

State of Misconsin 1997 - 1998 LEGISLATURE

## ASSEMBLY SUBSTITUTE AMENDMENT 1, TO 1997 ASSEMBLY BILL 89

February 11, 1998 – Offered by Representative HANDRICK.

1 AN ACT to amend 77.21 (1), 77.51 (4) (c) 6., 77.52 (2) (a) 1. and 77.54 (30) (d); and 2 to create 707.46 (3) of the statutes; relating to: exempting the sales of 3 flex-time time-share property from the sales tax and imposing the real estate 4 transfer fee on all sales of time-share property.

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

5	<b>SECTION 1.</b> 77.21 (1) of the statutes is amended to read:
6	77.21 (1) "Conveyance" includes deeds and other instruments for the passage
7	of ownership interests in real estate, including contracts and assignments of a
8	vendee's interest therein, including instruments that are evidence of a sale of
9	time-share property, as defined in s. 707.02 (32), and including leases for at least 99
10	years but excluding leases for less than 99 years, easements and wills.
11	<b>SECTION 2.</b> 77.51 (4) (c) 6. of the statutes is amended to read:

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77.51 (4) (c) 6. Charges associated with time-share property that is taxable under s. 77.52 (2) (a)  $1 \cdot \text{or } 2$ .

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**SECTION 3.** 77.52 (2) (a) 1. of the statutes is amended to read:

77.52 (2) (a) 1. The furnishing of rooms or lodging to transients by hotelkeepers. 4 5 motel operators and other persons furnishing accommodations that are available to 6 the public, irrespective of whether membership is required for use of the 7 accommodations, not including the furnishing of rooms or lodging through the sale 8 of a time-share property, as defined in s. 707.02 (32), if the use of the rooms or lodging 9 is not fixed at the time of sale as to the starting day or the lodging unit. In this 10 subdivision, "transient" means any person residing for a continuous period of less 11 than one month in a hotel, motel or other furnished accommodations available to the 12public. In this subdivision, "hotel" or "motel" means a building or group of buildings 13in which the public may obtain accommodations for a consideration, including, 14 without limitation, such establishments as inns, motels, tourist homes, tourist 15houses or courts, lodging houses, rooming houses, summer camps, apartment hotels, 16 resort lodges and cabins and any other building or group of buildings in which 17accommodations are available to the public, except accommodations, including 18 mobile homes as defined in s. 66.058 (1) (d), rented for a continuous period of more 19 than one month and accommodations furnished by any hospitals, sanatoriums, or 20nursing homes, or by corporations or associations organized and operated 21exclusively for religious, charitable or educational purposes provided that no part of 22the net earnings of such corporations and associations inures to the benefit of any 23private shareholder or individual.

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**SECTION 4.** 77.54 (30) (d) of the statutes is amended to read:

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1	77.54 (30) (d) In this subsection "residential use" means use in a structure or
2	portion of a structure which is a person's permanent residence, but does not include
3	use in transient accommodations, as specified in s. 77.52 (2) (a) $1{\overline{7}}$ ; time-share
4	property, as defined in s. 707.02 (32); motor homes <del>,</del> ; or travel trailers or other
5	recreational vehicles.
6	<b>SECTION 5.</b> 707.46 (3) of the statutes is created to read:
7	707.46 (3) RECORDING. A contract for the purchase of a time share and any other
8	instrument that is evidence of a purchase of a time share is valid only if it is recorded.
9	SECTION 6. Initial applicability; revenue.
10	(1) The treatment of sections 77.21 (1), 77.51 (4) (c) 6., 77.52 (2) (a) 1., 77.54 (30)
11	(d) and $707.46$ (3) of the statutes first applies to sales that occur on the first day of
12	the 2nd month beginning after publication.
13	(END)