
HOUSE BILL 2186

State of Washington 64th Legislature 2015 Regular Session

By Representatives Walkinshaw, Fitzgibbon, Farrell, and Fey

Read first time 03/03/15. Referred to Committee on Transportation.

1 AN ACT Relating to establishing a tax for the provision of
2 nonresidential parking facilities; amending RCW 36.120.050 and
3 82.80.070; adding a new section to chapter 82.80 RCW; and providing
4 an effective date.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.80
7 RCW to read as follows:

8 (1) Subject to the conditions of this section, the legislative
9 authority of a county, city, or district may fix and impose a tax on
10 the provision of nonresidential parking facilities. A city or county
11 may impose the tax only to the extent that it has not been imposed by
12 the district, and a district may impose the tax only to the extent
13 that it has not been imposed by a city or county. The jurisdiction of
14 a county, for purposes of this section, includes only the
15 unincorporated area of the county. The jurisdiction of a city or
16 district includes only the area within its boundaries.

17 (2) The measure of tax under this section may be the gross
18 proceeds from the provision of the nonresidential parking facility,
19 the total surface area of the nonresidential parking facility, or the
20 number of vehicle stalls of the nonresidential parking facility. The
21 tax rate may vary with zoning or location of the facility, the

1 duration of the parking, the time of entry or exit, the type or use
2 of the vehicle, or other reasonable factors.

3 (3) A county, city, or district levying the tax authorized in
4 this section may provide for its payment on a monthly, quarterly, or
5 annual basis. Each local government may develop by ordinance or
6 resolution rules for administering the tax, including provisions for
7 reporting by parking facility providers, for collection, and for
8 enforcement.

9 (4) The proceeds of the tax fixed and imposed by a city or county
10 under this section must be used for transportation purposes in
11 accordance with RCW 82.80.070. The proceeds of the tax imposed by a
12 district must be used as provided in chapter 36.120 RCW.

13 (5) A county, city, or district that imposes the tax authorized
14 in this section must allow an operator of a business engaged in the
15 retail sale or rental of motor vehicles a deduction from the measure
16 of tax for the portion directly attributable to its parking
17 facilities used for retail stock or display.

18 (6) A county, city, or district that imposes the tax authorized
19 in this section must allow a credit against tax due for any tax paid
20 under RCW 82.80.030 (1) or (2) with respect to the same
21 nonresidential parking facility for the same reporting period.

22 (7) For the purposes of this section:

23 (a) "Facility" means real property, whether improved or not.

24 (b) "Nonresidential parking facility" means any privately owned,
25 off-street facility designed or intended principally for the purpose
26 of motor vehicle parking. "Nonresidential parking facility" excludes
27 a facility owned by the owner of a residence for the use of the
28 residents.

29 (c) "Provision of nonresidential parking facility" means making
30 available a nonresidential parking facility, whether for a fee or
31 not.

32 **Sec. 2.** RCW 36.120.050 and 2008 c 122 s 16 are each amended to
33 read as follows:

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

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

6 (b) A local option vehicle license fee, as specified under RCW
7 82.80.100, of up to one hundred dollars per vehicle registered in the
8 district. As used in this subsection, "vehicle" means motor vehicle
9 as defined in RCW 46.04.320. Certain classes of vehicles, as defined
10 under chapter 46.04 RCW, may be exempted from this fee;

11 (c) A parking tax under RCW 82.80.030 or section 1 of this act;

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

13 (e) A local option fuel tax under RCW 82.80.120;

14 (f) An employer excise tax under RCW 81.100.030; and

15 (g) Vehicle tolls on new or reconstructed local or regional
16 arterials or state routes within the boundaries of the district, if
17 the following conditions are met:

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

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

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

29 (iv) Unless otherwise specified by law, the department shall
30 administer the collection of vehicle tolls on designated facilities,
31 and the state transportation commission, or its successor, shall be
32 the tolling authority, and shall act in accordance with RCW
33 47.56.850.

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

1 appropriate entities for administration and collection of any of the
2 taxes or fees authorized in this section.

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

6 **Sec. 3.** RCW 82.80.070 and 2005 c 319 s 139 are each amended to
7 read as follows:

8 (1) The proceeds collected pursuant to the exercise of the local
9 option authority of RCW 82.80.010, 82.80.030, ~~((and))~~ 82.80.050, and
10 section 1 of this act (hereafter called "local option transportation
11 revenues") shall be used for transportation purposes only, including
12 but not limited to the following: The operation and preservation of
13 roads, streets, and other transportation improvements; new
14 construction, reconstruction, and expansion of city streets, county
15 roads, and state highways and other transportation improvements;
16 development and implementation of public transportation and high
17 capacity transit improvements and programs; and planning, design, and
18 acquisition of right-of-way and sites for such transportation
19 purposes. The proceeds collected from excise taxes on the sale,
20 distribution, or use of motor vehicle fuel and special fuel under RCW
21 82.80.010 shall be used exclusively for "highway purposes" as that
22 term is construed in Article II, section 40 of the state
23 Constitution.

24 (2) The local option transportation revenues shall be expended
25 for transportation uses consistent with the adopted transportation
26 and land use plans of the jurisdiction expending the funds and
27 consistent with any applicable and adopted regional transportation
28 plan for metropolitan planning areas.

29 (3) Each local government with a population greater than eight
30 thousand that levies or expends local option transportation funds, is
31 also required to develop and adopt a specific transportation program
32 that contains the following elements:

33 (a) The program shall identify the geographic boundaries of the
34 entire area or areas within which local option transportation
35 revenues will be levied and expended.

36 (b) The program shall be based on an adopted transportation plan
37 for the geographic areas covered and shall identify the proposed
38 operation and construction of transportation improvements and
39 services in the designated plan area intended to be funded in whole

1 or in part by local option transportation revenues and shall identify
2 the annual costs applicable to the program.

3 (c) The program shall indicate how the local transportation plan
4 is coordinated with applicable transportation plans for the region
5 and for adjacent jurisdictions.

6 (d) The program shall include at least a six-year funding plan,
7 updated annually, identifying the specific public and private sources
8 and amounts of revenue necessary to fund the program. The program
9 shall include a proposed schedule for construction of projects and
10 expenditure of revenues. The funding plan shall consider the
11 additional local tax revenue estimated to be generated by new
12 development within the plan area if all or a portion of the
13 additional revenue is proposed to be earmarked as future
14 appropriations for transportation improvements in the program.

15 (4) Local governments with a population greater than eight
16 thousand exercising the authority for local option transportation
17 funds shall periodically review and update their transportation
18 program to ensure that it is consistent with applicable local and
19 regional transportation and land use plans and within the means of
20 estimated public and private revenue available.

21 (5) In the case of expenditure for new or expanded transportation
22 facilities, improvements, and services, priorities in the use of
23 local option transportation revenues shall be identified in the
24 transportation program and expenditures shall be made based upon the
25 following criteria, which are stated in descending order of weight to
26 be attributed:

27 (a) First, the project serves a multijurisdictional function;

28 (b) Second, it is necessitated by existing or reasonably
29 foreseeable congestion;

30 (c) Third, it has the greatest person-carrying capacity;

31 (d) Fourth, it is partially funded by other government funds,
32 such as from the state transportation improvement board, or by
33 private sector contributions, such as those from the local
34 transportation act, chapter 39.92 RCW; and

35 (e) Fifth, it meets such other criteria as the local government
36 determines is appropriate.

37 (6) It is the intent of the legislature that as a condition of
38 levying, receiving, and expending local option transportation
39 revenues, no local government agency use the revenues to replace,

1 divert, or loan any revenues currently being used for transportation
2 purposes to nontransportation purposes.

3 (7) Local governments are encouraged to enter into interlocal
4 agreements to jointly develop and adopt with other local governments
5 the transportation programs required by this section for the purpose
6 of accomplishing regional transportation planning and development.

7 (8) Local governments may use all or a part of the local option
8 transportation revenues for the amortization of local government
9 general obligation and revenue bonds issued for transportation
10 purposes consistent with the requirements of this section.

11 (9) Subsections (1) through (8) of this section do not apply to a
12 regional transportation investment district imposing a tax or fee
13 under the local option authority of this chapter. Proceeds collected
14 under the exercise of local option authority under this chapter by a
15 district must be used in accordance with chapter 36.120 RCW.

16 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2016.

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