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HOUSE BILL 2173

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State of Washington

55th Legislature

1997 Regular Session

By Representatives Van Luven, Reams and Mielke

Read first time 02/25/97. Referred to Committee on Trade & Economic Development.

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 predominantly intrastate package delivery carriers

1 transporting packages or parcels not exceeding one hundred pounds per  
2 package or parcel, and excluding the transportation of passengers,  
3 effecting pick up and delivery within twenty-four hours in vehicles of  
4 ten thousand pounds gross vehicle weight or less.

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

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

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

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

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