

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1059

Chapter 63, Laws of 2019

66th Legislature
2019 Regular Session

BUSINESS AND OCCUPATION TAX--ANNUAL RETURN DUE DATE

EFFECTIVE DATE: July 28, 2019

Passed by the House March 11, 2019
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 11, 2019
Yeas 47 Nays 0

KAREN KEISER

President of the Senate

Approved April 19, 2019 10:43 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1059** as passed by House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

April 22, 2019

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1059

Passed Legislature - 2019 Regular Session

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Van Werven, Kraft, Kilduff, Chambers, Eslick, Vick, and Leavitt)

READ FIRST TIME 02/28/19.

1 AN ACT Relating to extending the business and occupation tax
2 return filing due date for annual filers; amending RCW 82.32.045 and
3 35.102.070; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the filing of
6 an annual excise tax return by January 31st can be a hardship for
7 those many taxpayers, including self-employed taxpayers, who must
8 wait to receive a 1099 form. Therefore, some state taxpayers do not
9 receive the information they need to accurately file their taxes
10 until on or shortly after the current state filing deadline. The
11 legislature finds that it is an unnecessary burden on taxpayers, and
12 an inefficient use of state time and resources, to require them to
13 file their return under the current timeline using the best
14 information available to them and then subsequently amend their
15 return at a later date. The legislature intends to address this by
16 extending the deadline for taxpayers who qualify to be annual filers.

17 **Sec. 2.** RCW 82.32.045 and 2010 1st sp.s. c 23 s 1103 are each
18 amended to read as follows:

19 (1) Except as otherwise provided in this chapter, payments of the
20 taxes imposed under chapters 82.04, 82.08, 82.12, 82.14, and 82.16

1 RCW, along with reports and returns on forms prescribed by the
2 department, are due monthly within twenty-five days after the end of
3 the month in which the taxable activities occur.

4 (2) The department of revenue may relieve any taxpayer or class
5 of taxpayers from the obligation of remitting monthly and may require
6 the return to cover other longer reporting periods, but in no event
7 may returns be filed for a period greater than one year. Except as
8 provided in subsection (3) of this section, for these taxpayers, tax
9 payments are due on or before the last day of the month next
10 succeeding the end of the period covered by the return.

11 (3) For annual filers, tax payments, along with reports and
12 returns on forms prescribed by the department, are due on or before
13 April 15th of the year immediately following the end of the period
14 covered by the return.

15 (4) The department of revenue may also require verified annual
16 returns from any taxpayer, setting forth such additional information
17 as it may deem necessary to correctly determine tax liability.

18 ((+4)) (5) Notwithstanding subsections (1) and (2) of this
19 section, the department may relieve any person of the requirement to
20 file returns if the following conditions are met:

21 (a) The person's value of products, gross proceeds of sales, or
22 gross income of the business, from all business activities taxable
23 under chapter 82.04 RCW, is less than:

24 (i) Twenty-eight thousand dollars per year; or

25 (ii) Forty-six thousand six hundred sixty-seven dollars per year
26 for persons generating at least fifty percent of their taxable amount
27 from activities taxable under RCW 82.04.255, 82.04.290(2)(a), and
28 82.04.285;

29 (b) The person's gross income of the business from all activities
30 taxable under chapter 82.16 RCW is less than twenty-four thousand
31 dollars per year; and

32 (c) The person is not required to collect or pay to the
33 department of revenue any other tax or fee which the department is
34 authorized to collect.

35 **Sec. 3.** RCW 35.102.070 and 2003 c 79 s 7 are each amended to
36 read as follows:

37 A city that imposes a business and occupation tax ((shall)) must
38 allow reporting and payment of tax on a monthly, quarterly, or annual
39 basis. The frequency for any particular person may be assigned at the

1 discretion of the city, except that monthly reporting may be assigned
2 only if it can be demonstrated that the taxpayer is remitting excise
3 tax to the state on a monthly basis. For persons assigned a monthly
4 frequency, payment is due within the same time period provided for
5 monthly taxpayers under RCW 82.32.045. For persons assigned a
6 quarterly or annual frequency, payment is due within the same time
7 period as provided for quarterly or annual frequency under RCW
8 82.32.045. Until December 31, 2020, for persons assigned annual
9 frequency, payment is due on or before the last day of the month next
10 succeeding the end of the period covered by the return. Beginning
11 January 1, 2021, and thereafter, for persons assigned annual
12 frequency, payment is due within the same time period as provided for
13 annual frequency under RCW 82.32.045.

14 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
15 this act, referencing this act by bill or chapter number, is not
16 provided by June 30, 2019, in the omnibus appropriations act, this
17 act is null and void.

Passed by the House March 11, 2019.
Passed by the Senate April 11, 2019.
Approved by the Governor April 19, 2019.
Filed in Office of Secretary of State April 22, 2019.

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