

TABLE OF CONTENTS

Program Overview

1. Introduction
2. What is Available

Production Eligibility

1. Production Eligibility Requirements
2. Productions Not Eligible for Funding Assistance
3. Disqualification

Enhanced Incentives Eligibility

1. About Enhanced Incentives
2. Rural Counties
3. Telling the Story of Historically Underrepresented Communities

Production Costs Eligibility

1. Production Costs Eligible for Funding Assistance
2. Production Costs Not Eligible for Funding Assistance
3. Nonresident Labor Eligibility Requirements

Application Process

1. Overview
2. SBPI Applications
3. How to Submit an Application
4. Who to Contact
5. Application Review and Funding Notification

Requirements for Qualified Productions

1. Before Production
2. During Production
3. After Production
4. Department of Commerce Reporting Requirements

Washington State Tax Exemptions

Definition of Terms

Addendums

1. [Addendum 1: Motion Picture and Video Production Exemption Certificate](#)

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2. [Addendum 2: Independent Contractor vs. Employee Classification Compliance Guidance](#)
 3. [Addendum 3: Production Code of Conduct](#)
 4. [Addendum 4: Washington Filmworks Declaration of Residency](#)
 5. [Addendum 5: Production Completion Package Requirements](#)

PROGRAM OVERVIEW

Introduction

The Washington State Legislature created the Production Incentive Program (also referred to as the Motion Picture Competitiveness Program) in 2006 to attract and retain film industry investment in Washington ([Chapter 43.365. RCW](#)). The legislature passed [ESHB 1914](#) during the 2022 legislative session which allows the Production Incentive Program to allocate up to \$3M annually to support Washington resident filmmakers through the Small Budget Production Initiative (SBPI.)

Washington Filmworks (WF) is the private non-profit organization that manages the Production Incentive Program as well as a variety of resources for the creative industries in Washington State. WF's mission is to strengthen the statewide film industry by advancing economic development, building career pathways, and connecting communities to opportunity. Through strategic partnerships, financial incentives, and statewide advocacy, it serves as a catalyst for sustainable job creation, local business growth, and inclusive workforce development in film and creative media.

What Is Available

The SBPI is designed to better support emerging Washington State filmmakers by offering funding assistance for projects with budgets between \$20,000 - \$1M. Under the SBPI, most types of motion picture content is eligible for consideration which includes but is not limited to feature films, episodics, commercials, documentary projects, animation projects, and XR projects. 85% of the production's principal photography days must be filmed in Washington State. Of the applications received, the Board of Directors will fund no more than 5 short films with a running time of 40 minutes or less¹ annually.

A motion picture project with a budget between \$20,000 - \$1M that has a minimum of 2 Washington residents in the positions of director, producer, screenwriter or lead actor, may apply for the program. The applicant of record for the motion picture must be a Washington resident producer or director. If an applicant's project is fully funded and there is money

¹ According to the Academy Awards A short film is defined as an original motion picture that has a running time of 40 minutes or less, including all credits.

available in the SBPI fund, they may apply at any time during the calendar year. Applicants with projects that are not fully funded may qualify for an early phase funding commitment. Intended to help facilitate additional fundraising for the project, SBPI dollars may be ‘first money in’ (i.e., the project does not need to be fully funded or have raised any money for the project at the time of application.) If approved for the program, the funding assistance can be held in reserve for up to 6 months.

WF offers funding assistance (in the form of a cash payment) for qualified in-state expenditures of up to 30% for motion pictures. No funding assistance will be distributed until the approved production has completed principal photography and submitted the required completion package documents.

If approved for conditional funding assistance, once fully funded and before receiving the certified funding letter of intent, the production must verify that the project has not undergone significant changes since time of application.

Enhanced Incentives

If a production has the following spend thresholds of \$500,000 for motion pictures, \$300,000 per episode for episodics, and \$150,000 for commercials, then the project may qualify for up to an additional 10% on qualified in-state expenditures if they film in a rural county and / or tell the story of a historically underrepresented community. See the sections titled *Enhanced Incentives - Rural Counties* and *Enhanced Incentive - Telling the Story of Historically Underrepresented Communities* for further detail.

Nonresident Labor

Some nonresident labor may qualify. See the section titled *Nonresident Labor Eligibility Requirements* for further detail.

For more details about SBPI refer to WF website (www.WashingtonFilmworks.org).

PRODUCTION ELIGIBILITY

Production Eligibility Requirements

A production may be eligible for the SBPI if it meets all of the requirements listed below.

1. The budget for the production must be between \$20,000 - \$1M.
2. The applicant of record for the motion picture must be a Washington resident producer or director.
3. A minimum of two Washington residents in the positions of director, producer, screenwriter or lead actor must be involved in the project through completion.
4. The applicant of record may not have received funding from the SBPI previously.

5. The approved production must spend a minimum of \$20,000 in qualified expenditures to be eligible for funding assistance.
6. The minimum required spend of \$20,000 must be met without including any qualified nonresident labor.
7. 85% of principal photography must take place in Washington State.
8. Applicants must certify that they are not engaged, to any extent, in the production of erotic material, as defined in [RCW 9.68.050](#).
9. If a production is fully funded, it may apply for a certified letter of intent at any time.
10. If a production qualifies for early stage funding commitment, then funding assistance will be held in reserve for up to 6 months.
 - a. If the production is unable to raise all of the financing within 6 months from the date of the conditional funding letter of intent, the funds being held in reserve will be relinquished. If interested, the production may re-apply during a later funding cycle.
11. Productions should assume that cast, crew, and staff are employees, not independent contractors. Independent contractor classification should be rare, fact-specific, and legally supportable. The production must pay into all required payroll taxes including workers' compensation for all employees. Refer to Addendum 2 for guidance.
12. The production must comply with all local, state, and federal laws including minimum wage and overtime requirements as well as minor work permits.
13. Applicants must demonstrate that every effort will be made to maximize the hiring of local cast, crew, and production and support services.
14. All approved productions must submit a production completion package in a digital format within 1 year of completing principal photography, unless otherwise negotiated with WF.
 - a. Refer to Addendum 5 Production Completion Package Requirements
15. Prior to receiving any funding assistance, and after WF final review results are available, the production must file a completed production survey with the Department of Commerce.
16. Where such credits are given, the production must contain a "Filmed in Washington State" credit (or similar language to be negotiated with the qualified production) and the WF logo.
17. The producer must submit a viewable copy of the final production with the completion package to WF and agrees to supply WF with promotional materials (such as photos, trailers and poster art). WF may use such materials for archival, governmental relations and marketing purposes. WF reserves the right to hold funding assistance payments to qualified productions who have not provided such materials to WF.
18. If qualified for an enhanced incentive for filming in a rural county, production must provide agreed upon marketing collateral to WF prior to receiving funding assistance.
19. Upon approval of the application for early stage funding commitment and funding assistance, the producer must enter into a contract with WF stipulating the producer's

intent to film the production in Washington State and setting forth the terms and conditions of funding assistance.

Productions Not Eligible for Funding Assistance

1. News or current events or programs that include weather or financial market reports as a material portion of the programs
2. Talk shows, game shows or contests
3. Sports events or activities
4. Award shows, galas or any production with the purpose of soliciting donations
5. Political advertising
6. Video games
7. Productions produced primarily for industrial, corporate or institutional purposes

Disqualification

Support for a qualified production may be withdrawn at any time if WF determines at its sole discretion that:

1. Principal photography cannot be completed within one year (365 days) of receiving the certified funding letter of intent from WF for any reason (except for a reasonable allowance in the event of a *force majeure* event).
2. The project is significantly different than described and presented in the application for early stage funding commitment and funding assistance. This could include but is not limited to:
 - a. Changes in principals including the director, producer and screenwriter (taking into account all applicable collective bargaining agreements)
 - b. Changes to planned use of qualified expenditures
 - c. Changes to the script or narrative of the qualified production
3. The principals of the project or their representatives engage in fraud or misrepresentation, fail to comply with all applicable laws, or otherwise act in a manner that materially damages the mission of WF.

ENHANCED INCENTIVES ELIGIBILITY

About Enhanced Incentives (maximum 10%)

1. To qualify for an enhanced incentive, the qualified production must spend a minimum of \$500,000 for motion pictures, \$300,000 per episode for episodics, and \$150,000 for commercials
2. At no time will a qualified production receive more than a 10% enhanced incentive.
 - a. In the event that a qualified production is telling the story of a historically underrepresented community and filming in a rural county, WF will allow for a maximum of a 10% incentive enhancement on all qualified Washington production expenses.

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3. See below for specific enhancement criteria

Rural Counties

To qualify for an enhanced incentive for filming in a rural county a qualified production must:

1. During the application process, applicants must disclose the rural county or counties where they intend to film. A list of rural counties can be found on the Washington State's Office of Financial Management [website](#).
 - a. WF defines "located or filmed in a rural county" as a minimum of 50% of Washington State principal photography production days filmed in a rural county.
2. The production must work with WF and the rural community to provide marketing collateral such as, but not limited to, behind the scenes photos and interviews with usable sound-bites for community outlets, pull-quotes for community promotional materials, social media collateral, and screening of the project within the community.
 - a. This marketing collateral must be provided to WF prior to receiving funding assistance.
3. If a qualified production meets all the criteria listed above and the state spending thresholds, WF will provide an additional 10% on all qualified Washington state production expenses incurred in and outside the rural county.

Telling the Story of Historically Underrepresented Communities

To qualify for an enhanced incentive for telling the story of historically underrepresented communities, a qualified production must:

1. During the application process the applicant must identify whether their project tells the story of a historically underrepresented community or communities.
2. If the applicant identifies their project as telling the story of a historically underrepresented community or communities, they will be prompted to address the following items in a narrative section of the application:
 - a. Provide a description of the historically underrepresented community or communities featured in the project's script, storyboards, and/or story document and explain how that community meets the following definition:
 - The term "historically underrepresented communities" refers to groups of persons who have been relegated to an unimportant or powerless position such that they are prevented from participating fully in decisions affecting their lives. People may experience further marginalization because of their intersecting identities.
 - They are often communities or populations that face systemic economic, political, social, and cultural barriers, many of them embedded in local laws and norms. The term encompasses communities with a shared experience of marginalization stemming from circumstances beyond their control.

- Historically underrepresented communities often include Black, Latino, Indigenous and American Indian/Alaska Native/Native Hawaiian, Asian Americans, and Pacific Islanders, and other persons of color, members of religious minorities, refugees, migrants, lesbian, gay, bisexual, transgender, and queer (LGBTQIA2S+²) persons, rural communities, formerly incarcerated persons, persons experiencing homelessness, and persons with disabilities.
- b. Describe how the experience of this historically underrepresented community is portrayed in your project.

PRODUCTION COSTS ELIGIBILITY

Production Costs Eligible for Funding Assistance

1. The following in-state qualified expenditures are eligible for funding assistance if purchased 3 months prior to the date of the certified funding letter of intent and are purchased from a Washington State based business for use during pre-production, production, or post production in Washington State.
 - a. Set construction and operations
 - b. Wardrobe, accessories and make-up
 - c. Location fees and related services
 - d. Photography, sound synchronization, dailies, lighting and related services
 - e. Rental of facilities and equipment
 - f. Renting or leasing of vehicles
 - g. All airfare for cast and crew to or from Washington purchased through a Washington based business or travel agency
 - h. Any travel expenses, lodging or rental cars if it is for travel within Washington State
 - i. Insurance coverage and bonding
 - j. Compensation paid to Washington State residents and qualified nonresidents including wages or salaries, fringe benefits or fees (WA based), and health insurance and retirement benefits.
 - k. Resident and Nonresident per diem received in Washington State only
 - i. Per Diem may not exceed the IRS rate
 - l. Food and lodging
 - m. Expenses associated with the production incurred no earlier than 90 days prior to the Certified Letter of Intent including marketing expenses associated with fundraising
 - i. Any travel for marketing incurred after physical production must be pre-approved

² Taken from [National Assoc. of Social Workers](#): People who are lesbian, gay, bisexual, transgender and/or gender expansive, queer and/or questioning, intersex, asexual, and two-spirit

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- n. Production legal and accounting service fees and costs
 - o. Post-production expenditures directly attributable to the qualified production
 - p. Shipping costs when originating from a Washington State address
 - q. Any loss and damage invoice / claim if submitted with a letter of explanation
 - r. Other direct costs spent in Washington State directly related to the qualified production in accordance with generally accepted entertainment industry practices
2. WF will consider significant purchases made by the Production if approved in advance of purchase and the items are purchased from a qualified Washington based business.
 - a. For any assets with a purchase price of \$5,000 the lesser of the net cost of the asset after sales proceeds (if asset is sold) or 50% of the purchase price will be allowed as a qualified expenditure. If the asset is destroyed during the process of production the qualified production must maintain documentation as proof for verification.
 - b. Any electronic equipment such as computers, hardware, drives, scanners, monitors and relevant components, copiers, and/or printers which are purchased for the production will be allowed the lesser of the net cost of the asset after sales proceeds (if asset is sold) or 20% of their purchase price as a qualified expenditure.
 - i. Electronic assets with a purchase price equal to or less than \$250 or drives purchased to capture filmed content are not subject to this requirement.
 - ii. Props or set dressing that involve electronic equipment are also subject to this rule.
 3. Proceeds from the sale of any production assets must be deducted from the costs presented in the completion package.
 4. Lodging expenses purchased through vacation or short term rentals including but not limited to Airbnb and Vrbo are considered a qualified expenditure if the property owner has registered to do business with the state of Washington.
 5. Rideshare expenses including but not limited to Lyft or Uber are considered a qualified expenditure if the drivers have registered to do business with the state of Washington.

Production Costs Not Eligible for Funding Assistance

1. Any purchase made outside of Washington State even if the items are brought into the state for production
2. Purchases made through vendors and or Washington based businesses that act as an agent or facilitator for out-of-state businesses
3. Gift cards or money orders given to any cast or crew member or as payment in kind
4. Payment of penalties or fines including but not limited to parking tickets, moving violations, bank fines and / or late charges
5. Out of state payroll service fees

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6. In-kind or trade contributions on a production
 7. Per Diem given to Washington State residents traveling out-of-state
 8. Kit rental costs for qualified nonresident labor
 9. Internet purchases made from non-Washington State businesses, even if the delivery location is in Washington State
 10. Cellular phone reimbursements or calling card purchases
 11. Costs associated with WiFi hotspots or internet cable providers not based in Washington
 12. Prepaid fuel receipts
 13. Production legal and accounting service fees and costs that arise from audit demands, tax disputes, formal claims at law or in equity, litigation, arbitrations, or other formal dispute resolution efforts.

Nonresident Labor Eligibility Requirements

1. A qualified production is eligible to receive up to a 15% return on nonresident compensation only if the following criterion is met:
 - a. If at least 85% of the labor force is Washington residents.
 - i. Labor force is considered to be all production assistants and positions typically covered by a collective bargaining agreement: screenwriters, producers, cast (excluding extras), crew and post-production personnel.
 - b. A nonresident worker must be working in Washington State for a minimum of 50% of the production days.
2. If a qualified production is eligible for a return on nonresident compensation, up to \$50,000 of wages may qualify for funding assistance. On episodic series this benefit will apply per episode.
3. A qualified production will not be eligible to receive funding assistance for nonresident labor if any of the following apply:
 - a. The nonresident laborer is considered above-the-line on the qualified production and working as a writer, director, producer or actor.
 - b. The nonresident laborer is a production assistant, executive assistant or an extra
4. During the application process, production must estimate the wages for anticipated eligible nonresident labor expected to work on the production.
5. Qualified nonresident labor is not considered a qualified in-state expenditure and does not contribute to the minimum in-state spending threshold.
6. For reference, all Washington resident cast and crew qualify for the full return on wages and benefits.

APPLICATION PROCESS

Overview

The following outlines the details of the application process:

1. Applications for fully funded projects (certified approval) and projects seeking an early stage funding commitment (conditional approval) can be found and submitted via WF website.
 - a. The applicant **MUST** submit the funding assistance application form, applicant letter of interest, script for feature films or pilot episode and story outline for an episodic series, budget, and information about the finance plan and proof of funding (if relevant).
 - b. If a project is fully funded, WF will require proof of funding as part of the application process.
 - c. If an applicant applies for an early stage funding commitment and indicates in the application that some funds have been raised for the production, WF reserves the right to ask for proof of funds raised to date prior to rendering a decision about a conditional approval.
2. If a conditionally approved project successfully raises all funds for the production, the applicant must submit proof of funding and a finance plan at least five (5) business days prior to the start of principal photography.
3. All fully funded applications must be received no later than 14 days prior to the start of principal photography.
4. All applicants must be approved for funding assistance prior to the start of principal photography.
5. No funding assistance will be distributed until the approved production has completed principal photography and submitted the required completion package documents.
6. If production intends to use footage from a previous project or in the case of documentaries previous filmed content, they must disclose this information on the application and confirm that all state and labor laws were followed during the previous productions.
7. WF will review each application to ensure all necessary documentation has been submitted. If the application is incomplete or documents are missing, WF will contact the applicant to request the missing information. Determination of early phase funding and / or funding assistance will not be given until the application is complete and approved by WF Board of Directors.
8. During the review of the application, budgets will be assessed for feasibility of being realized as well as the ability of the applicant to successfully and safely complete production.
9. During review of the application, WF may request additional information or discuss the initial application with the applicant. The applicant will have up to three (3) business days to supply any additional information requested by WF unless otherwise negotiated. If the information is not received within the allotted time, WF has the right to remove the application until such information is received.
10. WF staff will notify the applicant when the application is complete.

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11. Completed applications will be reviewed by WF or its designated representatives to verify that all eligibility requirements are being met by the production and determine the level of potential funding assistance.
 12. WF Board of Directors will determine which applications to approve or deny based on any or all of the following factors (not listed in any order of significance):
 - a. Amount of in-state production spending
 - b. Applicant's history of successful fundraising
 - c. Chronological order or receipt of application
 - d. The positive impact the motion picture will have in the community the project is filmed
 - e. Eligibility requirements and additional eligibility requirements as outlined above.
 - f. Estimated production start date
 - g. Evidence of contributions to required employee payroll taxes including workers compensation.
 - h. Evidence of health insurance and a retirement program as applicable
 - i. Feasibility of the project to be realized
 - j. Locations to be used in the state
 - k. Number of in-state film workers to be hired
 - l. Other benefits to the state, including but not limited to promotional value, long-term financial benefits, contribution to development of Washington State crew and talent base or production industry infrastructure.
 - m. Professional history of the applicant and its key players in decision making roles in the project. This includes, but is not limited to, issues relating to:
 - i. Unpaid financial obligations, including employee benefits
 - ii. Cast, crew or supplier mistreatment
 - iii. Unrepaired damage to locations
 - iv. Fraud, misrepresentation or violations of law that affect production
 - n. Projects that film in a rural county
 - o. Projects that tell the story of historically underrepresented communities
 - p. Type of production (e.g. full length film, episodic, etc.)
 13. Applications will only be considered when funds are available as determined by WF Board of Directors.
 14. All funding assistance will be at the sole discretion of WF Board of Directors or any such other committee or group designated by the Board of Directors.
 15. WF Board will review applications and reserves the right to take up to 30 days to respond.

SBPI Applications

Applicants that would like to be considered for early phase funding or funding assistance must file a completed application with WF. The application must include the following:

1. Funding Assistance Application Form
 - a. Available at www.WashingtonFilmworks.org
2. Applicant Letter of Interest
 - a. Letter detailing how the project will help the applicant's creative career and a description of what local resources and locations will be key to the success of the project. Please also indicate how you will make your production an equitable and inclusive film set for everyone.
3. Script, Story Outline, Story/Shooting Boards
 - a. Shooting script (i.e., the version that is or will be submitted to the production's insurance company prior to the start of production). To the extent the shooting script is not final upon the date of application, the most current draft available will be accepted. If the final scripts are not available for episodic series, the pilot episode script and story outline for the remaining episodes must be submitted at the time of application. The final production script for both motion picture projects must be delivered to WF no later than one week prior to commencement of physical production. If filming a commercial, story/shooting boards are acceptable.
4. Budget
 - a. Most current line-item production budget that includes in-state and out-of-state spend and clearly indicates projected in-state qualified expenditures and qualified nonresident labor. Any in kind contributions to the production should also be noted in the budget. A top sheet of the budget must be included that delineates total budget and qualified spend in each category.
5. Fundraising Plan (submit only if applying for 'first money in' - early phase funding)
 - a. Detailed description of how the applicant intends to raise the money for the production budget including any money raised to date.
6. Finance Plan (submit only if the project is fully funded)
 - a. Complete details about how the production is being financed including names of financial institutions or investors as well as the amount they are contributing to the final budget and when the funds will be available to production.
7. Proof of Funding (submit only if the project is fully funded)
 - a. Documentation demonstrating that the funds are secured (i.e. bank statements, written confirmation from financier, or other agreed upon documentation between Production and WF).
8. Applicant of Record's Motion Picture Resume (no more than 2 pages, or a visual asset)
 - a. The resume must include a list of projects the applicant has worked on, the role that was performed, and the type of project.

How to Submit an Application

Complete the online application form on [Washington Filmworks website](http://WashingtonFilmworks.org).

Who to Contact

Contact Washington Filmworks: Info@WashingtonFilmWorks.org

Application Review and Funding Notification

1. The SBPI application windows will be posted on WF website.
2. WF Board reviews and votes on all SBPI applications. The WF Board reserves the right to take up to 30 days to respond to a completed application.
3. A decision to extend early stage funding commitment (conditional approval) to a production will be confirmed by a conditional funding letter of intent which will include:
 - a. Maximum amount of funding assistance being held in reserve for the production
 - b. Date the funds will be held in reserve until
4. A decision to extend a certified funding assistance approval to a production will be confirmed by a certified funding letter of intent which will include:
 - a. Maximum amount of funding assistance being held in reserve for the production
 - b. Date that eligibility for qualified expenditures begins
 - c. Date that the production must be completed and the date that a completion package is due to WF for review.
5. Qualified productions will be required to execute a written agreement between the applicant and WF to include:
 - a. A certification number assigned by WF
 - b. Applicant's acceptance of and conformance to SBPI Guidelines and Criteria
 - c. Applicant's full application.
6. If the WF production agreement is not signed and returned by the applicant within two weeks of the date of the certified funding letter of intent, WF may revoke its commitment.
7. If a production is not chosen for early stage funding commitment or funding assistance the production may re-apply at a later date.

REQUIREMENTS FOR QUALIFIED PRODUCTIONS

Qualified Productions: A production that has been certified by WF as fully meeting the requirements for funding assistance and is in receipt of a certified funding letter of intent.

Before Production

1. To secure funding assistance the producer must complete the legally binding production agreement between WF and the qualified production within two weeks of the date of the funding letter of intent.
2. SBPI Guidelines and Criteria and the Industry Code of Conduct (Addendum 3: Code of Conduct) must be distributed to department heads prior to the start of production.

3. A meeting to discuss WF policies and procedures and the completion package process must take place between WF and the Applicant, producers and accounting team prior to the start of production.

During Production

1. Each Washington State resident employed on a qualified production must complete a Declaration of Residency form (Addendum 4: Declaration of Residency Form).
2. Washington State residents employed on a qualified production making \$500 or more must also provide proof of residency, which includes:
 - a. Valid Washington State driver's license with an issue date more than six months prior to the date of the Declaration of Residency (or resident start date on the production).
 - b. A current Washington State voter registration card with an issue date at least 6 months prior to the Declaration of Residency (or resident start date on the production).
 - c. Copies of six months of utility bills with Washington State address issued at least six months prior to the Declaration of Residency (or resident start date on the production).
 - d. If these proof of residency options are not available when filling out the Declaration of Residency form, please contact WF to discuss what other proof of residency may be eligible.
3. Production must send daily call sheets and all crew notifications to WF.
4. The production must keep a detailed electronic account ledger of all qualified expenditures incurred in Washington State during pre-production, production and post-production (if applicable).
 - a. See requirements for the Production Completion Packages (Addendum 5).

After Production

1. Within one year of completing principal photography, the qualified production must submit a Completion Package to WF that includes both production and post-production expenses (if applicable).
 - a. See requirements for the Production Completion Packages (Addendum 5)

Department of Commerce Reporting Requirements

1. In order to recognize the accountability and effectiveness of tax policy, the legislature requires that each qualified production approved for funding assistance submit a survey.
 - a. The survey will be submitted after WF is done with review of the completion package process.

- b. No funding assistance payments will be made until the survey has been submitted.
2. The required survey template is available on the Department of Commerce website.
3. The Department of Commerce may request further information as needed.

WASHINGTON STATE TAX EXEMPTIONS

1. Motion picture productions may qualify for additional sales and use tax exemptions. A production's ability to claim sales and use tax exemptions is not affected by the receipt of funding assistance from WF. (Refer to Addendum 1: Motion Picture and Video Production Business Tax Exemption Certificate)
2. Some additional [Hotel Motel Tax Exemptions](#) may be available for stays longer than 30 days.

DEFINITION OF TERMS

1. *Advertising Agency Award Letter* – Letter from a reputable advertising agency that includes relevant production information such as the advertising agency, the product being advertised, the production company being hired, and the budget for the commercial.
2. *Applicant* – Individual or production company representative responsible for signing the application and, if approved for funding assistance, will sign the legally binding agreement between WF and the qualified production.
3. *Certified Funding Letter of Intent* – Document issued by WF that confirms the approval of the production and the total amount of funding assistance being held in reserve for the qualified production. The funding letter of intent is also included as an exhibit in the production agreement.
4. *Client* - The individual approved for funding assistance who will sign the legally binding agreement between WF and the Qualified Production.
5. *Conditional Funding Letter of Intent* – Document issued by WF that confirms the conditional approval of a small budget production and the total amount of funding assistance being held in reserve for the qualified production.
6. *Department of Commerce Production Survey* - A survey form that each Qualified Production must fully complete and submit to the Washington State Department of Commerce prior to receiving Funding Assistance.
7. *Director* – One who directs the production of motion pictures, as the word "direct" is commonly used in the motion picture industry.
8. *Episodic Series* – Multiple installments of an ongoing motion picture production generally less than 60 minutes in length.

9. *Force Majeure Event* - An “act of God” defined to include any extraordinary natural or man-made occurrence including without limitation war (declared or undeclared), blackout, air raid, act of public enemy, riot, epidemic, pandemic, fire, casualty, labor controversy, government order or regulation, death, illness, incapacity, disfigurement, failure, failure of technical facilities or substantial impairment in obtaining facilities, materials, and/or personnel which makes fulfillment of either party’s obligations impracticable.
10. *Funding Assistance* – Cash expenditures from an approved Motion Picture Competitiveness Program.
11. *Funding Assistance Application* - The application submitted by Client for Funding Assistance under the Motion Picture Competitiveness Program.
12. *Historically Underrepresented Community* – As a result of feedback from community members, WF prefers using the term “historically underrepresented communities” in place of the term “marginalized communities.” For this program, “historically underrepresented community” has the same meaning as “marginalized community.”
13. *Key Person* - The client, director, producer, screenwriter or lead actor.
14. *Labor Force* – All production assistants and positions typically covered by a collective bargaining agreement: screenwriters, producers, cast (excluding extras), crew and post-production personnel.
15. *Lead Actor* – An actor in a motion picture project that plays the protagonist or largest role in the piece. For commercial productions may be on the call sheet as Lead Talent.
16. *Located or Filmed in a Rural County* – WF defines “located or filmed in a rural county” as a minimum of 50% of Washington State principal photography production days filmed in a rural county as defined by [RCW 82.14.370](#).
17. *Marginalized Community* – The term “marginalized communities” refers to groups of persons who have been relegated to an unimportant or powerless position such that they are prevented from participating fully in decisions affecting their lives. People may experience further marginalization because of their intersecting identities.

They are often communities or populations that face systemic economic, political, social, and cultural barriers, many of them embedded in local laws and norms. The term encompasses communities with a shared experience of marginalization stemming from circumstances beyond their control.

Marginalized communities often include Black, Latino, Indigenous and American Indian/Alaska Native/Native Hawaiian, Asian Americans, and Pacific Islanders, and other persons of color, members of religious minorities, refugees, migrants, lesbian, gay, bisexual, transgender, and queer (LGBTQIA2S+³) persons, rural communities,

³ Taken from [National Assoc. of Social Workers](#): People who are lesbian, gay, bisexual, transgender and/or gender expansive, queer and/or questioning, intersex, asexual, and two-spirit

formerly incarcerated persons, persons experiencing homelessness, and persons with disabilities.

18. *Motion Picture* – A recorded audio-visual production intended for distribution to the public for exhibition in public and / or private settings by means of any and all delivery systems and / or delivery platforms now or hereafter known, including without limitation, screenings in motion picture theaters, broadcasts and cablecast transmissions for viewing on televisions, computer screens, and other audio-visual receivers, viewing on screens by means of digital video disc (DVD) players, video on demand (VOD) services, and digital video recording (DVR) services, direct internet transmission, and viewing on digital computer-based systems which respond to the users' actions (interactive media).
19. *Producer* – The primary individual associated with the production responsible for overseeing the motion picture's financial, business and creative decisions. In evaluating applications, consideration may be given by WF to other parties bearing "producer-type" credits.
20. *Production Agreement* – The contractual agreement between WF and the production signatory which outlines the terms and conditions of receiving funding assistance.
21. *Production Company* – A business that is primarily (defined as 50% or more) engaged in the business of producing motion pictures.
22. *Production Signatory* – Individual that will serve as the signatory on WF contractual agreement.
23. *Qualified Expenditures* – Production costs for wages and benefits provided to residents of Washington State for services performed in Washington State, goods and services purchased, leased, or employed from a vendor or supplier who is located and doing business in the state for one year and is registered to do business with the Washington Department of Revenue and Washington Secretary of State or is a Tribal member-owned business during pre-production, production and post production.
24. *Qualified Nonresident Labor* – Wage and benefit expenses for nonresident labor that meet all of WF eligibility requirements.
25. *Qualified Production* – A production that has been certified by WF as fully meeting the requirements for funding assistance and is in receipt of a funding letter of intent.
26. *Qualified Production Costs* – Most budgetary items including costs of technical and production crew, expenditures for facilities, props, make-up, wardrobe, set construction, background talent, etc.
27. *Rural County* – Defined in [RCW 82.14.370](#) as a county with a population density of less than 100 persons per square mile or a county smaller than 225 square miles as determined by the office of financial management and published each year by the department for the period July 1st to June 30th. For reference, a rural county has the same meaning as a rural community.

28. *Screenwriter* – The author of the first complete draft of the screenplay upon which the applicant's motion picture is to be based and who shall be contractually guaranteed "written by" or "screenplay by" on-screen credit.
29. *Short Film* – Motion picture content that has a running time of 40 minutes or less, including all credits.
30. *Washington State Business or Washington State Based Company* – Any sole proprietorship, partnership, limited liability entity or corporation with offices in Washington State more than 1 year prior to the start of film production for which funding assistance is being claimed and is registered to do business with the Washington Department of Revenue and currently registered with Washington Secretary of State (visit <https://dor.wa.gov/> and <https://www.sos.wa.gov/> for more information.) Tribal member-owned businesses without a UBI may provide alternate business validation such as a business license or registration with a federally recognized tribal nation in Washington state.
31. *Washington State Resident* – An individual who maintains a permanent dwelling within the state, and spends an aggregate of at least six months each year within the state, and signs a Declaration of Residency certifying that they have been a Washington State resident for at least six months prior to the date production begins. See Addendum 4.
32. *Washington Filmworks (WF)* – The 501(c)(6) non-profit organization that manages the MPCP pursuant to RCW 43.365 and 82.04.4489 that will oversee the State of Washington's funding assistance program for qualified productions.

###

Addendum 1

[Motion Picture and Video Production Exemption Certificate](#)

A PDF version of this exemption certificate can be found on the Department of Revenue website [here](#).



Department of
Revenue
Washington State

Form

[Reset This Form](#)

Motion picture and video production business exemption certificate

Vendor/Seller's name

Renter/Buyer's name

Renter/Buyer's address

City State Zip

Production equipment rented *(use additional sheets as needed)*

Production services purchased *(use additional sheets as needed)*

This certificate exempts both state and local sales tax from production rental equipment and purchase of production services. The tax exemption on vehicles used in production applies to state and local taxes and extends to exempting the additional sales tax on rental cars.

The renter/buyer certifies that it is a motion picture or video production businesses and that it is not engaged, to any extent, in the production of erotic material, as defined in RCW 9.68.050.

Name of person authorized by the renter/buyer (please print)

Signature Dated signed

To ask about the availability of this publication in an alternate format for the visually impaired, please call (360) 705-6705. Teletype (TTY) users may use the WA Relay Service by calling 711.

Addendum 2

Addendum 2: Independent Contractor vs. Employee Classification Compliance Guidance

Independent Contractor vs. Employee Classification Compliance Guidance

Prepared by Barnard Iglitzin & Lavitt LLP

As a condition of participation in the Washington Filmworks (WF) Production Incentive Program (PIP) and Small Budget Production Initiative (SBPI), productions are required to comply with all applicable federal, state, and local laws, including laws governing the proper classification of workers. This guidance is intended to clarify WF's expectations regarding worker classification for cast, crew, and any staff.

Washington Law Presumes Employee Status

Under Washington law, workers are presumed to be employees, not independent contractors. Independent contractor classification is the exception and is permitted only where strict legal criteria are met based on the actual working relationship, not contractual labels, industry custom, or payment method.

In general, a worker may be treated as an independent contractor only if the production can demonstrate that the worker:

- Is free from the production's direction and control in performing the work;
- Performs work that is outside the usual course of the production's business or outside all of the production's places of business; and
- Is customarily engaged in an independently established business offering the same services to the public.

If *any* of these elements are not satisfied, the worker should be classified as an employee.

WF's Expectations for Participating Productions

WF expects participating productions to:

- Classify cast and crew and any staff as employees, not independent contractors;
- Refrain from issuing Form 1099s to individuals performing cast, crew, or staff functions;
- Use independent-contractor classification only in unusual and well-documented circumstances where the legal standards are clearly met; and
- Be prepared to demonstrate compliance with Washington law upon request and in the required completion package documentation

In practice, motion picture productions are highly controlled, integrated operations. Cast, crew and staff members typically perform work that is central to the production's business, under the direction of production leadership, and within production-controlled schedules and worksites.

As a result, most individuals engaged on a production will not qualify as independent contractors under Washington law.

Positions listed in Addendum 1 (Union Positions) to the WF PIP Guidelines and Criteria will, in the overwhelming majority of cases, meet the legal definition of employee. Treating individuals in these roles as independent contractors is unlikely to comply with Washington law and is inconsistent with WF's expectations for participating productions.

Consequences of Misclassification

Misclassification of cast, crew, and staff employees as independent contractors may result in:

- Liability for unpaid wages, overtime, payroll taxes, and penalties;
- Failure to provide required workers' compensation and unemployment insurance coverage; and
- Potential impacts on eligibility for incentive funding through WF.

Conclusion

Productions participating in the WF's PIP and SBPI should assume that cast, crew, and staff are employees, not independent contractors. Independent contractor classification should be rare, fact-specific, and legally supportable.

This guidance is intended to promote compliance and transparency and to ensure that productions benefiting from the WF uphold their legal obligations to Washington's workforce.

Addendum 3

[Production Code of Conduct](#)

Production Code of Conduct

To Cast and Crew: You are guests and should treat locations, as well as the public, with courtesy. If we do not all work toward building a good relationship with the local communities in which we work, we will see less production, resulting in fewer jobs for us all. Please adhere to the following guidelines.

To the Community: If you find this production company is not adhering to the Code Of Conduct, please contact Washington Filmworks (206) 264-0667.

1. Each cast and crew member will work to foster a safe work environment free from discriminatory treatment, policies and practices, especially as it relates to historically underrepresented communities.
2. When filming in a neighborhood or business district, proper notification is to be provided to each merchant or neighbor who is directly affected by the company (this includes parking, base campus, and meal areas). The filming notice should include:
 - a. Name of company
 - b. Name of the production
 - c. Kind of production (e.g., feature film, movie of the week, TV pilot, etc.)
 - d. Type of activity and duration (i.e., times, dates, number of days, including pre-production, filming, and strike with wrap.
 - e. Company contacts (first assistant director, unit production manager, and location manager)
 - f. When permitting is required -Name and number of City or County Film Coordinator
3. This Code of Conduct should be attached to the filming notification and distributed to the neighborhood.
4. The company will comply at all times with the provisions of the filming permit.
5. Every member of the cast and crew will keep noise levels as low as possible.
6. Production vehicles arriving on location in or near a residential neighborhood should enter the area at a time no earlier than stipulated in the permit, and park one by one, turning off engines as soon as possible. Cast and crew shall observe designated parking areas as directed by the Locations Department.
7. The removal, moving, or towing of the public's vehicles is prohibited without the express permission of the municipal jurisdiction or the owner of the vehicle.

8. No production vehicles should park in or block driveways without the express permission of the driveway owner.
9. All signs erected or removed for filming purposes will be removed or replaced upon completion of the use of that location unless otherwise stipulated by the location agreement or permit. Remember also to remove all signs posted to direct the company to the location.
10. Removal, trimming, and/or cutting of vegetation or trees is prohibited unless approved by the permit authority or property owner.
11. When a production pass identifying employees is issued, every member of the cast and crew shall wear it while at the location.
12. Crew members shall not display signs, posters, or pictures on vehicles that reflect poor judgment.
13. Articles of clothing that do not display common sense and good taste should not be worn by crew members. Shoes and shirts must be worn at all times, unless otherwise directed.
14. Cast and crew meals shall be confined to the area designated in the location agreement or permit. Individuals shall eat within their designated meal area during scheduled crew meals. All trash must be disposed of properly upon completion of the meal.
15. Whenever possible please use recyclable napkins, plates and coffee cups and use the proper receptacles for disposal and recycling. [Please see the Nikki Sheritt Environmental Best Practices for Green Filmmaking for for tips and tricks.](#)
16. Make sure all catering, crafts service, construction, strike, and personal trash is removed from the location.
17. Observe designated smoking areas and always extinguish cigarettes in butt cans.
18. Do not trespass onto other neighbors' or merchants' property. Remain within the boundaries of the property that has been permitted for filming.

19. The cast and crew shall not bring guests or pets to the location, unless expressly authorized in advance by the production.
20. Upon the completion of filming, the Location will be left in the same condition if not better than when the production arrived.

Thank you for your professionalism,

The Washington Filmworks Team

info@washingtonfilmworks.org

206-264-0667

Addendum 4

[Washington Filmworks Declaration of Residency](#)

DECLARATION OF RESIDENCY

Purpose of this form: Qualified Projects claiming funding assistance on wages or salaries paid to Washington State residents must have each employee complete this declaration of residency. The Qualified Project must retain this form in its records and submit a completed copy for each Washington State worker employed on the Qualified Project.

Last Name	First Name	Middle Initial
Permanent Residence		
City	State	Zip Code
Telephone Number	Email	
Title of Project or Production	Position / Role	

Length of time at above address _____

Residency: To be a resident of Washington State that enables your employer to qualify for funding assistance for your engagement from Washington Filmworks (WF), you must have a permanent dwelling within the state and spend an aggregate of at least six months each year within the state. You may only have one permanent dwelling and a change in your permanent dwelling is established only by establishing a physical presence in a new location with intent to abandon your old domicile and make a home in the new location permanently or indefinitely. Employees whose engagement does not qualify for WF support may still be hired by the production company at the production company's discretion.

1. **Is this Declaration of Residency for a minor?** Yes No
A minor must present a parent or legal guardian's proof of residency. Guardian Name _____
2. **Are you presently a resident of Washington State?** Yes No
a. **If yes,** have you been a resident for at least 6 months prior to today's date? Yes No
3. **Do you anticipate changing your residence status** during the time that you expect to work on the motion picture? Yes No
4. **What evidence have you provided the production company to show residence in Washington State?**
You must provide a copy of at least one of the following. If WF determines that more than one item is required, you will be notified. *Exception: Employees earning less than \$500 on the project need not provide the following documentation.*
 - q **Valid Washington State driver's license** with an issue date at least six months prior to the date of this Declaration
 - o Enter the driver's license number. _____
 - q **A current Washington State voter registration card** with an issue date at least six months prior to the date of this Declaration
 - o Enter the registering county. _____
 - q **Copies of six months of utility bills** with a Washington State address

YOU MUST PROVIDE A PHOTOCOPY OF YOUR PROOF OF RESIDENCY

I declare under penalty of perjury that everything in this document is true, correct and complete to the best of my knowledge.

Signature

Date

Unless you are making less than \$500 on this motion picture.

Addendum 5

[Production Completion Package Requirements](#)

Production Completion Package Requirements

Overview of Process

1. Within one year of completing principal photography on your motion picture project, the production company must submit a Production Completion Package to Washington Filmworks (WF) for all costs associated with the approved small budget production.
2. WF will complete an internal review of the completion package submitted and provide production initial results including any questions or requests for additional documentation.
3. Once production has responded and provided any additional documentation, WF will provide the final review results for the completion package.
4. Production submits Department of Commerce Production Survey.
 - Following the internal review by WF, production must complete the Department of Commerce Survey.
 - Production can access a template of the survey on the Department of Commerce website, but a copy tailored to the project as reviewed will be provided by WF with the completion package final review results.
5. Funding Assistance will be issued once the survey has been submitted to the Department of Commerce with a copy to the Director of Funding Assistance.

Production Completion Package Requirements

WF works closely with each production in an effort to expedite the funding assistance process and reduce associated costs to the production. To that end, please provide the information listed below, divided into the sections as follows. Please note that the Completion Package will not be considered complete and the review will not commence until all these items are received.

Production Completion Packages must be submitted digitally. Any other form of delivery including USPS, private delivery service, hand delivery, or faxed copies will not be accepted by WF.

Section I -- Production Overview

This section should include the following information in digital format:

1. Signed letter from the Production Accountant confirming:
 - a. The production dates.
 - b. The Washington State general ledger (or expense report) has been reviewed for accuracy.
 - c. All financial obligations incurred in the state of Washington have been paid.
 - d. The total amount spent to date on Washington Resident Payroll, Qualified Nonresident Labor, and Washington Vendors.
 - e. The total amount of funding assistance being requested.

-
2. Chart of Accounts (the list of account numbers and names where costs are charged).
 - a. Total Production Budget including estimated versus actual costs to date
 3. Washington State general ledger (for commercials, a PO Log is acceptable) itemizing all qualified expenditures. (If using an alpha numeric code such as "QW" to indicate eligible expenses please include a key for codes.)
 - a. WF requires that each production include digital (spreadsheet/Excel compatible) format of the ledger.
If production prefers, this ledger may be divided into two reports: 1. payroll data for individuals paid on the production, 2. all other expenses.
 - b. This general ledger(s) or PO log should include at least the following details for all transactions:
 - i. cost account number
 - ii. transaction date
 - iii. payee or vendor name
 - iv. amount
 - v. source of payment (eg: check or petty cash, journal entry)
 - vi. a description detailing the expense
 - vii. any invoice or petty cash envelope number if applicable
 - c. **It should be noted that the total amount of the Washington State spend coded in ledger(s) or PO log(s) should match exactly the total amount being claimed as eligible Washington State spend as specified in the production accountant letter.**
 4. Payroll Report for all above the line and below the line individuals (including but not limited to all talent and crew) paid on the production in Washington State regardless of eligibility status, this should include any extras employed on the project. It may be possible to obtain a Payroll Report with all the required information from your Payroll Service Company. An extras payroll report may be submitted separately if it contains the same information.

This report must match the Excel template provided by WF and include the following for each resident and nonresident employee who worked in Washington State:

- a. Employee Name
- b. Employee Email (if available)
- c. Address
- d. Home State
- e. Work State
- f. Corporation Name for loanouts (if applicable)
- g. Position
- h. Specify union (or nonunion if applicable)
- i. Hourly base rate
- j. Total hours worked

-
- k. Total days worked
 - l. Total gross wages
 - m. Per Diem (if applicable and paid through payroll)
 - n. Kit Rentals (if applicable and paid through payroll)
 - o. Mileage (if applicable and paid through payroll)
 - p. All payroll taxes (itemized: FICA, FUTA, SUI, Other)
 - q. Benefits paid if applicable. (Pension, Health & Welfare)
 - r. Workers Comp Insurance (SDI)
 - s. Washington Paid Family Leave (PFL)
 - t. Handling Fees: Payroll handling fees may only be included if the payroll was processed by a qualified WA based business.
 - u. Week Ending for First week worked & Week Ending for Last week worked
5. Locations List for all Washington jurisdictions.
- a. This list should include a list of all cities, jurisdictions, or towns in which principal photography or 2nd unit photography occurred for this project and the number of days shot there.
 - b. This list should also include the cities, jurisdictions, or towns for the Washington production office including the number of days open.
 - c. This list should also include the cities, jurisdictions, or towns in which cast or crew was housed in Washington if different than the shooting locations.
6. Proof of customary production/liability insurance.

Section II -- Payroll Detail, Declaration of Residency & Proof of Benefits

A payroll report that matches the WF template should already have been submitted in Section I. Section II should include the following information for resident and nonresident labor in digital format:

- 1. Cast, crew, and extras Lists in digital formats (Excel is preferred but Word or PDF is accepted)
 - a. A copy of the standard Production Crew List distributed to crew.
 - b. A copy of the standard Production Cast List.
 - i. If this list does not already exist please note that it must include character name.
 - c. Comprehensive list of extras / stand-ins sorted alphabetically by last name.
 - i. If the extras / stand-ins were not paid with the crew and cast through payroll then the following must be included in the list for each extra / stand-in: name, hourly rate, total hours worked, total days worked, total amount for any "bumps" for wardrobe, props, etc, total gross wages.
 - d.
- 2. Copies of time cards, paychecks, and payroll invoices for all Washington Residents and Qualified Nonresident Labor. Time cards and paychecks should be submitted in alphabetical order by employee.

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3. SAG Exhibit Gs (where applicable).
 4. If production is employing minors, provide all minor work permits.
 5. If production used a payroll service company to process crew, cast and/or extras payroll payments, production must include copies of all the payroll service company invoices and fringe reports for Washington Resident and Qualified Nonresident Labor.
 6. Proof of Benefits
This information section may be included in the vendor invoice section or included in payroll service company invoices in a detailed Cast & Crew Detail section. If provided by a third party provider, separate invoices should be provided. Either way, the following information should be provided for each individual in digital format:
 - a. Documentation that health and retirement benefits have been paid out to the applicable cast and crew positions WF considers typically covered by a collective bargaining agreement (CBA) as defined in Addendum #1 of PIP G&C.
 - b. If the production did not sign a union contract to cover all CBA positions, then an explanation of how our benefits criteria was fulfilled.
 7. Declaration of Residency for Washington Crew, Cast and Extras
 - a. All Washington residents must complete the Declaration of Residency form upon start date.
 - b. Proof of residency must accompany the residency form for any Cast, Crew or Extras earning making \$500 or more in wages on a production. Acceptable documentation is one of the following:
 - a. A valid Washington State driver's license with an issue date at least six (6) months prior to the date of the Declaration of Residency (or resident's start date).
 - b. A current voter registration card with an issue date at least six (6) months prior to the date of the Declaration of Residency (or resident's start date).
 - c. Copies of six (6) months of utility bills with a Washington State address.
 - c. If an employee cannot provide one of the previous three forms of proof other proof may be acceptable. WF must approve all alternate forms of proof of residency in advance of submission.
 - d. Crew, Cast or Extras earning less than \$500 in wages on a production are not required to provide proof of residency, but must complete and sign a Declaration of Residency form.
 - e. If the Cast member or Extra is a minor and cannot produce proof of residency, then he or she may have his or her parent or legal guardian sign the declaration of residency and provide their proof of residency.
 - f. All Declaration of Residency forms and associated proofs of residency must be sorted alphabetically by last name.

Section III -- Petty Cash or Purchase Card Envelopes and Receipts

This section should include the following information in digital format:

1. All qualified in-state petty cash or purchase card receipts should be itemized by receipt in the submitted Washington State general ledger.
 - a. The ledger should include the vendor name (if the “Vendor” field automatically fills with the crew member’s name who had the petty cash float or purchase card, please include the vendor name in the “Description” field)
 - b. A brief description of the purchase
 - c. Petty Cash or Purchase Card Envelope Number
 - d. Date and Amount of Transaction
2. Petty cash or purchase card envelopes must include:
 - a. Please include digital copies of the front of the envelope and all corresponding Washington receipts
 - b. Envelope Numbers (please present in numerical order by crew member, float, or department)
 - c. Clear indication of all non-Washington expenses on the petty cash or purchase card envelope copies.
3. As an alternative to the “Petty Cash Envelope” presentation, production may choose to submit a copy of the Card Statement containing the appropriate expenses.
4. Acceptable receipts include the vendor name, phone number, and address in Washington State, date of the expenditure, item(s) description, and amount paid.
 - a. If purchasing items from a non-traditional vendor, all of the above information must be provided—even if handwritten. Additionally, the Washington state vendor must sign the receipt and provide contact information.
 - b. Note: Receipts that simply indicate a vendor and total without any description of purchase or service will not be considered acceptable.
 - c. Please reach out to Washington Filmworks if there is a question as to whether the receipt is eligible.
5. WF offers a petty cash envelope template available for download from our website.

Section IV – Vendor Invoices

This section should include the following information in digital format:

1. Only invoices included on your Washington State general ledger (Section I) should be included in this section.
2. All invoices should be filed alphabetically by vendor name and should be accompanied by a copy of the check cut to the vendor.
 - a. Washington Filmworks reserves the right to request copies of the paid invoices, cleared checks, or bank statements showing proof of payment.
3. All invoices should be referenced to or coded to a chart of accounts or account ID on the Washington State general ledger.
4. Acceptable invoices include the vendor name, phone number, address in WA State, date of the expenditure, itemized product/service description, and amount paid.

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