
HOUSE BILL 3347

State of Washington 60th Legislature 2008 Regular Session

By Representative Williams

Read first time 02/05/08. Referred to Committee on Finance.

1 AN ACT Relating to excise tax parity for voice over internet
2 protocol services; amending RCW 82.14.020; reenacting and amending RCW
3 82.14B.030; adding a new section to chapter 82.32 RCW; and providing an
4 effective date.

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

6 **Sec. 1.** RCW 82.14.020 and 2007 c 6 s 502 are each amended to read
7 as follows:

8 For purposes of this chapter:

9 (1) "City" means a city or town;

10 (2) The meaning ascribed to words and phrases in chapters 82.04,
11 82.08 and 82.12 RCW, as now or hereafter amended, insofar as
12 applicable, shall have full force and effect with respect to taxes
13 imposed under authority of this chapter;

14 (3) "Taxable event" shall mean any retail sale, or any use, upon
15 which a state tax is imposed pursuant to chapter 82.08 or 82.12 RCW, as
16 they now exist or may hereafter be amended: PROVIDED, HOWEVER, That
17 the term shall not include a retail sale taxable pursuant to RCW
18 82.08.150, as now or hereafter amended;

1 (4) "Treasurer or other legal depository" shall mean the treasurer
2 or legal depository of a county or city.

3 (5) "Voice over internet protocol service provider" means a
4 provider of telephone services that offers access to the public
5 switched telephone network for a fee using broadband internet access.

6 **Sec. 2.** RCW 82.14B.030 and 2007 c 54 s 17 and 2007 c 6 s 1024 are
7 each reenacted and amended to read as follows:

8 (1) The legislative authority of a county may impose a county
9 enhanced 911 excise tax on the use of switched access lines in an
10 amount not exceeding fifty cents per month for each switched access
11 line. The amount of tax shall be uniform for each switched access
12 line. Each county shall provide notice of such tax to all local
13 exchange companies serving in the county at least sixty days in advance
14 of the date on which the first payment is due.

15 (2) The legislative authority of a county may also impose a county
16 enhanced 911 excise tax on the use of radio access lines whose place of
17 primary use is located within the county in an amount not exceeding
18 fifty cents per month for each radio access line. The amount of tax
19 shall be uniform for each radio access line. The county shall provide
20 notice of such tax to all radio communications service companies
21 serving in the county at least sixty days in advance of the date on
22 which the first payment is due. Any county imposing this tax shall
23 include in its ordinance a refund mechanism whereby the amount of any
24 tax ordered to be refunded by the judgment of a court of record, or as
25 a result of the resolution of any appeal therefrom, shall be refunded
26 to the radio communications service company or local exchange company
27 that collected the tax, and those companies shall reimburse the
28 subscribers who paid the tax. The ordinance shall further provide that
29 to the extent the subscribers who paid the tax cannot be identified or
30 located, the tax paid by those subscribers shall be returned to the
31 county.

32 (3) The legislative authority of a county may impose a county
33 enhanced 911 excise tax in an amount not exceeding fifty cents per
34 month for each voice over internet protocol telephone subscriber. The
35 amount of tax shall be uniform for each voice over internet protocol
36 subscriber. Each county shall provide notice of such tax to all voice

1 over internet protocol service providers serving the county at least
2 sixty days in advance of the date on which the first payment is due.

3 (4) A state enhanced 911 excise tax is imposed on all switched
4 access lines in the state. The amount of tax shall not exceed twenty
5 cents per month for each switched access line. The tax shall be
6 uniform for each switched access line. The tax imposed under this
7 subsection shall be remitted to the department of revenue by local
8 exchange companies on a tax return provided by the department. Tax
9 proceeds shall be deposited by the treasurer in the enhanced 911
10 account created in RCW 38.52.540.

11 ~~((+4))~~ (5) As of January 1, 2009, a state enhanced 911 excise tax
12 is imposed for each voice over internet protocol telephone subscriber.
13 The amount of tax shall be uniform for each voice over internet
14 protocol subscriber. The state shall provide notice of such tax to all
15 voice over internet protocol service providers serving the state at
16 least sixty days in advance of the date on which the first payment is
17 due.

18 (6) A state enhanced 911 excise tax is imposed on all radio access
19 lines whose place of primary use is located within the state in an
20 amount of twenty cents per month for each radio access line. The tax
21 shall be uniform for each radio access line. The tax imposed under
22 this section shall be remitted to the department of revenue by radio
23 communications service companies, including those companies that resell
24 radio access lines, on a tax return provided by the department. Tax
25 proceeds shall be deposited by the treasurer in the enhanced 911
26 account created in RCW 38.52.540. The tax imposed under this section
27 is not subject to the state sales and use tax or any local tax.

28 ~~((+5))~~ (7) By August 31st of each year the state enhanced 911
29 coordinator shall recommend the level for the next year of the state
30 enhanced 911 excise tax imposed by subsection ~~((+3))~~ (4) of this
31 section, based on a systematic cost and revenue analysis, to the
32 utilities and transportation commission. The commission shall by the
33 following October 31st determine the level of the state enhanced 911
34 excise tax for the following year.

35 NEW SECTION. Sec. 3. A new section is added to chapter 82.32 RCW
36 to read as follows:

37 The department must study an appropriate funding mechanism for the

1 implementation of costs associated with next generation 911. The
2 department must submit a report to the finance committee of the house
3 of representatives and the ways and means committee of the senate by
4 December 1, 2008.

5 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2008.

--- END ---