
SUBSTITUTE HOUSE BILL 2173

State of Washington 55th Legislature 1997 Regular Session

By House Committee on Trade & Economic Development (originally sponsored by Representatives Van Luven, Reams and Mielke)

Read first time 03/05/97.

1 AN ACT Relating to the taxation of intrastate package delivery
2 carriers of limited weight cargo and in limited weight vehicles
3 effecting service within twenty-four hours and excluding the
4 transportation of passengers; and amending RCW 82.16.010.

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

6 **Sec. 1.** RCW 82.16.010 and 1996 c 150 s 1 are each amended to read
7 as follows:

8 For the purposes of this chapter, unless otherwise required by the
9 context:

10 (1) "Railroad business" means the business of operating any
11 railroad, by whatever power operated, for public use in the conveyance
12 of persons or property for hire. It shall not, however, include any
13 business herein defined as an urban transportation business.

14 (2) "Express business" means the business of carrying property for
15 public hire on the line of any common carrier operated in this state,
16 when such common carrier is not owned or leased by the person engaging
17 in such business.

18 (3) "Railroad car business" means the business of operating stock
19 cars, furniture cars, refrigerator cars, fruit cars, poultry cars, tank

1 cars, sleeping cars, parlor cars, buffet cars, tourist cars, or any
2 other kinds of cars used for transportation of property or persons upon
3 the line of any railroad operated in this state when such railroad is
4 not owned or leased by the person engaging in such business.

5 (4) "Water distribution business" means the business of operating
6 a plant or system for the distribution of water for hire or sale.

7 (5) "Light and power business" means the business of operating a
8 plant or system for the generation, production or distribution of
9 electrical energy for hire or sale and/or for the wheeling of
10 electricity for others.

11 (6) "Telegraph business" means the business of affording
12 telegraphic communication for hire.

13 (7) "Gas distribution business" means the business of operating a
14 plant or system for the production or distribution for hire or sale of
15 gas, whether manufactured or natural.

16 (8) "Motor transportation business" means the business (except
17 urban transportation business) of operating any motor propelled vehicle
18 by which persons or property of others are conveyed for hire, and
19 includes, but is not limited to, the operation of any motor propelled
20 vehicle as an auto transportation company (except urban transportation
21 business), common carrier or contract carrier as defined by RCW
22 81.68.010 and 81.80.010: PROVIDED, That "motor transportation
23 business" shall not mean or include the transportation of logs or other
24 forest products exclusively upon private roads or private highways.

25 (9) "Urban transportation business" means the business of operating
26 any vehicle for public use in the conveyance of persons or property for
27 hire, insofar as (a) operating entirely within the corporate limits of
28 any city or town, or within five miles of the corporate limits thereof,
29 or (b) operating entirely within and between cities and towns whose
30 corporate limits are not more than five miles apart or within five
31 miles of the corporate limits of either thereof. Included herein, but
32 without limiting the scope hereof, is the business of operating
33 passenger vehicles of every type and also the business of operating
34 cartage, pickup, or delivery services, including in such services the
35 collection and distribution of property arriving from or destined to a
36 point within or without the state, whether or not such collection or
37 distribution be made by the person performing a local or interstate
38 line-haul of such property. "Urban transportation business" also
39 includes package delivery carriers transporting packages or parcels not

1 exceeding one hundred pounds per package or parcel, and excluding the
2 transportation of passengers, effecting pick up and delivery within
3 twenty-four hours in vehicles of ten thousand pounds gross vehicle
4 weight or less. However, "urban transportation business" does not
5 include package delivery carriers that provide intermodal
6 transportation services. A business provides intermodal transportation
7 services if it provides successive transportation of packages or
8 parcels from their places of origin to their places of destination by
9 more than one mode of transportation, whether under a single bill of
10 lading or under separate bills of lading.

11 (10) "Public service business" means any of the businesses defined
12 in subdivisions (1), (2), (3), (4), (5), (6), (7), (8), and (9) or any
13 business subject to control by the state, or having the powers of
14 eminent domain and the duties incident thereto, or any business
15 hereafter declared by the legislature to be of a public service nature,
16 except telephone business as defined in RCW 82.04.065 and low-level
17 radioactive waste site operating companies as redefined in RCW
18 81.04.010. It includes, among others, without limiting the scope
19 hereof: Airplane transportation, boom, dock, ferry, pipe line, toll
20 bridge, toll logging road, water transportation and wharf businesses.

21 (11) "Tugboat business" means the business of operating tugboats,
22 towboats, wharf boats or similar vessels in the towing or pushing of
23 vessels, barges or rafts for hire.

24 (12) "Gross income" means the value proceeding or accruing from the
25 performance of the particular public service or transportation business
26 involved, including operations incidental thereto, but without any
27 deduction on account of the cost of the commodity furnished or sold,
28 the cost of materials used, labor costs, interest, discount, delivery
29 costs, taxes, or any other expense whatsoever paid or accrued and
30 without any deduction on account of losses.

31 (13) The meaning attributed, in chapter 82.04 RCW, to the term "tax
32 year," "person," "value proceeding or accruing," "business," "engaging
33 in business," "in this state," "within this state," "cash discount" and
34 "successor" shall apply equally in the provisions of this chapter.

--- END ---