

# HOUSE BILL REPORT

## HB 2917

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### As Reported By House Committee On:

Transportation Policy & Budget

**Title:** An act relating to fuel tax and international registration plan payments.

**Brief Description:** Regulating fuel tax and international registration plan payments.

**Sponsors:** Representatives K. Schmidt and Fisher; by request of Department of Licensing.

### Brief History:

#### Committee Activity:

Transportation Policy & Budget: 2/2/98 [DPS].

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## HOUSE COMMITTEE ON TRANSPORTATION POLICY & BUDGET

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives K. Schmidt, Chairman; Hankins, Vice Chairman; Mielke, Vice Chairman; Mitchell, Vice Chairman; Fisher, Ranking Minority Member; Cooper, Assistant Ranking Minority Member; Backlund; Buck; Cairnes; Chandler; Constantine; Hatfield; Johnson; McCune; Murray; O'Brien; Ogden; Radcliff; Robertson; Romero; Scott; Skinner; Sterk; Wood and Zellinsky.

**Staff:** Mary McLaughlin (786-7309).

**Background:** Purchasers of gasoline and special fuels (diesel and fuels other than gasoline) may receive a refund from the Department of Licensing (DOL) for fuel bought in Washington State and used for nonhighway purposes, exported or used out of state. For gasoline refunds, the claim form must be accompanied by the original invoice(s) which represents proof of payment of the tax. If the original invoice is lost or destroyed, the person claiming the refund must submit a copy of the invoice that is certified by the vendor. For users of special fuels, the refund claim form may be accompanied by a copy of the invoice, rather than the original. This streamlines the process and allows the individual to keep the originals for audit purposes.

The Motor Vehicle Fuel Tax Act (MVFTA), a voluntary reporting program, was repealed in 1995. However, the act is still referenced in DOL's proportional registration and motor vehicle fuel distributor statutes. The MVFTA was an obsolete agreement that

had been replaced several years ago by the reporting and recordkeeping requirements of the International Fuel Tax Agreement.

DOL may refuse to issue a special fuel dealer license or special fuel user license to an applicant with an outstanding debt due to unpaid state gas/diesel taxes or proportional registration license fees. A special fuel dealer is a wholesaler of fuels other than gasoline (diesel, propane, natural gas, aircraft fuel, etc.). Unpaid aircraft fuel taxes are currently not included as grounds for denial of a special fuel dealer's license.

Leaded racing fuel is a specialized fuel used in nonhighway sporting events that retails for approximately \$4.50 per gallon. Federal law prohibits the use of this fuel on the public highways because of environmental concerns. The fuel is subject to the motor vehicle fuel tax. If the fuel were to be exempt from the fuel tax, the sales and use tax would apply and the proceeds would be deposited in the General Fund. It is estimated that about 100,000 gallons of leaded racing fuel are sold per year.

**Summary of Substitute Bill:** DOL's refund reporting procedure for gasoline purchased and used for non-taxable purposes is made the same as the refund reporting procedure for diesel users. A copy of invoice(s), rather than the original, may accompany the refund claim form.

Obsolete language referencing the MVFTA in DOL's proportional registration and motor fuel distributor statutes is removed.

DOL may refuse to issue a special fuel dealer or user license to an applicant with an outstanding state aircraft fuel tax debt.

Leaded racing fuel is exempt from the motor vehicle fuel tax. Revenue collections from sales and use taxes on leaded racing fuel are deposited in the advanced environmental mitigation revolving account (AEMRA). The AEMRA allows the Department of Transportation to fund environmental mitigation before a project is funded. Once the project is funded, it pays back the revolving account, resulting in a time and cost savings.

**Substitute Bill Compared to Original Bill:** Leaded racing fuel is exempt from the motor vehicle fuel tax.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This housekeeping bill streamlines the refund reporting process, removes obsolete language, and expands the grounds for refusal to issue a dealer's license.

**Testimony Against:** None.

**Testified:** Charlie Brown, Washington Oil Marketers Association.