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**HOUSE BILL 1188**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives MacEwen, Young, Abbarno, Barkis, and Eslick

AN ACT Relating to providing a business and occupation tax payment deferral to address the economic impacts of the COVID-19 pandemic on businesses in the state; reenacting and amending RCW 82.32.045; and declaring an emergency.

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

**Sec.**  RCW 82.32.045 and 2019 c 63 s 2 and 2019 c 8 s 302 are each reenacted and amended to read as follows:

(1) Except as otherwise provided in this chapter and subsection (6) or (7) of this section, payments of the taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16 RCW, along with reports and returns on forms prescribed by the department, are due monthly within ((~~twenty-five~~)) 25 days after the end of the month in which the taxable activities occur.

(2) The department ((~~of revenue~~)) may relieve any taxpayer or class of taxpayers from the obligation of remitting monthly and may require the return to cover other longer reporting periods, but in no event may returns be filed for a period greater than one year. Except as provided in subsection (3) of this section, for these taxpayers, tax payments are due on or before the last day of the month next succeeding the end of the period covered by the return.

(3) For annual filers, tax payments, along with reports and returns on forms prescribed by the department, are due on or before April 15th of the year immediately following the end of the period covered by the return.

(4) The department ((~~of revenue~~)) may also require verified annual returns from any taxpayer, setting forth such additional information as it may deem necessary to correctly determine tax liability.

(5) Notwithstanding subsections (1) and (2) of this section, the department may relieve any person of the requirement to file returns if the following conditions are met:

(a) The person's value of products, gross proceeds of sales, or gross income of the business, from all business activities taxable under chapter 82.04 RCW, is less than:

(i) ((~~Twenty-eight thousand dollars~~)) $28,000 per year; or

(ii) ((~~Forty-six thousand six hundred sixty-seven dollars~~)) $46,667 per year for persons generating at least ((~~fifty~~)) 50 percent of their taxable amount from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and 82.04.285;

(b) The person's gross income of the business from all activities taxable under chapter 82.16 RCW is less than ((~~twenty-four thousand dollars~~)) $24,000 per year; and

(c) The person is not required to collect or pay to the department ((~~of revenue~~)) any other tax or fee which the department is authorized to collect.

(6)(a) Taxes imposed under chapter 82.08 or 82.12 RCW on taxable events that occur beginning January 1, 2019, through June 30, 2019, and payable by a consumer directly to the department are due, on returns prescribed by the department, by July 25, 2019.

(b) This subsection (6) does not apply to the reporting and payment of taxes imposed under chapters 82.08 and 82.12 RCW:

(i) On the retail sale or use of motor vehicles, vessels, or aircraft; or

(ii) By consumers who are engaged in business, unless the department has relieved the consumer of the requirement to file returns pursuant to subsection (5) of this section.

(7)(a) Payments of the taxes imposed under chapter 82.04 RCW that are due after the effective date of this section, but before April 1, 2021, are deferred until April 1, 2021, and are payable according to (d) of this subsection.

(b) This subsection (7) applies only to the remittance of tax payments and does not apply to the filing of any reports or returns required by the department related to the taxes imposed under chapter 82.04 RCW.

(c) This subsection (7) does not apply to the reporting and payment of taxes imposed under chapter 82.08, 82.12, 82.14, or 82.16 RCW.

(d) Payments of taxes deferred under this subsection (7) are due beginning April 1, 2021, and must be made in either one, two, or three monthly installments, without interest, in a manner and form as prescribed by the department.

(e) Any outstanding taxes deferred under this subsection (7), for which payments are not remitted to the department by June 30, 2021, are considered late and are subject to the interest and penalties imposed under RCW 82.32.050 and 82.32.090.

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

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