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**FILED**

APR 02 2018

Superior Court  
Linda Myhre Enlow  
Thurston County Clerk

Washington State  
Office of the Attorney General  
Acknowledged Receipt, this 2 day  
of April, 2018, Time: 4:32  
in Olympia, Washington.  
Signature: [Signature]  
Print Name: Aileen Miller  
Assistant Attorney General

RECEIVED  
H.L.B.  
2018 APR -2 PM 4:33  
ATTORNEY GENERAL  
OF WASHINGTON

STATE OF WASHINGTON  
THURSTON COUNTY SUPERIOR COURT

In the Matter of:

No. 18-2-01704-34

A CHALLENGE TO THE BALLOT TITLES  
FOR INITIATIVE MEASURE NO. 975 AND  
976, INITIATIVES TO THE LEGISLATURE

PETITION  
ORAL ARGUMENT  
REQUESTED

Pursuant to RCW 29A.72.080 petitioner Tim Eyman ("Petitioner"), hereby appeals the  
Ballot Titles issued by the Attorney General of Washington for Initiative Measure No. 975 and  
Initiative Measure No. 976, both initiatives to the legislature.

**PARTIES**

1. Petitioner is a registered voter in the State of Washington.



1 law to an inquiring mind.” *Amalgamated Transit Union Local 587 v. State*, 142 Wn.2d 183, 217,  
2 11 P.3d 762 (2000). “However, the title need not be an index to the contents, nor must it provide  
3 details of the measure.” *Id.*

4 In this case, Petitioner asks the court to apply the statutory standard to the initiatives’  
5 ballot titles and determine wording that is neutral and that will not instill bias or prejudice either  
6 for or against the initiatives.

#### 7 **THE FIRST INITIATIVE (I-975)**

8  
9 5. A copy of the text of Initiative Measure No. 975 and the Attorney General’s proposed  
10 Ballot Title and Ballot Summary are attached hereto as Exhibits A and B, respectively.

#### 11 **THE ATTORNEY GENERAL’S CONCISE DESCRIPTION**

#### 12 **FOR THE FIRST INITIATIVE (I-975)**

13 6. On March 26, 2018, the Attorney General assigned the following Ballot Title –  
14 Statement of Subject and Concise Description – to Initiative Measure No. 975:

15 Initiative Measure No. 975 concerns motor vehicle taxes and fees. This measure would  
16 repeal or remove authority to impose certain vehicle taxes and fees, including charges funding  
17 mass-transit or regional transportation; limit annual motor-vehicle-license fees to \$30, except  
18 voter-approved charges; and change vehicle-valuation laws.

#### 19 **PETITIONER’S PROPOSED CONCISE DESCRIPTION**

#### 20 **FOR THE FIRST INITIATIVE (I-975)**

21  
22 7. Petitioner has no objections to the Statement of Subject or to the Ballot Summary.  
23 Petitioner provides the Court with this alternative Concise Description for Initiative 975:

24 **This measure would limit annual motor-vehicle-license fees to \$30 except for voter-**  
25 **approved charges; repeal or remove authority to approve certain vehicle taxes and fees; and**  
26 **base vehicle taxes on Kelley Blue Book value.**

1 **ARGUMENT**

2 8. Petitioner has sponsored many initiatives over the years related to \$30 car tabs. In  
3 2015, 2016, 2017, and 2018, the Attorney General assigned Concise Descriptions that mirror the  
4 Concise Description proposed by Petitioner in this case. In fact, the Attorney General on  
5 January 16, 2018, analyzed this same initiative and assigned it the Concise Description proposed  
6 here by Petitioner (see Exhibit C). One week later, on January 24, 2018, the Attorney General  
7 analyzed it again and assigned the same Concise Description proposed here by Petitioner (see  
8 Exhibit D). So, the Petitioner is not asking the Court to use *his wording* for the Ballot Title,  
9 Petitioner is only asking for the neutral, unbiased Ballot Title written and assigned by the  
10 Attorney General numerous times previously.

11 **LEGAL CHALLENGES TO PREVIOUS TITLES FOR \$30 CAR TABS INITIATIVES**

12 9. Significantly, the Attorney General’s ballot titles for previous \$30 car tab initiatives  
13 were legally challenged by initiative opponents, not the Petitioner. In both cases, the Attorney  
14 General vigorously defended their wording – the wording being offered by Petitioner in this case  
15 – and made persuasive arguments that are valid in the instant case.  
16

17 **ATTORNEY GENERAL ADVOCATED FOR THIS NEUTRAL**

18 **BALLOT TITLE IN MAY, 2016**

19 10. In the Ballot Title challenge to Initiative 1530, 1531, 1532, & 1533 (Case #16-2-  
20 01562-34), Deputy Solicitor General Peter Gonick filed his legal brief on May 3, 2016. Here are  
21 excerpts from that brief (in these two cases “Petitioners” are Keep Washington Rolling and  
22 Futurewise who are opponents of the initiative):  
23

24 \* Petitioners (Keep Washington Rolling and Futurewise) argue that the statement of subject fails  
25 to disclose that the measures would reduce transportation funding. E.g., Pet. at 4. **But the**  
26 **measure does not require a reduction in transportation funding. The measure does repeal**

1 or remove authority to impose various taxes and fees, most of which are dedicated to  
2 various transportation funds, but this would not necessarily result in reduced funding  
3 because the legislature may choose to appropriate funds to make up for any loss. In any  
4 event, the purpose of the statement of subject is not to speculate about the potential  
5 downstream consequences of the measure, but to describe its effect.

6 \* Several of the measure's provisions would affect certain taxes or fees in general that may  
7 or may not be dedicated revenue sources for transportation. For example, the measure sets  
8 forth a method for calculating the taxable value of vehicles for the purposes of excise taxes.

9 **Such taxes if imposed in the future may or may not be dedicated to transportation.**

10 **Likewise, the \$30 limit on license fees imposed each year could reduce fees imposed in the**  
11 **future that are not dedicated to transportation funds.**

13 \* Petitioners first repeat their objections to the statement of subject regarding the failure to  
14 include language that the impacted taxes and fees fund transportation. For the same reasons that  
15 the court should reject Petitioner's arguments about the statement of subject, this argument  
16 should be rejected. In addition, **informing voters that revenue from most of the repealed or**  
17 **amended charges are dedicated to transportation purposes would take up scarce words**  
18 **needed to alert voters to the numerous changes the measures would make.** The concise  
19 description is not required to capture every detail of the initiative, *Amalgamated Transit Union*  
20 *Local 587 v. State*, 142 Wn.2d at 217, and within the limit of 30 words it is impossible to do so.  
21 An interested voter can review the language of the measure itself to determine what the practical  
22 impact of the measure would be if enacted.

24 \* As discussed above, a description that states the measure applies only to motor-vehicle taxes  
25 and fees that fund transportation budgets **is not accurate and would create bias against the**  
26 **measure.** Similarly, the proposed concise descriptions that the measure would "reduce or

1 eliminate motor-vehicle taxes and fees funding transportation budgets” could be read to mean  
2 that the measure affects every motor-vehicle tax and fee. ... This meaning would not be accurate  
3 and **would create prejudice against the measure.**

4 \* Petitioners ignore **one of the central aspects of the measure that imposes a \$30 limit each**  
5 **year on motor vehicle license fees.**

6 -- END --

7  
8 The Attorney General has argued persuasively *in this previous case* that the Concise  
9 Description proposed by the Attorney General *in this case* is “not accurate and would create bias  
10 against the measure” and “would create prejudice against the measure.” The Petitioner’s  
11 proposed alternative is neutral and unbiased and is superior to the Attorney General’s. By statute  
12 the concise description need only set forth the measure’s “essential contents.” Petitioner’s  
13 proposed alternative does just that.

14 **ATTORNEY GENERAL ADVOCATED FOR THIS NEUTRAL**  
15 **BALLOT TITLE IN APRIL, 2016**

16 11. In the legal challenge to Attorney General’s ballot title for Initiative 1525 (Case  
17 #16-2-001480-34), the Deputy Solicitor General filed his legal brief on April 22, 2016 (just  
18 before the case described above). Here are excerpts from the Attorney General’s brief (again,  
19 references to “Petitioner” include Keep Washington Rolling and Futurewise):

20 \* Petitioner (Keep Washington Rolling and Futurewise) asked the Court to change it to  
21 “something along the lines of ...’This measure concerns motor-vehicle tax breaks and cutting  
22 transportation funding.’” Pet.at 4. Not only would such a change result in a title that **speculates**  
23 **about the potential result of enacting the initiative, rather than describing its actual**  
24 **provisions, but it would be argumentative and prejudicial ....**

25 \* The Attorney General’s Concise Description Truly and Impartially Describes the Essential  
26

1 Contents of I-1525 Without Creating Prejudice for or Against the Measure.

2 \* Petitioners begin by reprising the same argument that they offered with regard to the  
3 statement of subject, contending that the concise description fails to mention that I-1525 would  
4 reduce transportation funding. Pet. At 4. The same response applies. **Petitioner’s argument**  
5 **points to no language in the actual initiative providing that transportation funding would**  
6 **be reduced, but merely speculates that this might be the effect.** No change is warranted on  
7 this basis.

8 \* Petitioners next argue that the concise description is misleading in that says that the measure  
9 would limit annual motor-vehicle license fees to \$30 except for voter-approved charges. Pet. At  
10 4. **The measure, however, explicitly** defines “state and local motor vehicle license fees” that  
11 are limited by the \$30 limit to **exclude “voter-approved charges.”** I-1525, sec 2(3). The  
12 Attorney General’s concise description is not misleading.

13 \* And by statute the concise description need only set forth the measure’s “essential contents.”

14 \* Petitioners next complain that the concise description does not specifically mention the effect  
15 of the initiative’s \$30 limit on vehicle registration fees upon regional transportation investment  
16 districts, public transportation benefit areas, and transportation benefit districts. Pet. At 5. **But**  
17 **the concise description clearly states that I-1525 would “repeal or remove authority to**  
18 **impose certain vehicle taxes and charges,” which by necessary implication covers the**  
19 **various types of districts Petitioners recite. It is therefore unnecessary to cover this point**  
20 **more precisely than the concise description already does.** *Amalgamated Transit Union Local*  
21 *587 v. State*, 142 Wn.2d at 217; see also RCW 29A.72.050(1).

22 \* The next point Petitioners raise is to argue that the concise description should mention that the  
23 excise tax on newly purchased vehicles is based on a depreciation schedule rather than upon the  
24 fair market value of the vehicle. Pet. at 5. **The concise description covers this point by**

1 **repeating the language used in the initiative** ... It is important to note that section 13 of the  
2 initiative is unclear as to whether it refers to new vehicles or to new taxes. A ballot title is not  
3 the forum for resolving unclear initiatives, and so **the best practice is simply to use the same**  
4 **phrasing that the initiative itself adopts.** ... the concise description covers the point and  
5 Petitioners' argument lacks merit.

6 \* Finally, Petitioners say that the concise description should explain that I-1525 will reduce  
7 highway funding to provide tax breaks to drivers of electric vehicles. Pet. At 5. Once again,  
8 **Petitioners ask the Court to revise the title to speculate on the effects of the measure, and**  
9 **not to describe its terms. Whether the measure would reduce highway funding is entirely**  
10 **speculative.** And, to the extent that petitioners argue that electric vehicles should be mentioned  
11 specifically, the point is covered when the concise description explains that I-1525 would "repeal  
12 or remove authority to impose certain vehicle taxes and charges." Again, every detail cannot be  
13 covered within 30 words ... For these reasons, this Court should decline to alter the Attorney  
14 General's concise description.

15 -- END --

16  
17 The Attorney General has argued persuasively in this previous case that their previous  
18 Concise Description is impartial ("The Attorney General's Concise Description Truly and  
19 Impartially Describes the Essential Contents of I-1525 Without Creating Prejudice for or Against  
20 the Measure."). Petitioner is asking the Court to assign the Concise Description that the  
21 Attorney General has said describes "the Essential Contents Without Creating Prejudice for or  
22 Against the Measure." Petitioner believes that the Attorney General's legal arguments two years  
23 ago (described in 10 and 11 above) are still valid, preferred, and operative and should be  
24 considered by the Court in support of Petitioner's alternative.  
25

26 **ATTORNEY GENERAL'S OFFICE HAS NOW REVERSED ITSELF**

1                   **AND NOW INSERTS CHERRY-PICKED BIASED EXAMPLES INTO**  
2                   **THIS BALLOT TITLE**

3                   12. After four years of consistently neutral ballot titles on at least 10 different \$30 car  
4 tabs initiatives, the Attorney General’s Concise Description for this measure, for the first time,  
5 inserts the words (in italics): “... repeal or remove authority to impose certain vehicle taxes and  
6 fees, *including charges funding mass-transit or regional transportation ...*”. In those previous  
7 court cases, the Attorney General made clear that this is speculative and intended to create bias  
8 and prejudice against the measure. The word “mass-transit” appears no where in the initiative,  
9 and as the Attorney General argued previously: “the best practice is simply to use the same  
10 phrasing that the initiative itself adopts.” And it is clearly biased because it cherry-picks  
11 particular types of transportation programs that may or may not be impacted. It would be just as  
12 prejudicial to have: This measure would limit annual motor-vehicle-license fees, *including for*  
13 *Ferraris and Bentleys*, to \$30.  
14

15                   Petitioner’s proposed alternative avoids cherry-picking biased examples and focuses  
16 instead on the policies in the initiative itself.

17                   **ATTORNEY GENERAL ARGUED AGAINST CHERRY-PICKING**  
18                   **BIASED EXAMPLES. THE AG SAID THAT UNLESS A COMPLETE**  
19                   **LIST WERE INCLUDED, IT WOULD BE PREJUDICIAL TO CHOOSE**  
20                   **AMONG THEM AND USES UP WORDS NEEDED ELSEWHERE**

21                   13. In 2001, Petitioner sponsored Initiative 747 and the Attorney General assigned it  
22 the following ballot title: “This measure would require state and local governments to limit  
23 property tax levy increases to 1% per year ...” That ballot title was challenged. Opponents  
24 asked the court to cherry-pick some local taxing districts and insert them into the ballot title  
25 proposing instead: “This measure would require state and local governments, including fire  
26

1 districts and library districts, to limit property tax levy increases to 1% per year ...”. Veteran  
2 Deputy Solicitor General James Pharris vigorously opposed this obvious ploy. He argued that  
3 unless a complete list of local governments were included, it would be prejudicial to choose  
4 among them. And he said that cherry-picking examples “uses up” precious words in the 30-word  
5 limit better devoted to more completely describing the actual policies in the initiative. Thurston  
6 County Judge Richard Hicks agreed and the Attorney General’s neutral ballot title was affirmed.  
7 Unfortunately, today’s Attorney General is disregarding its own standards with Initiative 975.  
8 Their cherry-picking of “including charges for mass transit and regional transportation” is  
9 selective, biased, and totally contrary to the Attorney General’s consistent position since 2001.  
10 And it “uses up” eight words, almost one-third of the 30-word limit. Those eight words would  
11 be better utilized describing the policies in the initiative.  
12

13           **ATTORNEY GENERAL’S LONGSTANDING POLICY HAS BEEN**  
14           **“THE BEST PRACTICE IS SIMPLY TO USE THE SAME PHRASING**  
15           **THAT THE INITIATIVE ITSELF ADOPTS”**

16           14. In its January 16, 2018 and January 24, 2018 ballot titles for Petitioner’s \$30 car  
17 tab initiative, the Attorney General started them with: “This measure would limit annual motor-  
18 vehicle-license fees to \$30 except for voter-approved charges; ...”. This is the “essential  
19 content” of the initiative. This has been the position of the Attorney General’s office for 15  
20 years. After Initiative 776 was approved by voters in 2002, it was legally challenged (*Pierce*  
21 *County v State*, 78 P.3d 640 (2003)). The Supreme Court upheld the initiative under the single-  
22 subject rule. In its ruling, they wrote: “The State (AG) maintains that the sole subject of I-776 is  
23 the placement of a \$30 ceiling on state and local government fees that citizens must pay to  
24 license their cars and light trucks.” **The same goes for Initiative Measure No. 975: its sole**  
25 **subject is also the placement of a \$30 ceiling and so that policy should appear first in the**  
26

1 **Concise Description.** Again, the Attorney General maintained this position many times within  
2 the past 15 years. In 2006, the beginning of the Concise Description assigned by the Attorney  
3 General to Initiative 917 was: “This measure would cap motor vehicle registration charges at \$30  
4 per year ...”. In 2016, the beginning of the Concise Description assigned by the Attorney  
5 General to Initiative 1421 was: “This measure would limit annual motor vehicle license fees to  
6 \$30 except for voter-approved charges; ...”. Petitioner asks that the essential content and “sole  
7 subject” of Initiative Measure No. 975 -- \$30 tabs – appear first in the Concise Description. The  
8 other provisions contained in the initiative support that policy goal.  
9

10 15. In its January 16, 2018 and January 24, 2018, ballot titles for Petitioner’s \$30 car  
11 tab initiative, the Attorney General ended them with: “... and base vehicle taxes on Kelley Blue  
12 Book value.” This matches language within the initiative itself and provides much more  
13 information to the average voter. In order to make room for and “cram in” the biased language,  
14 “including charges funding mass transit or regional transportation”, which appears nowhere in  
15 the initiative and uses up eight precious words of the 30-word ballot title, the Attorney General  
16 has truncated “and base vehicle taxes on Kelley Blue Book value” to “change vehicle-valuation  
17 laws.” As the Attorney General previously argued: “the best practice is simply to use the same  
18 phrasing that the initiative itself adopts.” Initiative 975 requires Kelley Blue Book value be used  
19 – the average voter will have a greater understanding of the policy if they can read it in the ballot  
20 title. Using “change vehicle-valuation laws” is unnecessarily vague and may lead an average  
21 voter to believe that the “change” will be to *inflate* vehicle valuations. And they would have no  
22 idea that the change is being done for the purpose of calculating vehicle taxes. In other words,  
23 it’s important for voters to know that *vehicle taxes will be based on* Kelley Blue Book value.  
24 There is room in the Concise Description, if the Attorney General’s cherry-picked biased  
25 examples are removed, to describe the measure’s policy “base vehicle taxes on Kelley Blue  
26

1 Book value." That is an essential policy in Initiative Measure No. 975 and should be clearly  
2 articulated (as was done twice in January of this year).

3           **LEGISLATURE HAS PROPOSED, BUT HASN'T PASSED, ANY LAWS**  
4           **CHANGING THE REQUIREMENT THAT BALLOT TITLES BE**  
5           **IMPARTIAL, NEUTRAL, AND UNBIASED**

6           16. Ballot Titles for initiatives are legally required to not create bias for or against the  
7 measure and must be impartial and non-argumentative (RCW 29A.72.050). It is worthy of  
8 judicial notice that the Legislature has proposed changing that but hasn't. In 2015, Senate Bill  
9 5715 would have essentially slapped a Surgeon General's warning label on certain initiatives. It  
10 amended RCW 29A.72.050 and required this:

11                     For an initiative to the people, or for an initiative to the legislature for which the  
12 legislature has not proposed an alternative, that has been certified for the ballot, and for which  
13 the fiscal impact statement prepared pursuant to RCW 29A.72.0254 indicates that the initiative  
14 will result in an estimated net biennial increase in state expenditures of twenty-five million  
15 dollars or greater, or an estimated net biennial decrease in state revenues of twenty-five million  
16 dollars or greater, the ballot title to be displayed in the voters' pamphlet and on the ballot shall be  
17 revised substantially as follows:

18                     **"Initiative Measure No. . . . concerns (statement of subject). This measure would (concise**  
19 **description). The state budget office has determined that this proposal would have an**  
20 **unfunded net impact of (amount) on the state budget. This means other state spending may**  
21 **need to be reduced or taxes increased to implement the proposal. Should this measure be**  
22 **enacted into law? Yes . . . . .  No . . . . .** "

23                     Fortunately for those who support impartiality in ballot titles, that bill did not become  
24 law. But if the Attorney General disagrees with the law requiring neutral, unbiased language, he  
25  
26

1 can pursue that change through the Legislature. Until that happens, Petitioner requests that the  
2 Court assign the ballot title assigned to this initiative on January 16, 2018 and again on January  
3 24, 2018 to ensure a neutral ballot title for Initiative Measure No. 975.

4 **THOUGH LEGALLY IRRELEVANT, IT IS NONETHELESS WORTH**  
5 **JUDICIAL NOTICE OF RECENT EVENTS THAT MAY EXPLAIN WHY**  
6 **THERE WAS SUCH A DRAMATIC CHANGE TO THE BALLOT TITLE**  
7 **AFTER FOUR YEARS OF CONSISTENT AND FAIR TREATMENT BY THE**  
8 **ATTORNEY GENERAL.**

9  
10 17. Finally, though not legally relevant, Petitioner believes recent events may explain  
11 why there was such a dramatic change to the Ballot Title after four years of consistent and fair  
12 treatment by the Attorney General. To reiterate, the Attorney General on January 16, 2018,  
13 analyzed this same initiative and assigned it the Ballot Title proposed here by Petitioner. One  
14 week later, on January 24, 2018, the Attorney General analyzed it again and assigned the same  
15 Ballot Title proposed here by Petitioner. But on Tuesday, March 13, 2018, the Attorney General  
16 suddenly assigned a completely changed and biased Ballot Title. What changed? One or more  
17 of the following factors may have played a role:

18  
19 \* *Four days before* the biased Ballot Title was first assigned, the Attorney General convinced  
20 the Court to find Petitioner in contempt, the latest development in an intense, increasingly  
21 adversarial litigation between the Attorney General and Petitioner.

22 \* *The day before* the biased Ballot Title was first assigned, Petitioner filed a lawsuit against the  
23 State – *Eyman v Wyman* – and the Deputy Solicitor General who accepted service was the same  
24 Deputy Solicitor General writing the Ballot Title for Initiative Measure No. 975.

25 \* *The morning of the day* the completely changed and biased Ballot Title was due to be  
26 released, Petitioner sent out a very public, widely distributed piece to supporters, state and local



1 Initiative Measure No. 976 concerns motor vehicle taxes and fees. This measure would  
2 repeal, reduce, or remove authority to impose certain vehicle taxes and fees; limit annual motor-  
3 vehicle-license fees to \$30, except voter-approved charges; and base vehicle taxes on Kelley Blue  
4 Book value.

5 **PETITIONER'S PROPOSED CONCISE DESCRIPTION**

6 **FOR THE SECOND INITIATIVE (I-976)**

7  
8 22. Petitioner has no objections to the Statement of Subject or to the Ballot Summary.

9 Petitioner provides the Court with this alternative Concise Description for Initiative 976:

10 **This measure would limit annual motor-vehicle-license fees to \$30 except for voter-**  
11 **approved charges; repeal or remove authority to approve certain vehicle taxes and fees; and**  
12 **base vehicle taxes on Kelley Blue Book value.**

13 **ARGUMENT**

14 23. Same as 8 above.

15 **LEGAL CHALLENGES TO PREVIOUS BALLOT TITLES FOR**

16 **\$30 CAR TABS INITIATIVES**

17  
18 24. Same as 9 above.

19 **ATTORNEY GENERAL ADVOCATED FOR THIS NEUTRAL**

20 **BALLOT TITLE IN MAY, 2016**

21 25. Same as 10 above.

22 **ATTORNEY GENERAL ADVOCATED FOR THIS NEUTRAL**

23 **BALLOT TITLE IN APRIL, 2016**

24 26. Same as 11 above.

25 **ATTORNEY GENERAL'S LONGSTANDING POLICY HAS BEEN**

26 **"THE BEST PRACTICE IS SIMPLY TO USE THE SAME PHRASING**

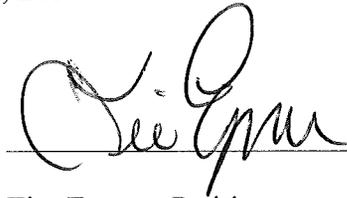


1 Petitioner respectfully requests that this court grant the following relief:

2 (A) that the court, pursuant to RCW 29A.72.080, file with the Secretary of State a  
3 certified copy of the Ballot Title for Initiative 975 and Initiative 976 meeting the above  
4 objections, in the amended form recommended in this petition; and

5 (B) such other legal and equitable relief as this court deems just.

6 Respectfully submitted this 2nd day of April, 2018.

7  
8  
9  \_\_\_\_\_

10 Tim Eyman, Petitioner, *pro se*

# EXHIBIT A



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Administration Division  
PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

March 26, 2018

The Honorable Kim Wyman  
Elections Division  
ATTN: Initiative and Referendum  
PO Box 40220  
Olympia, WA 98504-0220

Re: Initiative No. 975

Dear Secretary Wyman:

Pursuant to RCW 29A.72.060, we supply herewith the ballot title and ballot measure summary for Initiative No. 975 to the Legislature (an act relating to limiting state and local taxes, fees, and other charges relating to vehicles).

**BALLOT TITLE**

Statement of Subject: Initiative Measure No. 975 concerns motor vehicle taxes and fees.

Concise Description: This measure would repeal or remove authority to impose certain vehicle taxes and fees, including charges funding mass-transit or regional transportation; limit motor-vehicle-license fees to \$30, except voter-approved charges; and change vehicle-valuation laws.

Should this measure be enacted into law? Yes [ ] No [ ]

**BALLOT MEASURE SUMMARY**

This measure would repeal or remove authority to impose certain taxes and charges, including excise taxes funding regional transportation; limit state and local license fees to \$30 for motor vehicles weighing 10,000 pounds or less, except charges approved by voters after the measure's effective date; calculate vehicle taxes based on Kelley Blue Book values; require regional transit authorities to retire bonds early where allowed; and repeal taxes pledged to regional-transit-authority bonds once they are retired.

Sincerely,

*Peter B. Gonick* FOR

PETER B. GONICK  
Deputy Solicitor General  
(360) 753-6245

# EXHIBIT B

Initiative Measure No. 975, filed March 19, 2018

**BRING BACK OUR \$30 CAR TABS**

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.350, 46.17.355, 46.17.323, 82.08.020, 82.44.065, and 81.104.140; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating new sections; repealing RCW 46.17.365, 46.68.415, 82.80.130, 82.80.140, 82.44.035, and 81.104.160; and providing an effective date.

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

**POLICIES AND PURPOSES**

NEW SECTION.      **Sec. 1.**      Voters have repeatedly approved initiatives limiting vehicle costs, yet politicians keep ignoring the voters' repeated, unambiguous mandate by imposing higher and higher vehicle taxes and fees. It's not fair and it must stop. Without this follow-up ballot measure, vehicle costs will continue

to skyrocket until vehicle charges are obscenely expensive, as they were prior to Initiative 695. This measure and each of its provisions limit state and local taxes, fees, and other charges relating to motor vehicles. This measure would limit annual motor vehicle license fees to \$30, except voter-approved charges, repeal and remove authority to impose certain vehicle taxes and charges; and base vehicle taxes on Kelley Blue Book rather than the dishonest, inaccurate, and artificially inflated manufacturer's suggested retail price (MRSP). Voters have repeatedly approved initiatives limiting vehicle costs. Politicians must learn to listen to the people.

**LIMITING ANNUAL MOTOR-VEHICLE-LICENSE FEES TO \$30,  
EXCEPT VOTER-APPROVED CHARGES**

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

(1) State and local motor vehicle license fees may not exceed \$30 per year for motor vehicles, regardless of year, value, make, or model.

(2) For the purposes of this section, "state and local motor vehicle license fees" means the general license tab fees paid annually for licensing motor vehicles, including but not limited to cars, sport utility vehicles, light trucks under RCW 46.17.355, motorcycles, and motor homes, and do not include charges approved by voters after the effective date of this section. This annual fee must be paid and collected annually and is due at the time of initial and renewal vehicle registration.

**Sec. 3.** RCW 46.17.350 and 2014 c 30 s 2 are each amended to read as follows:

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

VEHICLE TYPE	INITIAL FEE	RENEWAL FEE	DISTRIBUTED UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$	\$ 30.00	RCW 46.68.035
	( ( 34.00 ) )		
	<u>30.00</u>		
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$	\$	RCW 46.68.350
	( ( 50.00 ) )	( ( 50.00 ) )	
	<u>30.00</u>	<u>30.00</u>	
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$ 12.00	\$ 12.00	RCW 46.09.540
(s) Wheeled all-terrain vehicle, off-road use	\$ 18.00	\$ 18.00	RCW 46.09.510

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

**Sec. 4.** RCW 46.17.355 and 2015 3rd sp.s. c 44 s 201 are each amended to read as follows:

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

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$ 38.00	\$ 38.00
6,000 pounds	\$ 48.00	\$ 48.00
8,000 pounds	\$ 58.00	\$ 58.00
10,000 pounds	\$ 60.00	\$ 60.00
12,000 pounds	\$ 77.00	\$ 77.00
14,000 pounds	\$ 88.00	\$ 88.00
16,000 pounds	\$ 100.00	\$ 100.00
18,000 pounds	\$ 152.00	\$ 152.00
20,000 pounds	\$ 169.00	\$ 169.00
22,000 pounds	\$ 183.00	\$ 183.00
24,000 pounds	\$ 198.00	\$ 198.00
26,000 pounds	\$ 209.00	\$ 209.00
28,000 pounds	\$ 247.00	\$ 247.00
30,000 pounds	\$ 285.00	\$ 285.00
32,000 pounds	\$ 344.00	\$ 344.00
34,000 pounds	\$ 366.00	\$ 366.00
36,000 pounds	\$ 397.00	\$ 397.00
38,000 pounds	\$ 436.00	\$ 436.00
40,000 pounds	\$ 499.00	\$ 499.00
42,000 pounds	\$ 519.00	\$ 609.00
44,000 pounds	\$ 530.00	\$ 620.00

46,000 pounds	\$ 570.00	\$ 660.00
48,000 pounds	\$ 594.00	\$ 684.00
50,000 pounds	\$ 645.00	\$ 735.00
52,000 pounds	\$ 678.00	\$ 768.00
54,000 pounds	\$ 732.00	\$ 822.00
56,000 pounds	\$ 773.00	\$ 863.00
58,000 pounds	\$ 804.00	\$ 894.00
60,000 pounds	\$ 857.00	\$ 947.00
62,000 pounds	\$ 919.00	\$ 1,009.00
64,000 pounds	\$ 939.00	\$ 1,029.00
66,000 pounds	\$ 1,046.00	\$ 1,136.00
68,000 pounds	\$ 1,091.00	\$ 1,181.00
70,000 pounds	\$ 1,175.00	\$ 1,265.00
72,000 pounds	\$ 1,257.00	\$ 1,347.00
74,000 pounds	\$ 1,366.00	\$ 1,456.00
76,000 pounds	\$ 1,476.00	\$ 1,566.00
78,000 pounds	\$ 1,612.00	\$ 1,702.00
80,000 pounds	\$ 1,740.00	\$ 1,830.00
82,000 pounds	\$ 1,861.00	\$ 1,951.00
84,000 pounds	\$ 1,981.00	\$ 2,071.00
86,000 pounds	\$ 2,102.00	\$ 2,192.00
88,000 pounds	\$ 2,223.00	\$ 2,313.00
90,000 pounds	\$ 2,344.00	\$ 2,434.00
92,000 pounds	\$ 2,464.00	\$ 2,554.00
94,000 pounds	\$ 2,585.00	\$ 2,675.00
96,000 pounds	\$ 2,706.00	\$ 2,796.00
98,000 pounds	\$ 2,827.00	\$ 2,917.00
100,000 pounds	\$ 2,947.00	\$ 3,037.00
102,000 pounds	\$ 3,068.00	\$ 3,158.00
104,000 pounds	\$ 3,189.00	\$ 3,279.00
105,500 pounds	\$ 3,310.00	\$ 3,400.00

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

the department, county auditor or other agent, or subagent appointed by the director shall require the applicant, unless specifically exempt, to pay the following license fee by gross weight:

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$ ( <del>53.00</del> ) <u>30.00</u>	\$ ( <del>53.00</del> ) <u>30.00</u>
6,000 pounds	\$ ( <del>73.00</del> ) <u>30.00</u>	\$ ( <del>73.00</del> ) <u>30.00</u>
8,000 pounds	\$ ( <del>93.00</del> ) <u>30.00</u>	\$ ( <del>93.00</del> ) <u>30.00</u>
10,000 pounds	\$ ( <del>93.00</del> ) <u>30.00</u>	\$ ( <del>93.00</del> ) <u>30.00</u>
12,000 pounds	\$ 81.00	\$ 81.00
14,000 pounds	\$ 88.00	\$ 88.00
16,000 pounds	\$ 100.00	\$ 100.00
18,000 pounds	\$ 152.00	\$ 152.00
20,000 pounds	\$ 169.00	\$ 169.00
22,000 pounds	\$ 183.00	\$ 183.00
24,000 pounds	\$ 198.00	\$ 198.00
26,000 pounds	\$ 209.00	\$ 209.00
28,000 pounds	\$ 247.00	\$ 247.00
30,000 pounds	\$ 285.00	\$ 285.00
32,000 pounds	\$ 344.00	\$ 344.00
34,000 pounds	\$ 366.00	\$ 366.00
36,000 pounds	\$ 397.00	\$ 397.00
38,000 pounds	\$ 436.00	\$ 436.00
40,000 pounds	\$ 499.00	\$ 499.00
42,000 pounds	\$ 519.00	\$ 609.00
44,000 pounds	\$ 530.00	\$ 620.00
46,000 pounds	\$ 570.00	\$ 660.00
48,000 pounds	\$ 594.00	\$ 684.00
50,000 pounds	\$ 645.00	\$ 735.00
52,000 pounds	\$ 678.00	\$ 768.00
54,000 pounds	\$ 732.00	\$ 822.00
56,000 pounds	\$ 773.00	\$ 863.00
58,000 pounds	\$ 804.00	\$ 894.00
60,000 pounds	\$ 857.00	\$ 947.00
62,000 pounds	\$ 919.00	\$ 1,009.00
64,000 pounds	\$ 939.00	\$ 1,029.00

66,000 pounds	\$ 1,046.00	\$ 1,136.00
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70,000 pounds	\$ 1,175.00	\$ 1,265.00
72,000 pounds	\$ 1,257.00	\$ 1,347.00
74,000 pounds	\$ 1,366.00	\$ 1,456.00
76,000 pounds	\$ 1,476.00	\$ 1,566.00
78,000 pounds	\$ 1,612.00	\$ 1,702.00
80,000 pounds	\$ 1,740.00	\$ 1,830.00
82,000 pounds	\$ 1,861.00	\$ 1,951.00
84,000 pounds	\$ 1,981.00	\$ 2,071.00
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98,000 pounds	\$ 2,827.00	\$ 2,917.00
100,000 pounds	\$ 2,947.00	\$ 3,037.00
102,000 pounds	\$ 3,068.00	\$ 3,158.00
104,000 pounds	\$ 3,189.00	\$ 3,279.00
105,500 pounds	\$ 3,310.00	\$ 3,400.00

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

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

(4) The license fees provided in subsection (1) of this section and the freight project fee provided in subsection (~~((6))~~) (7) of this section are in addition to the filing fee required under RCW 46.17.005 and any other fee or tax required by law.

(5) The license fees provided in subsection (1) of this section for light trucks weighing 10,000 pounds or less are limited to \$30.

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

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

~~((+7+))~~ (8) For vehicle registrations that are due or become due on or after July 1, 2022, in addition to the license fee based on declared gross weight as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant with a vehicle with a declared gross weight of less than or equal to 12,000 pounds, unless specifically exempt, to pay an additional weight fee of ten dollars, which must be distributed under RCW 46.68.035.

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

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

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

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

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

~~((i)) (a) Seventy percent to the motor vehicle fund created in RCW 46.68.070;~~

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

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

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

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

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

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

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

**REPEAL AND REMOVE AUTHORITY TO IMPOSE  
CERTAIN VEHICLE TAXES AND CHARGES**

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

(1) RCW 46.17.365 (Motor vehicle weight fee—Motor home vehicle weight fee) and 2015 3rd sp.s. c 44 s 202 & 2010 c 161 s 533;

(2) RCW 46.68.415 (Motor vehicle weight fee, motor home vehicle weight fee—Disposition) and 2010 c 161 s 813;

(3) RCW 82.80.130 (Passenger-only ferry service—Local option motor vehicle excise tax authorized) and 2010 c 161 s 916, 2006 c 318 s 4, & 2003 c 83 s 206; and

(4) RCW 82.80.140 (Vehicle fee—Transportation benefit district—Exemptions) and 2015 3rd sp.s. c 44 s 310, 2010 c 161 s 917, 2007 c 329 s 2, & 2005 c 336 s 16.

**Sec. 7.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

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

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

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

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

(d) Extended warranties to consumers; and

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

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

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

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

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

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

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

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

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

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

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

#### **BASE VEHICLE TAXES USING KELLEY BLUE BOOK VALUE**

NEW SECTION. **Sec. 8.** A new section is added to chapter 82.44 RCW to read as follows:

(1) BASE VEHICLE TAXES USING KELLEY BLUE BOOK VALUE. Any motor vehicle excise tax must be calculated in an honest and accurate way so the burden on vehicle owners is not artificially inflated. For the purpose of determining a vehicle tax, a taxing district imposing a vehicle tax must set a vehicle's taxable value at the vehicle's base model Kelley Blue book value. This ensures an honest and accurate calculation of the tax and, combined with the appeal process in RCW 82.44.065, ensures that vehicle owners are taxed on their vehicle's market value.

(2) For the purpose of determining a tax under this chapter, the value of a truck-type power or trailing unit, or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport utility vehicle, or light duty truck is the base model Kelley Blue book value of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs.

**Sec. 9.** RCW 82.44.065 and 2010 c 161 s 912 each amended to read as follows:

If the department determines a value for a vehicle (~~(equivalent to a manufacturer's base suggested retail price or the value of a truck or trailer under RCW 82.44.035))~~ under section 8 of this act, any person who pays a state or locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120. Using Kelley Blue Book value ensures an honest and accurate calculation.

NEW SECTION. **Sec. 10.** RCW 81.104.140 and 2015 3rd sp.s. c 44 s 318 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources,

as set forth in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) (a) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(i) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;

(ii) (~~Special motor vehicle excise tax as provided in RCW 81.104.160;~~

~~(iii))~~) Regular property tax as provided in 81.104.175; and

~~((iv))~~ (iii) Sales and use tax as provided in RCW 81.104.170.

(b) Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right-of-way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Except for the regular property tax authorized in 81.104.175, the authorization in subsection (4) of this section may not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions must retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Except for the regular property tax authorized in 81.104.175, agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175 are subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title must reference the document identified in subsection (8) of this section.

(8) Agencies must provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It must also describe the relationship of the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the

system to adopted land use and transportation demand management goals within the region. This document must be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet must be produced as provided in chapter 29A.32 RCW.

(10) (a) Agencies providing high capacity transportation service must retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(b) A regional transit authority that (~~imposes a motor vehicle excise tax after the effective date of this section,~~) imposes a property tax(~~(τ)~~) or increases a sales and use tax to more than nine-tenths of one percent must undertake a process in which the authority's board formally considers inclusion of the name, Scott White, in the naming convention associated with either the University of Washington or Roosevelt stations.

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

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

(2) RCW 81.104.160 (Motor vehicle excise tax for regional transit authorities---Sales and use tax on car rentals---Former motor vehicle excise tax repealed) and 2015 3rd sp.s. c 44 s 319, 2010 c 161 s 903, 2009 c 280 s 4, 2003 c 1 s 6 (Initiative Measure No. 776, approved November 5, 2002), & 1998 c 321 s 35 (Referendum Bill No. 49, approved November 3, 1998).

NEW SECTION. **Sec. 12.** A new section is added to chapter 81.112 RCW to read as follows:

In order to effectuate the policies, purposes, and intent of this act and to ensure that the motor vehicle excise taxes repealed by this act are no longer imposed or collected, an authority that imposes a motor vehicle excise tax under RCW 81.104.160 must fully retire, defease, or refinance any outstanding bonds issued under this chapter if:

(1) Any revenue collected prior to the effective date of this section from the motor vehicle excise tax imposed under RCW 81.104.160 has been pledged to such bonds; and

(2) The bonds, by virtue of the terms of the bond contract, covenants, or similar terms, may be retired or defeased early or refinanced.

NEW SECTION. **Sec. 13.** CONSTRUCTION CLAUSE. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 14.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 15.** EFFECTIVE DATE. (1) Sections 10 and 11 of this act take effect on the date that the regional transit authority complies with section 12 of this act and retires, defeases, or refinances its outstanding bonds.

(2) The regional transit authority must provide written notice of the effective dates of sections 10 and 11 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the regional transit authority.

NEW SECTION. **Sec. 16.** TITLE. This act is known and may be cited as "Bring Back Our \$30 Car Tabs."

--- END ---

# EXHIBIT C



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**  
Administration Division  
PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

January 16, 2018

The Honorable Kim Wyman  
Elections Division  
ATTN: Initiative and Referendum  
PO Box 40220  
Olympia, WA 98504-0220

Re: Initiative No. 1585

Dear Secretary Wyman:

Pursuant to RCW 29A.72.060, we supply herewith the ballot title and ballot measure summary for Initiative No. 1585 to the People (an act relating to limiting state and local taxes, fees, and other charges relating to vehicles).

**BALLOT TITLE**

Statement of Subject: Initiative Measure No. 1585 concerns motor vehicle taxes and fees.

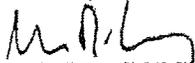
Concise Description: This measure would limit annual motor-vehicle-license fees to \$30 except for voter-approved charges; repeal or remove authority to approve certain vehicle taxes and fees; and base vehicle taxes on Kelley Blue Book value.

Should this measure be enacted into law? Yes [ ] No [ ]

**BALLOT MEASURE SUMMARY**

This measure would limit annual license fees to \$30 for motor vehicles weighing under 10,000 pounds, except for voluntary fees and voter-approved charges; remove authority to approve certain taxes and charges, including any additional vehicle sales tax or surcharge funding regional transportation districts; calculate vehicle taxes based on vehicle values in the Kelley Blue Book; and require regional transit authorities to cease collecting taxes pledged to secure bonds and to retire bonds early where allowed.

Sincerely,

  
ALAN D. COPSEY  
Deputy Solicitor General  
(360) 664-9018

# EXHIBIT D



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Administration Division  
PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

January 24, 2018

The Honorable Kim Wyman  
Elections Division  
ATTN: Initiative and Referendum  
PO Box 40220  
Olympia, WA 98504-0220

Re: Initiative No. 1591

Dear Secretary Wyman:

Pursuant to RCW 29A.72.060, we supply herewith the ballot title and ballot measure summary for Initiative No. 1591 to the People (an act relating to limiting state and local taxes, fees, and other charges relating to vehicles).

**BALLOT TITLE**

Statement of Subject: Initiative Measure No. 1591 concerns motor vehicle taxes and fees.

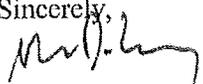
Concise Description: This measure would limit annual motor-vehicle-license fees to \$30 except for voter-approved charges; repeal or remove authority to approve certain vehicle taxes and fees; and base vehicle taxes on Kelley Blue Book value.

Should this measure be enacted into law? Yes [ ] No [ ]

**BALLOT MEASURE SUMMARY**

This measure would limit annual license fees to \$30 for motor vehicles weighing 10,000 pounds or less, except voluntary fees and voter-approved charges; remove authority to approve certain taxes and charges, including additional vehicle excise taxes or surcharges funding regional transportation districts; calculate vehicle taxes based on vehicle values in the Kelley Blue Book; and require regional transit authorities to cease collecting vehicle taxes pledged to secure bonds and to retire bonds early where allowed.

Sincerely,

  
ALAN D. COPSEY  
Deputy Solicitor General  
(360) 664-9018

# EXHIBIT E

**From:** Tim Eyman <tim\_eyman@comcast.net>

**Sent:** Tuesday, March 13, 2018 9:49 AM

**To:** Tim Eyman <tim\_eyman@comcast.net>

**Subject:** AG's office confirms Noah Purcell told Legislature that their 4th option was unconstitutional - "too cute by half" Solicitor General said. "AG opinion is still good advice." KIRO TV news story best of the bunch.

Monday, March 12, 2018

To: Our thousands of supporters throughout the state (cc'd to the media, house & senate members, and Governor, and other candidates for office)

From: Tim Eyman, cell: 509-991-5295, tim\_eyman@comcast.net

RE: AG's office confirms Noah Purcell told Roger Goodman that his 4th option was unconstitutional - "too cute by half" Solicitor General said. "AG opinion is still good advice." KIRO TV news story best of the bunch.

At yesterday's press conference, I brought to light the conference phone call that legislators and staffers had with Noah Purcell, the Solicitor General, in which he told legislators very directly that Rep. Goodman's goofy 4<sup>th</sup> option was "too cute by half" and that the "AG opinion is still good advice." The AG's office confirmed that yesterday.

This is really significant. When legislators have a goofy idea, like manufacturing a constitutional option that doesn't exist, they're supposed to ask the Attorney General's opinion and it is presumed they should follow it. That didn't happen here.

This behind-the-scenes maneuvering was first reported last Friday, the day after the session, by Sen. Mike Padden on John Carlson's radio show 570 KVI.

Sen. Padden: *"So Rep. Goodman came up with an idea of adopting the initiative, which is very scary, and then trying to amend it in the same session but having a delayed date to try to get around the Constitution. There's an Attorney General opinion back in the era when Slade Gorton was our AG that clearly says that this is not correct. And I was in a conference call with the current Solicitor General Noah Purcell and he said, in effect, that that AGO opinion is still good advice. ... We're in unchartered territory, it's very scary, our best legal advice is that this isn't going to work. It's not going to be upheld." ...*

John Carlson: *"You've heard the expression too cute by half?"*

Sen. Padden: *"Right, that's exactly what Noah Purcell said in the conference."*

John Carlson: *"He did?"*

Sen. Padden: *"Yes, those exact words."*

Listen to it here (starts at 23:43 and ends at 30:43): <http://kvi.com/podcast/carlsoncast-march9-7am-hour>

So here they were in a conference call, and it's Roger Goodman, Jamie Pedersen, Dave Hayes, Mike Padden, Jackson Maynard, and many others and Rep. Goodman floats his goofy idea, and the AG says no you can't do that. And Goodman respond: no, you don't understand, we're going to delay it for 91 days so that'll work won't it? And the answer is "the AGO opinion is still good advice." And Goodman persists, saying "you still don't get it, this will work." And Noah responds "it's too cute by half." And despite the AG's advice, they pursue their legislative hopscotch anyway, hoping no one challenges it.

Really? This is what passes for due diligence and fealty to their oath to uphold the Constitution? We want to do it, Constitution-be-damned.

Ridiculous arrogance.

As for the AG's office confirming they advised Goodman that his goofy idea was unconstitutional, from the Associated Press: *"In an email, spokeswoman Brionna Aho said the office would not discuss its analysis of whether it was constitutional."* As the late Ben Bradlee of the Washington Post would so astutely observe: *"That is a non-denial denial."* ([https://en.wikipedia.org/wiki/Non-denial\\_denial](https://en.wikipedia.org/wiki/Non-denial_denial)).

It's a total confirmation and validation of the conference call.

There were lots of news stories about this in the last 12 hours. The KIRO TV new story I thought did the best job: <http://www.kiro7.com/video?videoId=715009047&videoVersion=1.0>

My favorite part of the story was at the end where KIRO reporter Essex Porter said: *"Now at his news conference today, Tim Eyman said that a top lawyer, he was told, from the Attorney General's office spoke to lawmakers and told them not to proceed with the plan as passed. Now the AG's office, we checked with them, and a spokeswoman said that the office does not comment on the advice given to clients."* Another non-denial denial.

**And it's really important to note that when it comes to that conference call, there is no attorney-client privilege anymore.** In this case, one of those clients, Sen. Padden, has very publicly disclosed the substance, words, and phrases used by their attorney, Noah Purcell. When is attorney-client privilege waived? *"The privilege may be waived if the confidential communications are disclosed to third parties."* ([https://en.wikipedia.org/wiki/Attorney%E2%80%93client\\_privilege](https://en.wikipedia.org/wiki/Attorney%E2%80%93client_privilege), "When the privilege may not apply", third one down). At this point, there's no reason why Rep. Goodman, Sen. Pedersen, and other participants can't be asked to respond to questions about that conference call. Those "confidential communications" are no longer covered under attorney-client privilege.

The AG's advice was to not proceed. The AG's advice was that it was unconstitutional. The AG's advice was that it was "too cute by half."

This is not a close call. When then King County Councilmember Bob Ferguson saw the King County Council changing a qualified initiative before the voters had the chance to vote on it in 2004 he opined: *"I think we're swimming in shark-infested waters. I would advise against it."* (Source: The Seattle Times, July 20, 2004, Reporter: Keith Ervin)"

The Council ignored him last time and got sued and lost. Here, the Legislature has again ignored the AG's advice, and got sued again.

Here is a link to the Complaint: <https://www.documentcloud.org/documents/4406900-Eyman-Lawsuit-I-940.html>

It's also worth noting that *Eyman v Wyman* simply follows in the footsteps of this Olympian editorial: <http://www.theolympian.com/opinion/editorials/article204020019.html#storylink=cpy>

# EXHIBIT F



**Bob Ferguson**  
**ATTORNEY GENERAL OF WASHINGTON**

Administration Division  
PO Box 40100 • Olympia WA 98504-0100 • (360) 753-6200

March 26, 2018

The Honorable Kim Wyman  
Elections Division  
ATTN: Initiative and Referendum  
PO Box 40220  
Olympia, WA 98504-0220

Re: Initiative No. 976

Dear Secretary Wyman:

Pursuant to RCW 29A.72.060, we supply herewith the ballot title and ballot measure summary for Initiative No. 976 to the Legislature (an act relating to limiting state and local taxes, fees, and other charges relating to vehicles).

**BALLOT TITLE**

Statement of Subject: Initiative Measure No. 976 concerns motor vehicle taxes and fees.

Concise Description: This measure would repeal, reduce, or remove authority to impose certain vehicle taxes and fees; limit annual motor-vehicle-license fees to \$30, except voter-approved charges; and base vehicle taxes on Kelley Blue Book value.

Should this measure be enacted into law? Yes [ ] No [ ]

**BALLOT MEASURE SUMMARY**

This measure would repeal or remove authority to impose certain vehicle taxes and fees; limit state and local license fees to \$30 for motor vehicles weighing 10,000 pounds or less, except charges approved by voters after the measure's effective date; base vehicle taxes on Kelley Blue Book value; require regional transit authorities to retire bonds early where allowed; and either reduce or repeal taxes pledged to bonds depending on whether bonds are retired by 2020.

Sincerely,

*Jeff T. Enen*  
FOR

PETER B. GONICK  
Deputy Solicitor General  
(360) 753-6245

# EXHIBIT G

Initiative Measure No. 976, filed March 19, 2018

**BRING BACK OUR \$30 CAR TABS**

AN ACT Relating to limiting state and local taxes, fees, and other charges relating to vehicles; amending RCW 46.17.350, 46.17.355, 46.17.323, 82.08.020, 82.44.065, 81.104.140, and 81.104.160; adding a new section to chapter 46.17 RCW; adding a new section to chapter 82.44 RCW; adding a new section to chapter 81.112 RCW; creating new sections; repealing RCW 46.17.365, 46.68.415, 82.80.130, 82.80.140, 82.44.035, and 81.104.160; and providing an effective date.

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

**POLICIES AND PURPOSES**

NEW SECTION.     **Sec. 1.**     Voters have repeatedly approved initiatives limiting vehicle costs, yet politicians keep ignoring the voters' repeated, unambiguous mandate by imposing higher and

higher vehicle taxes and fees. It's not fair and it must stop. Without this follow-up ballot measure, vehicle costs will continue to skyrocket until vehicle charges are obscenely expensive, as they were prior to Initiative 695. This measure and each of its provisions limit state and local taxes, fees, and other charges relating to motor vehicles. This measure would limit annual motor vehicle license fees to \$30, except voter-approved charges, repeal and remove authority to impose certain vehicle taxes and charges; and base vehicle taxes on Kelley Blue Book rather than the dishonest, inaccurate, and artificially inflated manufacturer's suggested retail price (MRSP). Voters have repeatedly approved initiatives limiting vehicle costs. Politicians must learn to listen to the people.

**LIMITING ANNUAL MOTOR-VEHICLE-LICENSE FEES TO \$30,  
EXCEPT VOTER-APPROVED CHARGES**

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

(1) State and local motor vehicle license fees may not exceed \$30 per year for motor vehicles, regardless of year, value, make, or model.

(2) For the purposes of this section, "state and local motor vehicle license fees" means the general license tab fees paid annually for licensing motor vehicles, including but not limited to cars, sport utility vehicles, light trucks under RCW 46.17.355, motorcycles, and motor homes, and do not include charges approved by voters after the effective date of this section. This annual fee must be paid and collected annually and is due at the time of initial and renewal vehicle registration.

**Sec. 3.** RCW 46.17.350 and 2014 c 30 s 2 are each amended to read as follows:

(1) Before accepting an application for a vehicle registration, the department, county auditor or other agent, or subagent appointed

by the director shall require the applicant, unless specifically exempt, to pay the following vehicle license fee by vehicle type:

VEHICLE TYPE	INITIAL FEE	RENEWAL	DISTRIBUTED
		FEE	UNDER
(a) Auto stage, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(b) Camper	\$ 4.90	\$ 3.50	RCW 46.68.030
(c) Commercial trailer	\$	\$ 30.00	RCW 46.68.035
	( ( <del>34.00</del> ) )		
	<u>30.00</u>		
(d) For hire vehicle, six seats or less	\$ 30.00	\$ 30.00	RCW 46.68.030
(e) Mobile home (if registered)	\$ 30.00	\$ 30.00	RCW 46.68.030
(f) Moped	\$ 30.00	\$ 30.00	RCW 46.68.030
(g) Motor home	\$ 30.00	\$ 30.00	RCW 46.68.030
(h) Motorcycle	\$ 30.00	\$ 30.00	RCW 46.68.030
(i) Off-road vehicle	\$ 18.00	\$ 18.00	RCW 46.68.045
(j) Passenger car	\$ 30.00	\$ 30.00	RCW 46.68.030
(k) Private use single-axle trailer	\$ 15.00	\$ 15.00	RCW 46.68.035
(l) Snowmobile	\$	\$	RCW 46.68.350
	( ( <del>50.00</del> ) )	( ( <del>50.00</del> ) )	
	<u>30.00</u>	<u>30.00</u>	
(m) Snowmobile, vintage	\$ 12.00	\$ 12.00	RCW 46.68.350
(n) Sport utility vehicle	\$ 30.00	\$ 30.00	RCW 46.68.030
(o) Tow truck	\$ 30.00	\$ 30.00	RCW 46.68.030
(p) Trailer, over 2000 pounds	\$ 30.00	\$ 30.00	RCW 46.68.030
(q) Travel trailer	\$ 30.00	\$ 30.00	RCW 46.68.030
(r) Wheeled all-terrain vehicle, on-road use	\$ 12.00	\$ 12.00	RCW 46.09.540

(s) Wheeled all-terrain \$ 18.00 \$ 18.00 RCW 46.09.510

vehicle, off-road

use

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

**Sec. 4.** RCW 46.17.355 and 2015 3rd sp.s. c 44 s 201 are each amended to read as follows:

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

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$ 38.00	\$ 38.00
6,000 pounds	\$ 48.00	\$ 48.00
8,000 pounds	\$ 58.00	\$ 58.00
10,000 pounds	\$ 60.00	\$ 60.00
12,000 pounds	\$ 77.00	\$ 77.00
14,000 pounds	\$ 88.00	\$ 88.00
16,000 pounds	\$ 100.00	\$ 100.00
18,000 pounds	\$ 152.00	\$ 152.00
20,000 pounds	\$ 169.00	\$ 169.00
22,000 pounds	\$ 183.00	\$ 183.00
24,000 pounds	\$ 198.00	\$ 198.00
26,000 pounds	\$ 209.00	\$ 209.00
28,000 pounds	\$ 247.00	\$ 247.00
30,000 pounds	\$ 285.00	\$ 285.00
32,000 pounds	\$ 344.00	\$ 344.00
34,000 pounds	\$ 366.00	\$ 366.00
36,000 pounds	\$ 397.00	\$ 397.00
38,000 pounds	\$ 436.00	\$ 436.00

40,000 pounds	\$ 499.00	\$ 499.00
42,000 pounds	\$ 519.00	\$ 609.00
44,000 pounds	\$ 530.00	\$ 620.00
46,000 pounds	\$ 570.00	\$ 660.00
48,000 pounds	\$ 594.00	\$ 684.00
50,000 pounds	\$ 645.00	\$ 735.00
52,000 pounds	\$ 678.00	\$ 768.00
54,000 pounds	\$ 732.00	\$ 822.00
56,000 pounds	\$ 773.00	\$ 863.00
58,000 pounds	\$ 804.00	\$ 894.00
60,000 pounds	\$ 857.00	\$ 947.00
62,000 pounds	\$ 919.00	\$ 1,009.00
64,000 pounds	\$ 939.00	\$ 1,029.00
66,000 pounds	\$ 1,046.00	\$ 1,136.00
68,000 pounds	\$ 1,091.00	\$ 1,181.00
70,000 pounds	\$ 1,175.00	\$ 1,265.00
72,000 pounds	\$ 1,257.00	\$ 1,347.00
74,000 pounds	\$ 1,366.00	\$ 1,456.00
76,000 pounds	\$ 1,476.00	\$ 1,566.00
78,000 pounds	\$ 1,612.00	\$ 1,702.00
80,000 pounds	\$ 1,740.00	\$ 1,830.00
82,000 pounds	\$ 1,861.00	\$ 1,951.00
84,000 pounds	\$ 1,981.00	\$ 2,071.00
86,000 pounds	\$ 2,102.00	\$ 2,192.00
88,000 pounds	\$ 2,223.00	\$ 2,313.00
90,000 pounds	\$ 2,344.00	\$ 2,434.00
92,000 pounds	\$ 2,464.00	\$ 2,554.00
94,000 pounds	\$ 2,585.00	\$ 2,675.00
96,000 pounds	\$ 2,706.00	\$ 2,796.00
98,000 pounds	\$ 2,827.00	\$ 2,917.00
100,000 pounds	\$ 2,947.00	\$ 3,037.00
102,000 pounds	\$ 3,068.00	\$ 3,158.00
104,000 pounds	\$ 3,189.00	\$ 3,279.00
105,500 pounds	\$ 3,310.00	\$ 3,400.00

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

WEIGHT	SCHEDULE A	SCHEDULE B
4,000 pounds	\$ ( <del>53.00</del> ) <u>30.00</u>	\$ ( <del>53.00</del> ) <u>30.00</u>
6,000 pounds	\$ ( <del>73.00</del> ) <u>30.00</u>	\$ ( <del>73.00</del> ) <u>30.00</u>
8,000 pounds	\$ ( <del>93.00</del> ) <u>30.00</u>	\$ ( <del>93.00</del> ) <u>30.00</u>
10,000 pounds	\$ ( <del>93.00</del> ) <u>30.00</u>	\$ ( <del>93.00</del> ) <u>30.00</u>
12,000 pounds	\$ 81.00	\$ 81.00
14,000 pounds	\$ 88.00	\$ 88.00
16,000 pounds	\$ 100.00	\$ 100.00
18,000 pounds	\$ 152.00	\$ 152.00
20,000 pounds	\$ 169.00	\$ 169.00
22,000 pounds	\$ 183.00	\$ 183.00
24,000 pounds	\$ 198.00	\$ 198.00
26,000 pounds	\$ 209.00	\$ 209.00
28,000 pounds	\$ 247.00	\$ 247.00
30,000 pounds	\$ 285.00	\$ 285.00
32,000 pounds	\$ 344.00	\$ 344.00
34,000 pounds	\$ 366.00	\$ 366.00
36,000 pounds	\$ 397.00	\$ 397.00
38,000 pounds	\$ 436.00	\$ 436.00
40,000 pounds	\$ 499.00	\$ 499.00
42,000 pounds	\$ 519.00	\$ 609.00
44,000 pounds	\$ 530.00	\$ 620.00
46,000 pounds	\$ 570.00	\$ 660.00
48,000 pounds	\$ 594.00	\$ 684.00
50,000 pounds	\$ 645.00	\$ 735.00
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64,000 pounds	\$ 939.00	\$ 1,029.00
66,000 pounds	\$ 1,046.00	\$ 1,136.00
68,000 pounds	\$ 1,091.00	\$ 1,181.00
70,000 pounds	\$ 1,175.00	\$ 1,265.00
72,000 pounds	\$ 1,257.00	\$ 1,347.00
74,000 pounds	\$ 1,366.00	\$ 1,456.00
76,000 pounds	\$ 1,476.00	\$ 1,566.00
78,000 pounds	\$ 1,612.00	\$ 1,702.00
80,000 pounds	\$ 1,740.00	\$ 1,830.00
82,000 pounds	\$ 1,861.00	\$ 1,951.00
84,000 pounds	\$ 1,981.00	\$ 2,071.00
86,000 pounds	\$ 2,102.00	\$ 2,192.00
88,000 pounds	\$ 2,223.00	\$ 2,313.00
90,000 pounds	\$ 2,344.00	\$ 2,434.00
92,000 pounds	\$ 2,464.00	\$ 2,554.00
94,000 pounds	\$ 2,585.00	\$ 2,675.00
96,000 pounds	\$ 2,706.00	\$ 2,796.00
98,000 pounds	\$ 2,827.00	\$ 2,917.00
100,000 pounds	\$ 2,947.00	\$ 3,037.00
102,000 pounds	\$ 3,068.00	\$ 3,158.00
104,000 pounds	\$ 3,189.00	\$ 3,279.00
105,500 pounds	\$ 3,310.00	\$ 3,400.00

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

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

(4) The license fees provided in subsection (1) of this section and the freight project fee provided in subsection (~~((6))~~) (7) of this section are in addition to the filing fee required under RCW 46.17.005 and any other fee or tax required by law.

(5) The license fees provided in subsection (1) of this section for light trucks weighing 10,000 pounds or less are limited to \$30.

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

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

~~((+7))~~ (8) For vehicle registrations that are due or become due on or after July 1, 2022, in addition to the license fee based on declared gross weight as provided in subsection (1) of this section, the department, county auditor or other agent, or subagent appointed by the director must require an applicant with a vehicle with a declared gross weight of less than or equal to 12,000 pounds, unless specifically exempt, to pay an additional weight fee of ten dollars, which must be distributed under RCW 46.68.035.

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

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

~~hundred thirty dollar))~~ \$30 fee is due only at the time of annual registration renewal.

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

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

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

~~((i))~~ (a) Seventy percent to the motor vehicle fund created in RCW 46.68.070;

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

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

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

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

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

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

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

**REPEAL AND REMOVE AUTHORITY TO IMPOSE  
CERTAIN VEHICLE TAXES AND CHARGES**

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

(1) RCW 46.17.365 (Motor vehicle weight fee—Motor home vehicle weight fee) and 2015 3rd sp.s. c 44 s 202 & 2010 c 161 s 533;

(2) RCW 46.68.415 (Motor vehicle weight fee, motor home vehicle weight fee—Disposition) and 2010 c 161 s 813;

(3) RCW 82.80.130 (Passenger-only ferry service—Local option motor vehicle excise tax authorized) and 2010 c 161 s 916, 2006 c 318 s 4, & 2003 c 83 s 206; and

(4) RCW 82.80.140 (Vehicle fee—Transportation benefit district—Exemptions) and 2015 3rd sp.s. c 44 s 310, 2010 c 161 s 917, 2007 c 329 s 2, & 2005 c 336 s 16.

**Sec. 7.** RCW 82.08.020 and 2014 c 140 s 12 are each amended to read as follows:

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

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

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

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

(d) Extended warranties to consumers; and

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

(2) There is levied and collected an additional tax on each retail car rental, regardless of whether the vehicle is licensed in this state, equal to five and nine-tenths percent of the selling price. The revenue collected under this subsection must be deposited in the multimodal transportation account created in RCW 47.66.070.

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

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

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

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

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

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

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

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

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

**BASE VEHICLE TAXES USING KELLEY BLUE BOOK VALUE**

NEW SECTION. **Sec. 8.** A new section is added to chapter 82.44 RCW to read as follows:

(1) BASE VEHICLE TAXES USING KELLEY BLUE BOOK VALUE. Any motor vehicle excise tax must be calculated in an honest and accurate way so the burden on vehicle owners is not artificially inflated. For the purpose of determining a vehicle tax, a taxing district imposing a vehicle tax must set a vehicle's taxable value at the vehicle's base model Kelley Blue book value. This ensures an honest and accurate calculation of the tax and, combined with the appeal process in RCW 82.44.065, ensures that vehicle owners are taxed on their vehicle's market value.

(2) For the purpose of determining a tax under this chapter, the value of a truck-type power or trailing unit, or motor vehicle, including a passenger vehicle, motorcycle, motor home, sport utility vehicle, or light duty truck is the base model Kelley Blue book value of the vehicle, excluding applicable federal excise taxes, state and local sales or use taxes, transportation or shipping costs, or preparatory or delivery costs.

**Sec. 9.** RCW 82.44.065 and 2010 c 161 s 912 each amended to read as follows:

If the department determines a value for a vehicle (~~(equivalent to a manufacturer's base suggested retail price or the value of a truck or trailer under RCW 82.44.035)~~) under section 8 of this act, any person who pays a state or locally imposed tax for that vehicle may appeal the valuation to the department under chapter 34.05 RCW. If the taxpayer is successful on appeal, the department shall refund the excess tax in the manner provided in RCW 82.44.120. Using Kelley Blue Book value ensures an honest and accurate calculation.

NEW SECTION. **Sec. 10.** RCW 81.104.140 and 2015 3rd sp.s. c 44 s 318 are each amended to read as follows:

(1) Agencies authorized to provide high capacity transportation service, including transit agencies and regional transit authorities, and regional transportation investment districts acting

with the agreement of an agency, are hereby granted dedicated funding sources for such systems. These dedicated funding sources, as set forth in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, are authorized only for agencies located in (a) each county with a population of two hundred ten thousand or more and (b) each county with a population of from one hundred twenty-five thousand to less than two hundred ten thousand except for those counties that do not border a county with a population as described under (a) of this subsection. In any county with a population of one million or more or in any county having a population of four hundred thousand or more bordering a county with a population of one million or more, these funding sources may be imposed only by a regional transit authority or a regional transportation investment district. Regional transportation investment districts may, with the approval of the regional transit authority within its boundaries, impose the taxes authorized under this chapter, but only upon approval of the voters and to the extent that the maximum amount of taxes authorized under this chapter have not been imposed.

(2) Agencies planning to construct and operate a high capacity transportation system should also seek other funds, including federal, state, local, and private sector assistance.

(3) Funding sources should satisfy each of the following criteria to the greatest extent possible:

- (a) Acceptability;
- (b) Ease of administration;
- (c) Equity;
- (d) Implementation feasibility;
- (e) Revenue reliability; and
- (f) Revenue yield.

(4) (a) Agencies participating in regional high capacity transportation system development are authorized to levy and collect the following voter-approved local option funding sources:

(i) Employer tax as provided in RCW 81.104.150, other than by regional transportation investment districts;

- (ii) ~~((Special motor vehicle excise tax as provided in RCW~~

~~81.104.160;~~

~~(iii))~~ Regular property tax as provided in 81.104.175; and  
~~((iv))~~ (iii) Sales and use tax as provided in RCW 81.104.170.

(b) Revenues from these taxes may be used only to support those purposes prescribed in subsection (10) of this section. Before the date of an election authorizing an agency to impose any of the taxes enumerated in this section and authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175, the agency must comply with the process prescribed in RCW 81.104.100 (1) and (2) and 81.104.110. No construction on exclusive right-of-way may occur before the requirements of RCW 81.104.100(3) are met.

(5) Except for the regular property tax authorized in 81.104.175, the authorization in subsection (4) of this section may not adversely affect the funding authority of transit agencies not provided for in this chapter. Local option funds may be used to support implementation of interlocal agreements with respect to the establishment of regional high capacity transportation service. Except when a regional transit authority exists, local jurisdictions must retain control over moneys generated within their boundaries, although funds may be commingled with those generated in other areas for planning, construction, and operation of high capacity transportation systems as set forth in the agreements.

(6) Except for the regular property tax authorized in 81.104.175, agencies planning to construct and operate high capacity transportation systems may contract with the state for collection and transference of voter-approved local option revenue.

(7) Dedicated high capacity transportation funding sources authorized in RCW 81.104.150, 81.104.160, 81.104.170, and 81.104.175 are subject to voter approval by a simple majority. A single ballot proposition may seek approval for one or more of the authorized taxing sources. The ballot title must reference the document identified in subsection (8) of this section.

(8) Agencies must provide to the registered voters in the area a document describing the systems plan and the financing plan set forth in RCW 81.104.100. It must also describe the relationship of

the system to regional issues such as development density at station locations and activity centers, and the interrelationship of the system to adopted land use and transportation demand management goals within the region. This document must be provided to the voters at least twenty days prior to the date of the election.

(9) For any election in which voter approval is sought for a high capacity transportation system plan and financing plan pursuant to RCW 81.104.040, a local voter's pamphlet must be produced as provided in chapter 29A.32 RCW.

(10) (a) Agencies providing high capacity transportation service must retain responsibility for revenue encumbrance, disbursement, and bonding. Funds may be used for any purpose relating to planning, construction, and operation of high capacity transportation systems and commuter rail systems, personal rapid transit, busways, bus sets, and entrained and linked buses.

(b) A regional transit authority that (~~imposes a motor vehicle excise tax after the effective date of this section,~~) imposes a property tax((~~7~~)) or increases a sales and use tax to more than nine-tenths of one percent must undertake a process in which the authority's board formally considers inclusion of the name, Scott White, in the naming convention associated with either the University of Washington or Roosevelt stations.

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

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

(2) RCW 81.104.160 (Motor vehicle excise tax for regional transit authorities---Sales and use tax on car rentals---Former motor vehicle excise tax repealed) and 2015 3rd sp.s. c 44 s 319, 2010 c 161 s 903, 2009 c 280 s 4, 2003 c 1 s 6 (Initiative Measure No. 776, approved November 5, 2002), & 1998 c 321 s 35 (Referendum Bill No. 49, approved November 3, 1998).

NEW SECTION. **Sec. 12.** A new section is added to chapter 81.112 RCW to read as follows:

In order to effectuate the policies, purposes, and intent of this act and to ensure that the motor vehicle excise taxes repealed by this act are no longer imposed or collected, an authority that imposes a motor vehicle excise tax under RCW 81.104.160 must fully retire, defease, or refinance any outstanding bonds issued under this chapter if:

(1) Any revenue collected prior to the effective date of this section from the motor vehicle excise tax imposed under RCW 81.104.160 has been pledged to such bonds; and

(2) The bonds, by virtue of the terms of the bond contract, covenants, or similar terms, may be retired or defeased early or refinanced.

**Sec. 13.** RCW 81.104.160 and 2015 3rd sp.s. c 44 s 319 are each amended to read as follows:

(1) Regional transit authorities that include a county with a population of more than one million five hundred thousand may submit an authorizing proposition to the voters, and if approved, may levy and collect an excise tax, at a rate approved by the voters, but not exceeding (~~eight-tenths~~) two-tenths of one percent on the value, under chapter 82.44 RCW, of every motor vehicle owned by a resident of the taxing district, solely for the purpose of providing high capacity transportation service. The maximum tax rate under this subsection does not include a motor vehicle excise tax approved before the effective date of this section if the tax will terminate on the date bond debt to which the tax is pledged is repaid. This tax does not apply to vehicles licensed under RCW 46.16A.455 except vehicles with an unladen weight of six thousand pounds or less, RCW 46.16A.425 or 46.17.335(2). Notwithstanding any other provision of this subsection or chapter 82.44 RCW, a motor vehicle excise tax imposed by a regional transit authority before or after the effective date of this section must comply with chapter 82.44 RCW as it existed on January 1, 1996, until December 31st of the year in

which the regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before the effective date of this section. Motor vehicle taxes collected by regional transit authorities after December 31st of the year in which a regional transit authority repays bond debt to which a motor vehicle excise tax was pledged before the effective date of this section must comply with chapter 82.44 RCW as it existed on the date the tax was approved by voters.

(2) An agency and high capacity transportation corridor area may impose a sales and use tax solely for the purpose of providing high capacity transportation service, in addition to the tax authorized by RCW 82.14.030, upon retail car rentals within the applicable jurisdiction that are taxable by the state under chapters 82.08 and 82.12 RCW. The rate of tax may not exceed 2.172 percent. The rate of tax imposed under this subsection must bear the same ratio of the 2.172 percent authorized that the rate imposed under subsection (1) of this section bears to the rate authorized under subsection (1) of this section. The base of the tax is the selling price in the case of a sales tax or the rental value of the vehicle used in the case of a use tax.

(3) Any motor vehicle excise tax previously imposed under the provisions of RCW 81.104.160(1) shall be repealed, terminated, and expire on December 5, 2002, except for a motor vehicle excise tax for which revenues have been contractually pledged to repay a bonded debt issued before December 5, 2002, as determined by *Pierce County et al. v. State*, 159 Wn.2d 16, 148 P.3d 1002 (2006). In the case of bonds that were previously issued, the motor vehicle excise tax must comply with chapter 82.44 RCW as it existed on January 1, 1996.

(4) If a regional transit authority imposes the tax authorized under subsection (1) of this section, the authority may not receive any state grant funds provided in an omnibus transportation appropriations act except transit coordination grants created in chapter 11, Laws of 2015 3rd sp. sess.

NEW SECTION. **Sec. 14.** CONSTRUCTION CLAUSE. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 15.** SEVERABILITY CLAUSE. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 16.** EFFECTIVE DATE. (1) Sections 10 and 11 of this act take effect on the date that the regional transit authority complies with section 12 of this act and retires, defeases, or refinances its outstanding bonds.

(2) Section 13 takes effect April 1, 2020, if sections 10 and 11 of this act have not taken effect by March 31, 2020.

(3) The regional transit authority must provide written notice of the effective dates of sections 10, 11, and 13 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the regional transit authority.

NEW SECTION. **Sec. 17.** TITLE. This act is known and may be cited as "Bring Back Our \$30 Car Tabs."

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