

1           **SECTION 150.** 77.52 (3n) of the statutes is repealed.

2           **SECTION 151.** 77.52 (4) of the statutes is amended to read:

3           77.52 (4) It is unlawful for any retailer to advertise or hold out or state to the  
4 public or to any customer, directly or indirectly, that the tax or any part thereof will  
5 be assumed or absorbed by the retailer or that it will not be added to the selling price  
6 of the property or items, property, or works under s. 77.52 (1) (b), (c), or (d) sold or that  
7 if added it, or any part thereof, will be refunded. Any person who violates this  
8 subsection is guilty of a misdemeanor.

9           **SECTION 152.** 77.52 (6) of the statutes is repealed.

10          **SECTION 153.** 77.52 (7) of the statutes is amended to read:

11          77.52 (7) Every person desiring to operate as a seller within this state who  
12 holds a valid certificate under s. 73.03 (50) shall file with the department an  
13 application for a permit for each place of operations. Every application for a permit  
14 shall be made upon a form prescribed by the department and shall set forth the name  
15 under which the applicant intends to operate, the location of the applicant's place of  
16 operations, and the other information that the department requires. The Except as  
17 provided in sub. (7b), the application shall be signed by the owner if a sole proprietor;  
18 in the case of sellers other than sole proprietors, the application shall be signed by  
19 the person authorized to act on behalf of such sellers. A nonprofit organization that  
20 has ~~gross receipts~~ a sales price taxable under s. 77.54 (7m) shall obtain a seller's  
21 permit and pay taxes under this subchapter on all taxable ~~gross receipts~~ sales prices  
22 received after it is required to obtain that permit. If that organization becomes  
23 eligible later for the exemption under s. 77.54 (7m) except for its possession of a  
24 seller's permit, it may surrender that permit.

25          **SECTION 154.** 77.52 (7b) of the statutes is created to read:

1 77.52 (7b) Any person who may register under sub. (7) may designate an agent,  
2 as defined in s. 77.524 (1) (ag), to register with the department under sub. (7), in the  
3 manner prescribed by the department.

4 SECTION 155. 77.52 (12) of the statutes is amended to read:

5 77.52 (12) A person who operates as a seller in this state without a permit or  
6 after a permit has been suspended or revoked or has expired, unless the person has  
7 a temporary permit under sub. (11), and each officer of any corporation, partnership  
8 member, limited liability company member, or other person authorized to act on  
9 behalf of a seller who so operates, is guilty of a misdemeanor. Permits shall be held  
10 only by persons actively operating as sellers of tangible personal property, or items,  
11 property, or works under sub. (1) (b), (c), or (d), or taxable services. Any person not  
12 so operating shall forthwith surrender that person's permit to the department for  
13 cancellation. The department may revoke the permit of a person found not to be  
14 actively operating as a seller of tangible personal property, or items, property, or  
15 works under sub. (1) (b), (c), or (d), or taxable services.

16 SECTION 156. 77.52 (13) of the statutes is amended to read:

17 77.52 (13) For the purpose of the proper administration of this section and to  
18 prevent evasion of the sales tax it shall be presumed that all receipts are subject to  
19 the tax until the contrary is established. The burden of proving that a sale of tangible  
20 personal property, or items, property, or works under sub. (1) (b), (c), or (d), or services  
21 is not a taxable sale at retail is upon the person who makes the sale unless that  
22 person takes from the purchaser ~~a~~ an electronic or a paper certificate, in a manner  
23 prescribed by the department, to the effect that the property, item, work, or service  
24 is purchased for resale or is otherwise exempt, except that no certificate is required  
25 for sales of cattle, sheep, goats, and pigs that are sold at an animal market, as defined

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1 in s. 95.68 (1) (ag), and no certificate is required for sales of commodities, as defined  
2 in 7 USC 2, that are consigned for sale in a warehouse in or from which the  
3 commodity is deliverable on a contract for future delivery subject to the rules of a  
4 commodity market regulated by the U.S. commodity futures trading commission if  
5 upon the sale the commodity is not removed from the warehouse the sale of tangible  
6 personal property, or items, property, or works under sub. (1) (b), (c), or (d), or services  
7 that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21),  
8 (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), and (52). *goods*

9 SECTION 157. 77.52 (14) (a) (intro.) and 1. and (b) of the statutes are  
10 consolidated, renumbered 77.52 (14) (a) and amended to read:

11 77.52 (14) (a) The certificate referred to in sub. (13) relieves the seller from the  
12 burden of proof of the tax otherwise applicable only if any of the following is true:

13 1. The certificate is taken in good faith the seller obtains a fully completed exemption  
14 certificate, or the information required to prove the exemption, from a person who  
15 is engaged as a seller of tangible personal property or taxable services and who holds  
16 the permit provided for in sub. (9) and who, at the time of purchasing purchaser no  
17 later than 90 days after the date of the sale of the tangible personal property, or items,

18 property, or works under sub. (1) (b), (c), or (d), or services, intends to sell it in the  
19 regular course of operations or is unable to ascertain at the time of purchase whether  
20 the property or service will be sold or will be used for some other purpose. (b) except  
21 as provided in par. (am). The certificate under sub. (13) shall not relieve the seller  
22 of the tax otherwise applicable if the seller fraudulently fails to collect sales tax,  
23 solicits the purchaser to claim an unlawful exemption, or accepts an exemption  
24 certificate from a purchaser who claims to be an entity that is not subject to the taxes  
25 imposed under this subchapter, if the subject of the transaction sought to be covered

1 by the exemption certificate is received by the purchaser at a location operated by the  
2 seller in this state and the exemption certificate clearly and affirmatively indicates  
3 that the claimed exemption is not available in this state. The certificate referred to  
4 in sub. (13) shall be signed by and bear the name and address of provide information  
5 that identifies the purchaser, and shall indicate the general character of the tangible  
6 personal property or service sold by the purchaser and the basis for the claimed  
7 exemption and a paper certificate shall be signed by the purchaser. The certificate  
8 shall be in such form as the department prescribes by rule.

9 **SECTION 158.** 77.52 (14) (a) 2. of the statutes is repealed.

10 **SECTION 159.** 77.52 (14) (am) of the statutes is created to read:

11 77.52 (14) (am) If the seller has not obtained a fully completed exemption  
12 certificate or the information required to prove the exemption, as provided in par. (a),  
13 the seller may, no later than 120 days after the department requests that the seller  
14 substantiate the exemption, either provide proof of the exemption to the department  
15 by other means or obtain, in good faith, a fully completed exemption certificate from  
16 the purchaser.

17 **SECTION 160.** 77.52 (14) (bm) of the statutes is created to read:

18 77.52 (14) (bm) A certified service provider is relieved from liability for the tax  
19 otherwise applicable to the same extent as the seller, who is the certified service  
20 provider's client, is relieved from liability for the tax otherwise applicable under par.  
21 (a) or (am).

22 **SECTION 161.** 77.52 (15) of the statutes is amended to read:

23 77.52 (15) If a purchaser who gives a resale certificate purchases tangible  
24 personal property, or items, property, or works under s. 77.52 (1) (b), (c), or (d), or  
25 taxable services without paying a sales tax or use tax on such purchase because such

1 property, items, works, or services were for resale makes any use of the property,  
 2 items, works, or services other than retention, demonstration or display while  
 3 holding it the property, items, works, or services for sale, lease or rental in the regular  
 4 course of the purchaser's operations, the use shall be taxable to the purchaser under  
 5 s. 77.53 as of the time that the property is, items, works, or services are first used by  
 6 the purchaser, and the sales purchase price of the property, items, works, or services  
 7 to the purchaser shall be the measure of the tax. ~~Only when there is an unsatisfied~~  
 8 ~~use tax liability on this basis because the seller has provided incorrect information~~  
 9 ~~about that transaction to the department shall the seller be liable for sales tax with~~  
 10 ~~respect to the sale of the property to the purchaser.~~

11 **SECTION 162.** 77.52 (16) of the statutes is amended to read:

12 77.52 (16) Any person who gives a resale certificate for property, or items,  
 13 property, or works under sub. (1) (b), (c), or (d), or services which that person knows  
 14 at the time of purchase is not to be resold by that person in the regular course of that  
 15 person's operations as a seller for the purpose of evading payment to the seller of the  
 16 amount of the tax applicable to the transaction is guilty of a misdemeanor. Any  
 17 person certifying to the seller that the sale of property, or items, property, or works  
 18 under sub. (1) (b), (c), or (d), or taxable service is exempt, knowing at the time of  
 19 purchase that it is not exempt, for the purpose of evading payment to the seller of the  
 20 amount of the tax applicable to the transaction, is guilty of a misdemeanor.

21 **SECTION 163.** 77.52 (17m) (b) 6. of the statutes is amended to read:

22 77.52 (17m) (b) 6. The applicant purchases enough tangible personal property  
 23 or items, property, or works under s. 77.52 (1) (b), (c), or (d) under circumstances that  
 24 make it difficult to determine whether the property, items, or works will be subject  
 25 to a tax under this subchapter.

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1 **SECTION 164.** 77.52 (19) of the statutes is amended to read:

2 77.52 (19) The department shall by rule provide for the efficient collection of  
3 the taxes imposed by this subchapter on sales of tangible personal property, or items,  
4 property, or ~~works~~ under sub. (1) (b), (c), or (d), or services by persons not regularly  
5 engaged in selling at retail in this state or not having a permanent place of business,  
6 but who are temporarily engaged in selling from trucks, portable roadside stands,  
7 concessions at fairs and carnivals, and the like. The department may authorize such  
8 persons to sell property or items, property or ~~works~~ under sub. (1) (b), (c), or (d) *good* or  
9 sell, perform, or furnish services on a permit or nonpermit basis as the department  
10 by rule prescribes and failure of any person to comply with such rules constitutes a  
11 misdemeanor.

12 **SECTION 165.** 77.52 (20) of the statutes is created to read:

13 77.52 (20) (a) Except as provided in par. (b), the entire sales price of a bundled  
14 transaction is subject to the tax imposed under this subchapter.

15 (b) At the retailer's option, if the retailer can identify, by reasonable and  
16 verifiable standards from the retailer's books and records that are kept in the  
17 ordinary course of its business for other purposes, including purposes unrelated to  
18 taxes, the portion of the price that is attributable to products that are not subject to  
19 the tax imposed under this subchapter, that portion of the sales price is not taxable  
20 under this subchapter. This paragraph does not apply to a bundled transaction that  
21 contains food and food ingredients, drugs, durable medical equipment, mobility  
22 enhancing equipment, prosthetic devices, or medical supplies.

23 **SECTION 166.** 77.52 (21) of the statutes is created to read:

24 77.52 (21) A person who provides a product that is not a distinct and  
25 identifiable product because it is provided free of charge, as provided in s. 77.51 (3pf)

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1 (b), is the consumer of that product and shall pay the tax imposed under this  
2 subchapter on the purchase price of that product.

3 **SECTION 167.** 77.52 (22) of the statutes is created to read:

4 77.52 (22) With regard to transactions described in s. 77.51 (1f) (b), the service  
5 provider is the consumer of the tangible personal property or items, property, or

6 works under sub. (1) (b), (c), or (d) and shall pay the tax imposed under this  
7 subchapter on the purchase price of the property, items, or works.

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8 **SECTION 168.** 77.52 (23) of the statutes is created to read:

9 77.52 (23) With regard to transactions described in s. 77.51 (1f) (c), the service  
10 provider is the consumer of the service that is essential to the use or receipt of the  
11 other service and shall pay the tax imposed under this subchapter on the purchase  
12 price of the service that is essential to the use or receipt of the other service.

13 **SECTION 169.** 77.522 of the statutes is created to read:

*goods under  
s. 77.52(1)(d)*

14 **77.522 Sourcing. (1) GENERAL.** (a) In this section:

15 1. "Receive" means taking possession of tangible personal property or items or  
16 property under s. 77.52 (1) (b) or (c); making first use of services; or taking possession  
17 or making first use of digital audiovisual works, whichever comes first. "Receive"  
18 does not include a shipping company taking possession of tangible personal property  
19 or items or property under s. 77.52 (1) (b) or (c) on a purchaser's behalf.

20 2. "Transportation equipment" means any of the following:

21 a. Locomotives and railcars that are used to carry persons or property in  
22 interstate commerce.

23 b. Trucks and truck tractors that have a gross vehicle weight rating of 10,001  
24 pounds or greater, trailers, semitrailers, and passenger buses, if such vehicles are  
25 registered under the international registration plan under s. 341.405 and operated

1 under the authority of a carrier that is authorized by the federal government to carry  
2 persons or property in interstate commerce.

3 c. Aircraft that is operated by air carriers that are authorized by the federal  
4 government or a foreign authority to carry persons or property in interstate or  
5 foreign commerce.

6 d. Containers that are designed for use on the vehicles described in subd. 2, a.  
7 to c. and component parts attached to or secured on such vehicles.

8 (b) Except as provided in par. (c) and subs. (2), (3), and (4), the location of a sale  
9 is determined as follows: *and (5)*

10 1. If a purchaser receives the product at a seller's business location, the sale  
11 occurs at that business location.

12 2. If a purchaser does not receive the product at a seller's business location, the  
13 sale occurs at the location where the purchaser, or the purchaser's designated donee,  
14 receives the product, including the location indicated by the instructions known to  
15 the seller for delivery to the purchaser or the purchaser's designated donee.

16 3. If the location of a sale of a product cannot be determined under subds. 1. and  
17 2., the sale occurs at the purchaser's address as indicated by the seller's business  
18 records, if the records are maintained in the ordinary course of the seller's business  
19 and if using that address to establish the location of a sale is not in bad faith.

20 4. If the location of a sale of a product cannot be determined under subds. 1. to  
21 3., the sale occurs at the purchaser's address as obtained during the consummation  
22 of the sale, including the address indicated on the purchaser's payment instrument,  
23 if no other address is available and if using that address is not in bad faith.

24 5. If the location of a sale of a product cannot be determined under subds. 1. to  
25 4., the location of the sale is determined as follows:

1 a. If the item sold is tangible personal property or an item or property under  
2 s. 77.52 (1) (b) or (c), the sale occurs at the location from which the tangible personal  
3 property or item or property under s. 77.52 (1) (b) or (c) is shipped.

4 b. If the item sold is a digital good, or computer software delivered  
5 electronically, the sale occurs at the location from which the digital good or computer  
6 software was first available for transmission by the seller, not including any location  
7 that merely provided the digital transfer of the product sold.

8 c. If a service is sold, the sale occurs at the location from which the service was  
9 provided.

10 (c) The sale of direct mail occurs at the location from which the direct mail is  
11 shipped, if the purchaser does not provide to the seller a direct pay permit, an  
12 exemption certificate claiming direct mail, or other information that indicates the  
13 appropriate taxing jurisdiction to which the direct mail is delivered to the ultimate  
14 recipients. If the purchaser provides an exemption certificate claiming direct mail  
15 or direct pay permit to the seller, the purchaser shall pay or remit, as appropriate,  
16 to the department the tax imposed under s. 77.53 on all purchases for which the tax  
17 is due and the seller is relieved from liability for collecting such tax. If the purchaser  
18 provides delivery information indicating the jurisdictions to which the direct mail is  
19 delivered to the recipients, the seller shall collect the tax according to the delivery  
20 information provided by the purchaser and, in the absence of bad faith, the seller  
21 shall be relieved of any further obligation to collect tax on any transaction for which  
22 the seller has collected tax pursuant to the delivery information provided by the  
23 purchaser. An exemption certificate claiming direct mail provided to a seller under  
24 this paragraph shall remain effective for all sales by the seller who received the  
25 exemption certificate to the purchaser who provided the exemption certificate,

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1 unless the purchaser revokes the exemption certificate in writing and provides such  
2 revocation to the seller. (3) (B)

3 (2) LEASE OR RENTAL. (a) Except as provided in pars. (b) and (c), with regard  
4 to the first or only payment on the lease or rental, the lease or rental of tangible  
5 personal property or items, property, or works <sup>the goods</sup> under s. 77.52 (1) (b), (c), or (d) occurs  
6 at the location determined under sub. (1) (b). If the property, item, or work <sup>the good</sup> is moved  
7 from the place where the property, item, or work <sup>the good</sup> was initially delivered, the  
8 subsequent periodic payments on the lease or rental occur at the property's, item's,  
9 or work's <sup>the good</sup> primary location as indicated by an address for the property, item, or work <sup>the good</sup>  
10 that is provided by the lessee and that is available to the lessor in records that the  
11 lessor maintains in the ordinary course of the lessor's business, if the use of such an  
12 address does not constitute bad faith. The location of a lease or rental as determined  
13 under this paragraph shall not be altered by any intermittent use of the property,  
14 item, or work <sup>the good</sup> at different locations.

15 (b) The lease or rental of motor vehicles, trailers, semitrailers, and aircraft,  
16 that are not transportation equipment, occurs at the primary location of such motor  
17 vehicles, trailers, semitrailers, or aircraft as indicated by an address for the property  
18 that is provided by the lessee and that is available to the lessor in records that the  
19 lessor maintains in the ordinary course of the lessor's business, if the use of such an  
20 address does not constitute bad faith, except that a lease or rental under this  
21 paragraph that requires only one payment occurs at the location determined under  
22 sub. (1) (b). The location of a lease or rental as determined under this paragraph shall  
23 not be altered by any intermittent use of the property at different locations.

24 (c) The lease or rental of transportation equipment occurs at the location  
25 determined under sub. (1) (b).

1 (d) A license of tangible personal property or items, property or works under  
2 s. 77.52 (1) (b), (c), or (d) shall be treated as a lease or rental of tangible personal  
3 property under this subsection.

4 (3) TELECOMMUNICATIONS. (a) In this subsection:

5 1. "Air-to-ground radiotelephone service" means a radio service in which  
6 common carriers are authorized to offer and provide radio telecommunications  
7 service for hire to subscribers in aircraft.

8 2. "Call-by-call basis" means any method of charging for telecommunications  
9 services by which the price of such services is measured by individual calls.

10 3. "Communications channel" means a physical or virtual path of  
11 communications over which signals are transmitted between or among customer  
12 channel termination points.

13 4. "Customer" means a person who enters into a contract with a seller of  
14 telecommunications services or, in any transaction for which the end user is not the  
15 person who entered into a contract with the seller of telecommunications services,  
16 the end user of the telecommunications services. "Customer" does not include a  
17 person who resells telecommunications services or, for mobile telecommunications  
18 services, a serving carrier under an agreement to serve a customer outside the home  
19 service provider's licensed service area.

20 5. "Customer channel termination point" means the location where a customer  
21 inputs or receives communications.

22 6. "End user" means the person who uses a telecommunications service. In the  
23 case of an entity, "end user" means the individual who uses the telecommunications  
24 service on the entity's behalf.

1           7. "Home service provider" means a home service provider under section 124  
2 (5) of P.L. 106-252.

3           8. "Mobile telecommunications service" means a mobile telecommunications  
4 service under 4 USC 116 to 126, as amended by P.L. 106-252.

5           9. "Place of primary use" means place of primary use, as determined under 4  
6 USC 116 to 126, as amended by P.L. 106-252.

7           10. "Postpaid calling service" means a telecommunications service that is  
8 obtained by paying for it on a call-by-call basis using a bankcard, travel card, credit  
9 card, debit card, or similar method, or by charging it to a telephone number that is  
10 not associated with the location where the telecommunications service originates or  
11 terminates. "Postpaid calling service" includes a telecommunications service, not  
12 including a prepaid wireless calling service, that would otherwise be a prepaid  
13 calling service except that the service provided to the customer is not exclusively a  
14 telecommunications service.

15           14. "Radio service" means a communication service provided by the use of radio,  
16 including radiotelephone, radiotelegraph, paging, and facsimile service.

17           15. "Radiotelegraph service" means transmitting messages from one place to  
18 another by means of radio.

19           16. "Radiotelephone service" means transmitting sound from one place to  
20 another by means of radio.

21           (b) Except as provided in pars. (d) to (j), the sale of a telecommunications service  
22 that is sold on a call-by-call basis occurs in the taxing jurisdiction for sales and use  
23 tax purposes where the call originates and terminates, in the case of a call that  
24 originates and terminates in the same such jurisdiction, or the taxing jurisdiction for

1 sales and use tax purposes where the call originates or terminates and where the  
2 service address is located.

3 (c) Except as provided in pars. (d) to (j), the sale of a telecommunications service  
4 that is sold on a basis other than a call-by-call basis occurs at the customer's place  
5 of primary use.

6 (d) The sale of a mobile telecommunications service, except an air-to-ground  
7 radiotelephone service and a prepaid calling service, occurs at the customer's place  
8 of primary use.

9 (e) The sale of a postpaid calling service occurs at the location where the signal  
10 of the telecommunications service originates, as first identified by the seller's  
11 telecommunications system or, if the signal is not transmitted by the seller's  
12 telecommunications system, by information that the seller received from the seller's  
13 service provider.

14 (f) The sale of a prepaid calling service or a prepaid wireless calling service  
15 occurs at the location determined under sub. (1) (b), except that, if the service is a  
16 prepaid wireless calling service and the location cannot be determined under sub. (1)  
17 (b) 1. to 4., the prepaid wireless calling service occurs at the location determined  
18 under sub. (1) (b) 5. c. or at the location associated with the mobile telephone number,  
19 as determined by the seller.

20 (g) 1. The sale of a private communication service for a separate charge related  
21 to a customer channel termination point occurs at the location of the customer  
22 channel termination point.

23 2. The sale of a private communication service in which all customer channel  
24 termination points are located entirely in one taxing jurisdiction for sales and use

1 tax purposes occurs in the taxing jurisdiction in which the customer channel  
2 termination points are located.

3 3. If the segments are charged separately, the sale of a private communication  
4 service that represents segments of a communications channel between 2 customer  
5 channel termination points that are located in different taxing jurisdictions for sales  
6 and use tax purposes occurs in an equal percentage in both such jurisdictions.

7 4. If the segments are not charged separately, the sale of a private  
8 communication service for segments of a communications channel that is located in  
9 more than one taxing jurisdiction for sales and use tax purposes occurs in each such  
10 jurisdiction in a percentage determined by dividing the number of customer channel  
11 termination points in that jurisdiction by the number of customer channel  
12 termination points in all jurisdictions where segments of the communications  
13 channel are located.

14 (h) The sale of an Internet access service occurs at the customer's place of  
15 primary use.

16 (i) The sale of ancillary services occurs at the customer's place of primary use.

17 (j) If the location of the customer's service address, channel termination point,  
18 or place of primary use is not known, the location where the seller receives or hands  
19 off the signal shall be considered, for purposes of this section, the customer's service  
20 address, channel termination point, or place of primary use.

21 (4) FLORISTS. (a) For purposes of this subsection, "retail florist" means a person  
22 engaged in the business of selling cut flowers, floral arrangements, and potted plants  
23 and who prepares such flowers, floral arrangements, and potted plants. "Retail  
24 florist" does not include a person who sells cut flowers, floral arrangements, and  
25 potted plants primarily by mail or via the Internet.

1 (b) Sales by a retail florist occur at the location determined by rule by the  
2 department.

3 **SECTION 170.** 77.523 (title) of the statutes is repealed.

4 **SECTION 171.** 77.523 of the statutes is renumbered 77.59 (9p) (a) and amended  
5 to read:

6 77.59 (9p) (a) If a customer purchases a service that is subject to 4 USC 116  
7 to 126, as amended by P.L. 106-252, and if the customer believes that the amount  
8 of the tax assessed for the service under this subchapter or the place of primary use  
9 or taxing jurisdiction assigned to the service is erroneous, the customer may request  
10 that the service provider correct the alleged error by sending a written notice to the  
11 service provider. The notice shall include a description of the alleged error, the street  
12 address for the customer's place of primary use of the service, the account name and  
13 number of the service for which the customer seeks a correction, and any other  
14 information that the service provider reasonably requires to process the request.  
15 Within 60 days from the date that a service provider receives a request under this  
16 ~~section~~ paragraph, the service provider shall review its records to determine the  
17 customer's taxing jurisdiction. If the review indicates that there is no error as  
18 alleged, the service provider shall explain the findings of the review in writing to the  
19 customer. If the review indicates that there is an error as alleged, the service  
20 provider shall correct the error and shall refund or credit the amount of any tax  
21 collected erroneously, along with the related interest, as a result of the error from the  
22 customer in the previous 48 months, consistent with s. 77.59 (4). A customer may  
23 take no other action against the service provider, or commence any action, to correct  
24 an alleged error in the amount of the tax assessed under this subchapter on a service  
25 that is subject to 4 USC 116 to 126, as amended by P.L. 106-252, or to correct an

1 alleged error in the assigned place of primary use or taxing jurisdiction, unless the  
2 customer has exhausted his or her remedies under this section paragraph.

3 **SECTION 172.** 77.524 (1) (a) of the statutes is renumbered 77.524 (1) (am).

4 **SECTION 173.** 77.524 (1) (ag) of the statutes is created to read:

5 77.524 (1) (ag) "Agent" means a person appointed by a seller to represent the  
6 seller before the states that are signatories to the agreement, as defined in s. 77.65  
7 (2) (a).

8 **SECTION 174.** 77.524 (1) (b) of the statutes is renumbered 77.51 (1g) and  
9 amended to read:

10 77.51 (1g) "Certified service provider" means an agent that is certified jointly  
11 by the states that are signatories to the agreement, as defined in s. 77.65 (2) (a), and  
12 that performs all of a seller's sales tax and use tax functions related to the seller's  
13 retail sales, except that a certified service provider is not responsible for a retailer's  
14 obligation to remit tax on the retailer's own purchases.

15 **SECTION 175.** 77.525 of the statutes is amended to read:

16 **77.525 Reduction to prevent double taxation.** Any person who is subject  
17 to the tax under s. 77.52 (2) (a) 5. ~~a.~~ on telecommunications services that terminate  
18 in this state and who has paid a similar tax on the same services to another state may  
19 reduce the amount of the tax remitted to this state by an amount equal to the similar  
20 tax properly paid to another state on those services or by the amount due this state  
21 on those services, whichever is less. That person shall refund proportionally to the  
22 persons to whom the tax under s. 77.52 (2) (a) 5. ~~a.~~ was passed on an amount equal  
23 to the amounts not remitted.

24 **SECTION 176.** 77.53 (1) of the statutes is amended to read:

1           77.53 (1) Except as provided in sub. (1m), an excise tax is levied and imposed  
2 on the use or consumption in this state of taxable services under s. 77.52 purchased  
3 from any retailer, at the rate of 5% of the sales purchase price of those services; on  
4 the storage, use or other consumption in this state of tangible personal property and  
5 items or property under s. 77.52 (1) (b) or (c) purchased from any retailer, at the rate  
6 of 5% of the sales purchase price of that the property or items; on the storage, use,  
7 or other consumption of works under s. 77.52 (1) (d) purchased from any retailer, if  
8 the purchaser has the right to use the works on a permanent or less than permanent  
9 basis and regardless of whether the purchaser is required to make continued  
10 payments for such right, at the rate of 5 percent of the sales price of the works; and  
11 on the storage, use or other consumption of tangible personal property or items,  
12 property, or works under s. 77.52 (1) (b), (c), or (d) manufactured, processed or  
13 otherwise altered, in or outside this state, by the person who stores, uses or consumes  
14 it, from material purchased from any retailer, at the rate of 5% of the sales purchase  
15 price of that material.

16           **SECTION 177.** 77.53 (1b) of the statutes is repealed and recreated to read:

17           77.53 (1b) The storage, use, or other consumption in this state of tangible  
18 personal property or items, property, or works under s. 77.52 (1) (b), (c), or (d), and  
19 the use or other consumption in this state of a taxable service, purchased from any  
20 retailer is subject to the tax imposed in this section unless an exemption in this  
21 subchapter applies.

22           **SECTION 178.** 77.53 (2) of the statutes is amended to read:

23           77.53 (2) Every person storing, using, or otherwise consuming in this state  
24 tangible personal property, or items, property, or works specified under s. 77.52 (1)  
25 (b), (c), or (d), or taxable services purchased from a retailer is liable for the tax

1 imposed by this section. The person's liability is not extinguished until the tax has  
2 been paid to this state, but a receipt with the tax separately stated from a retailer  
3 engaged in business in this state or from a retailer who is authorized by the  
4 department, under such rules as it prescribes, to collect the tax and who is regarded  
5 as a retailer engaged in business in this state for purposes of the tax imposed by this  
6 section given to the purchaser under sub. (3) relieves the purchaser from further  
7 liability for the tax to which the receipt refers.

8 **SECTION 179.** 77.53 (3) of the statutes is amended to read:

*goods*

9 77.53 (3) Every retailer engaged in business in this state and making sales of  
10 tangible personal property, or items, property, or works under s. 77.52 (1) (b), (c), or  
11 (d), or taxable services for delivery into this state or with knowledge directly or  
12 indirectly that the property or service is intended for storage, use or other  
13 consumption in that are sourced to this state under s. 77.522, shall, at the time of  
14 making the sales or, if the storage, use or other consumption of the tangible personal  
15 property or taxable service is not then taxable under this section, at the time the  
16 storage, use or other consumption becomes taxable, collect the tax from the  
17 purchaser and give to the purchaser a receipt in the manner and form prescribed by  
18 the department.

19 **SECTION 180.** 77.53 (4) of the statutes is repealed.

20 **SECTION 181.** 77.53 (9) of the statutes is amended to read:

21 77.53 (9) Every retailer selling tangible personal property, or items, property,  
22 or works under s. 77.52 (1) (b), (c), or (d), or taxable services for storage, use or other  
23 consumption in this state shall register with the department and obtain a certificate  
24 under s. 73.03 (50) and give the name and address of all agents operating in this  
25 state, the location of all distribution or sales houses or offices or other places of

*goods*

1 business in this state, the standard industrial code classification of each place of  
2 business in this state and the other information that the department requires. Any  
3 person who may register under this subsection may designate an agent, as defined  
4 in s. 77.524 (1) (ag), to register with the department under this subsection, in the  
5 manner prescribed by the department.

6 **SECTION 182.** 77.53 (9m) of the statutes is renumbered 77.53 (9m) (a) and  
7 amended to read:

8 77.53 (9m) (a) Any person who is not otherwise required to collect any tax  
9 imposed by this subchapter and who makes sales to persons within this state of  
10 tangible personal property, or items, property, or works under s. 77.52 (1) (b), (c), or  
11 (d), or taxable services the use of which is subject to tax under this subchapter may  
12 register with the department under the terms and conditions that the department  
13 imposes and shall obtain a valid certificate under s. 73.03 (50) and thereby be  
14 authorized and required to collect, report, and remit to the department the use tax  
15 imposed by this subchapter.

16 **SECTION 183.** 77.53 (9m) (b) of the statutes is created to read:

17 77.53 (9m) (b) Any person who may register under par. (a) may designate an  
18 agent, as defined in s. 77.524 (1) (ag), to register with the department under par. (a),  
19 in the manner prescribed by the department.

20 **SECTION 184.** 77.53 (9m) (c) of the statutes is created to read:

21 77.53 (9m) (c) The registration under par. (a) by a person who is not otherwise  
22 required to collect any tax imposed by this subchapter shall not be used as a factor  
23 in determining whether the seller has nexus with this state for any tax at any time.

24 **SECTION 185.** 77.53 (10) of the statutes is amended to read:

1           77.53 (10) For the purpose of the proper administration of this section and to  
2 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that  
3 tangible personal property, or items, property, or works under s. 77.52 (1) (b), (c), or  
4 (d), or taxable services sold by any person for delivery in this state is sold for storage,  
5 use, or other consumption in this state until the contrary is established. The burden  
6 of proving the contrary is upon the person who makes the sale unless that person  
7 takes from the purchaser ~~a~~ an electronic or paper certificate, in a manner prescribed  
8 by department, to the effect that the property, or items, property, or works under s. 77.52 (1) (b), (c), or (d), or taxable service is purchased for resale, or otherwise exempt  
9 from the tax, except that no certificate is required for sales of cattle, sheep, goats,  
10 and pigs that are sold at an animal market, as defined in s. 95.68 (1) (ag), and no  
11 certificate is required for sales of commodities, as defined in 7 USC 2, that are  
12 consigned for sale in a warehouse in or from which the commodity is deliverable on  
13 a contract for future delivery subject to the rules of a commodity market regulated  
14 by the U.S. commodity futures trading commission if upon the sale the commodity  
15 is not removed from the warehouse the sale of tangible personal property, or items,  
16 property, or works under s. 77.52 (1) (b), (c), or (d), or services that are exempt under  
17 s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36),  
18 (37), (42), (44), (45), (46), (51), and (52).

20           **SECTION 186.** 77.53 (11) of the statutes is renumbered 77.53 (11) (a) and  
21 amended to read:

22           77.53 (11) (a) The certificate referred to in under sub. (10) relieves the person  
23 selling the property, or items, property, or works under s. 77.52 (1) (b), (c), or (d), or  
24 service from the burden of proof of the tax otherwise applicable only if taken in good  
25 faith the seller obtains a fully completed exemption certificate, or the information

*good*

1 ~~required to prove the exemption, from a person who is engaged as a seller of tangible~~  
2 ~~personal property or taxable services and who holds the permit provided for by s.~~  
3 ~~77.52 (9) and who, at the time of purchasing the purchaser no later than 90 days after~~  
4 ~~the date of the sale of the tangible personal property, or items, property, or works~~  
5 ~~under s. 77.52 (1) (b), (c), or (d), or taxable service, intends to sell it in the regular~~  
6 ~~course of operations or is unable to ascertain at the time of purchase whether the~~  
7 ~~property or service will be sold or will be used for some other purpose, or if taken in~~  
8 ~~good faith from a person claiming exemption, except as provided in par. (b). The~~  
9 ~~certificate under sub. (10) shall not relieve the seller of the tax otherwise applicable~~  
10 ~~if the seller fraudulently fails to collect sales tax or solicits the purchaser to claim an~~  
11 ~~unlawful exemption, or accepts an exemption certificate from a purchaser who~~  
12 ~~claims to be an entity that is not subject to the taxes imposed under this subchapter,~~  
13 ~~if the subject of the transaction sought to be covered by the exemption certificate is~~  
14 ~~received by the purchaser at a location operated by the seller in this state and the~~  
15 ~~exemption certificate clearly and affirmatively indicates that the claimed exemption~~  
16 ~~is not available in this state. The certificate shall be signed by and bear the name~~  
17 ~~and address of provide information that identifies the purchaser and shall indicate~~  
18 ~~the number of the permit issued to the purchaser, the general character of tangible~~  
19 ~~personal property or taxable service sold by the purchaser and the basis for the~~  
20 ~~claimed exemption and a paper certificate shall be signed by the purchaser. The~~  
21 ~~certificate shall be substantially in the form that the department prescribes by rule.~~

22 **SECTION 187.** 77.53 (11) (b) of the statutes is created to read:

23 77.53 (11) (b) If the seller has not obtained a fully completed exemption  
24 certificate or the information required to prove the exemption, as provided in par. (a),  
25 the seller may, no later than 120 days after the department requests that the seller

1 substantiate the exemption, either provide proof of the exemption to the department  
2 by other means or obtain, in good faith, a fully completed exemption certificate from  
3 the purchaser.

4 **SECTION 188.** 77.53 (12) of the statutes is amended to read: *good*

5 77.53 (12) If a purchaser who gives a certificate makes any storage or use of  
6 the property, or items, property, or works under s. 77.52 (1) (b), (c), or (d), or service  
7 other than retention, demonstration, or display while holding it for sale in the  
8 regular course of operations as a seller, the storage or use is taxable as of the time  
9 the property, or items, property, or works under s. 77.52 (1) (b), (c), or (d), or service  
10 is first so stored or used.

11 **SECTION 189.** 77.53 (14) of the statutes is amended to read:

12 77.53 (14) It is presumed that tangible personal property, or items, property,  
13 or works under s. 77.52 (1) (b), (c), or (d), or taxable services shipped or brought to  
14 this state by the purchaser were purchased from or serviced by a retailer.

15 **SECTION 190.** 77.53 (15) of the statutes is repealed.

16 **SECTION 191.** 77.53 (16) of the statutes is amended to read: *good*

17 77.53 (16) If the purchase, rental or lease of tangible personal property, or  
18 items, property, or works under s. 77.52 (1) (b), (c), or (d), or service subject to the tax  
19 imposed by this section was subject to a sales tax by another state in which the  
20 purchase was made, the amount of sales tax paid the other state shall be applied as  
21 a credit against and deducted from the tax, to the extent thereof, imposed by this  
22 section, except no credit may be applied against and deducted from a sales tax paid  
23 on the purchase of direct mail, if the direct mail purchaser did not provide to the  
24 seller a direct pay permit, an exemption certificate claiming direct mail, or other  
25 information that indicates the appropriate taxing jurisdiction to which the direct

*good*

1 mail is delivered to the ultimate recipients. In this subsection "sales tax" includes  
2 a use or excise tax imposed on the use of tangible personal property, or items,  
3 property, or *works* under s. 77.52 (1) (b), (c), or (d), or taxable service by the state in  
4 which the sale occurred and "state" includes the District of Columbia ~~but does not~~  
5 ~~include~~ and the commonwealth of Puerto Rico ~~or~~ but does not include the several  
6 territories organized by congress.

7 **SECTION 192.** 77.53 (17) of the statutes is amended to read:

*good*

8 77.53 (17) This section does not apply to tangible personal property or items,  
9 property, or *works* under s. 77.52 (1) (b), (c), or (d) purchased outside this state, as  
10 determined under s. 77.522, other than motor vehicles, boats, snowmobiles,  
11 recreational vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain  
12 vehicles and airplanes registered or titled or required to be registered or titled in this  
13 state, which is brought into this state by a nondomiciliary for the person's own  
14 storage, use or other consumption while temporarily within this state when such  
15 property, *item,* or *work* is not stored, used or otherwise consumed in this state in the  
16 conduct of a trade, occupation, business or profession or in the performance of  
17 personal services for wages or fees.

18 **SECTION 193.** 77.53 (17m) of the statutes is amended to read:

19 77.53 (17m) This section does not apply to a boat purchased in a state  
20 contiguous to this state, as determined under s. 77.522, by a person domiciled in that  
21 state if the boat is berthed in this state's boundary waters adjacent to the state of the  
22 domicile of the purchaser and if the transaction was an exempt occasional sale under  
23 the laws of the state in which the purchase was made.

24 **SECTION 194.** 77.53 (17r) (a) of the statutes is amended to read:

25 77.53 (17r) (a) It is purchased in another state, as determined under s. 77.522.

1           **SECTION 195.** 77.53 (18) of the statutes is amended to read:

2           77.53 (18) This section does not apply to the storage, use or other consumption  
3 in this state of household goods or items, property, or works under s. 77.52 (1) (b), (c),  
4 or (d) for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile  
5 homes, manufactured homes, as defined in s. 101.91 (2), recreational vehicles, as  
6 defined in s. 340.01 (48r), trailers, semitrailers and all-terrain vehicles, for personal  
7 use, purchased by a nondomiciliary of this state outside this state, as determined  
8 under s. 77.522, 90 days or more before bringing the goods, items, works, or property  
9 into this state in connection with a change of domicile to this state.

*goods*

10           **SECTION 196.** 77.54 (1) of the statutes is amended to read:

11           77.54 (1) The ~~gross receipts~~ sales price from the sale of and the storage, use or  
12 other consumption in this state of tangible personal property, and items, property,  
13 and works under s. 77.52 (1) (b), (c), and (d), and services the ~~gross receipts~~ sales price  
14 from the sale of which, or the storage, use or other consumption of which, this state  
15 is prohibited from taxing under the constitution or laws of the United States or under  
16 the constitution of this state.

*goods*

17           **SECTION 197.** 77.54 (2) of the statutes is amended to read:

18           77.54 (2) The ~~gross receipts~~ sales price from sales of and the storage, use or  
19 other consumption of tangible personal property becoming an ingredient or  
20 component part of an article of tangible personal property or which is consumed or  
21 destroyed or loses its identity in the manufacture of tangible personal property in  
22 any form destined for sale, except as provided in sub. (30) (a) 6.

23           **SECTION 198.** 77.54 (2m) of the statutes is amended to read:

24           77.54 (2m) The ~~gross receipts~~ sales price from the sales of and the storage, use  
25 or other consumption of tangible personal property or services that become an

1 ingredient or component of shoppers guides, newspapers or periodicals or that are  
2 consumed or lose their identity in the manufacture of shoppers guides, newspapers  
3 or periodicals, whether or not the shoppers guides, newspapers or periodicals are  
4 transferred without charge to the recipient. In this subsection, "shoppers guides",  
5 "newspapers" and "periodicals" have the meanings under sub. (15). The exemption  
6 under this subdivision does not apply to advertising supplements that are not  
7 newspapers.

8 **SECTION 199.** 77.54 (3) (a) of the statutes is amended to read:

9 77.54 (3) (a) The ~~gross receipts~~ sales price from the sales of and the storage, use,  
10 or other consumption of tractors and machines, including accessories, attachments,  
11 and parts, lubricants, nonpowered equipment, and other tangible personal property  
12 that are used exclusively and directly, or are consumed or lose their identities, in the  
13 business of farming, including dairy farming, agriculture, horticulture, floriculture,  
14 silviculture, and custom farming services, but excluding automobiles, trucks, and  
15 other motor vehicles for highway use; excluding personal property that is attached  
16 to, fastened to, connected to, or built into real property or that becomes an addition  
17 to, component of, or capital improvement of real property; and excluding tangible  
18 personal property used or consumed in the erection of buildings or in the alteration,  
19 repair, or improvement of real property, regardless of any contribution that that  
20 personal property makes to the production process in that building or real property  
21 and regardless of the extent to which that personal property functions as a machine,  
22 except as provided in par. (c).

23 **SECTION 200.** 77.54 (3m) (intro.) of the statutes is amended to read:

24 77.54 (3m) (intro.) The ~~gross receipts~~ sales price from the sale of and the  
25 storage, use or other consumption of the following items if they are used exclusively

1 by the purchaser or user in the business of farming; including dairy farming,  
2 agriculture, horticulture, floriculture, silviculture, and custom farming services:

3 **SECTION 201.** 77.54 (4) of the statutes is amended to read: *good*

4 77.54 (4) ~~Gross receipts~~ The sales price from the sale of tangible personal  
5 property and items, property, and works under s. 77.52 (1) (b), (c), and (d) and the  
6 storage, use or other consumption in this state of tangible personal property and  
7 items, property, and works under s. 77.52 (1) (b), (c), and (d), which is the subject of  
8 any such sale, by any elementary school or secondary school, exempted as such from  
9 payment of income or franchise tax under ch. 71, whether public or private.

10 **SECTION 202.** 77.54 (5) (intro.) of the statutes is amended to read:

11 77.54 (5) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,  
12 use or other consumption of:

13 **SECTION 203.** 77.54 (6) (intro.) of the statutes is amended to read:

14 77.54 (6) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,  
15 use or other consumption of:

16 *good* **SECTION 204.** 77.54 (7m) of the statutes is amended to read:

17 77.54 (7m) Occasional sales of tangible personal property, or items, property,  
18 or works under s. 77.52 (1) (b), (c), and (d), or services, including admissions or tickets  
19 to an event; by a neighborhood association, church, civic group, garden club, social  
20 club or similar nonprofit organization; not involving entertainment for which  
21 payment in the aggregate exceeds \$500 for performing or as reimbursement of  
22 expenses unless access to the event may be obtained without payment of a direct or  
23 indirect admission fee; conducted by the organization if the organization is not  
24 engaged in a trade or business and is not required to have a seller's permit. For  
25 purposes of this subsection, an organization is engaged in a trade or business and is

*good*

1 required to have a seller's permit if its sales of tangible personal property, and items,  
2 property, and works under s. 77.52 (1) (b), (c), and (d), and services, not including  
3 sales of tickets to events, and its events occur on more than 20 days during the year,  
4 unless its receipts do not exceed \$25,000 during the year. The exemption under this  
5 subsection does not apply to ~~gross receipts~~ the sales price from the sale of bingo  
6 supplies to players or to the sale, rental or use of regular bingo cards, extra regular  
7 cards and special bingo cards.

8 **SECTION 205.** 77.54 (8) of the statutes is amended to read:

9 77.54 (8) Charges for interest, ~~financing or insurance,~~ not including contracts  
10 under s. 77.52 (2) (a) 13m., where such charges are separately set forth upon the  
11 invoice given by the seller to the purchaser.

12 **SECTION 206.** 77.54 (9) of the statutes is amended to read:

13 77.54 (9) The ~~gross receipts~~ sales price from sales of tickets or admissions to  
14 public and private elementary and secondary school activities, where the entire net  
15 proceeds therefrom are expended for educational, religious or charitable purposes.

16 **SECTION 207.** 77.54 (9a) (intro.) of the statutes is amended to read:

*good*

17 77.54 (9a) (intro.) The ~~gross receipts~~ sales price from sales to, and the storage  
18 by, use by or other consumption of tangible personal property, and items, property,  
19 and works under s. 77.52 (1) (b), (c), and (d), and taxable services by:

20 **SECTION 208.** 77.54 (10) of the statutes is amended to read:

21 77.54 (10) The ~~gross receipts~~ sales price from the sale of all admission fees,  
22 admission stickers or camping fees under s. 27.01 (7) to (11) and all admission fees  
23 to any museum operated by a nonprofit corporation under a lease agreement with  
24 the state historical society.

25 **SECTION 209.** 77.54 (11) of the statutes is amended to read:

1           77.54 (11) The ~~gross receipts~~ sales price from the sales of and the storage, use  
2 or other consumption in this state of motor vehicle fuel, general aviation fuel or  
3 alternate fuel, subject to taxation under ch. 78, unless the motor vehicle fuel or  
4 alternate fuel tax is refunded under s. 78.75 because the buyer does not use the fuel  
5 in operating a motor vehicle upon the public highways.

6           **SECTION 210.** 77.54 (12) of the statutes is amended to read:

7           77.54 (12) The ~~gross receipts~~ sales price from the sales of and the storage, use  
8 or other consumption in this state of rail freight or passenger cars, locomotives or  
9 other rolling stock used in railroad operations, or accessories, attachments, parts,  
10 lubricants or fuel therefor.

11           **SECTION 211.** 77.54 (13) of the statutes is amended to read:

12           77.54 (13) The ~~gross receipts~~ sales price from the sales of and the storage, use  
13 or other consumption in this state of commercial vessels and barges of 50-ton burden  
14 or over primarily engaged in interstate or foreign commerce or commercial fishing,  
15 and the accessories, attachments, parts and fuel therefor.

16           **SECTION 212.** 77.54 (14) (intro.) of the statutes is amended to read:

17           77.54 (14) (intro.) The ~~gross receipts~~ sales price from the sales of and the  
18 storage, use, or other consumption in this state of ~~medicines~~ drugs that are any of  
19 the following:

20           **SECTION 213.** 77.54 (14) (a) of the statutes is amended to read:

21           77.54 (14) (a) Prescribed for the treatment of a human being by a person  
22 authorized to prescribe the ~~medicines~~ drugs, and dispensed on prescription filled by  
23 a registered pharmacist in accordance with law.

24           **SECTION 214.** 77.54 (14) (b) of the statutes is amended to read:

1           77.54 (14) (b) Furnished by a licensed physician, surgeon, podiatrist, or dentist  
2 to a patient who is a human being for treatment of the patient.

3           **SECTION 215.** 77.54 (14) (f) (intro.) of the statutes is amended to read:

4           77.54 (14) (f) (intro.) Furnished without charge to any of the following if the  
5 medicine drug may not be dispensed without a prescription:

6           **SECTION 216.** 77.54 (14g) of the statutes is repealed.

7           **SECTION 217.** 77.54 (14s) of the statutes is repealed.

8           **SECTION 218.** 77.54 (15) of the statutes is amended to read:

9           77.54 (15) The ~~gross receipts~~ sales price from the sale of and the storage, use  
10 or other consumption of all newspapers, of periodicals sold by subscription and  
11 regularly issued at average intervals not exceeding 3 months, or issued at average  
12 intervals not exceeding 6 months by an educational association or corporation sales  
13 to which are exempt under sub. (9a) (f), of controlled circulation publications sold to  
14 commercial publishers for distribution without charge or mainly without charge or  
15 regularly distributed by or on behalf of publishers without charge or mainly without  
16 charge to the recipient and of shoppers guides which distribute no less than 48 issues  
17 in a 12-month period. In this subsection, "shoppers guide" means a community  
18 publication delivered, or attempted to be delivered, to most of the households in its  
19 coverage area without a required subscription fee, which advertises a broad range  
20 of products and services offered by several types of businesses and individuals. In  
21 this subsection, "controlled circulation publication" means a publication that has at  
22 least 24 pages, is issued at regular intervals not exceeding 3 months, that devotes  
23 not more than 75% of its pages to advertising and that is not conducted as an  
24 auxiliary to, and essentially for the advancement of, the main business or calling of  
25 the person that owns and controls it.

1           **SECTION 219.** 77.54 (16) of the statutes is amended to read:

2           77.54 (16) The ~~gross receipts~~ sales price from the sale of and the storage, use  
3 or other consumption of fire trucks and fire fighting equipment, including  
4 accessories, attachments, parts and supplies therefor, sold to volunteer fire  
5 departments.

6           **SECTION 220.** 77.54 (17) of the statutes is amended to read:

7           77.54 (17) The ~~gross receipts~~ sales price from the sales of and the storage, use  
8 or other consumption of water, that is not food and food ingredient, when delivered  
9 through mains.

10           **SECTION 221.** 77.54 (18) of the statutes is amended to read:

11           77.54 (18) When the sale, license, lease, or rental of a service or property,  
12 including items, property, and works under s. 77.52 (1) (b), (c), and (d), that was  
13 previously exempt or not taxable under this subchapter becomes taxable, and the  
14 service or property is furnished under a written contract by which the seller is  
15 unconditionally obligated to provide the service or property for the amount fixed  
16 under the contract, the seller is exempt from sales or use tax on the ~~gross receipts~~  
17 sales price for services or property provided until the contract is terminated,  
18 extended, renewed or modified. However, from the time the service or property  
19 becomes taxable until the contract is terminated, extended, renewed or modified the  
20 user is subject to use tax, measured by the sales purchase price, on the service or  
21 property purchased under the contract.

22           **SECTION 222.** 77.54 (20) of the statutes is repealed.

23           **SECTION 223.** 77.54 (20m) of the statutes is repealed.

24           **SECTION 224.** 77.54 (20n) of the statutes is created to read:

1           77.54 (20n) (a) The sales price from the sale of and the storage, use, or other  
2 consumption of food and food ingredients, except candy, soft drinks, dietary  
3 supplements, and prepared food.

4           (b) The sales price from the sale of and the storage, use, or other consumption  
5 of food and food ingredients, except soft drinks, sold by hospitals, sanatoriums,  
6 nursing homes, retirement homes, community-based residential facilities, as  
7 defined in s. 50.01 (1g), or day care centers registered under ch. 48, including  
8 prepared food that is sold to the elderly or handicapped by persons providing mobile  
9 meals on wheels. In this paragraph, "retirement home" means a nonprofit  
10 residential facility where 3 or more unrelated adults or their spouses have their  
11 principal residence and where support services, including meals from a common  
12 kitchen, are available to residents.

13           (c) The sales price from the sale of and the storage, use, or other consumption  
14 of food and food ingredients, furnished in accordance with any contract or agreement  
15 or paid for to such institution through the use of an account of such institution, by  
16 a public or private institution of higher education to any of the following:

17           1. An undergraduate student, a graduate student, or a student enrolled in a  
18 professional school if the student is enrolled for credit at the public or private  
19 institution of higher education and if the food and food ingredients are consumed by  
20 the student.

21           2. A national football league team.

22           **SECTION 225.** 77.54 (20r) of the statutes is created to read:

23           77.54 (20r) The sales price from the sales of and the storage, use, or other  
24 consumption of candy, soft drinks, dietary supplements, and prepared foods, and  
25 disposable products that are transferred with such items, furnished for no

1 consideration by a restaurant to the restaurant's employee during the employee's  
2 work hours.

3 **SECTION 226.** 77.54 (21) of the statutes is amended to read:

4 77.54 (21) The ~~gross receipts~~ sales price from the sales of and the storage, use  
5 or other consumption of caskets and burial vaults for human remains.

6 **SECTION 227.** 77.54 (22) of the statutes is repealed.

7 **SECTION 228.** 77.54 (22b) of the statutes is created to read:

8 77.54 (22b) The sales price from the sale of and the storage, use, or other  
9 consumption of durable medical equipment that is for use in a person's home,  
10 mobility-enhancing equipment, and prosthetic devices, and accessories for such  
11 equipment or devices, if the equipment or devices are used for a human being.

12 **SECTION 229.** 77.54 (23m) of the statutes is amended to read:

13 77.54 (23m) The ~~gross receipts~~ sales price from the sale, license, lease or rental  
14 of or the storage, use or other consumption of motion picture film or tape, and motion  
15 pictures or radio or television programs for listening, viewing, or broadcast, and  
16 advertising materials related thereto, sold, licensed, leased or rented to a motion  
17 picture theater or radio or television station.

18 **SECTION 230.** 77.54 (25) of the statutes, as affected by 2007 Wisconsin Act 20,  
19 is amended to read:

20 77.54 (25) The ~~gross receipts~~ sales price from the sale of and the storage of  
21 printed material which is designed to advertise and promote the sale of merchandise,  
22 or to advertise the services of individual business firms, which printed material is  
23 purchased and stored for the purpose of subsequently transporting it outside the  
24 state by the purchaser for use thereafter solely outside the state. This subsection  
25 does not apply to catalogs and the envelopes in which the catalogs are mailed.

1           **SECTION 231.** 77.54 (25m) of the statutes, as created by 2007 Wisconsin Act 20,  
2 is amended to read:

3           **77.54 (25m)** The ~~gross receipts~~ sales price from the sale of and the storage, use,  
4 or other consumption of catalogs, and the envelopes in which the catalogs are mailed,  
5 that are designed to advertise and promote the sale of merchandise or to advertise  
6 the services of individual business firms.

7           **SECTION 232.** 77.54 (26) of the statutes is amended to read:

8           **77.54 (26)** The ~~gross receipts~~ sales price from the sales of and the storage, use,  
9 or other consumption of tangible personal property and items and property under s.  
10 77.52 (1) (b) and (c) which becomes a component part of an industrial waste  
11 treatment facility that is exempt under s. 70.11 (21) or that would be exempt under  
12 s. 70.11 (21) if the property were taxable under ch. 70, or tangible personal property  
13 and items and property under s. 77.52 (1) (b) and (c) which becomes a component part  
14 of a waste treatment facility of this state or any agency thereof, or any political  
15 subdivision of the state or agency thereof as provided in s. 40.02 (28). The exemption  
16 includes replacement parts therefor, and also applies to chemicals and supplies used  
17 or consumed in operating a waste treatment facility and to purchases of tangible  
18 personal property and items and property under s. 77.52 (1) (b) and (c) made by  
19 construction contractors who transfer such property to their customers in fulfillment  
20 of a real property construction activity. This exemption does not apply to tangible  
21 personal property and items and property under s. 77.52 (1) (b) and (c) installed in  
22 fulfillment of a written construction contract entered into, or a formal written bid  
23 made, prior to July 31, 1975.

24           **SECTION 233.** 77.54 (26m) of the statutes is amended to read:

1           **77.54 (26m)** The ~~gross receipts~~ sales price from the sale of and the storage, use  
2 or other consumption of waste reduction or recycling machinery and equipment,  
3 including parts therefor, exclusively and directly used for waste reduction or  
4 recycling activities which reduce the amount of solid waste generated, reuse solid  
5 waste, recycle solid waste, compost solid waste or recover energy from solid waste.  
6 The exemption applies even though an economically useful end product results from  
7 the use of the machinery and equipment. For the purposes of this subsection, "solid  
8 waste" means garbage, refuse, sludge or other materials or articles, whether these  
9 materials or articles are discarded or purchased, including solid, semisolid, liquid or  
10 contained gaseous materials or articles resulting from industrial, commercial,  
11 mining or agricultural operations or from domestic use or from public service  
12 activities.

13           **SECTION 234.** 77.54 (27) of the statutes is amended to read:

14           **77.54 (27)** The ~~gross receipts~~ sales price from the sale of semen used for  
15 artificial insemination of livestock.

16           **SECTION 235.** 77.54 (28) of the statutes is amended to read:

17           **77.54 (28)** The ~~gross receipts~~ sales price from the sale of and the storage, use  
18 or other consumption to or by the ultimate consumer of ~~apparatus or equipment for~~  
19 ~~the injection of insulin or the treatment of diabetes and supplies used to determine~~  
20 blood sugar level.

21           **SECTION 236.** 77.54 (29) of the statutes is amended to read:

22           **77.54 (29)** The ~~gross receipts~~ sales price from the sales of and the storage, use  
23 or other consumption of equipment used in the production of maple syrup.

24           **SECTION 237.** 77.54 (30) (a) (intro.) of the statutes is amended to read:

25           **77.54 (30) (a) (intro.)** The ~~gross receipts~~ sales price from the sale of:

1           **SECTION 238.** 77.54 (30) (c) of the statutes is amended to read:

2           77.54 (30) (c) If fuel or electricity is sold partly for a use exempt under this  
3 subsection and partly for a use which is not exempt under this subsection, no tax  
4 shall be collected on that percentage of the ~~gross receipts~~ sales price equal to the  
5 percentage of the fuel or electricity which is used for an exempt use, as specified in  
6 an exemption certificate provided by the purchaser to the seller.

7           **SECTION 239.** 77.54 (31) of the statutes is amended to read:

8           77.54 (31) The ~~gross receipts~~ sales price from the sale of and the storage, use  
9 or other consumption in this state, but not the lease or rental, of used mobile homes,  
10 as defined in s. 101.91 (10), and used manufactured homes, as defined in s. 101.91  
11 (12).

12           **SECTION 240.** 77.54 (32) of the statutes is amended to read:

13           77.54 (32) The ~~gross receipts~~ sales price from charges, including charges for a  
14 search, imposed by an authority, as defined in s. 19.32 (1), for copies of a public record  
15 that a person may examine and use under s. 16.61 (12) or for copies of a record under  
16 s. 19.35 (1).

17           **SECTION 241.** 77.54 (33) of the statutes is amended to read:

18           77.54 (33) The ~~gross receipts~~ sales price from sales of and the storage, use or  
19 other consumption of ~~medicines~~ drugs used on farm livestock, not including  
20 workstock.

21           **SECTION 242.** 77.54 (35) of the statutes is amended to read:

22           77.54 (35) The ~~gross receipts~~ sales price from the sales of tangible personal  
23 property, or items, property, or works under s. 77.52 (1) (b), (c), or (d), tickets, or  
24 admissions by any baseball team affiliated with the Wisconsin Department of  
25 American Legion baseball.

*good*

1           **SECTION 243.** 77.54 (36) of the statutes is amended to read:

2           77.54 (36) The ~~gross receipts~~ sales price from the rental for a continuous period  
3 of one month or more of a mobile home, as defined in s. 101.91 (10), or a manufactured  
4 home, as defined in s. 101.91 (2), that is used as a residence. In this subsection, "one  
5 month" means a calendar month or 30 days, whichever is less, counting the first day  
6 of the rental and not counting the last day of the rental.

7           **SECTION 244.** 77.54 (37) of the statutes is amended to read:

8           77.54 (37) The ~~gross receipts~~ sales price from revenues collected under s.  
9 256.35 (3) and the surcharge established by rule by the public service commission  
10 under s. 256.35 (3m) (f) for customers of wireless providers, as defined in s. 256.35  
11 (3m) (a) 6.

12           **SECTION 245.** 77.54 (38) of the statutes is amended to read:

13           77.54 (38) The ~~gross receipts~~ sales price from the sale of and the storage, use  
14 or other consumption of snowmobile trail groomers and attachments for them that  
15 are purchased, stored, used or consumed by a snowmobile club that meets at least  
16 3 times a year, that has at least 10 members, that promotes snowmobiling and that  
17 participates in the department of natural resources' snowmobile program under s.  
18 350.12 (4) (b).

19           **SECTION 246.** 77.54 (39) of the statutes is amended to read:

20           77.54 (39) The ~~gross receipts~~ sales price from the sale of and the storage, use  
21 or other consumption of off-highway, heavy mechanical equipment such as feller  
22 bunchers, slashers, delimiters, chippers, hydraulic loaders, loaders,  
23 skidder-forwarders, skidders, timber wagons and tractors used exclusively and  
24 directly in the harvesting or processing of raw timber products in the field by a person

1 in the logging business. In this subsection, "heavy mechanical equipment" does not  
2 include hand tools such as axes, chains, chain saws and wedges.

3 **SECTION 247.** 77.54 (40) of the statutes is repealed.

4 **SECTION 248.** 77.54 (41) of the statutes is amended to read:

5 77.54 (41) The ~~gross receipts~~ sales price from the sale of building materials,  
6 supplies and equipment to; and the storage, use or other consumption of those kinds  
7 of property by; owners, contractors, subcontractors or builders if that property is  
8 acquired solely for or used solely in, the construction, renovation or development of  
9 property that would be exempt under s. 70.11 (36).

10 **SECTION 249.** 77.54 (42) of the statutes is amended to read:

11 77.54 (42) The ~~gross receipts~~ sales price from the sale of and the storage, use  
12 or other consumption of animal identification tags provided under s. 93.06 (1h) and  
13 standard samples provided under s. 93.06 (1s).

14 **SECTION 250.** 77.54 (43) of the statutes is amended to read:

15 77.54 (43) The ~~gross receipts~~ sales price from the sale of and the storage, use  
16 or other consumption of raw materials used for the processing, fabricating or  
17 manufacturing of, or the attaching to or incorporating into, printed materials that  
18 are transported and used solely outside this state.

19 **SECTION 251.** 77.54 (44) of the statutes is amended to read:

20 77.54 (44) The ~~gross receipts~~ sales price from the collection of low-income  
21 assistance fees that are charged under s. 16.957 (4) (a) or (5) (a).

22 **SECTION 252.** 77.54 (45) of the statutes is amended to read:

23 77.54 (45) The ~~gross receipts~~ sales price from the sale of and the use or other  
24 consumption of a onetime license or similar right to purchase admission to  
25 professional football games at a football stadium, as defined in s. 229.821 (6), that

1 is granted by a municipality; a local professional football stadium district; or a  
2 professional football team or related party, as defined in s. 229.821 (12); if the person  
3 who buys the license or right is entitled, at the time the license or right is transferred  
4 to the person, to purchase admission to at least 3 professional football games in this  
5 state during one football season.

6 **SECTION 253.** 77.54 (46) of the statutes is amended to read:

7 77.54 (46) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
8 or other consumption of the U.S. flag or the state flag. This subsection does not apply  
9 to a representation of the U.S. flag or the state flag.

10 **SECTION 254.** 77.54 (46m) of the statutes is amended to read:

11 77.54 (46m) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
12 or other consumption of telecommunications services, if the telecommunications  
13 services are obtained by using the rights to purchase telecommunications services,  
14 including purchasing reauthorization numbers, by paying in advance and by using  
15 an access number and authorization code; and if the tax imposed under s. 77.52 or  
16 77.53 was previously paid on the sale or purchase of such rights.

17 **SECTION 255.** 77.54 (47) (intro.) of the statutes is amended to read:

18 77.54 (47) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,  
19 use, or other consumption of all of the following:

20 **SECTION 256.** 77.54 (47) (b) 1. of the statutes is amended to read:

21 77.54 (47) (b) 1. The shooting facility is required to pay the tax imposed under  
22 s. 77.52 on ~~its gross receipts~~ the sales price from charges for shooting at the facility.

23 **SECTION 257.** 77.54 (47) (b) 2. of the statutes is amended to read:

24 77.54 (47) (b) 2. The shooting facility is a nonprofit organization that charges  
25 for shooting at the facility, but is not required to pay the tax imposed under s. 77.52

1 on its ~~gross receipts~~ sales price from such charges because the charges are for  
2 occasional sales, as provided under sub. (7m), or because the charges satisfy the  
3 exemption under s. 77.52 (2) (a) 2. b.

4 SECTION 258. 77.54 (48) (a) of the statutes is renumbered 77.585 (9) (a) and  
5 amended to read:

6 77.585 (9) (a) Subject to 2005 Wisconsin Act 479, section 17, ~~the gross receipts~~  
7 ~~from the sale of and the storage, use, or other consumption~~ a purchaser may claim  
8 as a deduction that portion of its purchase price of Internet equipment used in the  
9 broadband market for which the tax was imposed under this subchapter, if the  
10 purchaser certifies to the department of commerce, in the manner prescribed by the  
11 department of commerce, that the purchaser will, within 24 months after July 1,  
12 2007, make an investment that is reasonably calculated to increase broadband  
13 Internet availability in this state. The purchaser shall claim the deduction in the  
14 same reporting period as the purchaser paid the tax imposed under this subchapter.

15 SECTION 259. 77.54 (48) (b) of the statutes is renumbered 77.585 (9) (b).

16 SECTION 260. 77.54 (49) of the statutes is amended to read:

17 *good* 77.54 (49) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
18 or other consumption of taxable services and tangible personal property or items,  
19 property, or ~~works~~ under s. 77.52 (1) (b), (c), or (d), that is are physically transferred  
20 to the purchaser as a necessary part of services that are subject to the taxes imposed  
21 under s. 77.52 (2) (a) 7., 10., 11., and 20., if the seller and the purchaser of such  
22 services and property, item, or ~~work~~ are members of the same affiliated group under  
23 section 1504 of the Internal Revenue Code and are eligible to file a single  
24 consolidated return for federal income tax purposes. For purposes of this subsection,  
25 if a seller purchases a taxable service, or item, property, or ~~works~~ under s. 77.52 (1)

*good*

*good*

1 (b), (c), or (d), or tangible personal property, as described in ~~the~~ this subsection, that  
2 is subsequently sold to a member of the seller's affiliated group and the sale is exempt  
3 under this subsection from the taxes imposed under this subchapter, the original  
4 purchase of the taxable service, or item, property, or works under s. 77.52 (1) (b), (c),  
5 or (d), or tangible personal property by the seller is not considered a sale for resale  
6 or exempt under this subsection.

*good*

7 **SECTION 261.** 77.54 (50) of the statutes is created to read:

8 77.54 (50) The sales price from the sale of and the storage, use, or other  
9 consumption of digital audiovisual works that are transferred electronically to the  
10 purchaser, if the sale of and the storage, use, or other consumption of such works sold  
11 in a tangible form are exempt from taxation under this subchapter.

12 **SECTION 262.** 77.54 (51) of the statutes is created to read:

*INSERT  
92-11*

13 77.54 (51) The sales price from the sales of and the storage, use, or other  
14 consumption of products sold in a transaction that would be a bundled transaction,  
15 except that it contains taxable and nontaxable products as described in s. 77.51 (1f)  
16 (d), and except that the first person combining the products shall pay the tax imposed  
17 under this subchapter on the person's purchase price of the taxable items.

18 **SECTION 263.** 77.54 (52) of the statutes is created to read:

19 77.54 (52) The sales price from the sales of and the storage, use, or other  
20 consumption of products sold in a transaction that would be a bundled transaction,  
21 except that the transaction meets the conditions described in s. 77.51 (1f) (e).

22 **SECTION 264.** 77.54 (54) of the statutes is amended to read:

23 77.54 (54) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
24 or other consumption of tangible personal property, and items, property, and works  
25 under s. 77.52 (1) (b), (c), and (d), and taxable services that are sold by a home

*good*

1 exchange service that receives moneys from the appropriation account under s.  
2 20.485 (1) (g) and is operated by the department of veterans affairs.

3 **SECTION 265.** 77.54 (56) of the statutes, as created by 2007 Wisconsin Act 20,  
4 is amended to read:

5 77.54 (56) (a) The gross receipts sales price from the sale of and the storage,  
6 use, or other consumption of a product whose power source is wind energy, direct  
7 radiant energy received from the sun, or gas generated from anaerobic digestion of  
8 animal manure and other agricultural waste, if the product produces at least 200  
9 watts of alternating current or 600 British thermal units per day, except that the  
10 exemption under this subsection does not apply to an uninterruptible power source  
11 that is designed primarily for computers.

12 (b) Except for the sale of electricity or energy that is exempt from taxation  
13 under sub. (30), the gross receipts sales price from the sale of and the storage, use,  
14 or other consumption of electricity or energy produced by a product described under  
15 par. (a).

16 **SECTION 266.** 77.55 (1) (intro.) of the statutes is amended to read:

17 77.55 (1) (intro.) There ~~are~~ is exempted from the computation of the amount  
18 of the sales tax the gross receipts sales price from the sale of any tangible personal  
19 property, or items, property, or works under s. 77.52 (1) (b), (c), and (d), or services  
20 to:  
*goods*

21 **SECTION 267.** 77.55 (2) of the statutes is amended to read:

22 77.55 (2) There ~~are~~ is exempted from the computation of the amount of the sales  
23 tax the gross receipts sales price from sales of tangible personal property, and items,  
24 property, and works under s. 77.52 (1) (b), (c), and (d), to a common or contract carrier,  
25 shipped by the seller via the purchasing carrier under a bill of lading whether the  
*goods*

1 freight is paid in advance, or the shipment is made freight charges collect, to a point  
2 outside this state and the property, item, or work is actually transported to the *good*  
3 out-of-state destination for use by the carrier in the conduct of its business as a  
4 carrier.

5 **SECTION 268.** 77.55 (2m) of the statutes is amended to read:

6 77.55 (2m) There are is exempted from the computation of the amount of sales  
7 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or  
8 contract carrier, shipped wholly or in part by way of the purchasing carrier under a  
9 bill of lading, whether the freight is paid in advance or the shipment is made freight  
10 charges collect, to a point outside this state if the property is transported to the  
11 out-of-state destination for use by the carrier in the conduct of its business as a  
12 carrier. Interruption of the shipment for storage, drying, processing or creosoting of  
13 the railroad crossties in this state does not invalidate the exemption under this  
14 subsection. *good*

15 **SECTION 269.** 77.55 (3) of the statutes is amended to read:

16 77.55 (3) There are is exempted from the computation of the amount of the sales  
17 tax the ~~gross receipts~~ sales price from sales of tangible personal property, and items,  
18 property, and works under s. 77.52 (1) (b), (c), and (d), purchased for use solely outside  
19 this state and delivered to a forwarding agent, export packer, or other person  
20 engaged in the business of preparing goods for export or arranging for their  
21 exportation, and actually delivered to a port outside the continental limits of the  
22 United States prior to making any use thereof.

23 **SECTION 270.** 77.56 (1) of the statutes is amended to read:

24 77.56 (1) The storage, use or other consumption in this state of property,  
25 including items, property, and works under s. 77.52 (1) (b), (c), and (d), the gross  
*good*

1 receipts sales price from the sale of which are is reported to the department in the  
2 measure of the sales tax, is exempted from the use tax.

3 SECTION 271. 77.57 of the statutes is amended to read:

4 77.57 **Liability of purchaser.** If a purchaser certifies in writing to a seller  
5 that the tangible personal property or items, property, or works under s. 77.52 (1) (b),  
6 (c), or (d) purchased will be used in a manner or for a purpose entitling the seller to  
7 regard the ~~gross receipts~~ sales price from the sale as exempted by this subchapter  
8 from the computation of the amount of the sales tax and uses the property or items,  
9 property, or works under s. 77.52 (1) (b), (c), or (d) in some other manner or for some  
10 other purpose, the purchaser is liable for payment of the sales tax. The tax shall be  
11 measured by the sales price of the property or items, property, or works under s. 77.52  
12 (1) (b), (c), or (d) to the purchaser, but if the ~~taxable use first occurs more than 6~~  
13 ~~months after the sale to the purchaser, the purchaser may use as the measure of the~~  
14 ~~tax either that sales price or the fair market value of the property at the time the~~  
15 ~~taxable use first occurs.~~

16 SECTION 272. 77.58 (3) (a) of the statutes is amended to read:

17 77.58 (3) (a) For purposes of the sales tax a return shall be filed by every seller.  
18 For purposes of the use tax a return shall be filed by every retailer engaged in  
19 business in this state and by every person purchasing tangible personal property, or  
20 items, property, or works under s. 77.52 (1) (b), (c), or (d), or services, the storage, use,  
21 or other consumption of which is subject to the use tax, who has not paid the use tax  
22 due to a retailer required to collect the tax. If a qualified subchapter S subsidiary  
23 is not regarded as a separate entity under ch. 71, the owner of that subsidiary shall  
24 include the information for that subsidiary on the owner's return. Returns shall be  
25 signed by the person required to file the return or by a duly authorized agent but need

1 not be verified by oath. If a single-owner entity is disregarded as a separate entity  
2 under ch. 71, the owner shall include the information from the entity on the owner's  
3 return.

4 **SECTION 273.** 77.58 (3) (b) of the statutes is amended to read:

5 77.58 (3) (b) ~~For purposes of the sales tax the return shall show the gross~~  
6 ~~receipts of the seller during the preceding reporting period. For purposes of the use~~  
7 ~~tax, in case of a return filed by a retailer, the return shall show the total sales price~~  
8 ~~of the property or taxable services sold, the storage, use or consumption of which~~  
9 ~~became subject to the use tax during the preceding reporting period. In case of a sales~~  
10 ~~or use tax return filed by a purchaser, the return shall show the total sales price of~~  
11 ~~the property and taxable services purchased, the storage, use or consumption of~~  
12 ~~which became subject to the use tax during the preceding reporting period. The~~  
13 ~~return shall also show the amount of the taxes for the period covered by the return~~  
14 ~~and such other information as the department deems necessary for the proper~~  
15 ~~administration of this subchapter.~~

16 **SECTION 274.** 77.58 (6) of the statutes is amended to read:

17 77.58 (6) For the purposes of the sales tax gross receipts, the sales price from  
18 rentals or leases of tangible personal property or items, property, or works under s.  
19 77.52 (1) (b), (c), or (d) shall be reported and the tax paid in accordance with such rules  
20 as the department prescribes.

21 **SECTION 275.** 77.58 (6m) of the statutes is created to read:

22 77.58 (6m) (a) The department may, in cases where it is satisfied that an undue  
23 hardship would otherwise result, permit the reporting of a sales price or purchase  
24 price on some basis other than the accrual basis.

1 (b) The entire sales price of credit transactions shall be reported in the period  
2 in which the sale is made without reduction in the amount of tax payable by the  
3 retailer by reason of the retailer's transfer at a discount of any open account, note,  
4 conditional sales contract, lease contract, or other evidence of indebtedness.

5 **SECTION 276.** 77.58 (9a) of the statutes is created to read:

6 **77.58 (9a)** In addition to filing a return as provided in this section, a person  
7 described under s. 77.524 (3), (4), or (5) shall provide to the department any  
8 information that the department considers necessary for the administration of this  
9 subchapter, in the manner prescribed by the department, except that the  
10 department may not require that the person provide such information to the  
11 department more than once every 180 days.

12 **SECTION 277.** 77.585 of the statutes is created to read:

13 **77.585 Return adjustments.** (1) (a) In this subsection, "bad debt" means the  
14 portion of the sales price or purchase price that the seller has reported as taxable  
15 under this subchapter and that the seller may claim as a deduction under section 166  
16 of the Internal Revenue Code. "Bad debt" does not include financing charges or  
17 interest, sales or use taxes imposed on the sales price or purchase price, uncollectible  
18 amounts on tangible personal property or items, property, or works under s. 77.52 *goods*  
19 (1) (b), (c), or (d) that remain in the seller's possession until the full sales price or  
20 purchase price is paid, expenses incurred in attempting to collect any debt, debts sold  
21 or assigned to 3rd parties for collection, and repossessed property or items.

22 (b) A seller may claim as a deduction on a return under s. 77.58 the amount of  
23 any bad debt that the seller writes off as uncollectible in the seller's books and records  
24 and that is eligible to be deducted as a bad debt for federal income tax purposes,  
25 regardless of whether the seller is required to file a federal income tax return. A

1 seller who claims a deduction under this paragraph shall claim the deduction on the  
2 return under s. 77.58 that is submitted for the period in which the seller writes off  
3 the amount of the deduction as uncollectible in the seller's books and records and in  
4 which such amount is eligible to be deducted as bad debt for federal income tax  
5 purposes. If the seller subsequently collects in whole or in part any bad debt for  
6 which a deduction is claimed under this paragraph, the seller shall include the  
7 amount collected in the return filed for the period in which the amount is collected  
8 and shall pay the tax with the return.

9 *goods* (c) For purposes of computing a bad debt deduction or reporting a payment  
10 received on a previously claimed bad debt, any payment made on a debt or on an  
11 account is applied first to the price of the tangible personal property, or items,  
12 property, or *works* under s. 77.52 (1) (b), (c), or (d), or service sold, and the  
13 proportionate share of the sales tax on that property, or items, property, or *goods*  
14 under s. 77.52 (1) (b), (c), or (d), or service, and then to interest, service charges, and  
15 other charges related to the sale.

16 (d) A seller may obtain a refund of the tax collected on any bad debt amount  
17 deducted under par. (b) that exceeds the amount of the seller's taxable sales as  
18 provided under s. 77.59 (4), except that the period for making a claim as determined  
19 under s. 77.59 (4) begins on the date on which the return on which the bad debt could  
20 be claimed would have been required to be submitted to the department under s.  
21 77.58.

22 (e) If a seller is using a certified service provider, the certified service provider  
23 may claim a bad debt deduction under this subsection on the seller's behalf if the  
24 seller has not claimed and will not claim the same deduction. A certified service  
25 provider who receives a bad debt deduction under this subsection shall credit that

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1 deduction to the seller and a certified service provider who receives a refund under  
2 this subsection shall submit that refund to the seller.

3 (f) If a bad debt relates to the retail sales of tangible personal property, or items,  
4 property, or *works* under s. 77.52 (1) (b), (c), or (d), or taxable services that occurred  
5 in this state and in one or more other states, as determined under s. 77.522, the total  
6 amount of such bad debt shall be apportioned among the states in which the  
7 underlying sales occurred in a manner prescribed by the department to arrive at the  
8 amount of the deduction under par. (b).

9 (2) If a lessor of tangible personal property or items, property, or *works* under  
10 s. 77.52 (1) (b), (c), or (d) has reimbursed the vendor for the sales tax on the sale of  
11 the property, items, or *works* by the vendor to the lessor, the tax due from the lessor  
12 on the rental receipts may be offset by a credit equal to the tax otherwise due on the  
13 rental receipts from the property, items, or *works* for the reporting period. The credit  
14 shall expire when the cumulative rental receipts equal the sales price upon which  
15 the vendor paid sales taxes to this state. *goods*

16 (3) If a purchaser of tangible personal property or items, property, or *works*  
17 under s. 77.52 (1) (b), (c), or (d) has reimbursed the vendor of the property, items, or  
18 *works* for the sales tax on the sale and subsequently, before making any use of the  
19 property, items, or *works* other than retention, demonstration, or display while  
20 holding it for sale or rental, makes a taxable sale of the property, items, or *works* the  
21 tax due on the taxable sale may be offset by the tax reimbursed. *goods*

22 (4) A seller may claim a deduction on any part of the sales price or purchase  
23 price that the seller refunds in cash or credit as a result of returned tangible personal  
24 property or items, property, or *works* under s. 77.52 (1) (b), (c), or (d) or adjustments  
25 in the sales price or purchase price after the sale has been completed, if the seller has  
*goods*

1 included the refunded price in a prior return made by the seller and has paid the tax  
2 on such price, and if the seller has returned to the purchaser in cash or in credit all  
3 tax previously paid by the purchaser on the amount of the refund at the time of the  
4 purchase. A deduction under this subsection shall be claimed on the return for the  
5 period in which the refund is paid.

6 (5) No reduction in the amount of tax payable by the retailer is allowable in the  
7 event that tangible personal property or items, property, or ~~works~~ under s. 77.52 (1)  
8 (b), (c), or (d) sold on credit are repossessed except where the entire consideration  
9 paid by the purchaser is refunded to the purchaser or where a credit for a worthless  
10 account is allowable under sub. (1).

11 (6) A purchaser who is subject to the use tax on the storage, use, or other  
12 consumption of fuel may claim a deduction from the purchase price that is subject  
13 to the use tax for fuel taxes refunded by this state or the United States to the  
14 purchaser that is included in the purchase price of the fuel.

15 (7) For sales tax purposes, if a retailer establishes to the department's  
16 satisfaction that the sales tax has been added to the total amount of the sales price  
17 and has not been absorbed by the retailer, the total amount of the sales price shall  
18 be the amount received exclusive of the sales tax imposed.

19 (8) A sale or purchase involving transfer of ownership of tangible personal  
20 property or items, property, or ~~works~~ under s. 77.52 (1) (b), (c), or (d) is completed at  
21 the time when possession is transferred by the seller or the seller's agent to the  
22 purchaser or the purchaser's agent, except that for purposes of sub. (1) a common  
23 carrier or the U.S. postal service shall be considered the agent of the seller, regardless  
24 of any f.o.b. point and regardless of the method by which freight or postage is paid.

25 **SECTION 278.** 77.59 (2m) of the statutes is created to read:

1           77.59 (2m) The department may audit, or may authorize others to audit, sellers  
2 and certified service providers who are registered with the department pursuant to  
3 the agreement, as defined in s. 77.65 (2) (a).

4           **SECTION 279.** 77.59 (5m) of the statutes is amended to read:

5           77.59 (5m) A seller who receives a refund under sub. (4) (a) or (b) of taxes that  
6 the seller has collected from buyers, who collects amounts as taxes erroneously from  
7 buyers, but who does not remit such amounts to the state, or who is entitled to a  
8 refund under sub. (4) (a) or (b) that is offset under sub. (5), shall submit the taxes and  
9 related interest to the buyers from whom the taxes were collected, or to the  
10 department if the seller cannot locate the buyers, within 90 days after the date of the  
11 refund, after the date of the offset, or after discovering that the seller has collected  
12 taxes erroneously from the buyers. If the seller does not submit the taxes and related  
13 interest to the department or the buyers within that period, the seller shall submit  
14 to the department any part of a refund or taxes that the seller does not submit to a  
15 buyer or to the department along with a penalty of 25% of the amount not submitted  
16 or, in the case of fraud, a penalty equal to the amount not submitted. A person who  
17 collects amounts as taxes erroneously from buyers for a real property construction  
18 activity or nontaxable service may reduce the taxes and interest that he or she is  
19 required to submit to the buyer or to the department under this subsection for that  
20 activity or service by the amount of tax and interest subsequently due and paid on  
21 the sale of or the storage, use, or other consumption of tangible personal property, or  
22 items, property, or works under s. 77.52 (1) (b), (c), or (d) that is are used by the person  
23 in that activity or service and transferred to the buyer.

24           **SECTION 280.** 77.59 (9) of the statutes is amended to read:

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1           77.59 (9) If any person fails to file a return, the department shall make an  
2 estimate of the amount of the ~~gross receipts~~ sales price of the ~~person~~ person's sales,  
3 or, as the case may be, of the amount of the total sales purchase price of tangible  
4 personal property, or items, property, or works under s. 77.52 (1) (b), (c), or (d), or *goods*  
5 taxable service sold or purchased by the person, the sale by or the storage, use, or  
6 other consumption of which in this state is subject to sales or use tax. The estimate  
7 shall be made for the period in respect to which the person failed to make a return  
8 and shall be based upon any information which is in the department's possession or  
9 may come into its possession. Upon the basis of this estimate the department shall  
10 compute and determine the amount required to be paid to the state, adding to the  
11 sum thus arrived at a penalty equal to 25% thereof. One or more such determinations  
12 may be made for one or for more than one period. When a business is discontinued  
13 a determination may be made at any time thereafter, within the periods specified in  
14 sub. (3), as to liability arising out of that business.

15           **SECTION 281.** 77.59 (9n) of the statutes is created to read:

16           77.59 (9n) (a) Notwithstanding s. 73.03 (47), and except as provided in par. (b),  
17 no seller or certified service provider is liable for tax, interest, or penalties imposed  
18 on a transaction under this subchapter if the seller or certified service provider  
19 charged and collected the incorrect amount of the sales or use tax as a result of  
20 relying on erroneous data provided in the databases under s. 73.03 (61) (e) and (f).

21           (b) Notwithstanding s. 73.03 (47), no seller or certified service provider is liable  
22 for the tax, interest, or penalties imposed on a transaction under this subchapter if  
23 the seller or certified service provider failed to collect the sales and use taxes due on  
24 an item or transaction because the seller or certified service provider relied on the  
25 certification under s. 73.03 (61) (b). This paragraph does not apply to a seller or

1 certified service provider who has incorrectly classified an item or transaction into  
2 a specific product category, unless such classification was approved by the states that  
3 are signatories to the agreement, as defined in s. 77.65 (2) (a). If the state determines  
4 that it has incorrectly classified an item or transaction, sellers and certified service  
5 providers that do not revise the classification of the item or transaction within 10  
6 days after receiving notice from the department that an item or transaction was  
7 incorrectly classified are liable for the tax, interest, or penalties imposed on the item  
8 or transaction for the incorrect classification after the 10-day period.

9 (c) A purchaser is not liable for the tax, interest, or penalties imposed on a  
10 transaction under this subchapter if the seller or certified service provider from  
11 whom the purchaser made the purchase relied on erroneous data provided in the  
12 databases under s. 73.03 (61) (e) and (f) or if the purchaser relied on erroneous data  
13 provided in the databases under s. 73.03 (61) (e) and (f). With respect to reliance on  
14 the database provided under s. 73.03 (61) (e), the relief provided under this  
15 paragraph is limited to the erroneous classification in the database of terms defined  
16 in this subchapter and specifically identified in the database as being "taxable,"  
17 "exempt," "included in sales price" or "excluded from sales price," or "included in the  
18 definition" or "excluded from the definition."

19 **SECTION 282.** 77.59 (9p) (b) of the statutes is created to read:

20 77.59 (9p) (b) If a customer purchases a service that is not subject to 4 USC 116  
21 to 126, as amended by P.L. 106-252, tangible personal property, or items, property,  
22 or works under s. 77.52 (1) (b), (c), or (d), and if the customer believes that the amount  
23 of the tax assessed for the sale of the service, property, items, or works under this  
24 subchapter is erroneous, the customer may request that the seller correct the alleged  
25 error by sending a written notice to the seller. The notice shall include a description

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1 of the alleged error and any other information that the seller reasonably requires to  
2 process the request. Within 60 days from the date that a seller receives a request  
3 under this paragraph, the seller shall review its records to determine the validity of  
4 the customer's claim. If the review indicates that there is no error as alleged, the  
5 seller shall explain the findings of the review in writing to the customer. If the review  
6 indicates that there is an error as alleged, the seller shall correct the error and shall  
7 refund the amount of any tax collected erroneously, along with the related interest,  
8 as a result of the error from the customer, consistent with s. 77.59 (4). A customer  
9 may take no other action against the seller, or commence any action against the  
10 seller, to correct an alleged error in the amount of the tax assessed under this  
11 subchapter on a service that is not subject to 4 USC 116 to 126, as amended by P.L.  
12 106-252, tangible personal property, or items, property, or ~~works~~ under s. 77.52 (1)  
13 (b), (c), or (d) unless the customer has exhausted his or her remedies under this  
14 paragraph.

15 **SECTION 283.** 77.59 (9r) of the statutes is created to read:

16 77.59 (9r) With regard to a purchaser's request for a refund under this section,  
17 a seller is presumed to have reasonable business practices if the seller uses a certified  
18 service provider, a certified automated system, as defined in s. 77.524 (1) (am), or a  
19 proprietary system certified by the department to collect the taxes imposed under  
20 this subchapter and if the seller has remitted to the department all taxes collected  
21 under this subchapter, less any deductions, credits, or allowances.

22 **SECTION 284.** 77.60 (13) of the statutes is created to read:

23 77.60 (13) A person who uses any of the following documents in a manner that  
24 is prohibited by or inconsistent with this subchapter, or provides incorrect  
25 information to a seller or certified service provider related to the use of such

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1 documents or regarding an exemption to the taxes imposed under this subchapter,  
2 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or  
3 inconsistent use or incorrect information:

4 (a) An exemption certificate described under ss. 77.52 (13) and 77.53 (10).

5 (b) A direct pay permit under s. 77.52 (17m).

6 (c) An exemption certificate claiming direct mail.

7 **SECTION 285.** 77.61 (1) (b) of the statutes is amended to read:

8 77.61 (1) (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles,  
9 recreational vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain  
10 vehicles, or aircraft purchased from a ~~licensed Wisconsin motor vehicle dealer~~  
11 ~~retailer~~, the registrant shall present proof that the tax has been paid to such dealer  
12 retailer.

13 **SECTION 286.** 77.61 (1) (c) of the statutes is amended to read:

14 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational  
15 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles, or  
16 aircraft registered or titled, or required to be registered or titled, in this state  
17 purchased from persons who are not ~~Wisconsin boat, trailer, or semitrailer dealers,~~  
18 ~~licensed Wisconsin aircraft, motor vehicle, or recreational vehicle, as defined in s.~~  
19 ~~340.01 (48r), dealers or registered Wisconsin snowmobile or all-terrain vehicle~~  
20 ~~dealers~~ retailers, the purchaser shall file a sales tax return and pay the tax prior to  
21 registering or titling the motor vehicle, boat, snowmobile, recreational vehicle, as  
22 defined in s. 340.01 (48r), semitrailer, all-terrain vehicle, or aircraft in this state.

23 **SECTION 287.** 77.61 (2) of the statutes is renumbered 77.61 (2) (intro.) and  
24 amended to read:

25 77.61 (2) (intro.) In order to protect the revenue of the state:

1           (a) Except as provided in par. (b), the department may require any person who  
2 is or will be liable to it for the tax imposed by this subchapter to place with it, before  
3 or after a permit is issued, the security, not in excess of \$15,000, that the department  
4 determines. In determining the amount of security to require under this subsection,  
5 the department may consider the person's payment of other taxes administered by  
6 the department and any other relevant facts. If any taxpayer fails or refuses to place  
7 that security, the department may refuse or revoke the permit. If any taxpayer is  
8 delinquent in the payment of the taxes imposed by this subchapter, the department  
9 may, upon 10 days' notice, recover the taxes, interest, costs and penalties from the  
10 security placed with the department by the taxpayer in the following order: costs,  
11 penalties, delinquent interest, delinquent tax. No interest may be paid or allowed  
12 by the state to any person for the deposit of security. Any security deposited under  
13 this subsection shall be returned to the taxpayer if the taxpayer has, for 24  
14 consecutive months, complied with all the requirements of this subchapter.

15           **SECTION 288.** 77.61 (2) (b) of the statutes is created to read:

16           77.61 (2) (b) A certified service provider who has contracted with a seller, and  
17 filed an application, to collect and remit sales and use taxes imposed under this  
18 subchapter on behalf of the seller shall submit a surety bond to the department to  
19 guarantee the payment of sales and use taxes, including any penalty and interest on  
20 such payment. The department shall approve the form and contents of a bond  
21 submitted under this paragraph and shall determine the amount of such bond. The  
22 surety bond shall be submitted to the department within 60 days after the date on  
23 which the department notifies the certified service provider that the certified service  
24 provider is registered to collect sales and use taxes imposed under this subchapter.  
25 If the department determines, with regards to any one certified service provider, that

1 no bond is necessary to protect the tax revenues of this state, the secretary of revenue  
2 or the secretary's designee may waive the requirements under this paragraph with  
3 regard to that certified service provider. Any bond submitted under this paragraph  
4 shall remain in force until the secretary of revenue or the secretary's designee  
5 releases the liability under the bond.

6 **SECTION 289.** 77.61 (3) of the statutes is repealed.

7 **SECTION 290.** 77.61 (3m) of the statutes is created to read:

8 77.61 (3m) A retailer shall use a straight mathematical computation to  
9 determine the amount of the tax that the retailer may collect from the retailer's  
10 customers. The retailer shall calculate the tax amount by combining the applicable  
11 tax rates under this subchapter and subch. V and multiplying the combined tax rate  
12 by the sales price or purchase price of each item or invoice, as appropriate. The  
13 retailer shall calculate the tax amount to the 3rd decimal place, disregard tax  
14 amounts of less than 0.5 cent, and consider tax amounts of at least 0.5 cent but less  
15 than 1 cent to be an additional cent. The use of a straight mathematical computation,  
16 as provided in this subsection, shall not relieve the retailer from liability for payment  
17 of the full amount of the tax levied under this subchapter.

18 **SECTION 291.** 77.61 (4) (a) of the statutes is amended to read:

19 *good* 77.61 (4) (a) Every seller and retailer and every person storing, using or  
20 otherwise consuming in this state tangible personal property, or items, property, or  
21 works under s. 77.52 (1) (b), (c), or (d), or taxable services purchased from a retailer  
22 shall keep such records, receipts, invoices, and other pertinent papers and records,  
23 including machine-readable records, in such form as the department requires. The  
24 department may, after giving notice, require any person to keep whatever records are  
25 needed for the department to compute the sales or use taxes the person should pay.

1 Thereafter, the department shall add to any taxes assessed on the basis of  
2 information not contained in the records required a penalty of 25% of the amount of  
3 the tax so assessed in addition to all other penalties under this chapter.

4 **SECTION 292.** 77.61 (4) (c) of the statutes is amended to read:

5 77.61 (4) (c) For reporting the sales tax and collecting and reporting the use tax  
6 imposed on the retailer under s. 77.53 (3) and the accounting connected with it,  
7 retailers, not including certified service providers that receive compensation under  
8 s. 73.03 (61) (h), may deduct 0.5% of those taxes payable or \$10 for that reporting  
9 period required under s. 77.58 (1), whichever is greater, but not more than the  
10 amount of the sales taxes or use taxes that is payable under ss. 77.52 (1) and 77.53  
11 (3) for that reporting period required under s. 77.58 (1), as administration expenses  
12 if the payment of the taxes is not delinquent. For purposes of calculating the  
13 retailer's discount under this paragraph, the taxes on retail sales reported by  
14 retailers under subch. V, including taxes collected and remitted as required under  
15 s. 77.785, shall be included if the payment of those taxes is not delinquent.

16 **SECTION 293.** 77.61 (5m) of the statutes is created to read:

17 77.61 (5m) (a) In this subsection, "personally identifiable information" means  
18 any information that identifies a person.

19 (b) A certified service provider may use personally identifiable information as  
20 necessary only for the administration of its system to perform a seller's sales and use  
21 tax functions and shall provide consumers clear and conspicuous notice of its practice  
22 regarding such information, including what information it collects, how it collects  
23 the information, how it uses the information, how long, if at all, it retains the  
24 information, and under what circumstances it discloses the information to states  
25 participating in the agreement, as defined in 77.65 (2) (a).

1 (c) A certified service provider may collect, use, and retain personally  
2 identifiable information only to verify exemption claims, to document the correct  
3 assignment of taxing jurisdictions, to investigate fraud, and to ensure its system's  
4 reliability.

5 (d) A certified service provider shall provide sufficient technical, physical, and  
6 administrative safeguards to protect personally identifiable information from  
7 unauthorized access and disclosure.

8 (e) For purposes of this subchapter, the state shall provide to consumers public  
9 notice of the state's practices related to collecting, using, and retaining personally  
10 identifiable information.

11 (f) The state shall not retain personally identifiable information obtained for  
12 purposes of administering this subchapter unless the state is otherwise required to  
13 retain the information by law or as provided under the agreement, as defined in s.  
14 77.65 (2) (a).

15 (g) For purposes of this subchapter, the state shall provide an individual  
16 reasonable access to that individual's personally identifiable information and the  
17 right to correct any inaccurately recorded information.

18 (h) If any person, other than another state that is a signatory to the agreement,  
19 as defined in s. 77.65 (2) (a), or a person authorized under state law to access the  
20 information, requests access to an individual's personally identifiable information,  
21 the state shall make a reasonable and timely effort to notify the individual of the  
22 request.

23 **SECTION 294.** 77.61 (11) of the statutes is amended to read:

24 77.61 (11) Any city, village or town clerk or other official whose duty it is to issue  
25 licenses or permits to engage in a business involving the sale at retail of tangible

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1 personal property or items, property, or works under s. 77.52 (1) (b), (c), or (d) subject  
 2 to tax under this subchapter, or the furnishing of services so subject to tax, shall,  
 3 before issuing such license or permit, require proof that the person to whom such  
 4 license or permit is to be issued is the holder of a seller's permit as required by or is  
 5 registered to collect, report, and remit use tax under this subchapter or has been  
 6 informed by an employee of the department that the department will issue a seller's  
 7 permit to that person or register that person to collect, report, and remit use tax.

**SECTION 295.** 77.61 (16) of the statutes is created to read:

9 77.61 (16) Any person who remits taxes and files returns under this subchapter  
 10 may designate an agent, as defined in s. 77.524 (1) (ag), to remit such taxes and file  
 11 such returns with the department in a manner prescribed by the department.

**SECTION 296.** 77.61 (17) of the statutes is created to read:

13 77.61 (17) With regard to services subject to the tax under s. 77.52 (2) or the  
 14 lease, rental, or license of tangible personal property and property, items, and works  
 15 specified under s. 77.52 (1) (b), (c), and (d), an increase in the tax rate applies to the  
 16 first billing period beginning on or after the rate increase's effective date and a  
 17 decrease in the tax rate applies to bills that are rendered on or after the rate  
 18 decrease's effective date.

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**SECTION 297.** 77.61 (18) of the statutes is created to read:

20 77.61 (18) The department shall notify sellers with respect to any change in  
 21 the rate of the taxes imposed under this subchapter at least 30 days prior to the  
 22 change's effective date and any such change shall take effect on January 1, April 1,  
 23 July 1, or October 1.

**SECTION 298.** 77.63 of the statutes is repealed and recreated to read: