
SENATE BILL 5406

State of Washington

66th Legislature

2019 Regular Session

By Senators Warnick and Wagoner

Read first time 01/21/19. Referred to Committee on Labor & Commerce.

1 AN ACT Relating to providing small winery tax relief; and
2 reenacting amending RCW 66.24.210; and creating a new section.

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

4 **Sec. 1.** RCW 66.24.210 and 2016 c 235 s 12 and 2016 c 225 s 1 are
5 each reenacted and amended to read as follows:

6 (1) (a) There is hereby imposed upon all wines except cider sold
7 to wine distributors within the state a tax at the rate of twenty and
8 one-fourth cents per liter. Any domestic winery or certificate of
9 approval holder acting as a distributor of its own production must
10 pay taxes imposed by this section. There is hereby imposed on all
11 cider sold to wine distributors within the state a tax at the rate of
12 three and fifty-nine one-hundredths cents per liter. However, the
13 following are not subject to tax under this section:

14 (i) Wine sold or shipped in bulk from one winery to another
15 winery ((is not subject to such tax)); and

16 (ii) A winery's sales of the first twenty thousand gallons of
17 wine in a calendar year, except any amount of such tax that may be
18 designated for disbursement to the Washington wine commission for use
19 in carrying out the purposes of chapter 15.88 RCW.

1 (~~(a)~~) (b) The tax provided for in this section (~~(shall)~~) must
2 be collected by direct payments based on wine purchased by wine
3 distributors.

4 (~~(b)~~) (c) Except as provided in subsection (7) of this section,
5 every person purchasing wine under the provisions of this section
6 must on or before the twentieth day of each month report to the board
7 all purchases during the preceding calendar month in such manner and
8 upon such forms as may be prescribed by the board, and with such
9 report must pay the tax due from the purchases covered by such report
10 unless the same has previously been paid. Any such purchaser of wine
11 whose applicable tax payment is not postmarked by the twentieth day
12 following the month of purchase will be assessed a penalty at the
13 rate of two percent a month or fraction thereof. The board may
14 require that every such person (~~(shall)~~) must execute to and file
15 with the board a bond to be approved by the board, in such amount as
16 the board may fix, securing the payment of the tax. If any such
17 person fails to pay the tax when due, the board may suspend or cancel
18 the license until all taxes are paid.

19 (~~(e)~~) (d) Any licensed retailer authorized to purchase wine
20 from a certificate of approval holder with a direct shipment
21 endorsement or a domestic winery must make monthly reports to the
22 liquor and cannabis board on wine purchased during the preceding
23 calendar month in the manner and upon such forms as may be prescribed
24 by the board.

25 (2) An additional tax is imposed equal to the rate specified in
26 RCW 82.02.030 multiplied by the tax payable under subsection (1) of
27 this section. All revenues collected during any month from this
28 additional tax must be transferred to the state general fund by the
29 twenty-fifth day of the following month.

30 (3) An additional tax is imposed on wines subject to tax under
31 subsection (1) of this section, at the rate of one-fourth of one cent
32 per liter for wine sold after June 30, 1987. After June 30, 1996,
33 such additional tax does not apply to cider. An additional tax of
34 five one-hundredths of one cent per liter is imposed on cider sold
35 after June 30, 1996. All revenues collected under this subsection (3)
36 shall be disbursed quarterly to the Washington wine commission for
37 use in carrying out the purposes of chapter 15.88 RCW.

38 (4) An additional tax is imposed on all wine subject to tax under
39 subsection (1) of this section. The additional tax is equal to
40 twenty-three and forty-four one-hundredths cents per liter on

1 fortified wine as defined in RCW 66.04.010 when bottled or packaged
2 by the manufacturer, one cent per liter on all other wine except
3 cider, and eighteen one-hundredths of one cent per liter on cider.
4 All revenues collected during any month from this additional tax
5 (~~shall~~) must be deposited in the state general fund by the twenty-
6 fifth day of the following month.

7 (5) (a) An additional tax is imposed on all cider subject to tax
8 under subsection (1) of this section. The additional tax is equal to
9 two and four one-hundredths cents per liter of cider sold after June
10 30, 1996, and before July 1, 1997, and is equal to four and seven
11 one-hundredths cents per liter of cider sold after June 30, 1997.

12 (b) All revenues collected from the additional tax imposed under
13 this subsection (5) must be deposited in the state general fund.

14 (6) For the purposes of this section, "cider" means table wine
15 that contains not less than one-half of one percent of alcohol by
16 volume and not more than seven percent of alcohol by volume and is
17 made from the normal alcoholic fermentation of the juice of sound,
18 ripe apples or pears. "Cider" includes, but is not limited to,
19 flavored, sparkling, or carbonated cider and cider made from
20 condensed apple or pear must.

21 (7) For the purposes of this section, out-of-state wineries must
22 pay taxes under this section on wine sold and shipped directly to
23 Washington state residents in a manner consistent with the
24 requirements of a wine distributor under subsections (1) through (4)
25 of this section, except wineries (~~shall be~~) are responsible for the
26 tax and not the resident purchaser.

27 (8) Notwithstanding any other provision of this section, any
28 domestic winery or wine certificate of approval holder acting as a
29 distributor of its own production that had total taxable sales of
30 wine in Washington state of six thousand gallons or less during the
31 calendar year preceding the date on which the tax would otherwise be
32 due is not required to pay taxes under this section more often than
33 annually.

34 NEW SECTION. **Sec. 2.** This act is exempt from the provisions of
35 RCW 82.32.805 and 82.32.808.

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