

1 2089 AMH VANL H2916.1

2 **HB 2089** - H AMDS 697 4/13/95 WITHDRAWN

3 By Representative Van Luven

4

5 On page 24, line 17, after "subsection" strike "(3)" and insert
6 "(4)"

7 On page 24, line 20, after "(3)" insert "Upon every person engaged
8 within this state in the business of providing coin-operated laundry
9 facilities when such facilities are situated in an apartment house,
10 rooming house, or mobile home park for the exclusive use of the tenants
11 thereof, not otherwise classified as a sale at retail; as to such
12 persons, the amount of the tax with respect to such business shall be
13 equal to the gross income of the business, multiplied by the rate of
14 0.471 percent.

15 (4)"

16 On page 24, line 25, strike "(4)" and insert "(5)"

17 On page 24, line 29, strike "and (3)" and insert "(3), and (4)"

18 On page 25, line 33, after "subsection" strike "(3)" and insert
19 "(4)"

20 On page 25, line 36, after "(3)" insert "Upon every person engaged
21 within this state in the business of providing coin-operated laundry
22 facilities when such facilities are situated in an apartment house,
23 rooming house, or mobile home park for the exclusive use of the tenants
24 thereof, not otherwise classified as a sale at retail; as to such
25 persons, the amount of the tax with respect to such business shall be
26 equal to the gross income of the business, multiplied by the rate of
27 0.471 percent.

28 (4)"

29 On page 26, line 4, strike "(4)" and insert "(5)"

1 On page 26, beginning on line 7, strike "and (3)" and insert "(3),
2 and (4)"

3 On page 50, line 8, strike "82.04.290(3)" and insert "82.04.290"

4 On page 51, line 19, strike "82.04.290(3) and (4)" and insert
5 "82.04.290(~~(3)~~) (4)"

6 On page 56, after line 14, insert the following:

7 "**Sec. 61.** RCW 82.04.050 and 1995 c ... s 60 (section 60 of this
8 act) are each amended to read as follows:

9 (1) "Sale at retail" or "retail sale" means every sale of tangible
10 personal property (including articles produced, fabricated, or
11 imprinted) to all persons irrespective of the nature of their business
12 and including, among others, without limiting the scope hereof, persons
13 who install, repair, clean, alter, improve, construct, or decorate real
14 or personal property of or for consumers other than a sale to a person
15 who presents a resale certificate under RCW 82.04.470 and who:

16 (a) Purchases for the purpose of resale as tangible personal
17 property in the regular course of business without intervening use by
18 such person; or

19 (b) Installs, repairs, cleans, alters, imprints, improves,
20 constructs, or decorates real or personal property of or for consumers,
21 if such tangible personal property becomes an ingredient or component
22 of such real or personal property without intervening use by such
23 person; or

24 (c) Purchases for the purpose of consuming the property purchased
25 in producing for sale a new article of tangible personal property or
26 substance, of which such property becomes an ingredient or component or
27 is a chemical used in processing, when the primary purpose of such
28 chemical is to create a chemical reaction directly through contact with
29 an ingredient of a new article being produced for sale; or

30 (d) Purchases for the purpose of consuming the property purchased
31 in producing ferrosilicon which is subsequently used in producing
32 magnesium for sale, if the primary purpose of such property is to
33 create a chemical reaction directly through contact with an ingredient
34 of ferrosilicon; or

1 (e) Purchases for the purpose of providing the property to
2 consumers as part of competitive telephone service, as defined in RCW
3 82.04.065. The term shall include every sale of tangible personal
4 property which is used or consumed or to be used or consumed in the
5 performance of any activity classified as a "sale at retail" or "retail
6 sale" even though such property is resold or utilized as provided in
7 (a), (b), (c), (d), or (e) of this subsection following such use. The
8 term also means every sale of tangible personal property to persons
9 engaged in any business which is taxable under RCW 82.04.280 (2) and
10 (7) and 82.04.290.

11 (2) The term "sale at retail" or "retail sale" shall include the
12 sale of or charge made for tangible personal property consumed and/or
13 for labor and services rendered in respect to the following:

14 (a) The installing, repairing, cleaning, altering, imprinting, or
15 improving of tangible personal property of or for consumers, including
16 charges made for the mere use of facilities in respect thereto, but
17 excluding charges made for the use of coin-operated laundry facilities
18 when such facilities are situated in an apartment house, rooming house,
19 or mobile home park for the exclusive use of the tenants thereof, and
20 also excluding sales of laundry service to members by nonprofit
21 associations composed exclusively of nonprofit hospitals, and excluding
22 services rendered in respect to live animals, birds and insects;

23 (b) The constructing, repairing, decorating, or improving of new or
24 existing buildings or other structures under, upon, or above real
25 property of or for consumers, including the installing or attaching of
26 any article of tangible personal property therein or thereto, whether
27 or not such personal property becomes a part of the realty by virtue of
28 installation, and shall also include the sale of services or charges
29 made for the clearing of land and the moving of earth excepting the
30 mere leveling of land used in commercial farming or agriculture;

31 (c) The charge for labor and services rendered in respect to
32 constructing, repairing, or improving any structure upon, above, or
33 under any real property owned by an owner who conveys the property by
34 title, possession, or any other means to the person performing such
35 construction, repair, or improvement for the purpose of performing such
36 construction, repair, or improvement and the property is then
37 reconveyed by title, possession, or any other means to the original
38 owner;

1 (d) The sale of or charge made for labor and services rendered in
2 respect to the cleaning, fumigating, razing or moving of existing
3 buildings or structures, but shall not include the charge made for
4 janitorial services; and for purposes of this section the term
5 "janitorial services" shall mean those cleaning and caretaking services
6 ordinarily performed by commercial janitor service businesses
7 including, but not limited to, wall and window washing, floor cleaning
8 and waxing, and the cleaning in place of rugs, drapes and upholstery.
9 The term "janitorial services" does not include painting, papering,
10 repairing, furnace or septic tank cleaning, snow removal or
11 sandblasting;

12 (e) The sale of or charge made for labor and services rendered in
13 respect to automobile towing and similar automotive transportation
14 services, but not in respect to those required to report and pay taxes
15 under chapter 82.16 RCW;

16 (f) The sale of and charge made for the furnishing of lodging and
17 all other services by a hotel, rooming house, tourist court, motel,
18 trailer camp, and the granting of any similar license to use real
19 property, as distinguished from the renting or leasing of real
20 property, and it shall be presumed that the occupancy of real property
21 for a continuous period of one month or more constitutes a rental or
22 lease of real property and not a mere license to use or enjoy the same;

23 (g) The sale of or charge made for tangible personal property,
24 labor and services to persons taxable under (a), (b), (c), (d), (e),
25 and (f) of this subsection when such sales or charges are for property,
26 labor and services which are used or consumed in whole or in part by
27 such persons in the performance of any activity defined as a "sale at
28 retail" or "retail sale" even though such property, labor and services
29 may be resold after such use or consumption. Nothing contained in this
30 subsection shall be construed to modify subsection (1) of this section
31 and nothing contained in subsection (1) of this section shall be
32 construed to modify this subsection.

33 (3) The term "sale at retail" or "retail sale" shall include the
34 sale of or charge made for personal, business, or professional services
35 including amounts designated as interest, rents, fees, admission, and
36 other service emoluments however designated, received by persons
37 engaging in the following business activities:

1 (a) Amusement and recreation services including but not limited to
2 golf, pool, billiards, skating, bowling, ski lifts and tows, and
3 others;

4 (b) Abstract, title insurance, and escrow services;

5 (c) Credit bureau services;

6 (d) Automobile parking and storage garage services;

7 (e) Landscape maintenance and horticultural services but excluding
8 (i) horticultural services provided to farmers and (ii) pruning,
9 trimming, repairing, removing, and clearing of trees and brush near
10 electric distribution or transmission lines or equipment, if performed
11 by or at the direction of an electric utility;

12 (f) Service charges associated with tickets to professional
13 sporting events;

14 (g) Guided tours and guided charters; and

15 (h) The following personal services: Physical fitness services,
16 tanning salon services, tattoo parlor services, massage services, steam
17 bath services, turkish bath services, escort services, and dating
18 services.

19 (4) The term shall also include the renting or leasing of tangible
20 personal property to consumers and the rental of equipment with an
21 operator.

22 (5) The term shall also include the providing of telephone service,
23 as defined in RCW 82.04.065, to consumers.

24 (6) The term shall not include the sale of or charge made for labor
25 and services rendered in respect to the building, repairing, or
26 improving of any street, place, road, highway, easement, right of way,
27 mass public transportation terminal or parking facility, bridge,
28 tunnel, or trestle which is owned by a municipal corporation or
29 political subdivision of the state or by the United States and which is
30 used or to be used primarily for foot or vehicular traffic including
31 mass transportation vehicles of any kind.

32 (7) The term shall also not include sales of feed, seed, seedlings,
33 fertilizer, agents for enhanced pollination including insects such as
34 bees, and spray materials to persons who participate in the federal
35 conservation reserve program or its successor administered by the
36 United States department of agriculture, or to farmers for the purpose
37 of producing for sale any agricultural product, nor shall it include
38 sales of chemical sprays or washes to persons for the purpose of post-

1 harvest treatment of fruit for the prevention of scald, fungus, mold,
2 or decay.

3 (8) The term shall not include the sale of or charge made for labor
4 and services rendered in respect to the constructing, repairing,
5 decorating, or improving of new or existing buildings or other
6 structures under, upon, or above real property of or for the United
7 States, any instrumentality thereof, or a county or city housing
8 authority created pursuant to chapter 35.82 RCW, including the
9 installing, or attaching of any article of tangible personal property
10 therein or thereto, whether or not such personal property becomes a
11 part of the realty by virtue of installation. Nor shall the term
12 include the sale of services or charges made for the clearing of land
13 and the moving of earth of or for the United States, any
14 instrumentality thereof, or a county or city housing authority.

15 **Sec. 62.** RCW 82.04.2201 and 1995 c ... s 58 (section 58 of this
16 act) are each amended to read as follows:

17 There is levied and shall be collected for the period July 1, 1993,
18 through June 30, 1997, from every person for the act or privilege of
19 engaging in business activities, as a part of the tax imposed under RCW
20 82.04.220 through 82.04.280 and 82.04.290(~~(+4)~~) (5), except RCW
21 82.04.250(1) and 82.04.260(15), an additional tax equal to 4.5 percent
22 multiplied by the tax payable under those sections.

23 To facilitate collection of these additional taxes, the department
24 of revenue is authorized to adjust the basic rates of persons to which
25 this section applies in such manner as to reflect the amount to the
26 nearest one-thousandth of one percent of the additional tax hereby
27 imposed, adjusting ten-thousandths equal to or greater than five ten-
28 thousandths to the greater thousandth."

29 Renumber the remaining sections consecutively, correct internal
30 references accordingly, and correct the title.

31 On page 60, line 4, after "58," insert "61, 62,"

32 On page 60, line 7, after "1995." insert "Sections 61 and 62 of
33 this act and the amendment to section 22 of this act pertaining to
34 laundry facilities shall apply to charges made for the use of coin-
35 operated laundry facilities when such facilities are situated in an

1 apartment house, rooming house, or mobile home park for the exclusive
2 use of tenants rendered after July 1, 1995."

--- **END** ---