



State of Washington
Department of Revenue

Excise Tax Advisory

Excise Tax Advisories (ETA) are interpretive statements issued by the Department of Revenue under authority of RCW 34.05.230. ETAs explain the Department's policy regarding how tax law applies to a specific issue or specific set of facts. They are advisory for taxpayers; however, the Department is bound by these advisories until superseded by Court action, Legislative action, rule adoption, or an amendment to or cancellation of the ETA.

NUMBER: :  93.04.193: **REPEALED 6/30/99**

CONVERSION DATE: July 1, 1998

INTERSTATE COMMERCE, BUYER'S TRUCKS AS CARRIERS

Issued July 29, 1966

May a seller claim an exemption for interstate commerce where an out of state buyer picks up the goods as a private carrier.

Taxpayer made sales to out-of-state customers who were regularly engaged in conducting business at out-of-state locations. The customers picked up the goods in their own trucks and all sales were made f.o.b. taxpayer's loading platform. Under definitions contained in the Interstate Commerce Act, the customers were classified as "private carriers."

Rule 193 provides an exemption for receipts from property moving out of the state where the seller delivers the goods to a "common or bona fide private carrier, consigned to a purchaser at a point outside the state." A "bona fide private carrier" is defined as "every carrier other than a common carrier engaged in transporting the property of another for hire"

The Commission held that the words "carrier" and "private carrier" refer to a person actually engaged in the transportation business for hire. See Wasem, Inc. v. State, 63 Wn. 2d 67. It was immaterial that for other laws or regulations the words were defined differently. Thus, where the buyer transported goods outside the state, the sales transaction was fully consummated within the state and seller was entitled to no exemption on account of interstate commerce.

ETBS have been made Excise Tax Advisories, and have retained their old number. Advisories with a 2 (plus three digits) are new advisories, ETBs that have been revised and readopted after review under the Department's regulatory improvement program, or advisories that have been revised and/or readopted.

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