

1 **SECTION 256.** 77.54 (43) of the statutes is amended to read:

2 77.54 (43) The ~~gross receipts~~ sales price from the sale of and the storage, use
3 or other consumption of raw materials used for the processing, fabricating or
4 manufacturing of, or the attaching to or incorporating into, printed materials that
5 are transported and used solely outside this state.

6 **SECTION 257.** 77.54 (44) of the statutes is amended to read:

7 77.54 (44) The ~~gross receipts~~ sales price from the collection of low-income
8 assistance fees that are charged under s. 16.957 (4) (a) or (5) (a).

9 **SECTION 258.** 77.54 (45) of the statutes is amended to read:

10 77.54 (45) The ~~gross receipts~~ sales price from the sale of and the use or other
11 consumption of a onetime license or similar right to purchase admission to
12 professional football games at a football stadium, as defined in s. 229.821 (6), that
13 is granted by a municipality; a local professional football stadium district; or a
14 professional football team or related party, as defined in s. 229.821 (12); if the person
15 who buys the license or right is entitled, at the time the license or right is transferred
16 to the person, to purchase admission to at least 3 professional football games in this
17 state during one football season.

18 **SECTION 259.** 77.54 (46) of the statutes is amended to read:

19 77.54 (46) The ~~gross receipts~~ sales price from the sale of and the storage, use,
20 or other consumption of the U.S. flag or the state flag. This subsection does not apply
21 to a representation of the U.S. flag or the state flag.

22 **SECTION 260.** 77.54 (46m) of the statutes is amended to read:

23 77.54 (46m) The ~~gross receipts~~ sales price from the sale of and the storage, use,
24 or other consumption of telecommunications services, if the telecommunications
25 services are obtained by using the rights to purchase telecommunications services,

1 including purchasing reauthorization numbers, by paying in advance and by using
2 an access number and authorization code; and if the tax imposed under s. 77.52 or
3 77.53 was previously paid on the sale or purchase of such rights.

4 **SECTION 261.** 77.54 (47) (intro.) of the statutes is amended to read:

5 77.54 (47) (intro.) The ~~gross receipts~~ sales price from the sale of and the storage,
6 use, or other consumption of all of the following:

7 **SECTION 262.** 77.54 (47) (b) 1. of the statutes is amended to read:

8 77.54 (47) (b) 1. The shooting facility is required to pay the tax imposed under
9 s. 77.52 on its ~~gross receipts~~ the sales price from charges for shooting at the facility.

10 **SECTION 263.** 77.54 (47) (b) 2. of the statutes is amended to read:

11 77.54 (47) (b) 2. The shooting facility is a nonprofit organization that charges
12 for shooting at the facility, but is not required to pay the tax imposed under s. 77.52
13 on its ~~gross receipts~~ sales price from such charges because the charges are for
14 occasional sales, as provided under sub. (7m), or because the charges satisfy the
15 exemption under s. 77.52 (2) (a) 2. b.

16 **SECTION 264.** 77.54 (48) (a) of the statutes is renumbered 77.585 (9) (a) and
17 amended to read:

18 77.585 (9) (a) Subject to 2005 Wisconsin Act 479, section 17, ~~the gross receipts~~
19 ~~from the sale of and the storage, use, or other consumption~~ a purchaser may claim
20 as a deduction that portion of its purchase price of Internet equipment used in the
21 broadband market for which the tax was imposed under this subchapter, if the
22 purchaser certifies to the department of commerce, in the manner prescribed by the
23 department of commerce, that the purchaser will, within 24 months after July 1,
24 2007, make an investment that is reasonably calculated to increase broadband

1 Internet availability in this state. The purchaser shall claim the deduction in the
2 same reporting period as the purchaser paid the tax imposed under this subchapter.

3 **SECTION 265.** 77.54 (48) (b) of the statutes is renumbered 77.585 (9) (b).

4 **SECTION 266.** 77.54 (49) of the statutes is amended to read:

5 77.54 (49) The gross receipts sales price from the sale of and the storage, use,
6 or other consumption of taxable services and tangible personal property or items,
7 property, or goods under s. 77.52 (1) (b), (c), or (d), that is are physically transferred
8 to the purchaser as a necessary part of services that are subject to the taxes imposed
9 under s. 77.52 (2) (a) 7., 10., 11., and 20., if the seller and the purchaser of such
10 services and property, item, or good are members of the same affiliated group under
11 section 1504 of the Internal Revenue Code and are eligible to file a single
12 consolidated return for federal income tax purposes. For purposes of this subsection,
13 if a seller purchases a taxable service, or item, property, or goods under s. 77.52 (1)
14 (b), (c), or (d), or tangible personal property, as described in the this subsection, that
15 is subsequently sold to a member of the seller's affiliated group and the sale is exempt
16 under this subsection from the taxes imposed under this subchapter, the original
17 purchase of the taxable service, or item, property, or goods under s. 77.52 (1) (b), (c),
18 or (d), or tangible personal property by the seller is not considered a sale for resale
19 or exempt under this subsection.

20 **SECTION 267.** 77.54 (50) of the statutes is created to read:

21 77.54 (50) The sales price from the sale of and the storage, use, or other
22 consumption of specified digital goods or additional digital goods that are transferred
23 electronically to the purchaser, if the sale of and the storage, use, or other
24 consumption of such goods sold in a tangible form is exempt from taxation under this
25 subchapter.

1 **SECTION 268.** 77.54 (51) of the statutes is created to read:

2 77.54 (51) The sales price from the sales of and the storage, use, or other
3 consumption of products sold in a transaction that would be a bundled transaction,
4 except that it contains taxable and nontaxable products as described in s. 77.51 (1f)
5 (d), and except that the first person combining the products shall pay the tax imposed
6 under this subchapter on the person's purchase price of the taxable items.

7 **SECTION 269.** 77.54 (52) of the statutes is created to read:

8 77.54 (52) The sales price from the sales of and the storage, use, or other
9 consumption of products sold in a transaction that would be a bundled transaction,
10 except that the transaction meets the conditions described in s. 77.51 (1f) (e).

11 **SECTION 270.** 77.54 (54) of the statutes is amended to read:

12 77.54 (54) The ~~gross receipts~~ sales price from the sale of and the storage, use,
13 or other consumption of tangible personal property, and items, property, and goods
14 under s. 77.52 (1) (b), (c), and (d), and taxable services that are sold by a home
15 exchange service that receives moneys from the appropriation account under s.
16 20.485 (1) (g) and is operated by the department of veterans affairs.

17 **SECTION 271.** 77.54 (56) of the statutes, as created by 2007 Wisconsin Act 20,
18 is amended to read:

19 77.54 (56) (a) The ~~gross receipts~~ sales price from the sale of and the storage,
20 use, or other consumption of a product whose power source is wind energy, direct
21 radiant energy received from the sun, or gas generated from anaerobic digestion of
22 animal manure and other agricultural waste, if the product produces at least 200
23 watts of alternating current or 600 British thermal units per day, except that the
24 exemption under this subsection does not apply to an uninterruptible power source
25 that is designed primarily for computers.

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

5 **SECTION 272.** 77.55 (1) (intro.) of the statutes is amended to read:

6 77.55 (1) (intro.) There are is exempted from the computation of the amount
7 of the sales tax the ~~gross receipts~~ sales price from the sale of any tangible personal
8 property, or items, property, or goods under s. 77.52 (1) (b), (c), and (d), or services to:

9 **SECTION 273.** 77.55 (2) of the statutes is amended to read:

10 77.55 (2) There are is exempted from the computation of the amount of the sales
11 tax the ~~gross receipts~~ sales price from sales of tangible personal property, and items,
12 property, and goods under s. 77.52 (1) (b), (c), and (d), to a common or contract carrier,
13 shipped by the seller via the purchasing carrier under a bill of lading whether the
14 freight is paid in advance, or the shipment is made freight charges collect, to a point
15 outside this state and the property, item, or good is actually transported to the
16 out-of-state destination for use by the carrier in the conduct of its business as a
17 carrier.

18 **SECTION 274.** 77.55 (2m) of the statutes is amended to read:

19 77.55 (2m) There are is exempted from the computation of the amount of sales
20 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or
21 contract carrier, shipped wholly or in part by way of the purchasing carrier under a
22 bill of lading, whether the freight is paid in advance or the shipment is made freight
23 charges collect, to a point outside this state if the property is transported to the
24 out-of-state destination for use by the carrier in the conduct of its business as a
25 carrier. Interruption of the shipment for storage, drying, processing or creosoting of

1 the railroad crossties in this state does not invalidate the exemption under this
2 subsection.

3 **SECTION 275.** 77.55 (3) of the statutes is amended to read:

4 77.55 (3) There are is exempted from the computation of the amount of the sales
5 tax the ~~gross receipts~~ sales price from sales of tangible personal property, and items,
6 property, and goods under s. 77.52 (1) (b), (c), and (d), purchased for use solely outside
7 this state and delivered to a forwarding agent, export packer, or other person
8 engaged in the business of preparing goods for export or arranging for their
9 exportation, and actually delivered to a port outside the continental limits of the
10 United States prior to making any use thereof.

11 **SECTION 276.** 77.56 (1) of the statutes is amended to read:

12 77.56 (1) The storage, use or other consumption in this state of property,
13 including items, property, and goods under s. 77.52 (1) (b), (c), and (d), the ~~gross~~
14 ~~receipts~~ sales price from the sale of which ~~are~~ is reported to the department in the
15 measure of the sales tax, is exempted from the use tax.

16 **SECTION 277.** 77.57 of the statutes is amended to read:

17 **77.57 Liability of purchaser.** If a purchaser certifies in writing to a seller
18 that the tangible personal property or items, property, or goods under s. 77.52 (1) (b),
19 (c), or (d) purchased will be used in a manner or for a purpose entitling the seller to
20 regard the ~~gross receipts~~ sales price from the sale as exempted by this subchapter
21 from the computation of the amount of the sales tax and uses the property or items,
22 property, or goods under s. 77.52 (1) (b), (c), or (d) in some other manner or for some
23 other purpose, the purchaser is liable for payment of the sales tax. The tax shall be
24 measured by the sales price of the property or items, property, or goods under s. 77.52
25 (1) (b), (c), or (d) to the purchaser, ~~but if the taxable use first occurs more than 6~~

1 months after the sale to the purchaser, the purchaser may use as the measure of the
2 tax either that sales price or the fair market value of the property at the time the
3 taxable use first occurs.

4 **SECTION 278.** 77.58 (3) (a) of the statutes is amended to read:

5 77.58 (3) (a) For purposes of the sales tax a return shall be filed by every seller.
6 For purposes of the use tax a return shall be filed by every retailer engaged in
7 business in this state and by every person purchasing tangible personal property, or
8 items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services, the storage, use,
9 or other consumption of which is subject to the use tax, who has not paid the use tax
10 due to a retailer required to collect the tax. If a qualified subchapter S subsidiary
11 is not regarded as a separate entity under ch. 71, the owner of that subsidiary shall
12 include the information for that subsidiary on the owner's return. Returns shall be
13 signed by the person required to file the return or by a duly authorized agent but need
14 not be verified by oath. If a single-owner entity is disregarded as a separate entity
15 under ch. 71, the owner shall include the information from the entity on the owner's
16 return.

17 **SECTION 279.** 77.58 (3) (b) of the statutes is amended to read:

18 77.58 (3) (b) ~~For purposes of the sales tax the return shall show the gross~~
19 ~~receipts of the seller during the preceding reporting period. For purposes of the use~~
20 ~~tax, in case of a return filed by a retailer, the return shall show the total sales price~~
21 ~~of the property or taxable services sold, the storage, use or consumption of which~~
22 ~~became subject to the use tax during the preceding reporting period. In case of a sales~~
23 ~~or use tax return filed by a purchaser, the return shall show the total sales price of~~
24 ~~the property and taxable services purchased, the storage, use or consumption of~~
25 ~~which became subject to the use tax during the preceding reporting period. The~~

1 return shall also show the amount of the taxes for the period covered by the return
2 and such other information as the department deems necessary for the proper
3 administration of this subchapter.

4 **SECTION 280.** 77.58 (6) of the statutes is amended to read:

5 77.58 (6) For the purposes of the sales tax ~~gross receipts, the sales price~~ from
6 rentals or leases of tangible personal property or items, property, or goods under s.
7 77.52 (1) (b), (c), or (d) shall be reported and the tax paid in accordance with such rules
8 as the department prescribes.

9 **SECTION 281.** 77.58 (6m) of the statutes is created to read:

10 77.58 (6m) (a) The department may, in cases where it is satisfied that an undue
11 hardship would otherwise result, permit the reporting of a sales price or purchase
12 price on some basis other than the accrual basis.

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

17 **SECTION 282.** 77.58 (9a) of the statutes is created to read:

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

24 **SECTION 283.** 77.585 of the statutes is created to read:

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

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

22 (c) For purposes of computing a bad debt deduction or reporting a payment
23 received on a previously claimed bad debt, any payment made on a debt or on an
24 account is applied first to the price of the tangible personal property, or items,
25 property, or goods under s. 77.52 (1) (b), (c), or (d), or service sold, and the

were sourced to

1 proportionate share of the sales tax on that property, or items, property, or goods
2 under s. 77.52 (1) (b), (c), or (d), or service, and then to interest, service charges, and
3 other charges related to the sale.

4 (d) A seller may obtain a refund of the tax collected on any bad debt amount
5 deducted under par. (b) that exceeds the amount of the seller's taxable sales as
6 provided under s. 77.59 (4), except that the period for making a claim as determined
7 under s. 77.59 (4) begins on the date on which the return on which the bad debt could
8 be claimed would have been required to be submitted to the department under s.
9 77.58.

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

16 (f) If a bad debt relates to the retail sales of tangible personal property, or items,
17 property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services that occurred

18 in this state and in one or more other states, as determined under s. 77.522, the total
19 amount of such bad debt shall be apportioned among the states in which the
20 underlying sales occurred in a manner prescribed by the department to arrive at the
21 amount of the deduction under par. (b). *were sourced*

22 (2) If a lessor of tangible personal property or items, property, or goods under
23 s. 77.52 (1) (b), (c), or (d) has reimbursed the vendor for the sales tax on the sale of
24 the property, items, or goods by the vendor to the lessor, the tax due from the lessor
25 on the rental receipts may be offset by a credit equal to the tax otherwise due on the

1 rental receipts from the property, items, or goods for the reporting period. The credit
2 shall expire when the cumulative rental receipts equal the sales price upon which
3 the vendor paid sales taxes to this state.

4 (3) If a purchaser of tangible personal property or items, property, or goods
5 under s. 77.52 (1) (b), (c), or (d) has reimbursed the vendor of the property, items, or
6 goods for the sales tax on the sale and subsequently, before making any use of the
7 property, items, or goods other than retention, demonstration, or display while
8 holding it for sale or rental, makes a taxable sale of the property, items, or goods the
9 tax due on the taxable sale may be offset by the tax reimbursed.

10 (4) A seller may claim a deduction on any part of the sales price or purchase
11 price that the seller refunds in cash or credit as a result of returned tangible personal
12 property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) or adjustments
13 in the sales price or purchase price after the sale has been completed, if the seller has
14 included the refunded price in a prior return made by the seller and has paid the tax
15 on such price, and if the seller has returned to the purchaser in cash or in credit all
16 tax previously paid by the purchaser on the amount of the refund at the time of the
17 purchase. A deduction under this subsection shall be claimed on the return for the
18 period in which the refund is paid.

19 (5) No reduction in the amount of tax payable by the retailer is allowable in the
20 event that tangible personal property or items, property, or goods under s. 77.52 (1)
21 (b), (c), or (d) sold on credit are repossessed except where the entire consideration
22 paid by the purchaser is refunded to the purchaser or where a credit for a worthless
23 account is allowable under sub. (1).

24 (6) A purchaser who is subject to the use tax on the storage, use, or other
25 consumption of fuel may claim a deduction from the purchase price that is subject

1 to the use tax for fuel taxes refunded by this state or the United States to the
2 purchaser that is included in the purchase price of the fuel.

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

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

13 **SECTION 284.** 77.59 (2m) of the statutes is created to read:

14 77.59 (2m) The department may audit, or may authorize others to audit, sellers
15 and certified service providers who are registered with the department pursuant to
16 the agreement, as defined in s. 77.65 (2) (a).

17 **SECTION 285.** 77.59 (5m) of the statutes is amended to read:

18 77.59 (5m) A seller who receives a refund under sub. (4) (a) or (b) of taxes that
19 the seller has collected from buyers, who collects amounts as taxes erroneously from
20 buyers, but who does not remit such amounts to the state, or who is entitled to a
21 refund under sub. (4) (a) or (b) that is offset under sub. (5), shall submit the taxes and
22 related interest to the buyers from whom the taxes were collected, or to the
23 department if the seller cannot locate the buyers, within 90 days after the date of the
24 refund, after the date of the offset, or after discovering that the seller has collected
25 taxes erroneously from the buyers. If the seller does not submit the taxes and related

1 interest to the department or the buyers within that period, the seller shall submit
2 to the department any part of a refund or taxes that the seller does not submit to a
3 buyer or to the department along with a penalty of 25% of the amount not submitted
4 or, in the case of fraud, a penalty equal to the amount not submitted. A person who
5 collects amounts as taxes erroneously from buyers for a real property construction
6 activity or nontaxable service may reduce the taxes and interest that he or she is
7 required to submit to the buyer or to the department under this subsection for that
8 activity or service by the amount of tax and interest subsequently due and paid on
9 the sale of or the storage, use, or other consumption of tangible personal property, or
10 items, property, or goods under s. 77.52 (1) (b), (c), or (d) that is are used by the person
11 in that activity or service and transferred to the buyer.

12 **SECTION 286.** 77.59 (9) of the statutes is amended to read:

13 77.59 (9) If any person fails to file a return, the department shall make an
14 estimate of the amount of the ~~gross receipts~~ sales price of the person ~~person's sales,~~
15 or, as the case may be, of the amount of the total ~~sales~~ purchase price of tangible
16 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
17 taxable service sold or purchased by the person, the sale by or the storage, use, or
18 other consumption of which in this state is subject to sales or use tax. The estimate
19 shall be made for the period in respect to which the person failed to make a return
20 and shall be based upon any information which is in the department's possession or
21 may come into its possession. Upon the basis of this estimate the department shall
22 compute and determine the amount required to be paid to the state, adding to the
23 sum thus arrived at a penalty equal to 25% thereof. One or more such determinations
24 may be made for one or for more than one period. When a business is discontinued

1 a determination may be made at any time thereafter, within the periods specified in
2 sub. (3), as to liability arising out of that business.

3 **SECTION 287.** 77.59 (9n) of the statutes is created to read:

4 77.59 (9n) (a) Notwithstanding s. 73.03 (47), and except as provided in par. (b),
5 no seller or certified service provider is liable for tax, interest, or penalties imposed
6 on a transaction under this subchapter if the seller or certified service provider
7 charged and collected the incorrect amount of the sales or use tax as a result of
8 relying on erroneous data provided in the databases under s. 73.03 (61) (e) and (f).

9 (b) Notwithstanding s. 73.03 (47), no seller or certified service provider is liable
10 for the tax, interest, or penalties imposed on a transaction under this subchapter if
11 the seller or certified service provider failed to collect the sales and use taxes due on
12 an item or transaction because the seller or certified service provider relied on the
13 certification under s. 73.03 (61) (b). This paragraph does not apply to a seller or
14 certified service provider who has incorrectly classified an item or transaction into
15 a specific product category, unless such classification was approved by the states that
16 are signatories to the agreement, as defined in s. 77.65 (2) (a). If the state determines
17 that it has incorrectly classified an item or transaction, sellers and certified service
18 providers that do not revise the classification of the item or transaction within 10
19 days after receiving notice from the department that an item or transaction was
20 incorrectly classified are liable for the tax, interest, or penalties imposed on the item
21 or transaction for the incorrect classification after the 10-day period.

22 (c) A purchaser is not liable for the tax, interest, or penalties imposed on a
23 transaction under this subchapter if the seller or certified service provider from
24 whom the purchaser made the purchase relied on erroneous data provided in the
25 databases under s. 73.03 (61) (e) and (f) or if the purchaser relied on erroneous data

1 provided in the databases under s. 73.03 (61) (e) and (f). With respect to reliance on
2 the database provided under s. 73.03 (61) (e), the relief provided under this
3 paragraph is limited to the erroneous classification in the database of terms defined
4 in this subchapter and specifically identified in the database as being “taxable,”
5 “exempt,” “included in sales price” or “excluded from sales price,” or “included in the
6 definition” or “excluded from the definition.”

7 **SECTION 288.** 77.59 (9p) (b) of the statutes is created to read:

8 **77.59 (9p) (b)** If a customer purchases a service that is not subject to 4 USC 116
9 to 126, as amended by P.L. 106-252, tangible personal property, or items, property,
10 or goods under s. 77.52 (1) (b), (c), or (d), and if the customer believes that the amount
11 of the tax assessed for the sale of the service, property, items, or goods under this
12 subchapter is erroneous, the customer may request that the seller correct the alleged
13 error by sending a written notice to the seller. The notice shall include a description
14 of the alleged error and any other information that the seller reasonably requires to
15 process the request. Within 60 days from the date that a seller receives a request
16 under this paragraph, the seller shall review its records to determine the validity of
17 the customer’s claim. If the review indicates that there is no error as alleged, the
18 seller shall explain the findings of the review in writing to the customer. If the review
19 indicates that there is an error as alleged, the seller shall correct the error and shall
20 refund the amount of any tax collected erroneously, along with the related interest,
21 as a result of the error from the customer, consistent with s. 77.59 (4). A customer
22 may take no other action against the seller, or commence any action against the
23 seller, to correct an alleged error in the amount of the tax assessed under this
24 subchapter on a service that is not subject to 4 USC 116 to 126, as amended by P.L.
25 106-252, tangible personal property, or items, property, or goods under s. 77.52 (1)

1 (b), (c), or (d) unless the customer has exhausted his or her remedies under this
2 paragraph.

3 **SECTION 289.** 77.59 (9r) of the statutes is created to read:

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

10 **SECTION 290.** 77.60 (13) of the statutes is created to read:

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

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

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

19 (c) An exemption certificate claiming direct mail.

20 **SECTION 291.** 77.61 (1) (b) of the statutes is amended to read:

21 77.61 (1) (b) In the case of ~~a motor vehicle~~ motor vehicles, boats, snowmobiles,
22 recreational vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain
23 vehicles, or aircraft purchased from a ~~licensed Wisconsin motor vehicle dealer~~
24 retailer, the registrant shall present proof that the tax has been paid to such ~~dealer~~
25 retailer.

1 **SECTION 292.** 77.61 (1) (c) of the statutes is amended to read:

2 77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational
3 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles, or
4 aircraft registered or titled, or required to be registered or titled, in this state
5 purchased from persons who are not ~~Wisconsin boat, trailer, or semitrailer dealers,~~
6 ~~licensed Wisconsin aircraft, motor vehicle, or recreational vehicle, as defined in s.~~
7 ~~340.01 (48r), dealers or registered Wisconsin snowmobile or all-terrain vehicle~~
8 ~~dealers~~ retailers, the purchaser shall file a sales tax return and pay the tax prior to
9 registering or titling the motor vehicle, boat, snowmobile, recreational vehicle, as
10 defined in s. 340.01 (48r), semitrailer, all-terrain vehicle, or aircraft in this state.

11 **SECTION 293.** 77.61 (2) of the statutes is renumbered 77.61 (2) (intro.) and
12 amended to read:

13 77.61 (2) (intro.) In order to protect the revenue of the state:

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

1 this subsection shall be returned to the taxpayer if the taxpayer has, for 24
2 consecutive months, complied with all the requirements of this subchapter.

3 **SECTION 294.** 77.61 (2) (b) of the statutes is created to read:

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

19 **SECTION 295.** 77.61 (3) of the statutes is repealed.

20 **SECTION 296.** 77.61 (3m) of the statutes is created to read:

21 77.61 (3m) A retailer shall use a straight mathematical computation to
22 determine the amount of the tax that the retailer may collect from the retailer's
23 customers. The retailer shall calculate the tax amount by combining the applicable
24 tax rates under this subchapter and subch. V and multiplying the combined tax rate
25 by the sales price or purchase price of each item or invoice, as appropriate. The

1 retailer shall calculate the tax amount to the 3rd decimal place, disregard tax
2 amounts of less than 0.5 cent, and consider tax amounts of at least 0.5 cent but less
3 than 1 cent to be an additional cent. The use of a straight mathematical computation,
4 as provided in this subsection, shall not relieve the retailer from liability for payment
5 of the full amount of the tax levied under this subchapter.

6 **SECTION 297.** 77.61 (4) (a) of the statutes is amended to read:

7 77.61 (4) (a) Every seller and retailer and every person storing, using or
8 otherwise consuming in this state tangible personal property, or items, property, or
9 goods under s. 77.52 (1) (b), (c), or (d), or taxable services purchased from a retailer
10 shall keep such records, receipts, invoices, and other pertinent papers and records,
11 including machine-readable records, in such form as the department requires. The
12 department may, after giving notice, require any person to keep whatever records are
13 needed for the department to compute the sales or use taxes the person should pay.
14 Thereafter, the department shall add to any taxes assessed on the basis of
15 information not contained in the records required a penalty of 25% of the amount of
16 the tax so assessed in addition to all other penalties under this chapter.

17 **SECTION 298.** 77.61 (4) (c) of the statutes is amended to read:

18 77.61 (4) (c) For reporting the sales tax and collecting and reporting the use tax
19 imposed on the retailer under s. 77.53 (3) and the accounting connected with it,
20 retailers, not including certified service providers that receive compensation under
21 s. 73.03 (61) (h), may deduct 0.5% of those taxes payable or \$10 for that reporting
22 period required under s. 77.58 (1), whichever is greater, but not more than the
23 amount of the sales taxes or use taxes that is payable under ss. 77.52 (1) and 77.53
24 (3) for that reporting period required under s. 77.58 (1), as administration expenses
25 if the payment of the taxes is not delinquent. For purposes of calculating the

1 retailer's discount under this paragraph, the taxes on retail sales reported by
2 retailers under subch. V, including taxes collected and remitted as required under
3 s. 77.785, shall be included if the payment of those taxes is not delinquent.

4 **SECTION 299.** 77.61 (5m) of the statutes is created to read:

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

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

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

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

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

24 (f) The state shall not retain personally identifiable information obtained for
25 purposes of administering this subchapter unless the state is otherwise required to

1 retain the information by law or as provided under the agreement, as defined in s.
2 77.65 (2) (a).

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

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

11 **SECTION 300.** 77.61 (11) of the statutes is amended to read:

12 77.61 (11) Any city, village or town clerk or other official whose duty it is to issue
13 licenses or permits to engage in a business involving the sale at retail of tangible
14 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) subject
15 to tax under this subchapter, or the furnishing of services so subject to tax, shall,
16 before issuing such license or permit, require proof that the person to whom such
17 license or permit is to be issued is the holder of a seller's permit as required by or is
18 registered to collect, report, and remit use tax under this subchapter or has been
19 informed by an employee of the department that the department will issue a seller's
20 permit to that person or register that person to collect, report, and remit use tax.

21 **SECTION 301.** 77.61 (16) of the statutes is created to read:

22 77.61 (16) Any person who remits taxes and files returns under this subchapter
23 may designate an agent, as defined in s. 77.524 (1) (ag), to remit such taxes and file
24 such returns with the department in a manner prescribed by the department.

25 **SECTION 302.** 77.61 (17) of the statutes is created to read:

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

7 **SECTION 303.** 77.61 (18) of the statutes is created to read:

8 77.61 (18) The department shall notify sellers with respect to any change in
9 the rate of the taxes imposed under this subchapter at least 30 days prior to the
10 change's effective date and any such change shall take effect on January 1, April 1,
11 July 1, or October 1.

12 **SECTION 304.** 77.63 of the statutes is repealed and recreated to read:

13 **77.63 Collection compensation.** The following persons may retain a portion
14 of sales and use taxes collected on retail sales under this subchapter and subch. V
15 in an amount determined by the department and by contracts that the department
16 enters into jointly with other states as a member state of the streamlined sales tax
17 governing board pursuant to the agreement, as defined in s. 77.65 (2) (a):

18 (1) A certified service provider.

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

21 (3) A seller that sells tangible personal property, or items, property, or goods
22 under s. 77.52 (1) (b), (c), or (d), or taxable services in at least 5 states that are
23 signatories to the agreement, as defined in s. 77.65 (2) (a); that has total annual sales
24 revenue of at least \$500,000,000; that has a proprietary system that calculates the
25 amount of tax owed to each taxing jurisdiction in which the seller sells tangible

1 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
2 taxable services; and that has entered into a performance agreement with the states
3 that are signatories to the agreement, as defined in s. 77.65 (2) (a). For purposes of
4 this subsection, "seller" includes an affiliated group of sellers using the same
5 proprietary system to calculate the amount of tax owed in each taxing jurisdiction
6 in which the sellers sell tangible personal property, or items, property, or goods under
7 s. 77.52 (1) (b), (c), or (d), or taxable services.

8 **SECTION 305.** 77.65 (2) (a) of the statutes is amended to read:

9 77.65 (2) (a) "Agreement" means the streamlined sales and use tax agreement,
10 including amendments to the agreement.

11 **SECTION 306.** 77.65 (2) (c) of the statutes is repealed.

12 **SECTION 307.** 77.65 (2) (e) of the statutes is amended to read:

13 77.65 (2) (e) "Seller" means any person who sells, licenses, leases, or rents
14 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
15 (d), or services.

16 **SECTION 308.** 77.65 (2) (f) of the statutes is amended to read:

17 77.65 (2) (f) "State" means any state of the United States ~~and,~~ the District of
18 Columbia, and the Commonwealth of Puerto Rico.

19 **SECTION 309.** 77.65 (4) (fm) of the statutes is created to read:

20 77.65 (4) (fm) Provide that a seller who registers with the central electronic
21 registration system under par. (f) may cancel the registration at any time, as
22 provided under uniform procedures adopted by the governing board of the states that
23 are signatories to the agreement, but is required to remit any Wisconsin taxes
24 collected pursuant to the agreement to the department.

25 **SECTION 310.** 77.66 of the statutes is amended to read:

1 **77.66 Certification for collection of sales and use tax.** The secretary of
2 revenue shall determine and periodically certify to the secretary of administration
3 the names of persons, and affiliates, as defined in s. 16.70 (1b), of persons, who make
4 sales of tangible personal property, or items, property, or goods under s. 77.52 (1) (b),
5 (c), or (d), and taxable services that are subject to the taxes imposed under this
6 subchapter but who are not registered to collect and remit such taxes to the
7 department or, if registered, do not collect and remit such taxes.

8 **SECTION 311.** 77.67 of the statutes is created to read:

9 **77.67 Amnesty for new registrants.** (1) A seller is not liable for uncollected
10 and unpaid taxes, including penalties and interest, imposed under this subchapter
11 and subch. V on sales made to purchasers in this state before the seller registers
12 under par. (a), if all of the following apply:

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

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

20 (c) The seller was not registered to collect and remit the taxes imposed under
21 this subchapter and subch. V during the 365 consecutive days immediately before
22 the effective date of this state's participation in the agreement under s. 77.65 (2) (a),
23 as determined by the department.

24 (d) The seller has not received a notice of the commencement of an audit from
25 the department or, if the seller has received a notice of the commencement of an audit

1 from the department, the audit has been fully resolved, including any related
2 administrative and judicial processes, at the time that the seller registers under par.

3 (a).

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

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

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

11 **SECTION 312.** 77.70 of the statutes is amended to read:

12 **77.70 Adoption by county ordinance.** Any county desiring to impose county
13 sales and use taxes under this subchapter may do so by the adoption of an ordinance,
14 stating its purpose and referring to this subchapter. The county sales and use taxes
15 may be imposed only for the purpose of directly reducing the property tax levy and
16 only in their entirety as provided in this subchapter. That ordinance shall be
17 effective on the first day of January, the first day of April, the first day of July or the
18 first day of October. A certified copy of that ordinance shall be delivered to the
19 secretary of revenue at least 120 days prior to its effective date. The repeal of any
20 such ordinance shall be effective on December 31. A certified copy of a repeal
21 ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before
22 the effective date of the repeal.

23 **SECTION 313.** 77.705 of the statutes is amended to read:

24 **77.705 Adoption by resolution; baseball park district.** A local
25 professional baseball park district created under subch. III of ch. 229, by resolution

1 under s. 229.68 (15), may impose a sales tax and a use tax under this subchapter at
2 a rate of no more than 0.1% of the ~~gross receipts or sales price~~ or purchase price.
3 Those taxes may be imposed only in their entirety. The resolution shall be effective
4 on the first day of the first month January 1, April 1, July 1, or October 1 that begins
5 at least ~~30~~ 120 days after the adoption of the resolution. Any moneys transferred
6 from the appropriation account under s. 20.566 (1) (gd) to the appropriation account
7 under s. 20.835 (4) (gb) shall be used exclusively to retire the district's debt.

8 **SECTION 314.** 77.706 of the statutes is amended to read:

9 **77.706 Adoption by resolution; football stadium district.** A local
10 professional football stadium district created under subch. IV of ch. 229, by
11 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this
12 subchapter at a rate of 0.5% of the ~~gross receipts or sales price~~ or purchase price.
13 Those taxes may be imposed only in their entirety. The imposition of the taxes under
14 this section shall be effective on the first day of the first month January 1, April 1,
15 July 1, or October 1 that begins at least ~~30~~ 120 days after the certification of the
16 approval of the resolution by the electors in the district's jurisdiction under s. 229.824
17 (15). Any moneys transferred from the appropriation account under s. 20.566 (1) (ge)
18 to the appropriation account under s. 20.835 (4) (ge) shall be used exclusively to retire
19 the district's debt.

20 **SECTION 315.** 77.707 (1) of the statutes is amended to read:

21 **77.707 (1)** Retailers and the department of revenue may not collect a tax under
22 s. 77.705 for any local professional baseball park district created under subch. III of
23 ch. 229 after the last day of the calendar quarter during that is at least 120 days from
24 the date on which the local professional baseball park district board makes a
25 certification to the department of revenue under s. 229.685 (2), except that the

1 department of revenue may collect from retailers taxes that accrued before the day
2 after the last day of that calendar quarter and fees, interest and penalties that relate
3 to those taxes.

4 **SECTION 316.** 77.707 (2) of the statutes is amended to read:

5 77.707 (2) Retailers and the department of revenue may not collect a tax under
6 s. 77.706 for any local professional football stadium district created under subch. IV
7 of ch. 229 after the last day of the calendar quarter during that is at least 120 days
8 from the date on which the local professional football stadium district board makes
9 all of the certifications to the department of revenue under s. 229.825 (3), except that
10 the department of revenue may collect from retailers taxes that accrued before the
11 day after the last day of that calendar quarter and fees, interest and penalties that
12 relate to those taxes.

13 **SECTION 317.** 77.71 (1) of the statutes is amended to read:

14 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible
15 personal property and the items, property, and goods specified under s. 77.52 (1) (b),
16 (c), and (d), and for the privilege of selling, licensing, performing or furnishing
17 services a sales tax is imposed upon retailers at the rate of 0.5% in the case of a county
18 tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the
19 gross receipts sales price from the sale, license, lease or rental of tangible personal
20 property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and
21 (d), except property taxed under sub. (4), sold, licensed, leased or rented at retail in
22 the county or special district or from selling, licensing, performing or furnishing
23 services described under s. 77.52 (2) in the county or special district.

24 **SECTION 318.** 77.71 (2) of the statutes is amended to read:

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

15 **SECTION 319.** 77.71 (3) of the statutes is amended to read:

16 77.71 (3) An excise tax is imposed upon a contractor engaged in construction
17 activities within the county or special district, at the rate of 0.5% in the case of a
18 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
19 of the sales purchase price of tangible personal property or items, property, or goods
20 under s. 77.52 (1) (b), (c), or (d) that is are used in constructing, altering, repairing
21 or improving real property and that ~~becomes~~ became a component part of real
22 property in that county or special district, except that if the contractor has paid the
23 sales tax of a county in the case of a county tax or of a special district in the case of
24 a special district tax in this state on that tangible personal property, item, property,
25 or good, or has paid a similar local sales tax in another state on a purchase of the same

1 tangible personal property, item, property, or good, that tax shall be credited against
2 the tax under this subsection.

3 SECTION 320. 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 percent in the case of a
5 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
6 of the sales purchase price upon every person storing, using or otherwise consuming
7 a motor vehicle, boat, ~~snowmobile~~, recreational vehicle, as defined in s. 340.01 (48r),
8 trailer, ~~semitrailer~~, ~~all-terrain vehicle~~ or aircraft, if that property must be registered
9 or 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 321. 77.72 (title) of the statutes is repealed.

15 SECTION 322. 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 items, property, and~~
24 goods specified under s. 77.52 (1) (b), (c), and (d), and taxable services ~~occur~~ ^{are sourced} ~~as~~
25 provided in s. 77.522.

are sourced

1 **SECTION 323.** 77.72 (2) and (3) of the statutes are repealed.

2 **SECTION 324.** 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 items, property, and goods under s. 77.52 (1) (b),
5 (c), and (d), and tangible personal property, except snowmobiles, trailers,
6 semitrailers, and all-terrain vehicles, purchased in a sale that is consummated in
7 another county or special district in this state that does not have in effect an
8 ordinance or resolution imposing the taxes under this subchapter and later brought
9 by the buyer into the county or special district that has imposed a tax under s. 77.71
10 (2).

11 **SECTION 325.** 77.73 (3) of the statutes is created to read:

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

20 **SECTION 326.** 77.75 of the statutes is amended to read:

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

1 ~~sales and use taxes and the tax due thereon separately as prescribed by the~~
2 ~~department of revenue.~~

3 **SECTION 327.** 77.77 (1) of the statutes is renumbered 77.77 (1) (a) and amended
4 to read:

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

15 **SECTION 328.** 77.77 (1) (b) of the statutes is created to read:

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

25 **SECTION 329.** 77.77 (2) of the statutes is repealed.

1 **SECTION 330.** 77.785 (1) of the statutes is amended to read:

2 77.785 (1) All retailers shall collect and report the taxes under this subchapter
3 on the ~~gross receipts~~ sales price from leases and rentals of property or items,
4 property, and goods under s. 77.52 (1) (b), (c), and (d) under s. 77.71 (4).

5 **SECTION 331.** 77.785 (2) of the statutes is amended to read:

6 77.785 (2) Prior to registration or titling, a retailer of a boat, ~~all-terrain vehicle,~~
7 ~~trailer and semi-trailer dealers and licensed aircraft, motor vehicle, manufactured~~
8 ~~home, as defined in s. 101.91 (2), or recreational vehicle, as defined in s. 340.01 (48r),~~
9 ~~and snowmobile dealers~~ shall collect the taxes under this subchapter on sales of
10 items under s. 77.71 (4). The ~~dealer~~ retailer shall remit those taxes to the
11 department of revenue along with payments of the taxes under subch. III.

12 **SECTION 332.** 77.98 of the statutes is amended to read:

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

20 **SECTION 333.** 77.981 of the statutes is amended to read:

21 **77.981 Rate.** The tax under s. 77.98 is imposed on the sale of taxable products
22 at the rate of 0.25% of the ~~gross receipts~~ sales price, except that the district, by a vote
23 of a majority of the authorized members of its board of directors, may impose the tax
24 at the rate of 0.5% of the ~~gross receipts~~ sales price. A majority of the authorized
25 members of the district's board may vote that, if the balance in a special debt service

1 reserve fund of the district is less than the requirement under s. 229.50 (5), the tax
2 rate under this subchapter is 0.5%. The 0.5% rate shall be effective on the next
3 January 1, April 1, July 1 or October 1, and this tax is irrevocable if any bonds issued
4 by the district and secured by the special debt service reserve fund are outstanding.

5 **SECTION 334.** 77.982 (2) of the statutes is repealed and recreated to read:

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

11 **SECTION 335.** 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%. A resolution to adopt the taxes imposed under this section, or an increase in
22 the tax rate, shall be effective on the first January 1, April 1, July 1, or October 1
23 following the adoption of the resolution or tax increase.

24 **SECTION 336.** 77.991 (2) of the statutes is repealed and recreated to read:

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

7 **SECTION 337.** 77.994 (1) (intro.) of the statutes is amended to read:

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

15 **SECTION 338.** 77.9941 (4) of the statutes is amended to read:

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

19 **SECTION 339.** 77.995 (2) of the statutes is amended to read:

20 77.995 (2) There is imposed a fee at the rate of 5 percent of the gross receipts
21 sales price on the rental, but not for rental and not for rental as a service or repair
22 replacement vehicle of Type 1 automobiles, as defined in s. 340.01 (4) (a); of
23 recreational vehicles, as defined in s. 340.01 (48r); of motor homes, as defined in s.
24 340.01 (33m); and of camping trailers, as defined in s. 340.01 (6m) by establishments
25 primarily engaged in short-term rental of vehicles without drivers, for a period of 30

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

4 **SECTION 340.** 77.9951 (2) of the statutes is repealed and recreated to read:

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

10 **SECTION 341.** 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 342.** 77.9972 (2) of the statutes is repealed and recreated to read:

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

24 **SECTION 343.** 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 ~~is~~ from meal, food, ~~the sale of food product and~~
3 ~~beverage sales and food ingredients~~, as defined in s. 77.51 (3t), that are taxable under
4 s. 77.54 (20) (e) subch. III of ch. 77; and

5 **SECTION 344.** 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 345.** 229.68 (15) of the statutes is amended to read:

13 229.68 (15) Impose, by the adoption of a resolution, the taxes under subch. V
14 of ch. 77. A district may not levy any taxes that are not expressly authorized under
15 subch. V of ch. 77 and that do not receive the affirmative vote of a supermajority of
16 the district board. If a district adopts a resolution which imposes taxes, it shall
17 deliver a certified copy of the resolution to the secretary of revenue at least ~~30~~ 120
18 days before its effective date.

19 **SECTION 346.** 229.824 (15) of the statutes is amended to read:

20 229.824 (15) Impose, by the adoption of a resolution, the taxes under subch. V
21 of ch. 77, except that the taxes imposed by the resolution may not take effect until
22 the resolution is approved by a majority of the electors in the district's jurisdiction
23 voting on the resolution at a referendum, to be held at the first spring primary or
24 September primary following by at least 45 days the date of adoption of the
25 resolution. Two questions shall appear on the ballot. The first question shall be:

1 “Shall a sales tax and a use tax be imposed at the rate of 0.5% in County for
2 purposes related to football stadium facilities in the Professional Football
3 Stadium District?” The 2nd question shall be: “Shall excess revenues from the 0.5%
4 sales tax and use tax be permitted to be used for property tax relief purposes in
5 County?” Approval of the first question constitutes approval of the resolution of the
6 district board. Approval of the 2nd question is not effective unless the first question
7 is approved. The clerk of the district shall publish the notices required under s. 10.06
8 (4) (c), (f) and (i) for any referendum held under this subsection. Notwithstanding
9 s. 10.06 (4) (c), the type A notice under s. 10.01 (2) (a) relating to the referendum is
10 valid even if given and published late as long as it is given and published prior to the
11 election as early as practicable. A district may not levy any taxes that are not
12 expressly authorized under subch. V of ch. 77. The district may not levy any taxes
13 until the professional football team and the governing body of the municipality in
14 which the football stadium facilities are located agree on how to fund the
15 maintenance of the football stadium facilities. The district may not levy any taxes
16 until the professional football team and the governing body of the municipality in
17 which the football stadium facilities are located agree on how to distribute the
18 proceeds, if any, from the sale of naming rights related to the football stadium
19 facilities. If a district board adopts a resolution that imposes taxes and the resolution
20 is approved by the electors, the district shall deliver a certified copy of the resolution
21 to the secretary of revenue at least ~~30~~ 120 days before its effective date. If a district
22 board adopts a resolution that imposes taxes and the resolution is not approved by
23 the electors, the district is dissolved.

24 **SECTION 9443. Effective dates; Revenue.**

1 (1) MAIN STREET EQUITY ACT. The repeal of sections 46.513, 77.51 (4), 77.51 (14)
2 (d), 77.51 (14) (i), 77.51 (14) (k), 77.51 (14) (L), 77.51 (14r), 77.51 (15), 77.52 (2) (a)
3 5. b., 77.52 (3m), 77.52 (3n), 77.52 (6), 77.52 (14) (a) 2., 77.523 (title), 77.53 (4), 77.53
4 (15), 77.54 (14g), 77.54 (14s), 77.54 (20), 77.54 (20m), 77.54 (22), 77.54 (40), 77.61 (3),
5 77.65 (2) (c), 77.72 (title), 77.72 (2) and (3) and 77.77 (2) of the statutes; the
6 renumbering of sections 77.524 (1) (a) and 77.54 (48) (b) of the statutes; the
7 renumbering and amendment of sections 77.51 (1), 77.51 (21m) (by SECTION 127),
8 77.51 (6m), 77.51 (14) (g), 77.52 (1), 77.523, 77.524 (1) (b), 77.53 (9m), 77.53 (11),
9 77.54 (48) (a), 77.61 (2), 77.72 (1) and 77.77 (1) of the statutes; the consolidation,
10 renumbering, and amendment of section 77.52 (14) (a) (intro.) and 1. and (b) of the
11 statutes; the amendment of sections 66.0615 (1m) (f) 2., 70.111 (23), 71.07 (5e) (b),
12 71.07 (5e) (c) 1., 71.07 (5e) (c) 3., 71.28 (5e) (b), 71.28 (5e) (c) 1., 71.28 (5e) (c) 3., 71.47
13 (5e) (b), 71.47 (5e) (c) 1., 71.47 (5e) (c) 3., 73.03 (50) (d), 76.07 (4g) (b) 8., 77.51 (5),
14 77.51 (9) (a), 77.51 (9) (am), 77.51 (10), 77.51 (12) (b), 77.51 (13) (a), 77.51 (13) (b),
15 77.51 (13) (c), 77.51 (13) (d), 77.51 (13) (e), 77.51 (13) (f), 77.51 (13) (k), 77.51 (13) (m),
16 77.51 (13) (n), 77.51 (13) (o), 77.51 (13g) (intro.), 77.51 (13g) (a), 77.51 (13g) (b), 77.51
17 (13r), 77.51 (14) (intro.), 77.51 (14) (a), 77.51 (14) (b), 77.51 (14) (c), 77.51 (14) (h),
18 77.51 (14) (j), 77.51 (14g) (a), 77.51 (14g) (b), 77.51 (14g) (bm), 77.51 (14g) (c), 77.51
19 (14g) (cm), 77.51 (14g) (d), 77.51 (14g) (e), 77.51 (14g) (em), 77.51 (14g) (f), 77.51 (14g)
20 (g), 77.51 (14g) (h), 77.51 (17) (intro.), 77.51 (18), 77.51 (21), 77.51 (22) (a), 77.51 (22)
21 (b), 77.52 (2) (intro.), 77.52 (2) (a) 5. a. (by SECTION 144), 77.52 (2) (a) 5m., 77.52 (2)
22 (a) 10., 77.52 (2) (a) 11., 77.52 (2m) (a), 77.52 (2m) (b), 77.52 (4), 77.52 (7), 77.52 (12),
23 77.52 (13), 77.52 (15), 77.52 (16), 77.52 (17m) (b) 6., 77.52 (19), 77.525, 77.53 (1), 77.53
24 (2), 77.53 (3), 77.53 (9), 77.53 (10), 77.53 (12), 77.53 (14), 77.53 (16), 77.53 (17), 77.53
25 (17m), 77.53 (17r) (a), 77.53 (18), 77.54 (1), 77.54 (2), 77.54 (2m), 77.54 (3) (a), 77.54

1 (3m) (intro.), 77.54 (4), 77.54 (5) (intro.), 77.54 (6) (intro.), 77.54 (7m), 77.54 (8), 77.54
2 (9), 77.54 (9a) (intro.), 77.54 (10), 77.54 (11), 77.54 (12), 77.54 (13), 77.54 (14) (intro.),
3 77.54 (14) (a), 77.54 (14) (b), 77.54 (14) (f) (intro.), 77.54 (15), 77.54 (16), 77.54 (17),
4 77.54 (18), 77.54 (21), 77.54 (23m), 77.54 (25), 77.54 (25m), 77.54 (26), 77.54 (26m),
5 77.54 (27), 77.54 (28), 77.54 (29), 77.54 (30) (a) (intro.), 77.54 (30) (c), 77.54 (31), 77.54
6 (32), 77.54 (33), 77.54 (35), 77.54 (36), 77.54 (37), 77.54 (38), 77.54 (39), 77.54 (41),
7 77.54 (42), 77.54 (43), 77.54 (44), 77.54 (45), 77.54 (46), 77.54 (46m), 77.54 (47)
8 (intro.), 77.54 (47) (b) 1., 77.54 (47) (b) 2., 77.54 (49), 77.54 (54), 77.54 (56), 77.55 (1)
9 (intro.), 77.55 (2), 77.55 (2m), 77.55 (3), 77.56 (1), 77.57, 77.58 (3) (a), 77.58 (3) (b),
10 77.58 (6), 77.59 (5m), 77.59 (9), 77.61 (1) (b), 77.61 (1) (c), 77.61 (4) (a), 77.61 (4) (c),
11 77.61 (11), 77.65 (2) (a), 77.65 (2) (e), 77.65 (2) (f), 77.66, 77.70, 77.705, 77.706, 77.707
12 (1), 77.707 (2), 77.71 (1), 77.71 (2), 77.71 (3), 77.71 (4), 77.73 (2), 77.75, 77.785 (1),
13 77.785 (2), 77.98, 77.981, 77.99, 77.994 (1) (intro.), 77.9941 (4), 77.995 (2), 77.996 (6),
14 86.195 (3) (b) 3., 218.0171 (2) (cq), 229.68 (15) and 229.824 (15) of the statutes; the
15 repeal and recreation of sections 77.51 (7), 77.51 (12) (a), 77.51 (17m), 77.51 (20),
16 77.52 (1b), 77.52 (2n), 77.53 (1b), 77.63, 77.982 (2), 77.991 (2), 77.9951 (2), and
17 77.9972 (2) of the statutes; and the creation of sections 20.566 (1) (ho), 73.03 (28e),
18 73.03 (50b), 73.03 (61), 77.51 (1a), 77.51 (1b), 77.51 (1ba), 77.51 (1f), 77.51 (1fm),
19 77.51 (1pd), 77.51 (1r), 77.51 (2k), 77.51 (2m), 77.51 (3c), 77.51 (3n), 77.51 (3p), 77.51
20 (3pa), 77.51 (3pb), 77.51 (3pc), 77.51 (3pd), 77.51 (3pe), 77.51 (3pf), 77.51 (3pj), 77.51
21 (3pm), 77.51 (3pn), 77.51 (3po), 77.51 (3rm), 77.51 (3rn), 77.51 (3t), 77.51 (5d), 77.51
22 (5n), 77.51 (5r), 77.51 (7g), 77.51 (7k), 77.51 (7m), 77.51 (8m), 77.51 (9p), 77.51 (9s),
23 77.51 (10d), 77.51 (10f), 77.51 (10m), 77.51 (10n), 77.51 (10s), 77.51 (11d), 77.51
24 (11m), 77.51 (12m), 77.51 (12p), 77.51 (13g) (c), 77.51 (13rm), 77.51 (13rn), 77.51
25 (15a), 77.51 (15b), 77.51 (17w), 77.51 (17x), 77.51 (21n), 77.51 (21p), 77.51 (21q),

1 77.51 (22) (bm), 77.51 (24), 77.51 (25), 77.51 (26), 77.52 (1) (b), 77.52 (1) (c), 77.52 (1)
2 (d), 77.52 (2) (a) 5. am., 77.52 (2) (a) 5. c., 77.52 (2) (a) 13m., 77.52 (7b), 77.52 (14) (am),
3 77.52 (14) (bm), 77.52 (20), 77.52 (21), 77.52 (22), 77.52 (23), 77.522, 77.524 (1) (ag),
4 77.53 (9m) (b), 77.53 (9m) (c), 77.53 (11) (b), 77.54 (20n), 77.54 (20r), 77.54 (22b), 77.54
5 (50), 77.54 (51), 77.54 (52), 77.58 (6m), 77.58 (9a), 77.585, 77.59 (2m), 77.59 (9n),
6 77.59 (9p) (b), 77.59 (9r), 77.60 (13), 77.61 (2) (b), 77.61 (3m), 77.61 (5m), 77.61 (16),
7 77.61 (17), 77.61 (18), 77.65 (4) (fm), 77.67, 77.73 (3) and 77.77 (1) (b) of the statutes
8 take effect on October 1, 2009.

9 (2) MAIN STREET EQUITY ACT. The amendment of sections 77.51 (21m) (by
10 SECTION 126) and 77.52 (2) (a) 5. a. (by SECTION 143) of the statutes takes effect on
11 September 30 2009.

12

(END)