

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5009

Chapter 443, Laws of 2007

60th Legislature
2007 Regular Session

SALES AND USE TAX--BIODIESEL FUEL

EFFECTIVE DATE: 05/11/07

Passed by the Senate April 19, 2007
YEAS 43 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House April 18, 2007
YEAS 97 NAYS 0

FRANK CHOPP

Speaker of the House of Representatives

Approved May 11, 2007, 11:23 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5009** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 11, 2007

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5009

AS AMENDED BY THE HOUSE

Passed Legislature - 2007 Regular Session

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Agriculture & Rural Economic Development
(originally sponsored by Senators Haugen, Hatfield, Poulsen, Sheldon,
Holmquist, Rasmussen, Schoesler, Kline and Shin)

READ FIRST TIME 01/23/07.

1 AN ACT Relating to exempting biodiesel fuel used for farm use from
2 sales and use taxation; amending RCW 82.08.865 and 82.12.865; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 82.08.865 and 2006 c 7 s 1 are each amended to read as
6 follows:

7 (1) The tax levied by RCW 82.08.020 does not apply to sales of
8 diesel fuel, biodiesel fuel, or aircraft fuel (~~(as defined in RCW~~
9 ~~82.42.010(5))~~), to a farm fuel user for nonhighway use. This exemption
10 applies to a fuel blend if all of the component fuels of the blend
11 would otherwise be exempt under this subsection if the component fuels
12 were sold as separate products. This exemption is available only if
13 the buyer provides the seller with an exemption certificate in a form
14 and manner prescribed by the department. Fuel used for space or water
15 heating for human habitation is not exempt under this section.

16 (2) The definitions in RCW 82.04.213 and this subsection apply to
17 this section.

18 (a) "Aircraft fuel" is defined as provided in RCW 82.42.010.

19 (b) "Biodiesel fuel" is defined as provided in RCW 19.112.010.

1 (c) "Diesel fuel" is defined as provided in 26 U.S.C. 4083, as
2 amended or renumbered as of January 1, 2006.

3 ~~((b))~~ (d) "Farm fuel user" means: (i) A farmer; or (ii) a person
4 who provides horticultural services for farmers, such as soil
5 preparation services, crop cultivation services, and crop harvesting
6 services.

7 **Sec. 2.** RCW 82.12.865 and 2006 c 7 s 2 are each amended to read as
8 follows:

9 (1) The provisions of this chapter do not apply with respect to the
10 nonhighway use of diesel fuel, biodiesel fuel, or aircraft fuel (~~as~~
11 ~~defined in RCW 82.42.010(5))~~), by a farm fuel user. This exemption
12 applies to a fuel blend if all of the component fuels of the blend
13 would otherwise be exempt under this subsection if the component fuels
14 were acquired as separate products. Fuel used for space or water
15 heating for human habitation is not exempt under this section.

16 (2) The definitions in RCW 82.08.865 apply to this section.

17 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
18 preservation of the public peace, health, or safety, or support of the
19 state government and its existing public institutions, and takes effect
20 immediately.

Passed by the Senate April 19, 2007.
Passed by the House April 18, 2007.
Approved by the Governor May 11, 2007.
Filed in Office of Secretary of State May 11, 2007.