SECTION 82. 77.53 (11) of the statutes is amended to read:

77.53 **(11)** The certificate referred to in sub. (10) relieves the person selling the property or service from the burden of proof only if taken ~~in good faith~~ from a person ~~who is engaged as a seller of tangible personal property or taxable services and who holds the permit provided for by s. 77.52 (9) and who,~~ at the time ~~of purchasing~~ that the person purchases the tangible personal property or taxable service~~, intends to sell it in the regular course of operations or is unable to ascertain at the time of purchase whether the property or service will be sold or will be used for some other purpose, or if taken in good faith from a person claiming exemption~~. The certificate under sub. (10) shall not relieve the seller of the burden of proof if the sale is sourced to this state under s. 77.522 (1) (b) 1. and the claimed exemption is not provided for under this subchapter or if the seller fraudulently fails to collect sales tax or solicit the purchaser to claim an unlawful exemption. The certificate shall ~~be signed by and bear the name and address of~~ provide information that identifies the purchaser and shall indicate ~~the number of the permit issued to the purchaser, the general character of tangible personal property or taxable service sold by the purchaser and~~ the basis for the claimed exemption and a paper certificate shall be signed by the purchaser. The certificate shall be substantially in the form that the department prescribes by rule.

SECTION 83. 77.53 (16) of the statutes is amended to read:

77.53 **(16)** If the purchase, rental or lease of tangible personal property or service subject to the tax imposed by this section was subject to a sales tax by another state in which the purchase was made, the amount of sales tax paid the other state shall be applied as a credit against and deducted from the tax, to the extent thereof, imposed by this section, except no credit may be applied against and deducted from

a sales tax paid on the purchase of direct mail, if the direct mail purchaser did not provide to the seller a direct pay permit, a direct mail form, or other information that indicates the appropriate taxing jurisdiction to which the direct mail is delivered to the ultimate recipients. In this subsection "sales tax" includes a use or excise tax imposed on the use of tangible personal property or taxable service by the state in which the sale occurred and "state" includes the District of Columbia but does not include the commonwealth of Puerto Rico or the several territories organized by congress.

SECTION 84. 77.53 (17) of the statutes is amended to read:

77.53 **(17)** This section does not apply to tangible personal property purchased outside this state, as determined under s. 77.522, other than motor vehicles, boats, snowmobiles, mobile homes not exceeding 45 feet in length, trailers, semitrailers, all–terrain vehicles and airplanes registered or titled or required to be registered or titled in this state, which is brought into this state by a nondomiciliary for the person's own storage, use or other consumption while temporarily within this state when such property is not stored, used or otherwise consumed in this state in the conduct of a trade, occupation, business or profession or in the performance of personal services for wages or fees.

SECTION 85. 77.53 (17m) of the statutes is amended to read:

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

SECTION 86. 77.53 (17r) (a) of the statutes is amended to read:

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

SECTION 87. 77.53 (18) of the statutes is amended to read:

77.53 **(18)** This section does not apply to the storage, use or other consumption in this state of household goods for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile homes, trailers, semitrailers and all–terrain vehicles, for personal use, purchased by a nondomiciliary of this state outside this state, as determined under s. 77.522, 90 days or more before bringing the goods or property into this state in connection with a change of domicile to this state.

SECTION 88. 77.54 (1) of the statutes is amended to read:

77.54 **(1)** The ~~gross receipts~~ sales price from the sale of and the storage, use or other consumption in this state of tangible personal property and services the ~~gross receipts~~ sales price from the sale of which, or the storage, use or other consumption of which, this state is prohibited from taxing under the constitution or laws of the United States or under the constitution of this state.

SECTION 89. 77.54 (2) of the statutes is amended to read:

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

SECTION 90. 77.54 (2m) of the statutes is amended to read:

77.54 **(2m)** The ~~gross receipts~~ sales price from the sales of and the storage, use or other consumption of tangible personal property or services that become an ingredient or component of shoppers guides, newspapers or periodicals or that are consumed or lose their identity in the manufacture of shoppers guides, newspapers

or periodicals, whether or not the shoppers guides, newspapers or periodicals are transferred without charge to the recipient. In this subsection, "shoppers guides", "newspapers" and "periodicals" have the meanings under sub. (15). The exemption under this subdivision does not apply to advertising supplements that are not newspapers.

SECTION 91. 77.54 (3) (a) of the statutes is amended to read:

77.54 **(3)** (a) The ~~gross receipts~~ sales price from the sales of and the storage, use or other consumption of tractors and machines, including accessories, attachments and parts therefor, used exclusively and directly in the business of farming, including dairy farming, agriculture, horticulture, floriculture and custom farming services, but excluding automobiles, trucks, and other motor vehicles for highway use; excluding personal property that is attached to, fastened to, connected to or built into real property or that becomes an addition to, component of or capital improvement of real property and excluding tangible personal property used or consumed in the erection of buildings or in the alteration, repair or improvement of real property, regardless of any contribution that ~~that~~ the personal property makes to the production process in that building or real property and regardless of the extent to which that personal property functions as a machine.

SECTION 92. 77.54 (3m) (intro.) of the statutes is amended to read:

77.54 **(3m)** (intro.) The ~~gross receipts~~ sales price from the sale of and the storage, use or other consumption of the following items if they are used exclusively by the purchaser or user in the business of farming; including dairy farming, agriculture, horticulture, floriculture and custom farming services:

SECTION 93. 77.54 (4) of the statutes is amended to read:

77.54 **(4)** ~~Gross receipts~~ The sales price from the sale of tangible personal property, and the storage, use or other consumption in this state of tangible personal property which is the subject of any such sale, by any elementary school or secondary school, exempted as such from payment of income or franchise tax under ch. 71, whether public or private.

SECTION 94. 77.54 (5) (intro.) of the statutes is amended to read:

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

SECTION 95. 77.54 (6) (intro.) of the statutes is amended to read:

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

SECTION 96. 77.54 (8) of the statutes is amended to read:

77.54 **(8)** Charges for ~~interest, financing or~~ insurance where such charges are separately set forth upon the invoice given by the seller to the purchaser.

SECTION 97. 77.54 (9) of the statutes is amended to read:

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

SECTION 98. 77.54 (9a) (intro.) of the statutes is amended to read:

77.54 **(9a)** (intro.) The ~~gross receipts~~ sales price from sales to, and the storage by, use by or other consumption of tangible personal property and taxable services by:

SECTION 99. 77.54 (10) of the statutes is amended to read:

77.54 **(10)** The ~~gross receipts~~ sales price from the sale of all admission fees, admission stickers or camping fees under s. 27.01 (7) to (11) and all admission fees

to any museum operated by a nonprofit corporation under a lease agreement with the state historical society.

SECTION 100. 77.54 (11) of the statutes is amended to read:

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

SECTION 101. 77.54 (12) of the statutes is amended to read:

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

SECTION 102. 77.54 (13) of the statutes is amended to read:

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

SECTION 103. 77.54 (14) (intro.) of the statutes is amended to read:

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

SECTION 104. 77.54 (14) (a) of the statutes is amended to read:

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

SECTION 105. 77.54 (14) (b) of the statutes is amended to read:

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

SECTION 106. 77.54 (14) (f) of the statutes is amended to read:

77.54 **(14)** (f) Furnished without charge to a physician, surgeon, nurse anesthetist, advanced practice nurse, osteopath, dentist who is licensed under ch. 447, podiatrist who is licensed under ch. 448, or optometrist who is licensed under ch. 449 if the ~~medicine~~ drug may not be dispensed without a prescription.

SECTION 107. 77.54 (14b) of the statutes is created to read:

77.54 **(14b)** The sales price from the sales of and the storage, use, or other consumption of bandages, dressings, syringes, and similar items that are bundled together with drugs that are exempt under sub. (14) for sale by the seller as a single product or piece of merchandise.

SECTION 108. 77.54 (14g) of the statutes is repealed.

SECTION 109. 77.54 (14s) of the statutes is repealed.

SECTION 110. 77.54 (15) of the statutes is amended to read:

77.54 **(15)** The ~~gross receipts~~ sales price from the sale of and the storage, use or other consumption of all newspapers, of periodicals sold by subscription and regularly issued at average intervals not exceeding 3 months, or issued at average intervals not exceeding 6 months by an educational association or corporation sales to which are exempt under sub. (9a) (f), of controlled circulation publications sold to commercial publishers for distribution without charge or mainly without charge or

regularly distributed by or on behalf of publishers without charge or mainly without charge to the recipient and of shoppers guides which distribute no less than 48 issues in a 12–month period. In this subsection, "shoppers guide" means a community publication delivered, or attempted to be delivered, to most of the households in its coverage area without a required subscription fee, which advertises a broad range of products and services offered by several types of businesses and individuals. In this subsection, "controlled circulation publication" means a publication that has at least 24 pages, is issued at regular intervals not exceeding 3 months, that devotes not more than 75% of its pages to advertising and that is not conducted as an auxiliary to, and essentially for the advancement of, the main business or calling of the person that owns and controls it.

SECTION 111. 77.54 (16) of the statutes is amended to read:

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

SECTION 112. 77.54 (17) of the statutes is amended to read:

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

SECTION 113. 77.54 (18) of the statutes is amended to read:

77.54 **(18)** When the sale, lease or rental of a service or property that was previously exempt or not taxable under this subchapter becomes taxable, and the service or property is furnished under a written contract by which the seller is unconditionally obligated to provide the service or property for the amount fixed

under the contract, the seller is exempt from sales or use tax on the ~~gross receipts~~ sales price for services or property provided until the contract is terminated, extended, renewed or modified. However, from the time the service or property becomes taxable until the contract is terminated, extended, renewed or modified the user is subject to use tax, measured by the ~~sales~~ purchase price, on the service or property purchased under the contract.

SECTION 114. 77.54 (20) of the statutes, as affected by 2005 Wisconsin .... (this act), is repealed.

****NOTE: This is reconciled s. 77.54 (20). This SECTION has been affected by LRB–0303/2 and LRB–0404/3.

SECTION 115. 77.54 (20m) of the statutes is repealed.

SECTION 116. 77.54 (20n) of the statutes is created to read:

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

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

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

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

2. A national football league team.

SECTION 117. 77.54 (20r) of the statutes is created to read:

77.54 **(20r)** The sales price from the sales of and the storage, use, or other consumption of candy, soft drinks, dietary supplements, and prepared foods, and disposable products that are transferred with such items, furnished for no consideration by a restaurant to the restaurant's employee during the employee's work hours.

SECTION 118. 77.54 (21) of the statutes is amended to read:

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

SECTION 119. 77.54 (22) of the statutes is repealed.

SECTION 120. 77.54 (22b) of the statutes is created to read:

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

SECTION 121. 77.54 (23m) of the statutes is amended to read:

77.54 **(23m)** The ~~gross receipts~~ sales price from the sale, lease or rental of or the storage, use or other consumption of motion picture film or tape, and advertising materials related thereto, sold, leased or rented to a motion picture theater or radio or television station.

SECTION 122. 77.54 (25) of the statutes is amended to read:

77.54 **(25)** The ~~gross receipts~~ sales price from the sale of and the storage of printed material which is designed to advertise and promote the sale of merchandise, or to advertise the services of individual business firms, which printed material is purchased and stored for the purpose of subsequently transporting it outside the state by the purchaser for use thereafter solely outside the state.

SECTION 123. 77.54 (26) of the statutes is amended to read:

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

SECTION 124. 77.54 (26m) of the statutes is amended to read:

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

SECTION 125. 77.54 (27) of the statutes is amended to read:

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

SECTION 126. 77.54 (28) of the statutes is amended to read:

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

SECTION 127. 77.54 (29) of the statutes is amended to read:

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

SECTION 128. 77.54 (30) (a) (intro.) of the statutes is amended to read:

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

SECTION 129. 77.54 (30) (c) of the statutes is amended to read:

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

SECTION 130. 77.54 (31) of the statutes is amended to read:

77.54 **(31)** The ~~gross receipts~~ sales price from the sale of and the storage, use or other consumption in this state, but not the lease or rental, of used mobile homes that are primary housing units under s. 340.01 (29).

SECTION 131. 77.54 (32) of the statutes is amended to read:

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

SECTION 132. 77.54 (33) of the statutes is amended to read:

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

SECTION 133. 77.54 (34) of the statutes is amended to read:

77.54 **(34)** The ~~gross receipts~~ sales price from the sale of and the storage, use or other consumption of milk house supplies used exclusively in producing and handling milk on dairy farms.

SECTION 134. 77.54 (35) of the statutes is amended to read:

77.54 **(35)** The ~~gross receipts~~ sales price from the sales of tangible personal property, tickets or admissions by any baseball team affiliated with the Wisconsin Department of American Legion baseball.

SECTION 135. 77.54 (36) of the statutes is amended to read:

77.54 **(36)** The ~~gross receipts~~ sales price from the rental for a continuous period of one month or more of a mobile home, as defined in s. 66.0435 (1) (d), that is used as a residence. In this subsection, "one month" means a calendar month or 30 days, whichever is less, counting the first day of the rental and not counting the last day of the rental.

SECTION 136. 77.54 (37) of the statutes is amended to read:

77.54 **(37)** The ~~gross receipts~~ sales price from revenues collected under s. 146.70 (3) and the surcharge established by rule by the public service commission under s. 146.70 (3m) (f) for customers of wireless providers, as defined in s. 146.70 (3m) (a) 6.

SECTION 137. 77.54 (38) of the statutes is amended to read:

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

SECTION 138. 77.54 (39) of the statutes is amended to read:

77.54 **(39)** The ~~gross receipts~~ sales price from the sale of and the storage, use or other consumption of off–highway, heavy mechanical equipment such as feller bunchers, slashers, delimbers, chippers, hydraulic loaders, loaders,

skidder–forwarders, skidders, timber wagons and tractors used exclusively and directly in the harvesting or processing of raw timber products in the field by a person in the logging business. In this subsection, "heavy mechanical equipment" does not include hand tools such as axes, chains, chain saws and wedges.

SECTION 139. 77.54 (40) of the statutes is repealed.

SECTION 140. 77.54 (41) of the statutes is amended to read:

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

SECTION 141. 77.54 (42) of the statutes is amended to read:

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

SECTION 142. 77.54 (43) of the statutes is amended to read:

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

SECTION 143. 77.54 (44) of the statutes is amended to read:

77.54 **(44)** The ~~gross receipts~~ sales price from the collection of public benefits fees that are charged under s. 16.957 (4) (a) or (5) (a).

SECTION 144. 77.54 (45) of the statutes is amended to read:

77.54 **(45)** The ~~gross receipts~~ sales price from the sale of and the use or other consumption of a onetime license or similar right to purchase admission to professional football games at a football stadium, as defined in s. 229.821 (6), that is granted by a municipality; a local professional football stadium district; or a professional football team or related party, as defined in s. 229.821 (12); if the person who buys the license or right is entitled, at the time the license or right is transferred to the person, to purchase admission to at least 3 professional football games in this state during one football season.

SECTION 145. 77.54 (46) of the statutes is amended to read:

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

SECTION 146. 77.54 (46m) of the statutes is amended to read:

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

SECTION 147. 77.55 (1) (intro.) of the statutes is amended to read:

77.55 **(1)** (intro.) There ~~are~~ is exempted from the computation of the amount of the sales tax the ~~gross receipts~~ sales price from the sale of any tangible personal property or services to:

SECTION 148. 77.55 (2) of the statutes is amended to read:

77.55 **(2)** There ~~are~~ is exempted from the computation of the amount of the sales tax the ~~gross receipts~~ sales price from sales of tangible personal property to a common or contract carrier, shipped by the seller via the purchasing carrier under a bill of lading whether the freight is paid in advance, or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out–of–state destination for use by the carrier in the conduct of its business as a carrier.

SECTION 149. 77.55 (2m) of the statutes is amended to read:

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

SECTION 150. 77.55 (3) of the statutes is amended to read:

77.55 **(3)** There ~~are~~ is exempted from the computation of the amount of the sales tax the ~~gross receipts~~ sales price from sales of tangible personal property purchased for use solely outside this state and delivered to a forwarding agent, export packer, or other person engaged in the business of preparing goods for export or arranging for their exportation, and actually delivered to a port outside the continental limits of the United States prior to making any use thereof.

SECTION 151. 77.56 (1) of the statutes is amended to read:

77.56 **(1)** The storage, use or other consumption in this state of property, the ~~gross receipts~~ sales price from the sale of which ~~are~~ is reported to the department in the measure of the sales tax, is exempted from the use tax.

SECTION 152. 77.57 of the statutes is amended to read:

77.57 Liability of purchaser. If a purchaser certifies in writing to a seller that the property purchased will be used in a manner or for a purpose entitling the seller to regard the ~~gross receipts~~ sales price from the sale as exempted by this subchapter from the computation of the amount of the sales tax and uses the property in some other manner or for some other purpose, the purchaser is liable for payment of the sales tax. The tax shall be measured by the sales price of the property to the purchaser~~, but if the taxable use first occurs more than 6 months after the sale to the purchaser, the purchaser may use as the measure of the tax either that sales price or the fair market value of the property at the time the taxable use first occurs~~.

SECTION 153. 77.58 (3) (b) of the statutes is amended to read:

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

SECTION 154. 77.58 (6) of the statutes is amended to read:

77.58 **(6)** For the purposes of the sales tax ~~gross receipts~~, the sales price from rentals or leases of tangible personal property shall be reported and the tax paid in accordance with such rules as the department prescribes.

SECTION 155. 77.58 (6m) of the statutes is created to read:

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

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

SECTION 156. 77.58 (9a) of the statutes is created to read:

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

SECTION 157. 77.585 of the statutes is created to read:

77.585 Return adjustments. (1) (a) In this subsection, "bad debt" means the portion of the sales price or purchase price that the seller has reported as taxable under this subchapter and that the seller may claim as a deduction under section 166 of the Internal Revenue Code. "Bad debt" does not include financing charges or interest, sales or use taxes imposed on the sales price or purchase price, uncollectible

amounts on property that remains in the seller's possession until the full sales price or purchase price is paid, expenses incurred in attempting to collect any debt, debts sold or assigned to 3rd parties for collection, and repossessed property.

(b) A seller may claim as a deduction on a return under s. 77.58 the amount of any bad debt that the seller writes off as uncollectible in the seller's books and records and that is eligible to be deducted as bad debt for federal income tax purposes, regardless of whether the seller is required to file a federal income tax return. A seller who claims a deduction under this paragraph shall claim the deduction on the return under s. 77.58 that is submitted for the period in which the seller writes off the amount of the deduction as uncollectible in the seller's books and records and in which such amount is eligible to be deducted as bad debt for federal income tax purposes. If the seller subsequently collects in whole or in part any bad debt for which a deduction is claimed under this paragraph, the seller shall include the amount collected in the return filed for the period in which the amount is collected and shall pay the tax with the return.

(c) For purposes of computing a bad debt deduction or reporting a payment received on a previously claimed bad debt, any payment made on a debt or on an account is applied first to the price of the property or service sold, and the proportionate share of the sales tax on that property or service, and then to interest, service charges, and other charges related to the sale.

(d) A seller may obtain a refund of the tax collected on any bad debt amount deducted under par. (b) that exceeds the amount of the seller's taxable sales as provided under s. 77.59 (4), except that the period for making a claim as determined under s. 77.59 (4) begins on the date on which the return on which the bad debt could

be claimed would have been required to be submitted to the department under s. 77.58.

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

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

(2) If a lessor of tangible personal property has reimbursed the vendor for the sales tax on the sale of the property by the vendor to the lessor, the tax due from the lessor on the rental receipts may be offset by a credit equal to the tax otherwise due on the rental receipts from the property for the reporting period. The credit shall expire when the cumulative rental receipts equal the sales price upon which the vendor paid sales taxes to this state.

(3) If a purchaser of tangible personal property has reimbursed the vendor of the property for the sales tax on the sale and subsequently, before making any use of the property other than retention, demonstration, or display while holding it for sale or rental, makes a taxable sale of the property, the tax due on the taxable sale may be offset by the tax reimbursed.

(4) A seller may claim a deduction on any part of the sales price or purchase price that the seller refunds in cash or credit as a result of returned property or adjustments in the sales price or purchase price after the sale has been completed, if the seller has included the refunded price in a prior return made by the seller and has paid the tax on such price, and if the seller has returned to the purchaser in cash or in credit all tax previously paid by the purchaser on the amount of the refund at the time of the purchase. A deduction under this subsection shall be claimed on the return for the period in which the refund is paid.

(5) No reduction in the amount of tax payable by the retailer is allowable in the event property sold on credit is repossessed except where the entire consideration paid by the purchaser is refunded to the purchaser or where a credit for a worthless account is allowable under sub. (1).

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

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

(8) A sale or purchase involving transfer of ownership of property is completed at the time when possession is transferred by the seller or the seller's agent to the purchaser or the purchaser's agent, except that for purposes of sub. (1) a common carrier or the U.S. postal service shall be considered the agent of the seller, regardless of any f.o.b. point and regardless of the method by which freight or postage is paid.

SECTION 158. 77.59 (2m) of the statutes is created to read:

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

SECTION 159. 77.59 (9) of the statutes is amended to read:

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

SECTION 160. 77.59 (9n) of the statutes is created to read:

77.59 **(9n)** No seller or certified service provider is liable for any deficiency or refund under this subchapter that is the result of the seller or certified service provider relying on erroneous information contained in a database maintained under s. 73.03 (61) (e) or (f).

SECTION 161. 77.59 (9p) (b) of the statutes is created to read:

77.59 **(9p)** (b) If a customer purchases a service that is not subject to 4 USC 116 to 126, as amended by P.L. 106–252, or tangible personal property, and if the customer believes that the amount of the tax assessed for the sale of the service or property under this subchapter is erroneous, the customer may request that the seller correct the alleged error by sending a written notice to the seller. The notice shall include a description of the alleged error and any other information that the seller reasonably requires to process the request. Within 60 days from the date that a seller receives a request under this paragraph, the seller shall review its records to determine the validity of the customer's claim. If the review indicates that there is no error as alleged, the seller shall explain the findings of the review in writing to the customer. If the review indicates that there is an error as alleged, the seller shall correct the error and shall refund the amount of any tax collected erroneously, along with the related interest, as a result of the error from the customer, consistent with s. 77.59 (4). A customer may take no other action, or commence any action, to correct an alleged error in the amount of the tax assessed under this subchapter on a service that is not subject to 4 USC 116 to 126, as amended by P.L. 106–252, or tangible personal property, unless the customer has exhausted his or her remedies under this paragraph.

SECTION 162. 77.59 (9r) of the statutes is created to read:

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

SECTION 163. 77.60 (13) of the statutes is created to read:

77.60 **(13)** A person who uses any of the following documents in a manner that is prohibited by or inconsistent with this subchapter, or provides incorrect information to a seller or certified service provider related to the use of such documents or regarding an exemption to the taxes imposed under this subchapter, shall pay a penalty of $250 for each invoice or bill of sale related to the prohibited or inconsistent use or incorrect information:

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

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

(c) A direct mail form, as defined in s. 77.522 (1) (a) 1.

(d) A multiple–points–of–use exemption form, as defined in s. 77.522 (1) (a) 2.

SECTION 164. 77.61 (1) (b) of the statutes is amended to read:

77.61 **(1)** (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles, mobile homes not exceeding 45 feet in length, trailers, semitrailers, all–terrain vehicles, or aircraft purchased from a ~~licensed Wisconsin motor vehicle dealer~~ retailer, the registrant shall present proof that the tax has been paid to such ~~dealer~~ retailer.

SECTION 165. 77.61 (1) (c) of the statutes is amended to read:

77.61 **(1)** (c) In the case of motor vehicles, boats, snowmobiles, mobile homes not exceeding 45 feet in length, trailers, semitrailers, all–terrain vehicles or aircraft registered or titled, or required to be registered or titled, in this state purchased from persons who are not ~~Wisconsin boat, trailer or semitrailer dealers, licensed Wisconsin aircraft, motor vehicle or mobile home dealers or registered Wisconsin snowmobile or all–terrain vehicle dealers~~ retailers, the purchaser shall file a sales tax return and pay the tax prior to registering or titling the motor vehicle, boat,

snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer, all–terrain vehicle or aircraft in this state.

SECTION 166. 77.61 (2) of the statutes is renumbered 77.61 (2) (intro.) and amended to read:

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

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

SECTION 167. 77.61 (2) (b) of the statutes is created to read:

77.61 **(2)** (b) A certified service provider who has contracted with a seller, and filed an application, to collect and remit sales and use taxes imposed under this subchapter on behalf of the seller shall submit a surety bond to the department to guarantee the payment of sales and use taxes, including any penalty and interest on such payment. The department shall approve the form and contents of a bond

submitted under this paragraph and shall determine the amount of such bond. The surety bond shall be submitted to the department within 60 days after the date on which the department notifies the certified service provider that the certified service provider is registered to collect sales and use taxes imposed under this subchapter. If the department determines, with regards to any one certified service provider, that no bond is necessary to protect the tax revenues of this state, the secretary of revenue or the secretary's designee may waive the requirements under this paragraph with regard to that certified service provider. Any bond submitted under this paragraph shall remain in force until the secretary of revenue or the secretary's designee releases the liability under the bond.

SECTION 168. 77.61 (3) of the statutes is repealed.

SECTION 169. 77.61 (3m) of the statutes is created to read:

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

SECTION 170. 77.61 (4) (c) of the statutes is amended to read:

77.61 **(4)** (c) For reporting the sales tax and collecting and reporting the use tax imposed on the retailer under s. 77.53 (3) and the accounting connected with it,

retailers, not including certified service providers, may deduct 0.5% of those taxes payable or $10 for that reporting period required under s. 77.58 (1), whichever is greater, but not more than the amount of the sales taxes or use taxes that is payable under ss. 77.52 (1) and 77.53 (3) for that reporting period required under s. 77.58 (1), as administration expenses if the payment of the taxes is not delinquent. For purposes of calculating the retailer's discount under this paragraph, the taxes on retail sales reported by retailers under subch. V, including taxes collected and remitted as required under s. 77.785, shall be included if the payment of those taxes is not delinquent.

SECTION 171. 77.61 (5m) of the statutes is created to read:

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

(b) A certified service provider may use personally identifiable information as necessary only for the administration of its system to perform a seller's sales and use tax functions and shall provide consumers clear and conspicuous notice of its practice regarding such information, including how it collects the information, how it uses the information, and under what circumstances it discloses the information.

(c) A certified service provider may retain personally identifiable information only to verify exemption claims, to investigate fraud, and to ensure its system's reliability. A certified service provider who retains an individual's personally identifiable information shall provide reasonable notice of such retention to the individual and shall provide the individual reasonable access to the information and an opportunity to correct inaccurate information. If any person, other than a state that is a signatory to the agreement, as defined in s. 77.65 (2) (a), requests access to

an individual's personally identifiable information, the certified service provider shall make a reasonable and timely effort to notify the individual of the request.

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

SECTION 172. 77.61 (16) of the statutes is created to read:

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

SECTION 173. 77.63 of the statutes is repealed and recreated to read:

77.63 Collection compensation. The following persons may retain a portion of sales and use taxes collected on retail sales under this subchapter and subch. V in an amount determined by the department and by contracts that the department enters into pursuant to the agreement, as defined in s. 77.65 (2) (a):

(1) A certified service provider.

(2) A seller that uses a certified automated system, as defined in s. 77.524 (1) (am).

(3) A seller that sells tangible personal property or taxable services in at least 5 states that are signatories to the agreement, as defined in s. 77.65 (2) (a); that has total annual sales revenue of at least $500,000,000; that has a proprietary system that calculates the amount of tax owed to each taxing jurisdiction in which the seller sells tangible personal property or taxable services; and that has entered into a performance agreement with the states that are signatories to the agreement, as defined in s. 77.65 (2) (a). For purposes of this subsection, "seller" includes an affiliated group of sellers using the same proprietary system to calculate the amount

of tax owed in each taxing jurisdiction in which the sellers sell tangible personal property or taxable services.

SECTION 174. 77.65 (2) (c) of the statutes is repealed.

SECTION 175. 77.65 (2) (e) of the statutes is amended to read:

77.65 **(2)** (e) "Seller" means any person who sells, leases, or rents tangible personal property or services.

SECTION 176. 77.67 of the statutes is created to read:

77.67 Amnesty for new registrants. (1) A seller is not liable for uncollected and unpaid taxes, including penalties and interest, imposed under this subchapter and subch. V on sales made to purchasers in this state before the seller registers under par. (a), if all of the following apply:

(a) The seller registers with the department, in a manner that the department prescribes, to collect and remit the taxes imposed under this subchapter and subch. V on sales to purchasers in this state in accordance with the agreement, as defined in s. 77.65 (2) (a).

(b) The seller registers under par. (a) no later than 365 days after the effective date of this state's participation in the agreement under s. 77.65 (2) (a) .... [revisor inserts date].

(c) The seller was not registered to collect and remit the taxes imposed under this subchapter and subch. V during the 365 consecutive days immediately before the effective date of this state's participation in the agreement under s. 77.65 (2) (a) .... [revisor inserts date].

(d) The seller has not received a notice of the commencement of an audit from the department or, if the seller has received a notice of the commencement of an audit from the department, the audit has not been resolved by any means, including any

related administrative and judicial processes, at the time that the seller registers under par. (a).

(e) The seller has not committed or been involved in a fraud or an intentional misrepresentation of a material fact.

(f) The seller collects and remits the taxes imposed under this subchapter and subch. V on sales to purchasers in this state for at least 3 consecutive years after the date on which the seller registers under par. (a).

(2) Subsection (1) does not apply to taxes imposed under this subchapter and subch. V that are due from the seller for purchases made by the seller.

SECTION 177. 77.70 of the statutes is amended to read:

77.70 Adoption by county ordinance. Any county desiring to impose county sales and use taxes under this subchapter may do so by the adoption of an ordinance, stating its purpose and referring to this subchapter. The county sales and use taxes may be imposed only for the purpose of directly reducing the property tax levy and only in their entirety as provided in this subchapter. That ordinance shall be effective on the first day of January, the first day of April, the first day of July or the first day of October. A certified copy of that ordinance shall be delivered to the secretary of revenue at least 120 days prior to its effective date. The repeal of any such ordinance shall be effective on December 31. A certified copy of a repeal ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before the effective date of the repeal.

SECTION 178. 77.705 of the statutes is amended to read:

77.705 Adoption by resolution; baseball park district. A local professional baseball park district created under subch. III of ch. 229, by resolution under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at

a rate of no more than 0.1% of the gross receipts or sales price. Those taxes may be imposed only in their entirety. The resolution shall be effective on the first ~~day of the first month~~ January 1, April 1, July 1, or October 1 that begins at least ~~30~~ 120 days after the adoption of the resolution.

SECTION 179. 77.706 of the statutes is amended to read:

77.706 Adoption by resolution; football stadium district. A local professional football stadium district created under subch. IV of ch. 229, by resolution under s. 229.824 (15), may impose a sales tax and a use tax under this subchapter at a rate of 0.5% of the gross receipts or sales price. Those taxes may be imposed only in their entirety. The imposition of the taxes under this section shall be effective on the first ~~day of the first month~~ January 1, April 1, July 1, or October 1 that begins at least ~~30~~ 120 days after the certification of the approval of the resolution by the electors in the district's jurisdiction under s. 229.824 (15).

SECTION 180. 77.707 (1) of the statutes is amended to read:

77.707 **(1)** Retailers and the department of revenue may not collect a tax under s. 77.705 for any local professional baseball park district created under subch. III of ch. 229 after the last day of the calendar quarter ~~during~~ that is at least 120 days from the date on which the local professional baseball park district board makes a certification to the department of revenue under s. 229.685 (2), except that the department of revenue may collect from retailers taxes that accrued before the day after the last day of that calendar quarter and fees, interest and penalties that relate to those taxes.

SECTION 181. 77.707 (2) of the statutes is amended to read:

77.707 **(2)** Retailers and the department of revenue may not collect a tax under s. 77.706 for any local professional football stadium district created under subch. IV

of ch. 229 after the last day of the calendar quarter ~~during~~ that is at least 120 days from the date on which the local professional football stadium district board makes all of the certifications to the department of revenue under s. 229.825 (3), except that the department of revenue may collect from retailers taxes that accrued before the day after the last day of that calendar quarter and fees, interest and penalties that relate to those taxes.

SECTION 182. 77.71 (1) of the statutes is amended to read:

77.71 **(1)** For the privilege of selling, licensing, leasing or renting tangible personal property and for the privilege of selling, licensing, performing or furnishing services a sales tax is imposed upon retailers at the rate of 0.5% in the case of a county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the ~~gross receipts~~ sales price from the sale, licensing, lease or rental of tangible personal property, except property taxed under sub. (4), sold, licensed, leased or rented at retail in the county or special district or from selling, licensing, performing or furnishing services described under s. 77.52 (2) in the county or special district.

SECTION 183. 77.71 (2) of the statutes is amended to read:

77.71 **(2)** An excise tax is imposed at the rate of 0.5% in the case of a county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the ~~sales~~ purchase price upon every person storing, using or otherwise consuming in the county or special district tangible personal property or services if the property or service is subject to the state use tax under s. 77.53, except that a receipt indicating that the tax under sub. (1), (3) or (4) has been paid relieves the buyer of liability for the tax under this subsection and except that if the buyer has paid a similar local tax in another state on a purchase of the same property or services that tax shall be credited against the tax under this subsection and except that for motor vehicles that

are used for a purpose in addition to retention, demonstration or display while held for sale in the regular course of business by a dealer the tax under this subsection is imposed not on the ~~sales~~ purchase price but on the amount under s. 77.53 (1m).

SECTION 184. 77.71 (3) of the statutes is amended to read:

77.71 **(3)** An excise tax is imposed upon a contractor engaged in construction activities within the county or special district, at the rate of 0.5% in the case of a county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the ~~sales~~ purchase price of tangible personal property that is used in constructing, altering, repairing or improving real property and that becomes a component part of real property in that county or special district, except that if the contractor has paid the sales tax of a county in the case of a county tax or of a special district in the case of a special district tax in this state on that property, or has paid a similar local sales tax in another state on a purchase of the same property, that tax shall be credited against the tax under this subsection.

SECTION 185. 77.71 (4) of the statutes is amended to read:

77.71 **(4)** An excise tax is imposed at the rate of 0.5% in the case of a county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the ~~sales~~ purchase price upon every person storing, using or otherwise consuming a motor vehicle, boat, ~~snowmobile,~~ mobile home not exceeding 45 feet in length, ~~trailer, semitrailer, all–terrain vehicle~~ or aircraft, if that property must be registered or titled with this state and if that property is to be customarily kept in a county that has in effect an ordinance under s. 77.70 or in a special district that has in effect a resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local sales tax in another state on a purchase of the same property that tax shall be credited against the tax under this subsection.

SECTION 186. 77.72 (title) of the statutes is repealed.

SECTION 187. 77.72 (1) of the statutes is renumbered 77.72 and amended to read:

77.72 General rule ~~for property.~~ For the purposes of this subchapter, all retail sales of tangible personal property ~~are completed at the time when, and the place where, the seller or the seller's agent transfers possession to the buyer or the buyer's agent. In this subsection, a common carrier or the U.S. postal service is the agent of the seller, regardless of any f.o.b. point and regardless of the method by which freight or postage is paid. Rentals and leases of property, except property under sub. (2), have a situs at the location of that property~~ and taxable services occur as provided in s. 77.522.

SECTION 188. 77.72 (2) and (3) of the statutes are repealed.

SECTION 189. 77.73 (2) of the statutes is amended to read:

77.73 **(2)** Counties and special districts do not have jurisdiction to impose the tax under s. 77.71 (2) in regard to tangible personal property, except snowmobiles, trailers, semitrailers, and all–terrain vehicles, purchased in a sale that is consummated in another county or special district in this state that does not have in effect an ordinance or resolution imposing the taxes under this subchapter and later brought by the buyer into the county or special district that has imposed a tax under s. 77.71 (2).

SECTION 190. 77.73 (3) of the statutes is created to read:

77.73 **(3)** Counties and special districts have jurisdiction to impose the taxes under this subchapter on retailers who register under s. 77.53 (9m). A retailer who registers under s. 77.53 (9m) shall collect, report, and remit to the department the

taxes imposed under this subchapter for all counties and special districts that have an ordinance or resolution imposing the taxes under this subchapter.

SECTION 191. 77.75 of the statutes is amended to read:

77.75 Reports. Every person subject to county or special district sales and use taxes shall, for each reporting period, record that person's sales made in the county or special district that has imposed those taxes separately from sales made elsewhere in this state and file a report ~~of the measure of the county or special district sales and use taxes and the tax due thereon separately~~ as prescribed by the department of revenue.

SECTION 192. 77.77 (1) of the statutes is renumbered 77.77 (1) (a) and amended to read:

77.77 **(1)** (a) The ~~gross receipts~~ sales price from services subject to the tax under s. 77.52 (2) ~~are not~~ or the lease, rental, or license of tangible personal property is subject to the taxes under this subchapter, and the incremental amount of tax caused by a rate increase applicable to those services, leases, rentals, or licenses is ~~not~~ due, ~~if those services are billed to the customer and paid for before~~ beginning with the first billing period starting on or after the effective date of the county ordinance, special district resolution, or rate increase, regardless of whether the service is furnished or the property is leased, rented, or licensed to the customer before or after that date.

SECTION 193. 77.77 (1) (b) of the statutes is created to read:

77.77 **(1)** (b) The sales price from services subject to the tax under s. 77.52 (2) or the lease, rental, or license of tangible personal property is not subject to the taxes under this subchapter, and a decrease in the tax rate imposed under this subchapter on those services first applies, beginning with bills rendered on or after the effective date of the repeal or sunset of a county ordinance or special district resolution

imposing the tax or other rate decrease, regardless of whether the service is furnished or the property is leased, rented, or licensed to the customer before or after that date.

SECTION 194. 77.77 (2) of the statutes is repealed.

SECTION 195. 77.785 (1) of the statutes is amended to read:

77.785 **(1)** All retailers shall collect and report the taxes under this subchapter on the ~~gross receipts~~ sales price from leases and rentals of property under s. 77.71 (4).

SECTION 196. 77.785 (2) of the statutes is amended to read:

77.785 **(2)** Prior to registration or titling, a retailer of a boat, ~~all–terrain vehicle, trailer and semi–trailer dealers and licensed~~ aircraft, motor vehicle, or mobile home ~~and snowmobile dealers~~ shall collect the taxes under this subchapter on sales of items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the department of revenue along with payments of the taxes under subch. III.

SECTION 197. 77.98 of the statutes is amended to read:

77.98 Imposition. A local exposition district under subch. II of ch. 229 may impose a tax on the retail sale, except sales for resale, within the district's jurisdiction under s. 229.43 of ~~products that are subject to a tax under s. 77.54 (20) (c) 1. to 3. and not~~ candy, as defined in s. 77.51 (1e), prepared food, as defined in s. 77.51 (10m), and soft drinks, as defined in s. 77.51 (17w), unless exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) ~~or (20) (c) 5.,~~ (20n) (b) and (c), and (20r).

SECTION 198. 77.981 of the statutes is amended to read:

77.981 Rate. The tax under s. 77.98 is imposed on the sale of taxable products at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote

of a majority of the authorized members of its board of directors, may impose the tax at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized members of the district's board may vote that, if the balance in a special debt service reserve fund of the district is less than the requirement under s. 229.50 (5), the tax rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next January 1, April 1, July 1 or October 1, and this tax is irrepealable if any bonds issued by the district and secured by the special debt service reserve fund are outstanding.

SECTION 199. 77.982 (2) of the statutes is amended to read:

77.982 **(2)** Sections 77.51 ~~(4) (a), (b) 1., 2. and 4., (c) 1. to 3. and (d)~~ (12m), (14) ~~(a) to (f), (j) and (k) and~~, (14g), (15a), and (15b), 77.52 (3), ~~(6),~~ (3m), (4), (13), (14), (18) and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9) ~~and~~, (12) to (14), and (15), and 77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter. ~~Sections 77.72 (1) and~~ Section 77.73, as ~~they apply~~ it applies to the taxes under subch. V, ~~apply~~ applies to the tax under this subchapter.

SECTION 200. 77.99 of the statutes is amended to read:

77.99 Imposition. A local exposition district under subch. II of ch. 229 may impose a tax at the rate of 3% of the ~~gross receipts~~ sales price on the rental, but not for rerental and not for rental as a service or repair replacement vehicle, within the district's jurisdiction under s. 229.43, of Type 1 automobiles, as defined in s. 340.01 (4) (a), by establishments primarily engaged in short–term rental of passenger cars without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9) or (9a). If the state makes a payment under s. 229.50 (7) to a district's special debt service reserve fund, a majority of the district's

authorized board of directors may vote to increase the tax rate under this subchapter to 4%.

SECTION 201. 77.991 (2) of the statutes is amended to read:

77.991 **(2)** Sections 77.51 ~~(4) (a), (b) 1., 2. and 4., (c) 1. to 3. and (d) and~~ (12m), (14) ~~(a) to (f), (j) and (k)~~, (14g), (15a), and (15b), 77.52 (3), (3m), (4), ~~(6),~~ (13), (14) ~~and~~, (18), and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9) ~~and~~, (12) to (14), and (15), and 77.62, as they apply to the taxes under subch. III, apply to the tax under this subchapter. ~~Sections 77.72 (1) and (2) (a) and~~ Section 77.73, as ~~they apply~~ it applies to the taxes under subch. V, ~~apply~~ applies to the tax under this subchapter. The renter shall collect the tax under this subchapter from the person to whom the passenger car is rented.

SECTION 202. 77.994 (1) (intro.) of the statutes is amended to read:

77.994 **(1)** (intro.) Except as provided in sub. (2), a municipality or a county all of which is included in a premier resort area under s. 66.1113 may, by ordinance, impose a tax at a rate of 0.5% of the ~~gross receipts~~ sales price from the sale, license, lease, or rental in the municipality or county of goods or services that are taxable under subch. III made by businesses that are classified in the standard industrial classification manual, 1987 edition, published by the U.S. office of management and budget, under the following industry numbers:

SECTION 203. 77.9941 (4) of the statutes is amended to read:

77.9941 **(4)** Sections 77.72 ~~(1), (2) (a) and (3) (a)~~, 77.73, 77.74, 77.75, 77.76 (1), (2), and (4), 77.77 (1) ~~and (2)~~, 77.785 (1), and 77.79, as they apply to the taxes under subch. V, apply to the tax under this subchapter.

SECTION 204. 77.995 (2) of the statutes, as affected by 2005 Wisconsin Act .... (this act), is repealed and recreated to read:

77.995 **(2)** There is imposed a fee at the rate of 5% of the sales price on the rental, but not for rerental and not for rental as a service or repair replacement vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of mobile homes, as defined in s. 340.01 (29); of motor homes, as defined in s. 340.01 (33m); and of camping trailers, as defined in s. 340.01 (6m) by establishments primarily engaged in short–term rental of vehicles without drivers, for a period of 30 days or less, unless the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m) or (9a). There is also imposed a fee at the rate of 5% of the sales price on the rental of limousines.

****NOTE: This is reconciled s. 77.995 (2). This SECTION has been affected by LRB–1046/P1.

SECTION 205. 77.9951 (2) of the statutes is amended to read:

77.9951 **(2)** Sections 77.51 ~~(4) (a), (b) 1., 2. and 4., (c) 1. to 3. and (d) and~~ (12m), (14) ~~(a) to (f), (j) and (k),~~ (15a), and (15b), 77.52 (3m), (4), ~~(6),~~ (13), (14) ~~and,~~ (18), and (19), 77.522 (2), 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m), (5), (8), (9) ~~and,~~ (12) to (14), and (15), and 77.62, as they apply to the taxes under subch. III, apply to the fee under this subchapter. The renter shall collect the fee under this subchapter from the person to whom the vehicle is rented.

SECTION 206. 77.996 (6) of the statutes is amended to read:

77.996 **(6)** "Gross receipts" ~~has the meaning given in s. 77.51 (4) (a), (b) 1. and 5., (c) 1. to 4., and (d)~~ means the sales price, as defined in s. 77.51 (15b), of tangible personal property and taxable services sold by a dry cleaning facility. "Gross receipts" does not include the license fee imposed under ~~s. 77.9661 (1m)~~ s. 77.9961 (1m) that is passed on to customers.

SECTION 207. 86.195 (3) (b) 3. of the statutes is amended to read:

86.195 **(3)** (b) 3. Fifty percent of the gross receipts of the business are from ~~meal, food,~~ the sale of food ~~product and beverage sales~~ and food ingredients, as defined in s. 77.51 (3t), that are taxable under ~~s. 77.54 (20) (c)~~ subch. III of ch. 77; and

SECTION 208. 218.0171 (2) (cq) of the statutes is amended to read:

218.0171 **(2)** (cq) Upon payment of a refund to a consumer under par. (b) 2. b., the manufacturer shall provide to the consumer a written statement that specifies the trade–in amount previously applied under s. 77.51 ~~(4) (b) 3. or 3m. or (15) (b) 4. or 4m.~~ (12m) (b) 5. or 6. or (15b) (b) 5. or 6. toward the sales price of the motor vehicle having the nonconformity and the date on which the manufacturer provided the refund.

SECTION 9141. Nonstatutory provisions; revenue.

(1) THE STREAMLINED SALES AND USE TAX AGREEMENT. The department of revenue shall notify the revisor of statutes of the effective date of this state's participation in the streamlined sales and use tax agreement, as described in section 77.65 of the statutes, no later than 30 days after such effective date is determined.

SECTION 9441. Effective dates; revenue.

(1) IMPLEMENTING THE STREAMLINED SALES AND USE TAX AGREEMENT. The repeal of sections 20.435 (3) (bm), 46.513, 77.51 (4), 77.51 (14) (d), 77.51 (14) (i), 77.51 (14) (k), 77.51 (14) (L), 77.51 (14r), 77.51 (15), 77.52 (3m), 77.52 (6), 77.52 (14) (a) 2., 77.523 (title), 77.53 (4), 77.54 (14g), 77.54 (14s), 77.54 (20), 77.54 (20m), 77.54 (22), 77.54 (40), 77.61 (3), 77.65 (2) (c), 77.72 (title), 77.72 (2) and (3), and 77.77 (2) of the statutes, the renumbering of sections 77.51 (1), 77.51 (14) (g), 77.524 (1) (a), 77.524 (1) (b), and 77.53 (9m) of the statutes, the renumbering and amendment of sections 77.523, 77.61 (2), 77.72 (1), and 77.77 (1) of the statutes, the consolidation, renumbering, and amendment of section 77.52 (14) (a) (intro.) and 1. and (b) of the

statutes, the amendment of sections 66.0615 (1m) (f) 2., 70.111 (23), 73.03 (50) (d), 76.07 (4g) (b) 8., 77.51 (5), 77.51 (13) (o), 77.51 (13g) (c) (intro.), 77.51 (14) (intro.), 77.51 (14) (a), 77.51 (14) (j), 77.51 (17), 77.51 (20), 77.51 (21), 77.52 (1) (a), 77.52 (2) (intro.), 77.52 (2) (a) 5. a. and 10., 77.52 (7), 77.52 (13), 77.52 (15), 77.53 (3), 77.53 (9), 77.53 (10), 77.53 (11), 77.53 (16), 77.53 (17), 77.53 (17m), 77.53 (17r) (a), 77.53 (18), 77.54 (1), 77.54 (2), 77.54 (2m), 77.54 (3) (a), 77.54 (3m) (intro.), 77.54 (4), 77.54 (5) (intro.), 77.54 (6) (intro.), 77.54 (8), 77.54 (9), 77.54 (9a) (intro.), 77.54 (10), 77.54 (11), 77.54 (12), 77.54 (13), 77.54 (14) (intro.), 77.54 (14) (a), 77.54 (14) (b), 77.54 (14) (f), 77.54 (15), 77.54 (16), 77.54 (17), 77.54 (18), 77.54 (21), 77.54 (23m), 77.54 (25), 77.54 (26), 77.54 (26m), 77.54 (27), 77.54 (28), 77.54 (29), 77.54 (30) (a) (intro.), 77.54 (30) (c), 77.54 (31), 77.54 (32), 77.54 (33), 77.54 (34), 77.54 (35), 77.54 (36), 77.54 (37), 77.54 (38), 77.54 (39), 77.54 (41), 77.54 (42), 77.54 (43), 77.54 (44), 77.54 (45), 77.54 (46), 77.54 (46m), 77.55 (1) (intro.), 77.55 (2), 77.55 (2m), 77.55 (3), 77.56 (1), 77.57, 77.58 (3) (b), 77.58 (6), 77.59 (9), 77.61 (1) (b), 77.61 (1) (c), 77.61 (4) (c), 77.65 (2) (e), 77.70, 77.705, 77.706, 77.707 (1), 77.707 (2), 77.71 (1), 77.71 (2), 77.71 (3), 77.71 (4), 77.73 (2), 77.75, 77.785 (1), 77.785 (2), 77.98, 77.981, 77.982 (2), 77.99, 77.991 (2), 77.994 (1) (intro.), 77.9941 (4), 77.9951 (2), 77.996 (6), 86.195 (3) (b) 3., and 218.0171 (2) (cq) of the statutes, the repeal and recreation of sections 77.51 (7), 77.51 (17m), 77.53 (1), 77.63, and 77.995 (2) of the statutes, and the creation of sections 73.03 (50b), 73.03 (61), 77.51 (1b), 77.51 (1e), 77.51 (1n), 77.51 (1p), 77.51 (2k), 77.51 (2m), 77.51 (3p), 77.51 (3pd), 77.51 (3pj), 77.51 (3pm), 77.51 (3pp), 77.51 (3t), 77.51 (7m), 77.51 (10m), 77.51 (10n), 77.51 (10r), 77.51 (11m), 77.51 (12m), 77.51 (12p), 77.51 (13g) (c), 77.51 (13s), 77.51 (15a), 77.51 (15b), 77.51 (17w), 77.51 (21p), 77.51 (22) (bm), 77.52 (1) (c), 77.52 (1) (d), 77.52 (7b), 77.522, 77.524 (1) (ag), 77.53 (9m) (b), 77.53 (9m) (c), 77.54 (14b), 77.54 (20n), 77.54 (20r), 77.54 (22b), 77.58 (6m), 77.58

(9a), 77.585, 77.59 (2m), 77.59 (9n), 77.59 (9p) (b), 77.59 (9r), 77.60 (13), 77.61 (2) (b), 77.61 (3m), 77.61 (5m), 77.61 (16), 77.67, 77.73 (3), and 77.77 (1) (b) of the statutes take effect on October 1, 2005.

(END)

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-0303/3dn 4
JK:jld:jf

January 26, 2005

This draft reconciles LRB-0303/3 (LRB-0404/3, LRB-1096/P1) and LRB-1796/3. Both of these drafts should continue to appear in the compiled bill.

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DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB–0303/4dn
JK:jld:pg

January 27, 2005

This draft reconciles LRB–0303/3 and LRB–1796/3. Both of these drafts should continue to appear in the compiled bill.

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