CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1887

Chapter 289, Laws of 2005

59th Legislature
2005 Regular Session

LITTER TAX

EFFECTIVE DATE: 7/24/05

Passed by the House March 15, 2005
Yeas 96  Nays 0

FRANK CHOPP
Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 40  Nays 0

BRAD OWEN
President of the Senate

Approved May 4, 2005.

I, Richard Nafziger, Chief Clerk
of the House of Representatives of
the State of Washington, do hereby
certify that the attached is
SUBSTITUTE HOUSE BILL 1887 as
passed by the House of
Representatives and the Senate on
the dates hereon set forth.

RICHARD NAFZIGER
Chief Clerk

FILED
May 4, 2005 - 4:00 p.m.

CHRISTINE GREGOIRE
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to exemptions to the litter tax; and amending RCW 82.19.050.

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

Sec. 1. RCW 82.19.050 and 2003 c 120 s 1 are each amended to read as follows:

The litter tax imposed in this chapter does not apply to:

(1) The manufacture or sale of products for use and consumption outside the state;

(2) The value of products or gross proceeds of the sales exempt from tax under RCW 82.04.330;

(3) The sale of products for resale by a qualified grocery distribution cooperative to customer-owners of the grocery distribution cooperative. For the purposes of this section, "qualified grocery distribution cooperative" and "customer-owner" have the meanings given in RCW 82.04.298; ((or))

(4) The sale of food or beverages by retailers that are sold solely for immediate consumption indoors ((on)) at the seller's ((premises)) place of business or at a deck or patio at the seller's place of
business, or indoors at an eating area that is contiguous to the
seller's place of business; or

(5)(a) The sale of prepared food or beverages by caterers where the
food or beverages are to be served for immediate consumption in or on
individual nonsingle use containers at premises occupied or controlled
by the customer.

(b) For the purposes of this subsection, the following definitions
apply:

(i) "Prepared food" has the same meaning as provided in RCW
82.08.0293.

(ii) "Nonsingle use container" means a receptacle for holding a
single individual's food or beverage that is designed to be used more
than once. Nonsingle use containers do not include pizza delivery bags
and similar insulated containers that do not directly contact the food.
Nonsingle use containers do not include plastic or paper plates or
other containers that are disposable.

(iii) "Caterer" means a person contracted to prepare food where the
final cooking or serving occurs at a location selected by the customer.

Passed by the House March 15, 2005.
Passed by the Senate April 14, 2005.
Approved by the Governor May 4, 2005.
Filed in Office of Secretary of State May 4, 2005.