

CHAPTER 37

[S. B. 78.]

COMPENSATING TAX ON MOTOR VEHICLES.

AN ACT relating to revenue and taxation; prescribing a method by which compensating tax may be collected on certain motor vehicle transfers; defining powers and duties of certain state and county officers in relation thereto; amending chapter 82.12, R.C.W., as derived from chapter 180, Laws of 1935, as amended, by adding thereto a new section; and declaring that this act shall take effect May 1, 1951.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Chapter 82.12, R.C.W., as derived from chapter 180, Laws of 1935, is amended by adding a new section thereto to read as follows:

In the collection of the compensating tax on motor vehicles, the tax commission may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the tax commission, or its duly authorized agent, showing that no compensating tax is legally due; (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the compensating tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semi-trailers used, or of a type, designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads,

Tax
commission
may
designate
county
auditors
as collecting
agents.

Duty to
collect.

Exceptions.

Dealer
collection.

Registration
renewal.

Tax
commission
certificate.

Evidence of
payment.

"Motor
vehicle"
defined.

facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Applicant must declare value.

Gross misdemeanor.

Remit to state auditor.

Each county auditor who acts as agent of the tax commission shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all compensating tax revenue collected under this section, after first deducting as his collection fee the sum of fifty cents for each motor vehicle upon which the tax has been collected. All revenue received by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the tax commission.

Collection fee.

Use of revenue.

Duplicate report to tax commission.

Refund.

Any applicant who has paid compensating tax to a county auditor under this section may apply to the tax commission for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the tax commission within ninety days after payment of the tax. Upon receipt of an application for refund the tax commission shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in sections 82.32.170, 82.32.180 and 82.32.190, R.C.W.

Provisions are cumulative.

The provisions of this section shall be construed as cumulative of other methods prescribed in this act

for the collection of the tax imposed by this title. The tax commission shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licenses but no collection fee shall be deductible by said director in remitting compensating tax revenue to the state treasurer.

Rules and regulations.

Director of licenses.

SEC. 2. This act is necessary for the immediate support of the state government and its existing public institutions and shall take effect May 1, 1951.

Emergency clause.

[R.C.W. 82.32.170, 82.32.180, and 82.32.190 are Rem. Supp. § 8370-199]

Passed the Senate March 1, 1951.

Passed the House February 28, 1951.

Approved by the Governor March 5, 1951.