

2 **HB 2072 - H AMD 365 FAILED 3/14/95**

3 By Representative Chappell

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5 Strike everything after the enacting clause and insert the
6 following:

7 **"Sec. 1.** RCW 82.04.255 and 1993 sp.s. c 25 s 202 are each amended
8 to read as follows:

9 Upon every person engaging within the state as a real estate
10 broker; as to such persons, the amount of the tax with respect to such
11 business shall be equal to the gross income of the business, multiplied
12 by the rate of (~~2.0~~) 1.5 percent.

13 The measure of the tax on real estate commissions earned by the
14 real estate broker shall be the gross commission earned by the
15 particular real estate brokerage office including that portion of the
16 commission paid to salesmen or associate brokers in the same office on
17 a particular transaction: PROVIDED, HOWEVER, That where a real estate
18 commission is divided between an originating brokerage office and a
19 cooperating brokerage office on a particular transaction, each
20 brokerage office shall pay the tax only upon their respective shares of
21 said commission: AND PROVIDED FURTHER, That where the brokerage office
22 has paid the tax as provided herein, salesmen or associate brokers
23 within the same brokerage office shall not be required to pay a similar
24 tax upon the same transaction.

25 **Sec. 2.** RCW 82.04.290 and 1993 sp.s. c 25 s 203 are each amended
26 to read as follows:

27 (1) Upon every person engaging within this state in the business of
28 providing selected business services other than or in addition to those
29 enumerated in RCW 82.04.250 or 82.04.270; as to such persons the amount
30 of tax on account of such activities shall be equal to the gross income
31 of the business multiplied by the rate of (~~2.5~~) 1.5 percent.

32 (2) Upon every person engaging within this state in banking, loan,
33 security, investment management, investment advisory, or other
34 financial businesses; as to such persons, the amount of the tax with
35 respect to such business shall be equal to the gross income of the

1 business, multiplied by the rate of ((1.70)) 1.5 percent.

2 (3) Upon every person engaging within this state in any business
3 activity other than or in addition to those enumerated in RCW
4 82.04.230, 82.04.240, 82.04.250, 82.04.255, 82.04.260, 82.04.270, and
5 82.04.280, and subsections (1) and (2) of this section; as to such
6 persons the amount of tax on account of such activities shall be equal
7 to the gross income of the business multiplied by the rate of ((2.0))
8 1.5 percent.

9 This section includes, among others, and without limiting the scope
10 hereof (whether or not title to materials used in the performance of
11 such business passes to another by accession, confusion or other than
12 by outright sale), persons engaged in the business of rendering any
13 type of service which does not constitute a "sale at retail" or a "sale
14 at wholesale." The value of advertising, demonstration, and
15 promotional supplies and materials furnished to an agent by his
16 principal or supplier to be used for informational, educational and
17 promotional purposes shall not be considered a part of the agent's
18 remuneration or commission and shall not be subject to taxation under
19 this section.

20 NEW SECTION. **Sec. 3.** RCW 82.04.2201 and 1994 sp.s. c 10 s 1 &
21 1993 sp.s. c 25 s 204 are each repealed.

22 NEW SECTION. **Sec. 4.** The repeal in section 3 of this act shall
23 not be construed as affecting any existing right acquired or liability
24 or obligation incurred under the statute repealed or under any rule or
25 order adopted pursuant to that statute; nor as affecting any proceeding
26 instituted under it.

27 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and shall take
30 effect July 1, 1995."

31 Correct the title accordingly.

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