
SENATE BILL 5364

State of Washington

61st Legislature

2009 Regular Session

By Senators Marr, Delvin, and Haugen; by request of Department of Transportation

Read first time 01/21/09. Referred to Committee on Transportation.

1 AN ACT Relating to modifying the existing commute trip reduction
2 tax credit; amending RCW 82.70.040 and 82.70.025; providing an
3 effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 82.70.040 and 2005 c 297 s 5 are each amended to read
6 as follows:

7 (1)(a) The department shall keep a running total of all credits
8 allowed under RCW 82.70.020 during each fiscal year. The department
9 shall not allow any credits that would cause the total amount allowed
10 to exceed (~~two~~) one million (~~seven~~) two hundred fifty thousand
11 dollars in any fiscal year. (~~This limitation includes any deferred~~
12 ~~credits carried forward under subsection (2)(b)(i) of this section from~~
13 ~~prior years.~~)

14 (b) If the total amount of credit applied for by all applicants in
15 any year exceeds the limit in this subsection, the department shall
16 ratably reduce the amount of credit allowed for all applicants so that
17 the limit in this subsection is not exceeded. If a credit is reduced
18 under this subsection, the amount of the reduction may not be carried
19 forward and claimed in subsequent fiscal years.

1 (2)(a) A tax credit under this section must be claimed against
2 taxes due for the calendar year in which the credit was approved. Tax
3 credits under RCW 82.70.020 may not be claimed in excess of the amount
4 of tax otherwise due under chapter 82.04 or 82.16 RCW.

5 ~~(b)((i) Through June 30, 2005, a person with taxes equal to or in~~
6 ~~excess of the credit under RCW 82.70.020, and therefore not subject to~~
7 ~~the limitation in (a) of this subsection, may elect to defer tax~~
8 ~~credits for a period of not more than three years after the year in~~
9 ~~which the credits accrue. No credits deferred under this subsection~~
10 ~~(2)(b)(i) may be used after June 30, 2008. A person deferring tax~~
11 ~~credits under this subsection (2)(b)(i) must submit an application as~~
12 ~~provided in RCW 82.70.025 in the year in which the deferred tax credits~~
13 ~~will be used. This application is subject to the provisions of~~
14 ~~subsection (1) of this section for the year in which the tax credits~~
15 ~~will be applied. If a deferred credit is reduced under subsection~~
16 ~~(1)(b) of this section, the amount of deferred credit disallowed~~
17 ~~because of the reduction may be carried forward as long as the period~~
18 ~~of deferral does not exceed three years after the year in which the~~
19 ~~credit was earned.~~

20 ~~(ii))~~ For any credits approved by the department after June 30,
21 2005, and before July 1, 2009, the approved credit may be carried
22 forward ~~((to))~~ and claimed, through June 30, 2013, against taxes due in
23 subsequent years until used. Credits carried forward as authorized by
24 this subsection are subject to the limitation in subsection (1)(a) of
25 this section for the fiscal year for which the credits were originally
26 approved.

27 (3) No person shall be approved for tax credits under RCW 82.70.020
28 in excess of ~~((two))~~ one hundred thousand dollars in any fiscal year.
29 This limitation does not apply to credits carried forward from prior
30 years under subsection (2)(b) of this section.

31 (4) No person may claim tax credits after June 30, 2013.

32 (5) Credits may not be carried forward other than as authorized in
33 subsection (2)(b) of this section.

34 (6) No person is eligible for tax credits under RCW 82.70.020 if
35 the additional revenues for the multimodal transportation account
36 created by Engrossed Substitute House Bill No. 2231 are terminated.

1 **Sec. 2.** RCW 82.70.025 and 2005 c 297 s 2 are each amended to read
2 as follows:

3 (1) Application for tax credits under this chapter must be received
4 by the department between the first day of January and the 31st day of
5 January, following the calendar year in which the applicant made
6 payments to or on behalf of employees for ride sharing in vehicles
7 carrying two or more persons, for using public transportation, for
8 using car sharing, or for using nonmotorized commuting. The
9 application shall be made to the department in a form and manner
10 prescribed by the department. The application shall contain
11 information regarding the number of employees for which incentives are
12 paid during the calendar year, the amounts paid to or on behalf of
13 employees for ride sharing in vehicles carrying two or more persons,
14 for using public transportation, for using car sharing, or for using
15 nonmotorized commuting, ~~((the amount of credit deferred under RCW
16 82.70.040(2)(b)(i) to be used,))~~ and other information required by the
17 department. ~~((For applications due by January 31, 2006, the
18 application shall not include amounts paid from January 1, 2005,
19 through June 30, 2005, to or on behalf of employees for ride sharing in
20 vehicles carrying two or more persons, for using public transportation,
21 for using car sharing, or for using nonmotorized commuting.))~~

22 (2) No person may be approved for credit under this chapter more
23 than twice during the period between January 1, 2010, and January 31,
24 2013.

25 (3) The department shall rule on the application within sixty days
26 of the deadline provided in subsection (1) of this section.

27 ~~((+3))~~ (4) The department shall disapprove any application not
28 received by the deadline provided in subsection (1) of this section
29 regardless of the reason that the application was received after the
30 deadline.

31 ~~((+4))~~ (5) After an application is approved and tax credit
32 granted, no increase in the credit shall be allowed.

33 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
34 preservation of the public peace, health, or safety, or support of the
35 state government and its existing public institutions, and takes effect

1 July 1, 2009.

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