CERTIFICATION OF ENROLLMENT

HOUSE BILL 1157

Chapter 63, Laws of 1995

54th Legislature
1995 Regular Session

Sales and use tax exemptions--Motor vehicles used to transport persons and property for hire

EFFECTIVE DATE: 7/1/95

Passed by the House March 8, 1995
Yeas 98 Nays 0

---

Speaker of the House of Representatives

Passed by the Senate April 4, 1995
Yeas 47 Nays 0

---

President of the Senate

Approved April 17, 1995

---

Secretary of State

Governor of the State of Washington

Chief Clerk

FILED

April 17, 1995 - 4:03 p.m.
AN ACT Relating to sales and use tax exemptions for motor vehicles and trailers to be used for the purpose of transporting persons or property for hire; amending RCW 82.08.0263 and 82.12.0254; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 82.08.0263 and 1980 c 37 s 30 are each amended to read as follows:
The tax levied by RCW 82.08.020 shall not apply to sales of motor vehicles and trailers to be used for the purpose of transporting therein persons or property for hire in interstate or foreign commerce whether such use is by the owner or whether such motor vehicles and trailers are leased to the user with or without drivers: PROVIDED, That the purchaser or user must be the holder of a carrier permit issued by the Interstate Commerce Commission ((and that the vehicles will first move upon the highways of this state from the point of delivery in this state to a point outside of this state under the authority of a one-transit permit issued by the director of licensing pursuant to the provisions of RCW 46.16.169)).
Sec. 2. RCW 82.12.0254 and 1980 c 37 s 54 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of any airplane, locomotive, railroad car, or watercraft used primarily in conducting interstate or foreign commerce by transporting therein or therewith property and persons for hire or used primarily in commercial deep sea fishing operations outside the territorial waters of the state, and in respect to use of tangible personal property which becomes a component part of any such airplane, locomotive, railroad car, or watercraft, and in respect to the use by a nonresident of this state of any motor vehicle or trailer used exclusively in transporting persons or property across the boundaries of this state and in intrastate operations incidental thereto when such motor vehicle or trailer is registered and licensed in a foreign state and in respect to the use by a nonresident of this state of any motor vehicle or trailer so registered and licensed and used within this state for a period not exceeding fifteen consecutive days under such rules as the department of revenue shall adopt: PROVIDED, That under circumstances determined to be justifiable by the department of revenue a second fifteen day period may be authorized consecutive with the first fifteen day period; and for the purposes of this exemption the term "nonresident" as used herein, shall include a user who has one or more places of business in this state as well as in one or more other states, but the exemption for nonresidents shall apply only to those vehicles which are most frequently dispatched, garaged, serviced, maintained, and operated from the user’s place of business in another state; and in respect to the use by the holder of a carrier permit issued by the Interstate Commerce Commission of any motor vehicle or trailer whether owned by or leased with or without driver to the permit holder and used in substantial part in the normal and ordinary course of the user’s business for transporting therein persons or property for hire across the boundaries of this state ((if the first use of which within this state is actual use in conducting interstate or foreign commerce)); and in respect to the use of any motor vehicle or trailer while being operated under the authority of a one-transit permit issued by the director of licensing pursuant to RCW 46.16.160 and moving upon the highways from the point of delivery in this state to a point outside this state; and in respect to the use of tangible personal property which becomes a component part of any motor vehicle or trailer used by the holder of a carrier permit.
issued by the Interstate Commerce Commission authorizing transportation
by motor vehicle across the boundaries of this state whether such motor
vehicle or trailer is owned by or leased with or without driver to the
permit holder.

NEW SECTION. Sec. 3. 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 shall take
effect July 1, 1995.

Passed the House March 8, 1995.
Passed the Senate April 4, 1995.
Approved by the Governor April 17, 1995.
Filed in Office of Secretary of State April 17, 1995.