

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 405. 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 406. 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 407.** 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 408.** 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 409.** 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 410.** 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 411.** 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 412.** 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 413.** 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 414.** 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 415.** 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 416.** 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 417.** 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 ~~medieines~~ drugs that are any of
24 the following:

1 ***-0377/P10.219* *-4294/P1.201* SECTION 418.** 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 419.** 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 420.** 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 421.** 77.54 (14g) of the statutes is
15 repealed.

16 ***-0377/P10.223* *-4294/P1.205* SECTION 422.** 77.54 (14s) of the statutes is
17 repealed.

18 ***-0377/P10.224* *-4294/P1.206* SECTION 423.** 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 424.** 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 425.** 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 426.** 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 427. 77.54 (20) of the statutes is
13 repealed.

14 ***-0377/P10.229*** ***-4294/P1.211*** SECTION 428. 77.54 (20m) of the statutes is
15 repealed.

16 ***-0377/P10.230*** ***-4294/P1.212*** SECTION 429. 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 430.** 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 431.** 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 432. 77.54 (22) of the statutes is
2 repealed.

3 ***-0377/P10.234*** ***-4294/P1.216*** SECTION 433. 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 434. 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 435. 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 436. 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 437. 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 438. 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 439. 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 440. 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 441. 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 442.** 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 443.** 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 444.** 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 445.** 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 446. 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 447. 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 448. 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 449. 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 450.** 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 451.** 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 452.** 77.54 (40) of the statutes is
19 repealed.

20 ***-0377/P10.254* *-4294/P1.236* SECTION 453.** 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 454.** 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 455.** 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 456.** 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 457.** 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 458.** 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 459.** 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 460.** 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 461.** 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 462.** 77.54 (47) (b) 2. of the statutes
25 is amended to read:

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 463. 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 464. 77.54 (48) (b) of the statutes
18 is renumbered 77.585 (9) (b).

19 *~~-0377/P10.266~~* *~~-4294/P1.248~~* SECTION 465. 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 466.** 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 467.** 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 468.** 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 469. 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 470. 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 471. 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 472. 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 473. 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 474. 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 475. 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 476. 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 477. 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 478. 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 479.** 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 480.** 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 481.** 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 482. 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 483. 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 484.** 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 485.** 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 486. 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) Notwithstanding s. 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 487. 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 488.** 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 489.** 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 490. 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 491. 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 492.** 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 493.** 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 494. 77.61 (3) of the statutes is
13 repealed.

14 ***-0377/P10.296*** ***-4294/P1.277*** SECTION 495. 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 496.** 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 497.** 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 498.** 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 499. 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 500. 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.

SECTION 501

1 ***-0377/P10.302*** ***-4294/P1.283*** **SECTION 501.** 77.61 (17) of the statutes is
2 created to read:

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

9 ***-0377/P10.303*** **SECTION 502.** 77.61 (18) of the statutes is created to read:

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

14 ***-0377/P10.304*** ***-4294/P1.284*** **SECTION 503.** 77.63 of the statutes is
15 repealed and recreated to read:

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

21 (1) A certified service provider.

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

24 (3) A seller that sells tangible personal property, or items, property, or goods
25 under s. 77.52 (1) (b), (c), or (d), or taxable services in at least 5 states that are

1 signatories to the agreement, as defined in s. 77.65 (2) (a); that has total annual sales
2 revenue of at least \$500,000,000; that has a proprietary system that calculates the
3 amount of tax owed to each taxing jurisdiction in which the seller sells tangible
4 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
5 taxable services; and that has entered into a performance agreement with the states
6 that are signatories to the agreement, as defined in s. 77.65 (2) (a). For purposes of
7 this subsection, "seller" includes an affiliated group of sellers using the same
8 proprietary system to calculate the amount of tax owed in each taxing jurisdiction
9 in which the sellers sell tangible personal property, or items, property, or goods under
10 s. 77.52 (1) (b), (c), or (d), or taxable services.

11 ***-0377/P10.305* *-4294/P1.285* SECTION 504.** 77.65 (2) (a) of the statutes is
12 amended to read:

13 77.65 (2) (a) "Agreement" means the streamlined sales and use tax agreement,
14 including amendments to the agreement.

15 ***-0377/P10.306* *-4294/P1.286* SECTION 505.** 77.65 (2) (c) of the statutes is
16 repealed.

17 ***-0377/P10.307* *-4294/P1.287* SECTION 506.** 77.65 (2) (e) of the statutes is
18 amended to read:

19 77.65 (2) (e) "Seller" means any person who sells, licenses, leases, or rents
20 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
21 (d), or services.

22 ***-0377/P10.308* *-4294/P1.288* SECTION 507.** 77.65 (2) (f) of the statutes is
23 amended to read:

24 77.65 (2) (f) "State" means any state of the United States and, the District of
25 Columbia, and the Commonwealth of Puerto Rico.

1 ***-0377/P10.309* *-4294/P1.289* SECTION 508.** 77.65 (4) (fm) of the statutes
2 is created to read:

3 **77.65 (4) (fm)** Provide that a seller who registers with the central electronic
4 registration system under par. (f) may cancel the registration at any time, as
5 provided under uniform procedures adopted by the governing board of the states that
6 are signatories to the agreement, but is required to remit any Wisconsin taxes
7 collected pursuant to the agreement to the department.

8 ***-0377/P10.310* *-4294/P1.290* SECTION 509.** 77.66 of the statutes is
9 amended to read:

10 **77.66 Certification for collection of sales and use tax.** The secretary of
11 revenue shall determine and periodically certify to the secretary of administration
12 the names of persons, and affiliates, as defined in s. 16.70 (1b), of persons, who make
13 sales of tangible personal property, or items, property, or goods under s. 77.52 (1) (b),
14 (c), or (d), and taxable services that are subject to the taxes imposed under this
15 subchapter but who are not registered to collect and remit such taxes to the
16 department or, if registered, do not collect and remit such taxes.

17 ***-0377/P10.311* *-4294/P1.291* SECTION 510.** 77.67 of the statutes is created
18 to read:

19 **77.67 Amnesty for new registrants.** (1) A seller is not liable for uncollected
20 and unpaid taxes, including penalties and interest, imposed under this subchapter
21 and subch. V on sales made to purchasers in this state before the seller registers
22 under par. (a), if all of the following apply:

23 (a) The seller registers with the department, in a manner that the department
24 prescribes, to collect and remit the taxes imposed under this subchapter and subch.

1 V on sales to purchasers in this state in accordance with the agreement, as defined
2 in s. 77.65 (2) (a).

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

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

10 (d) The seller has not received a notice of the commencement of an audit from
11 the department or, if the seller has received a notice of the commencement of an audit
12 from the department, the audit has been fully resolved, including any related
13 administrative and judicial processes, at the time that the seller registers under par.
14 (a).

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

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

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

22 *-0377/P10.312* *-4294/P1.292* SECTION 511. 77.70 of the statutes is
23 amended to read:

24 **77.70 Adoption by county ordinance.** Any county desiring to impose county
25 sales and use taxes under this subchapter may do so by the adoption of an ordinance,

1 stating its purpose and referring to this subchapter. The county sales and use taxes
2 may be imposed only for the purpose of directly reducing the property tax levy and
3 only in their entirety as provided in this subchapter. That ordinance shall be
4 effective on the first day of January, the first day of April, the first day of July or the
5 first day of October. A certified copy of that ordinance shall be delivered to the
6 secretary of revenue at least 120 days prior to its effective date. The repeal of any
7 such ordinance shall be effective on December 31. A certified copy of a repeal
8 ordinance shall be delivered to the secretary of revenue at least ~~60~~ 120 days before
9 the effective date of the repeal.

10 *~~0377/P10.313~~* *~~4294/P1.293~~* SECTION 512. 77.705 of the statutes is
11 amended to read:

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

21 *~~0377/P10.314~~* *~~4294/P1.294~~* SECTION 513. 77.706 of the statutes is
22 amended to read:

23 **77.706 Adoption by resolution; football stadium district.** A local
24 professional football stadium district created under subch. IV of ch. 229, by
25 resolution under s. 229.824 (15), may impose a sales tax and a use tax under this

1 subchapter at a rate of 0.5% of the ~~gross receipts or sales price~~ or purchase price.
2 Those taxes may be imposed only in their entirety. The imposition of the taxes under
3 this section shall be effective on the first day of the first month January 1, April 1,
4 July 1, or October 1 that begins at least ~~30~~ 120 days after the certification of the
5 approval of the resolution by the electors in the district's jurisdiction under s. 229.824
6 (15). Any moneys transferred from the appropriation account under s. 20.566 (1) (ge)
7 to the appropriation account under s. 20.835 (4) (ge) shall be used exclusively to retire
8 the district's debt.

9 ***-0377/P10.315* *-4294/P1.295* SECTION 514.** 77.707 (1) of the statutes is
10 amended to read:

11 77.707 (1) Retailers and the department of revenue may not collect a tax under
12 s. 77.705 for any local professional baseball park district created under subch. III of
13 ch. 229 after the last day of the calendar quarter during that is at least 120 days from
14 the date on which the local professional baseball park district board makes a
15 certification to the department of revenue under s. 229.685 (2), except that the
16 department of revenue may collect from retailers taxes that accrued before the day
17 after the last day of that calendar quarter and fees, interest and penalties that relate
18 to those taxes.

19 ***-0377/P10.316* *-4294/P1.296* SECTION 515.** 77.707 (2) of the statutes is
20 amended to read:

21 77.707 (2) Retailers and the department of revenue may not collect a tax under
22 s. 77.706 for any local professional football stadium district created under subch. IV
23 of ch. 229 after the last day of the calendar quarter during that is at least 120 days
24 from the date on which the local professional football stadium district board makes
25 all of the certifications to the department of revenue under s. 229.825 (3), except that

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

4 ***-0377/P10.317*** ***-4294/P1.297*** SECTION 516. 77.71 (1) of the statutes is
5 amended to read:

6 77.71 (1) For the privilege of selling, licensing, leasing or renting tangible
7 personal property and the items, property, and goods specified under s. 77.52 (1) (b),
8 (c), and (d), and for the privilege of selling, licensing, performing or furnishing
9 services a sales tax is imposed upon retailers at the rate of 0.5% in the case of a county
10 tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the
11 gross receipts sales price from the sale, license, lease or rental of tangible personal
12 property and the items, property, and goods specified under s. 77.52 (1) (b), (c), and
13 (d), except property taxed under sub. (4), sold, licensed, leased or rented at retail in
14 the county or special district or from selling, licensing, performing or furnishing
15 services described under s. 77.52 (2) in the county or special district.

16 ***-0377/P10.318*** ***-4294/P1.298*** SECTION 517. 77.71 (2) of the statutes is
17 amended to read:

18 77.71 (2) An excise tax is imposed at the rate of 0.5% in the case of a county tax
19 or at the rate under s. 77.705 or 77.706 in the case of a special district tax of the sales
20 purchase price upon every person storing, using or otherwise consuming in the
21 county or special district tangible personal property, or items, property, or goods
22 specified under s. 77.52 (1) (b), (c), or (d), or services if the tangible personal property,
23 item, property, good, or service is subject to the state use tax under s. 77.53, except
24 that a receipt indicating that the tax under sub. (1), (3) or (4) has been paid relieves
25 the buyer of liability for the tax under this subsection and except that if the buyer

1 has paid a similar local tax in another state on a purchase of the same tangible
2 personal property, item, property, good, or services that tax shall be credited against
3 the tax under this subsection and except that for motor vehicles that are used for a
4 purpose in addition to retention, demonstration or display while held for sale in the
5 regular course of business by a dealer the tax under this subsection is imposed not
6 on the sales purchase price but on the amount under s. 77.53 (1m).

7 ***-0377/P10.319*** ***-4294/P1.299*** SECTION 518. 77.71 (3) of the statutes is
8 amended to read:

9 77.71 (3) An excise tax is imposed upon a contractor engaged in construction
10 activities within the county or special district, at the rate of 0.5% in the case of a
11 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
12 of the sales purchase price of tangible personal property or items, property, or goods
13 under s. 77.52 (1) (b), (c), or (d) that is are used in constructing, altering, repairing
14 or improving real property and that ~~becomes~~ became a component part of real
15 property in that county or special district, except that if the contractor has paid the
16 sales tax of a county in the case of a county tax or of a special district in the case of
17 a special district tax in this state on that tangible personal property, item, property,
18 or good, or has paid a similar local sales tax in another state on a purchase of the same
19 tangible personal property, item, property, or good, that tax shall be credited against
20 the tax under this subsection.

21 ***-0377/P10.320*** ***-4294/P1.300*** SECTION 519. 77.71 (4) of the statutes is
22 amended to read:

23 77.71 (4) An excise tax is imposed at the rate of 0.5 percent in the case of a
24 county tax or at the rate under s. 77.705 or 77.706 in the case of a special district tax
25 of the sales purchase price upon every person storing, using or otherwise consuming

SECTION 519

1 a motor vehicle, boat, ~~snowmobile~~, recreational vehicle, as defined in s. 340.01 (48r),
2 trailer, ~~semitrailer, all-terrain vehicle~~ or aircraft, if that property must be registered
3 or titled with this state and if that property is to be customarily kept in a county that
4 has in effect an ordinance under s. 77.70 or in a special district that has in effect a
5 resolution under s. 77.705 or 77.706, except that if the buyer has paid a similar local
6 sales tax in another state on a purchase of the same property that tax shall be
7 credited against the tax under this subsection.

8 *~~-0377/P10.321~~* *~~-4294/P1.301~~* SECTION 520. 77.72 (title) of the statutes is
9 repealed.

10 *~~-0377/P10.322~~* *~~-4294/P1.302~~* SECTION 521. 77.72 (1) of the statutes is
11 renumbered 77.72 and amended to read:

12 **77.72 General rule for property.** For the purposes of this subchapter, all
13 retail sales of tangible personal property ~~are completed at the time when, and the~~
14 ~~place where, the seller or the seller's agent transfers possession to the buyer or the~~
15 ~~buyer's agent. In this subsection, a common carrier or the U.S. postal service is the~~
16 ~~agent of the seller, regardless of any f.o.b. point and regardless of the method by~~
17 ~~which freight or postage is paid. Rentals and leases of property, except property~~
18 ~~under sub. (2), have a situs at the location of that property, and items, property, and~~
19 goods specified under s. 77.52 (1) (b), (c), and (d), and taxable services are sourced as
20 provided in s. 77.522.

21 *~~-0377/P10.323~~* *~~-4294/P1.303~~* SECTION 522. 77.72 (2) and (3) of the
22 statutes are repealed.

23 *~~-0377/P10.324~~* *~~-4294/P1.304~~* SECTION 523. 77.73 (2) of the statutes is
24 amended to read:

1 77.73 (2) Counties and special districts do not have jurisdiction to impose the
2 tax under s. 77.71 (2) in regard to items, property, and goods under s. 77.52 (1) (b),
3 (c), and (d), and tangible personal property, except snowmobiles, trailers,
4 semitrailers, and all-terrain vehicles, purchased in a sale that is consummated in
5 another county or special district in this state that does not have in effect an
6 ordinance or resolution imposing the taxes under this subchapter and later brought
7 by the buyer into the county or special district that has imposed a tax under s. 77.71
8 (2).

9 *-0377/P10.325* *-4294/P1.305* SECTION 524. 77.73 (3) of the statutes is
10 created to read:

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

19 *-0377/P10.326* *-4294/P1.306* SECTION 525. 77.75 of the statutes is
20 amended to read:

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

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

3 ***-0377/P10.327* *-4294/P1.307* SECTION 526.** 77.77 (1) of the statutes is
4 renumbered 77.77 (1) (a) and amended to read:

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

15 ***-0377/P10.328* *-4294/P1.308* SECTION 527.** 77.77 (1) (b) of the statutes is
16 created to read:

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

1 ***-0377/P10.329*** ***-4294/P1.309*** SECTION 528. 77.77 (2) of the statutes is
2 repealed.

3 ***-0377/P10.330*** ***-4294/P1.310*** SECTION 529. 77.785 (1) of the statutes is
4 amended to read:

5 77.785 (1) All retailers shall collect and report the taxes under this subchapter
6 on the ~~gross receipts~~ sales price from leases and rentals of property or items,
7 property, and goods under s. 77.52 (1) (b), (c), and (d) under s. 77.71 (4).

8 ***-0377/P10.331*** ***-4294/P1.311*** SECTION 530. 77.785 (2) of the statutes is
9 amended to read:

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

16 ***-1948/P1.14*** SECTION 531. 77.92 (4) of the statutes is amended to read:

17 77.92 (4) "Net business income," with respect to a partnership, means taxable
18 income as calculated under section 703 of the Internal Revenue Code; plus the items
19 of income and gain under section 702 of the Internal Revenue Code, including taxable
20 state and municipal bond interest and excluding nontaxable interest income or
21 dividend income from federal government obligations; minus the items of loss and
22 deduction under section 702 of the Internal Revenue Code, except items that are not
23 deductible under s. 71.21; plus guaranteed payments to partners under section 707
24 (c) of the Internal Revenue Code; plus the credits claimed under s. 71.07 (2dd), (2de),
25 (2di), (2dj), (2dL), (2dm), (2dr), (2ds), (2dx), (2dy), (3g), (3h), ~~(3s)~~, (3n), (3p), (3r), (3s),

1 (3t), (3w), (5e), (5f), (5g), (5h), (5i), (5j), and (5k); and plus or minus, as appropriate,
2 transitional adjustments, depreciation differences, and basis differences under s.
3 71.05 (13), (15), (16), (17), and (19); but excluding income, gain, loss, and deductions
4 from farming. "Net business income," with respect to a natural person, estate, or
5 trust, means profit from a trade or business for federal income tax purposes and
6 includes net income derived as an employee as defined in section 3121 (d) (3) of the
7 Internal Revenue Code.

8 ***-0377/P10.332*** ***-4294/P1.312*** SECTION 532. 77.98 of the statutes is
9 amended to read:

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

17 ***-0377/P10.333*** ***-4294/P1.313*** SECTION 533. 77.981 of the statutes is
18 amended to read:

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