

2013 Senate Bill 348 (LRB -2659)

An Act to amend 77.52 (2) (a) 10. and 77.52 (13); and to repeal and recreate 77.54 (5) (a) of the statutes; relating to: the sales and use tax exemption for aircraft parts, maintenance, and labor. (FE)

2013

10-14.	S.	Introduced by Senators Ellis, Lasee, Gudex, Grothman, Cowles and Farrow ; cosponsored by Representatives Steineke, Kaufert, Hintz, Sinicki, Murphy, Kahl, Bies, A. Ott, Bernard Schaber, Pridemore, Sanfelippo, Kuglitsch, Tittl, Ohnstad, Wachs and Bernier.	413
10-14.	S.	Read first time and referred to Committee on Economic Development and Local Government	413
10-22.	S.	Fiscal estimate received	
10-23.	S.	Public hearing held	
10-29.	S.	Report of joint survey committee on Tax Exemptions requested	446
10-29.	S.	Executive action taken	
10-29.	S.	Report passage recommended by Committee on Economic Development and Local Government, Ayes 5, Noes 0	446
10-29.	S.	Available for scheduling	

2014

02-13.	S.	Representative Barca added as a cosponsor	665
02-17.	S.	Placed on calendar 2-18-2014 pursuant to Senate Rule 18(1)	674
02-18.	S.	Report of joint survey committee on Tax Exemptions received	679
02-18.	S.	Senate Amendment 1 offered by Senator Carpenter (LRB a1849)	678
02-18.	S.	Read a second time	682
02-18.	S.	Senate Amendment 2 offered by Senator Carpenter (LRB a1881)	678
02-18.	S.	Senate Amendment 1 laid on table	682
02-18.	S.	Senate Amendment 2 laid on table, Ayes 18, Noes 14	682
02-18.	S.	Ordered to a third reading	682
02-18.	S.	Rules suspended	682
02-18.	S.	Read a third time and passed , Ayes 25, Noes 7	682
02-18.	S.	Ordered immediately messaged	682
02-18.	A.	Received from Senate	672
02-18.	A.	Read first time and referred to joint committee on Finance	672
02-19.	A.	Executive action taken	
03-07.	A.	Report concurrence recommended by Joint Committee on Finance, Ayes 15, Noes 0	728
03-07.	A.	Referred to Committee on Rules	728
03-18.	A.	Made a special order of business at 10:31 AM on 3-20-2014 pursuant to Assembly Resolution 28	767
03-20.	A.	Read a second time	
03-20.	A.	Ordered to a third reading	
03-20.	A.	Rules suspended	
03-20.	A.	Read a third time and concurred in , Ayes 93, Noes 0	
03-20.	A.	Representative Hulse added as a cosponsor	
03-20.	A.	Ordered immediately messaged	
03-21.	S.	Received from Assembly concurred in	

QMB

2013
ENROLLED BILL

13en S.B-348

ADOPTED DOCUMENTS:

Orig Engr SubAmdt

13 265912

Amendments to above (if none, write "NONE"):

None

Corrections - show date (if none, write "NONE"):

None

Topic

Rel

3-25-14

Date

JR Miller

Enrolling Drafter



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-2659/2

JK:jld:ph

2013 SENATE BILL 348

October 14, 2013 – Introduced by Senators ELLIS, LASEE, GUDEX, GROTHMAN, COWLES and FARROW, cosponsored by Representatives STEINEKE, KAUFERT, HINTZ, SINICKI, MURPHY, KAHL, BIES, A. OTT, BERNARD SCHABER, PRIDEMORE, SANFELIPPO, KUGLITSCH, TITTL, OHNSTAD, WACHS and BERNIER. Referred to Committee on Economic Development and Local Government.

1 **AN ACT to amend** 77.52 (2) (a) 10. and 77.52 (13); and **to repeal and recreate**
2 77.54 (5) (a) of the statutes; **relating to:** the sales and use tax exemption for
3 aircraft parts, maintenance, and labor.

Analysis by the Legislative Reference Bureau

Under current law, the sale of aircraft, including accessories, attachments, fuel, and parts, is exempt from the sales and use tax if the aircraft is sold to a person who uses the aircraft as a certified or licensed carrier in interstate or foreign commerce or sold to and used by a foreign government. Also, under current law, the sale of aircraft is exempt from the sales and use tax, if the aircraft is sold to persons who are not state residents and the aircraft is removed from this state. Repair and maintenance services performed on all such aircraft are also exempt from the sales and use tax.

This bill exempts the sale of aircraft parts from the sales and use tax, regardless of how the aircraft is used. In addition, the bill exempts the repair and maintenance of all aircraft and aircraft parts from the sales and use tax.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

SENATE BILL 348

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 77.52 (2) (a) 10. of the statutes is amended to read:

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

SENATE BILL 348

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

5 **SECTION 2.** 77.52 (13) of the statutes is amended to read:

6 77.52 (13) For the purpose of the proper administration of this section and to
7 prevent evasion of the sales tax it shall be presumed that all receipts are subject to
8 the tax until the contrary is established. The burden of proving that a sale of tangible
9 personal property, or items, property, or goods under sub. (1) (b), (c), or (d), or services
10 is not a taxable sale at retail is upon the person who makes the sale unless that
11 person takes from the purchaser an electronic or a paper certificate, in a manner
12 prescribed by the department, to the effect that the property, item, good, or service
13 is purchased for resale or is otherwise exempt, except that no certificate is required
14 for the sale of tangible personal property, or items, property, or goods under sub. (1)
15 (b), (c), or (d), or services that are exempt under s. 77.54 (5) (a) 3., (7), (7m), (8), (10),
16 (11), (14), (15), (17), (20n), (21), (22b), (31), (32), (35), (36), (37), (42), (44), (45), (46),
17 (51), and (52).

18 **SECTION 3.** 77.54 (5) (a) of the statutes is repealed and recreated to read:

19 77.54 (5) (a) 1. Aircraft, including accessories, attachments, and fuel for such
20 aircraft, sold to persons using the aircraft as certified or licensed carriers of persons
21 or property in interstate or foreign commerce under authority of the laws of the
22 United States or any foreign government, or sold to any foreign government for use
23 by such government outside this state.

24 2. Aircraft, including attachments for such aircraft, sold to persons who are not
25 residents of this state and who will not use such aircraft in this state otherwise than

SENATE BILL 348**SECTION 3**

1 in the removal of such aircraft from this state or in the repair, service, alteration,
2 fitting, cleaning, painting, coating, towing, inspection, and maintenance of such
3 aircraft in this state.

4 3. Parts used to modify or repair aircraft.

5 4. Motor vehicles or truck bodies sold to persons who are not residents of this
6 state and who will not use such motor vehicles or trucks for which the truck bodies
7 were made in this state otherwise than in the removal of such motor vehicles or
8 trucks from this state.

9 **SECTION 4. Effective date.**

10 (1) This act takes effect on first day of the 3rd month beginning after
11 publication.

12 (END)