

1 2089 AMH VANL H2917.1

2 **HB 2089 - H AMDS 736 WITHDRAWN 3/14/95**

3 By Representatives Van Luven and Sheldon

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5 On page 24, line 17, after "subsection" strike "(3)" and insert
6 "(4)"

7 On page 24, line 20, after "(3)" insert "Upon every person engaged
8 within this state in the business of providing landscape maintenance
9 and horticultural services, but excluding horticultural services
10 provided to farmers, not otherwise classified as a sale at retail; as
11 to such persons, the amount of the tax with respect to such business
12 shall be equal to the gross income of the business, multiplied by the
13 rate of 0.471 percent.

14 (4)"

15 On page 24, line 25, strike "(4)" and insert "(5)"

16 On page 24, line 29, strike "and (3)" and insert "(3), and (4)"

17 On page 25, line 33, after "subsection" strike "(3)" and insert
18 "(4)"

19 On page 25, line 36, after "(3)" insert "Upon every person engaged
20 within this state in the business of providing landscape maintenance
21 and horticultural services, but excluding horticultural services
22 provided to farmers, not otherwise classified as a sale at retail; as
23 to such persons, the amount of the tax with respect to such business
24 shall be equal to the gross income of the business, multiplied by the
25 rate of 0.471 percent.

26 (4)"

27 On page 26, line 4, strike "(4)" and insert "(5)"

28 On page 26, beginning on line 7, strike "and (3)" and insert "(3),
29 and (4)"

1 On page 50, line 8, strike "82.04.290(3)" and insert "82.04.290"

2 On page 51, line 19, strike "82.04.290(3) and (4)" and insert
3 "82.04.290(~~(3)~~) (4)"

4 On page 56, after line 14, insert the following:

5 "**Sec. 61.** RCW 82.04.050 and 1995 c ... s 60 (section 60 of this
6 act) are each amended to read as follows:

7 (1) "Sale at retail" or "retail sale" means every sale of tangible
8 personal property (including articles produced, fabricated, or
9 imprinted) to all persons irrespective of the nature of their business
10 and including, among others, without limiting the scope hereof, persons
11 who install, repair, clean, alter, improve, construct, or decorate real
12 or personal property of or for consumers other than a sale to a person
13 who presents a resale certificate under RCW 82.04.470 and who:

14 (a) Purchases for the purpose of resale as tangible personal
15 property in the regular course of business without intervening use by
16 such person; or

17 (b) Installs, repairs, cleans, alters, imprints, improves,
18 constructs, or decorates real or personal property of or for consumers,
19 if such tangible personal property becomes an ingredient or component
20 of such real or personal property without intervening use by such
21 person; or

22 (c) Purchases for the purpose of consuming the property purchased
23 in producing for sale a new article of tangible personal property or
24 substance, of which such property becomes an ingredient or component or
25 is a chemical used in processing, when the primary purpose of such
26 chemical is to create a chemical reaction directly through contact with
27 an ingredient of a new article being produced for sale; or

28 (d) Purchases for the purpose of consuming the property purchased
29 in producing ferrosilicon which is subsequently used in producing
30 magnesium for sale, if the primary purpose of such property is to
31 create a chemical reaction directly through contact with an ingredient
32 of ferrosilicon; or

33 (e) Purchases for the purpose of providing the property to
34 consumers as part of competitive telephone service, as defined in RCW
35 82.04.065. The term shall include every sale of tangible personal
36 property which is used or consumed or to be used or consumed in the

1 performance of any activity classified as a "sale at retail" or "retail
2 sale" even though such property is resold or utilized as provided in
3 (a), (b), (c), (d), or (e) of this subsection following such use. The
4 term also means every sale of tangible personal property to persons
5 engaged in any business which is taxable under RCW 82.04.280 (2) and
6 (7) and 82.04.290.

7 (2) The term "sale at retail" or "retail sale" shall include the
8 sale of or charge made for tangible personal property consumed and/or
9 for labor and services rendered in respect to the following:

10 (a) The installing, repairing, cleaning, altering, imprinting, or
11 improving of tangible personal property of or for consumers, including
12 charges made for the mere use of facilities in respect thereto, but
13 excluding sales of laundry service to members by nonprofit associations
14 composed exclusively of nonprofit hospitals, and excluding services
15 rendered in respect to live animals, birds and insects;

16 (b) The constructing, repairing, decorating, or improving of new or
17 existing buildings or other structures under, upon, or above real
18 property of or for consumers, including the installing or attaching of
19 any article of tangible personal property therein or thereto, whether
20 or not such personal property becomes a part of the realty by virtue of
21 installation, and shall also include the sale of services or charges
22 made for the clearing of land and the moving of earth excepting the
23 mere leveling of land used in commercial farming or agriculture;

24 (c) The charge for labor and services rendered in respect to
25 constructing, repairing, or improving any structure upon, above, or
26 under any real property owned by an owner who conveys the property by
27 title, possession, or any other means to the person performing such
28 construction, repair, or improvement for the purpose of performing such
29 construction, repair, or improvement and the property is then
30 reconveyed by title, possession, or any other means to the original
31 owner;

32 (d) The sale of or charge made for labor and services rendered in
33 respect to the cleaning, fumigating, razing or moving of existing
34 buildings or structures, but shall not include the charge made for
35 janitorial services; and for purposes of this section the term
36 "janitorial services" shall mean those cleaning and caretaking services
37 ordinarily performed by commercial janitor service businesses
38 including, but not limited to, wall and window washing, floor cleaning
39 and waxing, and the cleaning in place of rugs, drapes and upholstery.

1 The term "janitorial services" does not include painting, papering,
2 repairing, furnace or septic tank cleaning, snow removal or
3 sandblasting;

4 (e) The sale of or charge made for labor and services rendered in
5 respect to automobile towing and similar automotive transportation
6 services, but not in respect to those required to report and pay taxes
7 under chapter 82.16 RCW;

8 (f) The sale of and charge made for the furnishing of lodging and
9 all other services by a hotel, rooming house, tourist court, motel,
10 trailer camp, and the granting of any similar license to use real
11 property, as distinguished from the renting or leasing of real
12 property, and it shall be presumed that the occupancy of real property
13 for a continuous period of one month or more constitutes a rental or
14 lease of real property and not a mere license to use or enjoy the same;

15 (g) The sale of or charge made for tangible personal property,
16 labor and services to persons taxable under (a), (b), (c), (d), (e),
17 and (f) of this subsection when such sales or charges are for property,
18 labor and services which are used or consumed in whole or in part by
19 such persons in the performance of any activity defined as a "sale at
20 retail" or "retail sale" even though such property, labor and services
21 may be resold after such use or consumption. Nothing contained in this
22 subsection shall be construed to modify subsection (1) of this section
23 and nothing contained in subsection (1) of this section shall be
24 construed to modify this subsection.

25 (3) The term "sale at retail" or "retail sale" shall include the
26 sale of or charge made for personal, business, or professional services
27 including amounts designated as interest, rents, fees, admission, and
28 other service emoluments however designated, received by persons
29 engaging in the following business activities:

30 (a) Amusement and recreation services including but not limited to
31 golf, pool, billiards, skating, bowling, ski lifts and tows, and
32 others;

33 (b) Abstract, title insurance, and escrow services;

34 (c) Credit bureau services;

35 (d) Automobile parking and storage garage services;

36 (e) ~~((Landscape maintenance and horticultural services but~~
37 ~~excluding (i) horticultural services provided to farmers and (ii)~~
38 ~~pruning, trimming, repairing, removing, and clearing of trees and brush~~

1 ~~near electric distribution or transmission lines or equipment, if~~
2 ~~performed by or at the direction of an electric utility;~~

3 (~~f~~)) Service charges associated with tickets to professional
4 sporting events;

5 ((~~g~~)) (f) Guided tours and guided charters; and

6 ((~~h~~)) (g) The following personal services: Physical fitness
7 services, tanning salon services, tattoo parlor services, massage
8 services, steam bath services, turkish bath services, escort services,
9 and dating services.

10 (4) The term shall also include the renting or leasing of tangible
11 personal property to consumers and the rental of equipment with an
12 operator.

13 (5) The term shall also include the providing of telephone service,
14 as defined in RCW 82.04.065, to consumers.

15 (6) The term shall not include the sale of or charge made for labor
16 and services rendered in respect to the building, repairing, or
17 improving of any street, place, road, highway, easement, right of way,
18 mass public transportation terminal or parking facility, bridge,
19 tunnel, or trestle which is owned by a municipal corporation or
20 political subdivision of the state or by the United States and which is
21 used or to be used primarily for foot or vehicular traffic including
22 mass transportation vehicles of any kind.

23 (7) The term shall also not include sales of feed, seed, seedlings,
24 fertilizer, agents for enhanced pollination including insects such as
25 bees, and spray materials to persons who participate in the federal
26 conservation reserve program or its successor administered by the
27 United States department of agriculture, or to farmers for the purpose
28 of producing for sale any agricultural product, nor shall it include
29 sales of chemical sprays or washes to persons for the purpose of post-
30 harvest treatment of fruit for the prevention of scald, fungus, mold,
31 or decay.

32 (8) The term shall not include the sale of or charge made for labor
33 and services rendered in respect to the constructing, repairing,
34 decorating, or improving of new or existing buildings or other
35 structures under, upon, or above real property of or for the United
36 States, any instrumentality thereof, or a county or city housing
37 authority created pursuant to chapter 35.82 RCW, including the
38 installing, or attaching of any article of tangible personal property
39 therein or thereto, whether or not such personal property becomes a

1 part of the realty by virtue of installation. Nor shall the term
2 include the sale of services or charges made for the clearing of land
3 and the moving of earth of or for the United States, any
4 instrumentality thereof, or a county or city housing authority.

5 **Sec. 62.** RCW 82.04.2201 and 1995 c ... s 58 (section 58 of this
6 act) are each amended to read as follows:

7 There is levied and shall be collected for the period July 1, 1993,
8 through June 30, 1997, from every person for the act or privilege of
9 engaging in business activities, as a part of the tax imposed under RCW
10 82.04.220 through 82.04.280 and 82.04.290(~~(+4)~~) (5), except RCW
11 82.04.250(1) and 82.04.260(15), an additional tax equal to 4.5 percent
12 multiplied by the tax payable under those sections.

13 To facilitate collection of these additional taxes, the department
14 of revenue is authorized to adjust the basic rates of persons to which
15 this section applies in such manner as to reflect the amount to the
16 nearest one-thousandth of one percent of the additional tax hereby
17 imposed, adjusting ten-thousandths equal to or greater than five ten-
18 thousandths to the greater thousandth."

19 Renumber the remaining sections consecutively, correct internal
20 references accordingly, and correct the title.

21 On page 60, line 4, after "58," insert "61, 62,"

22 On page 60, line 7, after "1995." insert "Sections 61 and 62 of
23 this act and the amendment to section 22 of this act pertaining to
24 laundry facilities shall apply to charges made for the use of coin-
25 operated laundry facilities when such facilities are situated in an
26 apartment house, rooming house, or mobile home park for the exclusive
27 use of tenants rendered after July 1, 1995."

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