
HOUSE BILL 1539

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Buys, Blake, Armstrong, Haler, Orcutt, Hinkle, Kretz, Johnson, Warnick, McCune, and Condotta

Read first time 01/25/11. Referred to Committee on Transportation.

1 AN ACT Relating to strengthening off-road vehicle accounts by
2 reducing administrative costs and increasing the distribution of fuel
3 tax revenue to those accounts; amending RCW 46.68.045; reenacting and
4 amending RCW 46.09.520; providing an effective date; and declaring an
5 emergency.

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

7 **Sec. 1.** RCW 46.68.045 and 2010 c 161 s 822 are each amended to
8 read as follows:

9 The moneys collected by the department for ORV registrations,
10 temporary ORV use permits, decals, and tabs under this chapter and
11 chapter 46.17 RCW must be distributed from time to time, but at least
12 once a year, in the following manner:

13 (1) The department shall retain enough money to cover expenses
14 incurred in the administration of this chapter. The amount kept by the
15 department must never exceed ((eighteen)) five percent of fees
16 collected.

17 (2) The remaining moneys must be distributed for off-road vehicle
18 recreation facilities by the board in accordance with RCW
19 46.09.520(2)(d)(ii)(A).

1 **Sec. 2.** RCW 46.09.520 and 2010 1st sp.s. c 37 s 936 and 2010 c 161
2 s 222 are each reenacted and amended to read as follows:

3 (1) From time to time, but at least once each year, the state
4 treasurer shall refund from the motor vehicle fund one percent of the
5 motor vehicle fuel tax revenues collected under chapter 82.36 RCW,
6 based on a tax rate of: (a) (~~Nineteen cents per gallon of motor
7 vehicle fuel from July 1, 2003, through June 30, 2005; (b) twenty cents
8 per gallon of motor vehicle fuel from July 1, 2005, through June 30,
9 2007; (c) twenty one cents per gallon of motor vehicle fuel from July
10 1, 2007, through June 30, 2009; (d)) twenty-two cents per gallon of
11 motor vehicle fuel from July 1, 2009, through June 30, 2011; and ((e)
12 ~~twenty three~~) (b) thirty-seven and one-half cents per gallon of motor
13 vehicle fuel beginning July 1, 2011, and thereafter, less proper
14 deductions for refunds and costs of collection as provided in RCW
15 46.68.090.~~

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

18 (a) Thirty-six percent shall be credited to the ORV and nonhighway
19 vehicle account and administered by the department of natural resources
20 solely for acquisition, planning, development, maintenance, and
21 management of ORV, nonmotorized, and nonhighway road recreation
22 facilities, and information programs and maintenance of nonhighway
23 roads;

24 (b) Three and one-half percent shall be credited to the ORV and
25 nonhighway vehicle account and administered by the department of fish
26 and wildlife solely for the acquisition, planning, development,
27 maintenance, and management of ORV, nonmotorized, and nonhighway road
28 recreation facilities and the maintenance of nonhighway roads;

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

33 (d) Fifty-eight and one-half percent shall be credited to the
34 nonhighway and off-road vehicle activities program account to be
35 administered by the board for planning, acquisition, development,
36 maintenance, and management of ORV, nonmotorized, and nonhighway road
37 recreation facilities and for education, information, and law

1 enforcement programs. The funds under this subsection shall be
2 expended in accordance with the following limitations:

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

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

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

11 (B) Not less than thirty percent may be expended for nonmotorized
12 recreation facilities. Funds expended under this subsection
13 (2)(d)(ii)(B) shall be known as Ira Spring outdoor recreation
14 facilities funds; and

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

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

21 (3) On a yearly basis an agency may not, except as provided in RCW
22 46.68.045, expend more than (~~ten~~) five percent of the funds it
23 receives under this chapter for general administration expenses
24 incurred in carrying out this chapter.

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

1 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and takes effect
4 July 1, 2011.

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