

1 telecommunications system, by information that the seller received from the seller's  
2 service provider.

3 (f) The sale of a prepaid calling service or a prepaid wireless calling service is  
4 sourced to the location determined under sub. (1) (b), except that, if the service is a  
5 prepaid wireless calling service and the location cannot be determined under sub. (1)  
6 (b) 1. to 4., the prepaid wireless calling service occurs at the location determined  
7 under sub. (1) (b) 5. c. or at the location associated with the mobile telephone number,  
8 as determined by the seller.

9 (g) 1. The sale of a private communication service for a separate charge related  
10 to a customer channel termination point is sourced to the location of the customer  
11 channel termination point.

12 2. The sale of a private communication service in which all customer channel  
13 termination points are located entirely in one taxing jurisdiction for sales and use  
14 tax purposes is sourced to the taxing jurisdiction in which the customer channel  
15 termination points are located.

16 3. If the segments are charged separately, the sale of a private communication  
17 service that represents segments of a communications channel between 2 customer  
18 channel termination points that are located in different taxing jurisdictions for sales  
19 and use tax purposes is sourced to an equal percentage in both such jurisdictions.

20 4. If the segments are not charged separately, the sale of a private  
21 communication service for segments of a communications channel that is located in  
22 more than one taxing jurisdiction for sales and use tax purposes is sourced to each  
23 such jurisdiction in a percentage determined by dividing the number of customer  
24 channel termination points in that jurisdiction by the number of customer channel

1 termination points in all jurisdictions where segments of the communications  
2 channel are located.

3 (h) The sale of an Internet access service is sourced to the customer's place of  
4 primary use.

5 (i) The sale of an ancillary service is sourced to the customer's place of primary  
6 use.

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

11 (5) FLORISTS. (a) For purposes of this subsection, "retail florist" means a person  
12 engaged in the business of selling cut flowers, floral arrangements, and potted plants  
13 and who prepares such flowers, floral arrangements, and potted plants. "Retail  
14 florist" does not include a person who sells cut flowers, floral arrangements, and  
15 potted plants primarily by mail or via the Internet.

16 (b) Sales by a retail florist are sourced to the location determined by rule by the  
17 department.

18 \*-0377/P10.176\* \*-4294/P1.158\* SECTION 324. 77.523 (title) of the statutes  
19 is repealed.

20 \*-0377/P10.177\* \*-4294/P1.159\* SECTION 325. 77.523 of the statutes is  
21 renumbered 77.59 (9p) (a) and amended to read:

22 77.59 (9p) (a) If a customer purchases a service that is subject to 4 USC 116  
23 to 126, as amended by P.L. 106-252, and if the customer believes that the amount  
24 of the tax assessed for the service under this subchapter or the place of primary use  
25 or taxing jurisdiction assigned to the service is erroneous, the customer may request

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

19 **\*-0377/P10.178\* \*-4294/P1.160\* SECTION 326.** 77.524 (1) (a) of the statutes  
20 is renumbered 77.524 (1) (am).

21 **\*-0377/P10.179\* \*-4294/P1.161\* SECTION 327.** 77.524 (1) (ag) of the statutes  
22 is created to read:

23 77.524 (1) (ag) "Agent" means a person appointed by a seller to represent the  
24 seller before the states that are signatories to the agreement, as defined in s. 77.65  
25 (2) (a).

1           **\*-0377/P10.180\* \*-4294/P1.162\* SECTION 328.** 77.524 (1) (b) of the statutes  
2 is renumbered 77.51 (1g) and amended to read:

3           77.51 (1g) "Certified service provider" means an agent that is certified jointly  
4 by the states that are signatories to the agreement, as defined in s. 77.65 (2) (a), and  
5 that performs all of a seller's sales tax and use tax functions related to the seller's  
6 retail sales, except that a certified service provider is not responsible for a retailer's  
7 obligation to remit tax on the retailer's own purchases.

8           **\*-0377/P10.181\* \*-4294/P1.163\* SECTION 329.** 77.525 of the statutes is  
9 amended to read:

10           **77.525 Reduction to prevent double taxation.** Any person who is subject  
11 to the tax under s. 77.52 (2) (a) 5. ~~a.~~ on telecommunications services that terminate  
12 in this state and who has paid a similar tax on the same services to another state may  
13 reduce the amount of the tax remitted to this state by an amount equal to the similar  
14 tax properly paid to another state on those services or by the amount due this state  
15 on those services, whichever is less. That person shall refund proportionally to the  
16 persons to whom the tax under s. 77.52 (2) (a) 5. ~~a.~~ was passed on an amount equal  
17 to the amounts not remitted.

18           **\*-0377/P10.182\* \*-4294/P1.164\* SECTION 330.** 77.53 (1) of the statutes is  
19 amended to read:

20           77.53 (1) Except as provided in sub. (1m), an excise tax is levied and imposed  
21 on the use or consumption in this state of taxable services under s. 77.52 purchased  
22 from any retailer, at the rate of 5% of the sales purchase price of those services; on  
23 the storage, use or other consumption in this state of tangible personal property and  
24 items or property under s. 77.52 (1) (b) or (c) purchased from any retailer, at the rate  
25 of 5% of the sales purchase price of that the property or items; on the storage, use,

1 or other consumption of goods under s. 77.52 (1) (d) purchased from any retailer, if  
2 the purchaser has the right to use the goods on a permanent or less than permanent  
3 basis and regardless of whether the purchaser is required to make continued  
4 payments for such right, at the rate of 5 percent of the sales price of the goods; and  
5 on the storage, use or other consumption of tangible personal property or items,  
6 property, or goods under s. 77.52 (1) (b), (c), or (d) manufactured, processed or  
7 otherwise altered, in or outside this state, by the person who stores, uses or consumes  
8 it, from material purchased from any retailer, at the rate of 5% of the sales purchase  
9 price of that material.

10 \*~~0377/P10.183~~\* \*~~4294/P1.165~~\* SECTION 331. 77.53 (1b) of the statutes is  
11 repealed and recreated to read:

12 77.53 (1b) The storage, use, or other consumption in this state of tangible  
13 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d), and  
14 the use or other consumption in this state of a taxable service, purchased from any  
15 retailer is subject to the tax imposed in this section unless an exemption in this  
16 subchapter applies.

17 \*~~0377/P10.184~~\* \*~~4294/P1.166~~\* SECTION 332. 77.53 (2) of the statutes is  
18 amended to read:

19 77.53 (2) Every person storing, using, or otherwise consuming in this state  
20 tangible personal property, or items, property, or goods specified under s. 77.52 (1)  
21 (b), (c), or (d), or taxable services purchased from a retailer is liable for the tax  
22 imposed by this section. The person's liability is not extinguished until the tax has  
23 been paid to this state, but a receipt with the tax separately stated from a retailer  
24 engaged in business in this state or from a retailer who is authorized by the  
25 department, under such rules as it prescribes, to collect the tax and who is regarded

1 as a retailer engaged in business in this state for purposes of the tax imposed by this  
2 section given to the purchaser under sub. (3) relieves the purchaser from further  
3 liability for the tax to which the receipt refers.

4 **\*-0377/P10.185\* \*-4294/P1.167\* SECTION 333.** 77.53 (3) of the statutes is  
5 amended to read:

6 77.53 (3) Every retailer engaged in business in this state and making sales of  
7 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or  
8 (d), or taxable services for delivery into this state or with knowledge directly or  
9 indirectly that the property or service is intended for storage, use or other  
10 consumption in that are sourced to this state under s. 77.522, shall, at the time of  
11 making the sales or, if the storage, use or other consumption of the tangible personal  
12 property or taxable service is not then taxable under this section, at the time the  
13 storage, use or other consumption becomes taxable, collect the tax from the  
14 purchaser and give to the purchaser a receipt in the manner and form prescribed by  
15 the department.

16 **\*-0377/P10.186\* \*-4294/P1.168\* SECTION 334.** 77.53 (4) of the statutes is  
17 repealed.

18 **\*-0377/P10.187\* \*-4294/P1.169\* SECTION 335.** 77.53 (9) of the statutes is  
19 amended to read:

20 77.53 (9) Every retailer selling tangible personal property, or items, property,  
21 or goods under s. 77.52 (1) (b), (c), or (d), or taxable services for storage, use or other  
22 consumption in this state shall register with the department and obtain a certificate  
23 under s. 73.03 (50) and give the name and address of all agents operating in this  
24 state, the location of all distribution or sales houses or offices or other places of  
25 business in this state, the standard industrial code classification of each place of

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

5 \***-0377/P10.188\* \*-4294/P1.170\* SECTION 336.** 77.53 (9m) of the statutes is  
6 renumbered 77.53 (9m) (a) and amended to read:

7 77.53 (9m) (a) Any person who is not otherwise required to collect any tax  
8 imposed by this subchapter and who makes sales to persons within this state of  
9 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or  
10 (d), or taxable services the use of which is subject to tax under this subchapter may  
11 register with the department under the terms and conditions that the department  
12 imposes and shall obtain a valid certificate under s. 73.03 (50) and thereby be  
13 authorized and required to collect, report, and remit to the department the use tax  
14 imposed by this subchapter.

15 \***-0377/P10.189\* \*-4294/P1.171\* SECTION 337.** 77.53 (9m) (b) of the statutes  
16 is created to read:

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

20 \***-0377/P10.190\* \*-4294/P1.172\* SECTION 338.** 77.53 (9m) (c) of the statutes  
21 is created to read:

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

1           \*~~-0377/P10.191~~\* \*~~-4294/P1.173~~\* SECTION 339. 77.53 (10) of the statutes is  
2 amended to read:

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

22           \*~~-0377/P10.192~~\* \*~~-4294/P1.174~~\* SECTION 340. 77.53 (11) of the statutes is  
23 renumbered 77.53 (11) (a) and amended to read:

24           77.53 (11) (a) The certificate referred to in under sub. (10) relieves the person  
25 selling the property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or



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

24 \* -0377/P10.193\* \* -4294/P1.175\* SECTION 341. 77.53 (11) (b) of the statutes  
25 is created to read:

1           77.53 (11) (b) If the seller has not obtained a fully completed exemption  
2 certificate or the information required to prove the exemption, as provided in par. (a),  
3 the seller may, no later than 120 days after the department requests that the seller  
4 substantiate the exemption, either provide proof of the exemption to the department  
5 by other means or obtain, in good faith, a fully completed exemption certificate from  
6 the purchaser.

7           \*-0377/P10.194\* \*-4294/P1.176\* SECTION 342. 77.53 (12) of the statutes is  
8 amended to read:

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

15           \*-0377/P10.195\* \*-4294/P1.177\* SECTION 343. 77.53 (14) of the statutes is  
16 amended to read:

17           77.53 (14) It is presumed that tangible personal property, or items, property,  
18 or goods under s. 77.52 (1) (b), (c), or (d), or taxable services shipped or brought to this  
19 state by the purchaser were purchased from or serviced by a retailer.

20           \*-0377/P10.196\* \*-4294/P1.178\* SECTION 344. 77.53 (15) of the statutes is  
21 repealed.

22           \*-0377/P10.197\* \*-4294/P1.179\* SECTION 345. 77.53 (16) of the statutes is  
23 amended to read:

24           77.53 (16) If the purchase, rental or lease of tangible personal property, or  
25 items, property, or goods under s. 77.52 (1) (b), (c), or (d), or service subject to the tax

1 imposed by this section was subject to a sales tax by another state in which the  
2 purchase was made, the amount of sales tax paid the other state shall be applied as  
3 a credit against and deducted from the tax, to the extent thereof, imposed by this  
4 section, except no credit may be applied against and deducted from a sales tax paid  
5 on the purchase of direct mail, if the direct mail purchaser did not provide to the  
6 seller a direct pay permit, an exemption certificate claiming direct mail, or other  
7 information that indicates the appropriate taxing jurisdiction to which the direct  
8 mail is delivered to the ultimate recipients. In this subsection "sales tax" includes  
9 a use or excise tax imposed on the use of tangible personal property, or items,  
10 property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable service by the state in  
11 to which the sale occurred was sourced and "state" includes the District of Columbia  
12 ~~but does not include~~ and the commonwealth of Puerto Rico ~~or but does not include~~  
13 the several territories organized by congress.

14 \***-0377/P10.198\*** \***-4294/P1.180\*** SECTION 346. 77.53 (17) of the statutes is  
15 amended to read:

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

1           **\*-0377/P10.199\* \*-4294/P1.181\* SECTION 347.** 77.53 (17m) of the statutes is  
2 amended to read:

3           **77.53 (17m)** This section does not apply to a boat purchased in a state  
4 contiguous to this state, as determined under s. 77.522, by a person domiciled in that  
5 state if the boat is berthed in this state's boundary waters adjacent to the state of the  
6 domicile of the purchaser and if the transaction was an exempt occasional sale under  
7 the laws of the state in which the purchase was made.

8           **\*-0377/P10.200\* \*-4294/P1.182\* SECTION 348.** 77.53 (17r) (a) of the statutes  
9 is amended to read:

10           **77.53 (17r) (a)** It is purchased in another state, as determined under s. 77.522.

11           **\*-0377/P10.201\* \*-4294/P1.183\* SECTION 349.** 77.53 (18) of the statutes is  
12 amended to read:

13           **77.53 (18)** This section does not apply to the storage, use or other consumption  
14 in this state of household goods or items, property, or goods under s. 77.52 (1) (b), (c),  
15 or (d) for personal use or to aircraft, motor vehicles, boats, snowmobiles, mobile  
16 homes, manufactured homes, as defined in s. 101.91 (2), recreational vehicles, as  
17 defined in s. 340.01 (48r), trailers, semitrailers and all-terrain vehicles, for personal  
18 use, purchased by a nondomiciliary of this state outside this state, as determined  
19 under s. 77.522, 90 days or more before bringing the goods, items, goods, or property  
20 into this state in connection with a change of domicile to this state.

21           **\*-0377/P10.202\* \*-4294/P1.184\* SECTION 350.** 77.54 (1) of the statutes is  
22 amended to read:

23           **77.54 (1)** The ~~gross receipts~~ sales price from the sale of and the storage, use or  
24 other consumption in this state of tangible personal property, and items, property,  
25 and goods under s. 77.52 (1) (b), (c), and (d), and services the ~~gross receipts~~ sales price

1 from the sale of which, or the storage, use or other consumption of which, this state  
2 is prohibited from taxing under the constitution or laws of the United States or under  
3 the constitution of this state.

4 **\*-0377/P10.203\* \*-4294/P1.185\* SECTION 351.** 77.54 (2) of the statutes is  
5 amended to read:

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

11 **\*-0377/P10.204\* \*-4294/P1.186\* SECTION 352.** 77.54 (2m) of the statutes is  
12 amended to read:

13 77.54 (2m) The ~~gross receipts~~ sales price from the sales of and the storage, use  
14 or other consumption of tangible personal property or services that become an  
15 ingredient or component of shoppers guides, newspapers or periodicals or that are  
16 consumed or lose their identity in the manufacture of shoppers guides, newspapers  
17 or periodicals, whether or not the shoppers guides, newspapers or periodicals are  
18 transferred without charge to the recipient. In this subsection, "shoppers guides",  
19 "newspapers" and "periodicals" have the meanings under sub. (15). The exemption  
20 under this subdivision does not apply to advertising supplements that are not  
21 newspapers.

22 **\*-0377/P10.205\* \*-4294/P1.187\* SECTION 353.** 77.54 (3) (a) of the statutes is  
23 amended to read:

24 77.54 (3) (a) The ~~gross receipts~~ sales price from the sales of and the storage, use,  
25 or other consumption of tractors and machines, including accessories, attachments,

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

13 **\*-0377/P10.206\* \*-4294/P1.188\* SECTION 354.** 77.54 (3m) (intro.) of the  
14 statutes is amended to read:

15 77.54 (3m) (intro.) The ~~gross receipts~~ sales price from the sale of and the  
16 storage, use or other consumption of the following items if they are used exclusively  
17 by the purchaser or user in the business of farming; including dairy farming,  
18 agriculture, horticulture, floriculture, silviculture, and custom farming services:

19 **\*-0377/P10.207\* \*-4294/P1.189\* SECTION 355.** 77.54 (4) of the statutes is  
20 amended to read:

21 77.54 (4) ~~Gross receipts~~ The sales price from the sale of tangible personal  
22 property and items, property, and goods under s. 77.52 (1) (b), (c), and (d) and the  
23 storage, use or other consumption in this state of tangible personal property and  
24 items, property, and goods under s. 77.52 (1) (b), (c), and (d), which is the subject of

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

3 **\*-0377/P10.208\* \*-4294/P1.190\* SECTION 356.** 77.54 (5) (intro.) of the  
4 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 **\*-0377/P10.209\* \*-4294/P1.191\* SECTION 357.** 77.54 (6) (intro.) of the  
8 statutes is amended to read:

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

11 **\*-0377/P10.210\* \*-4294/P1.192\* SECTION 358.** 77.54 (7m) of the statutes is  
12 amended to read:

13 77.54 (7m) Occasional sales of tangible personal property, or items, property,  
14 or goods under s. 77.52 (1) (b), (c), and (d), or services, including admissions or tickets  
15 to an event; by a neighborhood association, church, civic group, garden club, social  
16 club or similar nonprofit organization; not involving entertainment for which  
17 payment in the aggregate exceeds \$500 for performing or as reimbursement of  
18 expenses unless access to the event may be obtained without payment of a direct or  
19 indirect admission fee; conducted by the organization if the organization is not  
20 engaged in a trade or business and is not required to have a seller's permit. For  
21 purposes of this subsection, an organization is engaged in a trade or business and is  
22 required to have a seller's permit if its sales of tangible personal property, and items,  
23 property, and goods under s. 77.52 (1) (b), (c), and (d), and services, not including sales  
24 of tickets to events, and its events occur on more than 20 days during the year, unless  
25 its receipts do not exceed \$25,000 during the year. The exemption under this

1 subsection does not apply to ~~gross receipts~~ the sales price from the sale of bingo  
2 supplies to players or to the sale, rental or use of regular bingo cards, extra regular  
3 cards and special bingo cards.

4 **\*-0377/P10.211\* \*-4294/P1.193\* SECTION 359.** 77.54 (8) of the statutes is  
5 amended to read:

6 77.54 (8) Charges for interest, ~~financing or insurance, not including contracts~~  
7 under s. 77.52 (2) (a) 13m., where such charges are separately set forth upon the  
8 invoice given by the seller to the purchaser.

9 **\*-0377/P10.212\* \*-4294/P1.194\* SECTION 360.** 77.54 (9) of the statutes is  
10 amended to read:

11 77.54 (9) The ~~gross receipts~~ sales price from sales of tickets or admissions to  
12 public and private elementary and secondary school activities, where the entire net  
13 proceeds therefrom are expended for educational, religious or charitable purposes.

14 **\*-0377/P10.213\* \*-4294/P1.195\* SECTION 361.** 77.54 (9a) (intro.) of the  
15 statutes is amended to read:

16 77.54 (9a) (intro.) The ~~gross receipts~~ sales price from sales to, and the storage  
17 by, use by or other consumption of tangible personal property, and items, property,  
18 and goods under s. 77.52 (1) (b), (c), and (d), and taxable services by:

19 **\*-0377/P10.214\* \*-4294/P1.196\* SECTION 362.** 77.54 (10) of the statutes is  
20 amended to read:

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



1           **\*-0377/P10.215\* \*-4294/P1.197\* SECTION 363.** 77.54 (11) of the statutes is  
2 amended to read:

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

8           **\*-0377/P10.216\* \*-4294/P1.198\* SECTION 364.** 77.54 (12) of the statutes is  
9 amended to read:

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

14          **\*-0377/P10.217\* \*-4294/P1.199\* SECTION 365.** 77.54 (13) of the statutes is  
15 amended to read:

16          77.54 (13) The ~~gross receipts~~ sales price from the sales of and the storage, use  
17 or other consumption in this state of commercial vessels and barges of 50-ton burden  
18 or over primarily engaged in interstate or foreign commerce or commercial fishing,  
19 and the accessories, attachments, parts and fuel therefor.

20          **\*-0377/P10.218\* \*-4294/P1.200\* SECTION 366.** 77.54 (14) (intro.) of the  
21 statutes is amended to read:

22          77.54 (14) (intro.) The ~~gross receipts~~ sales price from the sales of and the  
23 storage, use, or other consumption in this state of ~~medicines~~ drugs that are any of  
24 the following:

1           **\*-0377/P10.219\* \*-4294/P1.201\* SECTION 367.** 77.54 (14) (a) of the statutes  
2 is amended to read:

3           77.54 (14) (a) Prescribed for the treatment of a human being by a person  
4 authorized to prescribe the ~~medicines~~ drugs, and dispensed on prescription filled by  
5 a registered pharmacist in accordance with law.

6           **\*-0377/P10.220\* \*-4294/P1.202\* SECTION 368.** 77.54 (14) (b) of the statutes  
7 is amended to read:

8           77.54 (14) (b) Furnished by a licensed physician, surgeon, podiatrist, or dentist  
9 to a patient who is a human being for treatment of the patient.

10           **\*-0377/P10.221\* \*-4294/P1.203\* SECTION 369.** 77.54 (14) (f) (intro.) of the  
11 statutes is amended to read:

12           77.54 (14) (f) (intro.) Furnished without charge to any of the following if the  
13 ~~medicine~~ drug may not be dispensed without a prescription:

14           **\*-0377/P10.222\* \*-4294/P1.204\* SECTION 370.** 77.54 (14g) of the statutes is  
15 repealed.

16           **\*-0377/P10.223\* \*-4294/P1.205\* SECTION 371.** 77.54 (14s) of the statutes is  
17 repealed.

18           **\*-0377/P10.224\* \*-4294/P1.206\* SECTION 372.** 77.54 (15) of the statutes is  
19 amended to read:

20           77.54 (15) The ~~gross receipts~~ sales price from the sale of and the storage, use  
21 or other consumption of all newspapers, of periodicals sold by subscription and  
22 regularly issued at average intervals not exceeding 3 months, or issued at average  
23 intervals not exceeding 6 months by an educational association or corporation sales  
24 to which are exempt under sub. (9a) (f), of controlled circulation publications sold to  
25 commercial publishers for distribution without charge or mainly without charge or

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

12 **\*-0377/P10.225\* \*-4294/P1.207\* SECTION 373.** 77.54 (16) of the statutes is  
13 amended to read:

14 77.54 (16) The ~~gross receipts~~ sales price from the sale of and the storage, use  
15 or other consumption of fire trucks and fire fighting equipment, including  
16 accessories, attachments, parts and supplies therefor, sold to volunteer fire  
17 departments.

18 **\*-0377/P10.226\* \*-4294/P1.208\* SECTION 374.** 77.54 (17) of the statutes is  
19 amended to read:

20 77.54 (17) The ~~gross receipts~~ sales price from the sales of and the storage, use  
21 or other consumption of water, that is not food and food ingredient, when delivered  
22 through mains.

23 **\*-0377/P10.227\* \*-4294/P1.209\* SECTION 375.** 77.54 (18) of the statutes is  
24 amended to read:

1           77.54 (18) When the sale, license, lease, or rental of a service or property,  
2 including items, property, and goods under s. 77.52 (1) (b), (c), and (d), that was  
3 previously exempt or not taxable under this subchapter becomes taxable, and the  
4 service or property is furnished under a written contract by which the seller is  
5 unconditionally obligated to provide the service or property for the amount fixed  
6 under the contract, the seller is exempt from sales or use tax on the ~~gross receipts~~  
7 sales price for services or property provided until the contract is terminated,  
8 extended, renewed or modified. However, from the time the service or property  
9 becomes taxable until the contract is terminated, extended, renewed or modified the  
10 user is subject to use tax, measured by the sales purchase price, on the service or  
11 property purchased under the contract.

12           \***-0377/P10.228\*** \***-4294/P1.210\*** SECTION 376. 77.54 (20) of the statutes is  
13 repealed.

14           \***-0377/P10.229\*** \***-4294/P1.211\*** SECTION 377. 77.54 (20m) of the statutes is  
15 repealed.

16           \***-0377/P10.230\*** \***-4294/P1.212\*** SECTION 378. 77.54 (20n) of the statutes is  
17 created to read:

18           77.54 (20n) (a) The sales price from the sale of and the storage, use, or other  
19 consumption of food and food ingredients, except candy, soft drinks, dietary  
20 supplements, and prepared food.

21           (b) The sales price from the sale of and the storage, use, or other consumption  
22 of food and food ingredients, except soft drinks, sold by hospitals, sanatoriums,  
23 nursing homes, retirement homes, community-based residential facilities, as  
24 defined in s. 50.01 (1g), or day care centers registered under ch. 48, including  
25 prepared food that is sold to the elderly or handicapped by persons providing mobile

1 meals on wheels. In this paragraph, "retirement home" means a nonprofit  
2 residential facility where 3 or more unrelated adults or their spouses have their  
3 principal residence and where support services, including meals from a common  
4 kitchen, are available to residents.

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

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

13 2. A national football league team.

14 **\*-0377/P10.231\* \*-4294/P1.213\* SECTION 379.** 77.54 (20r) of the statutes is  
15 created to read:

16 77.54 (20r) The sales price from the sales of and the storage, use, or other  
17 consumption of candy, soft drinks, dietary supplements, and prepared foods, and  
18 disposable products that are transferred with such items, furnished for no  
19 consideration by a restaurant to the restaurant's employee during the employee's  
20 work hours.

21 **\*-0377/P10.232\* \*-4294/P1.214\* SECTION 380.** 77.54 (21) of the statutes is  
22 amended to read:

23 77.54 (21) The ~~gross receipts~~ sales price from the sales of and the storage, use  
24 or other consumption of caskets and burial vaults for human remains.

1           **\*-0377/P10.233\* \*-4294/P1.215\* SECTION 381.** 77.54 (22) of the statutes is  
2 repealed.

3           **\*-0377/P10.234\* \*-4294/P1.216\* SECTION 382.** 77.54 (22b) of the statutes is  
4 created to read:

5           **77.54 (22b)** The sales price from the sale of and the storage, use, or other  
6 consumption of durable medical equipment that is for use in a person's home,  
7 mobility-enhancing equipment, and prosthetic devices, and accessories for such  
8 equipment or devices, if the equipment or devices are used for a human being.

9           **\*-0377/P10.235\* \*-4294/P1.217\* SECTION 383.** 77.54 (23m) of the statutes is  
10 amended to read:

11           **77.54 (23m)** The ~~gross receipts~~ sales price from the sale, license, lease or rental  
12 of or the storage, use or other consumption of motion picture film or tape, and motion  
13 pictures or radio or television programs for listening, viewing, or broadcast, and  
14 advertising materials related thereto, sold, licensed, leased or rented to a motion  
15 picture theater or radio or television station.

16           **\*-0377/P10.236\* \*-4294/P1.218\* SECTION 384.** 77.54 (25) of the statutes, as  
17 affected by 2007 Wisconsin Act 20, is amended to read:

18           **77.54 (25)** The ~~gross receipts~~ sales price from the sale of and the storage of  
19 printed material which is designed to advertise and promote the sale of merchandise,  
20 or to advertise the services of individual business firms, which printed material is  
21 purchased and stored for the purpose of subsequently transporting it outside the  
22 state by the purchaser for use thereafter solely outside the state. This subsection  
23 does not apply to catalogs and the envelopes in which the catalogs are mailed.

24           **\*-0377/P10.237\* \*-4294/P1.219\* SECTION 385.** 77.54 (25m) of the statutes,  
25 as created by 2007 Wisconsin Act 20, is amended to read:

1           77.54 (25m) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
2 or other consumption of catalogs, and the envelopes in which the catalogs are mailed,  
3 that are designed to advertise and promote the sale of merchandise or to advertise  
4 the services of individual business firms.

5           \*~~-0377/P10.238~~\* \*~~-4294/P1.220~~\* SECTION 386. 77.54 (26) of the statutes is  
6 amended to read:

7           77.54 (26) The ~~gross receipts~~ sales price from the sales of and the storage, use,  
8 or other consumption of tangible personal property and items and property under s.  
9 77.52 (1) (b) and (c) which becomes a component part of an industrial waste  
10 treatment facility that is exempt under s. 70.11 (21) or that would be exempt under  
11 s. 70.11 (21) if the property were taxable under ch. 70, or tangible personal property  
12 and items and property under s. 77.52 (1) (b) and (c) which becomes a component part  
13 of a waste treatment facility of this state or any agency thereof, or any political  
14 subdivision of the state or agency thereof as provided in s. 40.02 (28). The exemption  
15 includes replacement parts therefor, and also applies to chemicals and supplies used  
16 or consumed in operating a waste treatment facility and to purchases of tangible  
17 personal property and items and property under s. 77.52 (1) (b) and (c) made by  
18 construction contractors who transfer such property to their customers in fulfillment  
19 of a real property construction activity. This exemption does not apply to tangible  
20 personal property and items and property under s. 77.52 (1) (b) and (c) installed in  
21 fulfillment of a written construction contract entered into, or a formal written bid  
22 made, prior to July 31, 1975.

23           \*~~-0377/P10.239~~\* \*~~-4294/P1.221~~\* SECTION 387. 77.54 (26m) of the statutes is  
24 amended to read:

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

13           \*-0377/P10.240\* \*-4294/P1.222\* SECTION 388. 77.54 (27) of the statutes is  
14 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           \*-0377/P10.241\* \*-4294/P1.223\* SECTION 389. 77.54 (28) of the statutes is  
18 amended to read:

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

23           \*-0377/P10.242\* \*-4294/P1.224\* SECTION 390. 77.54 (29) of the statutes is  
24 amended to read:



1           77.54 (29) The ~~gross receipts~~ sales price from the sales of and the storage, use  
2 or other consumption of equipment used in the production of maple syrup.

3           \***-0377/P10.243\*** \***-4294/P1.225\*** SECTION 391. 77.54 (30) (a) (intro.) of the  
4 statutes is amended to read:

5           77.54 (30) (a) (intro.) The ~~gross receipts~~ sales price from the sale of:

6           \***-0377/P10.244\*** \***-4294/P1.226\*** SECTION 392. 77.54 (30) (c) of the statutes  
7 is amended to read:

8           77.54 (30) (c) If fuel or electricity is sold partly for a use exempt under this  
9 subsection and partly for a use which is not exempt under this subsection, no tax  
10 shall be collected on that percentage of the ~~gross receipts~~ sales price equal to the  
11 percentage of the fuel or electricity which is used for an exempt use, as specified in  
12 an exemption certificate provided by the purchaser to the seller.

13           \***-0377/P10.245\*** \***-4294/P1.227\*** SECTION 393. 77.54 (31) of the statutes is  
14 amended to read:

15           77.54 (31) The ~~gross receipts~~ sales price from the sale of and the storage, use  
16 or other consumption in this state, but not the lease or rental, of used mobile homes,  
17 as defined in s. 101.91 (10), and used manufactured homes, as defined in s. 101.91  
18 (12).

19           \***-0377/P10.246\*** \***-4294/P1.228\*** SECTION 394. 77.54 (32) of the statutes is  
20 amended to read:

21           77.54 (32) The ~~gross receipts~~ sales price from charges, including charges for a  
22 search, imposed by an authority, as defined in s. 19.32 (1), for copies of a public record  
23 that a person may examine and use under s. 16.61 (12) or for copies of a record under  
24 s. 19.35 (1).

1           \***-0377/P10.247\*** \***-4294/P1.229\*** **SECTION 395.** 77.54 (33) of the statutes is  
2 amended to read:

3           77.54 (33) The ~~gross receipts~~ sales price from sales of and the storage, use or  
4 other consumption of ~~medicines~~ drugs used on farm livestock, not including  
5 workstock.

6           \***-0377/P10.248\*** \***-4294/P1.230\*** **SECTION 396.** 77.54 (35) of the statutes is  
7 amended to read:

8           77.54 (35) The ~~gross receipts~~ sales price from the sales of tangible personal  
9 property, ~~or items, property, or goods under s. 77.52 (1) (b), (c), or (d),~~ tickets, or  
10 admissions by any baseball team affiliated with the Wisconsin Department of  
11 American Legion baseball.

12           \***-0377/P10.249\*** \***-4294/P1.231\*** **SECTION 397.** 77.54 (36) of the statutes is  
13 amended to read:

14           77.54 (36) The ~~gross receipts~~ sales price from the rental for a continuous period  
15 of one month or more of a mobile home, as defined in s. 101.91 (10), or a manufactured  
16 home, as defined in s. 101.91 (2), that is used as a residence. In this subsection, "one  
17 month" means a calendar month or 30 days, whichever is less, counting the first day  
18 of the rental and not counting the last day of the rental.

19           \***-0377/P10.250\*** \***-4294/P1.232\*** **SECTION 398.** 77.54 (37) of the statutes is  
20 amended to read:

21           77.54 (37) The ~~gross receipts~~ sales price from revenues collected under s.  
22 256.35 (3) and the surcharge established by rule by the public service commission  
23 under s. 256.35 (3m) (f) for customers of wireless providers, as defined in s. 256.35  
24 (3m) (a) 6.

1           \***-0377/P10.251\*** \***-4294/P1.233\*** **SECTION 399.** 77.54 (38) of the statutes is  
2 amended to read:

3           77.54 **(38)** The ~~gross receipts~~ sales price from the sale of and the storage, use  
4 or other consumption of snowmobile trail groomers and attachments for them that  
5 are purchased, stored, used or consumed by a snowmobile club that meets at least  
6 3 times a year, that has at least 10 members, that promotes snowmobiling and that  
7 participates in the department of natural resources' snowmobile program under s.  
8 350.12 (4) (b).

9           \***-0377/P10.252\*** \***-4294/P1.234\*** **SECTION 400.** 77.54 (39) of the statutes is  
10 amended to read:

11           77.54 **(39)** The ~~gross receipts~~ sales price from the sale of and the storage, use  
12 or other consumption of off-highway, heavy mechanical equipment such as feller  
13 bunchers, slashers, delimiters, chippers, hydraulic loaders, loaders,  
14 skidder-forwarders, skidders, timber wagons and tractors used exclusively and  
15 directly in the harvesting or processing of raw timber products in the field by a person  
16 in the logging business. In this subsection, "heavy mechanical equipment" does not  
17 include hand tools such as axes, chains, chain saws and wedges.

18           \***-0377/P10.253\*** \***-4294/P1.235\*** **SECTION 401.** 77.54 (40) of the statutes is  
19 repealed.

20           \***-0377/P10.254\*** \***-4294/P1.236\*** **SECTION 402.** 77.54 (41) of the statutes is  
21 amended to read:

22           77.54 **(41)** The ~~gross receipts~~ sales price from the sale of building materials,  
23 supplies and equipment to; and the storage, use or other consumption of those kinds  
24 of property by; owners, contractors, subcontractors or builders if that property is

1 acquired solely for or used solely in, the construction, renovation or development of  
2 property that would be exempt under s. 70.11 (36).

3 **\*-0377/P10.255\* \*-4294/P1.237\* SECTION 403.** 77.54 (42) of the statutes is  
4 amended to read:

5 77.54 (42) The ~~gross receipts~~ sales price from the sale of and the storage, use  
6 or other consumption of animal identification tags provided under s. 93.06 (1h) and  
7 standard samples provided under s. 93.06 (1s).

8 **\*-0377/P10.256\* \*-4294/P1.238\* SECTION 404.** 77.54 (43) of the statutes is  
9 amended to read:

10 77.54 (43) The ~~gross receipts~~ sales price from the sale of and the storage, use  
11 or other consumption of raw materials used for the processing, fabricating or  
12 manufacturing of, or the attaching to or incorporating into, printed materials that  
13 are transported and used solely outside this state.

14 **\*-0377/P10.257\* \*-4294/P1.239\* SECTION 405.** 77.54 (44) of the statutes is  
15 amended to read:

16 77.54 (44) The ~~gross receipts~~ sales price from the collection of low-income  
17 assistance fees that are charged under s. 16.957 (4) (a) or (5) (a).

18 **\*-0377/P10.258\* \*-4294/P1.240\* SECTION 406.** 77.54 (45) of the statutes is  
19 amended to read:

20 77.54 (45) The ~~gross receipts~~ sales price from the sale of and the use or other  
21 consumption of a onetime license or similar right to purchase admission to  
22 professional football games at a football stadium, as defined in s. 229.821 (6), that  
23 is granted by a municipality; a local professional football stadium district; or a  
24 professional football team or related party, as defined in s. 229.821 (12); if the person  
25 who buys the license or right is entitled, at the time the license or right is transferred

1 to the person, to purchase admission to at least 3 professional football games in this  
2 state during one football season.

3 **\*-0377/P10.259\* \*-4294/P1.241\* SECTION 407.** 77.54 (46) of the statutes is  
4 amended to read:

5 77.54 (46) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
6 or other consumption of the U.S. flag or the state flag. This subsection does not apply  
7 to a representation of the U.S. flag or the state flag.

8 **\*-0377/P10.260\* \*-4294/P1.242\* SECTION 408.** 77.54 (46m) of the statutes is  
9 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 **\*-0377/P10.261\* \*-4294/P1.243\* SECTION 409.** 77.54 (47) (intro.) of the  
17 statutes is amended to read:

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

20 **\*-0377/P10.262\* \*-4294/P1.244\* SECTION 410.** 77.54 (47) (b) 1. of the statutes  
21 is amended to read:

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

24 **\*-0377/P10.263\* \*-4294/P1.245\* SECTION 411.** 77.54 (47) (b) 2. of the statutes  
25 is amended to read:

**SECTION 411**

1           77.54 (47) (b) 2. The shooting facility is a nonprofit organization that charges  
2 for shooting at the facility, but is not required to pay the tax imposed under s. 77.52  
3 on its ~~gross receipts~~ sales price from such charges because the charges are for  
4 occasional sales, as provided under sub. (7m), or because the charges satisfy the  
5 exemption under s. 77.52 (2) (a) 2. b.

6           \***-0377/P10.264\*** \***-4294/P1.246\*** **SECTION 412.** 77.54 (48) (a) of the statutes  
7 is renumbered 77.585 (9) (a) and amended to read:

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

17           \***-0377/P10.265\*** \***-4294/P1.247\*** **SECTION 413.** 77.54 (48) (b) of the statutes  
18 is renumbered 77.585 (9) (b).

19           \***-0377/P10.266\*** \***-4294/P1.248\*** **SECTION 414.** 77.54 (49) of the statutes is  
20 amended to read:

21           77.54 (49) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
22 or other consumption of taxable services and tangible personal property or items,  
23 property, or goods under s. 77.52 (1) (b), (c), or (d), that is are physically transferred  
24 to the purchaser as a necessary part of services that are subject to the taxes imposed  
25 under s. 77.52 (2) (a) 7., 10., 11., and 20., if the seller and the purchaser of such

1 services and property, item, or good are members of the same affiliated group under  
2 section 1504 of the Internal Revenue Code and are eligible to file a single  
3 consolidated return for federal income tax purposes. For purposes of this subsection,  
4 if a seller purchases a taxable service, or item, property, or goods under s. 77.52 (1)  
5 (b), (c), or (d), or tangible personal property, as described in the this subsection, that  
6 is subsequently sold to a member of the seller's affiliated group and the sale is exempt  
7 under this subsection from the taxes imposed under this subchapter, the original  
8 purchase of the taxable service, or item, property, or goods under s. 77.52 (1) (b), (c),  
9 or (d), or tangible personal property by the seller is not considered a sale for resale  
10 or exempt under this subsection.

11 **\*-0377/P10.267\* SECTION 415.** 77.54 (50) of the statutes is created to read:

12 77.54 (50) The sales price from the sale of and the storage, use, or other  
13 consumption of specified digital goods or additional digital goods that are transferred  
14 electronically to the purchaser, if the sale of and the storage, use, or other  
15 consumption of such goods sold in a tangible form is exempt from taxation under this  
16 subchapter.

17 **\*-0377/P10.268\* \*-4294/P1.249\* SECTION 416.** 77.54 (51) of the statutes is  
18 created to read:

19 77.54 (51) The sales price from the sales of and the storage, use, or other  
20 consumption of products sold in a transaction that would be a bundled transaction,  
21 except that it contains taxable and nontaxable products as described in s. 77.51 (1f)  
22 (d), and except that the first person combining the products shall pay the tax imposed  
23 under this subchapter on the person's purchase price of the taxable items.

24 **\*-0377/P10.269\* \*-4294/P1.250\* SECTION 417.** 77.54 (52) of the statutes is  
25 created to read:

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

4           \*-0377/P10.270\* \*-4294/P1.251\* SECTION 418. 77.54 (54) of the statutes is  
5 amended to read:

6           77.54 (54) The ~~gross receipts~~ sales price from the sale of and the storage, use,  
7 or other consumption of tangible personal property, and items, property, and goods  
8 under s. 77.52 (1) (b), (c), and (d), and taxable services that are sold by a home  
9 exchange service that receives moneys from the appropriation account under s.  
10 20.485 (1) (g) and is operated by the department of veterans affairs.

11           \*-0377/P10.271\* \*-4294/P1.252\* SECTION 419. 77.54 (56) of the statutes, as  
12 created by 2007 Wisconsin Act 20, is amended to read:

13           77.54 (56) (a) The ~~gross receipts~~ sales price from the sale of and the storage,  
14 use, or other consumption of a product whose power source is wind energy, direct  
15 radiant energy received from the sun, or gas generated from anaerobic digestion of  
16 animal manure and other agricultural waste, if the product produces at least 200  
17 watts of alternating current or 600 British thermal units per day, except that the  
18 exemption under this subsection does not apply to an uninterruptible power source  
19 that is designed primarily for computers.

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

24           \*-0377/P10.272\* \*-4294/P1.253\* SECTION 420. 77.55 (1) (intro.) of the  
25 statutes is amended to read:



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

4           \***-0377/P10.273\*** \***-4294/P1.254\*** SECTION 421. 77.55 (2) of the statutes is  
5 amended to read:

6           77.55 (2) There are is exempted from the computation of the amount of the sales  
7 tax the ~~gross receipts~~ sales price from sales of tangible personal property, and items,  
8 property, and goods under s. 77.52 (1) (b), (c), and (d), to a common or contract carrier,  
9 shipped by the seller via the purchasing carrier under a bill of lading whether the  
10 freight is paid in advance, or the shipment is made freight charges collect, to a point  
11 outside this state and the property, item, or good is actually transported to the  
12 out-of-state destination for use by the carrier in the conduct of its business as a  
13 carrier.

14           \***-0377/P10.274\*** \***-4294/P1.255\*** SECTION 422. 77.55 (2m) of the statutes is  
15 amended to read:

16           77.55 (2m) There are is exempted from the computation of the amount of sales  
17 tax the ~~gross receipts~~ sales price from sales of railroad crossties to a common or  
18 contract carrier, shipped wholly or in part by way of the purchasing carrier under a  
19 bill of lading, whether the freight is paid in advance or the shipment is made freight  
20 charges collect, to a point outside this state if the property is transported to the  
21 out-of-state destination for use by the carrier in the conduct of its business as a  
22 carrier. Interruption of the shipment for storage, drying, processing or creosoting of  
23 the railroad crossties in this state does not invalidate the exemption under this  
24 subsection.

1           \***-0377/P10.275\*** \***-4294/P1.256\*** SECTION 423. 77.55 (3) of the statutes is  
2 amended to read:

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

10          \***-0377/P10.276\*** \***-4294/P1.257\*** SECTION 424. 77.56 (1) of the statutes is  
11 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          \***-0377/P10.277\*** \***-4294/P1.258\*** SECTION 425. 77.57 of the statutes is  
17 amended to read:

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

1 ~~(1) (b), (c), or (d) to the purchaser, but if the taxable use first occurs more than 6~~  
2 ~~months after the sale to the purchaser, the purchaser may use as the measure of the~~  
3 ~~tax either that sales price or the fair market value of the property at the time the~~  
4 ~~taxable use first occurs.~~

5 ~~\*-0377/P10.278\* \*-4294/P1.259\*~~ SECTION 426. 77.58 (3) (a) of the statutes is  
6 amended to read:

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

19 ~~\*-0377/P10.279\* \*-4294/P1.260\*~~ SECTION 427. 77.58 (3) (b) of the statutes is  
20 amended to read:

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

1 ~~or use tax return filed by a purchaser, the return shall show the total sales price of~~  
2 ~~the property and taxable services purchased, the storage, use or consumption of~~  
3 ~~which became subject to the use tax during the preceding reporting period. The~~  
4 return shall also show the amount of the taxes for the period covered by the return  
5 and such other information as the department deems necessary for the proper  
6 administration of this subchapter.

7 **\*-0377/P10.280\* \*-4294/P1.261\* SECTION 428.** 77.58 (6) of the statutes is  
8 amended to read:

9 77.58 (6) For the purposes of the sales tax ~~gross receipts, the sales price from~~  
10 rentals or leases of tangible personal property or items, property, or goods under s.  
11 77.52 (1) (b), (c), or (d) shall be reported and the tax paid in accordance with such rules  
12 as the department prescribes.

13 **\*-0377/P10.281\* \*-4294/P1.262\* SECTION 429.** 77.58 (6m) of the statutes is  
14 created to read:

15 77.58 (6m) (a) The department may, in cases where it is satisfied that an undue  
16 hardship would otherwise result, permit the reporting of a sales price or purchase  
17 price on some basis other than the accrual basis.

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

22 **\*-0377/P10.282\* \*-4294/P1.263\* SECTION 430.** 77.58 (9a) of the statutes is  
23 created to read:

24 77.58 (9a) In addition to filing a return as provided in this section, a person  
25 described under s. 77.524 (3), (4), or (5) shall provide to the department any

1 information that the department considers necessary for the administration of this  
2 subchapter, in the manner prescribed by the department, except that the  
3 department may not require that the person provide such information to the  
4 department more than once every 180 days.

5 **\*-0377/P10.283\* \*-4294/P1.264\* SECTION 431.** 77.585 of the statutes is  
6 created to read:

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

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

1 amount collected in the return filed for the period in which the amount is collected  
2 and shall pay the tax with the return.

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

10 (d) A seller may obtain a refund of the tax collected on any bad debt amount  
11 deducted under par. (b) that exceeds the amount of the seller's taxable sales as  
12 provided under s. 77.59 (4), except that the period for making a claim as determined  
13 under s. 77.59 (4) begins on the date on which the return on which the bad debt could  
14 be claimed would have been required to be submitted to the department under s.  
15 77.58.

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

22 (f) If a bad debt relates to the retail sales of tangible personal property, or items,  
23 property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services that were  
24 sourced to this state and to one or more other states, as determined under s. 77.522,  
25 the total amount of such bad debt shall be apportioned among the states to which the

1 underlying sales were sourced in a manner prescribed by the department to arrive  
2 at the amount of the deduction under par. (b).

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

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

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

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

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

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

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

20           \***-0377/P10.284\*** \***-4294/P1.265\*** SECTION 432. 77.59 (2m) of the statutes is  
21 created to read:

22           77.59 (2m) The department may audit, or may authorize others to audit, sellers  
23 and certified service providers who are registered with the department pursuant to  
24 the agreement, as defined in s. 77.65 (2) (a).



1           **\*-0377/P10.285\* \*-4294/P1.266\* SECTION 433.** 77.59 (5m) of the statutes is  
2 amended to read:

3           **77.59 (5m)** A seller who receives a refund under sub. (4) (a) or (b) of taxes that  
4 the seller has collected from buyers, who collects amounts as taxes erroneously from  
5 buyers, but who does not remit such amounts to the state, or who is entitled to a  
6 refund under sub. (4) (a) or (b) that is offset under sub. (5), shall submit the taxes and  
7 related interest to the buyers from whom the taxes were collected, or to the  
8 department if the seller cannot locate the buyers, within 90 days after the date of the  
9 refund, after the date of the offset, or after discovering that the seller has collected  
10 taxes erroneously from the buyers. If the seller does not submit the taxes and related  
11 interest to the department or the buyers within that period, the seller shall submit  
12 to the department any part of a refund or taxes that the seller does not submit to a  
13 buyer or to the department along with a penalty of 25% of the amount not submitted  
14 or, in the case of fraud, a penalty equal to the amount not submitted. A person who  
15 collects amounts as taxes erroneously from buyers for a real property construction  
16 activity or nontaxable service may reduce the taxes and interest that he or she is  
17 required to submit to the buyer or to the department under this subsection for that  
18 activity or service by the amount of tax and interest subsequently due and paid on  
19 the sale of or the storage, use, or other consumption of tangible personal property, or  
20 items, property, or goods under s. 77.52 (1) (b), (c), or (d) that is are used by the person  
21 in that activity or service and transferred to the buyer.

22           **\*-0377/P10.286\* \*-4294/P1.267\* SECTION 434.** 77.59 (9) of the statutes is  
23 amended to read:

24           **77.59 (9)** If any person fails to file a return, the department shall make an  
25 estimate of the amount of the gross receipts sales price of the person person's sales,

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

13 **\*-0377/P10.287\* \*-4294/P1.268\* SECTION 435.** 77.59 (9n) of the statutes is  
14 created to read:

15 77.59 (9n) (a) Notwithstanding s. 73.03 (47), and except as provided in par. (b),  
16 no seller or certified service provider is liable for tax, interest, or penalties imposed  
17 on a transaction under this subchapter if the seller or certified service provider  
18 charged and collected the incorrect amount of the sales or use tax as a result of  
19 relying on erroneous data provided in the databases under s. 73.03 (61) (e) and (f).

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

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

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

18 \*-0377/P10.288\* \*-4294/P1.269\* SECTION 436. 77.59 (9p) (b) of the statutes  
19 is created to read:

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

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

15 **\*-0377/P10.289\* \*-4294/P1.270\* SECTION 437.** 77.59 (9r) of the statutes is  
16 created to read:

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

23 **\*-0377/P10.290\* \*-4294/P1.271\* SECTION 438.** 77.60 (13) of the statutes is  
24 created to read:

1           77.60 (13) A person who uses any of the following documents in a manner that  
2 is prohibited by or inconsistent with this subchapter, or provides incorrect  
3 information to a seller or certified service provider related to the use of such  
4 documents or regarding an exemption to the taxes imposed under this subchapter,  
5 shall pay a penalty of \$250 for each invoice or bill of sale related to the prohibited or  
6 inconsistent use or incorrect information:

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

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

9           (c) An exemption certificate claiming direct mail.

10           \*~~0377/P10.291~~\* \*~~4294/P1.272~~\* SECTION 439. 77.61 (1) (b) of the statutes is  
11 amended to read:

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

17           \*~~0377/P10.292~~\* \*~~4294/P1.273~~\* SECTION 440. 77.61 (1) (c) of the statutes is  
18 amended to read:

19           77.61 (1) (c) In the case of motor vehicles, boats, snowmobiles, recreational  
20 vehicles, as defined in s. 340.01 (48r), trailers, semitrailers, all-terrain vehicles, or  
21 aircraft registered or titled, or required to be registered or titled, in this state  
22 purchased from persons who are not Wisconsin ~~boat, trailer, or semitrailer dealers,~~  
23 ~~licensed Wisconsin aircraft, motor vehicle, or recreational vehicle, as defined in s.~~  
24 ~~340.01 (48r), dealers or registered Wisconsin snowmobile or all-terrain vehicle~~  
25 ~~dealers~~ retailers, the purchaser shall file a sales tax return and pay the tax prior to

1 registering or titling the motor vehicle, boat, snowmobile, recreational vehicle, as  
2 defined in s. 340.01 (48r), semitrailer, all-terrain vehicle, or aircraft in this state.

3 **\*-0377/P10.293\* \*-4294/P1.274\* SECTION 441.** 77.61 (2) of the statutes is  
4 renumbered 77.61 (2) (intro.) and amended to read:

5 77.61 (2) (intro.) In order to protect the revenue of the state:

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

20 **\*-0377/P10.294\* \*-4294/P1.275\* SECTION 442.** 77.61 (2) (b) of the statutes is  
21 created to read:

22 77.61 (2) (b) A certified service provider who has contracted with a seller, and  
23 filed an application, to collect and remit sales and use taxes imposed under this  
24 subchapter on behalf of the seller shall submit a surety bond to the department to  
25 guarantee the payment of sales and use taxes, including any penalty and interest on

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

12 **\*-0377/P10.295\* \*-4294/P1.276\* SECTION 443.** 77.61 (3) of the statutes is  
13 repealed.

14 **\*-0377/P10.296\* \*-4294/P1.277\* SECTION 444.** 77.61 (3m) of the statutes is  
15 created to read:

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

1           **\*-0377/P10.297\* \*-4294/P1.278\* SECTION 445.** 77.61 (4) (a) of the statutes is  
2 amended to read:

3           77.61 (4) (a) Every seller and retailer and every person storing, using or  
4 otherwise consuming in this state tangible personal property, or items, property, or  
5 goods under s. 77.52 (1) (b), (c), or (d), or taxable services purchased from a retailer  
6 shall keep such records, receipts, invoices, and other pertinent papers and records,  
7 including machine-readable records, in such form as the department requires. The  
8 department may, after giving notice, require any person to keep whatever records are  
9 needed for the department to compute the sales or use taxes the person should pay.  
10 Thereafter, the department shall add to any taxes assessed on the basis of  
11 information not contained in the records required a penalty of 25% of the amount of  
12 the tax so assessed in addition to all other penalties under this chapter.

13           **\*-0377/P10.298\* \*-4294/P1.279\* SECTION 446.** 77.61 (4) (c) of the statutes is  
14 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 that receive compensation under  
18 s. 73.03 (61) (h), may deduct 0.5% of those taxes payable or \$10 for that reporting  
19 period required under s. 77.58 (1), whichever is greater, but not more than the  
20 amount of the sales taxes or use taxes that is payable under ss. 77.52 (1) and 77.53  
21 (3) for that reporting period required under s. 77.58 (1), as administration expenses  
22 if the payment of the taxes is not delinquent. For purposes of calculating the  
23 retailer's discount under this paragraph, the taxes on retail sales reported by  
24 retailers under subch. V, including taxes collected and remitted as required under  
25 s. 77.785, shall be included if the payment of those taxes is not delinquent.



1           \*~~-0377/P10.299~~\* \*~~-4294/P1.280~~\* SECTION 447. 77.61 (5m) of the statutes is  
2 created to read:

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

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

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

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

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

22           (f) The state shall not retain personally identifiable information obtained for  
23 purposes of administering this subchapter unless the state is otherwise required to  
24 retain the information by law or as provided under the agreement, as defined in s.  
25 77.65 (2) (a).

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

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

9 **\*-0377/P10.300\* \*-4294/P1.281\* SECTION 448.** 77.61 (11) of the statutes is  
10 amended to read:

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

20 **\*-0377/P10.301\* \*-4294/P1.282\* SECTION 449.** 77.61 (16) of the statutes is  
21 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.