

## Jacob Allen

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**From:** Caleb Allen  
**Sent:** Friday, September 9, 2022 4:50 PM  
**To:** Mike Roben; John Katsandres; David MacMillan  
**Cc:** Caleb Allen  
**Subject:** FW: [External] The Washington State Department of Revenue has recently taken action on the following Rules and Interpretive Statements:

fyi

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**From:** Washington Department of Revenue <WADOR@public.govdelivery.com>  
**Sent:** Friday, September 9, 2022 2:55 PM  
**To:** Caleb Allen <caleba@komconsulting.com>  
**Subject:** [External] The Washington State Department of Revenue has recently taken action on the following Rules and Interpretive Statements:

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### The Washington State Department of Revenue has recently taken action on the following Rules and Interpretive Statements:

September 9, 2022

Link for Rule Proposals: <a href="#">Rules</a> <a href="#">Agenda</a>	Title
WAC 458-20-300	Capital gains excise tax – Overview and administration

**Note:** Please be sure you have downloaded -- *and installed* -- the most recent version of Adobe Acrobat Reader. The free reader can be downloaded at the following link: <http://www.adobe.com/products/acrobat/readstep2.html>.

## **RULE PREPROPOSAL (CR-101) - Excise Tax**

### **WAC 458-20-300 – Capital gains excise tax – Overview and administration**

#### **Why this Rule is being Proposed (CR-101) for Adoption**

Effective January 1, 2022, Chapter 82.87 RCW imposes an excise tax on sales or exchanges of long-term capital assets. This proposed rule seeks to clarify administrative aspects of the excise tax on capital gains such as proper filing procedures and penalties related to this excise tax.

In March of 2022, the Douglas County Superior Court ruled in *Quinn v. State of Washington* that the excise tax on capital gains does not meet state constitutional requirements and, therefore, is unconstitutional and invalid. The State has appealed the ruling to the Washington Supreme Court. While the appeal is pending, the Department will continue to provide guidance, such as this rule, to the public regarding the tax as a courtesy. This rule will apply only if the tax is ruled constitutional and valid by a court of final jurisdiction.

#### **Public Meeting date, time, and location for this Rule:**

**Date:** September 28, 2022; **Time:** 10:00 A.M.

##### **Microsoft Teams meeting**

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#### **Comments for this Rule must be sent to:**

Michael Hwang

Department of Revenue

PO Box 47467

Olympia, Washington 98504

Email: [MichaelHw@dor.wa.gov](mailto:MichaelHw@dor.wa.gov)

**Written comments are due by October 12, 2022.**



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