
SUBSTITUTE HOUSE BILL 2671

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Finance (originally sponsored by Representatives Thomas, Dunshee and Fortunato)

Read first time 02/01/2000. Referred to Committee on .

1 AN ACT Relating to tax information on customer billings; amending
2 RCW 82.16.090; adding new sections to chapter 82.32A RCW; creating a
3 new section; and recodifying RCW 82.16.090.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 82.16.090 and 1988 c 228 s 1 are each amended to read
6 as follows:

7 (1) The definitions in this subsection apply for the purposes of
8 this section and section 2 of this act.

9 (a) "Business" means a cable television business, light and power
10 business, gas distribution business, or telephone business.

11 (b) "Cable television business" means the business of providing
12 cable service as provided in the federal telecommunications act of
13 1996.

14 (c) "Light and power business" and "gas distribution business" are
15 defined as provided in RCW 82.16.010.

16 (d) "Telephone business" is defined as provided in RCW 82.04.065.

17 (2) Any customer billing issued by a ((light or power business or
18 gas distribution)) business that serves a total of more than twenty

1 thousand customers and operates within the state shall include the
2 following information:

3 ~~((1))~~ (a) The rates and amounts of taxes paid directly by the
4 customer upon products or services rendered by the ~~((light and power
5 business or gas distribution))~~ business; and

6 ~~((2))~~ (b) The rate, origin, and ~~((approximate))~~ amount of each
7 tax levied upon the ~~((revenue of the light and power business or gas
8 distribution business and))~~ business that is added as a component of
9 the amount charged to the customer. Taxes ~~((based upon revenue of the
10 light and power business or gas distribution))~~ levied upon the business
11 to be listed on the customer billing need not include taxes levied by
12 the federal government or taxes levied under chapters 54.28, 80.24, or
13 82.04 RCW.

14 NEW SECTION. Sec. 2. A new section is added to chapter 82.32A RCW
15 to read as follows:

16 (1) If a customer believes that an amount of tax included on a
17 billing under RCW 82.16.090 (as recodified by this act) is erroneous,
18 the customer shall notify the business that issued the billing. Within
19 sixty days of receiving a notice under this section, the business shall
20 either correct the error and refund any amount of tax erroneously
21 collected from the customer or send a written explanation to the
22 customer explaining why the business believes a refund is not due. All
23 refunds under this section, whether resulting from customer notice or
24 other reason, shall include interest computed at the rate provided for
25 tax refunds under RCW 82.32.060. A business is entitled to a refund or
26 credit from the governmental entity imposing the tax for amounts
27 refunded under this section, including interest.

28 (2) If a business fails to comply with subsection (1) of this
29 section, a five-dollar penalty credited to the customer bill shall
30 apply for each monthly billing period that begins more than sixty days
31 after the date notice was received from the customer. If a penalty
32 credit is not shown on the bill the customer may deduct the penalty
33 from amounts due to the business. A business shall not interrupt
34 service for nonpayment while a customer is pursuing any appeal provided
35 by law for an amount in dispute under this section, as long as amounts
36 not in dispute are paid when due.

37 (3) If a business conducts an investigation and determines that the
38 amount disputed by the customer is correct, the business shall send a

1 written explanation to the customer setting forth its reasons. Not
2 less than thirty days after sending the notice, the business may
3 recover all tax amounts, interest, and penalties withheld by the
4 customer. The business shall provide copies of documentary evidence
5 from its investigation upon request of the customer.

6 (4) A notice from a customer is sufficient under this section if it
7 sets forth or otherwise enables the business to identify the name and
8 account number of customer services affected and indicates the
9 customer's belief that an amount included on a billing under RCW
10 82.16.090 (as recodified by this act) is erroneous.

11 (5) Upon written request of a business, a city or town shall
12 provide in a timely manner copies of any maps, street addresses,
13 geographical information system data bases, or other information in its
14 possession that would assist in determining the location of customers
15 of the business, unless the information would be exempt from public
16 inspection and copying under chapter 42.17 RCW. Information obtained
17 by a business under this subsection may not be used for commercial
18 purposes.

19 (6) A city or town shall notify a business of any annexations at
20 least sixty days before the annexation is effective.

21 (7) A pattern of willful violations of this section by a business
22 is an unfair and deceptive act or practice and unfair method of
23 competition in the conduct of trade or commerce for the purposes of the
24 consumer protection act under chapter 19.86 RCW.

25 NEW SECTION. **Sec. 3.** RCW 82.16.090 is recodified as a section in
26 chapter 82.32A RCW.

27 NEW SECTION. **Sec. 4.** The requirement under RCW 82.16.090 (as
28 recodified by this act) that cable television and telephone businesses
29 include the rates of taxes on customer billings does not apply to
30 customer billings issued before January 1, 2001.

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