



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Department of Revenue

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:** WAC 458-20-12401 (Rule 12401) Special stadium sales and use tax. This rule explains the special stadium sales and use taxes imposed by RCW 82.14.360, which is currently only assessed in King County. The tax is assessed on sales of food and beverages by restaurants, taverns, and bars. The tax applies only to those food and beverage sales that are already subject to the retail sales tax. Rule 12401 has been amended to:

- Remove language from the opening paragraph providing the citation to the 1995 amendment to RCW 82.14.360, which imposes the tax. This information was removed because it is no longer needed;
- Add "movie theaters" to the list of facilities that often sell food and beverages for immediate consumption. The term is added to the examples of facilities provided in subsection (2)(a)'s definition of "restaurant." This addition does not reflect a change in the Department's interpretation of the law. It incorporates information now provided in Det. 98-098E, 17 WTD 55 (1998); and
- Update language in subsection (4)(a), which is an example pertaining to bakery sales, to incorporate terminology consistent with Washington law that adopted provisions of the Streamlined Sales & Use Tax Agreement. This update does not change the tax consequences of the example.

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 458-20-12401 Special stadium sales and use tax

Suspended:

**Statutory authority for adoption:** RCW 82.32.300 and 82.01.060(2)

**Other authority :** RCW 82.14.360(1)

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR **09-14-012** on **June 22, 2009**.

Describe any changes other than editing from proposed to adopted version: **None.**

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: **An analysis was not prepared.**

**Date adopted:**

December 9, 2009

**NAME (TYPE OR PRINT)**

Alan R. Lynn

**SIGNATURE**

**TITLE**

Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 09, 2009**

**TIME: 10:59 AM**

**WSR 10-01-050**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted in the agency's own initiative:**

New \_\_\_\_\_ Amended 1 Repealed \_\_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_\_ Amended \_\_\_\_\_ Repealed \_\_\_\_\_

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	1	Repealed	_____