
HOUSE BILL 2012

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Lias, Armstrong, Takko, Hinkle, Finn, Upthegrove, Rolfes, Rodne, Reykdal, McCune, Wilcox, Angel, Blake, Chandler, Johnson, Kristiansen, Orcutt, and Warnick

1 AN ACT Relating to the fuel tax used to determine fuel tax
2 distributions to certain accounts; amending RCW 46.10.530 and
3 79A.25.070; reenacting and amending RCW 46.09.520; providing an
4 effective date; and declaring an emergency.

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

6 **Sec. 1.** RCW 46.09.520 and 2010 1st sp.s. c 37 s 936 and 2010 c 161
7 s 222 are each reenacted and amended to read as follows:

8 (1) From time to time, but at least once each year, the state
9 treasurer (~~shall~~) must refund from the motor vehicle fund one percent
10 of the motor vehicle fuel tax revenues collected under chapter 82.36
11 RCW, based on a tax rate (~~of: (a) Nineteen cents per gallon of motor
12 vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents
13 per gallon of motor vehicle fuel from July 1, 2005, through June 30,
14 2007; (c) twenty one cents per gallon of motor vehicle fuel from July
15 1, 2007, through June 30, 2009; (d) twenty two cents per gallon of
16 motor vehicle fuel from July 1, 2009, through June 30, 2011; and (e)
17 twenty three cents per gallon of motor vehicle fuel beginning July 1,
18 2011, and thereafter~~) equal to the motor vehicle fuel tax rate in

1 current use during the calendar year under determination, as provided
2 in RCW 82.36.025, less proper deductions for refunds and costs of
3 collection as provided in RCW 46.68.090.

4 (2) The treasurer (~~shall~~) must place these funds in the general
5 fund as follows:

6 (a) Thirty-six percent (~~shall~~) must be credited to the ORV and
7 nonhighway vehicle account and administered by the department of
8 natural resources solely for acquisition, planning, development,
9 maintenance, and management of ORV, nonmotorized, and nonhighway road
10 recreation facilities, and information programs and maintenance of
11 nonhighway roads;

12 (b) Three and one-half percent (~~shall~~) must be credited to the
13 ORV and nonhighway vehicle account and administered by the department
14 of fish and wildlife solely for the acquisition, planning, development,
15 maintenance, and management of ORV, nonmotorized, and nonhighway road
16 recreation facilities and the maintenance of nonhighway roads;

17 (c) Two percent (~~shall~~) must be credited to the ORV and
18 nonhighway vehicle account and administered by the parks and recreation
19 commission solely for the acquisition, planning, development,
20 maintenance, and management of ORV, nonmotorized, and nonhighway road
21 recreation facilities; and

22 (d) Fifty-eight and one-half percent (~~shall~~) must be credited to
23 the nonhighway and off-road vehicle activities program account to be
24 administered by the board for planning, acquisition, development,
25 maintenance, and management of ORV, nonmotorized, and nonhighway road
26 recreation facilities and for education, information, and law
27 enforcement programs. The funds under this subsection (~~shall~~) must
28 be expended in accordance with the following limitations:

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

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

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

37 (B) Not less than thirty percent may be expended for nonmotorized

1 recreation facilities. Funds expended under this subsection
2 (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation
3 facilities funds; and

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

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

10 (3) On a yearly basis an agency may not, except as provided in RCW
11 46.68.045, expend more than ten percent of the funds it receives under
12 this chapter for general administration expenses incurred in carrying
13 out this chapter.

14 (4) During the 2009-2011 fiscal biennium, the legislature may
15 appropriate such amounts as reflect the excess fund balance in the NOVA
16 account to the department of natural resources to install consistent
17 off-road vehicle signage at department-managed recreation sites, and to
18 implement the recreation opportunities on department-managed lands in
19 the Reiter block and Ahtanum state forest, and to the state parks and
20 recreation commission. The legislature finds that the appropriation of
21 funds from the NOVA account during the 2009-2011 fiscal biennium for
22 maintenance and operation of state parks or to improve accessibility
23 for boaters and off-road vehicle users at state parks will benefit
24 boaters and off-road vehicle users and others who use nonhighway and
25 nonmotorized recreational facilities. The appropriations under this
26 subsection are not required to follow the specific distribution
27 specified in subsection (2) of this section.

28 **Sec. 2.** RCW 46.10.530 and 2003 c 361 s 408 are each amended to
29 read as follows:

30 From time to time, but at least once each four years, the
31 department (~~shall~~) must determine the amount of moneys paid to it as
32 motor vehicle fuel tax that is tax on snowmobile fuel. (~~Such~~) This
33 determination (~~shall~~) must use one hundred thirty-five gallons as the
34 average yearly fuel usage per snowmobile, the number of registered
35 snowmobiles during the calendar year under determination, and a fuel
36 tax rate (~~of: (1) Nineteen cents per gallon of motor vehicle fuel~~
37 ~~from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon~~

1 of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3)
2 twenty one cents per gallon of motor vehicle fuel from July 1, 2007,
3 through June 30, 2009; (4) twenty two cents per gallon of motor vehicle
4 fuel from July 1, 2009, through June 30, 2011; and (5) twenty three
5 cents per gallon of motor vehicle fuel beginning July 1, 2011, and
6 thereafter)) equal to the motor vehicle fuel tax rate in current use
7 during the calendar year under determination, as provided in RCW
8 82.36.025.

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

11 Upon expiration of the time limited by RCW 82.36.330 for claiming
12 of refunds of tax on marine fuel, the state of Washington ((shall))
13 succeeds to the right to such refunds. The director of licensing,
14 after taking into account past and anticipated claims for refunds from
15 and deposits to the marine fuel tax refund account, ((shall)) must
16 request the state treasurer to transfer monthly from the marine fuel
17 tax refund account an amount equal to the proportion of the moneys in
18 the account representing a motor vehicle fuel tax rate ((of:—(1)
19 ~~Nineteen cents per gallon of motor vehicle fuel from July 1, 2003,~~
20 ~~through June 30, 2005; (2) twenty cents per gallon of motor vehicle~~
21 ~~fuel from July 1, 2005, through June 30, 2007; (3) twenty one cents per~~
22 ~~gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009;~~
23 ~~(4) twenty two cents per gallon of motor vehicle fuel from July 1,~~
24 ~~2009, through June 30, 2011; and (5) twenty three cents per gallon of~~
25 ~~motor vehicle fuel beginning July 1, 2011, and thereafter)) equal to
26 the motor vehicle fuel tax rate in current use during the calendar year
27 under determination, as provided in RCW 82.36.025, to the recreation
28 resource account and the remainder to the motor vehicle fund.~~

29 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 July 1, 2011.

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