RCW 81.104.170 Sales and use tax—Maximum rates. (1) Cities that operate transit systems, county transportation authorities, metropolitan municipal corporations, public transportation benefit areas, high capacity transportation corridor areas, and regional transit authorities may submit an authorizing proposition to the voters and if approved by a majority of persons voting, fix and impose a sales and use tax in accordance with the terms of this chapter, solely for the purpose of providing high capacity transportation service.

(2) The tax authorized pursuant to this section is in addition to the tax authorized by RCW 82.14.030 and must be collected from those persons who are taxable by the state pursuant to chapters 82.08 and 82.12 RCW upon the occurrence of any taxable event within the taxing district.

(a) Except for the tax imposed under (b) of this subsection by regional transit authorities that include a county with a population of more than 1,500,000, the maximum rate of such tax must be approved by the voters and may not exceed one percent of the selling price (in the case of a sales tax) or value of the article used (in the case of a use tax). The maximum rate of such tax that may be imposed may not exceed nine-tenths of one percent in any county that imposes a tax under RCW 82.14.340, or within a regional transit authority if any county within the authority imposes a tax under RCW 82.14.340.

(b) The maximum rate of such tax that may be imposed by a regional transit authority that includes a county with a population of more than 1,500,000 must be approved by the voters and may not exceed 1.4 percent. If a regional transit authority imposes the tax authorized under this subsection (2)(b) in excess of 0.9 percent, 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. and regional mobility grant program funds. To be eligible to receive regional mobility grant program funds, a regional transit authority must have adopted, at a minimum, a zero-fare policy that allows passengers 18 years of age and younger to ride free of charge on all modes provided by the authority by October 1, 2022.

(3)(a) The exemptions in RCW 82.08.820 and 82.12.820 are for the state portion of the sales and use tax and do not extend to the tax authorized in this section.

(b) The exemptions in RCW 82.08.962 and 82.12.962 are for the state and local sales and use taxes and include the tax authorized by this section.

(c) The exemptions in RCW 82.14.532 are for the local sales and use taxes and include the tax authorized by this section. [2023 c 431 s 4; 2019 c 273 s 12; 2015 3rd sp.s. c 44 s 320. Prior: 2009 c 469 s 106; 2009 c 280 s 5; 1997 c 450 s 5; 1992 c 101 s 28; 1990 2nd ex.s. c 1 s 902; 1990 c 43 s 43.]

Retroactive application—2023 c 431 ss 4 and 5: "Sections 4 and 5 of this act are remedial in nature and apply retroactively to July 1, 2022." [2023 c 431 s 15.]

Intent—2023 c 431: See note following RCW 46.17.015.

Effective date—2015 3rd sp.s. c 44: See note following RCW 46.68.395.

Effective date—2009 c 469: See note following RCW 82.08.962.

Findings—Intent—Report—Effective date—1997 c 450: See notes following RCW 82.08.820.

Severability—1990 2nd ex.s. c 1: See note following RCW 82.14.300.

Changes in tax law—Liability: RCW 82.08.064, 82.14.055, and 82.32.430.

Local retail sales and use taxes: Chapter 82.14 RCW.

Sales tax imposed—Retail sales—Retail car rental—Recreational vessels: RCW 82.08.020.

Use tax imposed: RCW 82.12.020.