
SUBSTITUTE HOUSE BILL 1342

State of Washington 52nd Legislature 1991 Regular Session

By House Committee on Transportation (originally sponsored by Representatives Kremen, Braddock, R. Fisher, Spanel, R. Johnson and Nelson).

Read first time February 15, 1991.

1 AN ACT Relating to the local taxation of the sale or distribution
2 of motor vehicle fuels; amending RCW 82.36.440 and 82.38.280; adding a
3 new chapter to Title 82 RCW; providing an effective date; and declaring
4 an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislative authority of a border
7 area city may, by resolution for the purposes authorized in this
8 chapter and by approval of a majority of the registered voters of the
9 city voting on the proposition at a general or special election, fix
10 and impose an excise tax on the retail sale of motor vehicle fuel and
11 special fuel within the city. An election held under this section must
12 be held not more than twelve months before the date on which the
13 proposed tax is to be levied. The ballot setting forth the proposition
14 shall state the tax rate that is proposed. The rate of such tax shall

1 be in increments of one-tenth of a cent per gallon and shall not exceed
2 one cent per gallon.

3 The tax imposed in this section shall be collected and paid to the
4 city but once in respect to any motor vehicle fuel or special fuel.
5 This tax shall be in addition to any other tax authorized or imposed by
6 law.

7 For purposes of this chapter, the term "border area cities" means
8 Blaine, Everson, Lynden, Nooksack, and Sumas.

9 NEW SECTION. **Sec. 2.** The definitions set forth in this
10 section shall apply throughout this chapter unless the context clearly
11 requires otherwise.

12 (1) "Motor vehicle fuel" has the meaning given in RCW 82.36.010(2).

13 (2) "Special fuel" has the meaning given in RCW 82.38.020(5).

14 (3) "Motor vehicle" has the meaning given in RCW 82.36.010(1).

15 NEW SECTION. **Sec. 3.** The entire proceeds of the tax imposed
16 under this chapter, less refunds authorized by the resolution imposing
17 such tax and less amounts deducted by the border area city for
18 administration and collection expenses, shall be used solely for the
19 purposes of border area city street maintenance and construction
20 necessitated by extraordinary traffic levels due to the border area
21 cities' proximity to an international crossing.

22 **Sec. 4.** RCW 82.36.440 and 1990 c 42 s 204 are each amended to read
23 as follows:

24 The tax levied in this chapter is in lieu of any excise, privilege,
25 or occupational tax upon the business of manufacturing, selling, or
26 distributing motor vehicle fuel, and no city, town, county, township or
27 other subdivision or municipal corporation of the state shall levy or

1 collect any excise tax upon or measured by the sale, receipt,
2 distribution, or use of motor vehicle fuel, except as provided in RCW
3 82.80.010 and section 1 of this act.

4 **Sec. 5.** RCW 82.38.280 and 1990 c 42 s 205 are each amended to read
5 as follows:

6 The tax levied in this chapter is in lieu of any excise, privilege,
7 or occupational tax upon the business of manufacturing, selling, or
8 distributing special fuel, and no city, town, county, township or other
9 subdivision or municipal corporation of the state shall levy or collect
10 any excise tax upon or measured by the sale, receipt, distribution, or
11 use of special fuel, except as provided in RCW 82.80.010 and section 1
12 of this act.

13 NEW SECTION. **Sec. 6.** Sections 1 through 3 of this act shall
14 constitute a new chapter in Title 82 RCW.

15 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
16 preservation of the public peace, health, or safety, or support of the
17 state government and its existing public institutions, and shall take
18 effect July 1, 1991.