
SENATE BILL 6660

State of Washington 58th Legislature 2004 Regular Session

By Senators Hewitt, Doumit, Rasmussen and Murray

Read first time 01/28/2004. Referred to Committee on Ways & Means.

1 AN ACT Relating to allowing light and power businesses to qualify
2 for the manufacturing machinery and equipment sales and use tax
3 exemption; and amending RCW 82.08.02565.

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

5 **Sec. 1.** RCW 82.08.02565 and 1999 c 211 s 5 are each amended to
6 read as follows:

7 (1) The tax levied by RCW 82.08.020 shall not apply to sales to a
8 manufacturer or processor for hire of machinery and equipment used
9 directly in a manufacturing operation or research and development
10 operation, to sales to a person engaged in testing for a manufacturer
11 or processor for hire of machinery and equipment used directly in a
12 testing operation, or to sales of or charges made for labor and
13 services rendered in respect to installing, repairing, cleaning,
14 altering, or improving the machinery and equipment, but only when the
15 purchaser provides the seller with an exemption certificate in a form
16 and manner prescribed by the department by rule. The seller shall
17 retain a copy of the certificate for the seller's files.

18 (2) For purposes of this section and RCW 82.12.02565:

1 (a) "Machinery and equipment" means industrial fixtures, devices,
2 and support facilities, and tangible personal property that becomes an
3 ingredient or component thereof, including repair parts and replacement
4 parts. "Machinery and equipment" includes pollution control equipment
5 installed and used in a manufacturing operation, testing operation, or
6 research and development operation to prevent air pollution, water
7 pollution, or contamination that might otherwise result from the
8 manufacturing operation, testing operation, or research and development
9 operation.

10 (b) "Machinery and equipment" does not include:

11 (i) Hand-powered tools;

12 (ii) Property with a useful life of less than one year;

13 (iii) Buildings, other than machinery and equipment that is
14 permanently affixed to or becomes a physical part of a building; and

15 (iv) Building fixtures that are not integral to the manufacturing
16 operation, testing operation, or research and development operation
17 that are permanently affixed to and become a physical part of a
18 building, such as utility systems for heating, ventilation, air
19 conditioning, communications, plumbing, or electrical.

20 (c) Machinery and equipment is "used directly" in a manufacturing
21 operation, testing operation, or research and development operation if
22 the machinery and equipment:

23 (i) Acts upon or interacts with an item of tangible personal
24 property;

25 (ii) Conveys, transports, handles, or temporarily stores an item of
26 tangible personal property at the manufacturing site or testing site;

27 (iii) Controls, guides, measures, verifies, aligns, regulates, or
28 tests tangible personal property at the site or away from the site;

29 (iv) Provides physical support for or access to tangible personal
30 property;

31 (v) Produces power for, or lubricates machinery and equipment;

32 (vi) Produces another item of tangible personal property for use in
33 the manufacturing operation, testing operation, or research and
34 development operation;

35 (vii) Places tangible personal property in the container, package,
36 or wrapping in which the tangible personal property is normally sold or
37 transported; or

1 (viii) Is integral to research and development as defined in RCW
2 82.63.010.

3 (d) "Manufacturing operation" means the manufacturing of articles,
4 substances, or commodities for sale as tangible personal property. A
5 manufacturing operation begins at the point where the raw materials
6 enter the manufacturing site and ends at the point where the processed
7 material leaves the manufacturing site. The term also includes that
8 portion of a cogeneration project that is used to generate power for
9 consumption within the manufacturing site of which the cogeneration
10 project is an integral part. The term does not include (~~the~~
11 ~~production of electricity by a light and power business as defined in~~
12 ~~RCW 82.16.010 or~~) the preparation of food products on the premises of
13 a person selling food products at retail.

14 (e) "Cogeneration" means the simultaneous generation of electrical
15 energy and low-grade heat from the same fuel.

16 (f) "Research and development operation" means engaging in research
17 and development as defined in RCW 82.63.010 by a manufacturer or
18 processor for hire.

19 (g) "Testing" means activities performed to establish or determine
20 the properties, qualities, and limitations of tangible personal
21 property.

22 (h) "Testing operation" means the testing of tangible personal
23 property for a manufacturer or processor for hire. A testing operation
24 begins at the point where the tangible personal property enters the
25 testing site and ends at the point where the tangible personal property
26 leaves the testing site. The term also includes that portion of a
27 cogeneration project that is used to generate power for consumption
28 within the site of which the cogeneration project is an integral part.
29 The term does not include the production of electricity by a light and
30 power business as defined in RCW 82.16.010 or the preparation of food
31 products on the premises of a person selling food products at retail.

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