



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Revenue

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose:

WAC 458-20-279 (Rule 279) *Clean alternative fuel vehicles and high gas mileage vehicles* explains the retail sales and use tax exemptions available for clean alternative fuel vehicles and high gas mileage vehicles. The Department is amending Rule 279 to recognize the following legislation:

- ESSB 6170 (Laws of 2009, chapter 469) - This legislation repealed the sales and use tax exemptions for high mileage hybrid vehicles. The legislation exempted the sale of high mileage hybrid vehicles from the 0.3% additional motor vehicles sales tax imposed by RCW 82.08.020(3) until January 1, 2011.
- SSB 6712 (Laws of 2010, chapter 11) - This legislation extended the sales and use tax exemptions vehicles using clean alternative fuels to include qualifying used passenger cars, light duty trucks, and medium duty passenger vehicles, which were modified after their initial purchase with an EPA certified conversion to be exclusively powered by a clean alternative fuel.

Citation of existing rules affected by this order:

Repealed:

Amended: **WAC 458-20-279 *Clean alternative fuel vehicles and high gas mileage vehicles.***

Suspended:

Statutory authority for adoption: RCW 82.32.300 and 82.01.60

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR **10-04-099** on **February 3, 2010**.

Describe any changes other than editing from proposed to adopted version: **See attachment.**

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: **An analysis was not prepared.**

Date adopted: August 13, 2010

NAME (TYPE OR PRINT)

Alan R. Lynn

SIGNATURE

TITLE

Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 13, 2010

TIME: 3:24 PM

WSR 10-17-069

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	<u>1</u>	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____



State of Washington
DEPARTMENT OF REVENUE

Attachment for CR 103 of WAC 458-20-279

Describe any changes other than editing from proposed to adopted version:

The Department made the following changes to the proposed rule to recognize SSB 6712 (Laws of 2010, chapter 11).

Subsection (2) - This subsection identifies the exemption periods for clean alternative fuel vehicle and high gas mileage vehicle exemptions. The following changes were made:

- The expiration date of the clean alternative fuel vehicles exemptions was changed from December 31, 2010 to July 1, 2015.
- Two new subsection, (2)(a)(ii) & (iii), were added to recognize the exemption and exemption periods provided for certain qualifying used vehicles (which are exclusively powered by clean alternative fuel).

Subsection (3) – This subsection provides definitions of terms used in the rule. A new subsection (3)(j) was added to provide the statutory definition of “qualifying used passenger cars, light duty trucks, and medium duty passenger vehicles.”

Subsection (5) – This subsection previously explained that the exemptions do not apply to purchases of used vehicles.

- This subsection has been changed to recognize that exemptions are available for certain “qualifying used passenger cars, light duty trucks, and medium duty passenger vehicles.”
- The example in subsection (5)(a) has been changed so that it does not conflict with provisions of SSB 6712.

Subsection (6) – This subsection addresses the application of the exemptions to a vehicle that has been converted from being exclusively powered by gasoline or diesel. Language has been added to recognize that certain “qualifying used passenger cars, light duty trucks, and medium duty passenger vehicles” will qualify for exemption.