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SECOND SUBSTITUTE SENATE BILL 5556

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State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Transportation (originally sponsored by Senators Fraser, Oke, Jacobsen, Haugen, Heavey, T. Sheldon, Winsley, Rasmussen, Patterson, Sellar, Zarelli, Roach, Stevens, Kohl-Welles, McCaslin, Thibaudeau, Honeyford, Costa, Eide, Morton, Horn and Hochstatter)

Read first time 03/08/1999.

1 AN ACT Relating to fuel taxes attributable to marine and nonhighway  
2 uses; amending RCW 43.99.070, 46.09.170, and 46.10.170; and creating a  
3 new section.

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

5 **Sec. 1.** RCW 43.99.070 and 1995 c 166 s 4 are each amended to read  
6 as follows:

7 Upon expiration of the time limited by RCW 82.36.330 for claiming  
8 of refunds of tax on marine fuel, the state of Washington shall succeed  
9 to the right to such refunds. The director of licensing, after taking  
10 into account past and anticipated claims for refunds from and deposits  
11 to the marine fuel tax refund account and the costs of carrying out the  
12 provisions of RCW 43.99.030, shall request the state treasurer to  
13 transfer (~~monthly from the marine fuel tax refund account an amount~~  
14 ~~equal to the proportion of the moneys in the account representing the~~  
15 ~~motor vehicle fuel tax rate under RCW 82.36.025 in effect on January 1,~~  
16 ~~1990, to the recreation resource account and the remainder to the motor~~  
17 ~~vehicle fund)) to the recreation resource account such of the moneys in  
18 the marine fuel tax refund account that are not required for payment of~~

1 the refund claims or costs, and the state treasurer shall make the  
2 transfer.

3 **Sec. 2.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to read  
4 as follows:

5 (1) From time to time, but at least once each year, the state  
6 treasurer shall refund from the motor vehicle fund one percent of the  
7 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
8 (~~based on the tax rate in effect January 1, 1990,~~) less proper  
9 deductions for refunds and costs of collection as provided in RCW  
10 46.68.090. The treasurer shall place these funds in the general fund  
11 as follows:

12 (a) Forty percent shall be credited to the ORV and nonhighway  
13 vehicle account and administered by the department of natural resources  
14 solely for planning, maintenance, and management of ORV recreation  
15 facilities, nonhighway roads, and nonhighway road recreation  
16 facilities. The funds under this subsection shall be expended in  
17 accordance with the following limitations:

18 (i) Not more than five percent may be expended for information  
19 programs under this chapter;

20 (ii) Not less than ten percent and not more than fifty percent may  
21 be expended for ORV recreation facilities;

22 (iii) Not more than twenty-five percent may be expended for  
23 maintenance of nonhighway roads;

24 (iv) Not more than fifty percent may be expended for nonhighway  
25 road recreation facilities;

26 (v) Ten percent shall be transferred to the interagency committee  
27 for outdoor recreation for grants to law enforcement agencies in those  
28 counties where the department of natural resources maintains ORV  
29 facilities. This amount is in addition to those distributions made by  
30 the interagency committee for outdoor recreation under (d)(i) of this  
31 subsection;

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

1 (c) Two percent shall be credited to the ORV and nonhighway vehicle  
2 account and administered by the parks and recreation commission solely  
3 for the maintenance and management of ORV use areas and facilities; and

4 (d) Fifty-four and one-half percent, together with the funds  
5 received by the interagency committee for outdoor recreation under RCW  
6 46.09.110, shall be credited to the nonhighway and off-road vehicle  
7 activities program account to be administered by the committee for  
8 planning, acquisition, development, maintenance, and management of ORV  
9 recreation facilities and nonhighway road recreation facilities; ORV  
10 user education and information; and ORV law enforcement programs. The  
11 funds under this subsection shall be expended in accordance with the  
12 following limitations:

13 (i) Not more than twenty percent may be expended for ORV education,  
14 information, and law enforcement programs under this chapter;

15 (ii) Not less than an amount equal to the funds received by the  
16 interagency committee for outdoor recreation under RCW 46.09.110 and  
17 not more than sixty percent may be expended for ORV recreation  
18 facilities;

19 (iii) Not more than twenty percent may be expended for nonhighway  
20 road recreation facilities.

21 (2) On a yearly basis an agency may not, except as provided in RCW  
22 46.09.110, expend more than ten percent of the funds it receives under  
23 this chapter for general administration expenses incurred in carrying  
24 out this chapter.

25 (3) Notwithstanding any other provision of law, funds disbursed for  
26 grants awarded after December 1, 2001, from the accounts in subsection  
27 (1)(d) of this section shall be spent on motorized and nonmotorized  
28 users in proportion to their actual contributions to such funds as  
29 determined by the legislature pursuant to the study authorized by  
30 section 4 of this act.

31 **Sec. 3.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to read  
32 as follows:

33 From time to time, but at least once each four years, the  
34 department shall determine the amount of moneys paid to it as motor  
35 vehicle fuel tax that is tax on snowmobile fuel. Such determination  
36 shall use one hundred thirty-five gallons as the average yearly fuel  
37 usage per snowmobile((7)) and the number of registered snowmobiles

1 during the calendar year under determination(~~(, and the fuel tax rate~~  
2 ~~in effect January 1, 1990)~~).

3 NEW SECTION. **Sec. 4.** (1) The Washington state interagency  
4 committee for outdoor recreation shall contract with an independent  
5 entity to study the source and determine the distribution and use of  
6 funds provided to off-road vehicle and nonhighway road recreational  
7 activities under RCW 46.09.170. The study shall analyze and determine  
8 the relative portion of the motor vehicle fuel tax revenues deposited  
9 to the general fund under RCW 46.09.170 that are attributable to:

10 (a) Nonhighway road recreational use for the purpose of trailhead  
11 access by hikers, skiers, and other nonmotorized recreational uses; and

12 (b) Nonhighway road recreational use and associated off-road  
13 vehicle trail use by off-road vehicle recreational users.

14 (2) The Washington state interagency committee for outdoor  
15 recreation shall review the analysis and submit a report to the  
16 standing committees of the legislature, including recommendations  
17 regarding amendments to RCW 46.09.170 to allocate revenues consistent  
18 with the relative proportion of the uses generating such revenues. The  
19 report shall be submitted no later than September 30, 2001.

20 (3) The Washington state interagency committee for outdoor  
21 recreation shall establish a technical advisory committee composed of  
22 a cross-section of nonhighway road recreational trail users to advise  
23 the agency regarding the study and report required by this act.

24 (4) Funds appropriated from the nonhighway and off-road vehicle  
25 account for the purposes of this act shall be in addition to the agency  
26 general administration expenditure limitations of RCW 46.09.170(2).

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