

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 hours from the time of discovery. Detection of dyed fuel in the same vehicles after the twenty-four-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 the dyed fuel in a bulk storage tank 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.

(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.

[Statutory Authority: RCW 82.38.260. WSR 16-13-049, § 308-77-114, filed 6/9/16, effective 7/10/16; WSR 09-07-075, § 308-77-114, filed 3/16/09, effective 4/16/09; WSR 01-22-073, § 308-77-114, filed 11/1/01, effective 12/2/01.]