

**ESHB 2231 - S AMD 439**

By Senators Horn, Haugen

ADOPTED 04/26/2003

1 Strike everything after the enacting clause and insert the  
2 following:

3 "PART I - INTENT

4 NEW SECTION. **Sec. 101.** The legislature finds that the state's  
5 transportation system is in critical need of repair, restoration, and  
6 enhancement. The states economy, the ability to move goods to market,  
7 and the overall mobility and safety of the citizens of the state rely  
8 on the state's transportation system. The revenues generated by this  
9 act are dedicated to funds, accounts, and activities that are necessary  
10 to improve the delivery of state transportation projects and services.

11 PART II - LICENSE FEES

12 **Sec. 201.** RCW 46.16.070 and 1994 c 262 s 8 are each amended to  
13 read as follows:

14 (1) In lieu of all other vehicle licensing fees, unless  
15 specifically exempt, and in addition to (~~the excise tax prescribed in~~  
16 ~~chapter 82.44 RCW and~~)) the mileage fees prescribed for buses and  
17 stages in RCW 46.16.125, there shall be paid and collected annually for  
18 each truck, motor truck, truck tractor, road tractor, tractor, bus,  
19 auto stage, or for hire vehicle with seating capacity of more than six,  
20 based upon the declared combined gross weight or declared gross weight  
21 (~~thereof pursuant to the provisions of~~)) under chapter 46.44 RCW, the  
22 following licensing fees by such gross weight:

	DECLARED GROSS WEIGHT	SCHEDULE A	SCHEDULE B
23			
24	4,000 lbs. ....	\$ 37.00.....	\$ 37.00
25	6,000 lbs. ....	\$ 44.00.....	\$ 44.00
26	8,000 lbs. ....	\$ 55.00.....	\$ 55.00
27	10,000 lbs. ....	\$ 62.00.....	\$ 62.00

1	((12,000 lbs. ....	\$	72.00 .....	\$	72.00
2	14,000 lbs. ....	\$	82.00 .....	\$	82.00
3	16,000 lbs. ....	\$	92.00 .....	\$	92.00
4	18,000 lbs. ....	\$	137.00 .....	\$	137.00
5	20,000 lbs. ....	\$	152.00 .....	\$	152.00
6	22,000 lbs. ....	\$	164.00 .....	\$	164.00
7	24,000 lbs. ....	\$	177.00 .....	\$	177.00
8	26,000 lbs. ....	\$	187.00 .....	\$	187.00
9	28,000 lbs. ....	\$	220.00 .....	\$	220.00
10	30,000 lbs. ....	\$	253.00 .....	\$	253.00
11	32,000 lbs. ....	\$	304.00 .....	\$	304.00
12	34,000 lbs. ....	\$	323.00 .....	\$	323.00
13	36,000 lbs. ....	\$	350.00 .....	\$	350.00
14	38,000 lbs. ....	\$	384.00 .....	\$	384.00
15	40,000 lbs. ....	\$	439.00 .....	\$	439.00
16	42,000 lbs. ....	\$	456.00 .....	\$	546.00
17	44,000 lbs. ....	\$	466.00 .....	\$	556.00
18	46,000 lbs. ....	\$	501.00 .....	\$	591.00
19	48,000 lbs. ....	\$	522.00 .....	\$	612.00
20	50,000 lbs. ....	\$	566.00 .....	\$	656.00
21	52,000 lbs. ....	\$	595.00 .....	\$	685.00
22	54,000 lbs. ....	\$	642.00 .....	\$	732.00
23	56,000 lbs. ....	\$	677.00 .....	\$	767.00
24	58,000 lbs. ....	\$	704.00 .....	\$	794.00
25	60,000 lbs. ....	\$	750.00 .....	\$	840.00
26	62,000 lbs. ....	\$	804.00 .....	\$	894.00
27	64,000 lbs. ....	\$	822.00 .....	\$	912.00
28	66,000 lbs. ....	\$	915.00 .....	\$	1,005.00
29	68,000 lbs. ....	\$	954.00 .....	\$	1,044.00
30	70,000 lbs. ....	\$	1,027.00 .....	\$	1,117.00
31	72,000 lbs. ....	\$	1,098.00 .....	\$	1,188.00
32	74,000 lbs. ....	\$	1,193.00 .....	\$	1,283.00
33	76,000 lbs. ....	\$	1,289.00 .....	\$	1,379.00
34	78,000 lbs. ....	\$	1,407.00 .....	\$	1,497.00
35	80,000 lbs. ....	\$	1,518.00 .....	\$	1,608.00
36	82,000 lbs. ....	\$	1,623.00 .....	\$	1,713.00
37	84,000 lbs. ....	\$	1,728.00 .....	\$	1,818.00
38	86,000 lbs. ....	\$	1,833.00 .....	\$	1,923.00
39	88,000 lbs. ....	\$	1,938.00 .....	\$	2,028.00
40	90,000 lbs. ....	\$	2,043.00 .....	\$	2,133.00
41	92,000 lbs. ....	\$	2,148.00 .....	\$	2,238.00
42	94,000 lbs. ....	\$	2,253.00 .....	\$	2,343.00
43	96,000 lbs. ....	\$	2,358.00 .....	\$	2,448.00
44	98,000 lbs. ....	\$	2,463.00 .....	\$	2,553.00

1	100,000 lbs. ....	\$	2,568.00 .....	\$	2,658.00
2	102,000 lbs. ....	\$	2,673.00 .....	\$	2,763.00
3	104,000 lbs. ....	\$	2,778.00 .....	\$	2,868.00
4	105,500 lbs. ....	\$	2,883.00 .....	\$	2,973.00))
5	12,000 lbs. ....	\$	79.00 .....	\$	79.00
6	14,000 lbs. ....	\$	90.00 .....	\$	90.00
7	16,000 lbs. ....	\$	102.00 .....	\$	102.00
8	18,000 lbs. ....	\$	154.00 .....	\$	154.00
9	20,000 lbs. ....	\$	171.00 .....	\$	171.00
10	22,000 lbs. ....	\$	185.00 .....	\$	185.00
11	24,000 lbs. ....	\$	200.00 .....	\$	200.00
12	26,000 lbs. ....	\$	211.00 .....	\$	211.00
13	28,000 lbs. ....	\$	249.00 .....	\$	249.00
14	30,000 lbs. ....	\$	287.00 .....	\$	287.00
15	32,000 lbs. ....	\$	346.00 .....	\$	346.00
16	34,000 lbs. ....	\$	368.00 .....	\$	368.00
17	36,000 lbs. ....	\$	399.00 .....	\$	399.00
18	38,000 lbs. ....	\$	438.00 .....	\$	438.00
19	40,000 lbs. ....	\$	501.00 .....	\$	501.00
20	42,000 lbs. ....	\$	521.00 .....	\$	611.00
21	44,000 lbs. ....	\$	532.00 .....	\$	622.00
22	46,000 lbs. ....	\$	572.00 .....	\$	662.00
23	48,000 lbs. ....	\$	596.00 .....	\$	686.00
24	50,000 lbs. ....	\$	647.00 .....	\$	737.00
25	52,000 lbs. ....	\$	680.00 .....	\$	770.00
26	54,000 lbs. ....	\$	734.00 .....	\$	824.00
27	56,000 lbs. ....	\$	775.00 .....	\$	865.00
28	58,000 lbs. ....	\$	806.00 .....	\$	896.00
29	60,000 lbs. ....	\$	859.00 .....	\$	949.00
30	62,000 lbs. ....	\$	921.00 .....	\$	1,011.00
31	64,000 lbs. ....	\$	941.00 .....	\$	1,031.00
32	66,000 lbs. ....	\$	1,048.00 .....	\$	1,138.00
33	68,000 lbs. ....	\$	1,093.00 .....	\$	1,183.00
34	70,000 lbs. ....	\$	1,177.00 .....	\$	1,267.00
35	72,000 lbs. ....	\$	1,259.00 .....	\$	1,349.00
36	74,000 lbs. ....	\$	1,368.00 .....	\$	1,458.00
37	76,000 lbs. ....	\$	1,478.00 .....	\$	1,568.00
38	78,000 lbs. ....	\$	1,614.00 .....	\$	1,704.00
39	80,000 lbs. ....	\$	1,742.00 .....	\$	1,832.00
40	82,000 lbs. ....	\$	1,863.00 .....	\$	1,953.00
41	84,000 lbs. ....	\$	1,983.00 .....	\$	2,073.00
42	86,000 lbs. ....	\$	2,104.00 .....	\$	2,194.00
43	88,000 lbs. ....	\$	2,225.00 .....	\$	2,315.00
44	90,000 lbs. ....	\$	2,346.00 .....	\$	2,436.00

1	<u>92,000 lbs. ....</u>	\$	<u>2,466.00 ....</u>	\$	<u>2,556.00</u>
2	<u>94,000 lbs. ....</u>	\$	<u>2,587.00 ....</u>	\$	<u>2,677.00</u>
3	<u>96,000 lbs. ....</u>	\$	<u>2,708.00 ....</u>	\$	<u>2,798.00</u>
4	<u>98,000 lbs. ....</u>	\$	<u>2,829.00 ....</u>	\$	<u>2,919.00</u>
5	<u>100,000 lbs. ....</u>	\$	<u>2,949.00 ....</u>	\$	<u>3,039.00</u>
6	<u>102,000 lbs. ....</u>	\$	<u>3,070.00 ....</u>	\$	<u>3,160.00</u>
7	<u>104,000 lbs. ....</u>	\$	<u>3,191.00 ....</u>	\$	<u>3,281.00</u>
8	<u>105,500 lbs. ....</u>	\$	<u>3,312.00 ....</u>	\$	<u>3,402.00</u>

9 Schedule A applies to vehicles either used exclusively for hauling  
10 logs or that do not tow trailers. Schedule B applies to vehicles that  
11 tow trailers and are not covered under Schedule A.

12 Every truck, motor truck, truck tractor, and tractor exceeding  
13 6,000 pounds empty scale weight registered under chapter 46.16, 46.87,  
14 or 46.88 RCW shall be licensed for not less than one hundred fifty  
15 percent of its empty weight unless the amount would be in excess of the  
16 legal limits prescribed for such a vehicle in RCW 46.44.041 or  
17 46.44.042, in which event the vehicle shall be licensed for the maximum  
18 weight authorized for such a vehicle or unless the vehicle is used only  
19 for the purpose of transporting any well drilling machine, air  
20 compressor, rock crusher, conveyor, hoist, donkey engine, cook house,  
21 tool house, bunk house, or similar machine or structure attached to or  
22 made a part of such vehicle.

23 The following provisions apply when increasing gross or combined  
24 gross weight for a vehicle licensed under this section:

25 (a) The new license fee will be one-twelfth of the fee listed above  
26 for the new gross weight, multiplied by the number of months remaining  
27 in the period for which licensing fees have been paid, including the  
28 month in which the new gross weight is effective.

29 (b) Upon surrender of the current certificate of registration or  
30 cab card, the new licensing fees due shall be reduced by the amount of  
31 the licensing fees previously paid for the same period for which new  
32 fees are being charged.

33 (2) The proceeds from the fees collected under subsection (1) of  
34 this section shall be distributed in accordance with RCW 46.68.035.

35 **Sec. 202.** RCW 46.68.035 and 2000 2nd sp.s. c 4 s 8 are each  
36 amended to read as follows:

37 All proceeds from combined vehicle licensing fees received by the

1 director for vehicles licensed under RCW 46.16.070 and 46.16.085 shall  
2 be forwarded to the state treasurer to be distributed into accounts  
3 according to the following method:

4 (1) The sum of two dollars for each vehicle shall be deposited into  
5 the multimodal transportation account, except that for each vehicle  
6 registered by a county auditor or agent to a county auditor pursuant to  
7 RCW 46.01.140, the sum of two dollars shall be credited to the current  
8 county expense fund.

9 (2) The remainder shall be distributed as follows:

10 (a) (~~((23.677))~~) 21.963 percent shall be deposited into the state  
11 patrol highway account of the motor vehicle fund;

12 (b) (~~((1.521))~~) 1.411 percent shall be deposited into the Puget Sound  
13 ferry operations account of the motor vehicle fund; (~~and~~)

14 (c) 7.240 percent shall be deposited into the transportation 2003  
15 account (nickel account); and

16 (d) The remaining proceeds shall be deposited into the motor  
17 vehicle fund.

### 18 PART III - SALES AND USE TAX

19 **Sec. 301.** RCW 82.08.020 and 2000 2nd sp.s. c 4 s 1 are each  
20 amended to read as follows:

21 (1) There is levied and there shall be collected a tax on each  
22 retail sale in this state equal to six and five-tenths percent of the  
23 selling price.

24 (2) There is levied and there shall be collected an additional tax  
25 on each retail car rental, regardless of whether the vehicle is  
26 licensed in this state, equal to five and nine-tenths percent of the  
27 selling price. The revenue collected under this subsection shall be  
28 deposited in the multimodal transportation account created in RCW  
29 47.66.070.

30 (3) Beginning July 1, 2003, there is levied and collected an  
31 additional tax of three-tenths of one percent of the selling price on  
32 each retail sale of a motor vehicle in this state, other than retail  
33 car rentals taxed under subsection (2) of this section. The revenue  
34 collected under this subsection shall be deposited in the multimodal  
35 transportation account created in RCW 47.66.070.

1       (4) For purposes of subsection (3) of this section, "motor vehicle"  
2 has the meaning provided in RCW 46.04.320, but does not include farm  
3 tractors or farm vehicles as defined in RCW 46.04.180 and 46.04.181,  
4 off-road and nonhighway vehicles as defined in RCW 46.09.020, and  
5 snowmobiles as defined in RCW 46.10.010.

6       (5) The taxes imposed under this chapter shall apply to successive  
7 retail sales of the same property.

8       ~~((4))~~ (6) The rates provided in this section apply to taxes  
9 imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

10       **Sec. 302.** RCW 82.12.020 and 2003 c 5 (EHB 1977) s 2 are each  
11 amended to read as follows:

12       (1) There is hereby levied and there shall be collected from every  
13 person in this state a tax or excise for the privilege of using within  
14 this state as a consumer: (a) Any article of tangible personal  
15 property purchased at retail, or acquired by lease, gift, repossession,  
16 or bailment, or extracted or produced or manufactured by the person so  
17 using the same, or otherwise furnished to a person engaged in any  
18 business taxable under RCW 82.04.280 (2) or (7); or (b) any canned  
19 software, regardless of the method of delivery, but excluding canned  
20 software that is either provided free of charge or is provided for  
21 temporary use in viewing information, or both.

22       (2) This tax shall apply to the use of every service defined as a  
23 retail sale in RCW 82.04.050 (2)(a) or (3)(a) and the use of every  
24 article of tangible personal property, including property acquired at  
25 a casual or isolated sale, and including byproducts used by the  
26 manufacturer thereof, except as hereinafter provided, irrespective of  
27 whether the article or similar articles are manufactured or are  
28 available for purchase within this state.

29       (3) The provisions of this chapter do not apply in respect to the  
30 use of any article of tangible personal property or service taxable  
31 under RCW 82.04.050(2)(a) or (3)(a) purchased at retail or acquired by  
32 lease, gift, or bailment if the sale to, or the use by, the present  
33 user or his bailor or donor has already been subjected to the tax under  
34 chapter 82.08 RCW or this chapter and the tax has been paid by the  
35 present user or by his bailor or donor.

1 (4) Except as provided in this section, payment by one purchaser or  
2 user of tangible personal property or service of the tax imposed by  
3 chapter 82.08 or 82.12 RCW shall not have the effect of exempting any  
4 other purchaser or user of the same property or service from the taxes  
5 imposed by such chapters. If the sale to, or the use by, the present  
6 user or his or her bailor or donor has already been subjected to the  
7 tax under chapter 82.08 RCW or this chapter and the tax has been paid  
8 by the present user or by his or her bailor or donor; or in respect to  
9 the use of property acquired by bailment and the tax has once been paid  
10 based on reasonable rental as determined by RCW 82.12.060 measured by  
11 the value of the article at time of first use multiplied by the tax  
12 rate imposed by chapter 82.08 RCW or this chapter as of the time of  
13 first use; or in respect to the use of any article of tangible personal  
14 property acquired by bailment, if the property was acquired by a  
15 previous bailee from the same bailor for use in the same general  
16 activity and the original bailment was prior to June 9, 1961, the tax  
17 imposed by this chapter does not apply.

18 (5) The tax shall be levied and collected in an amount equal to the  
19 value of the article used or value of the service used by the taxpayer  
20 multiplied by the rates in effect for the retail sales tax under RCW  
21 82.08.020.

22 **Sec. 303.** RCW 82.12.045 and 1996 c 149 s 19 are each amended to  
23 read as follows:

24 (1) In the collection of the use tax on motor vehicles, the  
25 department of revenue may designate the county auditors of the several  
26 counties of the state as its collecting agents. Upon such designation,  
27 it shall be the duty of each county auditor to collect the tax at the  
28 time an applicant applies for the registration of, and transfer of  
29 title to, the motor vehicle, except in the following instances:

30 (a) Where the applicant exhibits a dealer's report of sale showing  
31 that the retail sales tax has been collected by the dealer;

32 (b) Where the application is for the renewal of registration;

33 (c) Where the applicant presents a written statement signed by the  
34 department of revenue, or its duly authorized agent showing that no use  
35 tax is legally due; or

1 (d) Where the applicant presents satisfactory evidence showing that  
2 the retail sales tax or the use tax has been paid by (~~him~~) the  
3 applicant on the vehicle in question.

4 (2) The term "motor vehicle," as used in this section means and  
5 includes all motor vehicles, trailers and semitrailers used, or of a  
6 type designed primarily to be used, upon the public streets and  
7 highways, for the convenience or pleasure of the owner, or for the  
8 conveyance, for hire or otherwise, of persons or property, including  
9 fixed loads, facilities for human habitation, and vehicles carrying  
10 exempt licenses.

11 (3) It shall be the duty of every applicant for registration and  
12 transfer of certificate of title who is subject to payment of tax under  
13 this section to declare upon (~~his~~) the application the value of the  
14 vehicle for which application is made, which shall consist of the  
15 consideration paid or contracted to be paid therefor.

16 (4) Each county auditor who acts as agent of the department of  
17 revenue shall at the time of remitting license fee receipts on motor  
18 vehicles subject to the provisions of this section pay over and account  
19 to the state treasurer for all use tax revenue collected under this  
20 section, after first deducting as (~~his~~) a collection fee the sum of  
21 two dollars for each motor vehicle upon which the tax has been  
22 collected. All revenue received by the state treasurer under this  
23 section shall be credited to the general fund. The auditor's  
24 collection fee shall be deposited in the county current expense fund.  
25 A duplicate of the county auditor's transmittal report to the state  
26 treasurer shall be forwarded forthwith to the department of revenue.

27 (5) Any applicant who has paid use tax to a county auditor under  
28 this section may apply to the department of revenue for refund thereof  
29 if he or she has reason to believe that such tax was not legally due  
30 and owing. No refund shall be allowed unless application therefor is  
31 received by the department of revenue within the statutory period for  
32 assessment of taxes, penalties, or interest prescribed by RCW  
33 82.32.050(3). Upon receipt of an application for refund the department  
34 of revenue shall consider the same and issue its order either granting  
35 or denying it and if refund is denied the taxpayer shall have the right  
36 of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.



1 (6) The provisions of this section shall be construed as cumulative  
2 of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive,  
3 for the collection of the tax imposed by this chapter. The department  
4 of revenue shall have power to promulgate such rules as may be  
5 necessary to administer the provisions of this section. Any duties  
6 required by this section to be performed by the county auditor may be  
7 performed by the director of licensing but no collection fee shall be  
8 deductible by said director in remitting use tax revenue to the state  
9 treasurer.

10 (7) The use tax revenue collected on the rate provided in RCW  
11 82.08.020(3) shall be deposited in the multimodal transportation  
12 account under RCW 47.66.070.

13 **Sec. 304.** RCW 82.08.064 and 2000 c 104 s 3 are each amended to  
14 read as follows:

15 (1) A sales and use tax rate change under this chapter or chapter  
16 82.12 RCW shall be imposed ~~((+1+))~~ (a) no sooner than seventy-five days  
17 after its enactment into law and ~~((+2+))~~ (b) only on the first day of  
18 January, April, July, or October.

19 (2) Subsection (1) of this section does not apply to the tax rate  
20 change in section 301 of this act.

21 **PART IV - MOTOR AND SPECIAL FUEL TAXES**

22 **Sec. 401.** RCW 82.36.025 and 1999 c 269 s 16 and 1999 c 94 s 29 are  
23 each reenacted and amended to read as follows:

24 (1) A motor vehicle fuel tax rate of twenty-three cents per gallon  
25 ~~((shall apply))~~ applies to the sale, distribution, or use of motor  
26 vehicle fuel.

27 (2) Beginning July 1, 2003, an additional and cumulative motor fuel  
28 tax rate of five cents per gallon applies to the sale, distribution, or  
29 use of motor vehicle fuel. This subsection (2) expires when the bonds  
30 issued for transportation 2003 projects are retired.

31 **Sec. 402.** RCW 82.38.030 and 2002 c 183 s 2 are each amended to  
32 read as follows:

33 (1) There is hereby levied and imposed upon special fuel users a

1 tax at the rate (~~computed in the manner provided in RCW 82.36.025 on~~  
2 ~~each~~) of twenty-three cents per gallon of special fuel, or each one  
3 hundred cubic feet of compressed natural gas, measured at standard  
4 pressure and temperature.

5 (2) (~~The tax~~) Beginning July 1, 2003, an additional and  
6 cumulative tax rate of five cents per gallon of special fuel, or each  
7 one hundred cubic feet of compressed natural gas, measured at standard  
8 pressure and temperature shall be imposed on special fuel users. This  
9 subsection (2) expires when the bonds issued for transportation 2003  
10 projects are retired.

11 (3) Taxes are imposed (~~by subsection (1) of this section is~~  
12 ~~imposed~~) when:

13 (a) Special fuel is removed in this state from a terminal if the  
14 special fuel is removed at the rack unless the removal is to a licensed  
15 exporter for direct delivery to a destination outside of the state, or  
16 the removal is to a special fuel distributor for direct delivery to an  
17 international fuel tax agreement licensee under RCW 82.38.320;

18 (b) Special fuel is removed in this state from a refinery if either  
19 of the following applies:

20 (i) The removal is by bulk transfer and the refiner or the owner of  
21 the special fuel immediately before the removal is not a licensee; or

22 (ii) The removal is at the refinery rack unless the removal is to  
23 a licensed exporter for direct delivery to a destination outside of the  
24 state, or the removal is to a special fuel distributor for direct  
25 delivery to an international fuel tax agreement licensee under RCW  
26 82.38.320;

27 (c) Special fuel enters into this state for sale, consumption, use,  
28 or storage if either of the following applies:

29 (i) The entry is by bulk transfer and the importer is not a  
30 licensee; or

31 (ii) The entry is not by bulk transfer;

32 (d) Special fuel is sold or removed in this state to an unlicensed  
33 entity unless there was a prior taxable removal, entry, or sale of the  
34 special fuel;

35 (e) Blended special fuel is removed or sold in this state by the  
36 blender of the fuel. The number of gallons of blended special fuel

1 subject to tax is the difference between the total number of gallons of  
2 blended special fuel removed or sold and the number of gallons of  
3 previously taxed special fuel used to produce the blended special fuel;

4 (f) Dyed special fuel is used on a highway, as authorized by the  
5 internal revenue code, unless the use is exempt from the special fuel  
6 tax;

7 (g) Dyed special fuel is held for sale, sold, used, or is intended  
8 to be used in violation of this chapter;

9 (h) Special fuel purchased by an international fuel tax agreement  
10 licensee under RCW 82.38.320 is used on a highway; and

11 (i) Special fuel is sold by a licensed special fuel supplier to a  
12 special fuel distributor, special fuel importer, or special fuel  
13 blender and the special fuel is not removed from the bulk transfer-  
14 terminal system.

15 ~~((3))~~ (4) The tax imposed by this chapter, if required to be  
16 collected by the licensee, is held in trust by the licensee until paid  
17 to the department, and a licensee who appropriates or converts the tax  
18 collected to his or her own use or to any use other than the payment of  
19 the tax to the extent that the money required to be collected is not  
20 available for payment on the due date as prescribed in this chapter is  
21 guilty of a felony, or gross misdemeanor in accordance with the theft  
22 and anticipatory provisions of Title 9A RCW. A person, partnership,  
23 corporation, or corporate officer who fails to collect the tax imposed  
24 by this section, or who has collected the tax and fails to pay it to  
25 the department in the manner prescribed by this chapter, is personally  
26 liable to the state for the amount of the tax.

27 **Sec. 403.** RCW 46.68.090 and 1999 c 269 s 2 and 1999 c 94 s 6 are  
28 each reenacted and amended to read as follows:

29 (1) All moneys that have accrued or may accrue to the motor vehicle  
30 fund from the motor vehicle fuel tax and special fuel tax shall be  
31 first expended for purposes enumerated in (a) and (b) of this  
32 subsection. The remaining net tax amount shall be distributed monthly  
33 by the state treasurer in ~~((the proportions set forth in (c) through~~  
34 ~~(1))~~ accordance with subsections (2), (3), and (4) of this  
35 ~~((subsection))~~ section.

1 (a) For payment of refunds of motor vehicle fuel tax and special  
2 fuel tax that has been paid and is refundable as provided by law;

3 (b) For payment of amounts to be expended pursuant to  
4 appropriations for the administrative expenses of the offices of state  
5 treasurer, state auditor, and the department of licensing of the state  
6 of Washington in the administration of the motor vehicle fuel tax and  
7 the special fuel tax, which sums shall be distributed monthly((÷)).

8 ((+e)) (2) All of the remaining net tax amount collected under RCW  
9 82.36.025(1) and 82.38.030(1) shall be distributed as set forth in (a)  
10 through (j) of this section.

11 (a) For distribution to the motor vehicle fund an amount equal to  
12 44.387 percent to be expended for highway purposes of the state as  
13 defined in RCW 46.68.130;

14 ((+d)) (b) For distribution to the special category C account,  
15 hereby created in the motor vehicle fund, an amount equal to 3.2609  
16 percent to be expended for special category C projects. Special  
17 category C projects are category C projects that, due to high cost  
18 only, will require bond financing to complete construction.

19 The following criteria, listed in order of priority, shall be used  
20 in determining which special category C projects have the highest  
21 priority:

22 (i) Accident experience;

23 (ii) Fatal accident experience;

24 (iii) Capacity to move people and goods safely and at reasonable  
25 speeds without undue congestion; and

26 (iv) Continuity of development of the highway transportation  
27 network.

28 Moneys deposited in the special category C account in the motor  
29 vehicle fund may be used for payment of debt service on bonds the  
30 proceeds of which are used to finance special category C projects under  
31 this subsection ((+1)(d)) (2)(b);

32 ((+e)) (c) For distribution to the Puget Sound ferry operations  
33 account in the motor vehicle fund an amount equal to 2.3283 percent;

34 ((+f)) (d) For distribution to the Puget Sound capital  
35 construction account in the motor vehicle fund an amount equal to  
36 2.3726 percent;

1       ~~((g))~~ (e) For distribution to the urban arterial trust account in  
2 the motor vehicle fund an amount equal to 7.5597 percent;

3       ~~((h))~~ (f) For distribution to the transportation improvement  
4 account in the motor vehicle fund an amount equal to 5.6739 percent and  
5 expended in accordance with RCW 47.26.086;

6       ~~((i))~~ (g) For distribution to the cities and towns from the motor  
7 vehicle fund an amount equal to 10.6961 percent in accordance with RCW  
8 46.68.110;

9       ~~((j))~~ (h) For distribution to the counties from the motor vehicle  
10 fund an amount equal to 19.2287 percent: (i) Out of which there shall  
11 be distributed from time to time, as directed by the department of  
12 transportation, those sums as may be necessary to carry out the  
13 provisions of RCW 47.56.725; and (ii) less any amounts appropriated to  
14 the county road administration board to implement the provisions of RCW  
15 47.56.725(4), with the balance of such county share to be distributed  
16 monthly as the same accrues for distribution in accordance with RCW  
17 46.68.120;

18       ~~((k))~~ (i) For distribution to the county arterial preservation  
19 account, hereby created in the motor vehicle fund an amount equal to  
20 1.9565 percent. These funds shall be distributed by the county road  
21 administration board to counties in proportions corresponding to the  
22 number of paved arterial lane miles in the unincorporated area of each  
23 county and shall be used for improvements to sustain the structural,  
24 safety, and operational integrity of county arterials. The county road  
25 administration board shall adopt reasonable rules and develop policies  
26 to implement this program and to assure that a pavement management  
27 system is used;

28       ~~((l))~~ (j) For distribution to the rural arterial trust account in  
29 the motor vehicle fund an amount equal to 2.5363 percent and expended  
30 in accordance with RCW 36.79.020.

31       ~~((2))~~ (3) One hundred percent of the net tax amount collected  
32 under RCW 82.36.025(2) and 82.38.030(2) shall be distributed to the  
33 transportation 2003 account (nickel account).

34       (4) Nothing in this section or in RCW 46.68.130 may be construed so  
35 as to violate any terms or conditions contained in any highway  
36 construction bond issues now or hereafter authorized by statute and

1 whose payment is by such statute pledged to be paid from any excise  
2 taxes on motor vehicle fuel and special fuels.

3 **Sec. 404.** RCW 46.68.110 and 1999 c 269 s 3 and 1999 c 94 s 9 are  
4 each reenacted and amended to read as follows:

5 Funds credited to the incorporated cities and towns of the state as  
6 set forth in RCW 46.68.090(~~((1)(i))~~) (2)(g) shall be subject to  
7 deduction and distribution as follows:

8 (1) One and one-half percent of such sums distributed under RCW  
9 46.68.090(2)(g) shall be deducted monthly as such sums are credited and  
10 set aside for the use of the department of transportation for the  
11 supervision of work and expenditures of such incorporated cities and  
12 towns on the city and town streets thereof, including the supervision  
13 and administration of federal-aid programs for which the department of  
14 transportation has responsibility: PROVIDED, That any moneys so  
15 retained and not expended shall be credited in the succeeding biennium  
16 to the incorporated cities and towns in proportion to deductions herein  
17 made;

18 (2) Thirty-three one-hundredths of one percent of such funds  
19 distributed under RCW 46.68.090(2)(g) shall be deducted monthly, as  
20 such funds accrue, and set aside for the use of the department of  
21 transportation for the purpose of funding the cities' share of the  
22 costs of highway jurisdiction studies and other studies. Any funds so  
23 retained and not expended shall be credited in the succeeding biennium  
24 to the cities in proportion to the deductions made;

25 (3) One percent of such funds distributed under RCW 46.68.090(2)(g)  
26 shall be deducted monthly, as such funds accrue, to be deposited in the  
27 urban arterial trust account, to implement the city hardship assistance  
28 program, as provided in RCW 47.26.164. However, any moneys so retained  
29 and not required to carry out the program as of July 1st of each odd-  
30 numbered year thereafter, shall be provided within sixty days to the  
31 treasurer and distributed in the manner prescribed in subsection (5) of  
32 this section;

33 (4) After making the deductions under subsections (1) through (3)  
34 of this section and RCW 35.76.050, 31.86 percent of the fuel tax  
35 distributed to the cities and towns in RCW 46.68.090(~~((1)(i))~~) (2)(g)  
36 shall be allocated to the incorporated cities and towns in the manner

1 set forth in subsection (5) of this section and subject to deductions  
2 in subsections (1), (2), and (3) of this section, subject to RCW  
3 35.76.050, to be used exclusively for: The construction, improvement,  
4 chip sealing, seal-coating, and repair for arterial highways and city  
5 streets as those terms are defined in RCW 46.04.030 and 46.04.120; the  
6 maintenance of arterial highways and city streets for those cities with  
7 a population of less than fifteen thousand; or the payment of any  
8 municipal indebtedness which may be incurred in the construction,  
9 improvement, chip sealing, seal-coating, and repair of arterial  
10 highways and city streets; and

11 (5) The balance remaining to the credit of incorporated cities and  
12 towns after such deduction shall be apportioned monthly as such funds  
13 accrue among the several cities and towns within the state ratably on  
14 the basis of the population last determined by the office of financial  
15 management.

16 **Sec. 405.** RCW 82.38.035 and 2001 c 270 s 7 are each amended to  
17 read as follows:

18 (1) A licensed supplier shall remit tax on special fuel to the  
19 department as provided in RCW 82.38.030(~~((2)(a))~~) (3)(a). On a two-  
20 party exchange, or buy-sell agreement between two licensed suppliers,  
21 the receiving exchange partner or buyer shall remit the tax.

22 (2) A refiner shall remit tax to the department on special fuel  
23 removed from a refinery as provided in RCW 82.38.030(~~((2)(b))~~) (3)(b).

24 (3) An importer shall remit tax to the department on special fuel  
25 imported into this state as provided in RCW 82.38.030(~~((2)(c))~~) (3)(c).

26 (4) A blender shall remit tax to the department on the removal or  
27 sale of blended special fuel as provided in RCW 82.38.030(~~((2)(d))~~)  
28 (3)(e).

29 (5) A dyed special fuel user shall remit tax to the department on  
30 the use of dyed special fuel as provided in RCW 82.38.030(~~((2)(e))~~)  
31 (3)(f).

32 **Sec. 406.** RCW 82.38.047 and 1998 c 176 s 55 are each amended to  
33 read as follows:

34 A terminal operator is jointly and severally liable for remitting  
35 the tax imposed under RCW 82.38.030(~~((1))~~) if, in connection with the

1 removal of special fuel that is not dyed or marked in accordance with  
2 internal revenue service requirements, the terminal operator provides  
3 a person with a bill of lading, shipping paper, or similar document  
4 indicating that the special fuel is dyed or marked in accordance with  
5 internal revenue service requirements.

6 **Sec. 407.** RCW 46.09.170 and 1995 c 166 s 9 are each amended to  
7 read as follows:

8 (1) From time to time, but at least once each year, the state  
9 treasurer shall refund from the motor vehicle fund one percent of the  
10 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,  
11 based on ~~((the))~~ a tax rate ~~((in effect January 1, 1990))~~ of: (a)  
12 Nineteen cents per gallon of motor vehicle fuel from July 1, 2003,  
13 through June 30, 2005; (b) twenty cents per gallon of motor vehicle  
14 fuel from July 1, 2005, through June 30, 2007; (c) twenty-one cents per  
15 gallon of motor vehicle fuel from July 1, 2007, through June 30, 2009;  
16 (d) twenty-two cents per gallon of motor vehicle fuel from July 1,  
17 2009, through June 30, 2011; and (e) twenty-three cents per gallon of  
18 motor vehicle fuel beginning July 1, 2011, and thereafter, less proper  
19 deductions for refunds and costs of collection as provided in RCW  
20 46.68.090. The treasurer shall place these funds in the general fund  
21 as follows:

22 ~~((+a))~~ (i) Forty percent shall be credited to the ORV and  
23 nonhighway vehicle account and administered by the department of  
24 natural resources solely for planning, maintenance, and management of  
25 ORV recreation facilities, nonhighway roads, and nonhighway road  
26 recreation facilities. The funds under this subsection shall be  
27 expended in accordance with the following limitations:

28 ~~((+i))~~ (A) Not more than five percent may be expended for  
29 information programs under this chapter;

30 ~~((+ii))~~ (B) Not less than ten percent and not more than fifty  
31 percent may be expended for ORV recreation facilities;

32 ~~((+iii))~~ (C) Not more than twenty-five percent may be expended for  
33 maintenance of nonhighway roads;

34 ~~((+iv))~~ (D) Not more than fifty percent may be expended for  
35 nonhighway road recreation facilities;



1       (~~(v)~~) (E) Ten percent shall be transferred to the interagency  
2 committee for outdoor recreation for grants to law enforcement agencies  
3 in those counties where the department of natural resources maintains  
4 ORV facilities. This amount is in addition to those distributions made  
5 by the interagency committee for outdoor recreation under (~~(d)(i)~~)  
6 (e)(iv)(A) of this subsection;

7       (~~(b)~~) (ii) Three and one-half percent shall be credited to the  
8 ORV and nonhighway vehicle account and administered by the department  
9 of fish and wildlife solely for the acquisition, planning, development,  
10 maintenance, and management of nonhighway roads and recreation  
11 facilities;

12       (~~(e)~~) (iii) Two percent shall be credited to the ORV and  
13 nonhighway vehicle account and administered by the parks and recreation  
14 commission solely for the maintenance and management of ORV use areas  
15 and facilities; and

16       (~~(d)~~) (iv) Fifty-four and one-half percent, together with the  
17 funds received by the interagency committee for outdoor recreation  
18 under RCW 46.09.110, shall be credited to the nonhighway and off-road  
19 vehicle activities program account to be administered by the committee  
20 for planning, acquisition, development, maintenance, and management of  
21 ORV recreation facilities and nonhighway road recreation facilities;  
22 ORV user education and information; and ORV law enforcement programs.  
23 The funds under this subsection shall be expended in accordance with  
24 the following limitations:

25       (~~(i)~~) (A) Not more than twenty percent may be expended for ORV  
26 education, information, and law enforcement programs under this  
27 chapter;

28       (~~(ii)~~) (B) Not less than an amount equal to the funds received by  
29 the interagency committee for outdoor recreation under RCW 46.09.110  
30 and not more than sixty percent may be expended for ORV recreation  
31 facilities;

32       (~~(iii)~~) (C) Not more than twenty percent may be expended for  
33 nonhighway road recreation facilities.

34       (2) On a yearly basis an agency may not, except as provided in RCW  
35 46.09.110, expend more than ten percent of the funds it receives under  
36 this chapter for general administration expenses incurred in carrying  
37 out this chapter.

1       **Sec. 408.** RCW 46.10.170 and 1994 c 262 s 4 are each amended to  
2 read as follows:

3       From time to time, but at least once each four years, the  
4 department shall determine the amount of moneys paid to it as motor  
5 vehicle fuel tax that is tax on snowmobile fuel. Such determination  
6 shall use one hundred thirty-five gallons as the average yearly fuel  
7 usage per snowmobile, the number of registered snowmobiles during the  
8 calendar year under determination, and ~~((the))~~ a fuel tax rate ~~((in~~  
9 ~~effect January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor  
10 vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents  
11 per gallon of motor vehicle fuel from July 1, 2005, through June 30,  
12 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July  
13 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of  
14 motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5)  
15 twenty-three cents per gallon of motor vehicle fuel beginning July 1,  
16 2011, and thereafter.

17       **Sec. 409.** RCW 79A.25.070 and 2000 c 11 s 73 are each amended to  
18 read as follows:

19       Upon expiration of the time limited by RCW 82.36.330 for claiming  
20 of refunds of tax on marine fuel, the state of Washington shall succeed  
21 to the right to such refunds. The director of licensing, after taking  
22 into account past and anticipated claims for refunds from and deposits  
23 to the marine fuel tax refund account and the costs of carrying out the  
24 provisions of RCW 79A.25.030, shall request the state treasurer to  
25 transfer monthly from the marine fuel tax refund account an amount  
26 equal to the proportion of the moneys in the account representing  
27 ~~((the))~~ a motor vehicle fuel tax rate ~~((under RCW 82.36.025 in effect~~  
28 ~~on January 1, 1990))~~ of: (1) Nineteen cents per gallon of motor  
29 vehicle fuel from July 1, 2003, through June 30, 2005; (2) twenty cents  
30 per gallon of motor vehicle fuel from July 1, 2005, through June 30,  
31 2007; (3) twenty-one cents per gallon of motor vehicle fuel from July  
32 1, 2007, through June 30, 2009; (4) twenty-two cents per gallon of  
33 motor vehicle fuel from July 1, 2009, through June 30, 2011; and (5)  
34 twenty-three cents per gallon of motor vehicle fuel beginning July 1,  
35 2011, and thereafter, to the recreation resource account and the  
36 remainder to the motor vehicle fund.



1 for under the original fee, the department shall collect an additional  
2 fee of five hundred dollars per rendition. All revenue collected under  
3 this section must be deposited into the multimodal transportation  
4 account.

5 **PART VI - ACCOUNT CREATION**

6 NEW SECTION. **Sec. 601.** A new section is added to chapter 46.68  
7 RCW to read as follows:

8 (1) The transportation 2003 account (nickel account) is hereby  
9 created in the motor vehicle fund. Money in the account may be spent  
10 only after appropriation. Expenditures from the account must be used  
11 only for projects or improvements identified as transportation 2003  
12 projects or improvements in the omnibus transportation budget and to  
13 pay the principal and interest on the bonds authorized for  
14 transportation 2003 projects or improvements. Upon completion of the  
15 projects or improvements identified as transportation 2003 projects or  
16 improvements, moneys deposited in this account must only be used to pay  
17 the principal and interest on the bonds authorized for transportation  
18 2003 projects or improvements, and any funds in the account in excess  
19 of the amount necessary to make the principal and interest payments may  
20 be used for maintenance on the completed projects or improvements.

21 (2) The "nickel account" means the transportation 2003 account.

22 **Sec. 602.** RCW 43.84.092 and 2002 c 242 s 2, 2002 c 114 s 24, and  
23 2002 c 56 s 402 are each reenacted and amended to read as follows:

24 (1) All earnings of investments of surplus balances in the state  
25 treasury shall be deposited to the treasury income account, which  
26 account is hereby established in the state treasury.

27 (2) The treasury income account shall be utilized to pay or receive  
28 funds associated with federal programs as required by the federal cash  
29 management improvement act of 1990. The treasury income account is  
30 subject in all respects to chapter 43.88 RCW, but no appropriation is  
31 required for refunds or allocations of interest earnings required by  
32 the cash management improvement act. Refunds of interest to the  
33 federal treasury required under the cash management improvement act  
34 fall under RCW 43.88.180 and shall not require appropriation. The

1 office of financial management shall determine the amounts due to or  
2 from the federal government pursuant to the cash management improvement  
3 act. The office of financial management may direct transfers of funds  
4 between accounts as deemed necessary to implement the provisions of the  
5 cash management improvement act, and this subsection. Refunds or  
6 allocations shall occur prior to the distributions of earnings set  
7 forth in subsection (4) of this section.

8 (3) Except for the provisions of RCW 43.84.160, the treasury income  
9 account may be utilized for the payment of purchased banking services  
10 on behalf of treasury funds including, but not limited to, depository,  
11 safekeeping, and disbursement functions for the state treasury and  
12 affected state agencies. The treasury income account is subject in all  
13 respects to chapter 43.88 RCW, but no appropriation is required for  
14 payments to financial institutions. Payments shall occur prior to  
15 distribution of earnings set forth in subsection (4) of this section.

16 (4) Monthly, the state treasurer shall distribute the earnings  
17 credited to the treasury income account. The state treasurer shall  
18 credit the general fund with all the earnings credited to the treasury  
19 income account except:

20 (a) The following accounts and funds shall receive their  
21 proportionate share of earnings based upon each account's and fund's  
22 average daily balance for the period: The capitol building  
23 construction account, the Cedar River channel construction and  
24 operation account, the Central Washington University capital projects  
25 account, the charitable, educational, penal and reformatory  
26 institutions account, the common school construction fund, the county  
27 criminal justice assistance account, the county sales and use tax  
28 equalization account, the data processing building construction  
29 account, the deferred compensation administrative account, the deferred  
30 compensation principal account, the department of retirement systems  
31 expense account, the drinking water assistance account, the drinking  
32 water assistance administrative account, the drinking water assistance  
33 repayment account, the Eastern Washington University capital projects  
34 account, the education construction fund, the emergency reserve fund,  
35 the federal forest revolving account, the health services account, the  
36 public health services account, the health system capacity account, the  
37 personal health services account, the state higher education

1 construction account, the higher education construction account, the  
2 highway infrastructure account, the industrial insurance premium refund  
3 account, the judges' retirement account, the judicial retirement  
4 administrative account, the judicial retirement principal account, the  
5 local leasehold excise tax account, the local real estate excise tax  
6 account, the local sales and use tax account, the medical aid account,  
7 the mobile home park relocation fund, the multimodal transportation  
8 account, the municipal criminal justice assistance account, the  
9 municipal sales and use tax equalization account, the natural resources  
10 deposit account, the oyster reserve land account, the perpetual  
11 surveillance and maintenance account, the public employees' retirement  
12 system plan 1 account, the public employees' retirement system combined  
13 plan 2 and plan 3 account, the public facilities construction loan  
14 revolving account beginning July 1, 2004, the public health  
15 supplemental account, the Puyallup tribal settlement account, the  
16 regional transportation investment district account, the resource  
17 management cost account, the site closure account, the special wildlife  
18 account, the state employees' insurance account, the state employees'  
19 insurance reserve account, the state investment board expense account,  
20 the state investment board commingled trust fund accounts, the  
21 supplemental pension account, the Tacoma Narrows toll bridge account,  
22 the teachers' retirement system plan 1 account, the teachers'  
23 retirement system combined plan 2 and plan 3 account, the tobacco  
24 prevention and control account, the tobacco settlement account, the  
25 transportation infrastructure account, the tuition recovery trust fund,  
26 the University of Washington bond retirement fund, the University of  
27 Washington building account, the volunteer fire fighters' and reserve  
28 officers' relief and pension principal fund, the volunteer fire  
29 fighters' and reserve officers' administrative fund, the Washington  
30 fruit express account, the Washington judicial retirement system  
31 account, the Washington law enforcement officers' and fire fighters'  
32 system plan 1 retirement account, the Washington law enforcement  
33 officers' and fire fighters' system plan 2 retirement account, the  
34 Washington school employees' retirement system combined plan 2 and 3  
35 account, the Washington state health insurance pool account, the  
36 Washington state patrol retirement account, the Washington State  
37 University building account, the Washington State University bond

1 retirement fund, the water pollution control revolving fund, and the  
2 Western Washington University capital projects account. Earnings  
3 derived from investing balances of the agricultural permanent fund, the  
4 normal school permanent fund, the permanent common school fund, the  
5 scientific permanent fund, and the state university permanent fund  
6 shall be allocated to their respective beneficiary accounts. All  
7 earnings to be distributed under this subsection (4)(a) shall first be  
8 reduced by the allocation to the state treasurer's service fund  
9 pursuant to RCW 43.08.190.

10 (b) The following accounts and funds shall receive eighty percent  
11 of their proportionate share of earnings based upon each account's or  
12 fund's average daily balance for the period: The aeronautics account,  
13 the aircraft search and rescue account, the county arterial  
14 preservation account, the department of licensing services account, the  
15 essential rail assistance account, the ferry bond retirement fund, the  
16 grade crossing protective fund, the high capacity transportation  
17 account, the highway bond retirement fund, the highway safety account,  
18 the motor vehicle fund, the motorcycle safety education account, the  
19 pilotage account, the public transportation systems account, the Puget  
20 Sound capital construction account, the Puget Sound ferry operations  
21 account, the recreational vehicle account, the rural arterial trust  
22 account, the safety and education account, the special category C  
23 account, the state patrol highway account, the transportation 2003  
24 account (nickel account), the transportation equipment fund, the  
25 transportation fund, the transportation improvement account, the  
26 transportation improvement board bond retirement account, and the urban  
27 arterial trust account.

28 (5) In conformance with Article II, section 37 of the state  
29 Constitution, no treasury accounts or funds shall be allocated earnings  
30 without the specific affirmative directive of this section.

31 **PART VII - MISCELLANEOUS**

32 NEW SECTION. **Sec. 701.** Part headings used in this act are not any  
33 part of the law.

1        NEW SECTION.    **Sec. 702.** If any provision of this act or its  
2 application to any person or circumstance is held invalid, the  
3 remainder of the act or the application of the provision to other  
4 persons or circumstances is not affected.

5        NEW SECTION.    **Sec. 703.** Sections 301 through 602 of this act take  
6 effect July 1, 2003, and sections 201 and 202 of this act take effect  
7 August 1, 2003.

8        NEW SECTION.    **Sec. 704.** Section 201 of this act is effective with  
9 registrations that are due or will become due August 1, 2003, and  
10 thereafter.

11       NEW SECTION.    **Sec. 705.** Part V of this act is null and void if  
12 House Bill No. 2065 becomes law by June 30, 2003."

**ESHB 2231** - S AMD 439  
By Senators Horn, Haugen

**ADOPTED 04/26/2003**

13        On page 1, line 1 of the title, after "financing;" strike the  
14 remainder of the title and insert "amending RCW 46.16.070, 46.68.035,  
15 82.08.020, 82.12.020, 82.12.045, 82.08.064, 82.38.030, 82.38.035,  
16 82.38.047, 46.09.170, 46.10.170, 79A.25.070, and 46.16.233; reenacting  
17 and amending RCW 82.36.025, 46.68.090, 46.68.110, and 43.84.092; adding  
18 a new section to chapter 46.16 RCW; adding a new section to chapter  
19 46.68 RCW; creating new sections; and providing effective dates."

--- END ---