

Effective 5/12/2015

59-12-402.1 State correctional facility sales and use tax -- Base -- Rate -- Collection fees -- Imposition -- Prohibition of military installation development authority imposition of tax.

- (1) As used in this section, "new state correctional facility" means a new prison in the state:
 - (a) that is operated by the Department of Corrections;
 - (b) the construction of which begins on or after May 12, 2015; and
 - (c) that provides a capacity of 2,500 or more inmate beds.
- (2) Subject to the other provisions of this part, a city or town legislative body may impose a tax under this section if the construction of a new state correctional facility has begun within the boundaries of the city or town.
- (3) For purposes of this section, the tax rate may not exceed .5%.
- (4) Except as provided in Subsection (5), a tax under this section shall be imposed on the transactions described in Subsection 59-12-103(1) within the city or town.
- (5) A city or town may not impose a tax under this section on:
 - (a) the sale of:
 - (i) a motor vehicle;
 - (ii) an aircraft;
 - (iii) a watercraft;
 - (iv) a modular home;
 - (v) a manufactured home; or
 - (vi) a mobile home;
 - (b) the sales and uses described in Section 59-12-104 to the extent the sales and uses are exempt under Section 59-12-104; and
 - (c) except as provided in Subsection (7), amounts paid or charged for food and food ingredients.
- (6) For purposes of this section, the location of a transaction shall be determined in accordance with Sections 59-12-211 through 59-12-215.
- (7) A city or town that imposes a tax under this section shall impose the tax on amounts paid or charged for food and food ingredients if the food and food ingredients are sold as part of a bundled transaction attributable to food and food ingredients and tangible personal property other than food and food ingredients.
- (8) A city or town may impose a tax under this section by majority vote of the members of the city or town legislative body.
- (9) A city or town that imposes a tax under this section is not subject to Section 59-12-405.
- (10) A military installation development authority may not impose a tax under this section.

Enacted by Chapter 182, 2015 General Session