

Jacob Allen

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

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: Rules Agenda	Title
WAC 458-20-300	Capital gains excise tax – Overview and administration

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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

Written comments are due by October 12, 2022.



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