

2 **ESHB 1327** - S COMM AMD  
3 By Committee on Ways & Means

4 ADOPTED 4/14/97

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

7 "Sec. 1. RCW 82.08.050 and 1993 sp.s. c 25 s 704 are each amended  
8 to read as follows:

9 (1)(a) The tax hereby imposed shall be paid by the buyer to the  
10 seller, and each seller shall collect from the buyer the full amount of  
11 the tax payable in respect to each taxable sale in accordance with the  
12 schedule of collections adopted by the department pursuant to the  
13 provisions of RCW 82.08.060. The tax required by this chapter, to be  
14 collected by the seller, minus the amount retained by the seller for  
15 administration under subsection (2) of this section, shall be deemed to  
16 be held in trust by the seller until paid to the department, and any  
17 seller who appropriates or converts the tax collected to his or her own  
18 use or to any use other than the payment of the tax to the extent that  
19 the money required to be collected is not available for payment on the  
20 due date as prescribed in this chapter shall be guilty of a gross  
21 misdemeanor.

22 (b) In case any seller fails to collect the tax herein imposed or  
23 having collected the tax, fails to pay ~~((it))~~ the amount owed to the  
24 department in the manner prescribed by this chapter, whether such  
25 failure is the result of his or her own acts or the result of acts or  
26 conditions beyond his or her control, he or she shall, nevertheless, be  
27 personally liable to the state for the amount of the tax owed, unless  
28 the seller has taken from the buyer in good faith a properly executed  
29 resale certificate under RCW 82.04.470.

30 (c) The amount of tax, until paid by the buyer to the seller or to  
31 the department, shall constitute a debt from the buyer to the seller  
32 and any seller who fails or refuses to collect the tax as required with  
33 intent to violate the provisions of this chapter or to gain some  
34 advantage or benefit, either direct or indirect, and any buyer who  
35 refuses to pay any tax due under this chapter shall be guilty of a  
36 misdemeanor. The tax required by this chapter to be collected by the

1 seller shall be stated separately from the selling price in any sales  
2 invoice or other instrument of sale. On all retail sales through  
3 vending machines, the tax need not be stated separately from the  
4 selling price or collected separately from the buyer. For purposes of  
5 determining the tax due from the buyer to the seller and from the  
6 seller to the department it shall be conclusively presumed that the  
7 selling price quoted in any price list, sales document, contract or  
8 other agreement between the parties does not include the tax imposed by  
9 this chapter, but if the seller advertises the price as including the  
10 tax or that the seller is paying the tax, the advertised price shall  
11 not be considered the selling price.

12 (d) Where a buyer has failed to pay to the seller the tax imposed  
13 by this chapter and the seller has not paid the amount of the tax owed  
14 to the department, the department may, in its discretion, proceed  
15 directly against the buyer for collection of the tax, in which case a  
16 penalty of ten percent may be added to the amount of the tax for  
17 failure of the buyer to pay the same to the seller, regardless of when  
18 the tax may be collected by the department; and all of the provisions  
19 of chapter 82.32 RCW, including those relative to interest and  
20 penalties, shall apply in addition; and, for the sole purpose of  
21 applying the various provisions of chapter 82.32 RCW, the twenty-fifth  
22 day of the month following the tax period in which the purchase was  
23 made shall be considered as the due date of the tax.

24 (2) Each seller shall retain, as reimbursement for the costs  
25 associated with collection and administration under this section, the  
26 following amounts each reporting period:

27 (a) 1.0 percent of the tax collected under this section on the  
28 first forty thousand dollars of taxable sales per month in the  
29 reporting period; and

30 (b) 0.5 percent of the tax collected under this section on sales  
31 greater than forty thousand dollars but less than or equal to one  
32 hundred twenty thousand dollars per month in the reporting period.

33 No reimbursement is allowed under this section for taxable sales in  
34 excess of one hundred twenty thousand dollars per month in the  
35 reporting period.

36 NEW SECTION. Sec. 2. A new section is added to chapter 82.04 RCW  
37 to read as follows:

1 This chapter does not apply to amounts retained by a seller for  
2 administration under RCW 82.08.050(2).

3 NEW SECTION. **Sec. 3.** This act is necessary for the immediate  
4 preservation of the public peace, health, or safety, or support of the  
5 state government and its existing public institutions, and takes effect  
6 July 1, 1997."

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10 On page 1, line 2 of the title, after "costs;" strike the remainder  
11 of the title and insert "amending RCW 82.08.050; adding a new section  
12 to chapter 82.04 RCW; providing an effective date; and declaring an  
13 emergency."

--- END ---

**EFFECT:** Provides compensation to all retailers and changes the retained percentages to 1% of the tax on the 1st \$40,000 of sales and 0.5% of the tax on the next \$80,000 of sales.