

1 to a successful bidder. ~~The proceeds from, except the sale of tangible personal~~
2 ~~property, items, or goods~~ sold at auction which is are bid in by the seller and on which
3 title does not pass to a new purchaser shall ~~be deducted from the gross proceeds of~~
4 ~~the sale and the tax paid only on the net proceeds.~~

5 *~~0377/P10.94~~* *~~4294/P1.85~~* SECTION 293. 77.51 (14) (b) of the statutes is
6 amended to read:

7 77.51 (14) (b) The furnishing or distributing of tangible personal property, or
8 items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services for a
9 consideration by social clubs and fraternal organizations to their members or others.

10 *~~0377/P10.95~~* *~~4294/P1.86~~* SECTION 294. 77.51 (14) (c) of the statutes is
11 amended to read:

12 77.51 (14) (c) A transaction whereby the possession of tangible personal
13 property is or items, property, or goods under s. 77.52 (1) (b), (c), or (d) are transferred
14 but the seller retains the title as security for the payment of the price.

15 *~~0377/P10.96~~* *~~4294/P1.87~~* SECTION 295. 77.51 (14) (d) of the statutes is
16 repealed.

17 *~~0377/P10.97~~* SECTION 296. 77.51 (14) (g) of the statutes is renumbered
18 77.51 (15a) (b) 4. and amended to read:

19 77.51 (15a) (b) 4. A sale of tangible personal property or items, property, or
20 goods under s. 77.52 (1) (b), (c), or (d) to a contractor or subcontractor for use in the
21 performance of contracts with the United States or its instrumentalities for the
22 construction of improvements on or to real property.

23 *~~0377/P10.98~~* *~~4294/P1.89~~* SECTION 297. 77.51 (14) (h) of the statutes is
24 amended to read:

involving tangible personal property

JK

1 77.51 (14) (h) A transfer for a consideration of the title or possession of tangible
2 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) which
3 ~~has~~ have been produced, fabricated, or printed to the special order of the customer
4 or of any publication.

5 *-0377/P10.99* *-4294/P1.90* SECTION 298. 77.51 (14) (i) of the statutes is
6 repealed.

7 *-0377/P10.100* *-4294/P1.91* SECTION 299. 77.51 (14) (j) of the statutes is
8 amended to read:

9 77.51 (14) (j) The granting of possession of tangible personal property or items,
10 property, or goods under s. 77.52 (1) (b), (c), or (d) by a lessor to a lessee, or to another
11 person at the direction of the lessee. Such a transaction is deemed a continuing sale
12 in this state by the lessor for the duration of the lease as respects any period of time
13 ~~the leased property is situated in this state, irrespective of the time or place of~~
14 ~~delivery of the property to the lessee or such other person.~~

15 *-0377/P10.101* *-4294/P1.92* SECTION 300. 77.51 (14) (k) of the statutes is
16 repealed.

17 *-0377/P10.102* *-4294/P1.93* SECTION 301. 77.51 (14) (L) of the statutes is
18 repealed.

19 *-0377/P10.103* *-4294/P1.94* SECTION 302. 77.51 (14g) (a) of the statutes
20 is amended to read:

21 77.51 (14g) (a) The transfer of property or items, property, or goods under s.
22 77.52 (1) (b), (c), or (d) to a corporation upon its organization solely in consideration
23 for the issuance of its stock;

24 *-0377/P10.104* *-4294/P1.95* SECTION 303. 77.51 (14g) (b) of the statutes
25 is amended to read:

1 77.51 (14g) (b) The contribution of property or items, property, or goods under
2 s. 77.52 (1) (b), (c), or (d) to a newly formed partnership solely in consideration for a
3 partnership interest therein;

4 *~~-0377/P10.105~~* *~~-4294/P1.96~~* SECTION 304. 77.51 (14g) (bm) of the statutes
5 is amended to read:

6 77.51 (14g) (bm) The contribution of property or items, property, or goods under
7 s. 77.52 (1) (b), (c), or (d) to a limited liability company upon its organization solely
8 in consideration for a membership interest;

9 *~~-0377/P10.106~~* *~~-4294/P1.97~~* SECTION 305. 77.51 (14g) (c) of the statutes
10 is amended to read:

11 77.51 (14g) (c) The transfer of property or items, property, or goods under s.
12 77.52 (1) (b), (c), or (d) to a corporation, solely in consideration for the issuance of its
13 stock, pursuant to a merger or consolidation;

14 *~~-0377/P10.107~~* *~~-4294/P1.98~~* SECTION 306. 77.51 (14g) (cm) of the statutes
15 is amended to read:

16 77.51 (14g) (cm) The transfer of property or items, property, or goods under s.
17 77.52 (1) (b), (c), or (d) to a limited liability company, solely in consideration for a
18 membership interest, pursuant to a merger;

19 *~~-0377/P10.108~~* *~~-4294/P1.99~~* SECTION 307. 77.51 (14g) (d) of the statutes
20 is amended to read:

21 77.51 (14g) (d) The distribution of property or items, property, or goods under
22 s. 77.52 (1) (b), (c), or (d) by a corporation to its stockholders as a dividend or in whole
23 or partial liquidation;

24 *~~-0377/P10.109~~* *~~-4294/P1.100~~* SECTION 308. 77.51 (14g) (e) of the statutes
25 is amended to read:

1 77.51 (14g) (e) The distribution of property or items, property, or goods under
2 s. 77.52 (1) (b), (c), or (d) by a partnership to its partners in whole or partial
3 liquidation;

4 ***-0377/P10.110*** ***-4294/P1.101*** SECTION 309. 77.51 (14g) (em) of the
5 statutes is amended to read:

6 77.51 (14g) (em) The distribution of property or items, property, or goods under
7 s. 77.52 (1) (b), (c), or (d) by a limited liability company to its members in whole or
8 partial liquidation;

9 ***-0377/P10.111*** ***-4294/P1.102*** SECTION 310. 77.51 (14g) (f) of the statutes
10 is amended to read:

11 77.51 (14g) (f) Repossession of property or items, property, or goods under s.
12 77.52 (1) (b), (c), or (d) by the seller from the purchaser when the only consideration
13 is cancellation of the purchaser's obligation to pay the remaining balance of the
14 purchase price;

15 ***-0377/P10.112*** ***-4294/P1.103*** SECTION 311. 77.51 (14g) (g) of the statutes
16 is amended to read:

17 77.51 (14g) (g) The transfer of property or items, property, or goods under s.
18 77.52 (1) (b), (c), or (d) in a reorganization as defined in section 368 of the internal
19 revenue code in which no gain or loss is recognized for franchise or income tax
20 purposes; or

21 ***-0377/P10.113*** ***-4294/P1.104*** SECTION 312. 77.51 (14g) (h) of the statutes
22 is amended to read:

23 77.51 (14g) (h) Any transfer of all or substantially all the property or items,
24 property, or goods under s. 77.52 (1) (b), (c), or (d) held or used by a person in the
25 course of an activity requiring the holding of a seller's permit, if after the transfer

1 the real or ultimate ownership of the property, items, or goods is substantially similar
2 to that which existed before the transfer. For the purposes of this section,
3 stockholders, bondholders, partners, members or other persons holding an interest
4 in a corporation or other entity are regarded as having the real or ultimate ownership
5 of the property, items, or goods of the corporation or other entity. In this paragraph,
6 “substantially similar” means 80% or more of ownership.

7 ***-0377/P10.114* *-4294/P1.105* SECTION 313.** 77.51 (14r) of the statutes is
8 repealed.

9 ***-0377/P10.115* *-4294/P1.106* SECTION 314.** 77.51 (15) of the statutes is
10 repealed.

11 ***-0377/P10.116* *-4294/P1.107* SECTION 315.** 77.51 (15a) of the statutes is
12 created to read:

13 77.51 (15a) (a) “Sales, lease, or rental for resale, sublease, or subrent” includes
14 transfers of tangible personal property or items, property, or goods under s. 77.52 (1)
15 (b), (c), or (d) to a service provider that the service provider transfers in conjunction
16 with but not incidental to the selling, performing, or furnishing of any service, and
17 transfers of tangible personal property or items, property, or goods under s. 77.52 (1)
18 (b), (c), or (d) to a service provider that the service provider physically transfers in
19 conjunction with the selling, performing, or furnishing services under s. 77.52 (2) (a)
20 7., 10., 11., or 20. This paragraph does not apply to sub. (2).

21 (b) “Sales, lease, or rental for resale, sublease, or subrent” does not include any
22 of the following:

23 1. The sale of building materials, supplies, and equipment to owners,
24 contractors, subcontractors, or builders for use in real property construction

1 activities or the alteration, repair, or improvement of real property, regardless of the
2 quantity of such materials, supplies, and equipment sold.

3 2. Any sale of tangible personal property or items, property, or goods under s.
4 77.52 (1) (b), (c), or (d) to a purchaser even though such property, items, or goods may
5 be used or consumed by some other person to whom such purchaser transfers the
6 property, items, or goods without valuable consideration, such as gifts, and
7 advertising specialties distributed at no charge and apart from the sale of other
8 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
9 (d) or service.

10 3. Transfers of tangible personal property or items, property, or goods under s.
11 77.52 (1) (b), (c), or (d) to a service provider that the service provider transfers in
12 conjunction with the selling, performing, or furnishing of any service, if the tangible
13 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) are
14 incidental to the service, unless the service provider is selling, performing, or
15 furnishing services under s. 77.52 (2) (a) 7., 10., 11., or 20.

16 *-0377/P10.117* *-4294/P1.108* SECTION 316. 77.51 (15b) of the statutes is
17 created to read:

18 77.51 (15b) (a) "Sales price" means the total amount of consideration, including
19 cash, credit, property, and services, for which tangible personal property, or items,
20 property, or goods under s. 77.52 (1) (b), (c), or (d) or services are sold, licensed, leased,
21 or rented, valued in money, whether received in money or otherwise, without any
22 deduction for the following:

23 1. The seller's cost of the property or items, property, or goods under s. 77.52
24 (1) (b), (c), or (d) sold.

1 2. The cost of materials used, labor or service cost, interest, losses, all costs of
2 transportation to the seller, all taxes imposed on the seller, and any other expense
3 of the seller.

4 3. Charges by the seller for any services necessary to complete a sale, not
5 including delivery and installation charges.

6 4. a. Delivery charges, except as provided in par. (b) 4.

7 b. If a shipment includes property or items that are subject to tax under this
8 subchapter and property or items that are not subject to tax under this subchapter,
9 the amount of the delivery charge that the seller allocates to the property and items
10 that are subject to tax under this subchapter is based either on the total sales price
11 of the property and items that are subject to tax under this subchapter as compared
12 to the total sales price of all the property and items or on the total weight of the
13 property and items that are subject to tax under this subchapter as compared to the
14 total weight of all the property and items.

15 5. Installation charges.

16 (b) "Sales price" does not include:

17 1. Discounts, including cash, terms, or coupons, that are not reimbursed by a
18 3rd party, except as provided in par. (c); that are allowed by a seller; and that are
19 taken by a purchaser on a sale.

20 2. Interest, financing, and carrying charges from credit that is extended on a
21 sale of tangible personal property, or items, property, or goods under s. 77.52 (1) (b),
22 (c), or (d), or services, if the amount of the interest, financing, or carrying charges is
23 separately stated on the invoice, bill of sale, or similar document that the seller gives
24 to the purchaser.

1 3. Any taxes legally imposed directly on the purchaser that are separately
2 stated on the invoice, bill of sale, or similar document that the seller gives to the
3 purchaser.

4 4. Delivery charges for direct mail, if the delivery charges for direct mail are
5 separately stated on the invoice, bill of sale, or similar document that the seller gives
6 to the purchaser.

7 5. In all transactions in which an article of tangible personal property, an item
8 under s. 77.52 (1) (b), property under s. 77.52 (1) (c), or a good under s. 77.52 (1) (d)
9 is traded toward the purchase of an article, item, property, or good of greater value,
10 the amount of the sales price that represents the amount allowed for the article, item,
11 property, or good traded, except that this subdivision does not apply to any
12 transaction to which subd. 7. or 8. applies.

13 6. If a person who purchases a motor vehicle presents a statement issued under
14 s. 218.0171 (2) (cq) to the seller at the time of purchase, and the person presents the
15 statement to the seller within 60 days from the date of receiving a refund under s.
16 218.0171 (2) (b) 2. b., the trade-in amount specified in the statement issued under
17 s. 218.0171 (2) (cq), but not to exceed the sales price from the sale of the motor vehicle.
18 This subdivision applies only to the first motor vehicle purchased by a person after
19 receiving a refund under s. 218.0171 (2) (b) 2. b.

20 7. Thirty-five percent of the sales price, excluding trade-ins, of a new
21 manufactured home, as defined in s. 101.91 (11). This subdivision does not apply to
22 a lease or rental.

23 8. At the retailer's option; except that after the retailer chooses an option the
24 retailer may not use the other option for other sales without the department's written
25 approval; either 35 percent of the sales price of a modular home, as defined in s.

1 101.71 (6), or an amount equal to the sales price of the home minus the cost of
2 materials that become an ingredient or component part of the home.

3 (c) "Sales price" includes consideration received by the seller from a 3rd party,
4 if:

5 1. The seller actually receives consideration from a 3rd party, other than the
6 purchaser, and the consideration is directly related to a price reduction or discount
7 on a sale.

8 2. The seller is obliged to pass the price reduction or discount to the purchaser.

9 3. The amount of the consideration that is attributable to the sale is a fixed
10 amount and the seller is able to determine that amount at the time of the sale to the
11 purchaser.

12 4. One of the following also applies:

13 a. The purchaser presents a coupon, certificate, or other documentation to the
14 seller to claim the price reduction or discount, if the coupon, certificate, or other
15 documentation is authorized, distributed, or granted by the 3rd party with the
16 understanding that the 3rd party will reimburse the seller for the amount of the price
17 reduction or discount.

18 b. The purchaser identifies himself or herself to the seller as a member of a
19 group or organization that may claim the price reduction or discount.

20 c. The seller provides an invoice to the purchaser, or the purchaser presents a
21 coupon, certificate, or other documentation to the seller, that identifies the price
22 reduction or discount as a 3rd-party price reduction or discount.

23 ***-0377/P10.118* *-4294/P1.109* SECTION 317.** 77.51 (17) (intro.) of the
24 statutes is amended to read:

1 77.51 (17) (intro.) "Seller" includes every person selling, licensing, leasing, or
2 renting tangible personal property or items, property, or goods under s. 77.52 (1) (b),
3 (c), or (d) or selling, performing, or furnishing services of a kind the ~~gross receipts~~
4 sales price from the sale, license, lease, rental, performance, or furnishing of which
5 are is required to be included in the measure of the sales tax, regardless of all of the
6 following:

7 ***-0377/P10.119*** ***-4294/P1.110*** SECTION 318. 77.51 (17m) of the statutes is
8 repealed and recreated to read:

9 77.51 (17m) "Service address" means any of the following:

10 (a) The location of the telecommunications equipment to which a customer's
11 telecommunications service is charged and from which the telecommunications
12 service originates or terminates, regardless of where the telecommunications service
13 is billed or paid.

14 (b) If the location described under par. (a) is not known by the seller who sells
15 the telecommunications service, the location where the signal of the
16 telecommunications service originates, as identified by the seller's
17 telecommunications system or, if the signal is not transmitted by the seller's
18 telecommunications system, by information that the seller received from the seller's
19 service provider.

20 (c) If the locations described under pars. (a) and (b) are not known by the seller
21 who sells the telecommunications service, the customer's place of primary use.

22 ***-0377/P10.120*** ***-4294/P1.111*** SECTION 319. 77.51 (17w) of the statutes is
23 created to read:

24 77.51 (17w) "Soft drink" means a beverage that contains less than 0.5 percent
25 of alcohol and that contains natural or artificial sweeteners. "Soft drink" does not

1 include a beverage that contains milk or milk products; soy, rice, or similar milk
2 substitutes; or more than 50 percent vegetable or fruit juice by volume.

3 ***-0377/P10.121* SECTION 320.** 77.51 (17x) of the statutes is created to read:

4 77.51 (17x) "Specified digital goods" means digital audio works, digital
5 audiovisual works, and digital books. For purposes of this subchapter, the sale of or
6 the storage, use, or other consumption of a digital code is treated the same as the sale
7 of or the storage, use, or other consumption of any specified digital goods for which
8 the digital code relates.

9 ***-0377/P10.122* *-4294/P1.112* SECTION 321.** 77.51 (18) of the statutes is
10 amended to read:

11 77.51 (18) "Storage" includes any keeping or retention in this state of tangible
12 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d)
13 purchased from a retailer for any purpose except sale in the regular course of
14 business.

15 ***-0377/P10.123* SECTION 322.** 77.51 (20) of the statutes is amended to read:

16 77.51 (20) "Tangible personal property" means all tangible personal property
17 of every kind and description and includes electricity, natural gas, steam and water
18 and also leased property affixed to realty if the lessor has the right to remove the
19 property upon breach or termination of the lease agreement, unless the lessor of the
20 property is also the lessor of the realty to which the property is affixed. "Tangible
21 personal property" also includes coins and stamps of the United States sold or traded
22 as collectors' items above their face value and ~~computer programs except custom~~
23 ~~computer programs~~ prewritten computer software, regardless of how it is delivered
24 to the purchaser.

1 ***-0377/P10.124* SECTION 323.** 77.51 (20) of the statutes, as affected by 2009
2 Wisconsin Act (this act), is repealed and recreated to read:

3 77.51 (20) "Tangible personal property" means personal property that can be
4 seen, weighed, measured, felt, or touched, or that is in any other manner perceptible
5 to the senses, and includes electricity, gas, steam, water, and prewritten computer
6 software.

7 ***-0377/P10.125* *-4294/P1.114* SECTION 324.** 77.51 (21) of the statutes is
8 amended to read:

9 77.51 (21) "Taxpayer" means the person who is required to pay, collect, or
10 account for or who is otherwise directly interested in the taxes imposed by this
11 subchapter, including a certified service provider.

12 ***-0377/P10.126* SECTION 325.** 77.51 (21m) of the statutes is amended to read:

13 77.51 (21m) "Telecommunications and Internet access services" means
14 sending messages and information transmitted through the use of local, toll and
15 wide-area telephone service; channel services; telegraph services; teletypewriter;
16 computer exchange services; cellular mobile telecommunications service; specialized
17 mobile radio; stationary two-way radio; paging service; or any other form of mobile
18 and portable one-way or two-way communications; or any other transmission of
19 messages or information by electronic or similar means between or among points by
20 wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.

21 "Telecommunications and Internet access services" does not include sending collect
22 telecommunications that are received outside of the state.

23 ***-0377/P10.127* SECTION 326.** 77.51 (21m) of the statutes, as affected by 2009
24 Wisconsin Act (this act), is renumbered 77.51 (5f) and amended to read:

1 77.51 (5f) “Telecommunications and Internet access services” means sending
2 messages and information transmitted through the use of local, toll and wide-area
3 telephone service; channel services; telegraph services; teletypewriter; computer
4 exchange services; cellular mobile telecommunications service; specialized mobile
5 radio; stationary two-way radio; paging service; or any other form of mobile and
6 portable one-way or two-way communications; or any other transmission of
7 messages or information by electronic or similar means between or among points by
8 wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.
9 “Telecommunications and Internet access services” does not include sending collect
10 ~~telecommunications that are received outside of the state~~ telecommunications
11 services to the extent that such services are taxable under s. 77.52 (2) (a) 5. am.

12 ***-0377/P10.128*** ***-4294/P1.115*** SECTION 327. 77.51 (21n) of the statutes is
13 created to read:

14 77.51 (21n) “Telecommunications services” means electronically transmitting,
15 conveying, or routing voice, data, audio, video, or other information or signals to a
16 point or between or among points. “Telecommunications services” includes the
17 transmission, conveyance, or routing of such information or signals in which
18 computer processing applications are used to act on the content’s form, code, or
19 protocol for transmission, conveyance, or routing purposes, regardless of whether
20 the service is referred to as a voice over Internet protocol service or classified by the
21 federal communications commission as an enhanced or value-added nonvoice data
22 service. “Telecommunications services” does not include any of the following:

23 (a) Data processing and information services that allow data to be generated,
24 acquired, stored, processed, or retrieved and delivered to a purchaser by an electronic

1 transmission, if the purchaser's primary purpose for the underlying transaction is
2 the processed data.

3 (b) Installing or maintaining wiring or equipment on a customer's premises.

4 (c) Tangible personal property.

5 (d) Advertising, including directory advertising.

6 (e) Billing and collection services provided to 3rd parties.

7 (f) Internet access services.

8 (g) Radio and television audio and video programming services, regardless of
9 the medium in which the services are provided, including cable service, as defined
10 in 47 USC 522 (6), audio and video programming services delivered by commercial
11 mobile radio service providers, as defined in 47 CFR 20.3, and the transmitting,
12 conveying, or routing of such services by the programming service provider.

13 (h) Ancillary services.

14 (i) Digital products delivered electronically, including software, music, video,
15 reading materials, or ringtones.

16 ***-0377/P10.129* *-4294/P1.116* SECTION 328.** 77.51 (21p) of the statutes is
17 created to read:

18 77.51 (21p) "Tobacco" means cigarettes, cigars, chewing tobacco, pipe tobacco,
19 and any other item that contains tobacco.

20 ***-0377/P10.130* *-4294/P1.117* SECTION 329.** 77.51 (21q) of the statutes is
21 created to read:

22 77.51 (21q) "Transferred electronically" means accessed or obtained by the
23 purchaser by means other than tangible storage media.

24 ***-0377/P10.131* *-4294/P1.118* SECTION 330.** 77.51 (22) (a) of the statutes
25 is amended to read:

1 77.51 (22) (a) "Use" includes the exercise of any right or power over tangible
2 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
3 taxable services incident to the ownership, possession or enjoyment of the property,
4 items, goods, or services, or the results produced by the services, including
5 installation or affixation to real property and including the possession of, or the
6 exercise of any right or power over tangible personal property, or items, property, or
7 goods under s. 77.52 (1) (b), (c), or (d), by a lessee under a lease, except that "use" does
8 not include the activities under sub. (18).

9 ***-0377/P10.132* *-4294/P1.119* SECTION 331.** 77.51 (22) (b) of the statutes
10 is amended to read:

11 77.51 (22) (b) In this subsection "enjoyment" includes a purchaser's right to
12 direct the disposition of property or items, property, or goods under s. 77.52 (1) (b),
13 (c), or (d), whether or not the purchaser has possession of the property, items, or
14 goods. "Enjoyment" also includes, but is not limited to, having shipped into this state
15 by an out-of-state supplier printed material which is designed to promote the sale
16 of property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services,
17 or which is otherwise related to the business activities, of the purchaser of the
18 printed material or printing service.

19 ***-0377/P10.133* *-4294/P1.120* SECTION 332.** 77.51 (22) (bm) of the statutes
20 is created to read:

21 77.51 (22) (bm) In this subsection, "exercise of any right or power over tangible
22 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
23 taxable services" includes distributing, selecting recipients, determining mailing
24 schedules, or otherwise directing the distribution, dissemination, or disposal of
25 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or

1 (d), or taxable services, regardless of whether the purchaser of such property, items,
2 goods, or services owns or physically possesses, in this state, the property, items,
3 goods, or services.

4 ***-0377/P10.134* *-4294/P1.121* SECTION 333.** 77.51 (24) of the statutes is
5 created to read:

6 77.51 (24) "Value-added nonvoice data service" means a service in which
7 computer processing applications are used to act on the form, content, code, or
8 protocol of the data provided by the service and are used primarily for a purpose other
9 than for transmitting, conveying, or routing data.

10 ***-0377/P10.135* *-4294/P1.122* SECTION 334.** 77.51 (25) of the statutes is
11 created to read:

12 77.51 (25) "Vertical service" means an ancillary service that is provided with
13 one or more telecommunications services and allows customers to identify callers
14 and to manage multiple calls and call connections, including conference bridging
15 services.

16 ***-0377/P10.136* *-4294/P1.123* SECTION 335.** 77.51 (26) of the statutes is
17 created to read:

18 77.51 (26) "Voice mail service" means an ancillary service that allows a
19 customer to store, send, or receive recorded messages, not including any vertical
20 service that the customer must have to use the voice mail service.

21 ***-0377/P10.137* *-4294/P1.124* SECTION 336.** 77.52 (1) of the statutes is
22 renumbered 77.52 (1) (a) and amended to read:

23 77.52 (1) (a) For the privilege of selling, licensing, leasing or renting tangible
24 personal property, including accessories, components, attachments, parts, supplies
25 and materials, at retail a tax is imposed upon all retailers at the rate of 5% of the

1 ~~gross receipts~~ sales price from the sale, license, lease or rental of tangible personal
2 property, including accessories, components, attachments, parts, supplies and
3 materials, sold, leased or rented at retail in this state, as determined under s. 77.522.

4 ***-0377/P10.138*** *-4294/P1.125* **SECTION 337.** 77.52 (1) (b) of the statutes is
5 created to read:

6 77.52 (1) (b) For the privilege of selling at retail coins and stamps of the United
7 States that are sold or traded as collectors' items above their face value, a tax is
8 imposed on all retailers at the rate of 5 percent of the sales price from the sale of such
9 coins and stamps.

10 ***-0377/P10.139*** *-4294/P1.126* **SECTION 338.** 77.52 (1) (c) of the statutes is
11 created to read:

12 77.52 (1) (c) For the privilege of leasing property that is affixed to real property,
13 a tax is imposed on all retailers at the rate of 5 percent of the sales price from the lease
14 of such property, if the lessor has the right to remove the leased property upon breach
15 or termination of the lease agreement, unless the lessor of the leased property is also
16 the lessor of the real property to which the leased property is affixed.

17 ***-0377/P10.140*** **SECTION 339.** 77.52 (1) (d) of the statutes is created to read:

18 77.52 (1) (d) A tax is imposed on all retailers at the rate of 5 percent of the sales
19 price from the sale, lease, license, or rental of specified digital goods and additional
20 digital goods at retail for the right to use the specified digital goods or additional
21 digital goods on a permanent or less than permanent basis and regardless of whether
22 the purchaser is required to make continued payments for such right.

23 ***-0377/P10.141*** *-4294/P1.127* **SECTION 340.** 77.52 (1b) of the statutes is
24 repealed and recreated to read:

1 77.52 (1b) All sales, licenses, leases, or rentals of tangible personal property
2 or items, property, or goods under sub. (1) (b), (c), or (d) at retail in this state are
3 subject to the tax imposed under sub. (1) unless an exemption in this subchapter
4 applies.

5 *-0377/P10.142* *-4294/P1.128* SECTION 341. 77.52 (2) (intro.) of the
6 statutes is amended to read:

7 77.52 (2) (intro.) For the privilege of selling, licensing, performing or furnishing
8 the services described under par. (a) at retail in this state, as determined under s.
9 77.522, to consumers or users, regardless of whether the consumer or user has the
10 right of permanent use or less than the right of permanent use and regardless of
11 whether the service is conditioned on continued payment from the purchaser, a tax
12 is imposed upon all persons selling, licensing, performing or furnishing the services
13 at the rate of 5% of the gross receipts sales price from the sale, license, performance
14 or furnishing of the services.

15 *-0377/P10.143* *-4294/P1.129d* SECTION 342. 77.52 (2) (a) 5. a. of the
16 statutes is amended to read:

17 77.52 (2) (a) 5. a. The sale of telecommunications and Internet access services,
18 except services subject to 4 USC 116 to 126, as amended by P.L. 106-252, that either
19 originate or terminate in this state; except services that are obtained by means of a
20 toll-free number, that originate outside this state and that terminate in this state;
21 and are charged to a service address in this state, regardless of the location where
22 that charge is billed or paid; and the sale of the rights to purchase
23 telecommunications services, including purchasing reauthorization numbers, by
24 paying in advance and by using an access number and authorization code, except
25 sales that are subject to subd. 5. b.

1 ***-0377/P10.144* SECTION 343.** 77.52 (2) (a) 5. a. of the statutes, as affected by
2 2009 Wisconsin Act (this act), is amended to read:

3 77.52 (2) (a) 5. a. The sale of ~~telecommunications and Internet access services,~~
4 ~~except services subject to 4 USC 116 to 126, as amended by P.L. 106-252, that either~~
5 ~~originate or terminate in this state; except services that are obtained by means of a~~
6 ~~toll-free number, that originate outside this state and that terminate in this state;~~
7 ~~and are charged to a service address in this state, regardless of the location where~~
8 ~~that charge is billed or paid; and the sale of the rights to purchase~~
9 ~~telecommunications services, including purchasing reauthorization numbers, by~~
10 ~~paying in advance and by using an access number and authorization code, except~~
11 ~~sales that are subject to subd. 5. b.~~

12 ***-0377/P10.145* *-4294/P1.130* SECTION 344.** 77.52 (2) (a) 5. am. of the
13 statutes is created to read:

14 77.52 (2) (a) 5. am. The sale of intrastate, interstate, and international
15 telecommunications services, except interstate 800 services.

16 ***-0377/P10.146* *-4294/P1.131* SECTION 345.** 77.52 (2) (a) 5. b. of the
17 statutes is repealed.

18 ***-0377/P10.147* *-4294/P1.132* SECTION 346.** 77.52 (2) (a) 5. c. of the
19 statutes is created to read:

20 77.52 (2) (a) 5. c. The sale of ancillary services, except detailed
21 telecommunications billing services.

22 ***-0377/P10.148* *-4294/P1.133* SECTION 347.** 77.52 (2) (a) 5m. of the
23 statutes is amended to read:

24 77.52 (2) (a) 5m. The sale of services that consist of recording
25 telecommunications messages and transmitting them to the purchaser of the service

1 or at that purchaser's direction, but not including those services if they are merely
2 ~~an~~ that are taxable under subd. 5. or services that are incidental, as defined in s.
3 77.51 (5), element of to another service that is not taxable under this subchapter and
4 sold to that the purchaser of the incidental service and is not taxable under this
5 subchapter.

6 *~~-0377/P10.149~~* *~~-4294/P1.134~~* SECTION 348. 77.52 (2) (a) 10. of the statutes
7 is amended to read:

8 77.52 (2) (a) 10. Except for services provided by veterinarians and except for
9 installing or applying tangible personal property that, subject to par. (ag), when
10 installed or applied, will constitute an addition or capital improvement of real
11 property, the repair, service, alteration, fitting, cleaning, painting, coating, towing,
12 inspection, and maintenance of all items of tangible personal property or items,
13 property, or goods under s. 77.52 (1) (b), (c), or (d), unless, at the time of that repair,
14 service, alteration, fitting, cleaning, painting, coating, towing, inspection, or
15 maintenance, a sale in this state of the type of property, item, or good repaired,
16 serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or maintained
17 would have been exempt to the customer from sales taxation under this subchapter,
18 other than the exempt sale of a motor vehicle or truck body to a nonresident under
19 s. 77.54 (5) (a) and other than nontaxable sales under s. ~~77.51 (14r)~~ 77.522 or unless
20 the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection,
21 or maintenance is provided under a contract that is subject to tax under subd. 13m.
22 The tax imposed under this subsection applies to the repair, service, alteration,
23 fitting, cleaning, painting, coating, towing, inspection, or maintenance of items listed
24 in par. (ag), regardless of whether the installation or application of tangible personal
25 property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) related to the

1 items is an addition to or a capital improvement of real property, except that the tax
2 imposed under this subsection does not apply to the original installation or the
3 complete replacement of an item listed in par. (ag), if that installation or replacement
4 is a real property construction activity under s. 77.51 (2).

5 ***-0377/P10.150* *-4294/P1.135m* SECTION 349.** 77.52 (2) (a) 11. of the
6 statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

7 77.52 (2) (a) 11. The producing, fabricating, processing, printing, or imprinting
8 of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c),
9 or (d) for a consideration for consumers who furnish directly or indirectly the
10 materials used in the producing, fabricating, processing, printing, or imprinting.
11 This subdivision does not apply to the printing or imprinting of tangible personal
12 property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) that results in
13 printed material, catalogs, or envelopes that are exempt under s. 77.54 (25) or (25m).

14 ***-0377/P10.151* *-4294/P1.135* SECTION 350.** 77.52 (2) (a) 13m. of the
15 statutes is created to read:

16 77.52 (2) (a) 13m. The sale of contracts, including service contracts,
17 maintenance agreements, computer software maintenance contracts for prewritten
18 computer software, and warranties, that provide, in whole or in part, for the future
19 performance of or payment for the repair, service, alteration, fitting, cleaning,
20 painting, coating, towing, inspection, or maintenance of tangible personal property
21 or items, property, or goods under s. 77.52 (1) (b), (c), or (d), unless the sale, license,
22 lease, or rental in this state of the property, items, or goods to which the contract
23 relates is or was exempt, to the purchaser of the contract, from taxation under this
24 subchapter.

1 ***-0377/P10.152* *-4294/P1.136* SECTION 351.** 77.52 (2m) (a) of the statutes
2 is amended to read:

3 **77.52 (2m)** (a) With respect to the services subject to tax under sub. (2), no part
4 of the charge for the service may be deemed a sale or rental of tangible personal
5 property or items, property, or goods under sub. (1) (b), (c), or (d) if the property, items,
6 or goods transferred by the service provider is are incidental to the selling,
7 performing or furnishing of the service, except as provided in par. (b).

8 ***-0377/P10.153* *-4294/P1.137* SECTION 352.** 77.52 (2m) (b) of the statutes
9 is amended to read:

10 **77.52 (2m)** (b) With respect to the services subject to tax under sub. (2) (a) 7.,
11 10., 11. and 20., all property or items, property, or goods under s. 77.52 (1) (b), (c), or
12 (d) physically transferred, or transferred electronically, to the customer in
13 conjunction with the selling, performing or furnishing of the service is a sale of
14 tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c), or
15 (d) separate from the selling, performing or furnishing of the service.

16 ***-0377/P10.154* *-4294/P1.138* SECTION 353.** 77.52 (2n) of the statutes is
17 repealed and recreated to read:

18 **77.52 (2n)** The selling, licensing, performing, or furnishing of the services
19 described under sub. (2) (a) at retail in this state, as determined under s. 77.522, is
20 subject to the tax imposed under sub. (2) unless an exemption in this subchapter
21 applies.

22 ***-0377/P10.155* *-4294/P1.139* SECTION 354.** 77.52 (3m) of the statutes is
23 repealed.

24 ***-0377/P10.156* *-4294/P1.140* SECTION 355.** 77.52 (3n) of the statutes is
25 repealed.

1 ***-0377/P10.157* *-4294/P1.141* SECTION 356.** 77.52 (4) of the statutes is
2 amended to read:

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

9 ***-0377/P10.158* *-4294/P1.142* SECTION 357.** 77.52 (6) of the statutes is
10 repealed.

11 ***-0377/P10.159* *-4294/P1.143* SECTION 358.** 77.52 (7) of the statutes is
12 amended to read:

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

1 eligible later for the exemption under s. 77.54 (7m) except for its possession of a
2 seller's permit, it may surrender that permit.

3 ***-0377/P10.160* *-4294/P1.144* SECTION 359.** 77.52 (7b) of the statutes is
4 created to read:

5 77.52 (7b) Any person who may register under sub. (7) may designate an agent,
6 as defined in s. 77.524 (1) (ag), to register with the department under sub. (7), in the
7 manner prescribed by the department.

8 ***-0377/P10.161* *-4294/P1.145* SECTION 360.** 77.52 (12) of the statutes is
9 amended to read:

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

21 ***-0377/P10.162* *-4294/P1.146* SECTION 361.** 77.52 (13) of the statutes is
22 amended to read:

23 77.52 (13) For the purpose of the proper administration of this section and to
24 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
25 the tax until the contrary is established. The burden of proving that a sale of tangible

1 personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services
2 is not a taxable sale at retail is upon the person who makes the sale unless that
3 person takes from the purchaser ~~a~~ an electronic or a paper certificate, in a manner
4 prescribed by the department, to the effect that the property, item, good, or service
5 is purchased for resale or is otherwise exempt;, except that no certificate is required
6 for sales of cattle, sheep, goats, and pigs that are sold at an animal market, as defined
7 in s. 95.68 (1) (ag), and no certificate is required for sales of commodities, as defined
8 in 7 USC 2, that are consigned for sale in a warehouse in or from which the
9 commodity is deliverable on a contract for future delivery subject to the rules of a
10 commodity market regulated by the U.S. commodity futures trading commission if
11 upon the sale the commodity is not removed from the warehouse the sale of tangible
12 personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services
13 that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21),
14 (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), and (52).

15 ***-0377/P10.163*** ***-4294/P1.147*** SECTION 362. 77.52 (14) (a) (intro.) and 1.
16 and (b) of the statutes are consolidated, renumbered 77.52 (14) (a) and amended to
17 read:

18 77.52 (14) (a) The certificate referred to in sub. (13) relieves the seller ~~from the~~
19 ~~burden of proof of the tax otherwise applicable~~ only if any of the following is true:
20 1. ~~The certificate is taken in good faith~~ the seller obtains a fully completed exemption
21 certificate, or the information required to prove the exemption, from a person who
22 is engaged as a seller of tangible personal property or taxable services and who holds
23 the permit provided for in sub. (9) and who, at the time of purchasing purchaser no
24 later than 90 days after the date of the sale of the tangible personal property, or items,
25 property, or goods under sub. (1) (b), (c), or (d), or services, intends to sell it in the

1 regular course of operations or is unable to ascertain at the time of purchase whether
2 the property or service will be sold or will be used for some other purpose. (b) except
3 as provided in par. (am). The certificate under sub. (13) shall not relieve the seller
4 of the tax otherwise applicable if the seller fraudulently fails to collect sales tax,
5 solicits the purchaser to claim an unlawful exemption, or accepts an exemption
6 certificate from a purchaser who claims to be an entity that is not subject to the taxes
7 imposed under this subchapter, if the subject of the transaction sought to be covered
8 by the exemption certificate is received by the purchaser at a location operated by the
9 seller in this state and the exemption certificate clearly and affirmatively indicates
10 that the claimed exemption is not available in this state. The certificate referred to
11 in sub. (13) shall be signed by and bear the name and address of provide information
12 that identifies the purchaser, and shall indicate the general character of the tangible
13 personal property or service sold by the purchaser and the basis for the claimed
14 exemption and a paper certificate shall be signed by the purchaser. The certificate
15 shall be in such form as the department prescribes by rule.

16 *~~0377/P10.164~~* *~~4294/P1.148~~* **SECTION 363.** 77.52 (14) (a) 2. of the statutes
17 is repealed.

18 *~~0377/P10.165~~* *~~4294/P1.149~~* **SECTION 364.** 77.52 (14) (am) of the statutes
19 is created to read:

20 77.52 (14) (am) If the seller has not obtained a fully completed exemption
21 certificate or the information required to prove the exemption, as provided in par. (a),
22 the seller may, no later than 120 days after the department requests that the seller
23 substantiate the exemption, either provide proof of the exemption to the department
24 by other means or obtain, in good faith, a fully completed exemption certificate from
25 the purchaser.

1 ***-0377/P10.166* SECTION 365.** 77.52 (14) (bm) of the statutes is created to
2 read:

3 77.52 (14) (bm) A certified service provider is relieved from liability for the tax
4 otherwise applicable to the same extent as the seller, who is the certified service
5 provider's client, is relieved from liability for the tax otherwise applicable under par.
6 (a) or (am).

7 ***-0377/P10.167* *-4294/P1.150* SECTION 366.** 77.52 (15) of the statutes is
8 amended to read:

9 77.52 (15) If a purchaser who gives a resale certificate purchases tangible
10 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
11 taxable services without paying a sales tax or use tax on such purchase because such
12 property, items, goods, or services were for resale makes any use of the property,
13 items, goods, or services other than retention, demonstration or display while
14 holding it the property, items, goods, or services for sale, lease or rental in the regular
15 course of the purchaser's operations, the use shall be taxable to the purchaser under
16 s. 77.53 as of the time that the property is, items, goods, or services are first used by
17 the purchaser, and the sales purchase price of the property, items, goods, or services
18 to the purchaser shall be the measure of the tax. Only when there is an unsatisfied
19 use tax liability on this basis because the seller has provided incorrect information
20 about that transaction to the department shall the seller be liable for sales tax with
21 respect to the sale of the property to the purchaser.

22 ***-0377/P10.168* *-4294/P1.151* SECTION 367.** 77.52 (16) of the statutes is
23 amended to read:

24 77.52 (16) Any person who gives a resale certificate for property, or items,
25 property, or goods under sub. (1) (b), (c), or (d), or services which that person knows

1 at the time of purchase is not to be resold by that person in the regular course of that
2 person's operations as a seller for the purpose of evading payment to the seller of the
3 amount of the tax applicable to the transaction is guilty of a misdemeanor. Any
4 person certifying to the seller that the sale of property, or items, property, or goods
5 under sub. (1) (b), (c), or (d), or taxable service is exempt, knowing at the time of
6 purchase that it is not exempt, for the purpose of evading payment to the seller of the
7 amount of the tax applicable to the transaction, is guilty of a misdemeanor.

8 ***-0377/P10.169*** ***-4294/P1.152d*** SECTION 368. 77.52 (17m) (b) 6. of the
9 statutes is amended to read:

10 77.52 (17m) (b) 6. The applicant purchases enough tangible personal property
11 or items, property, or goods under s. 77.52 (1) (b), (c), or (d) under circumstances that
12 make it difficult to determine whether the property, items, or goods will be subject
13 to a tax under this subchapter.

14 ***-0377/P10.170*** ***-4294/P1.152*** SECTION 369. 77.52 (19) of the statutes is
15 amended to read:

16 77.52 (19) The department shall by rule provide for the efficient collection of
17 the taxes imposed by this subchapter on sales of tangible personal property, or items,
18 property, or goods under sub. (1) (b), (c), or (d), or services by persons not regularly
19 engaged in selling at retail in this state or not having a permanent place of business,
20 but who are temporarily engaged in selling from trucks, portable roadside stands,
21 concessions at fairs and carnivals, and the like. The department may authorize such
22 persons to sell property or items, property or goods under sub. (1) (b), (c), or (d) or sell,
23 perform, or furnish services on a permit or nonpermit basis as the department by rule
24 prescribes and failure of any person to comply with such rules constitutes a
25 misdemeanor.

1 ***-0377/P10.171*** ***-4294/P1.153*** **SECTION 370.** 77.52 (20) of the statutes is
2 created to read:

3 77.52 (20) (a) Except as provided in par. (b), the entire sales price of a bundled
4 transaction is subject to the tax imposed under this subchapter.

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

13 ***-0377/P10.172*** ***-4294/P1.154*** **SECTION 371.** 77.52 (21) of the statutes is
14 created to read:

15 77.52 (21) A person who provides a product that is not a distinct and
16 identifiable product because it is provided free of charge, as provided in s. 77.51 (3pf)
17 (b), is the consumer of that product and shall pay the tax imposed under this
18 subchapter on the purchase price of that product.

19 ***-0377/P10.173*** ***-4294/P1.155*** **SECTION 372.** 77.52 (22) of the statutes is
20 created to read:

21 77.52 (22) With regard to transactions described in s. 77.51 (1f) (b), the service
22 provider is the consumer of the tangible personal property or items, property, or
23 goods under sub. (1) (b), (c), or (d) and shall pay the tax imposed under this
24 subchapter on the purchase price of the property, items, or goods.

1 ***-0377/P10.174* *-4294/P1.156* SECTION 373.** 77.52 (23) of the statutes is
2 created to read:

3 **77.52 (23)** With regard to transactions described in s. 77.51 (1f) (c), the service
4 provider is the consumer of the service that is essential to the use or receipt of the
5 other service and shall pay the tax imposed under this subchapter on the purchase
6 price of the service that is essential to the use or receipt of the other service.

7 ***-0377/P10.175* *-4294/P1.157* SECTION 374.** 77.522 of the statutes is
8 created to read:

9 **77.522 Sourcing. (1) GENERAL.** (a) In this section:

10 1. "Receive" means taking possession of tangible personal property or items or
11 property under s. 77.52 (1) (b) or (c); making first use of services; or taking possession
12 or making first use of digital goods under s. 77.52 (1) (d), whichever comes first.
13 "Receive" does not include a shipping company taking possession of tangible
14 personal property or items or property under s. 77.52 (1) (b) or (c) on a purchaser's
15 behalf.

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

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

19 b. Trucks and truck tractors that have a gross vehicle weight rating of 10,001
20 pounds or greater, trailers, semitrailers, and passenger buses, if such vehicles are
21 registered under the international registration plan under s. 341.405 and operated
22 under the authority of a carrier that is authorized by the federal government to carry
23 persons or property in interstate commerce.

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

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

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

8 1. If a purchaser receives the product at a seller's business location, the sale
9 is sourced to that business location.

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

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

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

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

including the circumstance in which the seller has insufficient information to determine the location under subds. 1. to 4.,

a digital good or

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

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

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

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

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

3 (2) DIGITAL GOODS. (a) The location of a sale of a digital good under s. 77.52 (1)

4 (d) is determined as follows:

5 1. If a purchaser receives the digital good at a seller's business location, the
6 sale is sourced to that business location.

7 2. If a purchaser does not receive the digital good at a seller's business location,
8 the sale is sourced to the location where the purchaser, or the purchaser's designated
9 donee, receives the digital good, including the location indicated by the instructions
10 known to the seller for delivery to the purchaser or the purchaser's designated donee.

11 3. If the location of a sale of the digital good cannot be determined under subd.
12 1. or 2., the sale is sourced to the purchaser's address as indicated by the seller's
13 business records, if the records are maintained in the ordinary course of the seller's
14 business and if using that address to establish the location of the sale is not in bad
15 faith.

16 4. If the location of a sale of the digital good cannot be determined under subd.
17 1., 2., or 3., the sale is sourced to the purchaser's address as obtained during the
18 consummation of the sale, including the address indicated on the purchaser's
19 payment instrument, if no other address is available and if using that address is not
20 in bad faith.

21 5. If the location of a sale of the digital good cannot be determined under ^{under s. 77.52(1)(d)} subd.

22 1., 2., 3., or 4., including the circumstance in which the seller has insufficient
23 information to determine the location under subd. 1., 2., 3., or 4., the sale is sourced
24 to the location from which the digital good was first available for transmission by the

sub. (1)(b)

sub. (1)(b)

1 seller, not including any location from which the digital good was merely transferred
2 electronically.

3 (b) The location of a license of a digital good under s. 77.52 (1) (d) is determined
4 as follows:

5 1. With regard to the first or only payment on the license of the digital good,
6 the license is sourced to the location determined under par. (a).

7 2. If the digital good is moved from the place where the digital good was initially
8 delivered, the subsequent periodic payments on the license are sourced to the digital
9 good's primary location as indicated by an address for the digital good that is
10 provided by the licensee and that is available to the licensor in records that the
11 licensor maintains in the ordinary course of the licensor's business, if the use of such
12 an address does not constitute bad faith. The location of a license as determined
13 under this paragraph shall not be altered by any intermittent use of the digital good
14 at different locations.

15 (3) LEASE OR RENTAL. (a) Except as provided in pars. (b) and (c), with regard
16 to the first or only payment on the lease or rental, the lease or rental of tangible
17 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) is
18 sourced to the location determined under sub. (1) (b). If the property, item, or good
19 is moved from the place where the property, item, or good was initially delivered, the
20 subsequent periodic payments on the lease or rental are sourced to the property's,
21 item's, or good's primary location as indicated by an address for the property, item,
22 or good that is provided by the lessee and that is available to the lessor in records that
23 the lessor maintains in the ordinary course of the lessor's business, if the use of such
24 an address does not constitute bad faith. The location of a lease or rental as

1 determined under this paragraph shall not be altered by any intermittent use of the
2 property, item, or good at different locations.

3 (b) The lease or rental of motor vehicles, trailers, semitrailers, and aircraft,
4 that are not transportation equipment, is sourced to the primary location of such
5 motor vehicles, trailers, semitrailers, or aircraft as indicated by an address for the
6 property that is provided by the lessee and that is available to the lessor in records
7 that the lessor maintains in the ordinary course of the lessor's business, if the use
8 of such an address does not constitute bad faith, except that a lease or rental under
9 this paragraph that requires only one payment is sourced to the location determined
10 under sub. (1) (b). The location of a lease or rental as determined under this
11 paragraph shall not be altered by any intermittent use of the property at different
12 locations.

13 (c) The lease or rental of transportation equipment is sourced to the location
14 determined under sub. (1) (b).

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

18 **(4) TELECOMMUNICATIONS.** (a) In this subsection:

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

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

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

4 4. "Customer" means a person who enters into a contract with a seller of
5 telecommunications services or, in any transaction for which the end user is not the
6 person who entered into a contract with the seller of telecommunications services,
7 the end user of the telecommunications services. "Customer" does not include a
8 person who resells telecommunications services or, for mobile telecommunications
9 services, a serving carrier under an agreement to serve a customer outside the home
10 service provider's licensed service area.

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

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

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

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

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

22 10. "Postpaid calling service" means a telecommunications service that is
23 obtained by paying for it on a call-by-call basis using a bankcard, travel card, credit
24 card, debit card, or similar method, or by charging it to a telephone number that is
25 not associated with the location where the telecommunications service originates or

1 terminates. "Postpaid calling service" includes a telecommunications service, not
2 including a prepaid wireless calling service, that would otherwise be a prepaid
3 calling service except that the service provided to the customer is not exclusively a
4 telecommunications service.

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

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

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

11 (b) Except as provided in pars. (d) to (j), the sale of a telecommunications service
12 that is sold on a call-by-call basis is sourced to the taxing jurisdiction for sales and
13 use tax purposes where the call originates and terminates, in the case of a call that
14 originates and terminates in the same such jurisdiction, or the taxing jurisdiction for
15 sales and use tax purposes where the call originates or terminates and where the
16 service address is located.

17 (c) Except as provided in pars. (d) to (j), the sale of a telecommunications service
18 that is sold on a basis other than a call-by-call basis is sourced to the customer's
19 place of primary use.

20 (d) The sale of a mobile telecommunications service, except an air-to-ground
21 radiotelephone service and a prepaid calling service, is sourced to the customer's
22 place of primary use.

23 (e) The sale of a postpaid calling service is sourced to the location where the
24 signal of the telecommunications service originates, as first identified by the seller's
25 telecommunications system or, if the signal is not transmitted by the seller's

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) FLOLISTS.** (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 375.** 77.523 (title) of the statutes
19 is repealed.

20 ***-0377/P10.177* *-4294/P1.159* SECTION 376.** 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 377.** 77.524 (1) (a) of the statutes
20 is renumbered 77.524 (1) (am).

21 ***-0377/P10.179*** ***-4294/P1.161*** **SECTION 378.** 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 379.** 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 380.** 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 381.** 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 382. 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 383. 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 384. 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 385. 77.53 (4) of the statutes is
17 repealed.

18 *~~-0377/P10.187~~* *~~-4294/P1.169~~* SECTION 386. 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 387.** 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 388.** 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 389.** 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 390. 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 391. 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 392. 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 393. 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 394. 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 395. 77.53 (15) of the statutes is
21 repealed.

22 ***-0377/P10.197*** ***-4294/P1.179*** SECTION 396. 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 397. 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 398. 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 399. 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 400. 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 401. 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 402.** 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 403.** 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 404.** 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,