

1971, 1st Ex. Sess. Consequently, I have determined to veto  
veto section seven since it is superfluous and could create <sup>Message</sup>  
substantial confusion if allowed to stand."

## CHAPTER 96

[House Bill No. 71]

MOTOR VEHICLE FUEL TAX--DIRECTOR--DEPARTMENT  
DUTIES TRANSFER

AN ACT Relating to motor vehicle fuel tax; amending section 82.36.060, chapter 15, Laws of 1961 and RCW 82.36.060; amending section 82.36.070, chapter 15, Laws of 1961 as amended by section 3, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.070; amending section 82.36.270, chapter 15, Laws of 1961 as amended by section 4, chapter 153, Laws of 1967 and RCW 82.36.270; and amending section 82.36.306, chapter 15, Laws of 1961 and RCW 82.36.306.

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

Section 1. Section 82.36.060, chapter 15, Laws of 1961 and RCW 82.36.060 are each amended to read as follows:

Every person, before becoming a distributor or continuing in business as a distributor, shall make an application to the ((director)) department for a license authorizing the applicant to engage in business as a distributor. Applications for such licenses shall be made to the ((director)) department on forms to be furnished by ((him)) the department, and shall be accompanied by a fee of ten dollars.

Before granting any license authorizing any person to engage in business as a distributor, the ((director)) department shall require applicant to file with ((him)) the department, in such form as shall be prescribed by the ((director)) department, a corporate surety bond duly executed by the applicant as principal, payable to the state and conditioned for faithful performance of all the requirements of this chapter, including the payment of all taxes, penalties, and other obligations arising out of this chapter. The total amount of the bond or bonds, required of any distributor shall be fixed by the ((director)) department and may be increased or reduced by the ((director)) department at any time subject to the limitations herein provided. In fixing the total amount of the bond or bonds required of any distributor, the ((director)) department shall require a bond or bonds equivalent in total amount to twice the estimated monthly excise tax determined in such manner as the ((director)) department may deem proper. If at any time the estimated excise tax to become due during the succeeding month

amounts to more than fifty percent of the established bond, the ((director)) department shall require additional bonds or securities to maintain the marginal ratio herein specified or shall demand excise tax payments to be made weekly or semimonthly to meet the requirements hereof.

In lieu of a bond in excess of five thousand dollars the distributor may file with the ((director)) department a property statement setting forth a complete description of all his property and the values thereof, and showing the amount of any indebtedness or encumbrance thereon to the end that the ((director)) department may ascertain whether or not the distributor can be compelled to respond in twice the amount of the taxes due or to become due hereunder. If the ((director)) department determines that the distributor can be compelled to respond in twice the amount of the tax ((he)) the department may accept such statement in lieu of a bond in excess of five thousand dollars. The ((director)) department may at any time demand from the distributor a new property statement and may at any time if ((he)) the department deems the property of the distributor insufficient to secure the payment of twice the amount of the taxes require the distributor to furnish a bond in such amount as will secure the payment of twice the amount of the taxes.

The total amount of the bond or bonds required of any distributor shall never be less than five thousand dollars nor more than fifty thousand dollars.

No recoveries on any bond or the execution of any new bond shall invalidate any bond and no revocation of any license shall effect the validity of any bond but the total recoveries under any one bond shall not exceed the amount of the bond.

In lieu of any such bond or bonds in total amount as herein fixed, a distributor may deposit with the state treasurer, under such terms and conditions as the ((director)) department may prescribe, a like amount of lawful money of the United States or bonds or other obligations of the United States, the state, or any county of the state, of an actual market value not less than the amount so fixed by the ((director)) department.

Any surety on a bond furnished by a distributor as provided herein shall be released and discharged from any and all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety has lodged with the ((director)) department a written request to be released and discharged, but this provision shall not operate to relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration of the thirty day period. The ((director)) department shall promptly, upon receiving any such request, notify the distributor who furnished the bond; and unless the distributor,

on or before the expiration of the thirty day period, files a new bond, or makes a deposit in accordance with the requirements of this section, the ((director)) department shall forthwith cancel the distributor's license. Whenever a new bond is furnished by a distributor, the ((director)) department shall cancel his old bond as soon as ((he)) the department and the attorney general are satisfied that all liability under the old bond has been fully discharged.

The ((director)) department may require a distributor to give a new or additional surety bond or to deposit additional securities of the character specified in this section if, in ((his)) its opinion, the security of the surety bond theretofore filed by such distributor, or the market value of the properties deposited as security by the distributor, shall become impaired or inadequate; and upon the failure of the distributor to give such new or additional surety bond or to deposit additional securities within ((ten)) thirty days after being requested so to do by the ((director)) department, the ((director)) department shall forthwith cancel his license.

Sec. 2. Section 82.36.070, chapter 15, Laws of 1961 as amended by section 3, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.070 are each amended to read as follows:

The application in proper form having been accepted for filing, the filing fee paid, and the bond or other security having been accepted and approved, the ((director)) department shall issue to the applicant a license to transact business as a distributor in the state, and such license shall be valid until canceled or revoked.

The license so issued by the ((director)) department shall not be assignable, and shall be valid only for the distributor in whose name issued.

The ((director)) department shall keep and file all applications and bonds with an alphabetical index thereof, together with a record of all licensed distributors.

Each distributor shall be assigned a license number upon qualifying for a license hereunder, and the ((director)) department shall issue to each such licensee a license certificate which shall be displayed conspicuously by the distributor at his principal place of business ((in this state)). The ((director)) department shall also issue separate license cards for each bulk storage plant operated by such distributor. Such license cards shall indicate the number so assigned the distributor, the location of the storage plant for which the card is used, and such other information as the ((director)) department may prescribe. The license card shall be conspicuously displayed at each bulk storage plant to which it is assigned, and it shall be unlawful for any distributor to operate or maintain a bulk storage plant in this state for the purpose of storing motor fuel without displaying such license card as herein

provided. Bulk plant licenses shall be continuing until canceled or revoked. The distributor shall report on forms prescribed by the ((director)) department any change in the number or capacity of bulk storage plants operated or maintained at the time such change occurs.

In the event an application for a license to transact business as a distributor is filed by any person whose license has heretofore been canceled for cause by the ((director)) department, or if the ((director)) department is of the opinion that the application is not filed in good faith, or that the application is filed by some person as a subterfuge for the real person in interest whose license has heretofore been canceled for cause, the ((director)) department, after a hearing, of which the applicant shall be given five days' notice in writing and at which the applicant may appear in person or by counsel and present testimony, may refuse to issue such a person a license to transact business as a distributor.

Sec. 3. Section 82.36.270, chapter 15, Laws of 1961 as amended by section 4, chapter 153, Laws of 1967 and RCW 82.36.270 are each amended to read as follows:

Any person desiring to claim a refund shall obtain a permit from the ((director)) department by application therefor on such form as ((he)) the department shall prescribe, which application shall contain, among other things, the name and address of the applicant, the nature of the business and a sufficient description for identification of the machines or equipment in which the motor vehicle fuel is to be used, for which refund may be claimed under the permit. The permit shall bear a permit number and all applications for refund shall bear the number of the permit under which it is claimed. The ((director)) department shall keep a permanent record of all permits issued and a cumulative record of the amount of refund claimed and paid thereunder. Such permit shall be obtained before or at the time that the first application for refund is made under the provisions of this chapter. ((At the time of filing an application for a refund permit, the applicant shall pay to the director a permit fee of one dollar, which shall be deposited in the motor vehicle fund.)) All permits shall expire on the thirtieth day of November of every even-numbered year.

Sec. 4. Section 82.36.306, chapter 15, Laws of 1961 and RCW 82.36.306 are each amended to read as follows:

If any person who purchases motor vehicle fuel exclusive of tax under the provisions of RCW ((82.36.235 and)) 82.36.305 uses or permits such fuel to be used for purposes other than marine use as set forth in this chapter, he shall immediately become liable for the motor vehicle fuel tax imposed thereon and shall for a period of five years thereafter become ineligible for any permit under RCW 82.36.270. The foregoing remedies shall be cumulative and no action

taken pursuant thereto shall relieve any person from the penal provisions of this chapter.

The ((director)) department is hereby empowered with full authority to promulgate rules and regulations and to prescribe forms necessary for the enforcement of the provisions relating to such sales and use of motor vehicle fuel. This shall include authority to require distributors and dealers to color motor vehicle fuel so sold with a coloring matter to be prescribed and furnished without cost by the ((director)) department. It shall be unlawful to use or to permit the use of the fuel so colored for any purpose other than that provided under RCW ((82.36.235 and)) 82.36.305. The ((director)) department, in order to ascertain whether the fuel so colored has been unlawfully used, may take samples of fuel from fuel tanks of motor vehicles and conduct such other examinations as ((he)) it may deem necessary.

Passed the House February 7, 1973.

Passed the Senate March 1, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 97

[ House Bill No. 130 ]

COUNTY BUDGETS--SUPPLEMENTAL APPROPRIATIONS--  
UNANTICIPATED RECEIPTS.

AN ACT Relating to the law of counties; and amending section 36.40.100, chapter 4, Laws of 1963 as last amended by section 2, chapter 252, Laws of 1969 ex. sess. and RCW 36.40.100.

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

Section 1. Section 36.40.100, chapter 4, Laws of 1963 as last amended by section 2, chapter 252, Laws of 1969 ex. sess. and RCW 36.40.100 are each amended to read as follows:

The estimates of expenditures itemized and classified as required in RCW 36.40.040 and as finally fixed and adopted in detail by the board of county commissioners shall constitute the appropriations for the county for the ensuing fiscal year; and ((the county commissioners and)) every ((other)) county official shall be limited in the making of expenditures or the incurring of liabilities to the amount of such detailed appropriation items or classes respectively: PROVIDED, That upon a resolution formally adopted by the board at a regular or special meeting and entered upon the minutes, transfers or revisions within departments, or supplemental appropriations to the budget from unanticipated federal or state