

Excise Tax Advisory

Excise Tax Advisories are interpretive statements authorized by RCW 34.05.230.

ETA 3002.2009

Issue Date: February 2, 2009

Cancellation of Interpretive Statements

The Department of Revenue (Department) has cancelled numerous excise tax advisories (ETA). The following table identifies those ETAs that have been cancelled on or after June 30, 1999 and the explanation of the reason. The Department's cancellation and re-issuance of ETAs as part of the 3000 series are not listed. Taxpayers are referred to ETA 3001.2008 for a cross reference table showing the old ETA number and new 3000 series number. The table is organized by cancellation date.

ETA No.	Date cancelled	Title	Reason
013	6-30-99	Sales tax liability on dual purpose chemicals in the production process	This document discusses tax-reporting instructions that no longer exist in WAC 458-20-113 (Ingredients or components, chemicals used in processing new articles for sale).
022	6-30-99	Service charges on goods purchased for export	The information in this document is correct, but WAC 4358-20-193D (Transportation, communication, public utility activities, or other services in interstate or foreign commerce) currently explains that compensation received for services rendered in Washington is taxable.
093	6-30-99	Interstate commerce, buyer's trucks as carriers	WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property) currently provides a more complete explanation of the delivery requirements with respect to interstate commerce.
155	6-30-99	The manufacturing tax exemption for products sold at wholesale within the state.	The information is incorrect as it does not recognize subsequent legislation regarding the multiple activities tax credit.
174	6-30-99	Splitting peas as manufacturing	The document fails to recognize the special manufacturing B&O rate provided specifically for these activities
ETA No.	Date cancelled	Title	Reason
225	6-30-99	Dual purpose use of chemical becoming an ingredient	This document discusses tax-reporting instructions that no longer exist in WAC 458-20-113 (Ingredients or components, chemicals used in processing new

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			articles for sale.
231	6-30-99	Sales of vehicles to nonresident servicemen stationed in this state.	The issues discussed in this document are already addressed in WAC 458-20-190 (Sales to and by the United States, its departments, institutions and instrumentalities -- Sales to foreign governments).
248	6-30-99	Rentals to federal government employees receiving reimbursement and sales tax exemption.	The issues discussed in this document are already addressed in WAC 458-20-190 (Sales to and by the United States, its departments, institutions and instrumentalities -- Sales to foreign governments).
250	6-30-99	Where interstate commerce ends and intrastate commerce begins	WAC 458-20-193 (Inbound and outbound interstate sales of tangible persona property) currently addresses this issue.
251	6-30-99	Nonprofit corporation purchasing equipment with federal funds	The issues discussed in this document are already addressed in WAC 458-20-190 (Sales to and by the United States, its departments, institutions and instrumentalities -- Sales to foreign governments).
317	6-30-99	Little league baseball concession sales	The reporting instructions in this document do not recognize the provisions of RCW 82.04.3651 and 82.08.02573
395	6-30-99	In-state sales of manufactured raw seafood products	This document provides incorrect tax rates and fails to recognize the tax-reporting requirements of the multiple activities tax credit provisions of RCW 82.04.440. i
479	6-30-99	Use tax applied to manufacturer's use of government-owned tooling	The information in this document is incorrect due to subsequent legislation.
526	6-30-99	Taxability of core drilling	WAC 458-20-172 (Clearing of land, moving earth, etc.) currently addresses the taxation of core drilling.
527	6-30-99	Local sales to Washington consumers who "pickup" goods outside this state	The information is not a correct interpretation of the statutes. It cites a repealed rule (193A), and refers to a nonresident permit that is no longer in existence.
538	6-30-99	Hazardous substance tax - Exclude substances already possessed	This document was issued shortly after the effective date of the prior hazardous substance tax program (chapter 82.22 RCW). Many of the provisions are no longer relevant because the document fails to recognize provisions of the current law (chapter 82.21 RCW). They provide incorrect statutory citations, incorrect tax rates, and/or refer to specific subsection of WAC 458-20-252 (Hazardous substance tax and petroleum product tax) that no longer exist.

ETA No.	Date cancelled	Title	Reason
539	6-30-99	Hazardous substance tax - Line itemizing customer billings -- Tax measure	This document was issued shortly after the effective date of the prior hazardous substance tax program (chapter 82.22 RCW). Many of the provisions are no longer relevant because the document fails to recognize provisions of the current law (chapter 82.21 RCW). They provide incorrect statutory citations, incorrect tax rates, and/or refer to specific subsection of WAC 458-20-252 (Hazardous substance tax and petroleum product tax) that no longer exist.
557	6-30-99	Taxability of income from daycare monitoring	This information was incorporated into the 1999 revision of WAC 458-20-167 (Educational institutions, school districts, student organizations, and private schools).
900	6-30-99	New series of excise tax bulletins	The ETA 900 series has been discontinued. These documents have not been updated since January 31, 1996, and are no longer accurate because of subsequent changes to statutes and administrative rules.
901	6-30-99	Rules being revised as a result of 1993 and 1994 legislation	The ETA 900 series has been discontinued. These documents have not been updated since January 31, 1996, and are no longer accurate because of subsequent changes to statutes and administrative rules.
902	6-30-99	Excise tax rules being revised as a result of 1995 Legislation	The ETA 900 series has been discontinued. These documents have not been updated since January 31, 1996, and are no longer accurate because of subsequent changes to statutes and administrative rules.
025	6-17-00	Manufacturing and what constitutes taxable activity	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
029	6-17-00	Cooking crabs as manufacturing within the state.	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
075	6-17-00	Mixing of ingredients as "manufacturing"	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
081	6-17-00	Manufacturing where plant and materials used are owned by another.	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
172	6-17-00	Staining of lumber constitutes manufacturing	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
241	6-17-00	Cherry processing which includes brine curing, washing, pitting, sizing and sorting.	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
398	6-17-00	Combining items to achieve a special purpose product is manufacturing.	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"

ETA No.	Date cancelled	Title	Reason
401	6-17-00	Oyster string production	Incorporated in the rewrite of WAC 458-20-135 "Extracting natural products"
465	6-17-00	Shearing steel sheets & slitting steel coils as manufacturing	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
466	6-17-00	Assembly of fruit bins as manufacturing	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
469	6-17-00	Rerolling paper rolls, cutting paper into specific lengths, embossing, folding, and packaging as manufacturing.	Incorporated in the rewrite of WAC 458-20-136 "Manufacturing, processing for hire, fabricating"
085	6-30-00	Engineering services in connection with design of machinery for sale.	The tax result provided in this document is correct given the circumstances. However, the document incorrectly explains that the basis for the result is that "a mixed transaction containing elements which might bear different rates of tax if separately bargained for should be taxed at the highest rate for the various elements involved."
087	6-30-00	Labor costs paid by another corporation	This document is no longer needed. It explains that in the described situation labor costs paid by the owner of a cannery and cold storage plant to the operator was subject to the processing for hire B&O tax. The document notes that cannery workmen were not employees of the cannery owner, despite the fact that the amounts received by the operator were the exact amount of all payroll expenses. WAC 458-20-105 (Employees distinguished from persons engage in business) provides a more detailed and helpful description of the factors one needs to consider when determining employer/employee status. In addition, WAC 458-20-136 as adopted in May 2000 explains that persons operating a manufacturing facility owned by another is considered a processor.
185	6-30-00	Lease based on a percentage of gross proceeds	This document is no longer needed. RCW 82.04.0760 and 82.04.080 clearly provide that costs of doing business are not to be deducted from the measure of tax. WAC 458-20-187 (Coin operated amusement devices and service machines) also explains that persons operating such machines are subject to tax on their gross proceeds.
192	6-30-00	Agricultural organizations working with governmental units subject to tax.	WAC 458-20-189 and 458-20-190 explain the taxability of entities engaging in business with the State of Washington and the United State, respectively, without making a distinction for the type of entity.

ETA No.	Date cancelled	Title	Reason
218	6-30-00	Chemicals used in processing to remove gases from steel furnaces	The requirement that a chemical react with ingredients or components of the product being processed is sufficiently addressed in WAC 458-20-113
245	6-30-00	Investment Income of a Brokerage Business	This document is no longer needed as WAC 458-20-162 currently explains that income from all sources is subject to tax.
249	6-30-00	Interstate sales an consignor as agent of seller	This document is no longer needed.
257	6-30-00	Insurance charges by public grain warehouses	As of July 1, 1976, warehouses are no longer subject to the public utility tax.
275	6-30-00	Deeding of land to contractor building house for landowner.	The issue covered by this ETA is specifically addressed in RCW 82.04.050(2)(c) and WADC 458-20-170 (Constructing and repairing of new or existing buildings or other structures upon real property).
366	6-30-00	Road construction under federal timber purchase agreements	This document provides incorrect tax-reporting information.
436	6-30-00	Construction on land owned by contractor's principal stockholder.	The issue covered by this document is specifically addressed in WAC 458-20-170 (Constructing and repairing of new or existing buildings or other structures upon real property).
449	6-30-00	Turnkey projects sold to housing authorities	This document contains incorrect tax reporting information.
451	6-30-00	Corporate distribution of stock dividends.	This document does not recognize the specific tax-reporting instructions for financial businesses provided in ETA 571.04.169 (Taxability of investment income). In addition, ETA 019.04.194 (Engaging in business within the state) also explains that a person is not required to hold itself out to the public as a prerequisite to be considered "engaging in business."
474	6-30-00	Taxability of the manufacture of "refinery gas"	WAC 458-20-121 (Sales of heat or steam - Including production by cogeneration), while not specifically identifying refinery gas, does explain that persons who produce their own fuel to generate heat, steam, etc. are subject to B&O tax, even if the fuel is a by-product of a manufacturing process.
499	6-30-00	Tax liability on materials purchased by contractors in Idaho for use in Washington	The information in this document is incorrect as Idaho law now provides a tax exemption under certain circumstances for materials sold to contractors who subsequently incorporate those materials into real property.
537	6-30-00	Effective date for claiming MATC credits	The information contained in this document is no longer needed.

ETA No.	Date cancelled	Title	Reason
564	6-30-00	Retail sales/use tax - Oak barrels used by wineries and winemakers.	Under the manufacturing and equipment exemptions provided by RCW 82.0802565 and RCW 82.12.02565, wine barrels used by wineries and winemakers are exempt from the retail sales and use tax.
183	2-15-01	Gross income of public utility districts - Local taxes included	This document explains that taxes imposed under chapter 54.28 RCW (Privilege taxes) are included in the measure of tax for the purposes of chapter 82.16 RCW (Public utility tax). The latest revision of WAC 458-20-195 (Taxes, deductibility), effective August 21, 2000, specifically lists this tax as an example of a tax that is not deductible when determining the measure of tax.
186	2-15-01	Sales to nonresident farmers and the machinery and implements exemption	RCW 82.08.0268 (cited as 82.08.030(17) in this document) provides a retail sales tax exemption for sales to nonresidents of machinery and implements for use in a farming activity outside Washington. This document explains that the prefabricated buildings are not “machinery and implements” for the purposes of this exemption. While the result is correct, this information is no longer needed.
2005	2-15-01	Timber tax – Personal use of timber by landowner	This document clarifies how to distinguish between a landowner cutting timber for personal use and a landowner harvesting timber for commercial or industrial use for the purpose of determining whether the timber excise tax applies. This document is no longer needed as this issue is addressed in the latest revision of WAC 458-40-626 (Timber excise tax—Tax liability—Private timber, tax due when harvested), which became effective January 1, 2001.
291	2-15-01	Parts and repairs for farm machinery of nonresidents	This document explains how the exemption discussed in WAC 458-20-239 (Sales to nonresidents of farm machinery and implements) applies to sales of parts and repair services. The instructions are incorrect with respect to repair services due to the statutory changes of chapter 167, Laws of 1998. The latest revision of WAC 458-20-239, effective May 20, 2000, provides correct and comprehensive tax-reporting instructions in this area.
314	2-15-01	Inventory donated to charity subject to use tax	This document explains that a person donating inventory items to charitable organizations is subject to the use tax. This information is no longer correct. Chapter 182, Laws of 1998, provided a use tax exemption for the donation of inventory items to nonprofit charitable organizations.

ETA No.	Date cancelled	Title	Reason
381	2-15-01	Wholesale sales of rye and milo	This document explains that the lower B&O tax rate provided by then RCW 82.04.260(1) does not apply to sales of rye and milo. This information is out of date. Subsequent legislation added rye to the list of products identified in the statute being discussed. Later legislation replaced the lower B&O tax rate described in this document with an exemption. The document provides an incorrect statutory citation and incorrect tax rates.
434	2-15-01	Business and occupation-Sales tax: Nonprofit organization's retailing magazines	This document explains that nonprofit organizations must remit business and occupation tax and collect and remit retail sales tax on sales of religious magazines. This document fails to recognize subsequent legislation (Chapter 336, Laws of 1998) that provides B&O and retail sales tax exemptions for certain fund-raising sales. It also provides an incorrect definition of "newspaper", which is defined in RCW 82.04.214.
502	2-15-01	Suitable records – timber harvesters	This document explains that timber harvesters are required to record and preserve scaling slips that include grading details as described by the Puget Sound Log Scaling and Grading Bureau to fulfil their record-keeping requirements under RCW 82.32.070 as explained in WAC 458-40-181. This information is out of date and no longer needed. WAC 458-40-181 no longer exists, and the latest revision of chapter 458-40 WAC, effective January 1, 2001, sufficiently addresses this issue.
504	2-15-01	Sales to or by Indians	This document was issued to outline procedures to implement WAC 458-20-192 (Indians—Indian reservations), as revised November 12, 1976, and to clarify certain provisions of that rule. This document is out of date and no longer needed. The latest revision of Rule 192, effective January 1, 2001, provides current information on sales to or by Indians. Many of the Department of Revenue field office addresses provided in ETA 504 are incorrect.

ETA No.	Date cancelled	Title	Reason
459	4-11-01	Interest Received on Direct Obligations of the Federal Government	This document notes that WAC 458-20-146 (National and state banks, mutual savings banks, savings and loan associations and other financial institutions) explains that a deduction is available for interest received on direct obligations of the federal government. ETA 459 then provides a limited list of federal agencies/instrumentalities. This list is in part incorrect (e.g., the Federal Home Loan Bank and Bank for Cooperatives are no longer federal agencies or instrumentalities). There is also no need for the Department to maintain this partial list as information necessary to identify federal agencies/instrumentalities is available via the Internet.
572	5-17-01	Grants received by nonprofit or governmental entities	This document explains the Department's position regarding the taxation of grants received by nonprofit or governmental entities from governmental or private sources. It explains that the B&O tax deduction available for bona fide contributions and donations is not lost if the person making the gift requires some accountability for how the gift is used as a condition of receiving the gift. While this information is correct, it is no longer needed. The latest revision of WAC 458-20-169 (Nonprofit organizations), effective May 17, 2001, sufficiently addresses this subject.
067	7-16-01	Extracting tax classification in regard to logging operations	This document addresses the taxability of unloading logs onto flat cars. It is no longer needed. WAC 458-20-13501 (Timber harvest operations) addresses this issue.
099	7-16-01	Spray materials used in producing timber and the agricultural exemption	This document explains that the retail sales tax applies to the purchase of spray materials used to control weeds and pests in timber areas. This document is no longer needed as the taxability of spray materials is addressed in WAC 458-20-13501.
369	7-16-01	Retail sales tax: Tree-planting and tree-thinning	This document explains the taxability of tree planting and tree thinning. This document is no longer needed as these issues are addressed in WAC 458-20-13501.
373	7-16-01	Retail sales tax: Logging performed as an incident to construction of privately owned roads	This document explains that the felling, bucking, and decking of logs while constructing a road is incidental to the road construction contracts. This document is no longer needed. WAC 458-20-13501 explains the taxability of logging performed as an incident to construction.

ETA No.	Date cancelled	Title	Reason
394	7-16-01	Activities for his own use or incidental to the taxpayer's major activity	This document explains the taxability of miscellaneous income associated with and the use of products manufactured for commercial or industrial while engaging in timber harvest activities. It is no longer needed because these issues are addressed in WAC 458-20-13501.
420	7-16-01	Seedlings used in reforestation programs	This document explains that the retail sales and use taxes apply to seedlings used in reforestation programs. This document is no longer needed because the taxability of seedlings is addressed in WAC 458-20-13501
541	7-16-01	Tax liabilities on forest landowners and harvesters: Sale of standing timber vs. sales of logs	This document explains tax-reporting responsibilities associated with two different types of timber sales. This document is no longer needed because the information was incorporated into WAC 458-20-13501.
550	7-16-01	Deduction requirements for certain log hauls by truck	This document explains tax-reporting requirements associated with log hauls to export facilities. This document is no longer needed because this issue is addressed in WAC 458-20-13501.
367	8-8-01	Clearing land and moving earth for commercial farmers	<p>This document addresses the taxability of a taxpayer removing stumps and constructing roads for farmers. It is correct with respect to the removal of stumps from and constructing roads on land that is not currently being used for producing agricultural crops and/or existing agricultural land in preparation for a nonagricultural use (e.g., a housing development). These are retail sales subject to the retailing B&O and retail sales taxes.</p> <p>This document can be misleading with respect to removing stumps from an existing orchard in preparation for continued cultivation of agricultural crops, which the Department considers a horticultural service subject to the service and other activities B&O tax.</p>

ETA No.	Date cancelled	Title	Reason
321	9-6-01	Air taxi service, chartered flights and student training fees	<p>This document explains the taxability of services performed using aircraft in light of the U.S. Supreme Court decision in <u>Aloha Airlines v. Director of Taxation of Hawaii</u>, 464 U.S. 7 (1983). It also provides a nonexclusive list of activities performed with aircraft, and the B&O tax classification for each. The document contains erroneous information (e.g., the tax-reporting instructions regarding air ambulance operations, sightseeing flights, and hauling of logs).</p> <p>A new ETA 2006.16.179 was adopted to provide updated information in this area.</p>
020	9-14-01	Catalogues purchased within the state for distribution without	<p>This document explains that retail sales tax is due on the purchase of catalogues and price lists if delivery is taken in Washington, even if the catalogues and price lists are subsequently distributed outside the state. This document is no longer needed. WAC 458-20-193(6) (Inbound and outbound interstate sales of tangible personal property) currently explains that sales tax applies when goods are delivered instate, even if the purchaser may use the goods elsewhere.</p>
088	9-14-01	Deduction of advances and reimbursements	<p>This document explains that amounts received by a person primarily responsible and liable for paying the salaries of ticket sellers, service employees, and maintenance employees at an event are subject to tax. These amounts do not qualify as an “advance” or “reimbursement” even if no profit is realized.</p> <p>While this document provides accurate information, it is no longer needed. WAC 458-20-111(Advances and reimbursements) currently explains that the terms “advance” and “reimbursement” apply only when a taxpayer has no personal liability, either primarily or secondarily, other than as agent for a customer or client for the payment of fees or costs. In addition, Det. 89-275, 11 WTD 013, addresses a situation where a nonprofit organization arranges luncheons, seminars, and meetings, and explains that amounts received by the organization from its members or other persons are not true reimbursements when the organization is liable for payment of the services.</p>

ETA No.	Date cancelled	Title	Reason
162	9-14-01	Cartage, storage and handling of goods moving in interstate commerce	<p>ETA 162 explains that cartage, storage, and handling (of liquor in the present situation) are purely local activities even if the goods are moving in interstate commerce at the time the services are performed.</p> <p>These documents are no longer needed. WAC 458-20-193D (Transportation, communication, public utility activities, or other services in interstate and foreign commerce) sufficiently addresses the taxability of these activities.</p>
175	9-14-01	Local services connected with interstate transactions	<p>ETA 175 explains that arranging for the shipping, receiving, and handling of goods are local activities regardless that the activities may be closely connected with interstate commerce. Income derived from these local activities is subject to the B&O tax.</p> <p>These documents are no longer needed. WAC 458-20-193D (Transportation, communication, public utility activities, or other services in interstate and foreign commerce) sufficiently addresses the taxability of these activities.</p>
179	9-14-01	Credit bureau business, charges for credit information, and the retail sales tax.	<p>This document explains that the term "credit bureau business" encompasses all persons receiving income from furnishing credit information. The manner in which the information is secured is deemed immaterial. While this information is correct, Det. 89-89R, 13 WTD 9 (1993), provides a much more comprehensive explanation of what is encompassed by "credit bureau business."</p>
283	9-14-01	Sales tax liability on lease-purchase agreements	<p>This document explains that when a lessee receives title to leased property under a lease-purchase plan, sales tax applies only on the additional consideration paid over and above the amount of the rental payments. It also explains that sales tax applies to gross income, which includes amounts for interest or carrying charges and property taxes that are paid by the lessee. ETA 283 is no longer needed. WAC 458-20-211 (Leases or rentals of tangible personal property, bailments) was revised in 1996 in part to address these issues.</p>
360	9-14-01	Retail sales tax: Constitutional issues	<p>This document explains that there are no constitutional issues with respect to RCW 82.08.050's requirement that businesses to account for and pay over sales taxes due from their customers. This document is no longer needed.</p>

ETA No.	Date cancelled	Title	Reason
397	9-14-01	Photofinishing for out-of-state customers	<p>This document explains that photofinishing is a manufacturing activity subject to the manufacturing or processing for hire B&O tax. WAC 458-20-140 (Photofinishers and photographers) currently provides this information. The ETA is also not entirely accurate as it excludes information on how manufacturers report multiple activities and claim a multiple activities tax credit (MATC).</p>
506	9-14-01	Nexus presumption	<p>These documents identify specific situations/activities in which an out-of-state seller establishes nexus within this state and is subject to the B&O tax.</p> <p>These documents are no longer needed. WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property), specifically subsection (7), and various WTDs issued by the Department (e.g., Det. 97-061, 18 WTD 211; Det 98-134, 18 WTD 085; Det. 97-235, 17 WTD 107; Det. 91-075, 10 WTD 429; Det. 88-219, 6 WTD 019; Det. 87-342, 4 WTD 229; Det. 86-286, 4 WTD 051) provide sufficient guidance in these areas.</p>
508	9-14-01	Nexus: Employees of seller's agent.	<p>These documents identify specific situations/activities in which an out-of-state seller establishes nexus within this state and is subject to the B&O tax.</p> <p>These documents are no longer needed. WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property), specifically subsection (7), and various WTDs issued by the Department (e.g., Det. 97-061, 18 WTD 211; Det 98-134, 18 WTD 085; Det. 97-235, 17 WTD 107; Det. 91-075, 10 WTD 429; Det. 88-219, 6 WTD 019; Det. 87-342, 4 WTD 229; Det. 86-286, 4 WTD 051) provide sufficient guidance in these areas.</p>

ETA No.	Date cancelled	Title	Reason
509	9-14-01	Business and occupation tax on local services of nonselling resident managers	<p>These documents identify specific situations/activities in which an out-of-state seller establishes nexus within this state and is subject to the B&O tax.</p> <p>These documents are no longer needed. WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property), specifically subsection (7), and various WTDs issued by the Department (e.g., Det. 97-061, 18 WTD 211; Det 98-134, 18 WTD 085; Det. 97-235, 17 WTD 107; Det. 91-075, 10 WTD 429; Det. 88-219, 6 WTD 019; Det. 87-342, 4 WTD 229; Det. 86-286, 4 WTD 051) provide sufficient guidance in these areas.</p>
520	9-14-01	Water conditioning services	<p>This document explains that income from an agreement in which the seller agrees to rent property and perform some service in connection with that property (in the present situation the rental of a water softener with periodical servicing) is a retail sale. This document is no longer needed. WAC 458-20-211 (Leases or rentals of tangible personal property, bailments) adequately addresses the taxability of these types of agreements.</p>
560	9-14-01	Delivery – Goods originate outside Washington	<p>This document provides tax-reporting information for certain interstate sales and deliveries completed prior to January 1, 1992. Readers are referred to WAC 458-20-193 (Inbound and outbound interstate sales of tangible personal property) for determining taxability on and after this date. This information is no longer needed because it addresses transactions outside the statutory claim period provided by RCW 82.32.050.</p>
165	6-30-02	Interest received on funds procured for affiliated companies	<p>ETA 165 explains the Department’s position on interest received for loans made to affiliated companies when the business making the loans has procured these funds from a third-party lending source.</p> <p>These documents are cancelled because the information is out-of-date. They fail to recognize that chapter 150, Laws of 2002 (HB 2641), made substantial changes to the B&O tax deduction provided for certain investment income by RCW 82.04.4281</p>

ETA No.	Date cancelled	Title	Reason
571	6-30-02	Taxability of investment income	<p>ETA 571 provides guidance on the B&O tax deduction provided by RCW 82.04.4281, which provides a deduction for amounts received from investments or the use of money as such for taxpayers not engaged in banking, loan, security, or other financial business.</p> <p>These documents are cancelled because the information is out-of-date. They fail to recognize that chapter 150, Laws of 2002 (HB 2641), made substantial changes to the B&O tax deduction provided for certain investment income by RCW 82.04.4281.</p>
552	9-26-02	Leasehold Excise Tax – Exemption for public employees – Condition of employment.	<p>ETA 552 explains how the leasehold excise tax exemption provided by RCW 82.29A.130(5) for leasehold interests in public employee housing applies when a public employer may not, as a condition of employment, require an employee to reside in a public residence. This information is no longer needed because this issue is addressed in the latest revision of WAC 458-29A-400 (Leasehold excise tax—Exemptions).</p>
064	4-21-03	Intercompany Loans of Gasoline, Oil, and Similar Products	<p>These documents explain the application of the accommodation sale exemption to intercompany loans/exchange agreements for fungible products.</p>
428	4-21-03	Exchange Agreements Involving Inventory	<p>These documents are no longer needed because this issue is addressed in the latest revision of WAC 458-20-208 (Exemptions for adjustments of new motor vehicle inventory between new car dealers and accommodation sales)</p>
063	5-15-03	Transfer and Loading Stations	<p>These documents provide tax-reporting information regarding the internal distributions B&O tax, which was repealed effective July 1, 1998. This information is no longer needed.</p>
065	5-15-03	Transfers from Tank Farms to Bulk Plants	<p>These documents provide tax-reporting information regarding the internal distributions B&O tax, which was repealed effective July 1, 1998. This information is no longer needed.</p>

ETA No.	Date cancelled	Title	Reason
151	5-15-03	Wholesaling Functions Tax on Distributions Between Retail Stores	These documents provide tax-reporting information regarding the internal distributions B&O tax, which was repealed effective July 1, 1998. This information is no longer needed.
359	5-15-03	Inventory Transfers to Branches Prior to Opening	These documents provide tax-reporting information regarding the internal distributions B&O tax, which was repealed effective July 1, 1998. This information is no longer needed.
445	5-19-03	Litter Tax on Food and Beverages	This document explains that the litter tax does not apply to sales of food and beverages by retailers that are solely for consumption indoors on the seller's premises. This information is no longer needed because chapter 120, Laws of 2003, revised RCW 82.19.050 to provide a specific exemption for these sales.
316	6-26-03	Sales to Nonresidents	This document is no longer needed as the subject matter is addressed in ETA 2014.
90-001	8-20-03	A Statement of Purpose and Intent With Respect to Issues Involving Employee Placement Businesses and Their Clients	This document was issued in 1990 to announce the Department's position on the taxability of businesses that recruit and procure employees to do work for other businesses. The Washington State Supreme Court's ruling in <i>City of Tacoma vs. The William Rogers Company, Inc.</i> and ETA 2016 (Temporary staffing companies) should be followed when determining the tax-reporting responsibilities of these businesses.
173	9-30-03	Seed Furnished Under Grower Contracts.	These advisories have been cancelled because the information was incorporated in WAC 458-20-210 (Sales of tangible personal property for farming—Sales of agricultural products by farmers). ETA 173—See subsection (4)(c)(v)(c), Examples.
190	9-30-03	Feeding and Fattening Cattle and the Agricultural Products Exemption.	These advisories have been cancelled because the information was incorporated in WAC 458 20-210 (Sales of tangible personal property for farming—Sales of agricultural products by farmers). See subsection (5)(c), Raising cattle for wholesale sale.
237	9-30-03	Sales Tax Exemption for Sales of Cattle and Milk Cows	These advisories have been cancelled because the information was incorporated in WAC 45820-210 (Sales of tangible personal property for farming—Sales of agricultural products by farmers). See subsection (6)(h), Beef and dairy cattle.

ETA No.	Date cancelled	Title	Reason
406	9-30-03	Sales of Quarter Horses	These advisories have been cancelled because the information was incorporated in WAC 45820-210 (Sales of tangible personal property for farming— Sales of agricultural products by farmers). See subsection (6)(i), Livestock for breeding purposes.
559	9-30-03	Sales and Rentals of Fruit Bins	These advisories have been cancelled because the information was incorporated in WAC 458 20-210 (Sales of tangible personal property for farming— Sales of agricultural products by farmers). See subsection (4)(h), "Fruit bin rentals" by fruit packers.
126	6-30-04	Storage and Handling of Grain for Export.	This document was cancelled because it contained inaccurate information. ETA 126 explains that the handling and storage of grain intended for export by a licensed public warehouse is subject to public utility tax. WAC 458-20-182 (Warehouse businesses) explains the tax-reporting responsibilities of warehouses and notes that no warehouse business or operation is subject to public utility tax.
143	6-30-04	Sales of Flour to Government for Export.	This document identified a situation in which the seller was unable to provide the documentation required to substantiate that the seller delivered goods into the export stream. This document is not needed as the documentary requirements are sufficiently addressed in WAC 458-20-193C (Imports and exports--Sales of goods from or to persons in foreign countries).
299	6-30-04	Retail Sales Tax Refunds.	This advisory explained that a seller is not entitled to a refund of sales tax collected but not properly due unless the seller has first refunded the tax to the customer, and that the customer must secure a refund of tax overpayment from the seller. This document is no longer needed as WAC 458-20-229 (Refunds) addresses the subject matter, and identifies the circumstances under which the Department will consider making refunds of sales tax directly to the customer. ETA 299's explanation that both the seller and the customer have two years to seek a refund of sales taxes is also incorrect.
378	6-30-04	Dietary Supplements	The information provided in this documents is out-of-date. The issues are sufficiently addressed in WAC 458-20-244 (Food and food ingredients)
512	6-30-04	Food Products Sold Through Convenience Food Sales Locations.	The information provided in this documents is out-of-date. The issues are sufficiently addressed in WAC 458-20-244 (Food and food ingredients)

ETA No.	Date cancelled	Title	Reason
514	6-30-04	Transient Guests--Message Service Charges.	This document explained that message service charges by hotels, motels, and similar lodging providers are retail sales. This document is no longer needed as the issue is sufficiently addressed in WAC 458-20-166 (Hotels, motels, boarding houses, rooming houses, resorts, summer camps, trailer camps, etc.)
536	6-30-04	Kidney Dialysis Machines and Heart Pacemakers Sales and Use Tax Exempt.	The information provided in this document is no longer needed. Kidney dialysis machines and pacemakers are currently identified as tax-exempt property in WAC 458-20-18801(Prescription drugs, prosthetic and orthotic devices, ostomic items, and medically prescribed oxygen). RCW 82.08.945 and 82.12.945, effective July 1, 2004, provide sales and use tax exemptions for kidney dialysis machines. Implanted pacemakers qualify as prosthetic devices under the definition of "prosthetic device" in RCW 82.08.0283 that became effective July 1, 2004.
535	12-1-04	Alternative credit computation formula—Seasonal employment manufacturers	This advisory explains how an employer who regularly operates only on a seasonal basis determines if the 15% employment increase requirement to receive the business and occupation (B&O) tax credit provided in Chapter 82.62 is met. This advisory is no longer needed. This issue is addressed in ETA 2018 (Alternative credit computation formula - Seasonal employment manufacturers).
268	1-27-05	Indian Owned Corporation Doing Business on a Reservation.	This advisory was canceled because it provided incorrect information. ETA 268 explained that a corporation owned by Indians is not entitled to the exemption available to Indians engaging in business activities within an Indian reservation. WAC 458-20-192 (Rule 192) explains that a state chartered corporation, a partnership, or any other entity comprised solely of enrolled members of a tribe is not subject to tax on business conducted in Indian country. Rule 192 further provides that in the event that the composition of such an entity includes a family member who is not a member of the tribe, the entity will be considered as satisfying the "comprised solely" criteria if at least half of the owners are enrolled members of the tribe.

ETA No.	Date cancelled	Title	Reason
2007	2-7-05	Taxability of federal instrumentalities and federally created corporate entities.	<p>This advisory explains that federal law must be reviewed to determine whether or to what extent a federal instrumentality or federally created corporate entity is subject to tax by Washington.</p> <p>The Department of Revenue cancelled this advisory because the information is sufficiently addressed in WAC 458-20-190 (Sales to and by the United states-- Doing business on federal reservations -- Sales to foreign governments) as adopted on January 5, 2005</p>
258	2-7-05	National Guard Post Exchange Sales.	<p>This advisory explained that the National Guard is not an instrumentality of the federal government, and therefore is responsible for collecting Washington's retail sales tax when selling to guard members.</p>
350	2-7-05	Business and Occupation Tax -- Medical Service Associations	<p>This advisory explained that a medical association contracting with the federal government is subject to Washington's business and occupation (B&O) tax.</p> <p>The Department of Revenue cancelled this advisory because the information is sufficiently addressed in WAC 458-20-190 (Sales to and by the United states-- Doing business on federal reservations -- Sales to foreign governments) as adopted on January 5, 2005</p>
2013	2-15-05	QTIP Elections and Washington's Estate Tax.	<p>This document addressed whether a personal representative can make a different election for qualified terminable interest property (QTIP) on the Washington State estate tax return than on the federal estate tax return. It also addressed whether a personal representative may make a QTIP election on the Washington State estate tax return when no federal return is required.</p> <p>On February 3, 2005, the Washington Supreme Court rendered its decision in the estate tax class action lawsuit <i>Hemphill et al. v State of Washington, Department of Revenue</i>. The Supreme Court ruled that chapter 83.100 RCW automatically conforms to the changes made by Congress in 2001 (Public Law 107-16 (H.R. 1836)), therefore, the information in the ETA was no longer valid.</p>

ETA No.	Date cancelled	Title	Reason
574	3-1-05	Financial Institutions Incurring Bad Debts on Contract Assignments.	This advisory explained the Department's position regarding contract assignments and retail sales tax bad debt credits as a result of the decision of the Washington State Supreme Court in <i>Puget Sound National Bank v. Department of Revenue</i> , 123.Wn2d 284, 868 P.2d 127 (1994). It was cancelled because the information was incorporated consistent with recent statutory amendments in the recent revision of WAC 458-20-196 Bad debts, which became effective February 27, 2005.
540	5-31-05	Special Hazardous Substance Tax Applications	This advisory was cancelled because it provided out-of-date information. The ETA was written to explain the Department's interpretation of law (chapter 82.22 RCW) that was repealed and replaced with new law (chapter 82.21 RCW) a number of years ago. The ETA refers to provisions of WAC 458-20-252 that do not exist in the current version of the rule. Issues addressed in this document that are pertinent under current law are addressed in the rule. There is also no need for the list of examples of products that result from a crude oil refinery process. This list is 17 years old, and such information could be found via internet research.
89-005	12-22-05	A Statement of Purpose and Intent with Respect to the Taxability of Newspapers and Definition of a "Newspaper."	ETA 89-005 (formerly RPM 89-5) was issued in 1989 to provide an interim definition of "newspaper" to be used until a definition could otherwise be provided that would comply with constitutional free speech guarantees. ETA 89-005 is being canceled because the interim definition conflicts with and is superseded by the statutory language ultimately enacted into law (RCW 82.04.214).
19	1-30-06	Engaging in Business within the State of Washington	A determination as to whether income associated with the activities addressed in these ETAs should be based on the provisions of WAC 458-20-194 (Doing business inside and outside the state) as amended effective January 1, 2006.
269	1-30-06	Out-of-State Engineering Firm Performing Services in this State which are Incidental to those Performed by its Out-of-State Office	A determination as to whether income associated with the activities addressed in these ETAs should be based on the provisions of WAC 458-20-194 (Doing business inside and outside the state) as amended effective January 1, 2006.
270	1-30-06	Interest Income Derived from the Extension of Credit to a Party in another State by a Washington Taxpayer with Business Situs in Both States	A determination as to whether income associated with the activities addressed in these ETAs should be based on the provisions of WAC 458-20-194 (Doing business inside and outside the state) as amended effective January 1, 2006.

ETA No.	Date cancelled	Title	Reason
280	1-30-06	Commissions Earned on Interstate Sales	A determination as to whether income associated with the activities addressed in these ETAs should be based on the provisions of WAC 458-20-194 (Doing business inside and outside the state) as amended effective January 1, 2006.
324	1-30-06	Application of Business and Occupation Tax to Royalty Income Earned Through Grant of Patent Privileges	A determination as to whether income associated with the activities addressed in these ETAs should be based on the provisions of WAC 458-20-194 (Doing business inside and outside the state) as amended effective January 1, 2006.
208	12-29-06	Sale of abrasives and masking tape for use in the performance of an automobile painting contract	This document explains that an automobile paint shop must pay retail sales tax on the purchase of abrasives and masking tape it consumed in performing painting services. The fact that the paint shop separately listed these supplies on bid documents or sales invoices did not change the retail nature of the purchase. This issue is adequately addressed in other documents issued by the Department, including WAC 458-20-173 and Det. 91-128, 11 WTD 327.
21	12-29-06	Value of materials used by producer in performance of public road contract	This document addresses a situation where a taxpayer produces and sells asphalt mix to a county and also uses asphalt mix as a consumer in performing public road contracts. It explains that the measure of tax for the mix used by the taxpayer as a consumer is not necessarily the price at which the taxpayer sells mix to the county. Where there is no evidence to show an established retail selling price for a purchaser like the taxpayer, the value of the mix produced by the taxpayer may be determined on a cost basis. The issues in this ETA are adequately addressed in WAC 458-20-112.
210	12-29-06	Coin operated ski waxing and bowling ball polishing machines	This document explains that charges for the use of coin-operated machines that wax skis or polish bowling balls are subject to retail sales tax because these activities clean or improve tangible personal property. There is no need for this document. WAC 458-20-187 explains that persons operating “vending machines” are engaged in a retail activity, and “vending machines” as defined in that rule include coin-operated machines that provide facilities for . . . cleaning . . . or improving” tangible personal property.

ETA No.	Date cancelled	Title	Reason
213	12-29-06	Distinction between "manufacturing" and "altering" activities	This document explains that the cutting of an epitaph is the "altering" of tangible personal property, not a manufacturing activity, because it results in merely extending a utility that already existed in the epitaph. The document also explains that producing a key from a blank was manufacturing because the activity resulted in a "new, different, or useful article." WAC 458-20-136 provides more detailed information about distinguishing between repairing/refurbishing and manufacturing.
238	12-29-06	Buildings sold exclusive of the land upon which they are situated	This document explains that the sale of a building exclusive of the land upon which it is situated with a requirement that it be removed to another location is a sale of tangible personal property (and not a sale of real estate). The substance of the ETA has been incorporated into WAC 458-61A-106 (Sales of improvements to land, leases, and leases with option.).
27	12-29-06	Testing and Engineering services by out-of-state corporation	This document addresses a situation where a business located outside Washington has employees permanently assigned to a Washington location and also has teams of employees come into the state to perform engineering and testing services. It explains that amounts received for services rendered in this state are subject to B&O tax, notwithstanding that no profit is realized. There is no longer any need for this document. The ETA doesn't address separate accounting or cost apportionment under WAC 458-20-194. Further, the use of the term "reimbursement" implies the application of WAC 458-20-111, which does not apply to the situation described.
286	12-29-06	Freight forwarders	This document explains that income derived from freight forwarding activities is subject to B&O tax, even if associated with interstate or foreign commerce. This document is not needed as this issue is adequately addressed in WAC 458-20-193D.
318	12-29-06	Sales and/or trade-ins of tangible personal property from rental inventory	This document explains that when trading-in rental property towards the purchase of new property, the lessor is making a taxable wholesale sale of the trade-in property to the dealer. This document is no longer needed because this issue is adequately addressed in WAC 458-20-247.

ETA No.	Date cancelled	Title	Reason
415	12-29-06	Use tax on private automobiles acquired while a nonresident	This ETA explains what “private automobiles” means for purposes of the use tax exemption provided by RCW 82.12.0251 (cited in the ETA as RCW 82.12.030(1)). This information is out of date as the term “private automobiles” was removed when the statute was subsequently revised.
489	12-29-06	Lessee as speculative builder	This document quotes language from the statutory definitions of “consumer” (RCW 82.04.190) and “retail sale” (RCW 82.04.050) as the basis for determining that a lessee who constructs a building on property to which the lessee holds a thirty year lease is a speculative builder. It is not needed. More detailed information for determining whether a person is a speculative contractor is available in WAC 458-20-170, which explains the attributes of ownership of real estate for distinguishing between a speculative and prime contractor, as well as other documents issued by the Department (e.g., Det. 94-154, 15 WTD 046).
569	12-29-06	Documentation of transfers by inheritance - Documentation of transfers to and from trusts	This document explains documentation requirements to claim a REET exemption when real property is transferred by inheritance, or, by or to trusts other than revocable trusts. It is no longer needed because the documentation requirements of these transfers are addressed in WAC 458-61A-202 and 458-61A-210.
570	12-29-06	Dual signature - utility rights-of-way or easements – counties	This document explains the REET affidavit signature requirements when a municipality or city, county, state or instrumentality of the state, or other public entity purchases a utility right of way or easement. It is no longer needed because the documentation requirements of these transfers are addressed in WAC 458-61A-303
58	12-29-06	Marketing association: Seller or agent	This document addresses the B&O tax classification of an in-state marketing association for association members. The document states that based on the association’s activities and circumstances, and its bylaws, the association was operating as an agent of its members. The result being that the association was subject to service B&O tax on the gross receipts from services rendered and not the gross receipts from the sale of fresh fruit. This document is not needed as the issues are adequately addressed in WAC 458-20-214, 458-20-159, and Det. 87-355, 4 WTD 383.

ETA No.	Date cancelled	Title	Reason
98	12-29-06	Overhead costs in computing value on a cost basis	This document addresses the measure of use tax for catalogs manufactured by a department store and sent to its customers. It explains that where a retail selling price of similar products is not available, the use tax is due on a cost basis, including direct and indirect overhead costs. This issue is adequately addressed in WAC 458-20-112, 458-20-134, and other documents (e.g., WTDs) issued by the Department.
131	2-28-07	Construction company as agent for owner.	This document addresses a situation where a taxpayer was hired to perform all construction work the owner might request over a three-year period. The owner deposited monies into special accounts, from which the taxpayer alone was authorized to make withdrawals to purchase materials and labor. The ETA explains that amounts paid by the owner to the taxpayer were a retail sale under RCW 82.04.050 (definition of "retail sale"), and only those amounts for purchases of materials and subcontract labor in the name of and for the account of the owner were excludable from tax. While the result of the ETA may be correct, it does not recognize or address RCW 82.04.051 ("services in respect to" constructing).
141	2-28-07	Finance reserve credits and gross income of the business	This document explains that amounts a vendor receives from a financial institution for arranging financing in connection with the vendor's sales is subject to service B&O tax. This issue is adequately addressed in Det. No. 90-205, 11 WTD 55 (1990).
163	2-28-07	Core deposits and credits - parts returned to wholesalers.	This document explains the tax treatment of core deposits and credits involving automobile parts such as starters. This subject is fully addressed in WAC 458-20-272 (Tire fee--Core deposits or credits).
17	2-28-07	Labor and services of a subcontractor	This document explains that where a taxpayer furnishing and installing concrete forms and form supports is contractually responsible for the quality of the finished concrete work, the taxpayer is subject to the wholesaling B&O tax as a subcontractor and is not in the business of "furnishing scaffolding." There is no need for this document.
216	2-28-07	Chemicals and other articles used in purifying water.	This document explains that chlorine and other chemicals added to water and that become a component of the product sold may be purchased without payment of tax, citing RCW 82.04.050 (definition of "retail sale"). It also explains that purchases of filters and screens are subject to sales tax. This document is not needed.

ETA No.	Date cancelled	Title	Reason
345	2-28-07	Agricultural commodities hauling classified within motor transportation business.	This document explains that a person transporting agricultural commodities by motor vehicle is subject to the public utility tax (in this case the motor transportation classification). This document is not needed.
347	2-28-07	Federal government contractors hauling out-of-state goods.	This document explains that income received by persons hauling U.S. Mail between points within the state is subject to the public utility, while income for hauling mail across Washington's state lines is exempt. This information is both not needed and incomplete. There is nothing unique about the taxation of for-hire motor carriers hauling mail vs. any other property. WAC 458-20-179 (Public utility tax) and ETA 2006.16.179 (Taxability of air transportation and other activities performed with aircraft) both explain that federal law exempts from state taxation the transportation of mail by air.
46	2-28-07	Joint venture agreement: a prime contract or a subcontract.	This document states a series of facts and concludes that a joint venture existed. However, the ETA does not state the criteria for determining if a joint venture exists. Numerous Determinations have addressed the criteria to be treated as a joint venture. See, e.g. : Det. No. 87-93, 2 WTD 411, 416 (1987); Det. No. 88-14, 5 WTD 19, 24 (1988); Det. No. 88-155, 5 WTD 179 (1988); Det. No. 90-108, 9 WTD 231 (1990); Det. No. 98- 8, 17 WTD 236 (1998); Det. No. 98-214, 19 WTD 201 (2000); and Det. No. 05-0304, 26 WTD 021, (2006)
486	2-28-07	Moving a structure (bridge) as a retail sale.	This document states that a bridge is a structure, and charges for moving an existing structure (in this case a bridge) is a retail sale under RCW 82.04.050(2)(d). This document is not needed.

ETA No.	Date cancelled	Title	Reason
488	2-28-07	Conditions under which a contractor-owner relationship exists.	This document addresses the situation where a contractor and an owner enter into an agreement to transfer employees from the contractor to the owner during the period of construction, and when the construction was completed transfer the employees back to the contractor. The ETA explains that it is the Department's position to examine the conduct of the parties and the agreement between them to determine whether an employer-employee relationship exists. In this case, the Department held that the amounts paid to the employees were part of the measure of tax for the construction project. While the conclusion is correct, the ETA doesn't consider the employer-employee relationship criteria of <i>City of Tacoma v. William Rogers Co.</i> , 148 Wn.2d 169, 178, 60 P.3d 79 (2002), nor those stated in WAC 458-20-105.
490	2-28-07	Interest on construction loan taxable as part of contract price.	This document explains that amounts received by a contractor that are attributable to interest the contractor owes on a construction loan must be included in the measure of tax for the construction activity. The interest expense is a part of the contractor's cost of business. Such amounts are excluded from the measure of tax only if they meet the requirements of WAC 458-20-111 (Advances and reimbursements). This document is not needed.
82	2-28-07	Contractor distinguished from an employee	This document addresses whether a contract logger is an employee or a contractor working on a cost plus contract. The ETA cites outdated language from a previous version of WAC 458-20-105 (Employees distinguished from persons engaging in business) as the basis for finding that the contract logger was an independent contractor. The information in the current WAC 458-20-105 provides more complete guidance for determining whether a person is an independent contractor or employee.
84	2-28-07	Capehart construction contracts.	This document explains that amounts a taxpayer received from a Capehart construction contract with a private corporation are subject to retail sales tax, noting that this position was affirmed by <i>Murray v. State</i> , 62 Wn.2d 619, 384 P.2d 337 (1963). This issue is adequately addressed in Det 01-129, 21 WTD 031.

ETA No.	Date cancelled	Title	Reason
144	6-29-07	Distributor for out-of-state manufacturer – Agent or seller	This document explains that a person is considered to be a buyer/seller of goods and not merely an agent when that person has actual or constructive possession of property as evidenced by the person's ability to sell the products in its own name. In the present scenario, the taxpayer is an instate company selling products manufactured by its out-of-state parent and the agreement was explicit that the taxpayer was the buyer of the parent's goods. There is no need for this document as the tax reporting responsibilities of such arrangements are sufficiently addressed in WAC 458-20-159.
206	6-29-07	Restoration of a fishing vessel in this state for exhibition purposes by and in another state	This document explains that the exemption from retail sales tax for deep sea fishing vessels (RCW 82.08.0262) applies only to vessels actually used for deep sea fishing, and does not apply to a fishing vessel to be used for exhibition purposes. There is no need for this document as the statute and WAC 458-20-176 both provide that the exemption is available for watercraft used in conducting commercial deep sea fishing outside the territorial waters of Washington.
226	6-29-07	Automobile sales arranged by out-of-state firm but consummated through in-state dealer	This document explains that an instate dealer making local deliveries of vehicles to consumers and showing itself as the seller in both its books of account and on the dealer's report of sale for title and registration documents. There is no need for this document as the documentation requirements for a person claiming to be acting as an agent in promoting sales of another are explained in WAC 458-20-159. This document also erroneously explains that an out-of-state business must be registered with the Department in order to provide a resale certificate. WAC 458-20-102(9) explains that a seller may take a resale certificate from an unregistered nonresident buyer.
281	6-29-07	Interstate mail delivery by vendor of goods sold	This document explains that where property is delivered by a seller to a point outside the state, the seller must retain records proof that delivery was actually made outside the state. It explains that where delivery is made by mail, retention of sales slips indicating that out-of-state delivery was required and insurance receipts from the post office are sufficient to prove the interstate nature of the sales. There is no need for this document.

ETA No.	Date cancelled	Title	Reason
344	6-29-07	Local use tax- Allocation when credit allocated for sales or use taxes paid another state	This document explains that RCW 82.56.010 contains specific directions for the allocation of the credit allowed against Washington's use tax for sales or use taxes paid to another state by the present user. The document recites language from the statute, and provides an example of how such a distribution would be made. Additionally, this is an administrative process that does not affect the amount of tax owed or the amount of credit available to a taxpayer. There is no need for this document.
386	6-29-07	Consignee or seller	This document consists of one paragraph distinguishing between a contract of consignment and a contract of sale. This document is not needed. WAC 458-20-159 adequately addresses this issue and also discusses record keeping requirements, which are not addressed in this document.
411	6-29-07	Activities performed by nonprofit associations	This document explains that a nonprofit association, in this case an incorporated association of farmers, is a person subject to B&O tax on its business activities. This document is not needed as WAC 458-20-169 provides a comprehensive explanation of the tax-reporting responsibilities of nonprofit organizations.
481	6-29-07	Sales or use tax applicable to items both leased and used for personal use	This document explains that a person that purchases an item for resale or lease without intervening use need not pay sales or use tax on that item, while a person that purchases an item for lease and personal use is subject to retail sales or use tax. It also explains that the measure of tax is not applied pro rata on the basis of the comparable percentages of personal and leasing use. There is no need for this document as this issue is a straight-forward application of law and is addressed in multiple Washington Tax Decisions (WTDs) and ETA 356.12.211.
521	6-29-07	Standard deduction – Radio and television broadcasting	This document provides the standard deduction for radio and television broadcasting, based on FCC statistics, for calendar year 1982. This information is not needed.

ETA No.	Date cancelled	Title	Reason
333	11-30-07	Exemption Requirements for Certain Grain Hauls by Truck.	This document provides that income from certain intermediate hauls of grain to interim storage facilities may be deducted when determining the measure of income subject to public utility tax. This ETA is no longer needed. Chapter 330, Laws of 2007 (HB 1443) provides specific statutory deduction for these hauls. This legislation is not limited to hauling of grain, but applies to the hauling of agricultural commodities.
156	3-28-08	Statute of limitation and past performance	This document explains the application of the statute of limitations to amounts received in settlement between the contracting parties after completion of the project. WAC 458-20-197 (When tax liability arises) and 458-20-199 (Accounting methods) sufficiently address when income is to be reported for Washington tax purposes.
240	3-28-08	Use and manufacturing tax on production of molds used to produce finished product	This document explains that a manufacturer who manufactures a single-use mold is subject to the manufacturing B&O tax and use tax on the value of the mold. While this document accurately reflects the Department's interpretation of the law, it fails to recognize the exemption from retail sales and use tax for manufacturing machinery and equipment (WAC 458-20-13601). The applicability of the manufacturing B&O tax is fully addressed in WAC 458-20-136 and the retail sales and use tax application to one-time use mold is adequately discussed in WAC 458-20-13601.
259	3-28-08	Sales to public roads contractor for use outside the state	This document explains that a construction company that purchases materials in Washington that will be incorporated into a publicly-owned road outside of Washington is not subject to use tax on the value of those materials. While this is accurate, it is no longer necessary to have an ETA explaining it.

ETA No.	Date cancelled	Title	Reason
308	3-28-08	"Art work" distinguished	<p>This document explains that sketches, designs, layouts, and other art work produced by artists for advertising agencies, printers, television broadcasters, and organizations planning advertising and publicity efforts are visual representations of the artists' ideas and are invariably duplicated by the client in producing an end product for the client's customers. The document also noted that the Code of Fair Practice for commercial artists provides that transfers of such work are only of reproduction rights. Based on these factors, the document explains that income earned by artists engaged in these activities was not a retail sale, but is subject to the service and other business activities B&O tax. The distinction between the sale of artistic services and the sale of artwork is better explained in Det. No. 86-232, 1 WTD 93 (1986) and Det. No. 92-260, 12 WTD 425 (1992).</p>
421	3-28-08	Sales tax: labor performed outside of state	<p>This document explains that retail sales tax applies to repair labor performed outside of Washington at the option of the in-state repair shop. This document explains that in order to be exempt from retail sales tax, the owner of the article must agree that the actual repair services were to be performed outside of Washington. This document fails to recognize that owner is nonetheless subject to use tax under these circumstances. Additionally, effective July 1, 2008 retail sales tax will be sourced to the location where the repaired property is received by the customer.</p>
50	3-28-08	Management charges from parent to subsidiary	<p>This document explains that charges to a subsidiary for management fees are taxable. This subject is more fully addressed in ETA 86.04.201/203.</p>

ETA No.	Date cancelled	Title	Reason
511	3-28-08	Warehouse as retail outlet for city/county sales tax	<p>This document was issued to explain that the Department did not acquiesce to a 1978 Washington State Board of Tax Appeals (BTA) decision (Allied Stores Corporation v Department of Revenue, Docket No. 14780 (informal), March 17, 1978). In this decision, the BTA held that when an order is taken and payment is made at a store location, but the goods are shipped to the customer from a different warehouse decision, the place of sale for local sales tax purposes is the store location. This document was issued to explain that the Legislature elected to specify in RCW 82.14.020 that the local tax is determined by the place from which delivery is made, and that the Department would continue to apply local sales tax on that basis. This document is no longer needed. Additionally, effective July 1, 2008, these sales will be sourced to the location at which the customer receives the goods.</p>
52	3-28-08	Construction of highway tunnels for publicly owned roads	<p>This document explains that construction of tunnels for highways owned by the federal government is subject to the public road construction B&O tax classification, and a contractor installing linings in those tunnels is the consumer of the lining materials. There is no need for this information as WAC 458-20-171 provides sufficient information about the tax-reporting responsibilities of persons building roads owned by the federal government.</p>
90	3-28-08	Administrative and personnel charges between affiliated corporations	<p>This document explains that the payment made by an affiliate to a taxpayer for the services of the taxpayer's employees is subject to service and other activities business and occupation tax. ETA 86.04.201/203 fully explains the same subject.</p>
35	1-29-09	Municipal income from meters in ferry terminal parking lot.	<p>This ETA explains that off street parking provided by cities is subject to retailing B&O tax and retail sales tax. This subject is adequately addressed in WAC 458-20-189, with subsection (3)(c) explaining that on-street parking is exempt and subsection (4)(a) (v) explaining that income from off-street parking is a retail sale.</p>

ETA No.	Date cancelled	Title	Reason
48	1-29-09	Exemption of dues from business and occupation tax.	This ETA explains that when an organization receives dues that are graduated based on the income of the member, the dues are not entitled to the deduction under RCW 82.04.4282. This ETA is based on an earlier version of RCW 82.04.4282 and does not consider the effect of the current statutory language on the facts involved. See WAC 458-20-183.
91	1-29-09	Lease for the purpose of releasing.	This ETA explains that the lease or purchase of tangible personal property, in this case a ship used as a floating hotel, to be used in providing lodging services is subject to retail sales tax. See <i>Black v. State</i> , 67 Wn.2d 97 (1965). A lodging provider's responsibility to pay retail sales or use tax on tangible personal property used in providing lodging services is adequately addressed in WAC 458-20-166.
132	1-29-09	Sales tax liability of seller on buyer's refusal to pay.	This ETA addresses a scenario where a buyer refused to pay retail sales tax to the seller because of a contract disagreement. The seller asked the Department to relieve the seller from its statutory obligation to collect the sales tax, and instead pursue the buyer for the tax. This document explains that the Department's general policy is not to relieve sellers of their statutory obligation to collect sales tax from the buyers, and that the Department chose not to pursue collection from the buyer. This ETA is no longer needed as RCW 82.08.050(10) explains that it is the Department's discretion whether or not to proceed directly against the buyer for collection of the sales tax.
145	1-29-09	Retention of title to secure payment of interstate sales of goods	This ETA explains that a sale occurs when the possession of property is transferred to the buyer even though the seller retains title to goods for the sole purpose of securing payment. This subject is adequately addressed in WAC 458-20-193.

ETA No.	Date cancelled	Title	Reason
158	1-29-09	Deduction of finance charges from lease payments.	This ETA explains that the full charge to a customer under a lease with option to purchase agreement is subject to retail sales tax, and that the finance or interest component factoring into the computation of this charge may not be deducted. While not specifically noted in the document, and notwithstanding the ETA's explanation that the taxpayer entered into the lease as a "method of financing the acquisition of needed equipment," the lease at issue is a "true" (or "operating") lease, as opposed to a "financing" lease. This document is no longer needed as the taxability of both true and financing leases is addressed in WAC 458-20-211.
254	1-29-09	Livery Service businesses.	This ETA addresses a situation where a taxpayer provides limousine and ambulance services and also occasionally rents the vehicles without drivers. The document explains that the taxpayer is responsible for paying retail sale tax on its purchase or lease of the vehicles used in providing the limousine and ambulance services. It also explains that retail sales tax must be collected on the charge for the occasional bare rental of the vehicles. This document does not provide any information that is not otherwise available in other documents published by the Department.
310	1-29-09	Taxpayer has a duty to obtain knowledge of tax liability.	This ETA correctly states the principle that taxpayers have the responsibility to know their obligations. This matter is adequately addressed in Chapter 82.32A RCW (Taxpayer Rights and Responsibilities) and numerous publications of the Department.
356	1-29-09	Use tax: Rentals put to personal use.	This ETA explains that when a taxpayer both leases and personally uses tangible personal property (in this case a boat), the taxpayer is subject to retail sales or use tax on the value of the boat. The definition of "retail sale" in RCW 82.04.050 excludes sales of tangible personal property only if the property is not put to intervening use by the purchaser. There is no need for this document as this issue is a straightforward application of law.

ETA No.	Date cancelled	Title	Reason
357	1-29-09	Bailments: Handling and cleaning charges.	This ETA addresses a situation where a taxpayer charges handling fees while storing films for a customer. As a part of the handling services, the film was inspected and, when needed, cleaned before being returned to storage. The ETA concludes that the handling services were subject to service and other activities B&O tax and were not a retail sale, on the basis that the cleaning was merely incidental to the handling and there was no separate charge for the cleaning. While the explanation that retail sales tax would not apply under this scenario is correct, there are insufficient facts to determine whether or not the handling was part of the warehousing activity, in which case the handling charges would be subject to the warehousing B&O tax as explained in WAC 458-20-182(3).
376	1-29-09	Speculative builders in joint ventures.	This ETA addresses a situation where a taxpayer alleged that a joint venture existed between the taxpayer (a land developer), a speculative builder, and three contract vendors. The ETA explains that a taxpayer must prove the existence of a joint venture, and in this case did not do so. This document does not provide any needed guidance. Other documents issued by the Department (e.g., Det. 05-0104, 26 WTD 001, and Det. 99-176, 19 WTD 456) provide more complete guidance on this subject, including recognition of the “common law” principles expressed by Washington’s courts.
387	1-29-09	Title insurance companies – retail sales tax liability on supplies.	This ETA states that title insurers must pay retail sales tax on their purchase of supplies. There is no need for this document as WAC 458-20-156 explains that retail sales tax applies to purchases of supplies by abstract, title insurance, and escrow businesses.
432	1-29-09	Sales tax: Steno services as retail sales.	This ETA explains that where a business employed stenographers who performed mechanical services related to the production of manuals to be sold to customers, the charges associated with the stenographers’ activities are included in the measure of tax for the sale of the manuals. It also explains that when these stenographers separately perform general secretarial duties, the charges to customers are subject to service and other activities B&O tax. There is no need for this document as this issue is a straightforward application of law.

ETA No.	Date cancelled	Title	Reason
448	1-29-09	Domestic international sales corporations (disc).	This ETA addresses the taxation of DISCs. DISCs were a status under the Internal Revenue Code and are no longer authorized. This ETA is obsolete.
558	1-29-09	Foreign sales corporations.	This ETA addresses the taxation of foreign sales corporations (FSCs). FSCs were a status under the Internal Revenue Code and are no longer authorized. This ETA is obsolete.
