

Attachment for CR 103 Filing
Chapter 458-61A WAC, Real Estate Excise Tax

Purpose:

The following rules are included in the new chapter 458-61A being adopted:

WAC 458-61A-100	Real estate excise tax--Overview.
WAC 458-61A-101	Taxability of the transfer or acquisition of the controlling interest of an entity with an interest in real property located in this state.
WAC 458-61A-102	Definitions.
WAC 458-61A-103	Transfers involving an underlying debt.
WAC 458-61A-104	Assignments.
WAC 458-61A-105	Mobile and floating home sales.
WAC 458-61A-106	Sales of improvements to land, leases, and leases with option.
WAC 458-61A-107	Option to purchase.
WAC 458-61A-108	Contractor.
WAC 458-61A-109	Trading/exchanging property and boundary line adjustments.
WAC 458-61A-110	Relocation service-- Two-deed process.
WAC 458-61A-111	Easements, development rights, water rights, and air rights.
WAC 458-61A-112	Mineral rights and mining claims.
WAC 458-61A-113	Timber, standing.
WAC 458-61A-200	Exemptions and exclusions--Introduction.
WAC 458-61A-201	Gifts.
WAC 458-61A-202	Inheritance or devise.
WAC 458-61A-203	Community property, dissolution of marriage, legal separation, decree of invalidity.
WAC 458-61A-204	Tenants in common and joint tenants.
WAC 458-61A-205	Government transfers.
WAC 458-61A-206	Condemnation proceedings.
WAC 458-61A-207	Bankruptcy.
WAC 458-61A-208	Foreclosure--Deeds in lieu of foreclosure—Sales pursuant to court order.
WAC 458-61A-209	Rescission of sale.
WAC 458-61A-210	Irrevocable trusts.
WAC 458-61A-211	Mere change in identity or form—Family corporations and partnerships.
WAC 458-61A-212	Transfers where gain is not recognized under the Internal Revenue Code.
WAC 458-61A-213	IRS "tax deferred" exchange.
WAC 458-61A-214	Nominee.
WAC 458-61A-215	Clearing or exiting title, and additions to title.
WAC 458-61A-216	Mortgage insurers.
WAC 458-61A-217	Rerecord.
WAC 458-61A-300	Collection and administration--Introduction.
WAC 458-61A-301	Payment of tax, collection responsibility, audit responsibility, and tax rulings.
WAC 458-61A-302	Disposition of proceeds and affidavit batch transmittal.
WAC 458-61A-303	Affidavit.
WAC 458-61A-304	Supplemental statements.
WAC 458-61A-305	Trade-in credit.
WAC 458-61A-306	Date of sale, interest, and penalties.

Citation of existing rules affected by this order:

The following chapter of the Washington Administrative Code (chapter 458-61 WAC) is repealed:

WAC 458-61-015	General information.
WAC 458-61-025	Taxability of the transfer or acquisition of the controlling interest of an entity with an interest in real property located in this state.
WAC 458-61-030	Definitions.
WAC 458-61-050	Payment of tax--County treasurer as agent for the state.

WAC 458-61-060	Disposition of proceeds.
WAC 458-61-070	Affidavit batch transmittal.
WAC 458-61-080	Affidavit requirements.
WAC 458-61-090	Date of sale--Interest and penalty.
WAC 458-61-100	Refunds of tax paid.
WAC 458-61-120	Evasion penalty.
WAC 458-61-130	Department audit responsibility.
WAC 458-61-150	Supplemental statements.
WAC 458-61-200	Apartments.
WAC 458-61-210	Assignments--Purchasers.
WAC 458-61-220	Assignments--Sellers.
WAC 458-61-225	Assumption of debt.
WAC 458-61-230	Bankruptcy.
WAC 458-61-235	Boundary line adjustments.
WAC 458-61-250	Cemetery lots or graves.
WAC 458-61-255	Clearing title.
WAC 458-61-290	Contract.
WAC 458-61-300	Contractor.
WAC 458-61-330	Foreclosure--Deeds in lieu of foreclosure.
WAC 458-61-335	Easements, development rights, water rights and air rights.
WAC 458-61-340	Community property--Dissolution of marriage/divorce.
WAC 458-61-370	Exchanges--Trades.
WAC 458-61-374	Exemption--Transfers made "subject to."
WAC 458-61-375	Exemption--Mere change in identity or form--Family corporations and partnerships.
WAC 458-61-376	Exemption--Transfers where gain is not recognized under the Internal Revenue Code.
WAC 458-61-400	Creation, assignment and release of security interests.
WAC 458-61-410	Gifts.
WAC 458-61-411	Exemption--Irrevocable trusts.
WAC 458-61-412	Exemption--Inheritances.
WAC 458-61-420	Government transfers.
WAC 458-61-425	Growing crops.
WAC 458-61-430	Sale of improvements to land.
WAC 458-61-450	Indian (American), transfers to or from.
WAC 458-61-470	Irrigation equipment.
WAC 458-61-480	IRS "tax deferred" exchange.
WAC 458-61-510	Leases.
WAC 458-61-520	Mineral rights and mining claims.
WAC 458-61-540	Mobile and floating home sales.
WAC 458-61-545	Mortgage insurers.
WAC 458-61-550	Nominee.
WAC 458-61-553	Nonprofit organizations.
WAC 458-61-555	Option to purchase.
WAC 458-61-590	Rescission of sale.
WAC 458-61-600	Relocation service.
WAC 458-61-610	Rerecord.
WAC 458-61-640	Sheriff's sale.
WAC 458-61-650	Tenants in common and joint tenants.
WAC 458-61-660	Timber, standing.
WAC 458-61-670	Trade-in credit.

Describe any changes other than editing from proposed to adopted version:

Rule 458-61A-113 (Timber, standing) was changed. The rule being adopted includes language substantially the same as the language that was in WAC 458-61-660 (Timber, standing). This change was in response to a number of comments expressing concern about the possible effect of proposed WAC 458-61A-113 (Timber, standing). Many of those providing comments requested that the Department engage in further stakeholder discussions before proceeding with adoption of this rule.

Rule 458-61A-201 (Gifts) was changed to provide an additional example to address the issue of gift transfers of rental/commercial property. This example was added in response to the volume of questions the department receives on this subject from county officials and the public.