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HOUSE BILL 1240

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State of Washington                      59th Legislature                      2005 Regular Session

By Representatives Kessler and DeBolt

Read first time 01/19/2005. Referred to Committee on Local Government.

1            AN ACT Relating to real estate excise tax fees and electronic  
2 processing of affidavits; amending RCW 82.45.180; creating a new  
3 section; and providing an effective date.

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

5            NEW SECTION.    **Sec. 1.** (1) It is the legislature's intent to  
6 provide funding for the development and implementation of an automated  
7 system for the electronic processing of the real estate excise tax.  
8 The legislature finds that due to the numerous users of the real estate  
9 excise tax information, and the many entities involved in its workflow,  
10 that county systems must be compatible with the automated system  
11 developed by the state department of revenue.

12            (2) The legislature finds that under current law an electronic real  
13 estate excise tax affidavit that is signed with a digital signature  
14 under chapter 19.34 RCW is a legally valid document and pursuant to RCW  
15 5.46.010, electronic facsimiles, scanned signatures, and digital and  
16 other electronic conversions of written signatures satisfy the  
17 signature component of the affidavit requirement under this act.

18            (3) If at any time there is a legal dispute related to the  
19 transference of any property relating to the filing of a real estate

1 excise tax affidavit, the individual or entity that transmits or  
2 delivers the documents to the office of the county treasurer is  
3 responsible for producing the original signature of the grantor and  
4 grantee.

5 **Sec. 2.** RCW 82.45.180 and 1998 c 106 s 11 are each amended to read  
6 as follows:

7 (1) For taxes collected by the county under this chapter, the  
8 county treasurer shall collect a (~~two-dollar~~) ten-dollar fee on all  
9 transactions required by this chapter where the transaction does not  
10 require the payment of tax. A total of (~~two~~) ten dollars shall be  
11 collected in the form of a tax and fee, where the calculated tax  
12 payment is less than (~~two~~) five dollars. Five dollars of the ten-  
13 dollar fee shall be deposited in the county treasurer's real estate  
14 excise tax electronic technology account. The county treasurer shall  
15 place one percent of the proceeds of the tax imposed by this chapter  
16 and the treasurer's fee in the county current expense fund to defray  
17 costs of collection and shall pay over to the state treasurer and  
18 account to the department of revenue for the remainder of the proceeds  
19 at the same time the county treasurer remits funds to the state under  
20 RCW 84.56.280. The state treasurer shall deposit the proceeds in the  
21 general fund for the support of the common schools.

22 (2) For taxes collected by the department of revenue under this  
23 chapter, the department shall remit the tax to the state treasurer who  
24 shall deposit the proceeds of any state tax in the general fund for the  
25 support of the common schools. The state treasurer shall deposit the  
26 proceeds of any local taxes imposed under chapter 82.46 RCW in the  
27 local real estate excise tax account hereby created in the state  
28 treasury. Moneys in the local real estate excise tax account may be  
29 spent only for distribution to counties, cities, and towns imposing a  
30 tax under chapter 82.46 RCW. Except as provided in RCW 43.08.190, all  
31 earnings of investments of balances in the local real estate excise tax  
32 account shall be credited to the local real estate excise tax account  
33 and distributed to the counties, cities, and towns monthly. Monthly  
34 the state treasurer shall make distribution from the local real estate  
35 excise tax account to the counties, cities, and towns the amount of tax  
36 collected on behalf of each taxing authority. The state treasurer

1 shall make the distribution under this subsection without  
2 appropriation.

3 (3)(a) The real estate excise tax electronic technology account is  
4 created in the custody of the state treasurer. An appropriation is not  
5 required for expenditure and the account is not subject to allotment  
6 procedures under chapter 43.88 RCW.

7 (b) The county treasurer shall collect an additional five-dollar  
8 fee on all taxable transactions required by this chapter. The county  
9 treasurer shall remit this fee to the state treasurer at the same time  
10 the county treasurer remits funds to the state under RCW 84.56.280.  
11 The state treasurer shall place money from this fee in the real estate  
12 excise tax electronic technology account. By the twentieth day of the  
13 subsequent month, the state treasurer shall distribute to each county  
14 treasurer according to the following formula: One-half of the funds  
15 available shall be equally distributed among the thirty-nine counties;  
16 and the balance will be ratably distributed among the counties in  
17 direct proportion to their population as it relates to the total  
18 state's population based on most recent statistics by the office of  
19 financial management.

20 (c) When received by the county treasurer, the funds shall be  
21 placed in a special real estate excise tax electronic technology fund  
22 held by the county treasurer to be used exclusively for the  
23 development, implementation, and maintenance of an electronic  
24 processing and reporting system for real estate excise tax affidavits.  
25 Funds may be expended to make the system compatible with the automated  
26 real estate excise tax system developed by the department of revenue  
27 and compatible with the processes used in the offices of the county  
28 assessor and county auditor. Any funds held in the account that are  
29 not expended by July 1, 2015, revert to the county capital improvements  
30 fund.

31 NEW SECTION. Sec. 3. This act takes effect August 1, 2005.

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