



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Department of Revenue

**Title of rule and other identifying information:** WAC 458-20-22801 (Rule 22801) *Tax reporting frequency – Forms*. This rule explains how the Department assigns tax reporting frequencies for taxpayers and the circumstances under which the Department can change reporting frequencies.

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Kristine Rompa  
Agency: Department of Revenue  
Address: Post Office Box 47453  
Olympia, Washington 98504-7453  
E-mail: [KristineR@dor.wa.gov](mailto:KristineR@dor.wa.gov)

**AND RECEIVED BY:** 10/07/2013

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

The Department is considering revisions to Rule 22801 to recognize legislation that requires taxpayers to file and pay taxes electronically. Chapter 24, Laws of 2011.

Copies of draft rules are available for viewing and printing on our website at [Rules Agenda](#)

**Reasons supporting proposal:** To update the rule consistent with current law.

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

**Statute being implemented:** RCW 82.32.080

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

**Date**

August 7, 2013

**Name**

Alan R. Lynn

**Signature**

**Title**

Assistant Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: August 07, 2013**

**TIME: 9:16 AM**

**WSR 13-16-092**

**Name of proponent:** Department of Revenue

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Kristine Rompa	1025 Union Ave. SE. Ste #544, Olympia ,WA	(360) 534-1524
Implementation....	Alan R. Lynn	1025 Union Ave. SE. Ste #544, Olympia ,WA	(360) 534-1599
Enforcement.....	Alan R. Lynn	1025 Union Ave. SE. Ste #544, Olympia ,WA	(360) 534-1599

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

AMENDATORY SECTION (Amending WSR 10-07-134, filed 3/23/10, effective 4/23/10)

**WAC 458-20-22801 Tax reporting frequency(~~(Forms)~~)**. (1) Introduction. Every person liable for an excise tax imposed by the laws of the state of Washington for which the department of revenue has primary or secondary administrative responsibility, i.e., Title 82 RCW and chapters 67.28 (Hotel/motel tax), 70.93 (Litter tax), 70.95 (Tax on tires), and 84.33 RCW (Forest excise tax), must file ((a)) an electronic tax return with the department of revenue accompanied by ((a)) an electronic payment of the tax due; ((Provided)) however, the taxes under chapter 82.24 RCW (Tax on cigarettes) must be collected through sales of revenue stamps.

(2) Reporting frequency(~~(Forms. Combined excise tax returns with payments of the tax due are to be filed monthly)~~). Taxpayers are required to electronically file and pay their excise taxes on a monthly basis. However, the department may relieve any taxpayer or class of taxpayers from this monthly obligation and may require the return to cover other longer reporting periods, but not in excess of one year. See: RCW 82.32.045.

(a) General rule. Unless otherwise provided by the department, a taxpayer must report and pay taxes due according to the following schedule:

IF ANNUAL ESTIMATED TAX LIABILITY IS:	REPORTING FREQUENCY
Over \$4800.00 per year	Monthly returns:
Between \$1050.00 & \$4800.00 per year	Quarterly returns:
Less than \$1050.00 per year	Annual returns:

(b) When requested by a taxpayer or group of taxpayers, the department may approve more frequent or less frequent reporting if, in the opinion of the department, the change assists the department in the efficient and effective administration of the tax laws of this state.

(c) For the same reasons, the department may require a taxpayer or group of taxpayers to report more frequently or less frequently. Changes in reporting frequency are effective only after the department

has consented to or required the change, and notice of the change has been given by the department to the taxpayer or group of taxpayers.

(d) Situations when changes in reporting frequency may be approved or required include, but are not limited to, the following:

(i) An increase or decrease in the estimated annual tax liability of a taxpayer results in a different threshold as provided in section (2)(a) above;

(ii) A taxpayer or group of taxpayers has substantial periods of no taxable business activity during the calendar year, i.e., (~~seasonal~~) temporary businesses;

(iii) The department finds a taxpayer or a group of taxpayers has repeatedly failed to comply with tax reporting and/or payment obligations;

(iv) The type of tax reported is required to be filed on a specific reporting frequency.

(e) Notice. No change in reporting frequency will be effective except upon at least thirty days advance written or electronic notice from the department to the taxpayer at the taxpayer's last provided e-mail address or reported business address.

(f) (~~Forms~~) Filing. Returns must be (~~made upon forms which~~) submitted electronically. Taxpayers approved by the department may continue to submit paper returns that are either provided by the department, or approved and accepted by the department. Paper forms (including (~~blank~~) multipurpose returns for past and present reporting periods) are available for download from the department's web site.

(g) Taxes not reported upon the combined excise tax return, i.e. forest excise tax, etc. must be reported at such times and upon such forms as are otherwise provided by the department.

(3) See WAC 458-20-228 for information on returns, remittances, penalties, extensions, stay of collection.

(4) See WAC 458-20-22802 for information on available electronic methods for filing and paying taxes. (~~Note: Use of e-file and e-pay are mandatory for some specific taxpayers.~~)

[Statutory Authority: RCW 82.32.300 and 82.01.060(2). WSR 10-07-134, § 458-20-22801, filed 3/23/10, effective 4/23/10. Statutory Authority: RCW 82.32.300 and 82.32.045. WSR 90-05-044, § 458-20-22801, filed 2/15/90, effective 3/18/90.]