
HOUSE BILL 2983

State of Washington

64th Legislature

2016 Regular Session

By Representative Shea

Read first time 02/12/16. Referred to Committee on Finance.

1 AN ACT Relating to the excise taxation of personal and alcohol
2 monitoring devices and services; adding a new section to chapter
3 82.08 RCW; adding a new section to chapter 82.12 RCW; adding a new
4 section to chapter 82.04 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that in appropriate
7 circumstances electronic home monitoring or alcohol monitoring can be
8 a more cost-effective, and less restrictive, public safety measure
9 than alternatives, such as incarceration. The legislature finds that
10 it is in the public interest that there be a robust marketplace for
11 providing these services and that the services should be as
12 inexpensive as possible. Therefore, the legislature intends to
13 clarify that neither sales and use nor business and occupation taxes
14 apply to the provision of equipment and related monitoring services.

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

- 17 (1) The tax levied by RCW 82.08.020 does not apply to the sale of
18 personal monitoring devices or alcohol monitoring devices.
19 (2) The definitions in this subsection apply throughout this
20 section unless the context clearly requires otherwise.

1 (a) "Alcohol monitoring device" means a device that is capable of
2 remote continuous or transdermal alcohol monitoring that can be
3 attached directly to the participant. The term includes any
4 associated equipment necessary for the device to perform properly.

5 (b) "Personal monitoring device" means a device used for tracking
6 the location of an individual, whether pretrial or posttrial, through
7 the use of technology that is capable of determining or identifying
8 the monitored individual's presence or absence at a particular
9 location including, but not limited to:

10 (i) Radio frequency signaling technology, which detects if the
11 monitored individual is or is not at an approved location and
12 notifies the monitoring agency of the time that the monitored
13 individual either leaves the approved location or tampers with or
14 removes the personal monitoring device; or

15 (ii) Active or passive global positioning system technology,
16 which detects the location of the monitored individual and notifies
17 the monitoring agency of the monitored individual's location.

18 NEW SECTION. **Sec. 3.** A new section is added to chapter 82.12
19 RCW to read as follows:

20 The provisions of this chapter do not apply to the use of
21 personal monitoring devices or alcohol monitoring devices as defined
22 in section 2 of this act.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 82.04
24 RCW to read as follows:

25 (1) This chapter does not apply to amounts received by a person
26 derived from the sale of personal monitoring devices or alcohol
27 monitoring devices as defined in section 1 of this act.

28 (2) This chapter does not apply to amounts derived from the sale
29 of remote monitoring services.

30 NEW SECTION. **Sec. 5.** This act applies to the sale or use of
31 personal monitoring devices or alcohol monitoring devices that occur
32 on or after July 1, 2016, as well as retroactively for any taxpayer
33 who has been assessed taxes by the department of revenue prior to
34 July 1, 2016, on devices or services exempted in this act.

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