

Excise Tax Advisory

Excise Tax Advisories are interpretive statements authorized by RCW 34.05.230.

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Public Road Construction for Private Individuals

Where a road is constructed on land owned by the county but the paving is paid for by an individual rather than the county, is the contractor taxable as a public road contractor?

The term "sale at retail" in RCW 82.04.050 specifically excludes labor and services in the construction of any "publicly owned" road. Such activities are subject to the public road construction classification of the business and occupation tax (RCW 82.04.280). Public road contractors are defined as consumers of all materials used in the construction work and must pay the retail sales tax on their purchases of materials or the use tax if no retail sales tax has been paid.

When the streets or roads are dedicated to the county they are "publicly owned." The contractor's labor and services are not subject to retail sales tax even though paid for by someone other than the county. The contractor is subject to the business and occupation tax under "public road construction" and must pay retail sales tax or use tax on materials used, but does not collect any retail sales tax from the person paying for the work.

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