each amended to read as follows:

(1) **Agricultural driving permit authorized.** The director may issue a juvenile agricultural driving permit to a person under the age of eighteen years if:

(a) The application is signed by the applicant and the applicant's father, mother, or legal guardian;

(b) The applicant has passed the driving examination required by RCW 46.20.120;

(c) The department has investigated the applicant's need for the permit and determined that the need justifies issuance;

(d) The department has determined the applicant is capable of operating a motor vehicle without endangering himself or herself or other persons and property; and

(e) The applicant has paid a fee of $20. The permit must contain a photograph of the person.

(2) **Effect of agricultural driving permit.** (a) The permit authorizes the holder to:

(i) Drive a motor vehicle on the public highways of this state in connection with farm work. The holder may drive only within a restricted farming locality described on the permit; and

(ii) Participate in the classroom portion of a traffic safety education course authorized under RCW 28A.220.030 or the classroom portion of a traffic safety education course offered by a driver training school licensed and inspected by the department of licensing under chapter 46.82 RCW offered in the community where the holder resides.

(b) The director may transfer the permit from one farming locality to another. A transfer is not a renewal of the permit.
Term and renewal of agricultural driving permit. An agricultural driving permit expires one year from the date of issue.

(a) A person under the age of eighteen who holds a permit may renew the permit by paying a fee of fifteen dollars.

(b) A person applying to renew an agricultural driving permit must submit the application to the department in person.

(c) An agricultural driving permit is invalidated when a permittee attains age eighteen. In order to drive a motor vehicle on a highway he or she must obtain a motor vehicle driver's license under this chapter.

Suspension, revocation, or cancellation. The director has sole discretion to suspend, revoke, or cancel a juvenile agricultural driving permit if:

(a) The permittee has been found to have committed an offense that requires mandatory suspension or revocation of a driver's license; or

(b) The director is satisfied that the permittee has violated the permit's restrictions.

Sec. 405. RCW 46.20.117 and 2004 c 249 s 5 are each amended to read as follows:

(1) Issuance. The department shall issue an identicard, containing a picture, if the applicant:

(a) Does not hold a valid Washington driver's license;

(b) Proves his or her identity as required by RCW 46.20.035; and

(c) Pays the required fee. The fee is ((fifteen)) twenty dollars unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard.

(2) Design and term. The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Expire on the fifth anniversary of the applicant's birthdate after issuance.

(3) Renewal. An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or
(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired. However, the department may accept an application for renewal of an identicard submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) Cancellation. The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

Sec. 406. RCW 46.20.120 and 2004 c 249 s 6 are each amended to read as follows:

An applicant for a new or renewed driver's license must successfully pass a driver licensing examination to qualify for a driver's license. The department shall give examinations at places and times reasonably available to the people of this state.

(1) Waiver. The department may waive:

(a) All or any part of the examination of any person applying for the renewal of a driver's license unless the department determines that the applicant is not qualified to hold a driver's license under this title; or

(b) The actual demonstration of the ability to operate a motor vehicle if the applicant:

(i) Surrenders a valid driver's license issued by the person's previous home state; and

(ii) Is otherwise qualified to be licensed.

(2) Fee. Each applicant for a new license must pay an examination fee of ((ten)) twenty dollars.

(a) The examination fee is in addition to the fee charged for issuance of the license.

(b) "New license" means a license issued to a driver:

(i) Who has not been previously licensed in this state; or

(ii) Whose last previous Washington license has been expired for more than five years.
(3) An application for driver's license renewal may be submitted by means of:
   (a) Personal appearance before the department; or
   (b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her license by mail or by electronic commerce when it last expired. However, the department may accept an application for renewal of a driver's license submitted by means of mail or electronic commerce only if specific authority and funding is provided for this purpose by June 30, 2004, in the omnibus transportation appropriations act.

(4) A person whose license expired or will expire while he or she is living outside the state, may:
   (a) Apply to the department to extend the validity of his or her license for no more than twelve months. If the person establishes to the department's satisfaction that he or she is unable to return to Washington before the date his or her license expires, the department shall extend the person's license. The department may grant consecutive extensions, but in no event may the cumulative total of extensions exceed twelve months. An extension granted under this section does not change the expiration date of the license for purposes of RCW 46.20.181. The department shall charge a fee of five dollars for each license extension;
   (b) Apply to the department to renew his or her license by mail or, if permitted by rule of the department, by electronic commerce even if subsection (3)(b) of this section would not otherwise allow renewal by that means. If the person establishes to the department's satisfaction that he or she is unable to return to Washington within twelve months of the date that his or her license expires, the department shall renew the person's license by mail or, if permitted by rule of the department, by electronic commerce.

(5) If a qualified person submits an application for renewal under subsection (3)(b) or (4)(b) of this section, he or she is not required to pass an examination nor provide an updated photograph. A license renewed by mail or by electronic commerce that does not include a photograph of the licensee must be labeled "not valid for identification purposes."
Sec. 407. RCW 46.20.308 and 2004 c 187 s 1 and 2004 c 95 s 2 are each reenacted and amended to read as follows:

(1) Any person who operates a motor vehicle within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of his or her breath or blood for the purpose of determining the alcohol concentration or presence of any drug in his or her breath or blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor or any drug or was in violation of RCW 46.61.503. Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(2) The test or tests of breath shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or the person to have been driving or in actual physical control of a motor vehicle while having alcohol in a concentration in violation of RCW 46.61.503 in his or her system and being under the age of twenty-one. However, in those instances where the person is incapable due to physical injury, physical incapacity, or other physical limitation, of providing a breath sample or where the person is being treated in a hospital, clinic, doctor's office, emergency medical vehicle, ambulance, or other similar facility or where the officer has reasonable grounds to believe that the person is under the influence of a drug, a blood test shall be administered by a qualified person as provided in RCW 46.61.506(5). The officer shall inform the person of his or her right to refuse the breath or blood test, and of his or her right to have additional tests administered by any qualified person of his or her choosing as provided in RCW 46.61.506. The officer shall warn the driver, in substantially the following language, that:

(a) If the driver refuses to take the test, the driver's license, permit, or privilege to drive will be revoked or denied for at least one year; and

(b) If the driver refuses to take the test, the driver's refusal to take the test may be used in a criminal trial; and
(c) If the driver submits to the test and the test is administered, the driver's license, permit, or privilege to drive will be suspended, revoked, or denied for at least ninety days if the driver is age twenty-one or over and the test indicates the alcohol concentration of the driver's breath or blood is 0.08 or more, or if the driver is under age twenty-one and the test indicates the alcohol concentration of the driver's breath or blood is 0.02 or more, or if the driver is under age twenty-one and the driver is in violation of RCW 46.61.502 or 46.61.504.

(3) Except as provided in this section, the test administered shall be of the breath only. If an individual is unconscious or is under arrest for the crime of vehicular homicide as provided in RCW 46.61.520 or vehicular assault as provided in RCW 46.61.522, or if an individual is under arrest for the crime of driving while under the influence of intoxicating liquor or drugs as provided in RCW 46.61.502, which arrest results from an accident in which there has been serious bodily injury to another person, a breath or blood test may be administered without the consent of the individual so arrested.

(4) Any person who is dead, unconscious, or who is otherwise in a condition rendering him or her incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506, and the person shall be deemed to have received the warnings required under subsection (2) of this section.

(5) If, following his or her arrest and receipt of warnings under subsection (2) of this section, the person arrested refuses upon the request of a law enforcement officer to submit to a test or tests of his or her breath or blood, no test shall be given except as authorized under subsection (3) or (4) of this section.

(6) If, after arrest and after the other applicable conditions and requirements of this section have been satisfied, a test or tests of the person's blood or breath is administered and the test results indicate that the alcohol concentration of the person's breath or blood is 0.08 or more if the person is age twenty-one or over, or 0.02 or more if the person is under the age of twenty-one, or the person refuses to submit to a test, the arresting officer or other law enforcement officer at whose direction any test has been given, or the
department, where applicable, if the arrest results in a test of the
person's blood, shall:
   (a) Serve notice in writing on the person on behalf of the
department of its intention to suspend, revoke, or deny the person's
license, permit, or privilege to drive as required by subsection (7) of
this section;
   (b) Serve notice in writing on the person on behalf of the
department of his or her right to a hearing, specifying the steps he or
she must take to obtain a hearing as provided by subsection (8) of this
section;
   (c) Mark the person's Washington state driver's license or permit
to drive, if any, in a manner authorized by the department;
   (d) Serve notice in writing that the marked license or permit, if
any, is a temporary license that is valid for sixty days from the date
of arrest or from the date notice has been given in the event notice is
given by the department following a blood test, or until the
suspension, revocation, or denial of the person's license, permit, or
privilege to drive is sustained at a hearing pursuant to subsection (8)
of this section, whichever occurs first. No temporary license is valid
to any greater degree than the license or permit that it replaces; and
   (e) Immediately notify the department of the arrest and transmit to
the department within seventy-two hours, except as delayed as the
result of a blood test, a sworn report or report under a declaration
authorized by RCW 9A.72.085 that states:
      (i) That the officer had reasonable grounds to believe the arrested
person had been driving or was in actual physical control of a motor
vehicle within this state while under the influence of intoxicating
liquor or drugs, or both, or was under the age of twenty-one years and
had been driving or was in actual physical control of a motor vehicle
while having an alcohol concentration in violation of RCW 46.61.503;
      (ii) That after receipt of the warnings required by subsection (2)
of this section the person refused to submit to a test of his or her
blood or breath, or a test was administered and the results indicated
that the alcohol concentration of the person's breath or blood was 0.08
or more if the person is age twenty-one or over, or was 0.02 or more if
the person is under the age of twenty-one; and
      (iii) Any other information that the director may require by rule.
(7) The department of licensing, upon the receipt of a sworn report or report under a declaration authorized by RCW 9A.72.085 under subsection (6)(e) of this section, shall suspend, revoke, or deny the person's license, permit, or privilege to drive or any nonresident operating privilege, as provided in RCW 46.20.3101, such suspension, revocation, or denial to be effective beginning sixty days from the date of arrest or from the date notice has been given in the event notice is given by the department following a blood test, or when sustained at a hearing pursuant to subsection (8) of this section, whichever occurs first.

(8) A person receiving notification under subsection (6)(b) of this section may, within thirty days after the notice has been given, request in writing a formal hearing before the department. The person shall pay a fee of ((one)) two hundred dollars as part of the request. If the request is mailed, it must be postmarked within thirty days after receipt of the notification. Upon timely receipt of such a request for a formal hearing, including receipt of the required ((one)) two hundred dollar fee, the department shall afford the person an opportunity for a hearing. The department may waive the required ((one)) two hundred dollar fee if the person is an indigent as defined in RCW 10.101.010. Except as otherwise provided in this section, the hearing is subject to and shall be scheduled and conducted in accordance with RCW 46.20.329 and 46.20.332. The hearing shall be conducted in the county of the arrest, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means. The hearing shall be held within sixty days following the arrest or following the date notice has been given in the event notice is given by the department following a blood test, unless otherwise agreed to by the department and the person, in which case the action by the department shall be stayed, and any valid temporary license marked under subsection (6)(c) of this section extended, if the person is otherwise eligible for licensing. For the purposes of this section, the scope of the hearing shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle within this state while under the influence of intoxicating liquor or any drug or had been driving or was in actual physical control of a motor vehicle within this state while having
alcohol in his or her system in a concentration of 0.02 or more if the
person was under the age of twenty-one, whether the person was placed
under arrest, and (a) whether the person refused to submit to the test
or tests upon request of the officer after having been informed that
such refusal would result in the revocation of the person's license,
permit, or privilege to drive, or (b) if a test or tests were
administered, whether the applicable requirements of this section were
satisfied before the administration of the test or tests, whether the
person submitted to the test or tests, or whether a test was
administered without express consent as permitted under this section,
and whether the test or tests indicated that the alcohol concentration
of the person's breath or blood was 0.08 or more if the person was age
twenty-one or over at the time of the arrest, or 0.02 or more if the
person was under the age of twenty-one at the time of the arrest. The
sworn report or report under a declaration authorized by RCW 9A.72.085
submitted by a law enforcement officer is prima facie evidence that the
officer had reasonable grounds to believe the person had been driving
or was in actual physical control of a motor vehicle within this state
while under the influence of intoxicating liquor or drugs, or both, or
the person had been driving or was in actual physical control of a
motor vehicle within this state while having alcohol in his or her
system in a concentration of 0.02 or more and was under the age of
twenty-one and that the officer complied with the requirements of this
section.

A hearing officer shall conduct the hearing, may issue subpoenas
for the attendance of witnesses and the production of documents, and
shall administer oaths to witnesses. The hearing officer shall not
issue a subpoena for the attendance of a witness at the request of the
person unless the request is accompanied by the fee required by RCW
5.56.010 for a witness in district court. The sworn report or report
under a declaration authorized by RCW 9A.72.085 of the law enforcement
officer and any other evidence accompanying the report shall be
admissible without further evidentiary foundation and the
certifications authorized by the criminal rules for courts of limited
jurisdiction shall be admissible without further evidentiary
foundation. The person may be represented by counsel, may question
witnesses, may present evidence, and may testify. The department shall
order that the suspension, revocation, or denial either be rescinded or sustained.

(9) If the suspension, revocation, or denial is sustained after such a hearing, the person whose license, privilege, or permit is suspended, revoked, or denied has the right to file a petition in the superior court of the county of arrest to review the final order of revocation by the department in the same manner as an appeal from a decision of a court of limited jurisdiction. Notice of appeal must be filed within thirty days after the date the final order is served or the right to appeal is waived. Notwithstanding RCW 46.20.334, RALJ 1.1, or other statutes or rules referencing de novo review, the appeal shall be limited to a review of the record of the administrative hearing. The appellant must pay the costs associated with obtaining the record of the hearing before the hearing officer. The filing of the appeal does not stay the effective date of the suspension, revocation, or denial. A petition filed under this subsection must include the petitioner's grounds for requesting review. Upon granting petitioner's request for review, the court shall review the department's final order of suspension, revocation, or denial as expeditiously as possible. The review must be limited to a determination of whether the department has committed any errors of law. The superior court shall accept those factual determinations supported by substantial evidence in the record: (a) That were expressly made by the department; or (b) that may reasonably be inferred from the final order of the department. The superior court may reverse, affirm, or modify the decision of the department or remand the case back to the department for further proceedings. The decision of the superior court must be in writing and filed in the clerk's office with the other papers in the case. The court shall state the reasons for the decision. If judicial relief is sought for a stay or other temporary remedy from the department's action, the court shall not grant such relief unless the court finds that the appellant is likely to prevail in the appeal and that without a stay the appellant will suffer irreparable injury. If the court stays the suspension, revocation, or denial it may impose conditions on such stay.

(10)(a) If a person whose driver's license, permit, or privilege to drive has been or will be suspended, revoked, or denied under subsection (7) of this section, other than as a result of a breath or
blood test refusal, and who has not committed an offense for which he
or she was granted a deferred prosecution under chapter 10.05 RCW,
宠物 a court for a deferred prosecution on criminal charges
arising out of the arrest for which action has been or will be taken
under subsection (7) of this section, the court may direct the
department to stay any actual or proposed suspension, revocation, or
denial for at least forty-five days but not more than ninety days. If
the court stays the suspension, revocation, or denial, it may impose
conditions on such stay. If the person is otherwise eligible for
licensing, the department shall issue a temporary license, or extend
any valid temporary license marked under subsection (6) of this
section, for the period of the stay. If a deferred prosecution
treatment plan is not recommended in the report made under RCW
10.05.050, or if treatment is rejected by the court, or if the person
decides to accept an offered treatment plan, or if the person violates
any condition imposed by the court, then the court shall immediately
direct the department to cancel the stay and any temporary marked
license or extension of a temporary license issued under this
subsection.

(b) A suspension, revocation, or denial imposed under this section,
other than as a result of a breath or blood test refusal, shall be
stayed if the person is accepted for deferred prosecution as provided
in chapter 10.05 RCW for the incident upon which the suspension,
revocation, or denial is based. If the deferred prosecution is
terminated, the stay shall be lifted and the suspension, revocation, or
denial reinstated. If the deferred prosecution is completed, the stay
shall be lifted and the suspension, revocation, or denial canceled.

(c) The provisions of (b) of this subsection relating to a stay of
a suspension, revocation, or denial and the cancellation of any
suspension, revocation, or denial do not apply to the suspension,
revocation, denial, or disqualification of a person's commercial
driver's license or privilege to operate a commercial motor vehicle.

(11) When it has been finally determined under the procedures of
this section that a nonresident's privilege to operate a motor vehicle
in this state has been suspended, revoked, or denied, the department
shall give information in writing of the action taken to the motor
vehicle administrator of the state of the person's residence and of any
state in which he or she has a license.
Sec. 408. RCW 46.20.311 and 2004 c 95 s 3 are each amended to read as follows:

(1) (a) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as specifically permitted under RCW 46.20.267, 46.20.342, or other provision of law.

(b) Except for a suspension under RCW 46.20.267, 46.20.289, 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving privilege of any person is suspended by reason of a conviction, a finding that a traffic infraction has been committed, pursuant to chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the suspension shall remain in effect until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(c) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reinstatement until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the required device on a vehicle owned or operated by the person seeking reinstatement. If, based upon notification from the interlock provider or otherwise, the department determines that an interlock required under RCW 46.20.720 is no longer installed or functioning as required, the department shall suspend the person's license or privilege to drive. Whenever the license or driving privilege of any person is suspended or revoked as a result of noncompliance with an ignition interlock requirement, the suspension shall remain in effect until the person provides notice issued by a company doing business in the state that a vehicle owned or operated by the person is equipped with a functioning ignition interlock device.

(d) Whenever the license or driving privilege of any person is suspended as a result of certification of noncompliance with a child
support order under chapter 74.20A RCW or a residential or visitation order, the suspension shall remain in effect until the person provides a release issued by the department of social and health services stating that the person is in compliance with the order.

(e)(i) The department shall not issue to the person a new, duplicate, or renewal license until the person pays a reissue fee of ((twenty)) seventy-five dollars.

(ii) If the suspension is the result of a violation of RCW 46.61.502 or 46.61.504, or is the result of administrative action under RCW 46.20.308, the reissue fee shall be one hundred fifty dollars.

(2)(a) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked, unless the revocation was for a cause which has been removed, is not entitled to have the license or privilege renewed or restored until: (i) After the expiration of one year from the date the license or privilege to drive was revoked; (ii) after the expiration of the applicable revocation period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the expiration of two years for persons convicted of vehicular homicide; or (iv) after the expiration of the applicable revocation period provided by RCW 46.20.265.

(b)(i) After the expiration of the appropriate period, the person may make application for a new license as provided by law together with a reissue fee in the amount of ((twenty)) seventy-five dollars.

(ii) If the revocation is the result of a violation of RCW 46.20.308, 46.61.502, or 46.61.504, the reissue fee shall be one hundred fifty dollars. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, the department shall determine the person's eligibility for licensing based upon the reports provided by the alcoholism agency or probation department designated under RCW 46.61.5056 and shall deny reissuance of a license, permit, or privilege to drive until enrollment and participation in an approved program has been established and the person is otherwise qualified. If the revocation is the result of a violation of RCW 46.61.502 or 46.61.504, and the person is required pursuant to RCW 46.20.720 to drive only a motor vehicle equipped with a functioning ignition interlock or other biological or technical device, the department shall determine the person's eligibility for licensing based upon written verification by a company doing business in the state that it has installed the
required device on a vehicle owned or operated by the person applying for a new license. If, following issuance of a new license, the department determines, based upon notification from the interlock provider or otherwise, that an interlock required under RCW 46.20.720 is no longer functioning, the department shall suspend the person's license or privilege to drive until the department has received written verification from an interlock provider that a functioning interlock is installed.

(c) Except for a revocation under RCW 46.20.265, the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until the person gives and thereafter maintains proof of financial responsibility for the future as provided in chapter 46.29 RCW. For a revocation under RCW 46.20.265, the department shall not issue a new license unless it is satisfied after investigation of the driving ability of the person that it will be safe to grant that person the privilege of driving a motor vehicle on the public highways.

(3)(a) Whenever the driver's license of any person is suspended pursuant to Article IV of the nonresident violators compact or RCW 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue to the person any new or renewal license until the person pays a reissue fee of (twenty) seventy-five dollars.

(b) If the suspension is the result of a violation of the laws of this or any other state, province, or other jurisdiction involving (i) the operation or physical control of a motor vehicle upon the public highways while under the influence of intoxicating liquor or drugs, or (ii) the refusal to submit to a chemical test of the driver's blood alcohol content, the reissue fee shall be one hundred fifty dollars.

**PART V - MISCELLANEOUS PROVISIONS**

Sec. 501. RCW 43.135.045 and 2003 1st sp.s. c 25 s 920 are each amended to read as follows:

(1) The emergency reserve fund is established in the state treasury. During each fiscal year, the state treasurer shall deposit in the emergency reserve fund all general fund--state revenues in excess of the state expenditure limit for that fiscal year. Deposits
shall be made at the end of each fiscal quarter based on projections of state revenues and the state expenditure limit. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues and the expenditure limit for fiscal year 2000 and thereafter.

(2) The legislature may appropriate moneys from the emergency reserve fund only with approval of at least two-thirds of the members of each house of the legislature, and then only if the appropriation does not cause total expenditures to exceed the state expenditure limit under this chapter.

(3) The emergency reserve fund balance shall not exceed five percent of annual general fund--state revenues as projected by the official state revenue forecast. Any balance in excess of five percent shall be transferred on a quarterly basis by the state treasurer as follows: Seventy-five percent to the student achievement fund hereby created in the state treasury and twenty-five percent to the general fund balance. The treasurer shall make transfers between these accounts as necessary to reconcile actual annual revenues for fiscal year 2000 and thereafter. When per-student state funding for the maintenance and operation of K-12 education meets a level of no less than ninety percent of the national average of total funding from all sources per student as determined by the most recent published data from the national center for education statistics of the United States department of education, as calculated by the office of financial management, further deposits to the student achievement fund shall be required only to the extent necessary to maintain the ninety-percent level. Remaining funds are part of the general fund balance and these funds are subject to the expenditure limits of this chapter.

(4) The education construction fund is hereby created in the state treasury.

(a) Funds may be appropriated from the education construction fund exclusively for common school construction or higher education construction.

(b) Funds may be appropriated for any other purpose only if approved by a two-thirds vote of each house of the legislature and if approved by a vote of the people at the next general election. An appropriation approved by the people under this subsection shall result
in an adjustment to the state expenditure limit only for the fiscal period for which the appropriation is made and shall not affect any subsequent fiscal period.

(5) Funds from the student achievement fund shall be appropriated to the superintendent of public instruction strictly for distribution to school districts to meet the provisions set out in the student achievement act. Allocations shall be made on an equal per full-time equivalent student basis to each school district.

(((6) Earnings of the emergency reserve fund under RCW 43.84.092(4)(a) shall be transferred quarterly to the multimodal transportation account, except for those earnings that are in excess of thirty-five million dollars each fiscal year. Within thirty days following any fiscal year in which earnings transferred to the multimodal transportation account under this subsection did not total thirty-five million dollars, the state treasurer shall transfer from the emergency reserve fund an amount necessary to bring the total deposited in the multimodal transportation account under this subsection to thirty-five million dollars. The revenues to the multimodal transportation account reflected in this subsection provide ongoing support for the transportation programs of the state. However, it is the intent of the legislature that any new long-term financial support that may be subsequently provided for transportation programs will be used to replace and supplant the revenues reflected in this subsection, thereby allowing those revenues to be returned to the purposes to which they were previously dedicated. No transfers from the emergency reserve fund to the multimodal fund shall be made during the 2003-05 fiscal biennium.))

NEW SECTION. Sec. 502. Sections 201 through 204, 401, and 402 of this act apply to vehicle registrations that are due or become due on or after January 1, 2006.

NEW SECTION. Sec. 503. Section 108 of this act takes effect July 1, 2006.

NEW SECTION. Sec. 504. Sections 101 through 105, 107, 301 through 304, 403 through 408, and 501 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, 2005.

NEW SECTION. Sec. 505. Section 107 of this act expires July 1,
2006.

NEW SECTION. Sec. 506. Part headings used in this act are not
part of the law.

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