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HOUSE BILL 2783

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Springer, Stokesbary, Reykdal, Vick, Robinson, Orcutt, Johnson, and Wilson

Read first time 01/20/16. Referred to Committee on Finance.

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; adding a new section to chapter  
4 82.08 RCW; and prescribing penalties.

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) The tax imposed in this chapter applies when a retail vehicle  
9 dealer makes a sale of a vehicle to an enrolled member of a federally  
10 recognized Indian tribe located in the state, unless the seller:

11 (a) Is provided the following by the buyer:

12 (i) The buyer's currently valid tribal membership or citizenship  
13 card;

14 (ii) The buyer's currently valid certificate of tribal  
15 enrollment; or

16 (iii) A letter signed by a tribal official confirming the buyer's  
17 current tribal membership status; and

18 (b)(i) Delivers the vehicle to the buyer at a location on a  
19 reservation of a federally recognized Indian tribe. The seller must  
20 document the delivery by doing the following:

1 (A) Entering the delivery location into an online system  
2 maintained by the department and recording the result; and

3 (B) Completing a declaration signed by the seller attesting that  
4 delivery was made to that location.

5 (ii) No other proof of delivery will be accepted in place of or  
6 required in addition to the requirements in (b)(i)(A) and (B) of this  
7 subsection.

8 (2) The seller must retain copies of the documentation required  
9 under (1) of this section for the period required in RCW 82.32.070.

10 (3) The department may only require a seller to retain the  
11 documentation required under subsection (1) of this section; however,  
12 buyers claiming an exemption under this section must, upon request  
13 from the department, provide to the department records necessary to  
14 verify the buyer's eligibility for the exemption provided in this  
15 section.

16 (4)(a) Any person making fraudulent statements, which includes  
17 the offer of fraudulent identification or fraudulently procured  
18 identification to a seller, in order to purchase a passenger vehicle  
19 without paying retail sales tax under this section is guilty of  
20 perjury under chapter 9A.72 RCW.

21 (b) Any person making a tax exempt purchase under this section by  
22 displaying proof of identification not his or her own, or counterfeit  
23 identification, with intent to violate the provisions of this  
24 section, is guilty of a misdemeanor and, in addition, is liable for  
25 the tax and subject to a penalty equal to one hundred percent of the  
26 state and local sales tax due on such purchase. In addition, the  
27 person is liable for any penalties and interest imposed under chapter  
28 82.32 RCW.

29 (c) Any seller that makes tax-exempt sales under this section and  
30 who has actual knowledge that the buyer's documentation required by  
31 subsection (1) of this section is fraudulent is guilty of a  
32 misdemeanor and, in addition, is liable for the tax and subject to a  
33 penalty equal to the greater of one thousand dollars or one hundred  
34 percent of the state and local sales tax due on such sales. In  
35 addition, both the buyer and the seller are liable for any penalties  
36 and interest imposed under chapter 82.32 RCW.

37 (5) The definitions in this subsection apply throughout this  
38 section unless the context clearly requires otherwise.

39 (a) "Passenger vehicle" means a passenger car, as defined in RCW  
40 46.04.382.

1 (b) "Retail vehicle dealer" means the same as in RCW 46.70.011.

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