
HOUSE BILL 1780

State of Washington

68th Legislature

2023 Regular Session

By Representatives Schmick and Dye

1 AN ACT Relating to addressing unintended consequences of the
2 climate commitment act; adding a new section to chapter 70A.65 RCW;
3 creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that reports have
6 recently emerged that some fuel suppliers have applied climate
7 commitment act compliance surcharges to sales of fuels that are
8 intended to be treated as exempt fuels under chapter 70A.65 RCW, the
9 Washington climate commitment act. It is the intent of the
10 legislature to provide the intended relief to customers of exempt
11 fuels by ensuring that the cost impacts of the program are not borne
12 by users of fuels exempted by the legislature in 2021 from climate
13 commitment act compliance obligations.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.65
15 RCW to read as follows:

16 (1) The department must adopt rules under this chapter to
17 establish a remittance program for persons whose fuel use is exempt
18 under RCW 70A.65.080, but that purchased fuel to which a surcharge
19 had been applied by a covered entity. The department's remittance
20 rules must allow a user of fuels whose emissions are exempt under

1 this chapter, including licensed dyed diesel fuel users, to apply to
2 the department for a full remittance of the value of surcharge
3 payments that accompanied the exempt fuel purchased by the user. No
4 less often than monthly, the department must issue full remittances
5 to persons who submit valid documentation of exempt fuel purchases to
6 which surcharges related to this chapter had been applied.

7 (2) Rules adopted by the department under this chapter must
8 ensure that the price impacts of the program established under this
9 chapter are not experienced by users of exempt fuel, including as a
10 result of the inappropriate application of surcharges applied to
11 sales of fuels or other products with associated covered emissions.

12 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
13 preservation of the public peace, health, or safety, or support of
14 the state government and its existing public institutions, and takes
15 effect immediately.

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