
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3792.2/24 2nd draft

ATTY/TYPIST: CL:jlb

BRIEF DESCRIPTION: Clarifying the excise tax treatment of document recording and filing fees received by title and escrow businesses from clients for remittance to county recording and filing offices.

1 AN ACT Relating to clarifying the excise tax treatment of
2 document recording and filing fees received by title and escrow
3 businesses from clients for remittance to county recording and filing
4 offices; reenacting and amending RCW 82.04.050; adding a new section
5 to chapter 82.04 RCW; and creating new sections.

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

7 **Sec. 1.** RCW 82.04.050 and 2021 c 296 s 8 and 2021 c 143 s 2 are
8 each reenacted and amended to read as follows:

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

16 (i) Purchases for the purpose of resale as tangible personal
17 property in the regular course of business without intervening use by
18 such person, but a purchase for the purpose of resale by a regional
19 transit authority under RCW 81.112.300 is not a sale for resale; or

20 (ii) Installs, repairs, cleans, alters, imprints, improves,
21 constructs, or decorates real or personal property of or for

1 consumers, if such tangible personal property becomes an ingredient
2 or component of such real or personal property without intervening
3 use by such person; or

4 (iii) Purchases for the purpose of consuming the property
5 purchased in producing for sale as a new article of tangible personal
6 property or substance, of which such property becomes an ingredient
7 or component or is a chemical used in processing, when the primary
8 purpose of such chemical is to create a chemical reaction directly
9 through contact with an ingredient of a new article being produced
10 for sale; or

11 (iv) Purchases for the purpose of consuming the property
12 purchased in producing ferrosilicon which is subsequently used in
13 producing magnesium for sale, if the primary purpose of such property
14 is to create a chemical reaction directly through contact with an
15 ingredient of ferrosilicon; or

16 (v) Purchases for the purpose of providing the property to
17 consumers as part of competitive telephone service, as defined in RCW
18 82.04.065; or

19 (vi) Purchases for the purpose of satisfying the person's
20 obligations under an extended warranty as defined in subsection (7)
21 of this section, if such tangible personal property replaces or
22 becomes an ingredient or component of property covered by the
23 extended warranty without intervening use by such person.

24 (b) The term includes every sale of tangible personal property
25 that is used or consumed or to be used or consumed in the performance
26 of any activity defined as a "sale at retail" or "retail sale" even
27 though such property is resold or used as provided in (a)(i) through
28 (vi) of this subsection following such use.

29 (c) The term also means every sale of tangible personal property
30 to persons engaged in any business that is taxable under RCW
31 82.04.280(1) (a), (b), and (g), 82.04.290, and 82.04.2908.

32 (2) The term "sale at retail" or "retail sale" includes the sale
33 of or charge made for tangible personal property consumed and/or for
34 labor and services rendered in respect to the following:

35 (a) The installing, repairing, cleaning, altering, imprinting, or
36 improving of tangible personal property of or for consumers,
37 including charges made for the mere use of facilities in respect
38 thereto, but excluding charges made for the use of self-service
39 laundry facilities, and also excluding sales of laundry service to

1 nonprofit health care facilities, and excluding services rendered in
2 respect to live animals, birds and insects;

3 (b) The constructing, repairing, decorating, or improving of new
4 or existing buildings or other structures under, upon, or above real
5 property of or for consumers, including the installing or attaching
6 of any article of tangible personal property therein or thereto,
7 whether or not such personal property becomes a part of the realty by
8 virtue of installation, and also includes the sale of services or
9 charges made for the clearing of land and the moving of earth
10 excepting the mere leveling of land used in commercial farming or
11 agriculture;

12 (c) The constructing, repairing, or improving of any structure
13 upon, above, or under any real property owned by an owner who conveys
14 the property by title, possession, or any other means to the person
15 performing such construction, repair, or improvement for the purpose
16 of performing such construction, repair, or improvement and the
17 property is then reconveyed by title, possession, or any other means
18 to the original owner;

19 (d) The cleaning, fumigating, razing, or moving of existing
20 buildings or structures, but does not include the charge made for
21 janitorial services; and for purposes of this section the term
22 "janitorial services" means those cleaning and caretaking services
23 ordinarily performed by commercial janitor service businesses
24 including, but not limited to, wall and window washing, floor
25 cleaning and waxing, and the cleaning in place of rugs, drapes and
26 upholstery. The term "janitorial services" does not include painting,
27 papering, repairing, furnace or septic tank cleaning, snow removal or
28 sandblasting;

29 (e) Automobile towing and similar automotive transportation
30 services, but not in respect to those required to report and pay
31 taxes under chapter 82.16 RCW;

32 (f) The furnishing of lodging and all other services by a hotel,
33 rooming house, tourist court, motel, trailer camp, and the granting
34 of any similar license to use real property, as distinguished from
35 the renting or leasing of real property, and it is presumed that the
36 occupancy of real property for a continuous period of one month or
37 more constitutes a rental or lease of real property and not a mere
38 license to use or enjoy the same. For the purposes of this
39 subsection, it is presumed that the sale of and charge made for the
40 furnishing of lodging for a continuous period of one month or more to

1 a person is a rental or lease of real property and not a mere license
2 to enjoy the same. For the purposes of this section, it is presumed
3 that the sale of and charge made for the furnishing of lodging
4 offered regularly for public occupancy for periods of less than a
5 month constitutes a license to use or enjoy the property subject to
6 sales and use tax and not a rental or lease of property;

7 (g) The installing, repairing, altering, or improving of digital
8 goods for consumers;

9 (h) Persons taxable under (a), (b), (c), (d), (e), (f), and (g)
10 of this subsection when such sales or charges are for property, labor
11 and services which are used or consumed in whole or in part by such
12 persons in the performance of any activity defined as a "sale at
13 retail" or "retail sale" even though such property, labor and
14 services may be resold after such use or consumption. Nothing
15 contained in this subsection may be construed to modify subsection
16 (1) of this section and nothing contained in subsection (1) of this
17 section may be construed to modify this subsection.

18 (3) The term "sale at retail" or "retail sale" includes the sale
19 of or charge made for personal, business, or professional services
20 including amounts designated as interest, rents, fees, admission, and
21 other service emoluments however designated, received by persons
22 engaging in the following business activities:

23 (a) Abstract, title insurance, and escrow services. "Abstract,
24 title insurance, and escrow services" do not include amounts received
25 by a person for remittance to a county filing office as either a
26 document filing or recording fee, or both, if separately identified
27 on the invoice;

28 (b) Credit bureau services;

29 (c) Automobile parking and storage garage services;

30 (d) Landscape maintenance and horticultural services but
31 excluding (i) horticultural services provided to farmers and (ii)
32 pruning, trimming, repairing, removing, and clearing of trees and
33 brush near electric transmission or distribution lines or equipment,
34 if performed by or at the direction of an electric utility;

35 (e) Service charges associated with tickets to professional
36 sporting events;

37 (f) The following personal services: Tanning salon services,
38 tattoo parlor services, steam bath services, turkish bath services,
39 escort services, and dating services; and

1 (g) (i) Operating an athletic or fitness facility, including all
2 charges for the use of such a facility or for any associated services
3 and amenities, except as provided in (g) (ii) of this subsection.

4 (ii) Notwithstanding anything to the contrary in (g) (i) of this
5 subsection (3), the term "sale at retail" and "retail sale" under
6 this subsection does not include:

7 (A) Separately stated charges for the use of an athletic or
8 fitness facility where such use is primarily for a purpose other than
9 engaging in or receiving instruction in a physical fitness activity;

10 (B) Separately stated charges for the use of a discrete portion
11 of an athletic or fitness facility, other than a pool, where such
12 discrete portion of the facility does not by itself meet the
13 definition of "athletic or fitness facility" in this subsection;

14 (C) Separately stated charges for services, such as advertising,
15 massage, nutritional consulting, and body composition testing, that
16 do not require the customer to engage in physical fitness activities
17 to receive the service. The exclusion in this subsection
18 (3) (g) (ii) (C) does not apply to personal training services and
19 instruction in a physical fitness activity;

20 (D) Separately stated charges for physical therapy provided by a
21 physical therapist, as those terms are defined in RCW 18.74.010, or
22 occupational therapy provided by an occupational therapy
23 practitioner, as those terms are defined in RCW 18.59.020, when
24 performed pursuant to a referral from an authorized health care
25 practitioner or in consultation with an authorized health care
26 practitioner. For the purposes of this subsection (3) (g) (ii) (D), an
27 authorized health care practitioner means a health care practitioner
28 licensed under chapter 18.83, 18.25, 18.36A, 18.57, 18.71, or 18.71A
29 RCW, or, until July 1, 2022, chapter 18.57A RCW;

30 (E) Rent or association fees charged by a landlord or residential
31 association to a tenant or residential owner with access to an
32 athletic or fitness facility maintained by the landlord or
33 residential association, unless the rent or fee varies depending on
34 whether the tenant or owner has access to the facility;

35 (F) Services provided in the regular course of employment by an
36 employee with access to an athletic or fitness facility maintained by
37 the employer for use without charge by its employees or their family
38 members;

39 (G) The provision of access to an athletic or fitness facility by
40 an educational institution to its students and staff. However,

1 charges made by an educational institution to its alumni or other
2 members of the public for the use of any of the educational
3 institution's athletic or fitness facilities are a retail sale under
4 this subsection (3)(g). For purposes of this subsection
5 (3)(g)(ii)(G), "educational institution" has the same meaning as in
6 RCW 82.04.170;

7 (H) Yoga, chi gong, or martial arts classes, training, or events
8 held at a community center, park, school gymnasium, college or
9 university, hospital or other medical facility, private residence, or
10 any other facility that is not operated within and as part of an
11 athletic or fitness facility.

12 (iii) Nothing in (g)(ii) of this subsection (3) may be construed
13 to affect the taxation of sales made by the operator of an athletic
14 or fitness facility, where such sales are defined as a retail sale
15 under any provision of this section other than this subsection (3).

16 (iv) For the purposes of this subsection (3)(g), the following
17 definitions apply:

18 (A) "Athletic or fitness facility" means an indoor or outdoor
19 facility or portion of a facility that is primarily used for:
20 Exercise classes; strength and conditioning programs; personal
21 training services; tennis, racquetball, handball, squash, or
22 pickleball; or other activities requiring the use of exercise or
23 strength training equipment, such as treadmills, elliptical machines,
24 stair climbers, stationary cycles, rowing machines, pilates
25 equipment, balls, climbing ropes, jump ropes, and weightlifting
26 equipment.

27 (B) "Martial arts" means any of the various systems of training
28 for physical combat or self-defense. "Martial arts" includes, but is
29 not limited to, karate, kung fu, tae kwon do, Krav Maga, boxing,
30 kickboxing, jujitsu, shootfighting, wrestling, aikido, judo, hapkido,
31 Kendo, tai chi, and mixed martial arts.

32 (C) "Physical fitness activities" means activities that involve
33 physical exertion for the purpose of improving or maintaining the
34 general fitness, strength, flexibility, conditioning, or health of
35 the participant. "Physical fitness activities" includes participating
36 in yoga, chi gong, or martial arts.

37 (4)(a) The term also includes the renting or leasing of tangible
38 personal property to consumers.

1 (b) The term does not include the renting or leasing of tangible
2 personal property where the lease or rental is for the purpose of
3 sublease or subrent.

4 (5) The term also includes the providing of "competitive
5 telephone service," "telecommunications service," or "ancillary
6 services," as those terms are defined in RCW 82.04.065, to consumers.

7 (6)(a) The term also includes the sale of prewritten computer
8 software to a consumer, regardless of the method of delivery to the
9 end user. For purposes of (a) and (b) of this subsection, the sale of
10 prewritten computer software includes the sale of or charge made for
11 a key or an enabling or activation code, where the key or code is
12 required to activate prewritten computer software and put the
13 software into use. There is no separate sale of the key or code from
14 the prewritten computer software, regardless of how the sale may be
15 characterized by the vendor or by the purchaser.

16 (b) The term "retail sale" does not include the sale of or charge
17 made for:

18 (i) Custom software; or

19 (ii) The customization of prewritten computer software.

20 (c)(i) The term also includes the charge made to consumers for
21 the right to access and use prewritten computer software, where
22 possession of the software is maintained by the seller or a third
23 party, regardless of whether the charge for the service is on a per
24 use, per user, per license, subscription, or some other basis.

25 (ii)(A) The service described in (c)(i) of this subsection (6)
26 includes the right to access and use prewritten computer software to
27 perform data processing.

28 (B) For purposes of this subsection (6)(c)(ii), "data processing"
29 means the systematic performance of operations on data to extract the
30 required information in an appropriate form or to convert the data to
31 usable information. Data processing includes check processing, image
32 processing, form processing, survey processing, payroll processing,
33 claim processing, and similar activities.

34 (7) The term also includes the sale of or charge made for an
35 extended warranty to a consumer. For purposes of this subsection,
36 "extended warranty" means an agreement for a specified duration to
37 perform the replacement or repair of tangible personal property at no
38 additional charge or a reduced charge for tangible personal property,
39 labor, or both, or to provide indemnification for the replacement or
40 repair of tangible personal property, based on the occurrence of

1 specified events. The term "extended warranty" does not include an
2 agreement, otherwise meeting the definition of extended warranty in
3 this subsection, if no separate charge is made for the agreement and
4 the value of the agreement is included in the sales price of the
5 tangible personal property covered by the agreement. For purposes of
6 this subsection, "sales price" has the same meaning as in RCW
7 82.08.010.

8 (8) (a) The term also includes the following sales to consumers of
9 digital goods, digital codes, and digital automated services:

10 (i) Sales in which the seller has granted the purchaser the right
11 of permanent use;

12 (ii) Sales in which the seller has granted the purchaser a right
13 of use that is less than permanent;

14 (iii) Sales in which the purchaser is not obligated to make
15 continued payment as a condition of the sale; and

16 (iv) Sales in which the purchaser is obligated to make continued
17 payment as a condition of the sale.

18 (b) A retail sale of digital goods, digital codes, or digital
19 automated services under this subsection (8) includes any services
20 provided by the seller exclusively in connection with the digital
21 goods, digital codes, or digital automated services, whether or not a
22 separate charge is made for such services.

23 (c) For purposes of this subsection, "permanent" means perpetual
24 or for an indefinite or unspecified length of time. A right of
25 permanent use is presumed to have been granted unless the agreement
26 between the seller and the purchaser specifies or the circumstances
27 surrounding the transaction suggest or indicate that the right to use
28 terminates on the occurrence of a condition subsequent.

29 (9) The term also includes the charge made for providing tangible
30 personal property along with an operator for a fixed or indeterminate
31 period of time. A consideration of this is that the operator is
32 necessary for the tangible personal property to perform as designed.
33 For the purpose of this subsection (9), an operator must do more than
34 maintain, inspect, or set up the tangible personal property.

35 (10) The term does not include the sale of or charge made for
36 labor and services rendered in respect to the building, repairing, or
37 improving of any street, place, road, highway, easement, right-of-
38 way, mass public transportation terminal or parking facility, bridge,
39 tunnel, or trestle which is owned by a municipal corporation or
40 political subdivision of the state or by the United States and which

1 is used or to be used primarily for foot or vehicular traffic
2 including mass transportation vehicles of any kind.

3 (11) The term also does not include sales of chemical sprays or
4 washes to persons for the purpose of postharvest treatment of fruit
5 for the prevention of scald, fungus, mold, or decay, nor does it
6 include sales of feed, seed, seedlings, fertilizer, agents for
7 enhanced pollination including insects such as bees, and spray
8 materials to: (a) Persons who participate in the federal conservation
9 reserve program, the environmental quality incentives program, the
10 wetlands reserve program, and the wildlife habitat incentives
11 program, or their successors administered by the United States
12 department of agriculture; (b) farmers for the purpose of producing
13 for sale any agricultural product; (c) farmers for the purpose of
14 providing bee pollination services; and (d) farmers acting under
15 cooperative habitat development or access contracts with an
16 organization exempt from federal income tax under 26 U.S.C. Sec.
17 501(c)(3) of the federal internal revenue code or the Washington
18 state department of fish and wildlife to produce or improve wildlife
19 habitat on land that the farmer owns or leases.

20 (12) The term does not include the sale of or charge made for
21 labor and services rendered in respect to the constructing,
22 repairing, decorating, or improving of new or existing buildings or
23 other structures under, upon, or above real property of or for the
24 United States, any instrumentality thereof, or a county or city
25 housing authority created pursuant to chapter 35.82 RCW, including
26 the installing, or attaching of any article of tangible personal
27 property therein or thereto, whether or not such personal property
28 becomes a part of the realty by virtue of installation. Nor does the
29 term include the sale of services or charges made for the clearing of
30 land and the moving of earth of or for the United States, any
31 instrumentality thereof, or a county or city housing authority. Nor
32 does the term include the sale of services or charges made for
33 cleaning up for the United States, or its instrumentalities,
34 radioactive waste and other by-products of weapons production and
35 nuclear research and development.

36 (13) The term does not include the sale of or charge made for
37 labor, services, or tangible personal property pursuant to agreements
38 providing maintenance services for bus, rail, or rail fixed guideway
39 equipment when a regional transit authority is the recipient of the

1 labor, services, or tangible personal property, and a transit agency,
2 as defined in RCW 81.104.015, performs the labor or services.

3 (14) The term does not include the sale for resale of any service
4 described in this section if the sale would otherwise constitute a
5 "sale at retail" and "retail sale" under this section.

6 (15)(a) The term "sale at retail" or "retail sale" includes
7 amounts charged, however labeled, to consumers to engage in any of
8 the activities listed in this subsection (15)(a), including the
9 furnishing of any associated equipment or, except as otherwise
10 provided in this subsection, providing instruction in such
11 activities, where such charges are not otherwise defined as a "sale
12 at retail" or "retail sale" in this section:

13 (i)(A) Golf, including any variant in which either golf balls or
14 golf clubs are used, such as miniature golf, hitting golf balls at a
15 driving range, and golf simulators, and including fees charged by a
16 golf course to a player for using his or her own cart. However,
17 charges for golf instruction are not a retail sale, provided that if
18 the instruction involves the use of a golfing facility that would
19 otherwise require the payment of a fee, such as green fees or driving
20 range fees, such fees, including the applicable retail sales tax,
21 must be separately identified and charged by the golfing facility
22 operator to the instructor or the person receiving the instruction.

23 (B) Notwithstanding (a)(i)(A) of this subsection (15) and except
24 as otherwise provided in this subsection (15)(a)(i)(B), the term
25 "sale at retail" or "retail sale" does not include amounts charged to
26 participate in, or conduct, a golf tournament or other competitive
27 event. However, amounts paid by event participants to the golf
28 facility operator are retail sales under this subsection (15)(a)(i).
29 Likewise, amounts paid by the event organizer to the golf facility
30 are retail sales under this subsection (15)(a)(i), if such amounts
31 vary based on the number of event participants;

32 (ii) Ballooning, hang gliding, indoor or outdoor sky diving,
33 paragliding, parasailing, and similar activities;

34 (iii) Air hockey, billiards, pool, foosball, darts, shuffleboard,
35 ping pong, and similar games;

36 (iv) Access to amusement park, theme park, and water park
37 facilities, including but not limited to charges for admission and
38 locker or cabana rentals. Discrete charges for rides or other
39 attractions or entertainment that are in addition to the charge for
40 admission are not a retail sale under this subsection (15)(a)(iv).

1 For the purposes of this subsection, an amusement park or theme park
2 is a location that provides permanently affixed amusement rides,
3 games, and other entertainment, but does not include parks or zoos
4 for which the primary purpose is the exhibition of wildlife, or
5 fairs, carnivals, and festivals as defined in (b)(i) of this
6 subsection;

7 (v) Batting cage activities;

8 (vi) Bowling, but not including competitive events, except that
9 amounts paid by the event participants to the bowling alley operator
10 are retail sales under this subsection (15)(a)(vi). Likewise, amounts
11 paid by the event organizer to the operator of the bowling alley are
12 retail sales under this subsection (15)(a)(vi), if such amounts vary
13 based on the number of event participants;

14 (vii) Climbing on artificial climbing structures, whether indoors
15 or outdoors;

16 (viii) Day trips for sightseeing purposes;

17 (ix) Bungee jumping, zip lining, and riding inside a ball,
18 whether inflatable or otherwise;

19 (x) Horseback riding offered to the public, where the seller
20 furnishes the horse to the buyer and providing instruction is not the
21 primary focus of the activity, including guided rides, but not
22 including therapeutic horseback riding provided by an instructor
23 certified by a nonprofit organization that offers national or
24 international certification for therapeutic riding instructors;

25 (xi) Fishing, including providing access to private fishing areas
26 and charter or guided fishing, except that fishing contests and
27 license fees imposed by a government entity are not a retail sale
28 under this subsection;

29 (xii) Guided hunting and hunting at game farms and shooting
30 preserves, except that hunting contests and license fees imposed by a
31 government entity are not a retail sale under this subsection;

32 (xiii) Swimming, but only in respect to (A) recreational or
33 fitness swimming that is open to the public, such as open swim, lap
34 swimming, and special events like kids night out and pool parties
35 during open swim time, and (B) pool parties for private events, such
36 as birthdays, family gatherings, and employee outings. Fees for
37 swimming lessons, to participate in swim meets and other
38 competitions, or to join a swim team, club, or aquatic facility are
39 not retail sales under this subsection (15)(a)(xiii);

1 (xiv) Go-karting, bumper cars, and other motorized activities
2 where the seller provides the vehicle and the premises where the
3 buyer will operate the vehicle;

4 (xv) Indoor or outdoor playground activities, such as inflatable
5 bounce structures and other inflatables; mazes; trampolines; slides;
6 ball pits; games of tag, including laser tag and soft-dart tag; and
7 human gyroscope rides, regardless of whether such activities occur at
8 the seller's place of business, but not including playground
9 activities provided for children by a licensed child day care center
10 or licensed family day care provider as those terms are defined in
11 RCW 43.216.010;

12 (xvi) Shooting sports and activities, such as target shooting,
13 skeet, trap, sporting clays, "5" stand, and archery, but only in
14 respect to discrete charges to members of the public to engage in
15 these activities, but not including fees to enter a competitive
16 event, instruction that is entirely or predominately classroom based,
17 or to join or renew a membership at a club, range, or other facility;

18 (xvii) Paintball and airsoft activities;

19 (xviii) Skating, including ice skating, roller skating, and
20 inline skating, but only in respect to discrete charges to members of
21 the public to engage in skating activities, but not including skating
22 lessons, competitive events, team activities, or fees to join or
23 renew a membership at a skating facility, club, or other
24 organization;

25 (xix) Nonmotorized snow sports and activities, such as downhill
26 and cross-country skiing, snowboarding, ski jumping, sledding, snow
27 tubing, snowshoeing, and similar snow sports and activities, whether
28 engaged in outdoors or in an indoor facility with or without snow,
29 but only in respect to discrete charges to the public for the use of
30 land or facilities to engage in nonmotorized snow sports and
31 activities, such as fees, however labeled, for the use of ski lifts
32 and tows and daily or season passes for access to trails or other
33 areas where nonmotorized snow sports and activities are conducted.
34 However, fees for the following are not retail sales under this
35 subsection (15)(a)(xix): (A) Instructional lessons; (B) permits
36 issued by a governmental entity to park a vehicle on or access public
37 lands; and (C) permits or leases granted by an owner of private
38 timberland for recreational access to areas used primarily for
39 growing and harvesting timber; and

1 (xx) Scuba diving; snorkeling; river rafting; surfing;
2 kiteboarding; flyboarding; water slides; inflatables, such as water
3 pillows, water trampolines, and water rollers; and similar water
4 sports and activities.

5 (b) Notwithstanding anything to the contrary in this subsection
6 (15), the term "sale at retail" or "retail sale" does not include
7 charges:

8 (i) Made for admission to, and rides or attractions at, fairs,
9 carnivals, and festivals. For the purposes of this subsection, fairs,
10 carnivals, and festivals are events that do not exceed 21 days and a
11 majority of the amusement rides, if any, are not affixed to real
12 property;

13 (ii) Made by an educational institution to its students and staff
14 for activities defined as retail sales by (a)(i) through (xx) of this
15 subsection. However, charges made by an educational institution to
16 its alumni or other members of the general public for these
17 activities are a retail sale under this subsection (15). For purposes
18 of this subsection (15)(b)(ii), "educational institution" has the
19 same meaning as in RCW 82.04.170;

20 (iii) Made by a vocational school for commercial diver training
21 that is licensed by the workforce training and education coordinating
22 board under chapter 28C.10 RCW; or

23 (iv) Made for day camps offered by a nonprofit organization or
24 state or local governmental entity that provide youth not older than
25 age 18, or that are focused on providing individuals with
26 disabilities or mental illness, the opportunity to participate in a
27 variety of supervised activities.

28 (16)(a) The term "sale at retail" or "retail sale" includes the
29 purchase or acquisition of tangible personal property and specified
30 services by a person who receives either a qualifying grant exempt
31 from tax under RCW 82.04.767 or 82.16.320 or a grant deductible under
32 RCW 82.04.4339, except for transactions excluded from the definition
33 of "sale at retail" or "retail sale" by any other provision of this
34 section. Nothing in this subsection (16) may be construed to limit
35 the application of any other provision of this section to purchases
36 by a recipient of either a qualifying grant exempt from tax under RCW
37 82.04.767 or a grant deductible under RCW 82.04.4339, or by any other
38 person.

39 (b) For purposes of this subsection (16), "specified services"
40 means:

1 (i) The constructing, repairing, decorating, or improving of new
2 or existing buildings or other structures under, upon, or above real
3 property, including the installing or attaching of any article of
4 tangible personal property therein or thereto, whether or not such
5 personal property becomes a part of the realty by virtue of
6 installation;

7 (ii) The clearing of land or the moving of earth, whether or not
8 associated with activities described in (b)(i) of this subsection
9 (16);

10 (iii) The razing or moving of existing buildings or structures;
11 and

12 (iv) Landscape maintenance and horticultural services.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 82.04
14 RCW to read as follows:

15 This chapter does not apply to amounts received for remittance to
16 a county filing office as either a document filing or recording fee,
17 or both. A person is eligible for the exemption under this section
18 only if the person is primarily engaged in abstract, title insurance,
19 or escrow services and the amounts are separately identified on the
20 invoice.

21 NEW SECTION. **Sec. 3.** RCW 82.32.805 and 82.32.808 do not apply
22 to this act.

23 NEW SECTION. **Sec. 4.** This act applies prospectively as well as
24 retroactively to disputed assessments pending before the department
25 of revenue, board of tax appeals, or any court of law.

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