

penses incurred by the commission as may be approved by the director: *Provided*, That not more than five percent of the state fair fund may be used for such expenses.

The division and payment of funds authorized in this section shall occur at such times as the director may prescribe.

Passed the House March 16, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

---

### CHAPTER 33.

[ House Bill No. 247. ]

#### USE FUEL TAX.

AN ACT relating to the use fuel tax; and amending sections 82.40.050, 82.40.060, 82.40.130, 82.40.220, 82.40.250 and 82.40.270, chapter 15, Laws of 1961 and RCW 82.40.050, 82.40.060, 82.40.130, 82.40.220, 82.40.250 and 82.40.270.

*Be it enacted by the Legislature of the State of Washington:*

SECTION 1. Section 82.40.050, chapter 15, Laws of 1961 and RCW 82.40.050 are each amended to read as follows:

It shall be unlawful for any person to use fuel within this state unless a use fuel tax permit has been issued to him as provided herein and shall not have been revoked. Applications for such permits must be made to the director upon forms prescribed by him and shall set forth such information as he may require. On receipt of an application, the director shall issue to the applicant a use fuel tax permit authorizing such applicant to use fuel within this state. Such permit shall be valid only for the person in whose name it is issued and shall be valid until revoked or canceled.

RCW 82.40.050  
amended.

Use fuel tax.  
Fuel tax  
permit—  
Vehicle identi-  
fication card  
carried.

Use fuel tax. Vehicle identification card carried.

A vehicle identification card shall be issued without charge by the director upon application by a user holding an unrevoked use fuel tax permit, shall show the number of such permit and shall identify the motor vehicle with respect to which it is issued. Each such vehicle identification card shall be carried on each motor vehicle in connection with which fuel is used by the permit holder.

RCW 82.40.060 amended.

SEC. 2. Section 82.40.060, chapter 15, Laws of 1961 and RCW 82.40.060 are each amended to read as follows:

Revocation of permit—  
Reissuance—  
Request for cancellation on cessation of use, procedure.

The director may revoke the permit of any person who fails to comply with the provisions of this chapter or any rule or regulation adopted hereunder. Before revoking any such permit the director shall serve written notice on the holder ordering him to appear before the director at a time not less than ten days after such service and show cause why the permit should not be revoked. The notice shall be served in the manner prescribed by RCW 82.40.170. A new permit shall not be issued to a person whose permit has been revoked, unless it appears to the satisfaction of the director that such person will comply with the provisions of this chapter and the rules and regulations adopted hereunder.

In the event any person to whom a permit has been issued ceases using fuel within this state, such person shall immediately request in writing that the director cancel his permit. Upon receipt of such request the director shall determine that all tax, penalty, and interest now due and which may become due and payable under the provisions of this chapter, shall become due and payable concurrently with the date and time of the request for cancellation of his permit. The permit holder shall forthwith file a report for any period not covered by preceding reports filed by him to the date of can-

cellation and shall remit and pay all tax, penalty and interest to the state treasurer, which have been collected or required to be collected and which have accrued from the amount of fuel used up to and including the date of cancellation. The director shall continue the force and effect of such permit until the above cancellation compliance shall be well and truly discharged. Cancellation of the permit shall not, therefore, be effective until the first day of the month immediately following compliance with the cancellation provisions: *Provided*, That the surety on a bond, as provided in RCW 82.40.130, shall not be released and discharged from any liability which shall accrue (due and to become due) as may be determined, subsequent to the date of cancellation, by department audit of the permit holder's reports and/or records, whereby such audit shall establish his compliance with this chapter, and the payment of any and all taxes, penalties and interest to become due hereunder.

In the event any person ceases using fuel within this state in connection with a motor vehicle with respect to which a vehicle identification card has been issued but continues using fuel within this state in connection with another motor vehicle, such person shall immediately notify the director.

Any person whose permit has been revoked shall return to the director each vehicle identification card issued in conjunction with the revoked permit.

SEC. 3. Section 82.40.130, chapter 15, Laws of 1961 and RCW 82.40.130 are each amended to read as follows:

RCW 82.40.130  
amended.

The director shall require any user subject to the excise tax imposed hereunder to provide a bond as defined in RCW 82.40.010, to secure his compliance with this chapter, and the payment of any and all taxes, penalties and interest due and to become due hereunder.

Bond to secure  
payments and  
compliance.

Use fuel tax.  
Bond to secure  
payments and  
compliance.

The total amount of the bond or bonds required of any user subject to the tax shall be fixed by the director in an amount not less than three times the estimated amount of the monthly tax, determined in such manner as the director shall deem proper, and may be increased or reduced by the director at any time subject to the limitations herein prescribed: *Provided, however,* That the total amount of such bond or bonds shall not exceed fifty thousand dollars.

Every bond filed with and approved by the director shall, without the necessity of periodic renewal, remain in force and effect until such time as the use fuel tax permit of the principal is revoked for cause or otherwise canceled. The surety on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond after the expiration of thirty days from the date upon which such surety shall have lodged with the director 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 (due and to become due hereunder) before the expiration of the thirty day period. The director shall promptly, upon receiving any such request, notify the principal who furnished the bond; and unless the principal shall, on or before the expiration of the thirty day period, file a new bond, the director shall forthwith cancel the principal's use fuel tax permit.

RCW 82.40.220  
amended.

SEC. 4. Section 82.40.220, chapter 15, Laws of 1961 and RCW 82.40.220 are each amended to read as follows:

Refund or  
credit for  
overpayment—  
Interest.

If the director determines any amount of tax, penalty, or interest has been paid more than once or has been erroneously or illegally collected, he shall credit such amount against any amounts then

due from the user under this chapter and shall refund any balance to the user, his successor, administrator, or executor, but no such credit or refund shall be allowed unless a claim therefor is filed with the director within three years from the date of overpayment or, with respect to an assessment made under the provisions of RCW 82.40.170 or 82.40.180, within six months after such assessment becomes final. Every such claim must be in writing and state the specific grounds upon which it is founded.

Failure to file such claim within the time prescribed in this section shall constitute waiver of any and all demands against this state on account of overpayments hereunder. Within fifteen days of allowing or disallowing any such claim in whole or in part, the director shall serve notice of such action on the claimant, such service to be made in the manner prescribed by RCW 82.40.170.

Interest shall be computed, allowed, and paid upon any overpayment of tax, penalty, or interest, unless such overpayment was made intentionally or by reason of negligence, at the rate of one-half of one percent per month, or fraction thereof, from the date of overpayment as follows:

(1) In the case of a refund, to a date preceding the date of the refund warrant by not more than thirty days, such date to be determined by the director.

(2) In the case of a credit, to the same date that interest is computed on the tax against which the credit is applied.

SEC. 5. Section 82.40.250, chapter 15, Laws of 1961 and RCW 82.40.250 are each amended to read as follows:

Every user and every person selling, distributing, storing, transporting, or otherwise handling fuel shall maintain and keep for a period of not

RCW 82.40.250  
amended.  
  
Record to be  
kept by users  
and sellers.

Use fuel tax.  
Records to be  
kept by users  
and sellers—  
Liability of  
persons  
delivering into  
noncommercial  
vehicles—  
Examination  
of records—  
Enforcement—  
Rules and  
regulations.

less than three years such records, receipts, invoices, and other pertinent papers as the director may require.

Every person required to remit the tax on fuel delivered into noncommercial passenger vehicles shall be subject to the same penalties imposed upon users. The director shall pursue against such persons the same procedure and remedies for audit, adjustment, collection, and enforcement of this chapter as is provided with respect to users.

The director may examine during normal business hours the books, papers, records, and equipment of any user or of any person selling, distributing, storing, transporting, or otherwise handling fuel and investigate the character of the disposition which any such user or such other person makes of fuel in order to determine whether all taxes due hereunder are being properly reported and paid.

Every such user or such other person not maintaining records in this state so that an audit of such records may be made by the director or his duly authorized representative shall be required to make the necessary records available to the director at his request and at his designated office within this state; or, in lieu thereof, shall agree to pay as reimbursement to the director or his duly appointed representative subsistence and travel allowance at the rates prescribed by statute of this state to proceed to any out-of-state office at which the records are prepared and maintained to make such examination.

The director is charged with the enforcement of the provisions of this chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement hereof. State patrolmen shall aid the director in the enforcement of this chapter, and, for this purpose, are de-

clared to be peace officers, and given police power and authority throughout the state to arrest on sight any person known to have committed a violation of the provisions of this chapter.

SEC. 6. Section 82.40.270, chapter 15, Laws of 1961 and RCW 82.40.270 are each amended to read as follows:

It shall be unlawful for any person to deliver fuel, which is to be consumed in propelling a motor vehicle in this state, into or place such fuel into, or cause such fuel to be delivered into or placed into, any receptacle on such motor vehicle from which receptacle such fuel can be supplied to propel such motor vehicle, unless a vehicle identification card is presented and/or exhibited on such motor vehicle in connection with which fuel is used as provided in RCW 82.40.050: *Provided, however,* Users operating noncommercial passenger vehicles, as provided in RCW 82.40.045, for which fuel is delivered into the fuel supply tank of such vehicles tax-inclusive shall be exempt from the provision requiring a vehicle identification card. Delivery of fuel into storage facilities having dispensing equipment designed to fuel motor vehicles shall be prima facie evidence that the intended use of such fuel is for motor vehicles.

RCW 82.40.270 amended.

Vehicle identification card to be exhibited before vehicle can be fueled—Storage delivery evidence of intended use.

Passed the House March 18, 1965.

Passed the Senate March 24, 1965.

Approved by the Governor April 2, 1965.

CHAPTER 34.

[ House Bill No. 264. ]

PUBLIC ASSISTANCE—FRAUD—PENALTIES.

AN ACT relating to public assistance; adding a new section to chapter 26, Laws of 1959 and Title 74 RCW; repealing section 74.08.330, chapter 26, Laws of 1959 and RCW 74.08-.330; providing penalties; and declaring an emergency.

*Be it enacted by the Legislature of the State of Washington:*

New section.

SECTION 1. There is added to chapter 26, Laws of 1959 and to Title 74 RCW a new section to read as follows:

Public assistance. Fraud in procurement of public assistance, aiding in disposal of real property of recipient—Penalties.

Any person who by means of a wilfully false statement, or representation, or impersonation, or a wilful failure to reveal any material fact, condition or circumstance affecting eligibility of need for assistance, including medical care, surplus commodities and food stamps, as required by law, or a wilful failure to promptly notify the county office in writing as required by law or any change in status in respect to resources, or income, or need, or family composition, money contribution and other support, from whatever source derived, or any other change in circumstances affecting his eligibility or need for assistance, or other fraudulent device, obtains, or attempts to obtain, or aids or abets any person to obtain any public assistance to which he is not entitled or greater public assistance than that to which he is justly entitled shall be guilty of grand larceny and upon conviction thereof shall be punished by imprisonment in the state penitentiary for not more than fifteen years.

Any person who by means of a wilfully false statement or representation or by impersonation or other fraudulent device aids or abets in buying, selling, or in any other way disposing of the real property of a recipient of public assistance without the