PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 16, 2026
TIME: 7:31 AM

WSR 26-21-047

Agency: Department of Revenue

☒ **Original Notice**
☐ **Supplemental Notice to WSR _____**
☐ **Continuance of WSR _____**

☒ **Preproposal Statement of Inquiry was filed as WSR** 26-18-064 **; or**
☐ **Expedited Rule Making--Proposed notice was filed as WSR _____; or**
☐ **Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
☐ **Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) WAC 458-20-23801 Watercraft excise tax – Watercraft depreciation schedule

Hearing location(s):

Date:	**Time:**	**Location:** (be specific)	**Comment:**
November 24, 2026	11:00 am	This meeting will be conducted over the internet/telephone.	Contact Cathy Holder at cathyh@dor.wa.gov for dial-in/login information.

Date of intended adoption: 12/22/2026 (Note: This is **NOT** the **effective** date)

Submit written comments to:	**Assistance for persons with disabilities:**
Name Tom Wu	Contact Katie Swokowski
Address PO Box 47453, Olympia, WA 98504-7453	Phone 360-704-5733
Email Tomw2@dor.wa.gov	Fax 360-534-1606
Fax 360-534-1304	TTY 800-833-6384
Other	Email
Beginning (date and time) 10/16/2026 by 8 AM	Other
By (date and time) 11/24/2026 by 5 PM	By (date) 11/24/22026

Purpose of the proposal and its anticipated effects, including any changes in existing rules: RCW 82.49.040 requires the Department of Revenue to prepare a depreciation schedule (at minimum annually) for use in the determination of fair market value for watercrafts, which is the basis for measuring the watercraft excise tax. The purpose of this rulemaking effort is to evaluate the watercraft depreciation table values in WAC 458-20-23801. The Department is proposing amendments to the watercraft depreciation schedule for the following reason: watercraft valuation, sales, and registration data indicated an adjustment to several values in the table was necessary (as required by RCW 82.49.040), This proposal was based upon the Department's own analysis of watercraft valuation, sales, and registration data. The Department will solicit additional comments and feedback from external interested parties regarding the proposed watercraft depreciation schedule.

Reasons supporting proposal: RCW 82.49.040 requires the Department of Revenue to engage in rule making activities in the adoption of the watercraft excise tax depreciation schedule. The rule is intended to clarify the Department of Revenue's policies on a number of watercraft excise tax issues and provide taxpayers with an annually updated schedule that reflects the recent vessel valuation, sales, and registration data.

Statutory authority for adoption: RCW 82.01.060(2), RCW 82.32.300, and RCW 82.49.040

Statute being implemented: RCW 82.49.040

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Department of Revenue
Type of proponent: ☐ Private. ☐ Public. ☒ Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	Tom Wu	7345 Linderson Way SW, Tumwater	360-534-1304
Implementation	Jeannette Becker	7345 Linderson Way SW, Tumwater	360-705-6705
Enforcement	Jeannette Becker	7345 Linderson Way SW, Tumwater	360-705-6705

Is a school district fiscal impact statement required under RCW 28A.305.135? ☐ Yes ☒ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
Name
Address
Phone
Fax
TTY
Email
Other

Is a cost-benefit analysis required under RCW 34.05.328?

☒ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name Tom Wu
Address Interpretations & Technical Advice Division
PO Box 47453
Olympia, WA 98504-7453
Phone 360-534-1304
Fax 360-534-1606
TTY 800-833-6384
Email Tomw2@dor.wa.gov
Other

☐ No: Please explain:

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The Governor's Office for Regulatory Innovation and Assistance (ORIA) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). For additional information on exemptions, consult the exemption guide published by ORIA. Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- ☐ RCW 34.05.310 (4)(b) (Internal government operations)
- ☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
- ☐ RCW 34.05.310 (4)(d) (Correct or clarify language)
- ☐ RCW 34.05.310 (4)(e) (Dictated by statute)
- ☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
- ☐ RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

☐ The rule proposal: Is fully exempt. *(Skip section 3.)* Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. *(Complete section 3.)* The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using this template from ORIA):

☐ The rule proposal: Is not exempt. *(Complete section 3.)* No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☒ No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. The proposed rule does not impose more than minor costs on businesses, as the depreciation rate schedule proposed in the rule is not materially different from the depreciation rate schedule used by the same taxpayers last year. The only changes are depreciation rates, not the method for determining the measure of the watercraft excise tax.

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name
Address
Phone
Fax
TTY
Email
Other

Date: 10/16/2026	**Signature:**
Name: Perry Samans	
Title: Rules Coordinator	

Under no circumstances is this proposed rule to be used to determine tax liability and/or exemptions.

AMENDATORY SECTION (Amending WSR 25-21-125, filed 10/21/25, effective 1/1/26)

WAC 458-20-23801 Watercraft excise tax—Watercraft depreciation schedule. (1) **Introduction.** This rule addresses the watercraft excise tax, including an overview of the tax, exemptions from the tax, and the watercraft depreciation schedule used to determine a watercraft's fair market value. The rule also addresses administrative issues including payment, interest, and penalties.

(2) **Examples.** This rule includes examples that identify a number of facts and then state a conclusion. These examples should only be used as a general guide. The tax results of other situations must be determined after a review of all the facts and circumstances.

(3) **Definitions and terms.** The following definitions and terms apply throughout this rule.

(a) **"Dealer"** means a person, partnership, association, or corporation engaged in the business of selling vessels at wholesale or retail in this state. RCW 88.02.310.

(b) **"Fair market value."**

(i) In cases where the most recent purchase price of a vessel is known to the vessel owner, "fair market value" means the purchase price of the vessel in the year it was purchased. For subsequent years, "fair market value" means the purchase price of the vessel depreciated according to the schedule in subsection (6) of this rule. RCW 82.49.040.

(ii) In cases where a vessel has been acquired by lease or gift, or the most recent purchase price of the vessel is not known to the vessel owner, "fair market value" means the appraised value of the vessel determined according to subsection (7) of this rule. RCW 82.49.050(1).

(iii) In cases where the department determines that the purchase price stated by the owner is not a reasonable representation of the true "fair market value" of the vessel, the department must appraise the vessel according to subsection (7) of this rule. RCW 82.49.050(2).

(c) **"Owner"** means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest, and means registered owner where the reference to owner may be construed as either to registered or legal owner. RCW 88.02.310.

(d) **"Vessel"** means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. RCW 88.02.310.

(e) **"Waters of this state"** means any waters within the territorial limits of this state as described in 43 U.S.C. Sec. 1312. RCW 88.02.310.

(4) **Overview of the watercraft excise tax.**

(a) The watercraft excise tax generally applies to vessels measuring 16 feet or more in overall length. The tax is imposed for the privilege of using a vessel upon the waters of this state, except those vessels which are exempt from the tax under subsection (5) of this rule and under RCW 82.49.020. The tax is imposed on an annual basis and is equal to the greater of five dollars or one-half of one percent of a vessel's fair market value.

(b) Persons required to register a vessel with this state under chapter 88.02 RCW who fail to register their vessel and avoid paying

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the watercraft excise tax are guilty of a gross misdemeanor and are liable for any unpaid excise tax. The department must also impose the penalties authorized under subsection (9) of this rule and under RCW 82.49.080 and chapter 82.32 RCW.

(c) When a person first registers a vessel in this state, the watercraft excise tax is imposed beginning with the month in which the vessel is registered through the following June 30th. In cases where the initial registration period is less than 12 months, the watercraft excise tax is prorated according to the number of months covered by the registration period. The initial registration is valid from the month of registration through the following June 30th.

(i) The department of licensing may extend or diminish the initial registration period for purposes of staggered renewal periods under RCW 88.02.560.

(ii) A vessel is considered first registered in this state if in the immediately preceding 12 month period the vessel was not registered in this state or was registered in another jurisdiction during the same period.

(iii) **Example 1. Watercraft excise tax computation - Initial vessel registration.**

Facts: Dan ((~~Carter~~)) purchases a 20-foot powerboat from a Washington dealer in April 2022. The purchase price is $20,000. Dan is a resident of Washington. Dan registers the vessel with the department of licensing shortly after his purchase, in April 2022.

Result: The department of licensing will issue a registration decal for the vessel covering the registration period of July 2021 through June 2022 and collect the annual watercraft excise tax liability for this registration period in the amount of $25 ($20,000 (purchase price) x .005 (watercraft excise tax rate) x .25 (3 month prorated period April - June 2022)).

(5) **Exemptions.** The following types of vessels are exempt from watercraft excise tax:

(a) Those exempt from vessel registration under RCW 88.02.570;

(b) Those used exclusively for commercial fishing purposes;

(c) Those measuring less than 16 feet in overall length, including personal watercraft;

(d) Those owned and operated by the United States, another state, or any municipality or subdivision thereof;

(e) Those owned by a nonprofit organization or association engaged in character building of children under 18 years of age and solely used for such purposes;

(f) Those held for sale by a dealer, but not rented on a regular commercial basis; and

(g) Those owned by Indian tribes and tribal members, used in the exercise of treaty fishing rights, and exempt under WAC 308-93-720.

(6) **Depreciation schedule.**

(a) RCW 82.49.040 requires the department to prepare a depreciation schedule annually, for use in determining the fair market value of vessels, which is the measure of the watercraft excise tax. The following schedule includes separate depreciation rates for two categories of vessels, including a column for the vessel's year of ownership and columns for the depreciated percentage of the vessel's value by vessel length. First, vessel owners must determine the appropriate column to use, depending on the length of the vessel they own. Second, vessel owners must identify the depreciated percentage of value for their vessel according to the row which corresponds to the number of years they have owned the vessel.

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Year of Ownership	Vessels less than 30 feet	Vessels 30 feet or more
1	1.00	1.00
2	((~~0.87~~)) 0.89	((~~0.84~~)) 0.83
3	((~~0.78~~)) 0.79	((~~0.77~~)) 0.76
4	0.73	((~~0.72~~)) 0.70
5	0.70	((~~0.68~~)) 0.69
6	((~~0.65~~)) 0.67	((~~0.64~~)) 0.68
7	((~~0.62~~)) 0.66	((~~0.61~~)) 0.66
8	((~~0.59~~)) 0.63	((~~0.59~~)) 0.64
9	((~~0.57~~)) 0.61	((~~0.56~~)) 0.61
10	((~~0.55~~)) 0.59	((~~0.54~~)) 0.59
11	((~~0.53~~)) 0.57	((~~0.52~~)) 0.57
12	((~~0.49~~)) 0.54	((~~0.49~~)) 0.53
13	((~~0.46~~)) 0.51	((~~0.46~~)) 0.51
14	((~~0.45~~)) 0.49	((~~0.45~~)) 0.48
15	((~~0.44~~)) 0.46	((~~0.44~~)) 0.45
16	((~~0.42~~)) 0.45	((~~0.42~~)) 0.44
17	((~~0.40~~)) 0.43	((~~0.41~~)) 0.43
18	((~~0.39~~)) 0.42	((~~0.40~~)) 0.42
19	((~~0.37~~)) 0.40	((~~0.39~~)) 0.40
20	((~~0.36~~)) 0.39	((~~0.38~~)) 0.39
21	((~~0.35~~)) 0.38	0.38
22	((~~0.34~~)) 0.37	((~~0.37~~)) 0.38
23	((~~0.34~~)) 0.36	((~~0.36~~)) 0.37
24	((~~0.34~~)) 0.35	0.36
25 or more	0.34	((~~0.35~~)) 0.36

(b) **Example 2. Standard vessel registration renewal.**

Facts: Deborah ((~~Peters~~)) purchased a 28-foot sailboat in September ((~~2019~~)) 2020. The purchase price of the sailboat was $40,000. Deborah is a Washington resident and the sailboat is used exclusively upon Washington waters. In June ((~~2022~~)) 2025, Deborah renews the vessel's registration for the upcoming annual period of July ((~~2024~~)) 2025 through June ((~~2025~~)) 2026.

Result: Deborah will use the column titled "Vessels less than 30 feet" to determine the fair market value of her sailboat. Since Deborah bought the sailboat within the annual period of July ((~~2019~~)) 2020 through June ((~~2020~~)) 2021, that period is considered Year 1 for purposes of ownership. Accordingly, the period of July ((~~2024~~)) 2025 through June ((~~2025~~)) 2026 is considered Year 6 for purposes of ownership. The depreciated value of the sailboat in Year 6 is equal to ((~~65~~)) 67 percent of Deborah's initial purchase price of $40,000, or ((~~$26,000~~)) $26,800. Deborah is subject to watercraft excise tax in the amount of ((~~$130 ($26,000~~)) $134 ($26,800 (fair market value) x .005 (watercraft excise tax rate)).

(7) **Vessel appraisal.**

(a) If a vessel has been acquired by lease or gift, or the most recent purchase price of a vessel is not known to the owner, the department must appraise the vessel before it can be registered for use upon the waters of this state.

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(b) If the department determines the purchase price of a vessel reported by the vessel's owner at the time of its registration is not representative of its fair market value, the department must appraise the vessel to determine its fair market value. If the appraised value is less than the reported purchase price, the department will issue a refund of the overpaid tax. If the appraised value is greater than the reported purchase price, the department will notify the vessel owner of the additional tax liability, which must be paid within 30 days of the department's notice.

(c) If a vessel is homemade, the vessel's owner must make a notarized declaration of its value. See RCW 82.49.050(3) for more information.

(d) For purposes of this subsection, "appraisal" includes the use of industry pricing guides, other evaluation tools, and independent appraisals in order to ascertain the fair market value of a vessel.

(8) **Disputes related to a vessel's appraised value or taxability.**

(a) Any vessel owner who disputes a vessel's appraised value under RCW 82.49.050, or taxable status, may request a review of a tax assessment by filing a petition with the department as provided in WAC 458-20-100 (Informal administrative reviews).

(b) If the vessel owner's petition is denied, the vessel owner may appeal to the board of tax appeals as provided in RCW 82.03.190. In deciding the case, the board of tax appeals may require an independent appraisal of the vessel, the cost of which must be shared between the vessel owner and the department.

(9) **Administration.**

(a) **Payment of tax.** The watercraft excise tax is due and payable to the department of licensing, county auditor, or other appointed agent at the time the vessel is registered. A registration will not be issued or renewed until the watercraft excise tax is paid in full. For previously registered vessels, watercraft excise tax is due at the time of the vessel's registration renewal and must be paid prior to the start of the vessel registration period, which covers the period of July 1st through June 30th of the following year.

(b) **Refunds.** Taxpayers who overpay the watercraft excise tax in full or in part at the time of a vessel's registration are eligible for a refund of the overpaid tax. Taxpayers are also entitled to receive interest according to RCW 82.32.060. See RCW 82.49.065 for more information regarding refunds.

(c) **Penalties and interest.** An owner of a vessel that is not registered as required under chapter 88.02 RCW and that avoided payment of the watercraft excise tax is liable for the following penalties and interest:

(i) One hundred dollars for the owner's first violation;

(ii) Two hundred dollars for the owner's second violation;

(iii) Four hundred dollars for the owner's third violation and any successive violations;

(iv) The penalties prescribed under chapter 82.32 RCW; and

(v) The interest prescribed under chapter 82.32 RCW.

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