



1 **SECTION 151.** 77.524 (1) (a) of the statutes is renumbered 77.524 (1) (am).

2 **SECTION 152.** 77.524 (1) (ag) of the statutes is created to read:

3 77.524 (1) (ag) "Agent" means a person appointed by a seller to represent the
4 seller before the states that are signatories to the agreement, as defined in 77.65 (2)
5 (a).

6 **SECTION 153.** 77.524 (1) (b) of the statutes is renumbered 77.51 (1g) and
7 amended to read:

8 77.51 (1g) "Certified service provider" means an agent that is certified jointly
9 by the states that are signatories to the agreement, as defined in s. 77.65 (2) (a), and
10 that performs all of a seller's sales tax and use tax functions related to the seller's
11 retail sales, except that a certified service provider is not responsible for a retailer's
12 obligation to remit tax on the retailer's own purchases.

13 **SECTION 154.** 77.525 of the statutes is amended to read:

14 **77.525 Reduction to prevent double taxation.** Any person who is subject
15 to the tax under s. 77.52 (2) (a) 5. -a. on telecommunications services that terminate
16 in this state and who has paid a similar tax on the same services to another state may
17 reduce the amount of the tax remitted to this state by an amount equal to the similar
18 tax properly paid to another state on those services or by the amount due this state
19 on those services, whichever is less. That person shall refund proportionally to the
20 persons to whom the tax under s. 77.52 (2) (a) 5. -a. was passed on an amount equal
21 to the amounts not remitted.

22 **SECTION 155.** 77.53 (1) of the statutes is amended to read:

23 77.53 (1) Except as provided in sub. (1m), an excise tax is levied and imposed
24 on the use or consumption in this state of taxable services under s. 77.52 purchased
25 from any retailer, at the rate of 5% of the sales purchase price of those services; on

1 the storage, use or other consumption in this state of tangible personal property
2 purchased from any retailer, at the rate of 5% of the sales purchase price of that
3 property; on the storage, use, or other consumption of specified digital goods or
4 additional digital goods purchased from any retailer, regardless of whether the
5 purchaser has the right to permanently use such goods or whether the purchaser's
6 right to access or retain such goods is not permanent, at the rate of 5% of the sales
7 price of such goods; and on the storage, use or other consumption of tangible personal
8 property manufactured, processed or otherwise altered, in or outside this state, by
9 the person who stores, uses or consumes it, from material purchased from any
10 retailer, at the rate of 5% of the sales purchase price of that material.

11 **SECTION 156.** 77.53 (2) of the statutes is amended to read:

12 77.53 (2) Every person storing, using, or otherwise consuming in this state
13 tangible personal property, specified digital goods, additional digital goods, or
14 taxable services purchased from a retailer is liable for the tax imposed by this section.
15 The person's liability is not extinguished until the tax has been paid to this state, but
16 a receipt with the tax separately stated from a retailer engaged in business in this
17 state or from a retailer who is authorized by the department, under such rules as it
18 prescribes, to collect the tax and who is regarded as a retailer engaged in business
19 in this state for purposes of the tax imposed by this section given to the purchaser
20 under sub. (3) relieves the purchaser from further liability for the tax to which the
21 receipt refers.

22 **SECTION 157.** 77.53 (3) of the statutes is amended to read:

23 77.53 (3) Every retailer engaged in business in this state and making sales of
24 tangible personal property, specified digital goods, additional digital goods, or
25 taxable services ~~for delivery into this state or with knowledge directly or indirectly~~

1 that the property or service is intended for storage, use or other consumption in that
2 are sourced to this state under s. 77.522, shall, at the time of making the sales or, if
3 ~~the storage, use or other consumption of the tangible personal property or taxable~~
4 ~~service is not then taxable under this section, at the time the storage, use or other~~
5 ~~consumption becomes taxable, collect the tax from the purchaser and give to the~~
6 purchaser a receipt in the manner and form prescribed by the department.

7 **SECTION 158.** 77.53 (4) of the statutes is repealed.

8 **SECTION 159.** 77.53 (9) of the statutes is amended to read:

9 77.53 (9) Every retailer selling tangible personal property, specified digital
10 goods, additional digital goods, or taxable services for storage, use or other
11 consumption in this state shall register with the department and obtain a certificate
12 under s. 73.03 (50) and give the name and address of all agents operating in this
13 state, the location of all distribution or sales houses or offices or other places of
14 business in this state, the standard industrial code classification of each place of
15 business in this state and the other information that the department requires. Any
16 person who may register under this subsection may designate an agent, as defined
17 in s. 77.524 (1) (ag), to register with the department under this subsection, in the
18 manner prescribed by the department.

19 **SECTION 160.** 77.53 (9m) of the statutes is renumbered 77.53 (9m) (a) and
20 amended to read:

21 77.53 (9m) (a) Any person who is not otherwise required to collect any tax
22 imposed by this subchapter and who makes sales to persons within this state of
23 tangible personal property, specified digital goods, additional digital goods, or
24 taxable services the use of which is subject to tax under this subchapter may register
25 with the department under the terms and conditions that the department imposes

1 and shall obtain a valid certificate under s. 73.03 (50) and thereby be authorized and
2 required to collect, report, and remit to the department the use tax imposed by this
3 subchapter.

4 **SECTION 161.** 77.53 (9m) (b) of the statutes is created to read:

5 77.53 (9m) (b) Any person who may register under par. (a) may designate an
6 agent, as defined in s. 77.524 (1) (ag), to register with the department under par. (a),
7 in the manner prescribed by the department.

8 **SECTION 162.** 77.53 (9m) (c) of the statutes is created to read:

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

12 **SECTION 163.** 77.53 (10) of the statutes is amended to read:

13 77.53 (10) For the purpose of the proper administration of this section and to
14 prevent evasion of the use tax and the duty to collect the use tax, it is presumed that
15 tangible personal property, specified digital goods, additional digital goods, or
16 taxable services sold by any person for delivery in this state is sold for storage, use,
17 or other consumption in this state until the contrary is established. The burden of
18 proving the contrary is upon the person who makes the sale unless that person takes
19 from the purchaser ~~a~~ an electronic or paper certificate, in a manner prescribed by
20 department, to the effect that the property, specified digital goods, additional digital
21 goods, or taxable service is purchased for resale, or otherwise exempt from the tax,
22 except that no certificate is required for sales of cattle, sheep, goats, and pigs that are
23 sold at an animal market, as defined in s. 95.68 (1) (ag), and no certificate is required
24 for sales of commodities, as defined in 7 USC 2, that are consigned for sale in a
25 warehouse in or from which the commodity is deliverable on a contract for future

specified digital goods, and additional digital goods

1 delivery subject to the rules of a commodity market regulated by the U.S. commodity
2 futures trading commission if upon the sale the commodity is not removed from the
3 warehouse the sale of tangible personal property that ~~is~~^{are} exempt under s. 77.54 (7),
4 (7m), (8), (10), (11), (14), (14b), (15), (17), (20n), (20p), (21), (22b), (22c), (30), (31), (32),
5 (35), (36), (37), (42), (44), (45), and (46), except as provided in s. 77.54 (30) (e) and (f).

6 SECTION 164. 77.53 (11) of the statutes is renumbered 77.53 (11) (a) and
7 amended to read:

8 77.53 (11) (a) The certificate referred to in under sub. (10) relieves the person
9 selling the property, specified digital goods, additional digital goods, or service from
10 the burden of proof only if taken in good faith the seller obtains a fully completed
11 exemption certificate, or the information required to prove the exemption, from a
12 person who is engaged as a seller of tangible personal property or taxable services
13 and who holds the permit provided for by s. 77.52 (9) and who, at the time of
14 purchasing purchases no later than 90 days after the date of the sale of the tangible
15 personal property, specified digital goods, additional digital goods, or taxable service,
16 intends to sell it in the regular course of operations or is unable to ascertain at the
17 time of purchase whether the property or service will be sold or will be used for some
18 other purpose, or if taken in good faith from a person claiming exemption, except as
19 provided in par. (b). The certificate under sub. (10) shall not relieve the seller of the
20 burden of proof if the seller fraudulently fails to collect sales tax or solicits the
21 purchaser to claim an unlawful exemption, accepts an exemption certificate from a
22 purchaser who claims to be an entity that is not subject to the taxes imposed under
23 this subchapter, if the subject of the transaction sought to be covered by the
24 exemption certificate is received by the purchaser at a location operated by the seller
25 in this state and the exemption certificate clearly and affirmatively indicates that

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1 the claimed exemption is not available in this state. The certificate shall be signed
2 by and bear the name and address of provide information that identifies the
3 purchaser and shall indicate the number of the permit issued to the purchaser, the
4 general character of tangible personal property or taxable service sold by the
5 purchaser and the basis for the claimed exemption and a paper certificate shall be
6 signed by the purchaser. The certificate shall be substantially in the form that the
7 department prescribes by rule.

8 **SECTION 165.** 77.53 (11) (b) of the statutes is created to read:

9 77.53 (11) (b) If the seller has not obtained a fully completed exemption
10 certificate or the information required to prove the exemption, as provided in par. (a),
11 the seller may, no later than 120 days after the department requests that the seller
12 substantiate the exemption, either provide proof of the exemption to the department
13 by other means or obtain, in good faith, a fully completed exemption certificate from
14 the purchaser.

15 **SECTION 166.** 77.53 (12) of the statutes is amended to read:

16 77.53 (12) If a purchaser who gives a certificate makes any storage or use of
17 the property, specified digital goods, additional digital goods, or service other than
18 retention, demonstration, or display while holding it for sale in the regular course
19 of operations as a seller, the storage or use is taxable as of the time the property,
20 specified digital goods, additional digital goods, or service is first so stored or used.

21 **SECTION 167.** 77.53 (14) of the statutes is amended to read:

22 77.53 (14) It is presumed that tangible personal property, specified digital
23 goods, additional digital goods, or taxable services shipped or brought to this state
24 by the purchaser were purchased from or serviced by a retailer.

25 **SECTION 168.** 77.53 (15) of the statutes is amended to read:

1 77.53 (15) It is presumed that tangible personal property, specified digital
2 goods, additional digital goods, or taxable services delivered outside this state to a
3 purchaser known by the retailer to be a resident of this state were purchased from
4 a retailer for storage, use, or other consumption in this state and stored, used, or
5 otherwise consumed in this state. This presumption may be controverted by a
6 written statement, signed by the purchaser or an authorized representative, and
7 retained by the seller that the property, digital good, or service was purchased for use
8 at a designated point outside this state. This presumption may also be controverted
9 by other evidence satisfactory to the department that the property, digital good, or
10 service was not purchased for storage, use, or other consumption in this state.

11 **SECTION 169.** 77.53 (16) of the statutes is amended to read:

12 77.53 (16) If the purchase, rental or lease of tangible personal property,
13 specified digital goods, additional digital goods, or service subject to the tax imposed
14 by this section was subject to a sales tax by another state in which the purchase was
15 made, the amount of sales tax paid the other state shall be applied as a credit against
16 and deducted from the tax, to the extent thereof, imposed by this section, except no
17 credit may be applied against and deducted from a sales tax paid on the purchase of
18 direct mail, if the direct mail purchaser did not provide to the seller a direct pay
19 permit, a direct mail form, or other information that indicates the appropriate taxing
20 jurisdiction to which the direct mail is delivered to the ultimate recipients. In this
21 subsection "sales tax" includes a use or excise tax imposed on the use of tangible
22 personal property, specified digital goods, additional digital goods, or taxable service
23 by the state in which the sale occurred and "state" includes the District of Columbia
24 ~~but does not include~~ and the commonwealth of Puerto Rico ~~or~~ but does not include
25 the several territories organized by congress.

1 **SECTION 170.** 77.53 (17) of the statutes is amended to read:

2 77.53 (17) This section does not apply to tangible personal property, specified
3 digital goods, or additional digital goods purchased outside this state, as determined
4 under s. 77.522, other than motor vehicles, boats, snowmobiles, mobile homes not
5 exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles and airplanes
6 registered or titled or required to be registered or titled in this state, which is brought
7 into this state by a nondomiciliary for the person's own storage, use or other
8 consumption while temporarily within this state when such property or digital good
9 is not stored, used or otherwise consumed in this state in the conduct of a trade,
10 occupation, business or profession or in the performance of personal services for
11 wages or fees.

12 **SECTION 171.** 77.53 (17m) of the statutes is amended to read:

13 77.53 (17m) This section does not apply to a boat purchased in a state
14 contiguous to this state, as determined under s. 77.522, by a person domiciled in that
15 state if the boat is berthed in this state's boundary waters adjacent to the state of the
16 domicile of the purchaser and if the transaction was an exempt occasional sale under
17 the laws of the state in which the purchase was made.

18 **SECTION 172.** 77.53 (17r) (a) of the statutes is amended to read:

19 77.53 (17r) (a) It is purchased in another state, as determined under s. 77.522.

20 **SECTION 173.** 77.53 (18) of the statutes is amended to read:

21 77.53 (18) This section does not apply to the storage, use or other consumption
22 in this state of household goods, specified digital goods, or additional digital goods
23 for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile homes,
24 trailers, semitrailers and all-terrain vehicles, for personal use, purchased by a
25 nondomiciliary of this state outside this state, as determined under s. 77.522, 90 days

1 or more before bringing the goods or property into this state in connection with a
2 change of domicile to this state.

3 **SECTION 174.** 77.54 (1) of the statutes is amended to read:

4 77.54 (1) The ~~gross receipts~~ sales price from the sale of and the storage, use or
5 other consumption in this state of tangible personal property and services the gross
6 receipts sales price from the sale of which, or the storage, use or other consumption
7 of which, this state is prohibited from taxing under the constitution or laws of the
8 United States or under the constitution of this state.

9 **SECTION 175.** 77.54 (2) of the statutes is amended to read:

10 77.54 (2) The ~~gross receipts~~ sales price from sales of and the storage, use or
11 other consumption of tangible personal property becoming an ingredient or
12 component part of an article of tangible personal property or which is consumed or
13 destroyed or loses its identity in the manufacture of tangible personal property in
14 any form destined for sale, except as provided in sub. (30) (a) 6.

15 **SECTION 176.** 77.54 (2m) of the statutes is amended to read:

16 77.54 (2m) The ~~gross receipts~~ sales price from the sales of and the storage, use
17 or other consumption of tangible personal property or services that become an
18 ingredient or component of shoppers guides, newspapers or periodicals or that are
19 consumed or lose their identity in the manufacture of shoppers guides, newspapers
20 or periodicals, whether or not the shoppers guides, newspapers or periodicals are
21 transferred without charge to the recipient. In this subsection, "shoppers guides",
22 "newspapers" and "periodicals" have the meanings under sub. (15). The exemption
23 under this subdivision does not apply to advertising supplements that are not
24 newspapers.

1 **SECTION 177.** 77.54 (3) (a) of the statutes, as affected by 2005 Wisconsin Act
2 366, is amended to read:

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

17 **SECTION 178.** 77.54 (3m) (intro.) of the statutes, as affected by 2005 Wisconsin
18 Act 366, is amended to read:

19 77.54 (3m) (intro.) The ~~gross receipts~~ sales price from the sale of and the
20 storage, use or other consumption of the following items if they are used exclusively
21 by the purchaser or user in the business of farming; including dairy farming,
22 agriculture, horticulture, floriculture, silviculture, and custom farming services:

23 **SECTION 179.** 77.54 (4) of the statutes is amended to read:

24 77.54 (4) ~~Gross receipts~~ The sales price from the sale of tangible personal
25 property, and the storage, use or other consumption in this state of tangible personal

1 property which is the subject of any such sale, by any elementary school or secondary
2 school, exempted as such from payment of income or franchise tax under ch. 71,
3 whether public or private.

4 **SECTION 180.** 77.54 (5) (intro.) of the statutes is amended to read:

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

7 **SECTION 181.** 77.54 (6) (intro.) of the statutes is amended to read:

8 77.54 (6) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,
9 use or other consumption of:

10 **SECTION 182.** 77.54 (7m) of the statutes is amended to read:

11 77.54 (7m) Occasional sales of tangible personal property or services, including
12 admissions or tickets to an event; by a neighborhood association, church, civic group,
13 garden club, social club or similar nonprofit organization; not involving
14 entertainment for which payment in the aggregate exceeds \$500 for performing or
15 as reimbursement of expenses unless access to the event may be obtained without
16 payment of a direct or indirect admission fee; conducted by the organization if the
17 organization is not engaged in a trade or business and is not required to have a
18 seller's permit. For purposes of this subsection, an organization is engaged in a trade
19 or business and is required to have a seller's permit if its sales of tangible personal
20 property and services, not including sales of tickets to events, and its events occur
21 on more than 20 days during the year, unless its receipts do not exceed \$25,000
22 during the year. The exemption under this subsection does not apply to ~~gross receipts~~
23 the sales price from the sale of bingo supplies to players or to the sale, rental or use
24 of regular bingo cards, extra regular cards and special bingo cards.

25 **SECTION 183.** 77.54 (8) of the statutes is amended to read:

1 77.54 (8) Charges for interest, ~~finaneing or insurance, not including contracts~~
2 under s. 77.52 (2) (a) 13m., where such charges are separately set forth upon the
3 invoice given by the seller to the purchaser.

4 **SECTION 184.** 77.54 (9) of the statutes is amended to read:

5 77.54 (9) The ~~gross receipts~~ sales price from sales of tickets or admissions to
6 public and private elementary and secondary school activities, where the entire net
7 proceeds therefrom are expended for educational, religious or charitable purposes.

8 **SECTION 185.** 77.54 (9a) (intro.) of the statutes is amended to read:

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

12 **SECTION 186.** 77.54 (10) of the statutes is amended to read:

13 77.54 (10) The ~~gross receipts~~ sales price from the sale of all admission fees,
14 admission stickers or camping fees under s. 27.01 (7) to (11) and all admission fees
15 to any museum operated by a nonprofit corporation under a lease agreement with
16 the state historical society.

17 **SECTION 187.** 77.54 (11) of the statutes is amended to read:

18 77.54 (11) The ~~gross receipts~~ sales price from the sales of and the storage, use
19 or other consumption in this state of motor vehicle fuel, general aviation fuel or
20 alternate fuel, subject to taxation under ch. 78, unless the motor vehicle fuel or
21 alternate fuel tax is refunded under s. 78.75 because the buyer does not use the fuel
22 in operating a motor vehicle upon the public highways.

23 **SECTION 188.** 77.54 (12) of the statutes is amended to read:

24 77.54 (12) The ~~gross receipts~~ sales price from the sales of and the storage, use
25 or other consumption in this state of rail freight or passenger cars, locomotives or

1 other rolling stock used in railroad operations, or accessories, attachments, parts,
2 lubricants or fuel therefor.

3 **SECTION 189.** 77.54 (13) of the statutes is amended to read:

4 77.54 (13) The gross receipts sales price from the sales of and the storage, use
5 or other consumption in this state of commercial vessels and barges of 50-ton burden
6 or over primarily engaged in interstate or foreign commerce or commercial fishing,
7 and the accessories, attachments, parts and fuel therefor.

8 **SECTION 190.** 77.54 (14) (intro.) of the statutes is amended to read:

9 77.54 (14) (intro.) The ~~gross receipts~~ sales price from the sales of and the
10 storage, use, or other consumption in this state of ~~medieines~~ drugs that are any of
11 the following:

12 **SECTION 191.** 77.54 (14) (a) of the statutes is amended to read:

13 77.54 (14) (a) Prescribed for the treatment of a human being by a person
14 authorized to prescribe the ~~medieines~~ drugs, and dispensed on prescription filled by
15 a registered pharmacist in accordance with law.

16 **SECTION 192.** 77.54 (14) (b) of the statutes is amended to read:

17 77.54 (14) (b) Furnished by a licensed physician, surgeon, podiatrist, or dentist
18 to a patient who is a human being for treatment of the patient.

19 **SECTION 193.** 77.54 (14) (f) (intro.) of the statutes is amended to read:

20 77.54 (14) (f) (intro.) Furnished without charge to any of the following if the
21 ~~medieine~~ drug may not be dispensed without a prescription:

22 **SECTION 194.** 77.54 (14b) of the statutes is created to read:

23 77.54 (14b) The sales price from the sales of and the storage, use, or other
24 consumption of bandages, dressings, syringes, and similar items that are sold as a

1 bundled transaction that includes drugs that are exempt under sub. (14) and sold by
2 the seller as a single product or piece of merchandise.

3 SECTION 195. 77.54 (14g) of the statutes is repealed.

4 SECTION 196. 77.54 (14s) of the statutes is repealed.

5 SECTION 197. 77.54 (15) of the statutes is amended to read:

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

23 SECTION 198. 77.54 (16) of the statutes is amended to read:

24 77.54 (16) The gross receipts sales price from the sale of and the storage, use
25 or other consumption of fire trucks and fire fighting equipment, including

1 accessories, attachments, parts and supplies therefor, sold to volunteer fire
2 departments.

3 **SECTION 199.** 77.54 (17) of the statutes is amended to read:

4 77.54 (17) The ~~gross receipts~~ sales price from the sales of and the storage, use
5 or other consumption of water, that is not food and food ingredient, when delivered
6 through mains.

7 **SECTION 200.** 77.54 (18) of the statutes is amended to read:

8 77.54 (18) When the sale, lease or rental of a service or property that was
9 previously exempt or not taxable under this subchapter becomes taxable, and the
10 service or property is furnished under a written contract by which the seller is
11 unconditionally obligated to provide the service or property for the amount fixed
12 under the contract, the seller is exempt from sales or use tax on the ~~gross receipts~~
13 sales price for services or property provided until the contract is terminated,
14 extended, renewed or modified. However, from the time the service or property
15 becomes taxable until the contract is terminated, extended, renewed or modified the
16 user is subject to use tax, measured by the sales purchase price, on the service or
17 property purchased under the contract.

18 **SECTION 201.** 77.54 (20) of the statutes is repealed.

19 **SECTION 202.** 77.54 (20m) of the statutes is repealed.

20 **SECTION 203.** 77.54 (20n) of the statutes is created to read:

21 77.54 (20n) (a) The sales price from the sale of and the storage, use, or other
22 consumption of food and food ingredients, except candy, soft drinks, dietary
23 supplements, and prepared food.

24 (b) The sales price from the sale of and the storage, use, or other consumption
25 of food and food ingredients, except soft drinks, sold by hospitals, sanatoriums,

1 nursing homes, retirement homes, community-based residential facilities, as
2 defined in s. 50.01 (1g), or day care centers registered under ch. 48, including
3 prepared food that is sold to the elderly or handicapped by persons providing mobile
4 meals on wheels. In this paragraph, "retirement home" means a nonprofit
5 residential facility where 3 or more unrelated adults or their spouses have their
6 principal residence and where support services, including meals from a common
7 kitchen, are available to residents.

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

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

16 2. A national football league team.

17 **SECTION 204.** 77.54 (20p) of the statutes is created to read:

18 77.54 (20p) The sales price from the sale of and the storage, use, or other
19 consumption of taxable and exempt food and food ingredients that are packaged
20 together if 50 percent or more of the sales price of the items packaged together is
21 attributable to food and food ingredients that are exempt from the taxes imposed
22 under this subchapter. If more than 50 percent of the sales price is attributable to
23 items that are subject to the taxes imposed under this subchapter, the entire sales
24 price is subject to the taxes imposed under this subchapter, regardless of any
25 exemption under this section that otherwise applies to the remaining items.

1 **SECTION 205.** 77.54 (20r) of the statutes is created to read:

2 77.54 (20r) The sales price from the sales of and the storage, use, or other
3 consumption of candy, soft drinks, dietary supplements, and prepared foods, and
4 disposable products that are transferred with such items, furnished for no
5 consideration by a restaurant to the restaurant's employee during the employee's
6 work hours.

7 **SECTION 206.** 77.54 (21) of the statutes is amended to read:

8 77.54 (21) The ~~gross receipts~~ sales price from the sales of and the storage, use
9 or other consumption of caskets and burial vaults for human remains.

10 **SECTION 207.** 77.54 (22) of the statutes is repealed.

11 **SECTION 208.** 77.54 (22b) of the statutes is created to read:

12 77.54 (22b) The sales price from the sale of and the storage, use, or other
13 consumption of durable medical equipment that is for use in a person's home,
14 mobility-enhancing equipment, and prosthetic devices, and accessories for such
15 equipment or devices, if the equipment or devices are used for a human being.

16 **SECTION 209.** 77.54 (22c) of the statutes is created to read:

17 77.54 (22c) The sales price from the sale of and the storage, use, or other
18 consumption of tangible personal property that is subject to the taxes imposed under
19 this subchapter and items described under sub. (22b), if such property and items are
20 packaged together and if 50 percent or more of the sales price of the property and
21 items packaged together is attributable to the items described under sub. (22b). If
22 more than 50 percent of the sales price is attributable to tangible personal property
23 that is subject to the taxes imposed under this subchapter, the entire sales price is
24 subject to the taxes imposed under this subchapter, regardless of the exemption
25 under sub. (22b).

1 **SECTION 210.** 77.54 (23m) of the statutes is amended to read:

2 77.54 (23m) The ~~gross receipts~~ sales price from the sale, lease or rental of or
3 the storage, use or other consumption of motion picture film or tape, and advertising
4 materials related thereto, sold, leased or rented to a motion picture theater or radio
5 or television station.

6 **SECTION 211.** 77.54 (25) of the statutes is amended to read:

7 77.54 (25) The ~~gross receipts~~ sales price from the sale of and the storage of
8 printed material which is designed to advertise and promote the sale of merchandise,
9 or to advertise the services of individual business firms, which printed material is
10 purchased and stored for the purpose of subsequently transporting it outside the
11 state by the purchaser for use thereafter solely outside the state.

12 **SECTION 212.** 77.54 (26) of the statutes is amended to read:

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

1 **SECTION 213.** 77.54 (26m) of the statutes is amended to read:

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

14 **SECTION 214.** 77.54 (27) of the statutes is amended to read:

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

17 **SECTION 215.** 77.54 (28) of the statutes is amended to read:

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

22 **SECTION 216.** 77.54 (29) of the statutes is amended to read:

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

25 **SECTION 217.** 77.54 (30) (a) (intro.) of the statutes is amended to read:

1 77.54 (30) (a) (intro.) The ~~gross receipts~~ sales price from the sale of:

2 SECTION 218. 77.54 (30) (c) of the statutes is amended to read:

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

8 SECTION 219. 77.54 (31) of the statutes is amended to read:

9 77.54 (31) The ~~gross receipts~~ sales price from the sale of and the storage, use
10 or other consumption in this state, but not the lease or rental, of used mobile homes
11 that are primary housing units under s. 340.01 (29).

12 SECTION 220. 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 221. 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 ~~medieines~~ drugs used on farm livestock, not including
20 workstock.

21 SECTION 222. 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, tickets or admissions by any baseball team affiliated with the Wisconsin
24 Department of American Legion baseball.

25 SECTION 223. 77.54 (36) of the statutes is amended to read:

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

6 **SECTION 224.** 77.54 (37) of the statutes is amended to read:

7 77.54 (37) The ~~gross receipts~~ sales price from revenues collected under s.
8 146.70 (3) and the surcharge established by rule by the public service commission
9 under s. 146.70 (3m) (f) for customers of wireless providers, as defined in s. 146.70
10 (3m) (a) 6.

11 **SECTION 225.** 77.54 (38) of the statutes is amended to read:

12 77.54 (38) The ~~gross receipts~~ sales price from the sale of and the storage, use
13 or other consumption of snowmobile trail groomers and attachments for them that
14 are purchased, stored, used or consumed by a snowmobile club that meets at least
15 3 times a year, that has at least 10 members, that promotes snowmobiling and that
16 participates in the department of natural resources’ snowmobile program under s.
17 350.12 (4) (b).

18 **SECTION 226.** 77.54 (39) of the statutes is amended to read:

19 77.54 (39) The ~~gross receipts~~ sales price from the sale of and the storage, use
20 or other consumption of off-highway, heavy mechanical equipment such as feller
21 bunchers, slashers, delimiters, chippers, hydraulic loaders, loaders,
22 skidder-forwarders, skidders, timber wagons and tractors used exclusively and
23 directly in the harvesting or processing of raw timber products in the field by a person
24 in the logging business. In this subsection, “heavy mechanical equipment” does not
25 include hand tools such as axes, chains, chain saws and wedges.

1 **SECTION 227.** 77.54 (40) of the statutes is repealed.

2 **SECTION 228.** 77.54 (41) of the statutes is amended to read:

3 77.54 (41) The ~~gross receipts~~ sales price from the sale of building materials,
4 supplies and equipment to; and the storage, use or other consumption of those kinds
5 of property by; owners, contractors, subcontractors or builders if that property is
6 acquired solely for or used solely in, the construction, renovation or development of
7 property that would be exempt under s. 70.11 (36).

8 **SECTION 229.** 77.54 (42) of the statutes is amended to read:

9 77.54 (42) The ~~gross receipts~~ sales price from the sale of and the storage, use
10 or other consumption of animal identification tags provided under s. 93.06 (1h) and
11 standard samples provided under s. 93.06 (1s).

12 **SECTION 230.** 77.54 (43) of the statutes is amended to read:

13 77.54 (43) The ~~gross receipts~~ sales price from the sale of and the storage, use
14 or other consumption of raw materials used for the processing, fabricating or
15 manufacturing of, or the attaching to or incorporating into, printed materials that
16 are transported and used solely outside this state.

17 **SECTION 231.** 77.54 (44) of the statutes, as affected by 2005 Wisconsin Act 141,
18 is amended to read:

19 77.54 (44) The ~~gross receipts~~ sales price from the collection of low-income
20 assistance fees that are charged under s. 16.957 (4) (a) or (5) (a).

21 **SECTION 232.** 77.54 (45) of the statutes is amended to read:

22 77.54 (45) The ~~gross receipts~~ sales price from the sale of and the use or other
23 consumption of a onetime license or similar right to purchase admission to
24 professional football games at a football stadium, as defined in s. 229.821 (6), that
25 is granted by a municipality; a local professional football stadium district; or a

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

5 **SECTION 233.** 77.54 (46) of the statutes is amended to read:

6 77.54 (46) The ~~gross receipts~~ sales price from the sale of and the storage, use,
7 or other consumption of the U.S. flag or the state flag. This subsection does not apply
8 to a representation of the U.S. flag or the state flag.

9 **SECTION 234.** 77.54 (46m) of the statutes is amended to read:

10 77.54 (46m) The ~~gross receipts~~ sales price from the sale of and the storage, use,
11 or other consumption of telecommunications services, if the telecommunications
12 services are obtained by using the rights to purchase telecommunications services,
13 including purchasing reauthorization numbers, by paying in advance and by using
14 an access number and authorization code; and if the tax imposed under s. 77.52 or
15 77.53 was previously paid on the sale or purchase of such rights.

16 **SECTION 235.** 77.54 (47) (intro.) of the statutes is amended to read:

17 77.54 (47) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,
18 use, or other consumption of all of the following:

19 **SECTION 236.** 77.54 (47) (b) 1. and 2. of the statutes are amended to read:

20 77.54 (47) (b) 1. The shooting facility is required to pay the tax imposed under
21 s. 77.52 on its ~~gross receipts~~ the sales price from charges for shooting at the facility.

22 2. The shooting facility is a nonprofit organization that charges for shooting at
23 the facility, but is not required to pay the tax imposed under s. 77.52 on its ~~gross~~
24 receipts the sales price from such charges because the charges are for occasional
25 sales, as provided under sub. (7m).

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1 **SECTION 237.** 77.54 (48) (a) of the statutes, as created by 2005 Wisconsin Act
2 479, is amended to read:

3 77.54 (48) (a) Subject to 2005 Wisconsin Act 479, section 17, the gross receipts
4 sales price from the sale of and the storage, use, or other consumption of Internet
5 equipment used in the broadband market, if the purchaser certifies to the
6 department of commerce, in the manner prescribed by the department of commerce,
7 that the purchaser will, within 24 months after July 1, 2007, make an investment
8 that is reasonably calculated to increase broadband Internet availability in this
9 state.

10 **SECTION 238.** 77.54 (49) of the statutes is amended to read:

11 77.54 (49) The gross receipts sales price from the sale of and the storage, use,
12 or other consumption of taxable services and tangible personal property that is
13 physically transferred to the purchaser as a necessary part of services that are
14 subject to the taxes imposed under s. 77.52 (2) (a) 7., 10., 11., and 20., if the seller and
15 the purchaser of such services and property are members of the same affiliated group
16 under section 1504 of the Internal Revenue Code and are eligible to file a single
17 consolidated return for federal income tax purposes. For purposes of this subsection,
18 if a seller purchases a taxable service or tangible personal property, as described in
19 the subsection, that is subsequently sold to a member of the seller's affiliated group
20 and the sale is exempt under this subsection from the taxes imposed under this
21 subchapter, the original purchase of the taxable service or tangible personal property
22 by the seller is not considered a sale for resale or exempt under this subsection.

23 **SECTION 239.** 77.54 (50) of the statutes is created to read:

24 77.54 (50) The sales price from the sale of and the storage, use, or other
25 consumption of specified digital goods or additional digital goods that are transferred

1 electronically to the purchaser, if the sale of and the storage, use, or other
2 consumption of such goods sold in a tangible form is exempt from taxation under this
3 subchapter.

4 **SECTION 240.** 77.55 (1) (intro.) of the statutes is amended to read:

5 77.55 (1) (intro.) There are is exempted from the computation of the amount
6 of the sales tax the ~~gross receipts~~ sales price from the sale of any tangible personal
7 property or services to:

8 **SECTION 241.** 77.55 (2) of the statutes is amended to read:

9 77.55 (2) There are is exempted from the computation of the amount of the sales
10 tax the ~~gross receipts~~ sales price from sales of tangible personal property to a
11 common or contract carrier, shipped by the seller via the purchasing carrier under
12 a bill of lading whether the freight is paid in advance, or the shipment is made freight
13 charges collect, to a point outside this state and the property is actually transported
14 to the out-of-state destination for use by the carrier in the conduct of its business
15 as a carrier.

16 **SECTION 242.** 77.55 (2m) of the statutes is amended to read:

17 77.55 (2m) There are is exempted from the computation of the amount of sales
18 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or
19 contract carrier, shipped wholly or in part by way of the purchasing carrier under a
20 bill of lading, whether the freight is paid in advance or the shipment is made freight
21 charges collect, to a point outside this state if the property is transported to the
22 out-of-state destination for use by the carrier in the conduct of its business as a
23 carrier. Interruption of the shipment for storage, drying, processing or creosoting of
24 the railroad crossties in this state does not invalidate the exemption under this
25 subsection.

1 **SECTION 243.** 77.55 (3) of the statutes is amended to read:

2 77.55 (3) There are ~~is~~ exempted from the computation of the amount of the sales
3 tax the ~~gross receipts~~ sales price from sales of tangible personal property purchased
4 for use solely outside this state and delivered to a forwarding agent, export packer,
5 or other person engaged in the business of preparing goods for export or arranging
6 for their exportation, and actually delivered to a port outside the continental limits
7 of the United States prior to making any use thereof.

8 **SECTION 244.** 77.56 (1) of the statutes is amended to read:

9 77.56 (1) The storage, use or other consumption in this state of property, the
10 ~~gross receipts~~ sales price from the sale of which are ~~is~~ reported to the department in
11 the measure of the sales tax, is exempted from the use tax.

12 **SECTION 245.** 77.57 of the statutes is amended to read:

13 **77.57 Liability of purchaser.** If a purchaser certifies in writing to a seller
14 that the property, specified digital goods, or additional digital goods purchased will
15 be used in a manner or for a purpose entitling the seller to regard the ~~gross receipts~~
16 sales price from the sale as exempted by this subchapter from the computation of the
17 amount of the sales tax and uses the property, specified digital goods, or additional
18 digital goods in some other manner or for some other purpose, the purchaser is liable
19 for payment of the sales tax. The tax shall be measured by the sales price of the
20 property, specified digital goods, or additional digital goods to the purchaser, ~~but if~~
21 ~~the taxable use first occurs more than 6 months after the sale to the purchaser, the~~
22 ~~purchaser may use as the measure of the tax either that sales price or the fair market~~
23 ~~value of the property at the time the taxable use first occurs.~~

24 **SECTION 246.** 77.58 (3) (a) of the statutes is amended to read:

1 77.58 (3) (a) For purposes of the sales tax a return shall be filed by every seller.
2 For purposes of the use tax a return shall be filed by every retailer engaged in
3 business in this state and by every person purchasing tangible personal property,
4 specified digital goods, additional digital goods, or services, the storage, use, or other
5 consumption of which is subject to the use tax, who has not paid the use tax due to
6 a retailer required to collect the tax. If a qualified subchapter S subsidiary is not
7 regarded as a separate entity under ch. 71, the owner of that subsidiary shall include
8 the information for that subsidiary on the owner's return. Returns shall be signed
9 by the person required to file the return or by a duly authorized agent but need not
10 be verified by oath. If a single-owner entity is disregarded as a separate entity under
11 ch. 71, the owner shall include the information from the entity on the owner's return.

12 **SECTION 247.** 77.58 (3) (b) of the statutes is amended to read:

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

24 **SECTION 248.** 77.58 (6) of the statutes is amended to read:

1 77.58 (6) For the purposes of the sales tax ~~gross receipts~~, the sales price from
2 rentals or leases of tangible personal property, specified digital goods, or additional
3 digital goods shall be reported and the tax paid in accordance with such rules as the
4 department prescribes.

5 **SECTION 249.** 77.58 (6m) of the statutes is created to read:

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

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

13 **SECTION 250.** 77.58 (9a) of the statutes is created to read:

14 77.58 (9a) In addition to filing a return as provided in this section, a person
15 described under s. 77.524 (3), (4), or (5) shall provide to the department any
16 information that the department considers necessary for the administration of this
17 subchapter, in the manner prescribed by the department, except that the
18 department may not require that the person provide such information to the
19 department more than once every 180 days.

20 **SECTION 251.** 77.585 of the statutes is created to read:

21 **77.585 Return adjustments.** (1) (a) In this subsection, "bad debt" means the
22 portion of the sales price or purchase price that the seller has reported as taxable
23 under this subchapter and that the seller may claim as a deduction under section 166
24 of the Internal Revenue Code. "Bad debt" does not include financing charges or
25 interest, sales or use taxes imposed on the sales price or purchase price, uncollectible

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

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

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

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

1 under s. 77.59 (4) begins on the date on which the return on which the bad debt could
2 be claimed would have been required to be submitted to the department under s.
3 77.58.

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

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

16 (2) If a lessor of tangible personal property, specified digital goods, or additional
17 digital goods has reimbursed the vendor for the sales tax on the sale of the property
18 or goods by the vendor to the lessor, the tax due from the lessor on the rental receipts
19 may be offset by a credit equal to the tax otherwise due on the rental receipts from
20 the property or goods for the reporting period. The credit shall expire when the
21 cumulative rental receipts equal the sales price upon which the vendor paid sales
22 taxes to this state.

23 (3) If a purchaser of tangible personal property, specified digital goods, or
24 additional digital goods has reimbursed the vendor of the property or goods for the
25 sales tax on the sale and subsequently, before making any use of the property or

1 goods other than retention, demonstration, or display while holding it for sale or
2 rental, makes a taxable sale of the property or goods, the tax due on the taxable sale
3 may be offset by the tax reimbursed.

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

13 (5) No reduction in the amount of tax payable by the retailer is allowable in the
14 event property, specified digital goods, or additional digital goods sold on credit are
15 repossessed except where the entire consideration paid by the purchaser is refunded
16 to the purchaser or where a credit for a worthless account is allowable under sub. (1).

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

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

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

7 **SECTION 252.** 77.59 (2m) of the statutes is created to read:

8 **77.59 (2m)** The department may audit, or may authorize others to audit, sellers
9 and certified service providers who are registered with the department pursuant to
10 the agreement, as defined in s. 77.65 (2) (a).

11 **SECTION 253.** 77.59 (5m) of the statutes is amended to read:

12 **77.59 (5m)** A seller who receives a refund under sub. (4) (a) or (b) of taxes that
13 the seller has collected from buyers, who collects amounts as taxes erroneously from
14 buyers, but who does not remit such amounts to the state, or who is entitled to a
15 refund under sub. (4) (a) or (b) that is offset under sub. (5), shall submit the taxes and
16 related interest to the buyers from whom the taxes were collected, or to the
17 department if the seller cannot locate the buyers, within 90 days after the date of the
18 refund, after the date of the offset, or after discovering that the seller has collected
19 taxes erroneously from the buyers. If the seller does not submit the taxes and related
20 interest to the department or the buyers within that period, the seller shall submit
21 to the department any part of a refund or taxes that the seller does not submit to a
22 buyer or to the department along with a penalty of 25% of the amount not submitted
23 or, in the case of fraud, a penalty equal to the amount not submitted. A person who
24 collects amounts as taxes erroneously from buyers for a real property construction
25 activity or nontaxable service may reduce the taxes and interest that he or she is

1 required to submit to the buyer or to the department under this subsection for that
2 activity or service by the amount of tax and interest subsequently due and paid on
3 the sale of or the storage, use, or other consumption of tangible personal property,
4 specified digital goods, or additional digital goods that is are used by the person in
5 that activity or service and transferred to the buyer.

6 **SECTION 254.** 77.59 (9) of the statutes is amended to read:

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

21 **SECTION 255.** 77.59 (9n) of the statutes is created to read:

22 77.59 (9n) (a) Notwithstanding s. 73.03 (47), no seller or certified service
23 provider is liable for tax, interest, or penalties imposed on a transaction under this
24 subchapter in the circumstances covered under sections 306, 328, and 502 of the
25 agreement, as defined in s. 77.65 (2) (a).

1 (b) A purchaser is not liable for the tax, interest, or penalties imposed on a
2 transaction under this subchapter in the circumstances covered by section 331 of the
3 agreement, as defined in s. 77.65 (2) (a).

4 **SECTION 256.** 77.59 (9p) (b) of the statutes is created to read:

5 77.59 (9p) (b) If a customer purchases a service that is not subject to 4 USC 116
6 to 126, as amended by P.L. 106-252, or tangible personal property, specified digital
7 goods, or additional digital goods, and if the customer believes that the amount of the
8 tax assessed for the sale of the service, property, or goods under this subchapter is
9 erroneous, the customer may request that the seller correct the alleged error by
10 sending a written notice to the seller. The notice shall include a description of the
11 alleged error and any other information that the seller reasonably requires to process
12 the request. Within 60 days from the date that a seller receives a request under this
13 paragraph, the seller shall review its records to determine the validity of the
14 customer's claim. If the review indicates that there is no error as alleged, the seller
15 shall explain the findings of the review in writing to the customer. If the review
16 indicates that there is an error as alleged, the seller shall correct the error and shall
17 refund the amount of any tax collected erroneously, along with the related interest,
18 as a result of the error from the customer, consistent with s. 77.59 (4). A customer
19 may take no other action against the seller, or commence any action against the
20 seller, to correct an alleged error in the amount of the tax assessed under this
21 subchapter on a service that is not subject to 4 USC 116 to 126, as amended by P.L.
22 106-252, or tangible personal property, specified digital goods, or additional digital
23 goods unless the customer has exhausted his or her remedies under this paragraph.

24 **SECTION 257.** 77.59 (9r) of the statutes is created to read:

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

7 **SECTION 258.** 77.60 (13) of the statutes is created to read:

8 77.60 (13) A person who uses any of the following documents in a manner that
9 is prohibited by or inconsistent with this subchapter, or provides incorrect
10 information to a seller or certified service provider related to the use of such
11 documents or regarding an exemption to the taxes imposed under this subchapter,
12 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or
13 inconsistent use or incorrect information:

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

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

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

17 **SECTION 259.** 77.61 (1) (b) of the statutes is amended to read:

18 77.61 (1) (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles,
19 mobile homes not exceeding 45 feet in length, trailers, semitrailers, all-terrain
20 vehicles, or aircraft purchased from a licensed Wisconsin motor vehicle dealer
21 retailer, the registrant shall present proof that the tax has been paid to such dealer
22 retailer.

23 **SECTION 260.** 77.61 (1) (c) of the statutes is amended to read:

24 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, mobile homes
25 not exceeding 45 feet in length, trailers, semitrailers, all-terrain vehicles or aircraft

1 registered or titled, or required to be registered or titled, in this state purchased from
2 persons who are not ~~Wisconsin boat, trailer or semitrailer dealers, licensed~~
3 ~~Wisconsin aircraft, motor vehicle or mobile home dealers or registered Wisconsin~~
4 ~~snowmobile or all-terrain vehicle dealers~~ retailers, the purchaser shall file a sales
5 tax return and pay the tax prior to registering or titling the motor vehicle, boat,
6 snowmobile, mobile home not exceeding 45 feet in length, trailer, semitrailer,
7 all-terrain vehicle or aircraft in this state.

8 **SECTION 261.** 77.61 (2) of the statutes is renumbered 77.61 (2) (intro.) and
9 amended to read:

10 77.61 (2) (intro.) In order to protect the revenue of the state:

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

25 **SECTION 262.** 77.61 (2) (b) of the statutes is created to read:

1 77.61 (2) (b) A certified service provider who has contracted with a seller, and
2 filed an application, to collect and remit sales and use taxes imposed under this
3 subchapter on behalf of the seller shall submit a surety bond to the department to
4 guarantee the payment of sales and use taxes, including any penalty and interest on
5 such payment. The department shall approve the form and contents of a bond
6 submitted under this paragraph and shall determine the amount of such bond. The
7 surety bond shall be submitted to the department within 60 days after the date on
8 which the department notifies the certified service provider that the certified service
9 provider is registered to collect sales and use taxes imposed under this subchapter.
10 If the department determines, with regards to any one certified service provider, that
11 no bond is necessary to protect the tax revenues of this state, the secretary of revenue
12 or the secretary's designee may waive the requirements under this paragraph with
13 regard to that certified service provider. Any bond submitted under this paragraph
14 shall remain in force until the secretary of revenue or the secretary's designee
15 releases the liability under the bond.

16 **SECTION 263.** 77.61 (3) of the statutes is repealed.

17 **SECTION 264.** 77.61 (3m) of the statutes is created to read:

18 77.61 (3m) A retailer shall use a straight mathematical computation to
19 determine the amount of the tax that the retailer may collect from the retailer's
20 customers. The retailer shall calculate the tax amount by combining the applicable
21 tax rates under this subchapter and subch. V and multiplying the combined tax rate
22 by the sales price or purchase price of each item or invoice, as appropriate. The
23 retailer shall calculate the tax amount to the 3rd decimal place, disregard tax
24 amounts of less than 0.5 cent, and consider tax amounts of at least 0.5 cent but less
25 than 1 cent to be an additional cent. The use of a straight mathematical computation,

1 as provided in this subsection, shall not relieve the retailer from liability for payment
2 of the full amount of the tax levied under this subchapter.

3 **SECTION 265.** 77.61 (4) (a) of the statutes is amended to read:

4 77.61 (4) (a) Every seller and retailer and every person storing, using or
5 otherwise consuming in this state tangible personal property, specified digital goods,
6 additional digital goods, or taxable services purchased from a retailer shall keep such
7 records, receipts, invoices, and other pertinent papers and records, including
8 machine-readable records, in such form as the department requires. The
9 department may, after giving notice, require any person to keep whatever records are
10 needed for the department to compute the sales or use taxes the person should pay.
11 Thereafter, the department shall add to any taxes assessed on the basis of
12 information not contained in the records required a penalty of 25% of the amount of
13 the tax so assessed in addition to all other penalties under this chapter.

14 **SECTION 266.** 77.61 (4) (c) of the statutes is amended to read:

15 77.61 (4) (c) For reporting the sales tax and collecting and reporting the use tax
16 imposed on the retailer under s. 77.53 (3) and the accounting connected with it,
17 retailers, not including certified service providers, may deduct 0.5% of those taxes
18 payable or \$10 for that reporting period required under s. 77.58 (1), whichever is
19 greater, but not more than the amount of the sales taxes or use taxes that is payable
20 under ss. 77.52 (1) and 77.53 (3) for that reporting period required under s. 77.58 (1),
21 as administration expenses if the payment of the taxes is not delinquent. For
22 purposes of calculating the retailer's discount under this paragraph, the taxes on
23 retail sales reported by retailers under subch. V, including taxes collected and
24 remitted as required under s. 77.785, shall be included if the payment of those taxes
25 is not delinquent.

SECTION 267

*to state participating in the agreement,
as defined in
§. 77.65(2)(a)*

1 **SECTION 267.** 77.61 (5m) of the statutes is created to read:

2 77.61 (5m) (a) In this subsection, “personally identifiable information” means
3 any information that identifies a person.

4 (b) A certified service provider may use personally identifiable information as
5 necessary only for the administration of its system to perform a seller’s sales and use
6 tax functions and shall provide consumers clear and conspicuous notice of its practice
7 regarding such information, including what information it collects, how it collects
8 the information, how it uses the information, how long, if at all, it retains the
9 information, and under what circumstances it discloses the information.

10 (c) A certified service provider may collect, use, and retain personally
11 identifiable information only to verify exemption claims, to investigate fraud, and to
12 ensure its system’s reliability.

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

16 (e) For purposes of this subchapter, the state shall provide to consumers public
17 notice of the state’s practices related to collecting, using, and retaining personally
18 identifiable information.

19 (f) The state shall not retain personally identifiable information obtained for
20 purposes of administering this subchapter unless the state is otherwise required to
21 retain the information by law or as provided under the agreement, as defined in s.
22 77.65 (2) (a).

23 (g) For purposes of this subchapter, the state shall provide an individual
24 reasonable access to that individual’s personally identifiable information and the
25 right to correct any inaccurately recorded information.

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

6 **SECTION 268.** 77.61 (11) of the statutes is amended to read:

7 77.61 (11) Any city, village or town clerk or other official whose duty it is to issue
8 licenses or permits to engage in a business involving the sale at retail of tangible
9 personal property, specified digital goods, or additional digital goods subject to tax
10 under this subchapter, or the furnishing of services so subject to tax, shall, before
11 issuing such license or permit, require proof that the person to whom such license
12 or permit is to be issued is the holder of a seller's permit as required by this
13 subchapter or has been informed by an employee of the department that the
14 department will issue a seller's permit to that person.

15 **SECTION 269.** 77.61 (16) of the statutes is created to read:

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

19 **SECTION 270.** 77.63 of the statutes is repealed and recreated to read:

20 **77.63 Collection compensation.** The following persons may retain a portion
21 of sales and use taxes collected on retail sales under this subchapter and subch. V
22 in an amount determined by the department and by contracts that the department
23 enters into jointly with other states as a member state of the streamlined sales tax
24 governing board pursuant to the agreement, as defined in s. 77.65 (2) (a):

25 (1) A certified service provider.

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

3 (3) A seller that sells tangible personal property, specified digital goods,
4 additional digital goods, or taxable services in at least 5 states that are signatories
5 to the agreement, as defined in s. 77.65 (2) (a); that has total annual sales revenue
6 of at least \$500,000,000; that has a proprietary system that calculates the amount
7 of tax owed to each taxing jurisdiction in which the seller sells tangible personal
8 property, specified digital goods, additional digital goods, or taxable services; and
9 that has entered into a performance agreement with the states that are signatories
10 to the agreement, as defined in s. 77.65 (2) (a). For purposes of this subsection,
11 “seller” includes an affiliated group of sellers using the same proprietary system to
12 calculate the amount of tax owed in each taxing jurisdiction in which the sellers sell
13 tangible personal property, specified digital goods, additional digital goods, or
14 taxable services.

15 **SECTION 271.** 77.65 (2) (c) of the statutes is repealed.

16 **SECTION 272.** 77.65 (2) (e) of the statutes is amended to read:

17 77.65 (2) (e) “Seller” means any person who sells, leases, or rents tangible
18 personal property, specified digital goods, additional digital goods, or services.

19 **SECTION 273.** 77.65 (2) (f) of the statutes is amended to read:

20 77.65 (2) (f) “State” means any state of the United States and, the District of
21 Columbia, and the Commonwealth of Puerto Rico.

22 **SECTION 274.** 77.65 (4) (fm) of the statutes is created to read:

23 77.65 (4) (fm) Provide that a seller who registers with the central electronic
24 registration system under par. (f) may cancel the registration at any time, as
25 provided under uniform procedures adopted by the governing board of the states that

1 are signatories to the agreement, but is required to remit any Wisconsin taxes
2 collected pursuant to the agreement to the department.

3 **SECTION 275.** 77.66 of the statutes is amended to read:

4 **77.66 Certification for collection of sales and use tax.** The secretary of
5 revenue shall determine and periodically certify to the secretary of administration
6 the names of persons, and affiliates, as defined in s. 16.70 (1b), of persons, who make
7 sales of tangible personal property, specified digital goods, additional digital goods,
8 and taxable services that are subject to the taxes imposed under this subchapter but
9 who are not registered to collect and remit such taxes to the department or, if
10 registered, do not collect and remit such taxes.

11 **SECTION 276.** 77.67 of the statutes is created to read:

12 **77.67 Amnesty for new registrants. (1)** A seller is not liable for uncollected
13 and unpaid taxes, including penalties and interest, imposed under this subchapter
14 and subch. V on sales made to purchasers in this state before the seller registers
15 under par. (a), if all of the following apply:

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

20 (b) The seller registers under par. (a) no later than 365 days after the effective
21 date of this state's participation in the agreement under s. 77.65 (2) (a), as
22 determined by the department.

23 (c) The seller was not registered to collect and remit the taxes imposed under
24 this subchapter and subch. V during the 365 consecutive days immediately before

1 the effective date of this state's participation in the agreement under s. 77.65 (2) (a),
2 as determined by the department.

3 (d) The seller has not received a notice of the commencement of an audit from
4 the department or, if the seller has received a notice of the commencement of an audit
5 from the department, the audit has not been resolved by any means, including any
6 related administrative and judicial processes, at the time that the seller registers
7 under par. (a).

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

10 (f) The seller collects and remits the taxes imposed under this subchapter and
11 subch. V on sales to purchasers in this state for at least 3 consecutive years after the
12 date on which the seller's collection obligation begins

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

15 **SECTION 277.** 77.70 of the statutes is amended to read:

16 **77.70 Adoption by county ordinance.** Any county desiring to impose county
17 sales and use taxes under this subchapter may do so by the adoption of an ordinance,
18 stating its purpose and referring to this subchapter. The county sales and use taxes
19 may be imposed only for the purpose of directly reducing the property tax levy and
20 only in their entirety as provided in this subchapter. That ordinance shall be
21 effective on the first day of January, the first day of April, the first day of July or the
22 first day of October. A certified copy of that ordinance shall be delivered to the
23 secretary of revenue at least 120 days prior to its effective date. The repeal of any
24 such ordinance shall be effective on December 31. A certified copy of a repeal

1 ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before
2 the effective date of the repeal.

3 **SECTION 278.** 77.705 of the statutes is amended to read:

4 **77.705 Adoption by resolution; baseball park district.** A local
5 professional baseball park district created under subch. III of ch. 229, by resolution
6 under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at
7 a rate of no more than 0.1% of the ~~gross receipts or sales price~~ or purchase price.
8 Those taxes may be imposed only in their entirety. The resolution shall be effective
9 on the first day of the first month January 1, April 1, July 1, or October 1 that begins
10 at least ~~30~~ 120 days after the adoption of the resolution. Any moneys transferred
11 from the appropriation account under s. 20.566 (1) (gd) to the appropriation account
12 under s. 20.835 (4) (gb) shall be used exclusively to retire the district's debt.

13 **SECTION 279.** 77.706 of the statutes is amended to read:

14 **77.706 Adoption by resolution; football stadium district.** A local
15 professional football stadium district created under subch. IV of ch. 229, by
16 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this
17 subchapter at a rate of 0.5% of the ~~gross receipts or sales price~~ or purchase price.
18 Those taxes may be imposed only in their entirety. The imposition of the taxes under
19 this section shall be effective on the first day of the first month January 1, April 1,
20 July 1, or October 1 that begins at least ~~30~~ 120 days after the certification of the
21 approval of the resolution by the electors in the district's jurisdiction under s. 229.824
22 (15). Any moneys transferred from the appropriation account under s. 20.566 (1) (ge)
23 to the appropriation account under s. 20.835 (4) (ge) shall be used exclusively to retire
24 the district's debt.

25 **SECTION 280.** 77.707 (1) of the statutes is amended to read:

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

9 **SECTION 281.** 77.707 (2) of the statutes is amended to read:

10 77.707 (2) Retailers and the department of revenue may not collect a tax under
11 s. 77.706 for any local professional football stadium district created under subch. IV
12 of ch. 229 after the last day of the calendar quarter during that is at least 120 days
13 from the date on which the local professional football stadium district board makes
14 all of the certifications to the department of revenue under s. 229.825 (3), except that
15 the department of revenue may collect from retailers taxes that accrued before the
16 day after the last day of that calendar quarter and fees, interest and penalties that
17 relate to those taxes.

18 **SECTION 282.** 77.71 (1) of the statutes is amended to read:

19 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible
20 personal property, and the property and items specified under s. 77.52 (1) (b) to (d),
21 and for the privilege of selling, licensing, performing or furnishing services a sales
22 tax is imposed upon retailers at the rate of 0.5% in the case of a county tax or at the
23 rate under s. 77.705 or 77.706 in the case of a special district tax of the gross receipts
24 sales price from the sale, licensing, lease or rental of tangible personal property,
25 except property taxed under sub. (4), sold, licensed, leased or rented at retail in the

1 county or special district or from selling, licensing, performing or furnishing services
2 described under s. 77.52 (2) in the county or special district.

3 **SECTION 283.** 77.71 (2) of the statutes is amended to read:

4 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax
5 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
6 purchase price upon every person storing, using or otherwise consuming in the
7 county or special district tangible personal property, property and items specified
8 under s. 77.52 (1) (b) to (d), or services if the property, item, or service is subject to
9 the state use tax under s. 77.53, except that a receipt indicating that the tax under
10 sub. (1), (3) or (4) has been paid relieves the buyer of liability for the tax under this
11 subsection and except that if the buyer has paid a similar local tax in another state
12 on a purchase of the same property, item, or services that tax shall be credited against
13 the tax under this subsection and except that for motor vehicles that are used for a
14 purpose in addition to retention, demonstration or display while held for sale in the
15 regular course of business by a dealer the tax under this subsection is imposed not
16 on the sales purchase price but on the amount under s. 77.53 (1m).

17 **SECTION 284.** 77.71 (3) of the statutes is amended to read:

18 77.71 (3) An excise tax is imposed upon a contractor engaged in construction
19 activities within the county or special district, at the rate of 0.5% in the case of a
20 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
21 of the sales purchase price of tangible personal property that is used in constructing,
22 altering, repairing or improving real property and that becomes a component part
23 of real property in that county or special district, except that if the contractor has
24 paid the sales tax of a county in the case of a county tax or of a special district in the
25 case of a special district tax in this state on that property, or has paid a similar local

1 sales tax in another state on a purchase of the same property, that tax shall be
2 credited against the tax under this subsection.

3 **SECTION 285.** 77.71 (4) of the statutes is amended to read:

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

14 **SECTION 286.** 77.72 (title) of the statutes is repealed.

15 **SECTION 287.** 77.72 (1) of the statutes is renumbered 77.72 and amended to
16 read:

17 **77.72 General rule for property.** For the purposes of this subchapter, all
18 retail sales of tangible personal property are ~~completed at the time when, and the~~
19 ~~place where, the seller or the seller's agent transfers possession to the buyer or the~~
20 ~~buyer's agent. In this subsection, a common carrier or the U.S. postal service is the~~
21 ~~agent of the seller, regardless of any f.o.b. point and regardless of the method by~~
22 ~~which freight or postage is paid. Rentals and leases of property, except property~~
23 ~~under sub. (2), have a situs at the location of that property, and property and items~~
24 specified under s. 77.52 (1) (b) to (d), and taxable services occur as provided in s.
25 77.522.

1 **SECTION 288.** 77.72 (2) and (3) of the statutes are repealed.

2 **SECTION 289.** 77.73 (2) of the statutes is amended to read:

3 77.73 (2) Counties and special districts do not have jurisdiction to impose the
4 tax under s. 77.71 (2) in regard to specified digital goods, additional digital goods, and
5 tangible personal property, except snowmobiles, trailers, semitrailers, and
6 all-terrain vehicles, purchased in a sale that is consummated in another county or
7 special district in this state that does not have in effect an ordinance or resolution
8 imposing the taxes under this subchapter and later brought by the buyer into the
9 county or special district that has imposed a tax under s. 77.71 (2).

10 **SECTION 290.** 77.73 (3) of the statutes is created to read:

11 77.73 (3) Counties and special districts have jurisdiction to impose the taxes
12 under this subchapter on retailers who file an application under s. 77.52 (7) or who
13 register under s. 77.53 (9) or (9m), regardless of whether such retailers are engaged
14 in business in the county or special district, as provided in s. 77.51 (13g). A retailer
15 who files an application under s. 77.52 (7) or who registers under s. 77.53 (9) or (9m)
16 shall collect, report, and remit to the department the taxes imposed under this
17 subchapter for all counties and special districts that have an ordinance or resolution
18 imposing the taxes under this subchapter.

19 **SECTION 291.** 77.75 of the statutes is amended to read:

20 **77.75 Reports.** Every person subject to county or special district sales and use
21 taxes shall, for each reporting period, record that person's sales made in the county
22 or special district that has imposed those taxes separately from sales made
23 elsewhere in this state and file a report of the measure of the county or special district
24 sales and use taxes and the tax due thereon separately as prescribed by the
25 department of revenue.

1 **SECTION 292.** 77.77 (1) of the statutes is renumbered 77.77 (1) (a) and amended
2 to read:

3 77.77 (1) (a) The gross receipts sales price from services subject to the tax under
4 s. 77.52 (2) ~~are not~~ or the lease, rental, or license of tangible personal property, and
5 property and items specified under s. 77.52 (1) (b) to (d), is subject to the taxes under
6 this subchapter, and the incremental amount of tax caused by a rate increase
7 applicable to those services, leases, rentals, or licenses ~~is not due, if those services~~
8 ~~are billed to the customer and paid for before~~ beginning with the first billing period
9 starting on or after the effective date of the county ordinance, special district
10 resolution, or rate increase, regardless of whether the service is furnished or the
11 property or item is leased, rented, or licensed to the customer before or after that
12 date.

13 **SECTION 293.** 77.77 (1) (b) of the statutes is created to read:

14 77.77 (1) (b) The sales price from services subject to the tax under s. 77.52 (2)
15 or the lease, rental, or license of tangible personal property, and property and items
16 specified under s. 77.52 (1) (b) to (d), is not subject to the taxes under this subchapter,
17 and a decrease in the tax rate imposed under this subchapter on those services first
18 applies, beginning with bills rendered on or after the effective date of the repeal or
19 sunset of a county ordinance or special district resolution imposing the tax or other
20 rate decrease, regardless of whether the service is furnished or the property is leased,
21 rented, or licensed to the customer before or after that date.

22 **SECTION 294.** 77.77 (2) of the statutes is repealed.

23 **SECTION 295.** 77.785 (1) of the statutes is amended to read:

1 77.785 (1) All retailers shall collect and report the taxes under this subchapter
2 on the ~~gross receipts~~ sales price from leases and rentals of property ~~specified~~ digital
3 goods, and additional digital goods under s. 77.71 (4).

4 **SECTION 296.** 77.785 (2) of the statutes is amended to read:

5 77.785 (2) Prior to registration or titling, a retailer of a boat, all-terrain vehicle,
6 trailer and semi-trailer dealers and licensed aircraft, motor vehicle, or mobile home
7 and snowmobile dealers shall collect the taxes under this subchapter on sales of
8 items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the
9 department of revenue along with payments of the taxes under subch. III.

10 **SECTION 297.** 77.98 of the statutes is amended to read:

11 **77.98 Imposition.** A local exposition district under subch. II of ch. 229 may
12 impose a tax on the retail sale, except sales for resale, within the district's
13 jurisdiction under s. 229.43 of ~~products that are subject to a tax under s. 77.54 (20)~~
14 ~~(e) 1. to 3. and not~~ candy, as defined in s. 77.51 (1e), prepared food, as defined in s.
15 77.51 (10m), and soft drinks, as defined in s. 77.51 (17w), unless exempt from the
16 sales tax under s. 77.54 (1), (4), (7) (a), (7m), (9), (9a) or (20) (e) 5., (20n) (b) and (c),
17 and (20r).

18 **SECTION 298.** 77.981 of the statutes is amended to read:

19 **77.981 Rate.** The tax under s. 77.98 is imposed on the sale of taxable products
20 at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote
21 of a majority of the authorized members of its board of directors, may impose the tax
22 at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized
23 members of the district's board may vote that, if the balance in a special debt service
24 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax
25 rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next

1 January 1, April 1, July 1 or October 1, and this tax is irrevocable if any bonds issued
2 by the district and secured by the special debt service reserve fund are outstanding.

3 **SECTION 299.** 77.982 (2) of the statutes is amended to read:

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

11 **SECTION 300.** 77.99 of the statutes is amended to read:

12 **77.99 Imposition.** A local exposition district under subch. II of ch. 229 may
13 impose a tax at the rate of 3% of the ~~gross receipts~~ sales price on the rental, but not
14 for rental and not for rental as a service or repair replacement vehicle, within the
15 district's jurisdiction under s. 229.43, of Type 1 automobiles, as defined in s. 340.01
16 (4) (a), by establishments primarily engaged in short-term rental of passenger cars
17 without drivers, for a period of 30 days or less, unless the sale is exempt from the sales
18 tax under s. 77.54 (1), (4), (7) (a), (7m), (9) or (9a). If the state makes a payment under
19 s. 229.50 (7) to a district's special debt service reserve fund, a majority of the district's
20 authorized board of directors may vote to increase the tax rate under this subchapter
21 to 4%.

22 **SECTION 301.** 77.991 (2) of the statutes is amended to read:

23 77.991 (2) Sections 77.51 (4) (a), (b) 1., 2. and 4., (c) 1. to 3. and (d) and (12m),
24 (14) (a) to (f), (j) and (k) ~~(14g), (15a), and (15b)~~ 77.52 (3), (4), (6), (13), (14) and (18),
25 and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m),

1 (5), (8), (9), and (12) to ~~(14)~~ (15), and 77.62, as they apply to the taxes under subch.
2 III, apply to the tax under this subchapter. ~~Sections 77.72 (1) and (2) (a) and Section~~
3 ~~77.73, as they apply~~ it applies to the taxes under subch. V, ~~apply~~ applies to the tax
4 under this subchapter. The renter shall collect the tax under this subchapter from
5 the person to whom the passenger car is rented.

6 **SECTION 302.** 77.994 (1) (intro.) of the statutes is amended to read:

7 77.994 (1) (intro.) Except as provided in sub. (2), a municipality or a county all
8 of which is included in a premier resort area under s. 66.1113 may, by ordinance,
9 impose a tax at a rate of 0.5% of the ~~gross receipts~~ sales price from the sale, license,
10 lease, or rental in the municipality or county of goods or services that are taxable
11 under subch. III made by businesses that are classified in the standard industrial
12 classification manual, 1987 edition, published by the U.S. office of management and
13 budget, under the following industry numbers:

14 **SECTION 303.** 77.9941 (4) of the statutes is amended to read:

15 77.9941 (4) Sections ~~77.72 (1), (2) (a) and (3) (a), 77.73, 77.74, 77.75, 77.76 (1),~~
16 ~~(2), and (4), 77.77 (1) and (2), 77.785 (1), and 77.79,~~ as they apply to the taxes under
17 subch. V, apply to the tax under this subchapter.

18 **SECTION 304.** 77.995 (2) of the statutes is repealed and recreated to read:

19 77.995 (2) There is imposed a fee at the rate of 5% of the sales price on the
20 rental, but not for rerental and not for rental as a service or repair replacement
21 vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of mobile homes, as
22 defined in s. 340.01 (29); of motor homes, as defined in s. 340.01 (33m); and of
23 camping trailers, as defined in s. 340.01 (6m) by establishments primarily engaged
24 in short-term rental of vehicles without drivers, for a period of 30 days or less, unless

1 the sale is exempt from the sales tax under s. 77.54 (1), (4), (7) (a), (7m) or (9a). There
2 is also imposed a fee at the rate of 5% of the sales price on the rental of limousines.

3 **SECTION 305.** 77.9951 (2) of the statutes is amended to read:

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

10 **SECTION 306.** 77.996 (6) of the statutes is amended to read:

11 77.996 (6) "Gross receipts" has the meaning given in s. 77.51 (4) (a), (b) 1. and
12 5., (c) 1. to 4., and (d) means the sales price, as defined in s. 77.51 (15b), of tangible
13 personal property and taxable services sold by a dry cleaning facility. "Gross
14 receipts" does not include the license fee imposed under s. 77.9961 (1m) that is passed
15 on to customers.

16 **SECTION 307.** 77.9972 (2) of the statutes is amended to read:

17 77.9972 (2) Sections 77.51 (4) (a), (b) 1., 2., and 4., (c) 1. to 3. and (d) and (12m),
18 (14) (a) to (f), (j), and (k), (14g), (15a), and (15b), 77.52 (3), (4), (6), (13), (14), and (18),
19 and (19), 77.522, 77.58 (1) to (5), (6m), and (7), 77.585, 77.59, 77.60, 77.61 (2), (3m),
20 (5), (8), (9), and (12) to ~~(14)~~ (15), and 77.62, as they apply to the taxes under subch.
21 III, apply to the fee under this subchapter. ~~Sections 77.72 (1) and (2) (a) and Section~~
22 ~~77.73, as they apply~~ it applies to the taxes under subch. V, ~~apply~~ applies to the fee
23 under this subchapter. The renter shall collect the fee under this subchapter from
24 the person to whom the passenger car is rented.

25 **SECTION 308.** 86.195 (3) (b) 3. of the statutes is amended to read:

1 86.195 (3) (b) 3. Fifty percent of the ~~gross receipts sales price~~, as defined in s.
 2 77.51 (15b), of the business are from ~~meal, food, the sale of food product and beverage~~
 3 sales and food ingredients, as defined in s. 77.51 (3t), that are taxable under s. 77.54
 4 ~~(20) (e) subch. III of ch. 77~~; and

5 **SECTION 309.** 218.0171 (2) (cq) of the statutes is amended to read:

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

12 **SECTION 9441. Effective dates; Revenue.**

13 (1) IMPLEMENTING THE STREAMLINED SALES AND USE TAX AGREEMENT. ~~The repeal~~
 14 of sections 20.435 (3) (bm), 46.513, 77.51 (4), 77.51 (14) (d), 77.51 (14) (i), 77.51 (14)
 15 (k), 77.51 (14) (L), 77.51 (14r), 77.51 (15), 77.52 (2) (a) 5. b., 77.52 (3m), 77.52 (3n),
 16 77.52 (6), 77.52 (14) (a) 2., 77.523 (title), 77.53 (4), 77.54 (14g), 77.54 (14s), 77.54 (20),
 17 77.54 (20m), 77.54 (22), 77.54 (40), 77.61 (3), 77.65 (2) (c), 77.72 (title), 77.72 (2), and
 18 (3) and 77.77 (2) of the statutes, the renumbering of sections 77.51 (6m), 77.51 (14)
 19 (g), and 77.524 (1) (a) of the statutes, the renumbering and amendment of sections
 20 77.51 (1), 77.52 (1), 77.52 (2) (a) 5. a., 77.523, 77.524 (1) (b), 77.53 (9m), 77.53 (11),
 21 77.61 (2), 77.72 (1), and 77.77 (1) of the statutes, the consolidation, renumbering and
 22 amendment of sections 77.52 (14) (a) (intro.) and 1. and (b) of the statutes, the
 23 amendment sections 66.0615 (1m) (f) 2., 70.111 (23), 73.03 (50) (d), 76.07 (4g) (b) 8.,
 24 77.51 (5), 77.51 (9) (a), 77.51 (9) (am), 77.51 (10), 77.51 (12) (a), 77.51 (12) (b), 77.51
 25 (18) (a), 77.51 (13) (b), 77.51 (13) (c), 77.51 (13) (d), 77.51 (13) (e), 77.51 (13) (f), 77.51

* Lps: Please regen the catalog for the bill, cut it, and paste it here. ↑
 Thanks.

1 ~~(13) (k), 77.51 (13) (m), 77.51 (13) (n), 77.51 (13) (o), 77.51 (13g) (intro.), 77.51 (13r),~~
2 ~~77.51 (14) (intro.), 77.51 (14) (a), 77.51 (14) (b), 77.51 (14) (c), 77.51 (14) (h), 77.51 (14)~~
3 ~~(j), 77.51 (14g) (a), 77.51 (14g) (b), 77.51 (14g) (bm), 77.51 (14g) (c), 77.51 (14g) (cm),~~
4 ~~77.51 (14g) (d), 77.51 (14g) (e), 77.51 (14g) (em), 77.51 (14g) (f), 77.51 (14g) (g), 77.51~~
5 ~~(14g) (h), 77.51 (17), 77.51 (18), 77.51 (20), 77.51 (21), 77.51 (21m), 77.51 (22) (a),~~
6 ~~77.51 (22) (b), 77.52 (2) (intro.), 77.52 (2) (a) 5m., 77.52 (2) (a) 10., 77.52 (4), 77.52 (7),~~
7 ~~77.52 (12), 77.52 (13), 77.52 (15), 77.52 (16), 77.52 (19), 77.525, 77.53 (1), 77.53 (2),~~
8 ~~77.53 (3), 77.53 (9), 77.53 (10), 77.53 (12), 77.53 (14), 77.53 (15), 77.53 (16), 77.53 (17),~~
9 ~~77.53 (17m), 77.53 (17r) (a), 77.53 (18), 77.54 (1), 77.54 (2), 77.54 (2m), 77.54 (3) (a),~~
10 ~~77.54 (3m) (intro.), 77.54 (4), 77.54 (5) (intro.), 77.54 (6) (intro.), 77.54 (7m), 77.54 (8),~~
11 ~~77.54 (9), 77.54 (9a) (intro.), 77.54 (10), 77.54 (11), 77.54 (12), 77.54 (13), 77.54 (14)~~
12 ~~(intro.), 77.54 (14) (a), 77.54 (14) (b), 77.54 (14) (f) (intro.), 77.54 (15), 77.54 (16), 77.54~~
13 ~~(17), 77.54 (18), 77.54 (21), 77.54 (23m), 77.54 (25), 77.54 (26), 77.54 (26m), 77.54 (27),~~
14 ~~77.54 (28), 77.54 (29), 77.54 (30) (a) (intro.), 77.54 (30) (c), 77.54 (31), 77.54 (32), 77.54~~
15 ~~(33), 77.54 (35), 77.54 (36), 77.54 (37), 77.54 (38), 77.54 (39), 77.54 (41), 77.54 (42),~~
16 ~~77.54 (43), 77.54 (44), 77.54 (45), 77.54 (46), 77.54 (46m), 77.54 (47) (intro.), 77.54 (47)~~
17 ~~(b) 1. and 2., 77.54 (48) (a), 77.54 (49), 77.55 (1) (intro.), 77.55 (2), 77.55 (2m), 77.55~~
18 ~~(3), 77.56 (1), 77.57, 77.58 (3) (a), 77.58 (3) (b), 77.58 (6), 77.59 (5m), 77.59 (9), 77.61~~
19 ~~(1) (b), 77.61 (1) (c), 77.61 (4) (a), 77.61 (4) (c), 77.61 (11), 77.65 (2) (e), 77.65 (2) (f),~~
20 ~~77.66, 77.70, 77.705, 77.706, 77.707 (1), 77.707 (2), 77.71 (1), 77.71 (2), 77.71 (3),~~
21 ~~77.71 (4), 77.73 (2), 77.75, 77.785 (1), 77.785 (2), 77.98, 77.981, 77.982 (2), 77.99,~~
22 ~~77.991 (2), 77.994 (1) (intro.), 77.9941 (4), 77.9951 (2), 77.996 (6), 77.9972 (2), 86.195~~
23 ~~(3) (b) 3., and 218.0171 (2) (cq) of the statutes, the repeal and recreation of sections~~
24 ~~77.51 (7), 77.51 (17m), 77.63, and 77.995 (2) of the statutes, and the creation of~~
25 ~~sections 20.566 (1) (ho), 73.03 (28e), 73.03 (50b), 73.03 (61), 77.51 (1a), 77.51 (1b),~~

SECTION 9441

1 77.51 (1bd), 77.51 (1bm), 77.51 (1e), 77.51 (1n), 77.51 (1p), 77.51 (1r), 77.51 (2k),
2 77.51 (2m), 77.51 (3c), 77.51 (3n), 77.51 (3p), 77.51 (3pa), 77.51 (3pb), 77.51 (3pc),
3 77.51 (3q), 77.51 (3pe), 77.51 (3pf), 77.51 (3pj), 77.51 (3pm), 77.51 (3pn), 77.51 (3pp),
4 77.51 (3pq), 77.51 (3rm), 77.51 (3t), 77.51 (5d), 77.51 (5n), 77.51 (5r), 77.51 (7g), 77.51
5 (7k), 77.51 (7m), 77.51 (8m), 77.51 (9p), 77.51 (9s), 77.51 (10d), 77.51 (10f), 77.51
6 (10m), 77.51 (10n), 77.51 (10r), 77.51 (10s), 77.51 (11d), 77.51 (11m), 77.51 (12m),
7 77.51 (12p), 77.51 (13g) (c), 77.51 (13rm), 77.51 (13rn), 77.51 (15a), 77.51 (15b), 77.51
8 (17w), 77.51 (17x), 77.51 (21n), 77.51 (21p), 77.51 (21s), 77.51 (22) (bm), 77.51 (24),
9 77.51 (25), 77.51 (26), 77.52 (1) (b), 77.52 (1) (c), 77.52 (1) (d), 77.52 (2) (a) 13m., 77.52
10 (7b), 77.52 (14) (am), 77.522, 77.524 (1) (ag), 77.53 (9m) (b), 77.53 (9m) (c), 77.53 (11)
11 (b), 77.54 (14b), 77.54 (20n), 77.54 (20p), 77.54 (20r), 77.54 (22b), 77.54 (22c), 77.54
12 (50), 77.58 (6m), 77.58 (9a), 77.585, 77.59 (2m), 77.59 (9n), 77.59 (9p) (b), 77.59 (9r),
13 77.60 (13), 77.61 (2) (b), 77.61 (3m), 77.61 (5m), 77.61 (16), 77.65 (4) (fm), 77.67, 77.73
14 (3), and 77.77 (1) (b) of the statutes take effect on January 1, 2008.

15 (END)

Insert 2 - 20

1 **SECTION ~~4~~**: 71.07 (5e) (b) of the statutes is amended to read:

2 71.07 (5e) (b) *Filing claims.* Subject to the limitations provided in this
3 subsection and subject to 2005 Wisconsin Act 479, section 17, beginning in the first
4 taxable year following the taxable year in which the claimant claims ~~an exemption~~
5 a deduction under s. ~~77.54 (48)~~ 77.585 (9), a claimant may claim as a credit against
6 the taxes imposed under ss. 71.02 and 71.08, up to the amount of those taxes, in each
7 taxable year for 2 years, the amount certified by the department of commerce that
8 the claimant claimed as ~~an exemption~~ a deduction under s. ~~77.54 (48)~~ 77.585 (9).

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487.

9 **SECTION ~~4~~**: 71.07 (5e) (c) 1. of the statutes is amended to read:

10 71.07 (5e) (c) 1. No credit may be allowed under this subsection unless the
11 claimant satisfies the requirements under s. ~~77.54 (48)~~ 77.585 (9).

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487.

12 **SECTION ~~4~~**: 71.07 (5e) (c) 3. of the statutes is amended to read:

13 71.07 (5e) (c) 3. The total amount of the credits and ~~exemptions~~ deductions that
14 may be claimed by all claimants under this subsection and ss. 71.28 (5e), 71.47 (5e),
15 and ~~77.54 (48)~~ 77.585 (9) is \$7,500,000, as determined by the department of
16 commerce.

History: 1987 a. 312; 1987 a. 411 ss. 63, 79 to 82, 85, 86; 1987 a. 419, 422; 1989 a. 31, 44, 56, 100, 359; 1991 a. 39, 269, 292; 1993 a. 16, 112, 204, 471, 491; 1995 a. 27 ss. 3377m to 3393m, 9116 (5); 1995 a. 209, 227, 400, 453; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9, 10, 32; 1999 a. 150 s. 672; 1999 a. 198; 2001 a. 16, 109; 2003 a. 72, 99, 135, 183, 255, 267, 326; 2005 a. 25, 49, 72, 74, 97, 177, 254, 361, 387, 479, 483, 487.

17 **SECTION ~~4~~**: 71.28 (5e) (b) of the statutes is amended to read:

18 71.28 (5e) (b) *Filing claims.* Subject to the limitations provided in this
19 subsection and subject to 2005 Wisconsin Act 479, section 17, beginning in the first
20 taxable year following the taxable year in which the claimant claims ~~an exemption~~
21 a deduction under s. ~~77.54 (48)~~ 77.585 (9), a claimant may claim as a credit against

1 the taxes imposed under s. 71.23, up to the amount of those taxes, in each taxable
 2 year for 2 years, the amount certified by the department of commerce that the
 3 claimant claimed as ~~an exemption~~ ^{a deduction} under s. ~~77.54 (48)~~ 77.585 (9).

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; s. 13.93 (2) (c).

4 ~~SECTION 71.28~~ (5e) (c) 1. of the statutes is amended to read:

5 71.28 (5e) (c) 1. No credit may be allowed under this subsection unless the
 6 claimant satisfies the requirements under s. ~~77.54 (48)~~ 77.585 (9).

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; s. 13.93 (2) (c).

7 ~~SECTION 71.28~~ (5e) (c) 3. of the statutes is amended to read:

8 71.28 (5e) (c) 3. The total amount of the credits and ~~exemptions~~ deductions that
 9 may be claimed by all claimants under this subsection and ss. 71.07 (5e), 71.47 (5e),
 10 and ~~77.54 (48)~~ 77.585 (9) is \$7,500,000, as determined by the department of
 11 commerce.

History: 1987 a. 312; 1987 a. 411 ss. 88, 130 to 139; 1987 a. 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292; 1993 a. 16, 112, 232, 491; 1995 a. 2; 1995 a. 27 ss. 3399r to 3404c, 9116 (5); 1995 a. 209, 227; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; s. 13.93 (2) (c).

12 ~~SECTION 71.47~~ (5e) (b) of the statutes is amended to read:

13 71.47 (5e) (b) *Filing claims.* Subject to the limitations provided in this
 14 subsection and subject to 2005 Wisconsin Act 479, section 17, beginning in the first
 15 taxable year following the taxable year in which the claimant claims ~~an exemption~~
 16 a deduction under s. ~~77.54 (48)~~ 77.585 (9), a claimant may claim as a credit against
 17 the taxes imposed under s. 71.43, up to the amount of those taxes, in each taxable
 18 year for 2 years, the amount certified by the department of commerce that the
 19 claimant claimed as ~~an exemption~~ ^{a deduction} under s. ~~77.54 (48)~~ 77.585 (9).

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; s. 13.93 (2) (c).

20 ~~SECTION 71.47~~ (5e) (c) 1. of the statutes is amended to read:

1 71.47 (5e) (c) 1. No credit may be allowed under this subsection unless the
2 claimant satisfies the requirements under s. ~~77.54 (48)~~ 77.585 (9).

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; s. 13.93 (2) (c).

3 ~~SECTION 4.~~ 71.47 (5e) (c) 3. of the statutes is amended to read:

4 71.47 (5e) (c) 3. The total amount of the credits and ~~exemptions~~ deductions that
5 may be claimed by all claimants under this subsection and ss. 71.07 (5e), 71.28 (5e),
6 and ~~77.54 (48)~~ 77.585 (9) is \$7,500,000, as determined by the department of
7 commerce.

History: 1987 a. 312, 411, 422; 1989 a. 31, 44, 56, 100, 336, 359; 1991 a. 39, 292, 315; 1993 a. 16, 112; 1995 a. 27 ss. 3407m to 3412m, 9116 (5); 1995 a. 209, 227, 417; 1997 a. 27, 41, 237, 299; 1999 a. 5, 9; 2001 a. 16; 2003 a. 72, 99, 135, 255, 267, 326; 2005 a. 25, 74, 97, 361, 387, 452, 479, 483, 487; s. 13.93 (2) (c).

Insert 46 - 2

8 ~~SECTION 40.~~ 77.52 (2) (a) 5. a. of the statutes is renumbered 77.52 (2) (a) 5.
9 (intro.) and amended to read:

10 77.52 (2) (a) 5. (intro) The sale of all of the following:
11 am. Intrastate, interstate, and international telecommunications services,
12 except services subject to 4 USC 116 to 126, as amended by P.L. 106-252, that either
13 originate or terminate in this state; ~~except services that are obtained by means of a~~
14 ~~toll-free number, that originate outside this state and that terminate in this state;~~
15 ~~and are charged to a service address in this state, regardless of the location where~~
16 ~~that charge is billed or paid; and the sale of the rights to purchase~~
17 ~~telecommunications services, including purchasing reauthorization numbers, by~~
18 ~~paying in advance and by using an access number and authorization code, except~~
19 ~~sales that are subject to subd. 5. b interstate 800 services.~~

History: 1973 c. 156; 1975 c. 39; 1977 c. 29, 142, 418; 1979 c. 174, 221; 1981 c. 20, 317; 1983 a. 2, 27; 1983 a. 189 ss. 99, 103, 107, 329 (12); 1983 a. 341, 510, 544; 1985 a. 29, 149; 1987 a. 27, 399; 1989 a. 31, 335; 1991 a. 39, 316; 1993 a. 112, 213, 308, 437; 1995 a. 27, 225, 351; 1997 a. 27, 237, 291; 1999 a. 9, 83; 1999 a. 150 s. 672; 2001 a. 16, 104, 109; 2003 a. 33, 321; 2005 a. 149, 327, 344; s. 13.93 (1) (b) and (2) (c).

Insert 46 - 3

20 ~~SECTION 41.~~ 77.52 (2) (a) 5. bm. of the statutes is created to read:

ⓑ

1 77.52 (2) (a) 5. bm. Telecommunications Internet access services.

2 **SECTION 12.** 77.52 (2) (a) 5. c. of the statutes is created to read:

3 77.52 (2) (a) 5. c. Ancillary services, not including detailed telecommunications
4 billing services.

Insert 47 - 16

5 **SECTION 13.** 77.52 (2m) (a) of the statutes is amended to read:

6 77.52 (2m) (a) With respect to the services subject to tax under sub. (2), no part
7 of the charge for the service may be deemed a sale or rental of tangible personal
8 property, specified digital goods, or additional goods, if the property transferred by
9 the service provider is incidental to the selling, performing or furnishing of the
10 service, except as provided in par. (b).

History: 1973 c. 156; 1975 c. 39; 1977 c. 29, 142, 418; 1979 c. 174, 221; 1981 c. 20, 317; 1983 a. 2, 27; 1983 a. 189 ss. 99, 103, 107, 329 (12); 1983 a. 341, 510, 544; 1985 a. 29, 149; 1987 a. 27, 399; 1989 a. 31, 335; 1991 a. 39, 316; 1993 a. 112, 213, 308, 437; 1995 a. 27, 225, 351; 1997 a. 27, 237, 291; 1999 a. 9, 83; 1999 a. 150 s. 672; 2001 a. 16, 104, 109; 2003 a. 33, 321; 2005 a. 149, 327, 344; s. 13.93 (1) (b) and (2) (c).

11 **SECTION 14.** 77.52 (2m) (b) of the statutes is amended to read:

12 77.52 (2m) (b) With respect to the services subject to tax under sub. (2) (a) 7.,
13 10., 11. and 20., all property, specified digital goods, or additional goods, physically
14 or electronically transferred to the customer in conjunction with the selling,
15 performing or furnishing of the service is a sale of tangible personal property
16 separate from the selling, performing or furnishing of the service.

History: 1973 c. 156; 1975 c. 39; 1977 c. 29, 142, 418; 1979 c. 174, 221; 1981 c. 20, 317; 1983 a. 2, 27; 1983 a. 189 ss. 99, 103, 107, 329 (12); 1983 a. 341, 510, 544; 1985 a. 29, 149; 1987 a. 27, 399; 1989 a. 31, 335; 1991 a. 39, 316; 1993 a. 112, 213, 308, 437; 1995 a. 27, 225, 351; 1997 a. 27, 237, 291; 1999 a. 9, 83; 1999 a. 150 s. 672; 2001 a. 16, 104, 109; 2003 a. 33, 321; 2005 a. 149, 327, 344; s. 13.93 (1) (b) and (2) (c).

Insert 52 - 17

17 **SECTION 15.** 77.52 (20) of the statutes is created to read:

18 77.52 (20) (a) Except as provided in par. (b), the entire sales price of a bundled
19 transaction is subject to the tax imposed under this subchapter.

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

9 ~~SECTION 16.~~ 77.52 (21) of the statutes is created to read:

10 77.52 (21) A person who provides a product that is not a distinct and
 11 identifiable product because it is provided free of charge, as provided in s. 77.51 (3pf)
 12 (b),[✓] is the consumer of that product and shall pay the tax imposed under this
 13 subchapter on the purchase price of that product.

14 ~~SECTION 17.~~ 77.52 (22) of the statutes is created to read:

15 ^{16 inserted} 77.52 (22) With regard to transactions described in s. 77.51 (1bm) (b),[✓] the
 16 service provider is the consumer of the tangible personal property, specified digital
 17 goods, or additional digital goods and shall pay the tax imposed under this
 18 subchapter on the purchase price of the property or goods.

19 ~~SECTION 18.~~ 77.52 (23) of the statutes is created to read:

20 77.52 (23) With regard to transactions described in s. 77.51 (1bm) (c),[✓] the
 21 service provider is the consumer of the service that is essential to the use or receipt
 22 of the other service and shall pay the tax imposed under this subchapter on the
 23 purchase price of the property or goods.

1 **SECTION 19.** 77.54 (48) (a) of the statutes is renumbered 77.585 (9) (a) and
2 amended to read:

3 77.585 (9) (a) Subject to 2005 Wisconsin Act 479, section 17, ~~the gross receipts~~
4 ~~from the sale of and the storage, use, or other consumption~~ a purchaser may claim
5 as a deduction that portion of its purchase price of Internet equipment used in the
6 broadband market for which the tax was imposed under this subchapter, if the
7 purchaser certifies to the department of commerce, in the manner prescribed by the
8 department of commerce, that the purchaser will, within 24 months after July 1,
9 2007, make an investment that is reasonably calculated to increase broadband
10 Internet availability in this state. The purchaser shall claim the deduction in the
11 same reporting period as the purchaser paid the tax imposed under this subchapter.

History: 1971 c. 64, 154, 215, 311; 1973 c. 90, 156, 240; 1975 c. 39, 96, 102, 146, 200; 1977 c. 29; 1977 c. 83 ss. 13, 26; 1977 c. 250, 368, 418; 1979 c. 1, 34, 87, 174; 1981 c. 20; 1981 c. 79 s. 18; 1981 c. 96 s. 67; 1981 c. 264; 1981 c. 282 s. 47; 1981 c. 317; 1983 a. 27 ss. 1284d to 1284np, 2202 (38); 1983 a. 189 ss. 101, 106, 329 (5), (12), (13); 1983 a. 192, 287, 405, 426, 498, 510, 538, 544; 1985 a. 29, 149, 332; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31, 238, 270, 335, 359; 1991 a. 37, 39, 269, 316; 1993 a. 16, 263, 332; 1995 a. 27, 125, 225, 227; 1997 a. 27, 35, 41, 184, 237, 291; 1999 a. 9, 65, 83; 1999 a. 150 s. 672; 1999 a. 167; 2001 a. 16, 103, 109; 2003 a. 99, 128; 2005 a. 25, 74, 141, 149, 335, 366, 479; s. 13.93 (2) (c).

12 **SECTION 20.** 77.54 (48) (b) of the statutes is renumbered 77.585 (9) (b).

Insert 85 - 3

13 **SECTION 21.** 77.54 (51) of the statutes is created to read:

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

19 **SECTION 22.** 77.54 (52) of the statutes is created to read:

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