

Chapter 308-78 WAC

AIRCRAFT FUEL TAX

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-78-040	Tax exempt sales by licensed distributors. [Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-040, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-040, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-040, filed 9/20/99, effective 10/21/99; WSR 90-13-039 (Order PFT 90-05), § 308-78-040, filed 6/14/90, effective 7/15/90; WSR 85-04-027 (Order PFT 85-001), § 308-78-040, filed 1/31/85; WSR 82-20-093 (Order MV 696), § 308-78-040, filed 10/6/82; Order 69-10-2, § 308-78-040, filed 10/29/69; Rule C, filed 9/12/67; Emergency Rule C, filed 7/21/67.] Repealed by WSR 16-13-051, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.130.
308-78-050	Supporting documents for tax exempt transactions. [Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-050, filed 9/20/99, effective 10/21/99; WSR 85-04-027 (Order PFT 85-001), § 308-78-050, filed 1/31/85; WSR 82-20-093 (Order MV 696), § 308-78-050, filed 10/6/82; Order 69-10-2, § 308-78-050, filed 10/29/69; Rule D, filed 9/12/67; Emergency Rule D, filed 7/21/67.] Repealed by WSR 09-07-077, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.040.
308-78-060	Tax exempt losses. [Statutory Authority: RCW 88.42.-040. WSR 99-19-097, § 308-78-060, filed 9/20/99, effective 10/21/99; WSR 82-20-093 (Order MV 696), § 308-78-060, filed 10/6/82; Order 69-10-2, § 308-78-060, filed 10/29/69; Rule E, filed 9/12/67; Emergency Rule E, filed 7/21/67.] Repealed by WSR 01-08-083, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.100.

WAC 308-78-010 Definitions. (1) "Certified user" means any person other than a distributor who holds an Aircraft Bulk Fuel Exemption certificate to purchase aircraft fuel without payment of the aircraft fuel tax.

(2) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

(3) "Emergency medical air transport entities" means entities that own or lease, and operate aircraft used solely for air ambulance services.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-010, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-010, filed 3/16/09, effective 4/16/09; WSR 04-06-001, § 308-78-010, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 82.42.-100. WSR 01-08-083, § 308-78-010, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 82.42.040. WSR 90-13-039 (Order PFT 90-05), § 308-78-010, filed 6/14/90, effective 7/15/90. Statutory Authority: RCW 82.42.030.

(6/9/16)

WSR 86-02-057 (Order TL-RG-23), § 308-78-010, filed 12/31/85. Statutory Authority: RCW 82.42.040. WSR 85-04-027 (Order PFT 85-001), § 308-78-010, filed 1/31/85; WSR 82-20-093 (Order MV 696), § 308-78-010, filed 10/6/82; Order 69-10-2, § 308-78-010, filed 10/29/69; Rules (part), filed 9/12/67; Emergency Rules (part), filed 7/21/67.]

WAC 308-78-020 Bond requirements and collection.

(1) **Are bonds required for aircraft fuel distributors?** Yes, every aircraft fuel distributor must be bonded as provided in chapter 82.42 RCW.

(2) **What action can the department take to collect unpaid aircraft fuel tax?** The department may:

- Issue a notice of assessment;
- Revoke license;
- File tax liens or warrant;
- Execute bonds on file under the provisions of chapter 82.42 RCW.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-020, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-020, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-020, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-020, filed 9/20/99, effective 10/21/99; WSR 82-20-093 (Order MV 696), § 308-78-020, filed 10/6/82; Order 69-10-2, § 308-78-020, filed 10/29/69; Rule A, filed 9/12/67; Emergency Rule A, filed 7/21/67.]

WAC 308-78-030 Agencies sharing tax return information. Will tax return information be shared with other government agencies? Yes, the department routinely provides copies of schedules to government agencies or foreign jurisdictions.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-030, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-030, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-030, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-030, filed 9/20/99, effective 10/21/99; WSR 90-13-039 (Order PFT 90-05), § 308-78-030, filed 6/14/90, effective 7/15/90; WSR 82-20-093 (Order MV 696), § 308-78-030, filed 10/6/82; Order 69-10-2, § 308-78-030, filed 10/29/69; Rule B, filed 9/12/67; Emergency Rule B, filed 7/21/67.]

WAC 308-78-035 What is the minimum refund amount? The minimum refund amount for both licensed and unlicensed accounts is twenty dollars.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-035, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-035, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-035, filed 4/4/01, effective 5/5/01.]

WAC 308-78-045 Tax exempt use and circumstances. (1) When can an aircraft fuel tax refund be claimed? When fuel is:

(a) Used by air carriers, supplemental air carriers, and foreign flag carriers, operating under the Federal Aviation Administration Regulations, and local service commuters.

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(b) Used for testing and experimental purposes in the manufacture or repair of aircraft, including flight operations.

(c) Used in aircraft crew training in Washington state for certified air carriers.

(d) Used to apply pesticides, herbicides, or other agricultural chemicals.

(e) Exported from this state for use outside this state.

(f) Used in nonhighway equipment, other than aircraft.

(g) Sold with taxes to the United States or foreign government agencies.

(h) In helicopters or aircraft that are used solely for air ambulance services or for training activities directly related to these services. For aircraft, the fuel must be placed directly into the wing tanks.

(2) What records must be kept when claiming an exemption of aircraft fuel tax? Each person must keep records of each flight or series of flights for which tax exempt use is claimed. Records will include:

(a) Flight or block time of each flight or series of flights;

(b) Type of aircraft;

(c) Purpose of each flight or series of flights;

(d) Dates; and

(e) Gallons consumed for each flight or series of flights.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-045, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-045, filed 3/16/09, effective 4/16/09; WSR 04-06-001, § 308-78-045, filed 2/18/04, effective 3/20/04. Statutory Authority: RCW 82.42-100. WSR 01-08-083, § 308-78-045, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-045, filed 9/20/99, effective 10/21/99; WSR 85-04-027 (Order PFT 85-001), § 308-78-045, filed 1/31/85; WSR 82-20-093 (Order MV 696), § 308-78-045, filed 10/6/82.]

WAC 308-78-046 Tax exempt losses. (1) What is acceptable proof of loss for a credit or refund of fuel tax paid?

(a) A notarized affidavit by a person having actual knowledge of the circumstances of the loss, explaining the origin and destination of the shipment, the circumstances surrounding the quantity of fuel lost, fuel salvaged, disposition of the salvaged fuel, and procedures used in the determination of the quantity of fuel lost; or

(b) A signed statement by a federal, state, local or provincial official who has authority to investigate fuel loss; and

(c) A bill of lading or other shipping documents; and

(d) A statement by the licensee establishing ownership of the fuel at time of loss.

(2) Are deductions for losses from bulk storage allowed? Yes, aircraft fuel that has been proven lost or destroyed prior to distribution from a licensee's bulk storage facility outside of the bulk transfer terminal system may be considered a tax exempt loss.

(3) How long do I retain my evidence substantiating my loss? Five years from date of claim.

(4) May I claim a deduction from stolen fuel? No.

[Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-046, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-046, filed 4/4/01, effective 5/5/01.]

WAC 308-78-070 Records. How long must I keep my records? Licensees must keep records for at least five years

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from the reporting period. Refund claimants must keep records for at least five years from the filing date.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-070, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-070, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-070, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-070, filed 9/20/99, effective 10/21/99; WSR 90-13-039 (Order PFT 90-05), § 308-78-070, filed 6/14/90, effective 7/15/90; WSR 85-04-027 (Order PFT 85-001), § 308-78-070, filed 1/31/85; WSR 82-20-093 (Order MV 696), § 308-78-070, filed 10/6/82; Order 69-10-2, § 308-78-070, filed 10/29/69; Rule F, filed 9/12/67; Emergency Rule F, filed 7/21/67.]

WAC 308-78-075 Invoices issued by licensees. (1) When is an invoice issued? Every licensee must issue an invoice at the time of sale.

(2) What information is required on an invoice?

(a) The name and address of the seller;

(b) The name and address of the purchaser;

(c) The date of delivery, month, day, and year;

(d) The location of the point of shipment. Alphanumeric codes are allowed if the definition keys are provided to the department;

(e) The physical address of the fuel delivery or exchange if different than the purchaser address, including the name of the state, Canadian Province, or foreign country. Alphanumeric codes are not allowed;

(f) In the case of a delivery onto a federally recognized Indian reservation or into Indian country, the invoice must identify the state, U.S. possession, or Canadian Province where the delivery took place;

(g) Name of carrier transporting fuel;

(h) Name of product sold;

(i) The number of U.S. gallons of product sold in billed gallons;

(j) The price per gallon and the total amount charged; and

(k) A statement on the invoice indicating if the fuel has been sold without the Washington state fuel tax.

(3) What happens if a purchaser's invoice is lost or destroyed? The seller can issue a duplicate or copy containing all information on the original invoice, if requested by the purchaser. The copies must be plainly marked "copy" or "duplicate."

(4) What happens if an incorrect invoice is issued to the purchaser? The seller must issue a corrected invoice to the purchaser. The invoice must clearly indicate that it is a corrected invoice and reference the original invoice.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-075, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-075, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-075, filed 4/4/01, effective 5/5/01.]

WAC 308-78-080 Filing of refund claims for non-licensees. (1) How do I apply for a refund? Contact the department for a refund permit application and instructions or sign up electronically.

(2) What time period can I file for a refund? You must file within thirteen months of the fuel purchase date. The department will use the postmark date to determine eligibility. We will not accept multiple refund claims for the same month. For example, if you made a claim for purchases in

June you could not claim additional purchases for June on another claim form.

(3) What do I need to send with my refund claim?

You must include your fuel purchase invoices, schedules, and other documents listed on the refund claim form.

(4) How do I account for my inventory? Any fuel on hand by physical measurement at the end of the claim period, should be reported as ending inventory. This figure must be reported as the beginning inventory on your next claim form.

(5) Who can sign a refund claim form?

(a) Individuals - Permit holder;
 (b) Partnership - Any one of the partners;
 (c) Business firm or corporation - Owner, corporate officer, or other authorized agent.

(6) Can I claim a refund using another person's invoices? No.

(7) Can I request that my refund be assigned to another person? Yes. You must submit a written request naming the person you would like to receive the refund.

(8) How long will it take to process my refund? Within thirty business days after we receive a properly submitted claim.

(9) How long do I maintain my refund records? Keep them for five years after submitting your claim.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-080, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-080, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-080, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-080, filed 9/20/99, effective 10/21/99; WSR 85-04-027 (Order PFT 85-001), § 308-78-080, filed 1/31/85; WSR 82-20-093 (Order MV 696), § 308-78-080, filed 10/6/82; Order 69-10-2, § 308-78-080, filed 10/29/69; Rule G, filed 9/12/67; Emergency Rule G, filed 7/21/67.]

WAC 308-78-090 Mitigation of penalties and interest. (1) What fee, penalty or interest may be mitigated or reduced? The department may mitigate fees, penalties, or interest from:

- Late or missing fuel tax returns;
- Unpaid or underpaid taxes;
- Incomplete records to support reported fuel usage;
- License reinstatement fee; or
- Assessments.

(2) How will the department make the decision? The department may review records, account history, or other information.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-090, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-090, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.42.100. WSR 01-08-083, § 308-78-090, filed 4/4/01, effective 5/5/01. Statutory Authority: RCW 88.42.040. WSR 99-19-097, § 308-78-090, filed 9/20/99, effective 10/21/99. Statutory Authority: RCW 82.42.040 and 82.42.100. WSR 92-01-015, § 308-78-090, filed 12/6/91, effective 1/6/92.]

WAC 308-78-100 Dishonored checks. (1) What will happen if my check is dishonored? The department will take collection action to recover any amounts owing and require all subsequent payments to be made in cash, cashier's check, or money order.

(2) Are there any additional fees charged for a dishonored check? Yes, a handling fee will be charged by the department for each dishonored check.

[Statutory Authority: RCW 82.42.130. WSR 16-13-051, § 308-78-100, filed 6/9/16, effective 7/10/16. Statutory Authority: RCW 82.42.040. WSR 09-07-077, § 308-78-100, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2). WSR 00-08-032, § 308-78-100, filed 3/28/00, effective 4/28/00.]