
HOUSE BILL 3149

State of Washington 59th Legislature 2006 Regular Session

By Representatives Condotta, Hinkle and Armstrong

Read first time 01/23/2006. Referred to Committee on Transportation.

1 AN ACT Relating to the fuel tax rate used to determine fuel tax
2 distributions to fund nonhighway expenditures; amending RCW 46.09.170,
3 46.10.170, and 79A.25.070; and providing an effective date.

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

5 **Sec. 1.** RCW 46.09.170 and 2004 c 105 s 6 are each amended to read
6 as follows:

7 (1) From time to time, but at least once each fiscal year, the
8 state treasurer shall refund from the motor vehicle fund one percent of
9 the motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
10 based on a tax rate of: (a) (~~Nineteen~~) Twenty-three cents per gallon
11 of motor vehicle fuel from July 1, (~~2003~~) 2006, through June 30,
12 (~~2005~~) 2007; (b) twenty-five cents per gallon of motor vehicle fuel
13 from July 1, (~~2005~~) 2007, through June 30, (~~2007~~) 2008; (c) twenty-
14 (~~one~~) six cents per gallon of motor vehicle fuel from July 1,
15 (~~2007~~) 2008, through June 30, 2009; (d) twenty-~~(two)~~ seven cents
16 per gallon of motor vehicle fuel from July 1, 2009, through June 30,
17 (~~2011~~) 2010; and (e) twenty-~~(three)~~ eight cents per gallon of motor
18 vehicle fuel beginning July 1, (~~2011~~) 2010, and thereafter, less

1 proper deductions for refunds and costs of collection as provided in
2 RCW 46.68.090.

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

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

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

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

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

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

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

32 (A) Not less than thirty percent, together with the funds the
33 committee receives under RCW 46.09.110, may be expended for ORV
34 recreation facilities;

35 (B) Not less than thirty percent may be expended for nonmotorized
36 recreation facilities. Funds expended under this subsection

37 (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation
38 facilities funds; and

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

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

8 (3) On a yearly basis an agency may not, except as provided in RCW
9 46.09.110, expend more than ten percent of the funds it receives under
10 this chapter for general administration expenses incurred in carrying
11 out this chapter.

12 ~~((4) During the 2003-05 fiscal biennium, the legislature may
13 appropriate such amounts as reflect the excess fund balance in the NOVA
14 account to the interagency committee for outdoor recreation, the
15 department of natural resources, the department of fish and wildlife,
16 and the state parks and recreation commission. This appropriation is
17 not required to follow the specific distribution specified in
18 subsection (2) of this section.))~~

19 **Sec. 2.** RCW 46.10.170 and 2003 c 361 s 408 are each amended to
20 read as follows:

21 From time to time, but at least once each four years, the
22 department shall determine the amount of moneys paid to it as motor
23 vehicle fuel tax that is tax on snowmobile fuel. ~~((Such))~~ This
24 determination shall use one hundred thirty-five gallons as the average
25 yearly fuel usage per snowmobile, the number of registered snowmobiles
26 during the calendar year under determination, and a fuel tax rate of:
27 (1) ~~((Nineteen))~~ Twenty-three cents per gallon of motor vehicle fuel
28 from July 1, ~~((2003))~~ 2006, through June 30, ~~((2005))~~ 2007; (2) twenty-
29 five cents per gallon of motor vehicle fuel from July 1, ~~((2005))~~ 2007,
30 through June 30, ~~((2007))~~ 2008; (3) twenty-~~((one))~~ six cents per gallon
31 of motor vehicle fuel from July 1, ~~((2007))~~ 2008, through June 30,
32 2009; (4) twenty-~~((two))~~ seven cents per gallon of motor vehicle fuel
33 from July 1, 2009, through June 30, ~~((2011))~~ 2010; and (5) twenty-
34 ~~((three))~~ eight cents per gallon of motor vehicle fuel beginning July
35 1, ~~((2011))~~ 2010, and thereafter.

1 **Sec. 3.** RCW 79A.25.070 and 2003 c 361 s 409 are each amended to
2 read as follows:

3 Upon expiration of the time limited by RCW 82.36.330 for claiming
4 of refunds of tax on marine fuel, the state of Washington shall succeed
5 to the right to such refunds. The director of licensing, after taking
6 into account past and anticipated claims for refunds from and deposits
7 to the marine fuel tax refund account and the costs of carrying out the
8 provisions of RCW 79A.25.030, shall request the state treasurer to
9 transfer monthly from the marine fuel tax refund account an amount
10 equal to the proportion of the moneys in the account representing a
11 motor vehicle fuel tax rate of: (1) (~~Nineteen~~) Twenty-three cents
12 per gallon of motor vehicle fuel from July 1, (~~2003~~) 2006, through
13 June 30, (~~2005~~) 2007; (2) twenty-five cents per gallon of motor
14 vehicle fuel from July 1, (~~2005~~) 2007, through June 30, (~~2007~~)
15 2008; (3) twenty-(~~one~~) six cents per gallon of motor vehicle fuel
16 from July 1, (~~2007~~) 2008, through June 30, 2009; (4) twenty-(~~two~~)
17 seven cents per gallon of motor vehicle fuel from July 1, 2009, through
18 June 30, (~~2011~~) 2010; and (5) twenty-(~~three~~) eight cents per gallon
19 of motor vehicle fuel beginning July 1, (~~2011~~) 2010, and thereafter,
20 to the recreation resource account and the remainder to the motor
21 vehicle fund.

22 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2006.

--- END ---