

Introduction to the Department of Licensing

The Department of Licensing has approximately 1300 employees throughout Washington State providing consumer protection and public safety by licensing drivers, vehicles and vessels. We regulate more than 30 professions and businesses, enhance highway safety, curb vehicle and driver fraud and collect and distribute fuel tax revenue.

The Department of Licensing is headquartered in multiple offices in Olympia and operates 56 License Service Offices throughout Washington State.

A sample of what we do on a daily basis is:

- test and license new drivers to go on the road.
- answer inquiries for vehicle and driver record information.
- register vehicles and issue vehicle titles.
- provide law enforcement with access to critical databases containing information about drivers, vehicles, and firearms registrations.
- process records on traffic accidents to enable law enforcement to follow up on safety violations.
- protect consumers through regular business inspections and investigations of consumer complaints against licensed professionals.
- respond to information inquiries for business, driver and vehicle licensing via telephone, Internet, and in-person.
- process professional license, registration and certification applications and renewals.

Agency Mission

DOL's mission is simple but understood and known by all our employees - "One vision, one voice, working together for a safer Washington."

Doing Business in Indian Country

DOL is committed to a positive government-to-government relationship with Tribes in Washington State. DOL has three program areas which may assist Tribes: Prorate and Fuel Tax, Title and Registration, and Professional Athletics (Boxing). The following information is included in DOL's Centennial Accord Plan:

- Programs
- Funding or Funding Distribution
- Definitions
- Consultation Process
- Dispute Resolution Process
- Contact Information

Programs

- **Prorate and Fuel Tax**

A. Fuel Tax Agreements – Fuel tax agreements are available under RCW 82.36.450 and RCW 82.38.310. The state enters into fuel tax agreements that allow for refunds to the tribal government

of a percentage of fuel tax revenue collected on fuel delivered to the reservation for sale by the tribal government, by tribal members licensed by the tribe, and fuel used by tribal businesses.

B. State Fuel Tax Refunds – Refunds are available for fuel used for non-highway purposes such as marine, logging, construction. Refunds are authorized under RCW 82.36.280 and RCW 82.38.190.

- **Title and Registration**

A. Tribal Vessel Registration System - Tribal members are exempt from state personal property tax and vessel excise tax if their vessel is registered with their respective tribe. Department of Licensing maintains an electronic database of Tribal vessel records in the Tribal Vessel Registration System.

B. Exempt License Plates - Washington state law (RCW 46.16.022) recognizes a tribe's authority for exempt license plates ("I" exempt series) for vehicles owned or leased by the governing body of an Indian tribe located within this state and recognized by the United States Department of Interior. The tribe must elect not to receive any Washington state license plates for tribal government service vehicles. The tribe must grant the right to operate vehicles licensed under the laws of this state on roads within the tribe's reservation. The tribe must comply with state laws related to the operation of vehicles on state highways. In 2000, there were 138 tribal exempt ("I") license plates issued. A total of 2,200 have been issued to date. There are currently 1,197 on the vehicle database.

C. Regional Transportation Authority (RTA) - RCW 46.16.020, RCW 46.16.022, WAC 308-96A-400 and DOL Contract No. 98IL98/3429 (Agreement between DOL and RTA) provide Indians and Indian tribes with exemptions from the payment of a Regional Transportation Authority (RTA) excise tax. If an Indian or Indian tribe is located within the RTA boundary, in order to qualify for this exemption an Indian must:

- Be enrolled as a tribal member of a recognized Washington tribe.
- Have their principal residence within the boundaries of Indian country of the tribe of which they are a member.
- Be the registered owner of the vehicle for which the exemption is requested.

Vehicles owned or leased by a governing body of an Indian tribe otherwise subject to RTA excise tax are exempt from this tax if:

- The vehicles are owned or leased by a governing body of an Indian tribe.

A tribal member is required to submit an affidavit of exemption at the time the exemption is established and at the time of renewal if there is an address change and the new address is located inside the RTA boundary.

D. Title and Licensing - Washington state law (RCW 46.16.022) recognizes a tribe's authority to title, register and issue license plates for vehicles owned or leased by the tribe's governing body. The state has the authority to require the tribe to provide vehicle description, including license plate numbers, for vehicles under the provisions of this law but does not do so. The tribe must grant the right to operate vehicles licensed under the laws of this state on roads within the tribe's reservation. The tribe must comply with state laws related to the operation of vehicles on state highways.

- **Professional Athletics**

Federal law (the Boxing Safety Act) requires DOL to have compacts with any Tribe where we regulate boxing events on tribal land. As an alternative, Tribes may adopt health, safety and licensing rules and regulations that are at least as stringent as the state requirements and form their own boxing commission. Negotiations with Tribes to establish these compacts are necessary where Tribes request state oversight for their boxing events.

Funding or Funding Distribution

- **Fuel Tax** -There are three types of Tribal Fuel Tax agreements in Washington State. Below are descriptions of each type of agreement:

Per Capita Agreement – The per capita fuel tax agreement with Tribes is based upon a computational formula which takes into account the average per capita consumption of gasoline by Washington State drivers, as determined by the Washington State Department of Transportation, the number of enrolled tribal members located on or near the reservation (commonly called the tribal service area) and the current state fuel tax rate. The result is an estimate of the amount of fuel tax *most likely* paid by tribal members purchasing fuel on the reservation providing an annual amount of fuel tax to be refunded to each tribe.

75 Percent / 25 Percent Fuel Tax Agreement – Tribes agree to purchase fuel for sale at tribally owned retail stations with the state fuel tax included, as the state tax is imposed on the supplier. Tribes report their purchases to the DOL and receive 75 percent of the state motor vehicle fuel tax revenue collected as a refund and the state retains 25 percent as state tax. The tribe will spend fuel tax proceeds on: planning, construction, and maintenance of roads, bridges, and boat ramps; transit services and facilities; transportation planning, police services; and other highway-related purposes. Tribes agree to conduct audits or other means of ensuring compliance to certify the number of gallons of motor vehicle fuel purchased by tribe for resale to tribal retail stations and the use of fuel tax proceeds or their equivalent for the purposes identified.

Consent Decree – A consent decree is a judicial decree issued by the court expressing voluntary agreement between parties to a dispute.

State Fuel Tax Refunds – All refunds are issued directly to the business or individuals using the fuel for non-highway purposes. All refund claims must be submitted within 13 months from the purchase of the fuel.

- **Title and Registration** – N/A
- **Professional Athletics** - N/A

Definitions

- **Prorate & Fuel Tax**

Definition of relevant terms regarding Tribal Fuel Tax Agreements are found in RCW 82.36, RCW 82.38, WAC 308-72, WAC 308-77, and in each Tribal Fuel Agreement and Consent Decree

- **Title and Registration**

A. Tribal Vessel Registration System –

- a. **Indian Tribe** – an Indian nation, tribe, band or community recognized as an “Indian tribe” by the United States Department of the Interior.
- b. **Eligible Tribes** – Eligible tribes are listed and defined within the attached Consent Decree in section II, paragraphs A and B.

B. Exempt License Plates – Definitions related to exempt license plates are in Chapters 46.04 RCW and 46.16 RCW, WAC 308-96A-400.

C. Regional Transportation Authority (RTA) – See WAC 308-96A-400 for definitions of Indian, Indian country and Indian tribe. See RCW 81.104.160 for authority to collect RTA excise tax.

RTA – Central Puget Sound Regional Transit Authority which includes portions of Snohomish, King and Pierce counties. Excise tax at the rate of three tenths of one percent of the vehicle value is charged to residents of the RTA areas when purchasing registration for their vehicles, unless otherwise exempted. The tax is used to improve high capacity transportation throughout the RTA region.

D. Title and Licensing – Definitions related to vehicle licensing are in Chapters 46.04 RCW, 46.12 RCW and 46.16 RCW.

Consultation Process

- **Prorate and Fuel Tax** - Tribal Fuel Tax Agreements are negotiated individually with each Tribe.
- **Title & Registration**

A. Tribal Vessel Registration System -

- Consent Decree signed in November 1994
- Letters to Legislative Transportation Committee, Department of Fisheries manager and Coast Guard in January 1995
- Requirements developed in January 1995
- System Service Request prepared in January 1995
- Letter to tribal attorneys in April 1995
- Procedures adopted in February 1995
- Registration forms provided to tribes and accepted at the Department of Licensing in July 1995
- Notification of law enforcement through APB sent May 1996

B. Exempt License Plates - This policy was developed by the Legislature when this law was passed. Program development included designing and manufacturing the "I" Exempt plates and modifying computer programs.

C. Regional Transportation Authority (RTA) - RTA exemption process includes recording the exemption on the appropriate vehicle record.

D. Title and Licensing - This policy was developed by the Legislature when this law was passed in 1986. No tribal governing body currently produces plates and titles for their vehicles.

- **Professional Athletics** - Negotiations with the Tribes to establish compacts are necessary where Tribes request state oversight for their boxing events.

Dispute Resolution Process

- **Tribal Fuel Tax Agreements**
 - The dispute resolution process is detailed in the Fuel Tax Agreement with each Tribe.
- **Title & Registration**
 - A. Tribal Vessel Registration System** – Dispute Resolution Process is defined on page 11, in paragraph VII of the Settlement Agreement.
 - B. Exempt License Plates** – Representatives from the Department of Licensing attend the summits organized by the Governor's Office of Indian Affairs. During these summits exempt license plate issues that impact the Centennial Accord may be addressed. In addition, disputes specifically related to vehicle or vessel titling and registration can be raised at any time through local county auditor offices, or by contacting the Director of Department of Licensing, Assistant Director of Driver and Vehicle Services, Administrator for Title and Registration Services, or the Licensing Services Manager for Vehicle Services. The process is to review the dispute relative to state laws and court decisions. The process is to review the dispute relative to state laws and court decisions and to involve tribal representatives in rule making and/or policy revisions.
 - C. Regional Transportation Authority (RTA)** – If an Indian or Indian Tribe is erroneously charged the RTA excise tax, they may apply to the Department of Licensing for a refund of the tax erroneously paid.
 - D. Title and Licensing** – The Director of Department of Licensing and the Assistant Director of Driver and Vehicle Services attend the summits organized by the Governor's Office of Indian Affairs. The purpose of these summits is to address taxing and other issues that impact the Centennial Accord and other state agency activities that affect the tribes. In addition, disputes specifically related to vehicle or vessel titling and registration can be raised at any time through local county auditor offices, or by contacting the Director of Department of Licensing, Assistant Director of Driver and Vehicle Services, Administrator for Title and Registration Services, or the Licensing Services Manager for Vehicle Licensing. The process is to review the dispute relative to state laws and court decisions and to involve tribal representatives in rule making and/or policy revisions.
 - E. Professional Athletics** – N/A

CONTACT INFORMATION

For additional information regarding the programs or services offered, please contact:

- **Primary Agency Contact**
Joshua Johnston, Tribal Liaison – (360) 902-3720
- **Prorate and Fuel Tax**

Karla Laughlin, Administrator - (360) 664-1811
Paul Johnson, Fuel Tax Manager - (360) 664-1844

- **Title and Registration**

Glenn Ball, Administrator – (360) 902-3754
Toni Wilson, Vehicle Licensing Manager – (360) 902-3811

- **Professional Athletics**

Susan Colard, Assistant Administrator – (360) 664-6647
Sandra Gonzales, Program Manager – (360) 664-6649