

**WAC 308-77-046 Waiving of bond requirements.** (1) **Can the department waive the requirement to maintain a fuel tax bond?** Yes, if the department determines a licensed distributor has sufficient financial assets to cover any Washington state fuel tax liability, including penalties and interest.

(2) **What is considered a financial asset?**

(a) A line of credit with a financial institution or supplier covering the cost of product and fuel tax liability; or

(b) United States dollars, bonds, or other obligations of the United States, the state, or any county of the state, deposited with the state treasurer.

(3) **How can I qualify to have my bonding requirement waived?**

(a) By filing a notarized statement with the department stating that your lines of credit with your financial institutions and your fuel suppliers are sufficient to cover product cost and state fuel taxes. You must list the name of each financial institution, the account numbers and dollar value of your lines of credit, and the names of your fuel suppliers. You must authorize the department to access this information with your financial institutions and suppliers; or

(b) Deposit an amount equal to the estimated monthly fuel tax liability in a financial institution and assign this deposit to the department as security for performance under chapter 82.38 RCW; and

(c) Provide the department with documentation indicating that the suppliers will not allow the licensed distributor to incur a liability, including fuel tax, in excess of the lines of credit.

(4) **What if the department denies my request for a waiver of the bond requirement?** You can appeal this decision as provided in chapters 82.38 RCW and 308-77 WAC.

(5) **What if I no longer maintain a line of credit or financial asset?** You must provide a surety bond to the department in the amount required by chapter 82.38 RCW, with a coverage beginning on or before the date the line of credit or financial asset became insufficient.

[Statutory Authority: RCW 82.38.260. WSR 16-13-049, amended and recodified as § 308-77-046, filed 6/9/16, effective 7/10/16; WSR 09-07-075, § 308-77-04401, filed 3/16/09, effective 4/16/09. Statutory Authority: RCW 82.36.435 and 82.38.260. WSR 02-02-010, § 308-77-04401, filed 12/20/01, effective 1/20/02.]