
HOUSE BILL 2166

State of Washington 62nd Legislature 2011 2nd Special Session

By Representatives Hudgins, Hunter, and Ladenburg; by request of Department of Ecology

Read first time 12/09/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to generating additional revenue from the sale of
2 solid fuel burning devices; amending RCW 70.94.483; and providing an
3 effective date.

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

5 **Sec. 1.** RCW 70.94.483 and 2003 1st sp.s. c 25 s 932 are each
6 amended to read as follows:

7 (1) The woodstove education and enforcement account is hereby
8 created in the state treasury. Money placed in the account (~~shall~~)
9 must include all money received under subsections (2) and (3) of this
10 section and any other money appropriated by the legislature. Money in
11 the account (~~shall~~) must be spent for the purposes of the woodstove
12 education program established under RCW 70.94.480 and for enforcement
13 of the woodstove program, and (~~shall be~~) is subject to legislative
14 appropriation. (~~However, during the 2003-05 fiscal biennium, the
15 legislature may transfer from the woodstove education and enforcement
16 account to the air pollution control account such amounts as specified
17 in the omnibus operating budget bill.~~)

18 (2) The department of ecology, with the advice of the advisory

1 committee, shall set a flat fee of thirty dollars, on the retail sale,
2 as defined in RCW 82.04.050, of each solid fuel burning device after
3 January 1, 1992.

4 (3) An additional fee of fifteen dollars is assessed on the retail
5 sale of each solid fuel burning device. Revenue from the additional
6 fee is solely for use by the department to carry out its
7 responsibilities under RCW 70.94.480.

8 (4) The ((fee shall be)) fees in subsections (2) and (3) of this
9 section are imposed upon the consumer and ((shall not be)) are not
10 subject to the retail sales tax provisions of chapter ((s)) 82.08 ((and
11 82.12)) RCW. The fees may be adjusted annually ((above thirty
12 dollars)) to account for inflation as determined by the state office of
13 the economic and revenue forecast council. The fees ((shall)) must be
14 collected by the department of revenue in conjunction with the retail
15 sales tax under chapter 82.08 RCW. If the seller fails to collect the
16 fees herein imposed or fails to remit the fees to the department of
17 revenue in the manner prescribed in chapter 82.08 RCW, the seller
18 ((shall be)) is personally liable to the state for the amount of the
19 fees. The collection provisions of chapter 82.32 RCW ((shall)) apply.
20 The department of revenue ((shall)) must deposit fees collected under
21 this section in the woodstove education and enforcement account.

22 NEW SECTION. Sec. 2. This act takes effect July 1, 2012.

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