

WAC 308-77-114 Unauthorized use of dyed diesel. (1) **What is the minimum dye concentration allowed for on-road use?** None. The department may assess on any dye concentration found in licensed vehicles, vehicles required to be licensed, or in bulk storage tanks used to fuel licensed or required to be licensed vehicles.

(2) **Who can be assessed a penalty for unlawful use of dyed diesel or dyed biodiesel?**

- (a) The operator of the vehicle;
- (b) The registered owners of the vehicle;
- (c) Any person responsible for the operation, maintenance, or fueling of the vehicle.

(3) **If dyed diesel or dyed biodiesel is discovered in the fuel supply tanks of a vehicle, when must the fuel be removed?** The dyed fuel must be removed from the vehicles within (~~twenty-four~~) 24 hours from the time of discovery. Detection of dyed fuel in the same vehicles after the (~~twenty-four~~) 24-hour period will be treated as a separate violation.

(4) **Will I be assessed penalties for dyed fuel in bulk storage tanks?** Yes, if any dyed fuel from the bulk storage tanks has been used for unlawful purposes.

(5) **How (~~is~~) are the dyed diesel fuel (~~in a bulk storage tank~~) penalties assessed?** (~~The assessment is based on the capacity or estimated quantity of dyed fuel in the bulk storage tanks without regard to how this fuel will be used. A review by the Department or Appeal may be requested to provide evidence supporting a lower quantity of dyed special fuel within bulk storage in violation.~~) Dyed diesel found in the fuel supply tank of a vehicle required to be licensed will be penalized \$10.00 for each gallon placed in the supply tank or \$1,000.00 whichever is greater.

Dyed diesel found in bulk storage tanks when used for unlawful purposes will be penalized \$10.00 per gallon based on the capacity of the tank or \$1,000.00 whichever is greater.

(6) **What if I refuse the department or authorized representative access to inspect the vehicles or bulk storage tanks?** The penalty in RCW 82.38.072(2) will be calculated on the capacity of the bulk storage tanks and the number of vehicles subject to the refusal.

(7) **Are there additional penalties for separate or repeated dyed diesel violations?** Yes. Any separate violation of unlawful use of dyed diesel within a five-year period increases with each repeat violation. Any violation for either, or both the fuel supply tank of a motor vehicle and bulk storage tank are included in the repeat violation assessment.

(8) **How are repeat violation assessments calculated?** Each separate violation is multiplied by the prior number of violations, plus one.