

1 any service and the property is, items, or goods are incidental to the service, unless
2 the service provider is selling, performing or furnishing services under s. 77.52 (2)
3 (a) 7., 10., 11. and 20. This subsection does not apply to sub. (2).

4 ***-0377/P10.80*** ***-4294/P1.73*** **SECTION 282.** 77.51 (13) (f) of the statutes is
5 amended to read:

6 77.51 (13) (f) A service provider who transfers tangible personal property or
7 items, property, or goods under s. 77.52 (1) (b), (c), or (d) in conjunction with but not
8 incidental to the selling, performing or furnishing of any service and a service
9 provider selling, performing or furnishing services under s. 77.52 (2) (a) 7., 10., 11.
10 and 20. This subsection does not apply to sub. (2).

11 **SECTION 283.** 77.51 (13) (i) of the statutes is amended to read:

12 77.51 (13) (i) A person selling items, property, or goods under s. 77.52 (1) (b),
13 (c), or (d), materials, or supplies to barbers, beauty shop operators, or bootblacks for
14 use by them in the performance of their services.

15 **SECTION 284.** 77.51 (13) (j) of the statutes is amended to read:

16 77.51 (13) (j) A person selling items, property, and goods under s. 77.52 (1) (b),
17 (c), and (d), materials, and supplies to producers of X-ray films.

18 ***-0377/P10.81*** ***-4294/P1.74*** **SECTION 285.** 77.51 (13) (k) of the statutes is
19 amended to read:

20 77.51 (13) (k) ~~As respects~~ With respect to a lease, any person deriving rentals
21 from a lease of tangible personal property or items, property, or goods under s. 77.52
22 (1) (b), (c), or (d) situated in this state.

23 ***-0377/P10.82*** ***-4294/P1.75*** **SECTION 286.** 77.51 (13) (m) of the statutes is
24 amended to read:

1 77.51 (13) (m) A person selling tangible personal property or items, property,
2 or goods under s. 77.52 (1) (b), (c), or (d) to a veterinarian to be used or furnished by
3 the veterinarian in the performance of services in some manner related to domestic
4 animals, including pets or poultry.

5 ***-0377/P10.83* *-4294/P1.76* SECTION 287.** 77.51 (13) (n) of the statutes is
6 amended to read:

7 77.51 (13) (n) A person selling household furniture, furnishings, equipment,
8 appliances or other items of tangible personal property or items, property, or goods
9 under s. 77.52 (1) (b), (c), or (d) to a landlord for use by tenants in leased or rented
10 living quarters.

11 ***-0377/P10.84* *-4294/P1.77* SECTION 288.** 77.51 (13) (o) of the statutes is
12 amended to read:

13 77.51 (13) (o) A person selling ~~medieine~~ drugs for animals to a veterinarian.
14 As used in this paragraph, "animal" includes livestock, pets and poultry.

15 ***-0377/P10.85* *-4294/P1.78* SECTION 289.** 77.51 (13g) (intro.) of the
16 statutes is amended to read:

17 77.51 (13g) (intro.) Except as provided in sub. (13h), "retailer engaged in
18 business in this state", ~~unless otherwise limited by federal statute,~~ for purposes of
19 the use tax, means any of the following:

20 ***-0377/P10.86* *-4294/P1.78d* SECTION 290.** 77.51 (13g) (a) of the statutes
21 is amended to read:

22 77.51 (13g) (a) Any retailer owning any real property in this state or leasing
23 or renting out any tangible personal property, or items, property, or goods under s.
24 77.52 (1) (b), (c), or (d), located in this state or maintaining, occupying or using,
25 permanently or temporarily, directly or indirectly, or through a subsidiary, or agent,

1 by whatever name called, an office, place of distribution, sales or sample room or
2 place, warehouse or storage place or other place of business in this state.

3 ***-0377/P10.87*** ***-4294/P1.78e*** **SECTION 291.** 77.51 (13g) (b) of the statutes
4 is amended to read:

5 77.51 (13g) (b) Any retailer having any representative, agent, salesperson,
6 canvasser or solicitor operating in this state under the authority of the retailer or its
7 subsidiary for the purpose of selling, delivering or the taking of orders for any
8 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
9 (d), or taxable services.

10 ***-0377/P10.88*** ***-4294/P1.79*** **SECTION 292.** 77.51 (13g) (c) of the statutes is
11 created to read:

12 77.51 (13g) (c) Any retailer selling tangible personal property, or items,
13 property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services for storage, use,
14 or other consumption in this state, unless otherwise limited by federal law.

15 ***-0377/P10.89*** ***-4294/P1.80*** **SECTION 293.** 77.51 (13r) of the statutes is
16 amended to read:

17 77.51 (13r) Any person purchasing from a retailer as defined in sub. (13) shall
18 be deemed the consumer of the tangible personal property, or items, property, or
19 goods under s. 77.52 (1) (b), (c), or (d), or services purchased.

20 ***-0377/P10.90*** ***-4294/P1.81*** **SECTION 294.** 77.51 (13rm) of the statutes is
21 created to read:

22 77.51 (13rm) "Retail sale" or "sale at retail" means any sale, lease, or rental
23 for any purpose other than resale, sublease, or subrent.

24 ***-0377/P10.91*** ***-4294/P1.82*** **SECTION 295.** 77.51 (13rn) of the statutes is
25 created to read:

1 77.51 (13rn) "Ringtones" means digitized sound files that are downloaded onto
2 a device and that may be used to alert the customer regarding a communication, but
3 not including ringback tones or other digital audio files that are not stored on the
4 purchaser's communication device.

5 ***-0377/P10.92*** ***-4294/P1.83*** SECTION 296. 77.51 (14) (intro.) of the statutes
6 is amended to read:

7 77.51 (14) (intro.) "Sale", "~~sale, lease or rental~~", "~~retail sale~~", "~~sale at retail~~", or
8 equivalent terms ~~include~~ includes any one or all of the following: the transfer of the
9 ownership of, title to, possession of, or enjoyment of tangible personal property, or
10 items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services for use or
11 consumption but not for resale as tangible personal property, or items, property, or
12 goods under s. 77.52 (1) (b), (c), or (d), or services and includes:

13 ***-0377/P10.93*** ***-4294/P1.84*** SECTION 297. 77.51 (14) (a) of the statutes is
14 amended to read:

15 77.51 (14) (a) Any sale at an auction ~~in~~ with respect to tangible personal
16 property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) which is are sold
17 to a successful bidder. ~~The proceeds from, except the sale of tangible personal~~
18 ~~property, items, or goods~~ sold at auction which is are bid in by the seller and on which
19 title does not pass to a new purchaser ~~shall be deducted from the gross proceeds of~~
20 ~~the sale and the tax paid only on the net proceeds.~~

21 ***-0377/P10.94*** ***-4294/P1.85*** SECTION 298. 77.51 (14) (b) of the statutes is
22 amended to read:

23 77.51 (14) (b) The furnishing or distributing of tangible personal property, or
24 items, property, or goods under s. 77.52 (1) (b), (c), or (d), or taxable services for a
25 consideration by social clubs and fraternal organizations to their members or others.

1 ***-0377/P10.95* *-4294/P1.86* SECTION 299.** 77.51 (14) (c) of the statutes is
2 amended to read:

3 77.51 (14) (c) A transaction whereby the possession of tangible personal
4 property is or items, property, or goods under s. 77.52 (1) (b), (c), or (d) are transferred
5 but the seller retains the title as security for the payment of the price.

6 ***-0377/P10.96* *-4294/P1.87* SECTION 300.** 77.51 (14) (d) of the statutes is
7 repealed.

8 ***-0377/P10.97* SECTION 301.** 77.51 (14) (g) of the statutes is renumbered
9 77.51 (15a) (b) 4. and amended to read:

10 77.51 (15a) (b) 4. A sale of tangible personal property or items, property, or
11 goods under s. 77.52 (1) (b), (c), or (d) to a contractor or subcontractor for use in the
12 performance of contracts with the United States or its instrumentalities for the
13 construction of improvements on or to real property.

14 ***-0377/P10.98* *-4294/P1.89* SECTION 302.** 77.51 (14) (h) of the statutes is
15 amended to read:

16 77.51 (14) (h) A transfer for a consideration of the title or possession of tangible
17 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) which
18 has have been produced, fabricated, or printed to the special order of the customer
19 or of any publication.

20 ***-0377/P10.99* *-4294/P1.90* SECTION 303.** 77.51 (14) (i) of the statutes is
21 repealed.

22 ***-0377/P10.100* *-4294/P1.91* SECTION 304.** 77.51 (14) (j) of the statutes is
23 amended to read:

24 77.51 (14) (j) The granting of possession of tangible personal property or items,
25 property, or goods under s. 77.52 (1) (b), (c), or (d) by a lessor to a lessee, or to another

1 person at the direction of the lessee. Such a transaction involving tangible personal
2 property is deemed a continuing sale in this state by the lessor for the duration of the
3 lease as respects any period of time the leased property is situated in this state,
4 irrespective of the time or place of delivery of the property to the lessee or such other
5 person.

6 ***-0377/P10.101*** ***-4294/P1.92*** SECTION 305. 77.51 (14) (k) of the statutes is
7 repealed.

8 ***-0377/P10.102*** ***-4294/P1.93*** SECTION 306. 77.51 (14) (L) of the statutes is
9 repealed.

10 ***-0377/P10.103*** ***-4294/P1.94*** SECTION 307. 77.51 (14g) (a) of the statutes
11 is amended to read:

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

15 ***-0377/P10.104*** ***-4294/P1.95*** SECTION 308. 77.51 (14g) (b) of the statutes
16 is amended to read:

17 77.51 (14g) (b) The contribution of property or items, property, or goods under
18 s. 77.52 (1) (b), (c), or (d) to a newly formed partnership solely in consideration for a
19 partnership interest therein;

20 ***-0377/P10.105*** ***-4294/P1.96*** SECTION 309. 77.51 (14g) (bm) of the statutes
21 is amended to read:

22 77.51 (14g) (bm) The contribution of property or items, property, or goods under
23 s. 77.52 (1) (b), (c), or (d) to a limited liability company upon its organization solely
24 in consideration for a membership interest;

1 ***-0377/P10.106* *-4294/P1.97* SECTION 310.** 77.51 (14g) (c) of the statutes
2 is amended to read:

3 77.51 (14g) (c) The transfer of property or items, property, or goods under s.
4 77.52 (1) (b), (c), or (d) to a corporation, solely in consideration for the issuance of its
5 stock, pursuant to a merger or consolidation;

6 ***-0377/P10.107* *-4294/P1.98* SECTION 311.** 77.51 (14g) (cm) of the statutes
7 is amended to read:

8 77.51 (14g) (cm) The transfer of property or items, property, or goods under s.
9 77.52 (1) (b), (c), or (d) to a limited liability company, solely in consideration for a
10 membership interest, pursuant to a merger;

11 ***-0377/P10.108* *-4294/P1.99* SECTION 312.** 77.51 (14g) (d) of the statutes
12 is amended to read:

13 77.51 (14g) (d) The distribution of property or items, property, or goods under
14 s. 77.52 (1) (b), (c), or (d) by a corporation to its stockholders as a dividend or in whole
15 or partial liquidation;

16 ***-0377/P10.109* *-4294/P1.100* SECTION 313.** 77.51 (14g) (e) of the statutes
17 is amended to read:

18 77.51 (14g) (e) The distribution of property or items, property, or goods under
19 s. 77.52 (1) (b), (c), or (d) by a partnership to its partners in whole or partial
20 liquidation;

21 ***-0377/P10.110* *-4294/P1.101* SECTION 314.** 77.51 (14g) (em) of the
22 statutes is amended to read:

23 77.51 (14g) (em) The distribution of property or items, property, or goods under
24 s. 77.52 (1) (b), (c), or (d) by a limited liability company to its members in whole or
25 partial liquidation;

1 ***-0377/P10.111* *-4294/P1.102* SECTION 315.** 77.51 (14g) (f) of the statutes
2 is amended to read:

3 77.51 (14g) (f) Repossession of property or items, property, or goods under s.
4 77.52 (1) (b), (c), or (d) by the seller from the purchaser when the only consideration
5 is cancellation of the purchaser's obligation to pay the remaining balance of the
6 purchase price;

7 ***-0377/P10.112* *-4294/P1.103* SECTION 316.** 77.51 (14g) (g) of the statutes
8 is amended to read:

9 77.51 (14g) (g) The transfer of property or items, property, or goods under s.
10 77.52 (1) (b), (c), or (d) in a reorganization as defined in section 368 of the internal
11 revenue code in which no gain or loss is recognized for franchise or income tax
12 purposes; or

13 ***-0377/P10.113* *-4294/P1.104* SECTION 317.** 77.51 (14g) (h) of the statutes
14 is amended to read:

15 77.51 (14g) (h) Any transfer of all or substantially all the property or items,
16 property, or goods under s. 77.52 (1) (b), (c), or (d) held or used by a person in the
17 course of an activity requiring the holding of a seller's permit, if after the transfer
18 the real or ultimate ownership of the property, items, or goods is substantially similar
19 to that which existed before the transfer. For the purposes of this section,
20 stockholders, bondholders, partners, members or other persons holding an interest
21 in a corporation or other entity are regarded as having the real or ultimate ownership
22 of the property, items, or goods of the corporation or other entity. In this paragraph,
23 "substantially similar" means 80% or more of ownership.

24 ***-0377/P10.114* *-4294/P1.105* SECTION 318.** 77.51 (14r) of the statutes is
25 repealed.

1 *~~-0377/P10.115~~* *~~-4294/P1.106~~* SECTION 319. 77.51 (15) of the statutes is
2 repealed.

3 *~~-0377/P10.116~~* *~~-4294/P1.107~~* SECTION 320. 77.51 (15a) of the statutes is
4 created to read:

5 77.51 (15a) (a) "Sales, lease, or rental for resale, sublease, or subrent" includes
6 transfers of tangible personal property or items, property, or goods under s. 77.52 (1)
7 (b), (c), or (d) to a service provider that the service provider transfers in conjunction
8 with but not incidental to the selling, performing, or furnishing of any service, and
9 transfers of tangible personal property or items, property, or goods under s. 77.52 (1)
10 (b), (c), or (d) to a service provider that the service provider physically transfers in
11 conjunction with the selling, performing, or furnishing services under s. 77.52 (2) (a)
12 7., 10., 11., or 20. This paragraph does not apply to sub. (2).

13 (b) "Sales, lease, or rental for resale, sublease, or subrent" does not include any
14 of the following:

15 1. The sale of building materials, supplies, and equipment to owners,
16 contractors, subcontractors, or builders for use in real property construction
17 activities or the alteration, repair, or improvement of real property, regardless of the
18 quantity of such materials, supplies, and equipment sold.

19 2. Any sale of tangible personal property or items, property, or goods under s.
20 77.52 (1) (b), (c), or (d) to a purchaser even though such property, items, or goods may
21 be used or consumed by some other person to whom such purchaser transfers the
22 property, items, or goods without valuable consideration, such as gifts, and
23 advertising specialties distributed at no charge and apart from the sale of other
24 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
25 (d) or service.

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

7 ***-0377/P10.117*** ***-4294/P1.108*** SECTION 321. 77.51 (15b) of the statutes is
8 created to read:

9 77.51 (15b) (a) "Sales price" means the total amount of consideration, including
10 cash, credit, property, and services, for which tangible personal property, or items,
11 property, or goods under s. 77.52 (1) (b), (c), or (d) or services are sold, licensed, leased,
12 or rented, valued in money, whether received in money or otherwise, without any
13 deduction for the following:

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

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

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

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

22 b. If a shipment includes property or items that are subject to tax under this
23 subchapter and property or items that are not subject to tax under this subchapter,
24 the amount of the delivery charge that the seller allocates to the property and items
25 that are subject to tax under this subchapter is based either on the total sales price

1 of the property and items that are subject to tax under this subchapter as compared
2 to the total sales price of all the property and items or on the total weight of the
3 property and items that are subject to tax under this subchapter as compared to the
4 total weight of all the property and items.

5 5. Installation charges.

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

7 1. Discounts, including cash, terms, or coupons, that are not reimbursed by a
8 3rd party, except as provided in par. (c); that are allowed by a seller; and that are
9 taken by a purchaser on a sale.

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

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

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

21 5. In all transactions in which an article of tangible personal property, an item
22 under s. 77.52 (1) (b), property under s. 77.52 (1) (c), or a good under s. 77.52 (1) (d)
23 is traded toward the purchase of an article, item, property, or good of greater value,
24 the amount of the sales price that represents the amount allowed for the article, item,

1 property, or good traded, except that this subdivision does not apply to any
2 transaction to which subd. 7. or 8. applies.

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

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

13 8. At the retailer's option; except that after the retailer chooses an option the
14 retailer may not use the other option for other sales without the department's written
15 approval; either 35 percent of the sales price of a modular home, as defined in s.
16 101.71 (6), or an amount equal to the sales price of the home minus the cost of
17 materials that become an ingredient or component part of the home.

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

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

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

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

4 4. One of the following also applies:

5 a. The purchaser presents a coupon, certificate, or other documentation to the
6 seller to claim the price reduction or discount, if the coupon, certificate, or other
7 documentation is authorized, distributed, or granted by the 3rd party with the
8 understanding that the 3rd party will reimburse the seller for the amount of the price
9 reduction or discount.

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

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

15 ***-0377/P10.118* *-4294/P1.109* SECTION 322.** 77.51 (17) (intro.) of the
16 statutes is amended to read:

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

23 ***-0377/P10.119* *-4294/P1.110* SECTION 323.** 77.51 (17m) of the statutes is
24 repealed and recreated to read:

25 77.51 (17m) "Service address" means any of the following:

1 (a) The location of the telecommunications equipment to which a customer's
2 telecommunications service is charged and from which the telecommunications
3 service originates or terminates, regardless of where the telecommunications service
4 is billed or paid.

5 (b) If the location described under par. (a) is not known by the seller who sells
6 the telecommunications service, the location where the signal of the
7 telecommunications service originates, as identified by the seller's
8 telecommunications system or, if the signal is not transmitted by the seller's
9 telecommunications system, by information that the seller received from the seller's
10 service provider.

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

13 ***-0377/P10.120* *-4294/P1.111* SECTION 324.** 77.51 (17w) of the statutes is
14 created to read:

15 77.51 (17w) "Soft drink" means a beverage that contains less than 0.5 percent
16 of alcohol and that contains natural or artificial sweeteners. "Soft drink" does not
17 include a beverage that contains milk or milk products; soy, rice, or similar milk
18 substitutes; or more than 50 percent vegetable or fruit juice by volume.

19 ***-0377/P10.121* SECTION 325.** 77.51 (17x) of the statutes is created to read:

20 77.51 (17x) "Specified digital goods" means digital audio works, digital
21 audiovisual works, and digital books. For purposes of this subchapter, the sale of or
22 the storage, use, or other consumption of a digital code is treated the same as the sale
23 of or the storage, use, or other consumption of any specified digital goods for which
24 the digital code relates.

1 ***-0377/P10.122* *-4294/P1.112* SECTION 326.** 77.51 (18) of the statutes is
2 amended to read:

3 77.51 (18) "Storage" includes any keeping or retention in this state of tangible
4 personal property or items, property, or goods under s. 77.52 (1) (b), (c), or (d)
5 purchased from a retailer for any purpose except sale in the regular course of
6 business.

7 ***-0377/P10.123* SECTION 327.** 77.51 (20) of the statutes is amended to read:

8 77.51 (20) "Tangible personal property" means all tangible personal property
9 of every kind and description and includes electricity, natural gas, steam and water
10 and also leased property affixed to realty if the lessor has the right to remove the
11 property upon breach or termination of the lease agreement, unless the lessor of the
12 property is also the lessor of the realty to which the property is affixed. "Tangible
13 personal property" also includes coins and stamps of the United States sold or traded
14 as collectors' items above their face value and ~~computer programs except custom~~
15 ~~computer programs~~ prewritten computer software, regardless of how it is delivered
16 to the purchaser.

17 ***-0377/P10.124* SECTION 328.** 77.51 (20) of the statutes, as affected by 2009
18 Wisconsin Act (this act), is repealed and recreated to read:

19 77.51 (20) "Tangible personal property" means personal property that can be
20 seen, weighed, measured, felt, or touched, or that is in any other manner perceptible
21 to the senses, and includes electricity, gas, steam, water, and prewritten computer
22 software.

23 ***-0377/P10.125* *-4294/P1.114* SECTION 329.** 77.51 (21) of the statutes is
24 amended to read:

1 77.51 (21) "Taxpayer" means the person who is required to pay, collect, or
2 account for or who is otherwise directly interested in the taxes imposed by this
3 subchapter, including a certified service provider.

4 ***-0377/P10.126*** SECTION 330. 77.51 (21m) of the statutes is amended to read:

5 77.51 (21m) "Telecommunications and Internet access services" means
6 sending messages and information transmitted through the use of local, toll and
7 wide-area telephone service; channel services; telegraph services; teletypewriter;
8 computer exchange services; cellular mobile telecommunications service; specialized
9 mobile radio; stationary two-way radio; paging service; or any other form of mobile
10 and portable one-way or two-way communications; or any other transmission of
11 messages or information by electronic or similar means between or among points by
12 wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.
13 "Telecommunications and Internet access services" does not include sending collect
14 telecommunications that are received outside of the state.

15 ***-0377/P10.127*** SECTION 331. 77.51 (21m) of the statutes, as affected by 2009
16 Wisconsin Act (this act), is renumbered 77.51 (5f) and amended to read:

17 77.51 (5f) "Telecommunications and Internet access services" means sending
18 messages and information transmitted through the use of local, toll and wide-area
19 telephone service; channel services; telegraph services; teletypewriter; computer
20 exchange services; cellular mobile telecommunications service; specialized mobile
21 radio; stationary two-way radio; paging service; or any other form of mobile and
22 portable one-way or two-way communications; or any other transmission of
23 messages or information by electronic or similar means between or among points by
24 wire, cable, fiber optics, laser, microwave, radio, satellite or similar facilities.
25 "Telecommunications and Internet access services" does not include sending collect

1 ~~telecommunications that are received outside of the state telecommunications~~
2 ~~services to the extent that such services are taxable under s. 77.52 (2) (a) 5. am.~~

3 ***-0377/P10.128*** ***-4294/P1.115*** **SECTION 332.** 77.51 (21n) of the statutes is
4 created to read:

5 77.51 (21n) "Telecommunications services" means electronically transmitting,
6 conveying, or routing voice, data, audio, video, or other information or signals to a
7 point or between or among points. "Telecommunications services" includes the
8 transmission, conveyance, or routing of such information or signals in which
9 computer processing applications are used to act on the content's form, code, or
10 protocol for transmission, conveyance, or routing purposes, regardless of whether
11 the service is referred to as a voice over Internet protocol service or classified by the
12 federal communications commission as an enhanced or value-added nonvoice data
13 service. "Telecommunications services" does not include any of the following:

14 (a) Data processing and information services that allow data to be generated,
15 acquired, stored, processed, or retrieved and delivered to a purchaser by an electronic
16 transmission, if the purchaser's primary purpose for the underlying transaction is
17 the processed data.

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

19 (c) Tangible personal property.

20 (d) Advertising, including directory advertising.

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

22 (f) Internet access services.

23 (g) Radio and television audio and video programming services, regardless of
24 the medium in which the services are provided, including cable service, as defined
25 in 47 USC 522 (6), audio and video programming services delivered by commercial

1 mobile radio service providers, as defined in 47 CFR 20.3, and the transmitting,
2 conveying, or routing of such services by the programming service provider.

3 (h) Ancillary services.

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

6 ***-0377/P10.129* *-4294/P1.116* SECTION 333.** 77.51 (21p) of the statutes is
7 created to read:

8 77.51 (21p) "Tobacco" means cigarettes, cigars, chewing tobacco, pipe tobacco,
9 and any other item that contains tobacco.

10 ***-0377/P10.130* *-4294/P1.117* SECTION 334.** 77.51 (21q) of the statutes is
11 created to read:

12 77.51 (21q) "Transferred electronically" means accessed or obtained by the
13 purchaser by means other than tangible storage media.

14 ***-0377/P10.131* *-4294/P1.118* SECTION 335.** 77.51 (22) (a) of the statutes
15 is amended to read:

16 77.51 (22) (a) "Use" includes the exercise of any right or power over tangible
17 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
18 taxable services incident to the ownership, possession or enjoyment of the property,
19 items, goods, or services, or the results produced by the services, including
20 installation or affixation to real property and including the possession of, or the
21 exercise of any right or power over tangible personal property, or items, property, or
22 goods under s. 77.52 (1) (b), (c), or (d), by a lessee under a lease, except that "use" does
23 not include the activities under sub. (18).

24 ***-0377/P10.132* *-4294/P1.119* SECTION 336.** 77.51 (22) (b) of the statutes
25 is amended to read:

1 77.51 (22) (b) In this subsection “enjoyment” includes a purchaser’s right to
2 direct the disposition of property or items, property, or goods under s. 77.52 (1) (b),
3 (c), or (d), whether or not the purchaser has possession of the property, items, or
4 goods. “Enjoyment” also includes, but is not limited to, having shipped into this state
5 by an out-of-state supplier printed material which is designed to promote the sale
6 of property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or services,
7 or which is otherwise related to the business activities, of the purchaser of the
8 printed material or printing service.

9 ***-0377/P10.133*** ***-4294/P1.120*** **SECTION 337.** 77.51 (22) (bm) of the statutes
10 is created to read:

11 77.51 (22) (bm) In this subsection, “exercise of any right or power over tangible
12 personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or (d), or
13 taxable services” includes distributing, selecting recipients, determining mailing
14 schedules, or otherwise directing the distribution, dissemination, or disposal of
15 tangible personal property, or items, property, or goods under s. 77.52 (1) (b), (c), or
16 (d), or taxable services, regardless of whether the purchaser of such property, items,
17 goods, or services owns or physically possesses, in this state, the property, items,
18 goods, or services.

19 ***-0377/P10.134*** ***-4294/P1.121*** **SECTION 338.** 77.51 (24) of the statutes is
20 created to read:

21 77.51 (24) “Value-added nonvoice data service” means a service in which
22 computer processing applications are used to act on the form, content, code, or
23 protocol of the data provided by the service and are used primarily for a purpose other
24 than for transmitting, conveying, or routing data.

1 ***-0377/P10.135* *-4294/P1.122* SECTION 339.** 77.51 (25) of the statutes is
2 created to read:

3 77.51 (25) "Vertical service" means an ancillary service that is provided with
4 one or more telecommunications services and allows customers to identify callers
5 and to manage multiple calls and call connections, including conference bridging
6 services.

7 ***-0377/P10.136* *-4294/P1.123* SECTION 340.** 77.51 (26) of the statutes is
8 created to read:

9 77.51 (26) "Voice mail service" means an ancillary service that allows a
10 customer to store, send, or receive recorded messages, not including any vertical
11 service that the customer must have to use the voice mail service.

12 ***-0377/P10.137* *-4294/P1.124* SECTION 341.** 77.52 (1) of the statutes is
13 renumbered 77.52 (1) (a) and amended to read:

14 77.52 (1) (a) For the privilege of selling, licensing, leasing or renting tangible
15 personal property, including accessories, components, attachments, parts, supplies
16 and materials, at retail a tax is imposed upon all retailers at the rate of 5% of the
17 ~~gross receipts~~ sales price from the sale, license, lease or rental of tangible personal
18 property, including accessories, components, attachments, parts, supplies and
19 materials, sold, leased or rented at retail in this state, as determined under s. 77.522.

20 ***-0377/P10.138* *-4294/P1.125* SECTION 342.** 77.52 (1) (b) of the statutes is
21 created to read:

22 77.52 (1) (b) For the privilege of selling at retail coins and stamps of the United
23 States that are sold or traded as collectors' items above their face value, a tax is
24 imposed on all retailers at the rate of 5 percent of the sales price from the sale of such
25 coins and stamps.

1 ***-0377/P10.139* *-4294/P1.126* SECTION 343.** 77.52 (1) (c) of the statutes is
2 created to read:

3 77.52 (1) (c) For the privilege of leasing property that is affixed to real property,
4 a tax is imposed on all retailers at the rate of 5 percent of the sales price from the lease
5 of such property, if the lessor has the right to remove the leased property upon breach
6 or termination of the lease agreement, unless the lessor of the leased property is also
7 the lessor of the real property to which the leased property is affixed.

8 ***-0377/P10.140* SECTION 344.** 77.52 (1) (d) of the statutes is created to read:

9 77.52 (1) (d) A tax is imposed on all retailers at the rate of 5 percent of the sales
10 price from the sale, lease, license, or rental of specified digital goods and additional
11 digital goods at retail for the right to use the specified digital goods or additional
12 digital goods on a permanent or less than permanent basis and regardless of whether
13 the purchaser is required to make continued payments for such right.

14 ***-0377/P10.141* *-4294/P1.127* SECTION 345.** 77.52 (1b) of the statutes is
15 repealed and recreated to read:

16 77.52 (1b) All sales, licenses, leases, or rentals of tangible personal property
17 or items, property, or goods under sub. (1) (b), (c), or (d) at retail in this state are
18 subject to the tax imposed under sub. (1) unless an exemption in this subchapter
19 applies.

20 ***-0377/P10.142* *-4294/P1.128* SECTION 346.** 77.52 (2) (intro.) of the
21 statutes is amended to read:

22 77.52 (2) (intro.) For the privilege of selling, licensing, performing or furnishing
23 the services described under par. (a) at retail in this state, as determined under s.
24 77.522, to consumers or users, regardless of whether the consumer or user has the
25 right of permanent use or less than the right of permanent use and regardless of

1 whether the service is conditioned on continued payment from the purchaser, a tax
2 is imposed upon all persons selling, ~~licensing,~~ performing or furnishing the services
3 at the rate of 5% of the ~~gross receipts~~ sales price from the sale, license, performance
4 or furnishing of the services.

5 ***-0377/P10.143* *-4294/P1.129d* SECTION 347.** 77.52 (2) (a) 5. a. of the
6 statutes is amended to read:

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

16 ***-0377/P10.144* SECTION 348.** 77.52 (2) (a) 5. a. of the statutes, as affected by
17 2009 Wisconsin Act (this act), is amended to read:

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

1 ~~paying in advance and by using an access number and authorization code, except~~
2 ~~sales that are subject to subd. 5. b.~~

3 ***-0377/P10.145* *-4294/P1.130* SECTION 349.** 77.52 (2) (a) 5. am. of the
4 statutes is created to read:

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

7 ***-0377/P10.146* *-4294/P1.131* SECTION 350.** 77.52 (2) (a) 5. b. of the
8 statutes is repealed.

9 ***-0377/P10.147* *-4294/P1.132* SECTION 351.** 77.52 (2) (a) 5. c. of the
10 statutes is created to read:

11 77.52 (2) (a) 5. c. The sale of ancillary services, except detailed
12 telecommunications billing services.

13 ***-0377/P10.148* *-4294/P1.133* SECTION 352.** 77.52 (2) (a) 5m. of the
14 statutes is amended to read:

15 77.52 (2) (a) 5m. The sale of services that consist of recording
16 telecommunications messages and transmitting them to the purchaser of the service
17 or at that purchaser's direction, but not including those services if they are merely
18 an that are taxable under subd. 5. or services that are incidental, as defined in s.
19 77.51 (5), element of to another service that is not taxable under this subchapter and
20 sold to that the purchaser of the incidental service and is not taxable under this
21 subchapter.

22 ***-0377/P10.149* *-4294/P1.134* SECTION 353.** 77.52 (2) (a) 10. of the statutes
23 is amended to read:

24 77.52 (2) (a) 10. Except for services provided by veterinarians and except for
25 installing or applying tangible personal property that, subject to par. (ag), when

1 installed or applied, will constitute an addition or capital improvement of real
2 property, the repair, service, alteration, fitting, cleaning, painting, coating, towing,
3 inspection, and maintenance of all items of tangible personal property or items,
4 property, or goods under s. 77.52 (1) (b), (c), or (d), unless, at the time of that repair,
5 service, alteration, fitting, cleaning, painting, coating, towing, inspection, or
6 maintenance, a sale in this state of the type of property, item, or good repaired,
7 serviced, altered, fitted, cleaned, painted, coated, towed, inspected, or maintained
8 would have been exempt to the customer from sales taxation under this subchapter,
9 other than the exempt sale of a motor vehicle or truck body to a nonresident under
10 s. 77.54 (5) (a) and other than nontaxable sales under s. ~~77.51 (14r)~~ 77.522 or unless
11 the repair, service, alteration, fitting, cleaning, painting, coating, towing, inspection,
12 or maintenance is provided under a contract that is subject to tax under subd. 13m.

13 The tax imposed under this subsection applies to the repair, service, alteration,
14 fitting, cleaning, painting, coating, towing, inspection, or maintenance of items listed
15 in par. (ag), regardless of whether the installation or application of tangible personal
16 property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) related to the
17 items is an addition to or a capital improvement of real property, except that the tax
18 imposed under this subsection does not apply to the original installation or the
19 complete replacement of an item listed in par. (ag), if that installation or replacement
20 is a real property construction activity under s. 77.51 (2).

21 ***-0377/P10.150* *-4294/P1.135m* SECTION 354.** 77.52 (2) (a) 11. of the
22 statutes, as affected by 2007 Wisconsin Act 20, is amended to read:

23 77.52 (2) (a) 11. The producing, fabricating, processing, printing, or imprinting
24 of tangible personal property or items, property, or goods under s. 77.52 (1) (b), (c),
25 or (d) for a consideration for consumers who furnish directly or indirectly the

1 materials used in the producing, fabricating, processing, printing, or imprinting.
2 This subdivision does not apply to the printing or imprinting of tangible personal
3 property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) that results in
4 printed material, catalogs, or envelopes that are exempt under s. 77.54 (25) or (25m).

5 ***-0377/P10.151* *-4294/P1.135* SECTION 355.** 77.52 (2) (a) 13m. of the
6 statutes is created to read:

7 77.52 (2) (a) 13m. The sale of contracts, including service contracts,
8 maintenance agreements, computer software maintenance contracts for prewritten
9 computer software, and warranties, that provide, in whole or in part, for the future
10 performance of or payment for the repair, service, alteration, fitting, cleaning,
11 painting, coating, towing, inspection, or maintenance of tangible personal property
12 or items, property, or goods under s. 77.52 (1) (b), (c), or (d), unless the sale, license,
13 lease, or rental in this state of the property, items, or goods to which the contract
14 relates is or was exempt, to the purchaser of the contract, from taxation under this
15 subchapter.

16 ***-0377/P10.152* *-4294/P1.136* SECTION 356.** 77.52 (2m) (a) of the statutes
17 is amended to read:

18 77.52 (2m) (a) With respect to the services subject to tax under sub. (2), no part
19 of the charge for the service may be deemed a sale or rental of tangible personal
20 property or items, property, or goods under sub. (1) (b), (c), or (d) if the property, items,
21 or goods transferred by the service provider is are incidental to the selling,
22 performing or furnishing of the service, except as provided in par. (b).

23 ***-0377/P10.153* *-4294/P1.137* SECTION 357.** 77.52 (2m) (b) of the statutes
24 is amended to read:

SECTION 357

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

7 ***-0377/P10.154*** ***-4294/P1.138*** **SECTION 358.** 77.52 (2n) of the statutes is
8 repealed and recreated to read:

9 77.52 (2n) The selling, licensing, performing, or furnishing of the services
10 described under sub. (2) (a) at retail in this state, as determined under s. 77.522, is
11 subject to the tax imposed under sub. (2) unless an exemption in this subchapter
12 applies.

13 ***-0377/P10.155*** ***-4294/P1.139*** **SECTION 359.** 77.52 (3m) of the statutes is
14 repealed.

15 ***-0377/P10.156*** ***-4294/P1.140*** **SECTION 360.** 77.52 (3n) of the statutes is
16 repealed.

17 ***-0377/P10.157*** ***-4294/P1.141*** **SECTION 361.** 77.52 (4) of the statutes is
18 amended to read:

19 77.52 (4) It is unlawful for any retailer to advertise or hold out or state to the
20 public or to any customer, directly or indirectly, that the tax or any part thereof will
21 be assumed or absorbed by the retailer or that it will not be added to the selling price
22 of the property or items, property, or goods under s. 77.52 (1) (b), (c), or (d) sold or that
23 if added it, or any part thereof, will be refunded. Any person who violates this
24 subsection is guilty of a misdemeanor.

1 ***-0377/P10.158* *-4294/P1.142* SECTION 362.** 77.52 (6) of the statutes is
2 repealed.

3 ***-0377/P10.159* *-4294/P1.143* SECTION 363.** 77.52 (7) of the statutes is
4 amended to read:

5 77.52 (7) Every person desiring to operate as a seller within this state who
6 holds a valid certificate under s. 73.03 (50) shall file with the department an
7 application for a permit for each place of operations. Every application for a permit
8 shall be made upon a form prescribed by the department and shall set forth the name
9 under which the applicant intends to operate, the location of the applicant's place of
10 operations, and the other information that the department requires. The Except as
11 provided in sub. (7b), the application shall be signed by the owner if a sole proprietor;
12 in the case of sellers other than sole proprietors, the application shall be signed by
13 the person authorized to act on behalf of such sellers. A nonprofit organization that
14 has gross receipts a sales price taxable under s. 77.54 (7m) shall obtain a seller's
15 permit and pay taxes under this subchapter on all taxable gross receipts sales prices
16 received after it is required to obtain that permit. If that organization becomes
17 eligible later for the exemption under s. 77.54 (7m) except for its possession of a
18 seller's permit, it may surrender that permit.

19 ***-0377/P10.160* *-4294/P1.144* SECTION 364.** 77.52 (7b) of the statutes is
20 created to read:

21 77.52 (7b) Any person who may register under sub. (7) may designate an agent,
22 as defined in s. 77.524 (1) (ag), to register with the department under sub. (7), in the
23 manner prescribed by the department.

24 ***-0377/P10.161* *-4294/P1.145* SECTION 365.** 77.52 (12) of the statutes is
25 amended to read:

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

12 ***-0377/P10.162*** ***-4294/P1.146*** SECTION 366. 77.52 (13) of the statutes is
13 amended to read:

14 77.52 (13) For the purpose of the proper administration of this section and to
15 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
16 the tax until the contrary is established. The burden of proving that a sale of tangible
17 personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services
18 is not a taxable sale at retail is upon the person who makes the sale unless that
19 person takes from the purchaser ~~a~~ an electronic or a paper certificate, in a manner
20 prescribed by the department, to the effect that the property, item, good, or service
21 is purchased for resale or is otherwise exempt, except that no certificate is required
22 for sales of cattle, sheep, goats, and pigs that are sold at an animal market, as defined
23 in s. 95.68 (1) (ag), and no certificate is required for sales of commodities, as defined
24 in 7 USC 2, that are consigned for sale in a warehouse in or from which the
25 commodity is deliverable on a contract for future delivery subject to the rules of a

1 commodity market regulated by the U.S. commodity futures trading commission if
2 upon the sale the commodity is not removed from the warehouse the sale of tangible
3 personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services
4 that are exempt under s. 77.54 (7), (7m), (8), (10), (11), (14), (15), (17), (20n), (21),
5 (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46), (51), and (52).

6 ***-0377/P10.163*** ***-4294/P1.147*** SECTION 367. 77.52 (14) (a) (intro.) and 1.
7 and (b) of the statutes are consolidated, renumbered 77.52 (14) (a) and amended to
8 read:

9 77.52 (14) (a) The certificate referred to in sub. (13) relieves the seller from the
10 burden of proof of the tax otherwise applicable only if any of the following is true:
11 1. The certificate is taken in good faith the seller obtains a fully completed exemption
12 certificate, or the information required to prove the exemption, from a person who
13 is engaged as a seller of tangible personal property or taxable services and who holds
14 the permit provided for in sub. (9) and who, at the time of purchasing purchaser no
15 later than 90 days after the date of the sale of the tangible personal property, or items,
16 property, or goods under sub. (1) (b), (c), or (d), or services, intends to sell it in the
17 regular course of operations or is unable to ascertain at the time of purchase whether
18 the property or service will be sold or will be used for some other purpose. (b) except
19 as provided in par. (am). The certificate under sub. (13) shall not relieve the seller
20 of the tax otherwise applicable if the seller fraudulently fails to collect sales tax,
21 solicits the purchaser to claim an unlawful exemption, or accepts an exemption
22 certificate from a purchaser who claims to be an entity that is not subject to the taxes
23 imposed under this subchapter, if the subject of the transaction sought to be covered
24 by the exemption certificate is received by the purchaser at a location operated by the
25 seller in this state and the exemption certificate clearly and affirmatively indicates

1 that the claimed exemption is not available in this state. The certificate referred to
2 in sub. (13) shall be signed by and bear the name and address of provide information
3 that identifies the purchaser, and shall indicate the general character of the tangible
4 personal property or service sold by the purchaser and the basis for the claimed
5 exemption and a paper certificate shall be signed by the purchaser. The certificate
6 shall be in such form as the department prescribes by rule.

7 ***-0377/P10.164* *-4294/P1.148* SECTION 368.** 77.52 (14) (a) 2. of the statutes
8 is repealed.

9 ***-0377/P10.165* *-4294/P1.149* SECTION 369.** 77.52 (14) (am) of the statutes
10 is created to read:

11 77.52 (14) (am) If the seller has not obtained a fully completed exemption
12 certificate or the information required to prove the exemption, as provided in par. (a),
13 the seller may, no later than 120 days after the department requests that the seller
14 substantiate the exemption, either provide proof of the exemption to the department
15 by other means or obtain, in good faith, a fully completed exemption certificate from
16 the purchaser.

17 ***-0377/P10.166* SECTION 370.** 77.52 (14) (bm) of the statutes is created to
18 read:

19 77.52 (14) (bm) A certified service provider is relieved from liability for the tax
20 otherwise applicable to the same extent as the seller, who is the certified service
21 provider's client, is relieved from liability for the tax otherwise applicable under par.
22 (a) or (am).

23 ***-0377/P10.167* *-4294/P1.150* SECTION 371.** 77.52 (15) of the statutes is
24 amended to read:

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

14 *~~-0377/P10.168~~* *~~-4294/P1.151~~* SECTION 372. 77.52 (16) of the statutes is
15 amended to read:

16 77.52 (16) Any person who gives a resale certificate for property, or items,
17 property, or goods under sub. (1) (b), (c), or (d), or services which that person knows
18 at the time of purchase is not to be resold by that person in the regular course of that
19 person's operations as a seller for the purpose of evading payment to the seller of the
20 amount of the tax applicable to the transaction is guilty of a misdemeanor. Any
21 person certifying to the seller that the sale of property, or items, property, or goods
22 under sub. (1) (b), (c), or (d), or taxable service is exempt, knowing at the time of
23 purchase that it is not exempt, for the purpose of evading payment to the seller of the
24 amount of the tax applicable to the transaction, is guilty of a misdemeanor.

1 ***-0377/P10.169* *-4294/P1.152d* SECTION 373.** 77.52 (17m) (b) 6. of the
2 statutes is amended to read:

3 77.52 (17m) (b) 6. The applicant purchases enough tangible personal property
4 or items, property, or goods under s. 77.52 (1) (b), (c), or (d) under circumstances that
5 make it difficult to determine whether the property, items, or goods will be subject
6 to a tax under this subchapter.

7 ***-0377/P10.170* *-4294/P1.152* SECTION 374.** 77.52 (19) of the statutes is
8 amended to read:

9 77.52 (19) The department shall by rule provide for the efficient collection of
10 the taxes imposed by this subchapter on sales of tangible personal property, or items,
11 property, or goods under sub. (1) (b), (c), or (d), or services by persons not regularly
12 engaged in selling at retail in this state or not having a permanent place of business,
13 but who are temporarily engaged in selling from trucks, portable roadside stands,
14 concessions at fairs and carnivals, and the like. The department may authorize such
15 persons to sell property or items, property or goods under sub. (1) (b), (c), or (d) or sell,
16 perform, or furnish services on a permit or nonpermit basis as the department by rule
17 prescribes and failure of any person to comply with such rules constitutes a
18 misdemeanor.

19 ***-0377/P10.171* *-4294/P1.153* SECTION 375.** 77.52 (20) of the statutes is
20 created to read:

21 77.52 (20) (a) Except as provided in par. (b), the entire sales price of a bundled
22 transaction is subject to the tax imposed under this subchapter.

23 (b) At the retailer's option, if the retailer can identify, by reasonable and
24 verifiable standards from the retailer's books and records that are kept in the
25 ordinary course of its business for other purposes, including purposes unrelated to

1 taxes, the portion of the price that is attributable to products that are not subject to
2 the tax imposed under this subchapter, that portion of the sales price is not taxable
3 under this subchapter. This paragraph does not apply to a bundled transaction that
4 contains food and food ingredients, drugs, durable medical equipment, mobility
5 enhancing equipment, prosthetic devices, or medical supplies.

6 ***-0377/P10.172* *-4294/P1.154* SECTION 376.** 77.52 (21) of the statutes is
7 created to read:

8 77.52 (21) A person who provides a product that is not a distinct and
9 identifiable product because it is provided free of charge, as provided in s. 77.51 (3pf)
10 (b), is the consumer of that product and shall pay the tax imposed under this
11 subchapter on the purchase price of that product.

12 ***-0377/P10.173* *-4294/P1.155* SECTION 377.** 77.52 (22) of the statutes is
13 created to read:

14 77.52 (22) With regard to transactions described in s. 77.51 (1f) (b), the service
15 provider is the consumer of the tangible personal property or items, property, or
16 goods under sub. (1) (b), (c), or (d) and shall pay the tax imposed under this
17 subchapter on the purchase price of the property, items, or goods.

18 ***-0377/P10.174* *-4294/P1.156* SECTION 378.** 77.52 (23) of the statutes is
19 created to read:

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

24 ***-0377/P10.175* *-4294/P1.157* SECTION 379.** 77.522 of the statutes is
25 created to read:

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

2 1. "Receive" means taking possession of tangible personal property or items or
3 property under s. 77.52 (1) (b) or (c); making first use of services; or taking possession
4 or making first use of digital goods under s. 77.52 (1) (d), whichever comes first.
5 "Receive" does not include a shipping company taking possession of tangible
6 personal property or items or property under s. 77.52 (1) (b) or (c) on a purchaser's
7 behalf.

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

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

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

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

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

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

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

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

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

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

14 5. If the location of a sale of a product cannot be determined under subds. 1. to
15 4., including the circumstance in which the seller has insufficient information to
16 determine the locations under subds. 1. to 4., the location of the sale is determined
17 as follows:

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

21 b. If the item sold is a digital good or computer software delivered electronically,
22 the sale is sourced to the location from which the computer software was first
23 available for transmission by the seller, not including any location that merely
24 provided the digital transfer of the product sold.

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

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

21 (2) DIGITAL GOODS. (a) If the location of a sale of the digital good under s. 77.52
22 (1) (d) cannot be determined under sub. (1) (b), including the circumstance in which
23 the seller has insufficient information to determine the location under sub. (1) (b),
24 the sale is sourced to the location from which the digital good was first available for

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 *-0377/P10.176* *-4294/P1.158* SECTION 380. 77.523 (title) of the statutes
19 is repealed.

20 *-0377/P10.177* *-4294/P1.159* SECTION 381. 77.523 of the statutes is
21 renumbered 77.59 (9p) (a) and amended to read:

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

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

19 ***-0377/P10.178* *-4294/P1.160* SECTION 382.** 77.524 (1) (a) of the statutes
20 is renumbered 77.524 (1) (am).

21 ***-0377/P10.179* *-4294/P1.161* SECTION 383.** 77.524 (1) (ag) of the statutes
22 is created to read:

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

1 ***-0377/P10.180*** ***-4294/P1.162*** **SECTION 384.** 77.524 (1) (b) of the statutes
2 is renumbered 77.51 (1g) and amended to read:

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

8 ***-0377/P10.181*** ***-4294/P1.163*** **SECTION 385.** 77.525 of the statutes is
9 amended to read:

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

18 ***-0377/P10.182*** ***-4294/P1.164*** **SECTION 386.** 77.53 (1) of the statutes is
19 amended to read:

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

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

10 *~~0377/P10.183~~* *~~4294/P1.165~~* SECTION 387. 77.53 (1b) of the statutes is
11 repealed and recreated to read:

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

17 *~~0377/P10.184~~* *~~4294/P1.166~~* SECTION 388. 77.53 (2) of the statutes is
18 amended to read:

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

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

4 ***-0377/P10.185* *-4294/P1.167* SECTION 389.** 77.53 (3) of the statutes is
5 amended to read:

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

16 ***-0377/P10.186* *-4294/P1.168* SECTION 390.** 77.53 (4) of the statutes is
17 repealed.

18 ***-0377/P10.187* *-4294/P1.169* SECTION 391.** 77.53 (9) of the statutes is
19 amended to read:

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

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

5 ***-0377/P10.188*** ***-4294/P1.170*** SECTION 392. 77.53 (9m) of the statutes is
6 renumbered 77.53 (9m) (a) and amended to read:

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

15 ***-0377/P10.189*** ***-4294/P1.171*** SECTION 393. 77.53 (9m) (b) of the statutes
16 is created to read:

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

20 ***-0377/P10.190*** ***-4294/P1.172*** SECTION 394. 77.53 (9m) (c) of the statutes
21 is created to read:

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

1 ***-0377/P10.191*** ***-4294/P1.173*** **SECTION 395.** 77.53 (10) of the statutes is
2 amended to read:

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

22 ***-0377/P10.192*** ***-4294/P1.174*** **SECTION 396.** 77.53 (11) of the statutes is
23 renumbered 77.53 (11) (a) and amended to read:

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

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

24 * -0377/P10.193* * -4294/P1.175* SECTION 397. 77.53 (11) (b) of the statutes
25 is created to read:

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

7 ***-0377/P10.194*** ***-4294/P1.176*** **SECTION 398.** 77.53 (12) of the statutes is
8 amended to read:

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

15 ***-0377/P10.195*** ***-4294/P1.177*** **SECTION 399.** 77.53 (14) of the statutes is
16 amended to read:

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

20 ***-0377/P10.196*** ***-4294/P1.178*** **SECTION 400.** 77.53 (15) of the statutes is
21 repealed.

22 ***-0377/P10.197*** ***-4294/P1.179*** **SECTION 401.** 77.53 (16) of the statutes is
23 amended to read:

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