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HOUSE BILL 2964

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State of Washington                      60th Legislature                      2008 Regular Session

By Representatives Rodne and Simpson

Read first time 01/18/08. Referred to Committee on Transportation.

1            AN ACT Relating to the effect of special fuel taxes on regional  
2 transit authorities; and amending RCW 82.38.080.

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

4            **Sec. 1.** RCW 82.38.080 and 1998 c 176 s 60 are each amended to read  
5 as follows:

6            (1) There is exempted from the tax imposed by this chapter, the use  
7 of fuel for:

8            (a) Street and highway construction and maintenance purposes in  
9 motor vehicles owned and operated by the state of Washington, or any  
10 county or municipality;

11            (b) Publicly owned fire fighting equipment;

12            (c) Special mobile equipment as defined in RCW 46.04.552;

13            (d) Power pumping units or other power take-off equipment of any  
14 motor vehicle which is accurately measured by metering devices that  
15 have been specifically approved by the department or which is  
16 established by any of the following formulae:

17            (i) Pumping propane, or fuel or heating oils or milk picked up from  
18 a farm or dairy farm storage tank by a power take-off unit on a  
19 delivery truck, at a rate determined by the department: PROVIDED, That

1 claimant when presenting his or her claim to the department in  
2 accordance with this chapter, shall provide to the claim, invoices of  
3 propane, or fuel or heating oil delivered, or such other appropriate  
4 information as may be required by the department to substantiate his or  
5 her claim;

6 (ii) Operating a power take-off unit on a cement mixer truck or a  
7 load compactor on a garbage truck at the rate of twenty-five percent of  
8 the total gallons of fuel used in such a truck; or

9 (iii) The department is authorized to establish by rule additional  
10 formulae for determining fuel usage when operating other types of  
11 equipment by means of power take-off units when direct measurement of  
12 the fuel used is not feasible. The department is also authorized to  
13 adopt rules regarding the usage of on board computers for the  
14 production of records required by this chapter;

15 (e) Motor vehicles owned and operated by the United States  
16 government;

17 (f) Heating purposes;

18 (g) Moving a motor vehicle on a public highway between two pieces  
19 of private property when said moving is incidental to the primary use  
20 of the motor vehicle;

21 (h) Transportation services for persons with special transportation  
22 needs by a private, nonprofit transportation provider regulated under  
23 chapter 81.66 RCW;

24 (i) Vehicle refrigeration units, mixing units, or other equipment  
25 powered by separate motors from separate fuel tanks; and

26 (j) The operation of a motor vehicle as a part of or incidental to  
27 logging operations upon a highway under federal jurisdiction within the  
28 boundaries of a federal area if the federal government requires a fee  
29 for the privilege of operating the motor vehicle upon the highway, the  
30 proceeds of which are reserved for constructing or maintaining roads in  
31 the federal area, or requires maintenance or construction work to be  
32 performed on the highway for the privilege of operating the motor  
33 vehicle on the highway.

34 (2) There is exempted from the tax imposed by this chapter the  
35 removal or entry of special fuel under the following circumstances and  
36 conditions:

37 (a) If it is the removal from a terminal or refinery of, or the  
38 entry or sale of, a special fuel if all of the following apply:

1 (i) The person otherwise liable for the tax is a licensee other  
2 than a dyed special fuel user or international fuel tax agreement  
3 licensee;

4 (ii) For a removal from a terminal, the terminal is a licensed  
5 terminal; and

6 (iii) The special fuel satisfies the dyeing and marking  
7 requirements of this chapter;

8 (b) If it is an entry or removal from a terminal or refinery of  
9 taxable special fuel transferred to a refinery or terminal and the  
10 persons involved, including the terminal operator, are licensed; and

11 (c)(i) If it is a special fuel that, under contract of sale, is  
12 shipped to a point outside this state by a supplier by means of any of  
13 the following:

14 (A) Facilities operated by the supplier;

15 (B) Delivery by the supplier to a carrier, customs broker, or  
16 forwarding agent, whether hired by the purchaser or not, for shipment  
17 to the out-of-state point;

18 (C) Delivery by the supplier to a vessel clearing from port of this  
19 state for a port outside this state and actually exported from this  
20 state in the vessel.

21 (ii) For purposes of this subsection (2)(c):

22 (A) "Carrier" means a person or firm engaged in the business of  
23 transporting for compensation property owned by other persons, and  
24 includes both common and contract carriers; and

25 (B) "Forwarding agent" means a person or firm engaged in the  
26 business of preparing property for shipment or arranging for its  
27 shipment.

28 (3) Notwithstanding any provision of law to the contrary, every  
29 urban passenger transportation system and carriers as defined by  
30 chapters 81.68 and 81.70 RCW shall be exempt from the provisions of  
31 this chapter requiring the payment of special fuel taxes. For the  
32 purposes of this section "urban passenger transportation system" means  
33 every transportation system, publicly or privately owned, or owned by  
34 or operated on behalf of a regional transit authority authorized to  
35 provide public transportation services extending across the corporate  
36 limits between two or more counties, having as ~~((its principal))~~ a  
37 source of revenue the income from transporting persons for compensation  
38 by means of motor vehicles ~~((and/or))~~ or trackless trolleys, each

1 having a seating capacity for over fifteen persons over prescribed  
2 routes in such a manner that the routes of such motor vehicles  
3 (~~and/or~~) or trackless trolleys, either alone or in conjunction with  
4 routes of other such motor vehicles (~~and/or~~) or trackless trolleys  
5 subject to routing by the same transportation system, shall not extend  
6 for a distance exceeding twenty-five road miles beyond the corporate  
7 limits of the county in which the original starting points of such  
8 motor vehicles are located(~~(:—PROVIDED, That)~~), except for regional  
9 transit authority system routes, which may extend further than  
10 twenty-five road miles beyond the corporate limits of the county in  
11 which the original starting points of such motor vehicles are located.  
12 However, no refunds or credits shall be granted on special fuel used by  
13 any urban transportation vehicle, or vehicle operated pursuant to  
14 chapters 81.68 and 81.70 RCW, on any trip where any portion of said  
15 trip is more than twenty-five road miles beyond the corporate limits of  
16 the county in which said trip originated, unless such trip is provided  
17 by or on behalf of a regional transit authority.

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