
SENATE BILL 5108

State of Washington

61st Legislature

2009 Regular Session

By Senators Honeyford and Stevens

Read first time 01/14/09. Referred to Committee on Ways & Means.

1 AN ACT Relating to documentation of eligibility to claim a tribal
2 member exemption from retail sales tax; adding a new section to chapter
3 82.08 RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.08 RCW
6 to read as follows:

7 (1) Any person claiming exemption from retail sales tax as a tribal
8 member in accordance with federal law and rules prescribed by the
9 department must display documentation of current enrollment in the
10 federally recognized Indian tribe within whose jurisdiction the person
11 makes a purchase or receives delivery in one of the following forms:

12 (a) A tribal membership card;

13 (b) A letter from a tribal official;

14 (c) A list of tribal members issued by the tribe; or

15 (d) A treaty fishery identification card.

16 (2) To make a sale without collecting the sales tax, the vendor
17 must request documentation as provided under subsection (1) of this
18 section and maintain a record of the tax exempt sale showing the form

1 of documentation accepted and including identification number and
2 expiration date, if any.

3 (3)(a) Any person making fraudulent statements or offering either
4 fraudulent or fraudulently obtained documentation to a vendor, in order
5 to claim exemption from retail sales tax as a tribal member, is guilty
6 of perjury under chapter 9A.72 RCW.

7 (b) Any person making tax exempt purchases under this section by
8 displaying documentation not his or her own, or counterfeit
9 documentation, with intent to violate the provisions of this section is
10 guilty of a misdemeanor and, in addition, is liable for the amount of
11 tax due and subject to a penalty equal to the greater of one hundred
12 dollars or the amount of tax due.

13 (4)(a) Any vendor who makes tax exempt sales to a person who does
14 not display documentation as provided in subsection (1) of this section
15 or fails to maintain records as provided in subsection (2) of this
16 section is personally liable for the amount of tax due.

17 (b) Any vendor who makes tax exempt sales and has actual knowledge
18 that the purchaser's documentation under subsection (1) of this section
19 is fraudulent is guilty of a misdemeanor and, in addition, is
20 personally liable for the amount of tax due and subject to a penalty
21 equal to the greater of one thousand dollars or the amount of tax due.
22 In addition, both the purchaser and the vendor are liable for any
23 penalties and interest assessable under chapter 82.32 RCW.

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