
SENATE BILL 5501

State of Washington

62nd Legislature

2011 Regular Session

By Senators Murray, Kilmer, Schoesler, Conway, Honeyford, Kohl-Welles, Keiser, Shin, Holmquist Newbry, and White

Read first time 01/27/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to the taxation of employee meals provided without
2 specific charge; adding a new section to chapter 82.04 RCW; adding a
3 new section to chapter 82.08 RCW; adding a new section to chapter 82.12
4 RCW; providing an effective date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 82.04 RCW
7 to read as follows:

8 (1) This chapter does not apply to restaurants in respect to meals
9 provided without specific charge to employees.

10 (2) For the purposes of this section, the definitions in section 2
11 of this act apply.

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

14 (1) The tax levied by RCW 82.08.020 does not apply to a meal
15 provided without specific charge to an employee by a restaurant.

16 (2) For the purposes of this section, the following definitions
17 apply unless the context clearly requires otherwise.

1 (a) "Meal" means one or more items of prepared food or beverages
2 other than alcoholic beverages. For the purposes of this subsection,
3 "alcoholic beverage" and "prepared food" have the same meanings as
4 provided in RCW 82.08.0293.

5 (b) "Restaurant" means any establishment having special space and
6 accommodation where food and beverages are regularly sold to the public
7 for immediate, but not necessarily on-site, consumption, but excluding
8 grocery stores, mini-markets, and convenience stores. Restaurant
9 includes, but is not limited to, lunch counters, diners, coffee shops,
10 espresso shops or bars, concession stands or counters, delicatessens,
11 and cafeterias. It also includes space and accommodations where food
12 and beverages are sold to the public for immediate consumption that are
13 located within hotels, motels, lodges, boarding houses, bed and
14 breakfast facilities, hospitals, office buildings, movie theaters, and
15 schools, colleges, or universities, if a separate charge is made for
16 such food or beverages. Mobile sales units that sell food or beverages
17 for immediate consumption within a place, the entrance to which is
18 subject to an admission charge, are "restaurants." So too are public
19 and private carriers, such as trains and vessels, that sell food or
20 beverages for immediate consumption if a separate charge for the food
21 and/or beverages is made. A restaurant is open to the public for
22 purposes of this section if members of the public can be served as
23 guests. "Restaurant" does not include businesses making sales through
24 vending machines or through mobile sales units such as catering trucks
25 or sidewalk vendors of food or beverage items.

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

28 (1) The provisions of this chapter do not apply in respect to a
29 meal provided without specific charge to an employee by a restaurant.

30 (2) For the purposes of this section, the definitions in section 2
31 of this act apply.

32 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
33 preservation of the public peace, health, or safety, or support of the
34 state government and its existing public institutions, and takes effect

1 July 1, 2011.

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