

## CHAPTER 7.

[ S. B. 4. ]

MOTOR VEHICLE EXCISE TAXES AND FEES—  
PUGET SOUND RESERVE ACCOUNT.

AN ACT Relating to revenue and taxation; increasing the motor vehicle fuel tax, the use fuel tax and motor vehicle license fees, gross weight fees, fees in lieu of gross weight fees, seating capacity fees, providing for the distribution of said revenues; establishing an urban aid account in the motor vehicle fund; establishing a Puget Sound reserve account; providing for the use of the urban aid account and the Puget Sound reserve account; authorizing investment of the Puget Sount reserve account; amending section 82.36.020, chapter 15, Laws of 1961 and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 and RCW 82.36.100; amending section 82.40.020, chapter 15, Laws of 1961 and RCW 82.40.020; amending section 82.40.290, chapter 15, Laws of 1961 and RCW 82.40.290; amending section 46.68.090, chapter 12, Laws of 1961 and RCW 46.68.090; amending section 46.68.100, chapter 12, Laws of 1961 and RCW 46.68.100; amending section 46.68.110, chapter 12, Laws of 1961 and RCW 46.68.110; amending section 46.68.130, chapter 12, Laws of 1961 and RCW 46.68.130; amending section 46.16.060, chapter 12, Laws of 1961 and RCW 46.16.060; amending section 46.16.065, chapter 12, Laws of 1961 and RCW 46.16.065; amending section 46.16.070, chapter 12, Laws of 1961 and RCW 46.16.070; amending section 46.16.072, chapter 12, Laws of 1961 and RCW 46.16.072; amending section 46.16.120, chapter 12, Laws of 1961 and RCW 46.16.120; amending section 46.44.095, chapter 12, Laws of 1961 and RCW 46.44.095; amending section 46.68.030, chapter 12, Laws of 1961 and RCW 46.68.030; adding a new section to chapter 46.16 RCW; adding a new section to chapter 46.44 RCW; repealing section 46.16.067, chapter 12, Laws of 1961 and RCW 46.16.067; repealing section 46.16.074, chapter 12, Laws of 1961 and RCW 46.16.074; repealing section 47.65.010, chapter 13, Laws of 1961 and RCW 47.65.010; repealing section 47.65.020, chapter 13, Laws of 1961 and RCW 47.65.020; repealing section 47.65.050, chapter 13, Laws of 1961 and RCW 47.65.050; repealing section 47.65.110, chapter 13, Laws of 1961 and RCW 47.65.110; providing effective dates; and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 82.36.020, chapter 15, Laws of

RCW 82.36.020  
amended.

1961 and RCW 82.36.020 are each amended to read as follows:

Motor vehicle  
fuel tax.  
Imposed—Rate  
—Allocation  
of proceeds.

Every distributor shall pay, in addition to any other taxes provided by law, an excise tax to the director of seven and one-half cents for each gallon of motor vehicle fuel sold, distributed, or used by him in the state as well as on each gallon upon which he has assumed liability for payment of the tax under the provisions of RCW 82.36.100; *Provided*, That under such regulations as the director may prescribe sales or distribution of motor vehicle fuel may be made by one licensed distributor to another licensed distributor free of the tax. In the computation of the tax, one-quarter of one percent of the net gallonage otherwise taxable shall be deducted by the distributor before computing the tax due, on account of the losses sustained through handling. The tax herein imposed shall be collected and paid to the state but once in respect to any motor vehicle fuel. An invoice shall be rendered by a distributor to a purchaser for each distribution of motor vehicle fuel. The invoice shall contain a statement that the distributor has assumed the tax thereon. The proceeds of the net gallonage remaining after deduction of one-quarter of one percent as herein provided shall be distributed as follows: Of the seven and one-half cents collected as herein provided, six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, and one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68-.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by section 18 of this amendatory act of 1961, and one-half cent shall be distributed to the cities and towns directly and allocated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are

attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

SEC. 2. Section 82.36.100, chapter 15, Laws of 1961 and RCW 82.36.100 are each amended to read as follows:

RCW 82.36.100 amended.

Every person other than a distributor who acquires any motor vehicle fuel within this state upon which payment of tax is required under the provisions of this chapter, or imports such motor vehicle fuel into this state and sells, distributes, or in any manner uses it in this state shall, if the tax has not been paid, apply for a license to carry on such activities, file bond, make reports, comply with all regulations the director may prescribe in respect thereto, and pay a tax of seven and one-half cents for each gallon thereof so sold, distributed, or used in the manner provided for distributors, and the director shall issue a license to such person in the manner provided for issuance of licenses to distributors. The proceeds of the tax imposed by this section shall be distributed in the manner provided for the distribution of the motor vehicle fuel tax in RCW 82.36.020. However, a distributor licensed under the provisions of this chapter may deliver motor vehicle fuel to an importer in individual quantities of five hundred gallons or less and assume the liability for payment of the tax to this state.

Tax required of persons not classed as distributors—Duties—Procedure—Penalties.

Under such conditions, the importer shall be exempt from the requirements of this section. For failure to comply with the terms of this chapter such person shall be subject to the same penalties imposed upon distributors. The director shall pursue against such persons the same procedure and remedies for audits, adjustments, collection, and enforcement of this chapter as is provided with respect to distributors. Nothing herein shall be construed as classifying such persons as distributors.

RCW 82.40.020 amended.

SEC. 3. Section 82.40.020, chapter 15, Laws of 1961 and RCW 82.40.020 are each amended to read as follows:

Use fuel tax. Imposed—Rate.

In addition to other taxes now provided by law, there is hereby imposed and levied an excise tax at the rate of seven and one-half cents per gallon on the use of fuel by any user thereof.

RCW 82.40.290 amended.

SEC. 4. Section 82.40.290, chapter 15, Laws of 1961 and RCW 82.40.290 are each amended to read as follows:

Revenue to motor vehicle fund—Distribution.

All moneys collected by the director shall be transmitted forthwith to the state treasurer, together with a statement showing whence the moneys were derived, and shall be by him credited to the motor vehicle fund. A duplicate of such statement shall be sent to the state auditor.

The proceeds of the use fuel tax imposed by chapter 82.40 RCW shall be distributed as follows: Of the seven and one-half cents collected, six and one-half cents shall be distributed between the state, cities and counties under the provisions of RCW 46.68.090 and 46.68.100, one-quarter cent shall be distributed to the state and expended pursuant to RCW 46.68.130, one-quarter cent shall be paid into the motor vehicle fund and credited to the Puget Sound reserve account created by section 18 of this amendatory act of 1961, and one-half cent shall be distributed to the cities and towns directly and allo-

cated between them as provided by RCW 46.68.110: *Provided*, That the funds allocated to a city or town which are attributable to such one-half cent of the additional tax imposed by this 1961 amendatory act shall be matched twenty-five percent by such city or town and seventy-five percent from the proceeds of such one-half cent of additional tax: *And provided further*, That the proceeds of such one-half cent of additional tax and the matching funds provided by such city or town shall be used exclusively for the construction, improvement and repair of arterial highways as that term is defined in RCW 46.04.030. All such sums shall first be subject to proper deductions for refunds and costs of collection as provided in RCW 46.68.090.

SEC. 5. Section 46.68.090, chapter 12, Laws of 1961 and RCW 46.68.090 are each amended to read as follows:

RCW 46.68.090 amended.

All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and use fuel tax shall be first expended for the following purposes:

Motor vehicle fund "net tax amount," how arrived at.

(1) For payment of refunds of motor vehicle fuel tax and use fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses of the state of Washington in the administration of the motor vehicle fuel tax and the use fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the use fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount."

RCW 46.68.100 amended.

SEC. 6. Section 46.68.100, chapter 12, Laws of 1961 and RCW 46.68.100 are each amended to read as follows:

Allocation of net tax amount in motor vehicle fund.

From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

- (1) To the cities and towns of the state sums equal to eleven and two-tenths percent of the net tax amount to be paid monthly as the same accrues;
- (2) To the counties of the state sums equal to thirty-five percent of the net tax amount to be paid monthly as the same accrues;
- (3) To the state to be expended as provided by RCW 46.68.130, sums equal to fifty-three and eight-tenths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle funds.

RCW 46.68.110 amended.

SEC. 7. Section 46.68.110, chapter 12, Laws of 1961 and RCW 46.68.110 are each amended to read as follows:

Distribution of amount allocated to cities and towns.

Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

- (1) Three-fourths of one percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the state highway commission for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the incorporated cities and towns in proportion to deductions herein made;
- (2) The balance remaining to the credit of in-

corporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the state census board.

SEC. 8. Section 46.68.130, chapter 12, Laws of 1961 and RCW 46.68.130 are each amended to read as follows:

RCW 46.68.130 amended.

The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are credited to the state patrol highway account and such sums expended pursuant to proper appropriation for costs of collection and administration thereof, shall be expended by the department of highways, subject to proper appropriation and reappropriation, for state highways and other proper department of highways purposes. Any moneys which shall be deposited in the state patrol highway account which are not appropriated for use by the Washington state patrol or if appropriated shall remain unexpended after the end of the ensuing fiscal biennium shall accrue to the motor vehicle fund for expenditure by the department of highways for highway purposes.

Expenditure of balance of motor vehicle fund.

SEC. 9. Section 46.16.060, chapter 12, Laws of 1961 and RCW 46.16.060 are each amended to read as follows:

RCW 46.16.060 amended.

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of six dollars and ninety cents: *Provided, however,* That the fee for licensing each house moving dollie which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44, shall be twenty-five dollars.

Vehicle license fee, general  
—House moving dollies.

RCW 46.16.065 amended.

SEC. 10. Section 46.16.065, chapter 12, Laws of 1961 and RCW 46.16.065 are each amended to read as follows:

Small trailer license fee —Conditions.

In lieu of the fee provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed for the sum of three dollars and twenty-five cents, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public.

RCW 46.16.070 amended.

SEC. 11. Section 46.16.070, chapter 12, Laws of 1961 and RCW 46.16.070 are each amended to read as follows:

Gross license fees on trucks.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck and truck tractor based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trucks or truck tractors shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

Up to 4,000 lbs. . . . .	\$ 5.00
4,000 lbs. or more and less than 6,000 lbs. . . . .	\$ 10.00
6,000 lbs. or more and less than 8,000 lbs. . . . .	\$ 17.50
8,000 lbs. or more and less than 10,000 lbs. . . . .	\$ 22.50
10,000 lbs. or more and less than 12,000 lbs. . . . .	\$ 29.50
12,000 lbs. or more and less than 14,000 lbs. . . . .	\$ 36.50
14,000 lbs. or more and less than 16,000 lbs. . . . .	\$ 43.50
16,000 lbs. or more and less than 18,000 lbs. . . . .	\$ 62.50
18,000 lbs. or more and less than 20,000 lbs. . . . .	\$ 85.00
20,000 lbs. or more and less than 22,000 lbs. . . . .	\$110.00
22,000 lbs. or more and less than 24,000 lbs. . . . .	\$145.00
24,000 lbs. or more and less than 26,000 lbs. . . . .	\$180.00



26,000 lbs. or more and less than 28,000 lbs.....	\$220.00
28,000 lbs. or more and less than 30,000 lbs.....	\$260.00
30,000 lbs. or more and less than 32,000 lbs.....	\$305.00
32,000 lbs. or more and less than 34,000 lbs.....	\$340.00
34,000 lbs. or more and less than 36,000 lbs.....	\$395.00

SEC. 12. Section 46.16.072, Laws of 1961 and RCW 46.16.072 are each amended to read as follows: RCW 46.16.072 amended.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each trailer, semitrailer and pole trailer based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trailers, semitrailers and pole trailers shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040: Gross weight fees on trailers.

Up to 4,000 lbs. ....	\$ 5.00
4,000 lbs. or more and less than 6,000 lbs.....	\$ 10.00
6,000 lbs. or more and less than 8,000 lbs.....	\$ 17.50
8,000 lbs. or more and less than 10,000 lbs.....	\$ 22.50
10,000 lbs. or more and less than 12,000 lbs.....	\$ 29.50
12,000 lbs. or more and less than 14,000 lbs.....	\$ 36.50
14,000 lbs. or more and less than 16,000 lbs.....	\$ 43.50
16,000 lbs. or more and less than 18,000 lbs.....	\$ 62.50
18,000 lbs. or more and less than 20,000 lbs.....	\$ 85.00
20,000 lbs. or more and less than 22,000 lbs.....	\$110.00
22,000 lbs. or more and less than 24,000 lbs.....	\$145.00
24,000 lbs. or more and less than 26,000 lbs.....	\$180.00
26,000 lbs. or more and less than 28,000 lbs.....	\$220.00
28,000 lbs. or more and less than 30,000 lbs.....	\$260.00
30,000 lbs. or more and less than 32,000 lbs.....	\$305.00
32,000 lbs. or more and less than 34,000 lbs.....	\$345.00
34,000 lbs. or more and less than 36,000 lbs.....	\$395.00

SEC. 13. There is added to chapter 46.16 RCW a new section to read as follows: New section.

In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck or truck tractor which is propelled by steam, electricity, natural gas, diesel Increased fees on trucks propelled other than by gasoline.

oil, butane or propane based upon the maximum gross weight thereof as set by the licensee in his application, or otherwise, the following fees: *Provided, however,* That all trucks or truck tractors having an unladen weight of more than four thousand pounds shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle in RCW 46.44.040:

Up to 5,000 lbs. ....	\$ 6.50
5,000 lbs or more and less than 6,000 lbs.....	\$ 12.50
6,000 lbs. or more and less than 8,000 lbs.....	\$ 22.00
8,000 lbs. or more and less than 10,000 lbs.....	\$ 28.00
10,000 lbs. or more and less than 12,000 lbs.....	\$ 37.00
12,000 lbs. or more and less than 14,000 lbs.....	\$ 45.50
14,000 lbs. or more and less than 16,000 lbs.....	\$ 55.00
16,000 lbs. or more and less than 18,000 lbs.....	\$ 78.00
18,000 lbs. or more and less than 20,000 lbs.....	\$106.00
20,000 lbs. or more and less than 22,000 lbs.....	\$137.00
22,000 lbs. or more and less than 24,000 lbs.....	\$176.00
24,000 lbs. or more and less than 26,000 lbs.....	\$225.00
26,000 lbs. or more and less than 28,000 lbs.....	\$275.00
28,000 lbs. or more and less than 30,000 lbs.....	\$325.00
30,000 lbs. or more and less than 32,000 lbs.....	\$381.00
32,000 lbs. or more and less than 34,000 lbs.....	\$430.00
34,000 lbs. or more and less than 36,000 lbs.....	\$494.00

RCW 46.16.120 amended.

SEC. 14. Section 46.16.120, chapter 12, Laws of 1961 and RCW 46.16.120 are each amended to read as follows:

Seating capacity fees on stage, for hire vehicles.

In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with seating capacity of six or less the sum of fifteen dollars. For auto stages and for hire vehicles whose seating capacity is over six the following fees, in addition to any regular fees for licensing of vehicles, shall be collected upon the scale weight of each such auto stage and for hire vehicle, plus an average load factor of fifty percent

of seating capacity figured at one hundred fifty pounds per seat:

Up to 6,000 lbs. ....	\$ 10.00
6,000 lbs. or more and less than 8,000 lbs.....	\$ 17.50
8,000 lbs. or more and less than 10,000 lbs.....	\$ 22.50
10,000 lbs. or more and less than 12,000 lbs.....	\$ 29.50
12,000 lbs. or more and less than 14,000 lbs.....	\$ 36.50
14,000 lbs. or more and less than 16,000 lbs.....	\$ 43.50
16,000 lbs. or more and less than 18,000 lbs.....	\$ 62.50
18,000 lbs. or more and less than 20,000 lbs.....	\$ 85.00
20,000 lbs. or more and less than 22,000 lbs.....	\$110.00
22,000 lbs. or more and less than 24,000 lbs.....	\$145.00
24,000 lbs. or more and less than 26,000 lbs.....	\$180.00
26,000 lbs. or more and less than 28,000 lbs.....	\$220.00
28,000 lbs. or more and less than 30,000 lbs.....	\$260.00
30,000 lbs. or more and less than 32,000 lbs.....	\$305.00
32,000 lbs. or more and less than 34,000 lbs.....	\$340.00
34,000 lbs. or more and less than 36,000 lbs.....	\$395.00

SEC. 15. Section 46.44.095, chapter 12, Laws of 1961 and RCW 46.44.095 are each amended to read as follows:

RCW 46.44.095 amended.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of sixty dollars for each two thousand pounds of excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

Special permits for oversize or overweight movements.  
—Additional gross load  
—Fee.

When fully licensed to the maximum gross weight permitted under RCW 46.44.040 and when operated in combination with another vehicle, a three or more axle truck-tractor, a three or more axle truck and a three or more axle dromedary truck-tractor may be eligible under a special permit to be issued by the highway commission to carry additional gross loads beyond the limit specified for such vehicles in RCW 46.44.040 upon the pay-

ment of a fee of sixty dollars per two thousand pounds in excess weight but not to exceed one hundred and twenty dollars for the total excess weight: *Provided*, That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further*, That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck-tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway.

The fee for such additional gross weight shall be payable for a twelve month period beginning and ending on April 1st of each calendar year. The additional gross weight provided for herein can be purchased at any time and if purchased on or after July 1st of any year, the fee shall be seventy-five percent of the full annual fee and if purchased on or after October 1st the fee shall be fifty percent of the full annual fee and if purchased on or after January 1st the fee shall be twenty-five percent of the full annual fee.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the

state or any city or town within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.84 the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.84 to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of licenses. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of licenses for purposes of prorating license fees.

SEC. 16. There is added to chapter 46.44 RCW a New section  
new section to read as follows:

As to any such motor truck or truck tractor propelled by steam, electricity, natural gas, diesel oil, butane, or propane the fees for restricted route permits set forth in RCW 46.44.095, including the maximum fee of one hundred and twenty dollars for permits for operation of vehicle combinations, shall be increased in every instance by forty percent thereof. Increased fees on trucks propelled other than by gasoline.

SEC. 17. Section 46.68.030, chapter 12, Laws of 1961 and RCW 46.68.030 are each amended to read as follows: RCW 46.68.030 amended.

All fees received by the director for vehicle licenses under the provisions of chapter 46.16 shall be forwarded to the state treasurer, accompanied

Disposition of vehicle license fees—State patrol highway account—Weight control.

by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund, and out of each vehicle license fee of six dollars and ninety cents as provided for in RCW 46.16.060, the state treasurer shall deposit three dollars and fifty cents to the credit of the state patrol highway account of the motor vehicle fund. A minimum of ten percent of the funds deposited in such account shall be appropriated and expended for the enforcement of RCW 46.44.100 relating to weight control.

Puget Sound reserve account. Created—Use.

SEC. 18. There is hereby created in the motor vehicle fund the Puget Sound reserve account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys hereafter deposited in said account shall be used by the Washington toll bridge authority only for the purposes hereinafter set forth.

—Funds transferred from, when.

SEC. 19. Whenever the total balance in the Puget Sound reserve account shall exceed one million dollars, a sum equal to such excess of one million dollars shall be transferred from the Puget Sound reserve account and shall be expended by the state highway commission pursuant to proper appropriation or reappropriation for state highways for other state highway commission purposes.

—Funds from used for enumerated purposes.

SEC. 20. The Puget Sound reserve account shall be used by the Washington toll bridge authority for the following purposes:

The authority may pledge any moneys in the Puget Sound reserve account or to be deposited in said account to guarantee the payment of principal or interest on (1) bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds, or (2) subsequent parity bonds issued to pay costs of improving the Washington state ferry system or constructing additional

transportation facilities for the crossing of any part of Puget Sound other than bridging between the east side of Puget Sound to the Kitsap Peninsula, Vashon Island or Bainbridge Island: *Provided*, That the authority shall not pledge any moneys in the Puget Sound reserve account to guarantee interest or principal on such parity bonds without further express authorization by legislative act.

The authority may further pledge moneys in the Puget Sound reserve account to meet any sinking fund requirements or reserves established by the authority with respect to any new bond issues provided for in this section.

To the extent of any pledge herein authorized, the authority shall use the first moneys available in the Puget Sound reserve account to meet such obligations as they arise.

SEC. 21. Notwithstanding the provisions of section 19 the treasurer shall never transfer any moneys from the Puget Sound reserve account for use by the state highway commission for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds or reserves as required by any pledge of the Puget Sound reserve account. Whenever the authority shall have pledged any moneys in said account for the purposes authorized in section 20 of this amendatory act, the state agrees to continue to deposit in the Puget Sound reserve account the motor vehicle fuel taxes and use fuel taxes as provided in sections 1 and 4 of this amendatory act, and further agrees that so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes.

—Restrictions on transfer of funds from—Pledge of tax receipts to.

SEC. 22. Any funds in the Puget Sound reserve account of the motor vehicle fund which are not required by the authority for payment of principal or interest on any bond issues or for any of the other

—Surplus funds, investment authorized.

purposes authorized in section 20, may be invested by the authority, subject to the approval of the highway commission, in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080.

## Severability.

SEC. 23. If any provision of this act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application and to this end the provisions of this act are declared to be severable.

If any provision of this act shall be declared unconstitutional or ineffective in whole or in part by a court of competent jurisdiction then to the extent that it is unconstitutional or ineffective, such provisions shall not be enforced, nor shall such determination be deemed to invalidate the remaining provisions of this act.

## Repeal.

SEC. 24. Sections 46.16.067 and 46.16.074, chapter 12, Laws of 1961 and RCW 46.16.067 and 46.16.074 are each repealed.

## Repeal.

SEC. 25. Section 47.65.110, chapter 13, Laws of 1961 and RCW 47.65.110 are each repealed.

## Repeal.

SEC. 26. Sections 47.65.010, 47.65.020, 47.65.050, chapter 13, Laws of 1961 and RCW 47.65.010, 47.65.020, and 47.65.050 are each repealed.

Emergency—  
—Effective  
date.

SEC. 27. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and sections 11 through 25 shall take effect immediately. The increase in fees over existing fees, as prescribed in sections 11 through 14 and 24 shall apply for the period on and after April 1, 1961. The increase in fees over existing fees, as



prescribed in sections 15 and 16 shall apply for the period on and after July 1, 1961.

Sections 1 through 10 shall take effect April 1, 1961.

Section 26 shall take effect July 1, 1961.

Passed the Senate March 24, 1961.

Passed the House March 23, 1961.

Approved by the Governor March 29, 1961.

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## CHAPTER 8.

[ H. B. 22. ]

### PORT DISTRICTS—LEASES—PERFORMANCE BONDS, SECURITY.

AN ACT Relating to port districts; regulating the lease of property and providing for performance bonds or security; and amending section 9, chapter 65, Laws of 1955, as last amended by section 1, chapter 157, Laws of 1959, and RCW 53.08.080.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 9, chapter 65, Laws of 1955, as last amended by section 1, chapter 157, Laws of 1959, and RCW 53.08.080 are each amended to read as follows:

RCW 53.08.080 amended.

A district may lease all lands, wharves, docks, and real and personal property owned and controlled by it, upon such terms as the port commission deems proper: *Provided*, That no lease shall be for a period longer than fifty years, and each lease of real property shall be secured by a bond, with surety satisfactory to the port commission, in a penalty not less than the rental for one-sixth of the term, but in no case less than the rental for one year where the term is one year or more, conditioned to perform the terms of such lease: *Provided further*, That where the property involved is or is to be devoted to airport

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Lease of  
property—Per-  
formance bond