
SENATE BILL 5867

State of Washington

62nd Legislature

2011 Regular Session

By Senators White, King, Ranker, Swecker, Morton, Litzow, Kilmer, Fain, Delvin, Parlette, and Holmquist Newbry

Read first time 03/07/11. Referred to Committee on Transportation.

1 AN ACT Relating to increasing off-road fuel tax refunds; amending
2 RCW 46.10.530 and 79A.25.070; reenacting and amending RCW 46.09.520;
3 and providing an effective date.

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

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

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

1 (2) The treasurer (~~shall~~) must place these funds in the general
2 fund as follows:

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

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

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

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

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

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

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

34 (B) Not less than thirty percent may be expended for nonmotorized
35 recreation facilities. Funds expended under this subsection
36 (2)(d)(ii)(B) (~~shall be~~) are known as Ira Spring outdoor recreation
37 facilities funds; and

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

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

7 (3) On a yearly basis an agency may not, except as provided in RCW
8 46.68.045, expend more than ten percent of the funds it receives under
9 this chapter for general administration expenses incurred in carrying
10 out this chapter.

11 (4) During the 2009-2011 fiscal biennium, the legislature may
12 appropriate such amounts as reflect the excess fund balance in the NOVA
13 account to the department of natural resources to install consistent
14 off-road vehicle signage at department-managed recreation sites, and to
15 implement the recreation opportunities on department-managed lands in
16 the Reiter block and Ahtanum state forest, and to the state parks and
17 recreation commission. The legislature finds that the appropriation of
18 funds from the NOVA account during the 2009-2011 fiscal biennium for
19 maintenance and operation of state parks or to improve accessibility
20 for boaters and off-road vehicle users at state parks will benefit
21 boaters and off-road vehicle users and others who use nonhighway and
22 nonmotorized recreational facilities. The appropriations under this
23 subsection are not required to follow the specific distribution
24 specified in subsection (2) of this section.

25 **Sec. 2.** RCW 46.10.530 and 2003 c 361 s 408 are each amended to
26 read as follows:

27 From time to time, but at least once each four years, the
28 department (~~shall~~) must determine the amount of moneys paid to it as
29 motor vehicle fuel tax that is tax on snowmobile fuel. (~~Such~~) The
30 determination (~~shall~~) must use one hundred thirty-five gallons as the
31 average yearly fuel usage per snowmobile, the number of registered
32 snowmobiles during the calendar year under determination, and a fuel
33 tax rate (~~of:—(1) Nineteen cents per gallon of motor vehicle fuel~~
34 ~~from July 1, 2003, through June 30, 2005; (2) twenty cents per gallon~~
35 ~~of motor vehicle fuel from July 1, 2005, through June 30, 2007; (3)~~
36 ~~twenty one cents per gallon of motor vehicle fuel from July 1, 2007,~~
37 ~~through June 30, 2009; (4) twenty two cents per gallon of motor vehicle~~

1 ~~fuel from July 1, 2009, through June 30, 2011; and (5) twenty three~~
2 ~~cents per gallon of motor vehicle fuel beginning July 1, 2011, and~~
3 ~~thereafter)) equal to the state's motor vehicle fuel tax rate on July~~
4 ~~1st of that fiscal year.~~

5 **Sec. 3.** RCW 79A.25.070 and 2010 c 23 s 3 are each amended to read
6 as follows:

7 Upon expiration of the time limited by RCW 82.36.330 for claiming
8 of refunds of tax on marine fuel, the state of Washington shall succeed
9 to the right to such refunds. The director of licensing, after taking
10 into account past and anticipated claims for refunds from and deposits
11 to the marine fuel tax refund account, shall request the state
12 treasurer to transfer monthly from the marine fuel tax refund account
13 an amount equal to the proportion of the moneys in the account
14 representing a motor vehicle fuel tax rate (~~(of:—(1) Nineteen cents~~
15 ~~per gallon of motor vehicle fuel from July 1, 2003, through June 30,~~
16 ~~2005; (2) twenty cents per gallon of motor vehicle fuel from July 1,~~
17 ~~2005, through June 30, 2007; (3) twenty one cents per gallon of motor~~
18 ~~vehicle fuel from July 1, 2007, through June 30, 2009; (4) twenty two~~
19 ~~cents per gallon of motor vehicle fuel from July 1, 2009, through June~~
20 ~~30, 2011; and (5) twenty three cents per gallon of motor vehicle fuel~~
21 ~~beginning July 1, 2011, and thereafter)) equal to the state's motor~~
22 ~~vehicle fuel tax rate on July 1st of that fiscal year, to the~~
23 ~~recreation resource account and the remainder to the motor vehicle~~
24 ~~fund.~~

25 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2011.

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