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SENATE BILL 6348

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State of Washington                      55th Legislature                      1998 Regular Session

By Senators Hale and Haugen; by request of Department of Revenue

Read first time . Referred to Committee on .

1            AN ACT Relating to eliminating requirements for filing certificates  
2 or annual summaries for sales and use tax exemptions on manufacturing  
3 machinery and equipment; amending RCW 82.12.02565; reenacting and  
4 amending RCW 82.08.02565; and providing an effective date.

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

6            **Sec. 1.** RCW 82.08.02565 and 1996 c 247 s 2 and 1996 c 173 s 3 are  
7 each reenacted and amended to read as follows:

8            (1) The tax levied by RCW 82.08.020 shall not apply to sales to a  
9 manufacturer or processor for hire of machinery and equipment used  
10 directly in a manufacturing operation or research and development  
11 operation, or to sales of or charges made for labor and services  
12 rendered in respect to installing, repairing, cleaning, altering, or  
13 improving the machinery and equipment, but only when the purchaser  
14 provides the seller with an exemption certificate in a form and manner  
15 prescribed by the department by rule(~~(, and the purchaser provides the~~  
16 ~~department with a duplicate of the certificate or a summary of exempt~~  
17 ~~sales as the department may require)~~). The seller shall retain a copy  
18 of the certificate for the seller's files.

19            (2) For purposes of this section and RCW 82.12.02565:

1 (a) "Machinery and equipment" means industrial fixtures, devices,  
2 and support facilities, and tangible personal property that becomes an  
3 ingredient or component thereof, including repair parts and replacement  
4 parts. "Machinery and equipment" includes pollution control equipment  
5 installed and used in a manufacturing operation or research and  
6 development operation to prevent air pollution, water pollution, or  
7 contamination that might otherwise result from the manufacturing  
8 operation or research and development operation.

9 (b) "Machinery and equipment" does not include:

10 (i) Hand tools;

11 (ii) Property with a useful life of less than one year;

12 (iii) Buildings, other than machinery and equipment that is  
13 permanently affixed to or becomes a physical part of a building; and

14 (iv) Building fixtures that are not integral to the manufacturing  
15 operation or research and development operation that are permanently  
16 affixed to and become a physical part of a building, such as utility  
17 systems for heating, ventilation, air conditioning, communications,  
18 plumbing, or electrical.

19 (c) Machinery and equipment is "used directly" in a manufacturing  
20 operation or research and development operation if the machinery and  
21 equipment:

22 (i) Acts upon or interacts with an item of tangible personal  
23 property;

24 (ii) Conveys, transports, handles, or temporarily stores an item of  
25 tangible personal property at the manufacturing site;

26 (iii) Controls, guides, measures, verifies, aligns, regulates, or  
27 tests tangible personal property;

28 (iv) Provides physical support for or access to tangible personal  
29 property;

30 (v) Produces power for, or lubricates machinery and equipment;

31 (vi) Produces another item of tangible personal property for use in  
32 the manufacturing operation or research and development operation;

33 (vii) Places tangible personal property in the container, package,  
34 or wrapping in which the tangible personal property is normally sold or  
35 transported; or

36 (viii) Is integral to research and development as defined in RCW  
37 82.63.010.

38 (d) "Manufacturing operation" means the manufacturing of articles,  
39 substances, or commodities for sale as tangible personal property. The

1 manufacturing operation begins at the point where the raw materials  
2 enter the manufacturing site and ends at the point where the finished  
3 product leaves the manufacturing site. The term also includes that  
4 portion of a cogeneration project that is used to generate power for  
5 consumption within the manufacturing site of which the cogeneration  
6 project is an integral part. The term does not include the production  
7 of electricity by a light and power business as defined in RCW  
8 82.16.010 or the preparation of food products on the premises of a  
9 person selling food products at retail.

10 (e) "Cogeneration" means the simultaneous generation of electrical  
11 energy and low-grade heat from the same fuel.

12 (f) "Research and development operation" means engaging in research  
13 and development as defined in RCW 82.63.010 by a manufacturer or  
14 processor for hire.

15 **Sec. 2.** RCW 82.12.02565 and 1996 c 247 s 3 are each amended to  
16 read as follows:

17 The provisions of this chapter shall not apply in respect to the  
18 use by a manufacturer or processor for hire of machinery and equipment  
19 used directly in a manufacturing operation or research and development  
20 operation(~~(, but only when the user provides the department with:~~

21 ~~(1) An exemption certificate in a form and manner prescribed by the~~  
22 ~~department within sixty days of the first use of the machinery and~~  
23 ~~equipment in this state; or~~

24 ~~(2) An annual summary listing the machinery and equipment by~~  
25 ~~January 31 of the year following the calendar year in which the~~  
26 ~~machinery and equipment is first used in this state)).~~

27 NEW SECTION. **Sec. 3.** This act takes effect July 1, 1998.

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