

---

**SUBSTITUTE HOUSE BILL 2783**

---

**State of Washington                      64th Legislature                      2016 Regular Session**

**By House Finance** (originally sponsored by Representatives Springer, Stokesbary, Reykdal, Vick, Robinson, Orcutt, Johnson, and Wilson)

READ FIRST TIME 02/09/16.

1            AN ACT Relating to specifying the documentation that must be  
2 provided to determine when sales tax applies to the sale of a motor  
3 vehicle to an enrolled tribal member; and adding new sections to  
4 chapter 82.08 RCW.

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

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

8            (1)(a) State sales tax is not imposed on the sale of a motor  
9 vehicle: (i) If delivered in Indian country to a tribe or tribal  
10 member, or (ii) if the sale is made in Indian country. A tribal  
11 member is not required to reside in Indian country for the exemption  
12 under this section to apply. However, the tribal member must have tax  
13 exempt status as a member of the tribe upon whose Indian country  
14 delivery is made.

15            (b) In order to substantiate the tax exempt status of a tribal  
16 member, the seller must require presentation of one of the following:

- 17            (i) The buyer's tribal membership or citizenship card;  
18            (ii) The buyer's certificate of tribal enrollment; or  
19            (iii) A letter signed by a tribal official confirming the buyer's  
20 tribal membership status.

1 (c)(i) To establish delivery for purposes of this section, the  
2 motor vehicle must be delivered in Indian country to the tribal  
3 member or the tribe. The seller must document the delivery by  
4 completing a declaration signed by the seller and the tribal member  
5 or tribe purchasing the motor vehicle attesting that delivery was  
6 made to that location.

7 (ii) No other proof of delivery may be accepted in place of or  
8 required in addition to the requirements in (c)(i) of this  
9 subsection.

10 (iii) (c)(i) and (ii) of this subsection do not apply if the sale  
11 takes place in Indian country. A sale that takes place in Indian  
12 country is exempt from state sales tax under this section with no  
13 requirement to establish delivery.

14 (2) The seller must retain copies of the documentation required  
15 under subsection (1) of this section for the period required in RCW  
16 82.32.070.

17 (3) The definitions in this subsection apply throughout this  
18 section unless the context clearly requires otherwise.

19 (a) "Indian country" has the same meaning as given in 18 U.S.C.  
20 Sec. 1151.

21 (b) "Retail vehicle dealer" has the same meaning as provided in  
22 RCW 46.70.011.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.08  
24 RCW to read as follows:

25 Nothing in section 1 of this act may be construed to affect,  
26 amend, or modify federal law or Washington state tax law as applied  
27 to a tribal member or tribe.

--- END ---