

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1738

Chapter 9, Laws of 2015

64th Legislature
2015 2nd Special Session

FUEL TAX REFUNDS--NONHIGHWAY USERS

EFFECTIVE DATE: 9/26/2015

Passed by the House June 11, 2015
Yeas 89 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate June 27, 2015
Yeas 43 Nays 0

BRAD OWEN

President of the Senate

Approved July 9, 2015 3:37 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1738** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

July 9, 2015

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1738

Passed Legislature - 2015 2nd Special Session

State of Washington

64th Legislature

2015 Regular Session

By House Transportation (originally sponsored by Representatives Orcutt, Clibborn, Hayes, Fey, Hargrove, Farrell, Zeiger, Moscoso, Muri, Condotta, Buys, and Harmsworth)

READ FIRST TIME 02/18/15.

1 AN ACT Relating to marine, off-road recreational vehicle, and
2 snowmobile fuel tax refunds based on actual fuel taxes paid; amending
3 RCW 46.09.520, 46.10.530, and 79A.25.070; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that through
6 statutory mechanisms and voter-approved initiatives, a longstanding
7 commitment has been in place to direct refunds from fuel tax
8 purchases made by boaters, off-road and nonhighway vehicle riders and
9 drivers, and snowmobilers into dedicated nonhighway-purpose accounts
10 that provide infrastructure grants and operating assistance to those
11 nonhighway users.

12 The legislature finds that the state departed from its commitment
13 in 2003 and 2005 when motor vehicle fuel tax increases of five cents
14 and nine and one-half cents contained no statutory direction to
15 dedicate the refund percentage from the fourteen and one-half cents
16 of fuel tax purchases made by boaters, off-road and nonhighway
17 vehicle riders and drivers, and snowmobilers into the appropriate
18 nonhighway-purpose user accounts.

19 The legislature intends to remedy this problem by fully restoring
20 the refund percentages into nonhighway-purpose accounts established
21 to benefit nonhighway users of fuel. The legislature also intends to

1 honor its commitment when the refund amounts from nonhighway-purpose
2 fuel tax purchases are no longer necessary to repay bonded debt
3 associated with the 2003 and 2005 motor vehicle fuel tax increases.
4 The legislature also intends to specify that as of July 1, 2031, the
5 state will apply the total percentage of nonhighway-purpose fuel tax
6 refunds into the proper nonhighway user accounts for boaters, off-
7 road and nonhighway vehicle riders and drivers, and snowmobilers.

8 **Sec. 2.** RCW 46.09.520 and 2013 c 225 s 608 are each amended to
9 read as follows:

10 (1) From time to time, but at least once each year, the state
11 treasurer must refund from the motor vehicle fund one percent of the
12 motor vehicle fuel tax revenues collected under chapter 82.38 RCW,
13 based on: (a) A tax rate of: ~~((+a))~~ (i) Nineteen cents per gallon of
14 motor vehicle fuel from July 1, 2003, through June 30, 2005; ~~((+b))~~
15 (ii) twenty cents per gallon of motor vehicle fuel from July 1, 2005,
16 through June 30, 2007; ~~((+c))~~ (iii) twenty-one cents per gallon of
17 motor vehicle fuel from July 1, 2007, through June 30, 2009; ~~((+d))~~
18 (iv) twenty-two cents per gallon of motor vehicle fuel from July 1,
19 2009, through June 30, 2011; and ~~((+e))~~ (v) twenty-three cents per
20 gallon of motor vehicle fuel ~~((beginning))~~ from July 1, 2011, ((and
21 thereafter)) through June 30, 2031; and (b) beginning July 1, 2031,
22 and thereafter, the state's motor vehicle fuel tax rate in existence
23 at the time of the fuel purchase, less proper deductions for refunds
24 and costs of collection as provided in RCW 46.68.090.

25 (2) The treasurer must place these funds in the general fund as
26 follows:

27 (a) Thirty-six percent must be credited to the ORV and nonhighway
28 vehicle account and administered by the department of natural
29 resources solely for acquisition, planning, development, maintenance,
30 and management of ORV, nonmotorized, and nonhighway road recreation
31 facilities, and information programs and maintenance of nonhighway
32 roads;

33 (b) Three and one-half percent must be credited to the ORV and
34 nonhighway vehicle account and administered by the department of fish
35 and wildlife solely for the acquisition, planning, development,
36 maintenance, and management of ORV, nonmotorized, and nonhighway road
37 recreation facilities and the maintenance of nonhighway roads;

38 (c) Two percent must be credited to the ORV and nonhighway
39 vehicle account and administered by the parks and recreation

1 commission solely for the acquisition, planning, development,
2 maintenance, and management of ORV, nonmotorized, and nonhighway road
3 recreation facilities; and

4 (d) Fifty-eight and one-half percent must be credited to the
5 nonhighway and off-road vehicle activities program account to be
6 administered by the board for planning, acquisition, development,
7 maintenance, and management of ORV, nonmotorized, and nonhighway road
8 recreation facilities and for education, information, and law
9 enforcement programs. The funds under this subsection must be
10 expended in accordance with the following limitations:

11 (i) Not more than thirty percent may be expended for education,
12 information, and law enforcement programs under this chapter;

13 (ii) Not less than seventy percent may be expended for ORV,
14 nonmotorized, and nonhighway road recreation facilities. Except as
15 provided in (d)(iii) of this subsection, of this amount:

16 (A) Not less than thirty percent, together with the funds the
17 board receives under RCW 46.68.045, may be expended for ORV
18 recreation facilities;

19 (B) Not less than thirty percent may be expended for nonmotorized
20 recreation facilities. Funds expended under this subsection
21 (2)(d)(ii)(B) are known as Ira Spring outdoor recreation facilities
22 funds; and

23 (C) Not less than thirty percent may be expended for nonhighway
24 road recreation facilities;

25 (iii) The board may waive the minimum percentage cited in (d)(ii)
26 of this subsection due to insufficient requests for funds or projects
27 that score low in the board's project evaluation. Funds remaining
28 after such a waiver must be allocated in accordance with board
29 policy.

30 (3) On a yearly basis an agency may not, except as provided in
31 RCW 46.68.045, expend more than ten percent of the funds it receives
32 under this chapter for general administration expenses incurred in
33 carrying out this chapter.

34 (4) During the 2009-2011 fiscal biennium, the legislature may
35 appropriate such amounts as reflect the excess fund balance in the
36 NOVA account to the department of natural resources to install
37 consistent off-road vehicle signage at department-managed recreation
38 sites, and to implement the recreation opportunities on department-
39 managed lands in the Reiter block and Ahtanum state forest, and to
40 the state parks and recreation commission. The legislature finds that

1 the appropriation of funds from the NOVA account during the 2009-2011
2 fiscal biennium for maintenance and operation of state parks or to
3 improve accessibility for boaters and off-road vehicle users at state
4 parks will benefit boaters and off-road vehicle users and others who
5 use nonhighway and nonmotorized recreational facilities. The
6 appropriations under this subsection are not required to follow the
7 specific distribution specified in subsection (2) of this section.

8 **Sec. 3.** RCW 46.10.530 and 2003 c 361 s 408 are each amended to
9 read as follows:

10 From time to time, but at least once each four years, the
11 department shall determine the amount of moneys paid to it as motor
12 vehicle fuel tax that is tax on snowmobile fuel. Such determination
13 shall use one hundred thirty-five gallons as the average yearly fuel
14 usage per snowmobile, the number of registered snowmobiles during the
15 calendar year under determination, and: (1) A fuel tax rate of:
16 ~~((+1))~~ (a) Nineteen cents per gallon of motor vehicle fuel from July
17 1, 2003, through June 30, 2005; ~~((+2))~~ (b) twenty cents per gallon
18 of motor vehicle fuel from July 1, 2005, through June 30, 2007;
19 ~~((+3))~~ (c) twenty-one cents per gallon of motor vehicle fuel from
20 July 1, 2007, through June 30, 2009; ~~((+4))~~ (d) twenty-two cents per
21 gallon of motor vehicle fuel from July 1, 2009, through June 30,
22 2011; and ~~((+5))~~ (e) twenty-three cents per gallon of motor vehicle
23 fuel ~~((beginning))~~ from July 1, 2011, ~~((and thereafter))~~ through June
24 30, 2031; and (2) beginning July 1, 2031, and thereafter, the state's
25 motor vehicle fuel tax rate in existence at the time of the fuel
26 purchase.

27 **Sec. 4.** RCW 79A.25.070 and 2010 c 23 s 3 are each amended to
28 read as follows:

29 Upon expiration of the time limited by RCW 82.36.330 for claiming
30 of refunds of tax on marine fuel, the state of Washington shall
31 succeed to the right to such refunds. The director of licensing,
32 after taking into account past and anticipated claims for refunds
33 from and deposits to the marine fuel tax refund account, shall
34 request the state treasurer to transfer monthly from the marine fuel
35 tax refund account an amount equal to the proportion of the moneys in
36 the account representing: (1) A motor vehicle fuel tax rate of:
37 ~~((+1))~~ (a) Nineteen cents per gallon of motor vehicle fuel from July
38 1, 2003, through June 30, 2005; ~~((+2))~~ (b) twenty cents per gallon

1 of motor vehicle fuel from July 1, 2005, through June 30, 2007;
2 ~~((+3))~~ (c) twenty-one cents per gallon of motor vehicle fuel from
3 July 1, 2007, through June 30, 2009; ~~((+4))~~ (d) twenty-two cents per
4 gallon of motor vehicle fuel from July 1, 2009, through June 30,
5 2011; and ~~((+5))~~ (e) twenty-three cents per gallon of motor vehicle
6 fuel ~~((beginning))~~ from July 1, 2011, ~~((and thereafter))~~ through June
7 30, 2031; and (2) beginning July 1, 2031, and thereafter, the state's
8 motor vehicle fuel tax rate in existence at the time of the fuel
9 purchase, to the recreation resource account and the remainder to the
10 motor vehicle fund.

Passed by the House June 11, 2015.

Passed by the Senate June 27, 2015.

Approved by the Governor July 9, 2015.

Filed in Office of Secretary of State July 9, 2015.

--- END ---