

1                                   **SALES AND USE TAX EXEMPTION FOR**  
2                                   **AUTHORIZED CARRIERS**

3                                   2007 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Wayne A. Harper**

6                                   Senate Sponsor: Lyle W. Hillyard

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8                   **LONG TITLE**

9                   **General Description:**

10                   This bill amends the Sales and Use Tax Act relating to an exemption for authorized  
11 carriers.

12                   **Highlighted Provisions:**

13                   This bill:

14                   ▶ exempts from sales and use taxation sales, leases, or uses of tangible personal  
15 property that is installed on a vehicle:

- 16                   • sold or leased to or used by an authorized carrier; and
- 17                   • before the vehicle is placed in service for the first time; and

18                   ▶ makes technical changes.

19                   **Monies Appropriated in this Bill:**

20                   None

21                   **Other Special Clauses:**

22                   This bill takes effect on July 1, 2007.

23                   **Utah Code Sections Affected:**

24                   AMENDS:

25                   **59-12-104**, as last amended by Chapters 181, 182, 217, 218, 219, 220, 246, 268 and  
26 346, Laws of Utah 2006



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **59-12-104** is amended to read:

30 **59-12-104. Exemptions.**

31 The following sales and uses are exempt from the taxes imposed by this chapter:

32 (1) sales of aviation fuel, motor fuel, and special fuel subject to a Utah state excise tax  
33 under Chapter 13, Motor and Special Fuel Tax Act;

34 (2) sales to the state, its institutions, and its political subdivisions; however, this  
35 exemption does not apply to sales of:

36 (a) construction materials except:

37 (i) construction materials purchased by or on behalf of institutions of the public  
38 education system as defined in Utah Constitution Article X, Section 2, provided the  
39 construction materials are clearly identified and segregated and installed or converted to real  
40 property which is owned by institutions of the public education system; and

41 (ii) construction materials purchased by the state, its institutions, or its political  
42 subdivisions which are installed or converted to real property by employees of the state, its  
43 institutions, or its political subdivisions; or

44 (b) tangible personal property in connection with the construction, operation,  
45 maintenance, repair, or replacement of a project, as defined in Section 11-13-103, or facilities  
46 providing additional project capacity, as defined in Section 11-13-103;

47 (3) (a) sales of an item described in Subsection (3)(b) from a vending machine if:

48 (i) the proceeds of each sale do not exceed \$1; and

49 (ii) the seller or operator of the vending machine reports an amount equal to 150% of  
50 the cost of the item described in Subsection (3)(b) as goods consumed; and

51 (b) Subsection (3)(a) applies to:

52 (i) food and food ingredients; or

53 (ii) prepared food;

54 (4) sales of the following to a commercial airline carrier for in-flight consumption:

55 (a) food and food ingredients;

56 (b) prepared food; or

57 (c) services related to Subsection (4)(a) or (b);

58 (5) sales of parts and equipment for installation in aircraft operated by common carriers

59 in interstate or foreign commerce;

60 (6) sales of commercials, motion picture films, prerecorded audio program tapes or  
61 records, and prerecorded video tapes by a producer, distributor, or studio to a motion picture  
62 exhibitor, distributor, or commercial television or radio broadcaster;

63 (7) (a) subject to Subsection (7)(b), sales of cleaning or washing of tangible personal  
64 property if the cleaning or washing of the tangible personal property is not assisted cleaning or  
65 washing of tangible personal property;

66 (b) if a seller that sells at the same business location assisted cleaning or washing of  
67 tangible personal property and cleaning or washing of tangible personal property that is not  
68 assisted cleaning or washing of tangible personal property, the exemption described in  
69 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning  
70 or washing of the tangible personal property; and

71 (c) for purposes of Subsection (7)(b) and in accordance with Title 63, Chapter 46a,  
72 Utah Administrative Rulemaking Act, the commission may make rules:

73 (i) governing the circumstances under which sales are at the same business location;  
74 and

75 (ii) establishing the procedures and requirements for a seller to separately account for  
76 sales of assisted cleaning or washing of tangible personal property;

77 (8) sales made to or by religious or charitable institutions in the conduct of their regular  
78 religious or charitable functions and activities, if the requirements of Section 59-12-104.1 are  
79 fulfilled;

80 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of  
81 this state if the vehicle is both not:

82 (a) registered in this state; and

83 (b) used in this state except as necessary to transport the vehicle to the borders of this  
84 state;

85 (10) (a) amounts paid for an item described in Subsection (10)(b) if:

86 (i) the item is intended for human use; and

87 (ii) (A) a prescription was issued for the item; or

88 (B) the item was purchased by a hospital or other medical facility; and

89 (b) (i) Subsection (10)(a) applies to:

- 90 (A) a drug;
- 91 (B) a syringe; or
- 92 (C) a stoma supply; and
- 93 (ii) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
- 94 commission may by rule define the terms:
  - 95 (A) "syringe"; or
  - 96 (B) "stoma supply";
- 97 (11) sales or use of property, materials, or services used in the construction of or
- 98 incorporated in pollution control facilities allowed by Sections 19-2-123 through 19-2-127;
- 99 (12) (a) sales of an item described in Subsection (12)(c) served by:
  - 100 (i) the following if the item described in Subsection (12)(c) is not available to the
  - 101 general public:
    - 102 (A) a church; or
    - 103 (B) a charitable institution;
  - 104 (ii) an institution of higher education if:
    - 105 (A) the item described in Subsection (12)(c) is not available to the general public; or
    - 106 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan
    - 107 offered by the institution of higher education; or
  - 108 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
    - 109 (i) a medical facility; or
    - 110 (ii) a nursing facility; and
  - 111 (c) Subsections (12)(a) and (b) apply to:
    - 112 (i) food and food ingredients;
    - 113 (ii) prepared food; or
    - 114 (iii) alcoholic beverages;
  - 115 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property
  - 116 by a person:
    - 117 (i) regardless of the number of transactions involving the sale of that tangible personal
    - 118 property by that person; and
    - 119 (ii) not regularly engaged in the business of selling that type of tangible personal
    - 120 property;

121 (b) this Subsection (13) does not apply if:  
122 (i) the sale is one of a series of sales of a character to indicate that the person is  
123 regularly engaged in the business of selling that type of tangible personal property;  
124 (ii) the person holds that person out as regularly engaged in the business of selling that  
125 type of tangible personal property;  
126 (iii) the person sells an item of tangible personal property that the person purchased as  
127 a sale that is exempt under Subsection (25); or  
128 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of  
129 this state in which case the tax is based upon:  
130 (A) the bill of sale or other written evidence of value of the vehicle or vessel being  
131 sold; or  
132 (B) in the absence of a bill of sale or other written evidence of value, the fair market  
133 value of the vehicle or vessel being sold at the time of the sale as determined by the  
134 commission; and  
135 (c) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
136 commission shall make rules establishing the circumstances under which:  
137 (i) a person is regularly engaged in the business of selling a type of tangible personal  
138 property;  
139 (ii) a sale of tangible personal property is one of a series of sales of a character to  
140 indicate that a person is regularly engaged in the business of selling that type of tangible  
141 personal property; or  
142 (iii) a person holds that person out as regularly engaged in the business of selling a type  
143 of tangible personal property;  
144 (14) (a) except as provided in Subsection (14)(b), amounts paid or charged on or after  
145 July 1, 2006, for a purchase or lease by a manufacturing facility other than a cogeneration  
146 facility, for the following:  
147 (i) machinery and equipment that:  
148 (A) is used:  
149 (I) for a manufacturing facility other than a manufacturing facility that is a scrap  
150 recycler described in Subsection 59-12-102(45)(b):  
151 (Aa) in the manufacturing process; and

152 (Bb) to manufacture an item sold as tangible personal property; or  
153 (II) for a manufacturing facility that is a scrap recycler described in Subsection  
154 59-12-102(45)(b), to process an item sold as tangible personal property; and  
155 (B) has an economic life of three or more years; and  
156 (ii) normal operating repair or replacement parts that:  
157 (A) have an economic life of three or more years; and  
158 (B) are used:  
159 (I) for a manufacturing facility in the state other than a manufacturing facility that is a  
160 scrap recycler described in Subsection 59-12-102(45)(b), in the manufacturing process; or  
161 (II) for a manufacturing facility in the state that is a scrap recycler described in  
162 Subsection 59-12-102(45)(b), to process an item sold as tangible personal property;  
163 (b) (i) amounts paid or charged on or after July 1, 2005, for a purchase or lease by a  
164 manufacturing facility that is a cogeneration facility placed in service on or after May 1, 2006,  
165 for the following:  
166 (A) machinery and equipment that:  
167 (I) is used:  
168 (Aa) in the manufacturing process; and  
169 (Bb) to manufacture an item sold as tangible personal property; and  
170 (II) has an economic life of three or more years; and  
171 (B) normal operating repair or replacement parts that:  
172 (I) are used in the manufacturing process in a manufacturing facility in the state; and  
173 (II) have an economic life of three or more years; and  
174 (ii) for amounts paid or charged on or after July 1, 2005, but on or before June 30,  
175 2006, for a purchase or lease described in Subsection (14)(b)(i), a cogeneration facility may  
176 claim the exemption allowed by Subsection (14)(b)(i) by filing for a refund:  
177 (A) for sales and use taxes paid under this chapter on the purchase or lease payment;  
178 and  
179 (B) in accordance with Section 59-12-110;  
180 (c) for purposes of this Subsection (14) and in accordance with Title 63, Chapter 46a,  
181 Utah Administrative Rulemaking Act, the commission:  
182 (i) shall by rule define the term "establishment"; and

183 (ii) may by rule define what constitutes processing an item sold as tangible personal  
184 property; and

185 (d) on or before October 1, 1991, and every five years after October 1, 1991, the  
186 commission shall:

187 (i) review the exemptions described in this Subsection (14) and make  
188 recommendations to the Revenue and Taxation Interim Committee concerning whether the  
189 exemptions should be continued, modified, or repealed; and

190 (ii) include in its report:

191 (A) the cost of the exemptions;

192 (B) the purpose and effectiveness of the exemptions; and

193 (C) the benefits of the exemptions to the state;

194 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:

195 (i) tooling;

196 (ii) special tooling;

197 (iii) support equipment;

198 (iv) special test equipment; or

199 (v) parts used in the repairs or renovations of tooling or equipment described in  
200 Subsections (15)(a)(i) through (iv); and

201 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:

202 (i) the tooling, equipment, or parts are used or consumed exclusively in the  
203 performance of any aerospace or electronics industry contract with the United States  
204 government or any subcontract under that contract; and

205 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),  
206 title to the tooling, equipment, or parts is vested in the United States government as evidenced  
207 by:

208 (A) a government identification tag placed on the tooling, equipment, or parts; or

209 (B) listing on a government-approved property record if placing a government  
210 identification tag on the tooling, equipment, or parts is impractical;

211 (16) sales of newspapers or newspaper subscriptions;

212 (17) (a) except as provided in Subsection (17)(b), tangible personal property traded in  
213 as full or part payment of the purchase price, except that for purposes of calculating sales or use

214 tax upon vehicles not sold by a vehicle dealer, trade-ins are limited to other vehicles only, and  
215 the tax is based upon:

216 (i) the bill of sale or other written evidence of value of the vehicle being sold and the  
217 vehicle being traded in; or

218 (ii) in the absence of a bill of sale or other written evidence of value, the then existing  
219 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the  
220 commission; and

221 (b) notwithstanding Subsection (17)(a), Subsection (17)(a) does not apply to the  
222 following items of tangible personal property traded in as full or part payment of the purchase  
223 price:

224 (i) money;

225 (ii) electricity;

226 (iii) water;

227 (iv) gas; or

228 (v) steam;

229 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property  
230 used or consumed primarily and directly in farming operations, regardless of whether the  
231 tangible personal property:

232 (A) becomes part of real estate; or

233 (B) is installed by a:

234 (I) farmer;

235 (II) contractor; or

236 (III) subcontractor; or

237 (ii) sales of parts used in the repairs or renovations of tangible personal property if the  
238 tangible personal property is exempt under Subsection (18)(a)(i); and

239 (b) notwithstanding Subsection (18)(a), amounts paid or charged for the following  
240 tangible personal property are subject to the taxes imposed by this chapter:

241 (i) (A) subject to Subsection (18)(b)(i)(B), the following tangible personal property if  
242 the tangible personal property is used in a manner that is incidental to farming:

243 (I) machinery;

244 (II) equipment;



245 (III) materials; or  
246 (IV) supplies; and  
247 (B) tangible personal property that is considered to be used in a manner that is  
248 incidental to farming includes:  
249 (I) hand tools; or  
250 (II) maintenance and janitorial equipment and supplies;  
251 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property if the tangible  
252 personal property is used in an activity other than farming; and  
253 (B) tangible personal property that is considered to be used in an activity other than  
254 farming includes:  
255 (I) office equipment and supplies; or  
256 (II) equipment and supplies used in:  
257 (Aa) the sale or distribution of farm products;  
258 (Bb) research; or  
259 (Cc) transportation; or  
260 (iii) a vehicle required to be registered by the laws of this state during the period ending  
261 two years after the date of the vehicle's purchase;  
262 (19) sales of hay;  
263 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or  
264 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or  
265 garden, farm, or other agricultural produce is sold by:  
266 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other  
267 agricultural produce;  
268 (b) an employee of the producer described in Subsection (20)(a); or  
269 (c) a member of the immediate family of the producer described in Subsection (20)(a);  
270 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued  
271 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;;  
272 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,  
273 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,  
274 wholesaler, or retailer for use in packaging tangible personal property to be sold by that  
275 manufacturer, processor, wholesaler, or retailer;

- 276 (23) property stored in the state for resale;
- 277 (24) property brought into the state by a nonresident for his or her own personal use or  
278 enjoyment while within the state, except property purchased for use in Utah by a nonresident  
279 living and working in Utah at the time of purchase;
- 280 (25) property purchased for resale in this state, in the regular course of business, either  
281 in its original form or as an ingredient or component part of a manufactured or compounded  
282 product;
- 283 (26) property upon which a sales or use tax was paid to some other state, or one of its  
284 subdivisions, except that the state shall be paid any difference between the tax paid and the tax  
285 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if  
286 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax  
287 Act;
- 288 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a  
289 person for use in compounding a service taxable under the subsections;
- 290 (28) purchases made in accordance with the special supplemental nutrition program for  
291 women, infants, and children established in 42 U.S.C. Sec. 1786;
- 292 (29) beginning on July 1, 1999, through June 30, 2014, sales or leases of rolls, rollers,  
293 refractory brick, electric motors, or other replacement parts used in the furnaces, mills, or ovens  
294 of a steel mill described in SIC Code 3312 of the 1987 Standard Industrial Classification  
295 Manual of the federal Executive Office of the President, Office of Management and Budget;
- 296 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State  
297 Boating Act, a boat trailer, or an outboard motor if the boat, trailer, or outboard motor is both  
298 not:
  - 299 (a) registered in this state; and
  - 300 (b) used in this state except as necessary to transport the boat, boat trailer, or outboard  
301 motor to the borders of this state;
- 302 (31) sales of aircraft manufactured in Utah if sold for delivery and use outside Utah  
303 where a sales or use tax is not imposed, even if the title is passed in Utah;
- 304 (32) amounts paid for the purchase of telephone service for purposes of providing  
305 telephone service;
- 306 (33) sales ~~[or]~~, leases ~~[of vehicles to]~~, or ~~[use]~~ uses of ~~[vehicles by an authorized~~

307 carrier;] the following:

308       (a) a vehicle by an authorized carrier; or

309       (b) tangible personal property that is installed on a vehicle:

310       (i) sold or leased to or used by an authorized carrier; and

311       (ii) before the vehicle is placed in service for the first time;

312       (34) (a) 45% of the sales price of any new manufactured home; and

313       (b) 100% of the sales price of any used manufactured home;

314       (35) sales relating to schools and fundraising sales;

315       (36) sales or rentals of durable medical equipment if:

316       (a) a person presents a prescription for the durable medical equipment; and

317       (b) the durable medical equipment is used for home use only;

318       (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in

319 Section 72-11-102; and

320       (b) the commission shall by rule determine the method for calculating sales exempt

321 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;

322       (38) sales to a ski resort of:

323       (a) snowmaking equipment;

324       (b) ski slope grooming equipment;

325       (c) passenger ropeways as defined in Section 72-11-102; or

326       (d) parts used in the repairs or renovations of equipment or passenger ropeways

327 described in Subsections (38)(a) through (c);

328       (39) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use;

329       (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for

330 amusement, entertainment, or recreation an unassisted amusement device as defined in Section

331 59-12-102;

332       (b) if a seller that sells or rents at the same business location the right to use or operate

333 for amusement, entertainment, or recreation one or more unassisted amusement devices and

334 one or more assisted amusement devices, the exemption described in Subsection (40)(a)

335 applies if the seller separately accounts for the sales or rentals of the right to use or operate for

336 amusement, entertainment, or recreation for the assisted amusement devices; and

337       (c) for purposes of Subsection (40)(b) and in accordance with Title 63, Chapter 46a,

338 Utah Administrative Rulemaking Act, the commission may make rules:

339 (i) governing the circumstances under which sales are at the same business location;

340 and

341 (ii) establishing the procedures and requirements for a seller to separately account for  
342 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for  
343 assisted amusement devices;

344 (41) sales by the state or a political subdivision of the state, except state institutions of  
345 higher education as defined in Section 53B-3-102, of:

346 (a) photocopies; or

347 (b) other copies of records held or maintained by the state or a political subdivision of  
348 the state;

349 (42) amounts paid for admission to an athletic event at an institution of higher  
350 education that is subject to the provisions of Title IX of the Education Amendments of 1972,  
351 20 U.S.C. Sec. 1681 et seq.;

352 (43) sales of telephone service charged to a prepaid telephone calling card;

353 (44) (a) sales of:

354 (i) hearing aids;

355 (ii) hearing aid accessories; or

356 (iii) except as provided in Subsection (44)(b), parts used in the repairs or renovations  
357 of hearing aids or hearing aid accessories; and

358 (b) for purposes of this Subsection (44), notwithstanding Subsection (44)(a)(iii),  
359 "parts" does not include batteries;

360 (45) (a) sales made to or by:

361 (i) an area agency on aging; or

362 (ii) a senior citizen center owned by a county, city, or town; or

363 (b) sales made by a senior citizen center that contracts with an area agency on aging;

364 (46) sales or leases of semiconductor fabricating, processing, research, or development  
365 materials regardless of whether the semiconductor fabricating, processing, research, or  
366 development materials:

367 (a) actually come into contact with a semiconductor; or

368 (b) ultimately become incorporated into real property;

369 (47) an amount paid by or charged to a purchaser for accommodations and services  
370 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section  
371 59-12-104.2;

372 (48) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary  
373 sports event registration certificate in accordance with Section 41-3-306 for the event period  
374 specified on the temporary sports event registration certificate;

375 (49) sales or uses of electricity, if the sales or uses are:

376 (a) made under a tariff adopted by the Public Service Commission of Utah only for  
377 purchase of electricity produced from a new wind, geothermal, biomass, or solar power energy  
378 source, as designated in the tariff by the Public Service Commission of Utah; and

379 (b) for an amount of electricity that is:

380 (i) unrelated to the amount of electricity used by the person purchasing the electricity  
381 under the tariff described in Subsection (49)(a); and

382 (ii) equivalent to the number of kilowatthours specified in the tariff described in  
383 Subsection (49)(a) that may be purchased under the tariff described in Subsection (49)(a);

384 (50) sales or rentals of mobility enhancing equipment if a person presents a  
385 prescription for the mobility enhancing equipment;

386 (51) sales of water in a:

387 (a) pipe;

388 (b) conduit;

389 (c) ditch; or

390 (d) reservoir;

391 (52) sales of currency or coinage that constitute legal tender of the United States or of a  
392 foreign nation;

393 (53) (a) sales of an item described in Subsection (53)(b) if the item:

394 (i) does not constitute legal tender of any nation; and

395 (ii) has a gold, silver, or platinum content of 80% or more; and

396 (b) Subsection (53)(a) applies to a gold, silver, or platinum:

397 (i) ingot;

398 (ii) bar;

399 (iii) medallion; or

400 (iv) decorative coin;  
401 (54) amounts paid on a sale-leaseback transaction;  
402 (55) sales of a prosthetic device:  
403 (a) for use on or in a human;  
404 (b) for which a prescription is issued; and  
405 (c) to a person that presents a prescription for the prosthetic device;  
406 (56) (a) except as provided in Subsection (56)(b), purchases, leases, or rentals of  
407 machinery or equipment by an establishment described in Subsection (56)(c) if the machinery  
408 or equipment is primarily used in the production or postproduction of the following media for  
409 commercial distribution:  
410 (i) a motion picture;  
411 (ii) a television program;  
412 (iii) a movie made for television;  
413 (iv) a music video;  
414 (v) a commercial;  
415 (vi) a documentary; or  
416 (vii) a medium similar to Subsections (56)(a)(i) through (vi) as determined by the  
417 commission by administrative rule made in accordance with Subsection (56)(d); or  
418 (b) notwithstanding Subsection (56)(a), purchases, leases, or rentals of machinery or  
419 equipment by an establishment described in Subsection (56)(c) that is used for the production  
420 or postproduction of the following are subject to the taxes imposed by this chapter:  
421 (i) a live musical performance;  
422 (ii) a live news program; or  
423 (iii) a live sporting event;  
424 (c) the following establishments listed in the 1997 North American Industry  
425 Classification System of the federal Executive Office of the President, Office of Management  
426 and Budget, apply to Subsections (56)(a) and (b):  
427 (i) NAICS Code 512110; or  
428 (ii) NAICS Code 51219; and  
429 (d) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
430 commission may by rule:

- 431 (i) prescribe what constitutes a medium similar to Subsections (56)(a)(i) through (vi);  
432 or
- 433 (ii) define:
- 434 (A) "commercial distribution";  
435 (B) "live musical performance";  
436 (C) "live news program"; or  
437 (D) "live sporting event";
- 438 (57) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on  
439 or before June 30, 2009, of machinery or equipment that:
- 440 (i) is leased or purchased for or by a facility that:
- 441 (A) is a renewable energy production facility;  
442 (B) is located in the state; and  
443 (C) (I) becomes operational on or after July 1, 2004; or  
444 (II) has its generation capacity increased by one or more megawatts on or after July 1,  
445 2004 as a result of the use of the machinery or equipment;
- 446 (ii) has an economic life of five or more years; and  
447 (iii) is used to make the facility or the increase in capacity of the facility described in  
448 Subsection (57)(a)(i) operational up to the point of interconnection with an existing  
449 transmission grid including:
- 450 (A) a wind turbine;  
451 (B) generating equipment;  
452 (C) a control and monitoring system;  
453 (D) a power line;  
454 (E) substation equipment;  
455 (F) lighting;  
456 (G) fencing;  
457 (H) pipes; or  
458 (I) other equipment used for locating a power line or pole; and
- 459 (b) this Subsection (57) does not apply to:
- 460 (i) machinery or equipment used in construction of:  
461 (A) a new renewable energy production facility; or

462 (B) the increase in the capacity of a renewable energy production facility;  
463 (ii) contracted services required for construction and routine maintenance activities;

464 and

465 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
466 of the facility described in Subsection (57)(a)(i)(C)(II), machinery or equipment used or  
467 acquired after:

468 (A) the renewable energy production facility described in Subsection (57)(a)(i) is  
469 operational as described in Subsection (57)(a)(iii); or

470 (B) the increased capacity described in Subsection (57)(a)(i) is operational as described  
471 in Subsection (57)(a)(iii);

472 (58) (a) leases of seven or more years or purchases made on or after July 1, 2004 but on  
473 or before June 30, 2009, of machinery or equipment that:

474 (i) is leased or purchased for or by a facility that:

475 (A) is a waste energy production facility;

476 (B) is located in the state; and

477 (C) (I) becomes operational on or after July 1, 2004; or

478 (II) has its generation capacity increased by one or more megawatts on or after July 1,  
479 2004 as a result of the use of the machinery or equipment;

480 (ii) has an economic life of five or more years; and

481 (iii) is used to make the facility or the increase in capacity of the facility described in  
482 Subsection (58)(a)(i) operational up to the point of interconnection with an existing  
483 transmission grid including:

484 (A) generating equipment;

485 (B) a control and monitoring system;

486 (C) a power line;

487 (D) substation equipment;

488 (E) lighting;

489 (F) fencing;

490 (G) pipes; or

491 (H) other equipment used for locating a power line or pole; and

492 (b) this Subsection (58) does not apply to:



- 493 (i) machinery or equipment used in construction of:  
494 (A) a new waste energy facility; or  
495 (B) the increase in the capacity of a waste energy facility;  
496 (ii) contracted services required for construction and routine maintenance activities;  
497 and  
498 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
499 described in Subsection (58)(a)(i)(C)(II), machinery or equipment used or acquired after:  
500 (A) the waste energy facility described in Subsection (58)(a)(i) is operational as  
501 described in Subsection (58)(a)(iii); or  
502 (B) the increased capacity described in Subsection (58)(a)(i) is operational as described  
503 in Subsection (58)(a)(iii);  
504 (59) (a) leases of five or more years or purchases made on or after July 1, 2004 but on  
505 or before June 30, 2009, of machinery or equipment that:  
506 (i) is leased or purchased for or by a facility that:  
507 (A) is located in the state;  
508 (B) produces fuel from biomass energy including:  
509 (I) methanol; or  
510 (II) ethanol; and  
511 (C) (I) becomes operational on or after July 1, 2004; or  
512 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004 as  
513 a result of the installation of the machinery or equipment;  
514 (ii) has an economic life of five or more years; and  
515 (iii) is installed on the facility described in Subsection (59)(a)(i);  
516 (b) this Subsection (59) does not apply to:  
517 (i) machinery or equipment used in construction of:  
518 (A) a new facility described in Subsection (59)(a)(i); or  
519 (B) the increase in capacity of the facility described in Subsection (59)(a)(i); or  
520 (ii) contracted services required for construction and routine maintenance activities;  
521 and  
522 (iii) unless the machinery or equipment is used or acquired for an increase in capacity  
523 described in Subsection (59)(a)(i)(C)(II), machinery or equipment used or acquired after:

- 524 (A) the facility described in Subsection (59)(a)(i) is operational; or
- 525 (B) the increased capacity described in Subsection (59)(a)(i) is operational;
- 526 (60) amounts paid to a purchaser as a rebate from the manufacturer of a new vehicle
- 527 for purchasing the new vehicle;
- 528 (61) (a) subject to Subsection (61)(b), sales of tangible personal property to persons
- 529 within this state that is subsequently shipped outside the state and incorporated pursuant to
- 530 contract into and becomes a part of real property located outside of this state, except to the
- 531 extent that the other state or political entity imposes a sales, use, gross receipts, or other similar
- 532 transaction excise tax on it against which the other state or political entity allows a credit for
- 533 taxes imposed by this chapter; and
- 534 (b) the exemption provided for in Subsection (61)(a):
- 535 (i) is allowed only if the exemption is applied:
- 536 (A) in calculating the purchase price of the tangible personal property; and
- 537 (B) to a written contract that is in effect on July 1, 2004; and
- 538 (ii) (A) does not apply beginning on the day on which the contract described in
- 539 Subsection (61)(b)(i):
- 540 (I) is substantially modified; or
- 541 (II) terminates; and
- 542 (B) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,
- 543 the commission may by rule prescribe the circumstances under which a contract is substantially
- 544 modified;
- 545 (62) purchases:
- 546 (a) of one or more of the following items in printed or electronic format:
- 547 (i) a list containing information that includes one or more:
- 548 (A) names; or
- 549 (B) addresses; or
- 550 (ii) a database containing information that includes one or more:
- 551 (A) names; or
- 552 (B) addresses; and
- 553 (b) used to send direct mail;
- 554 (63) redemptions or repurchases of property by a person if that property was:

555 (a) delivered to a pawnbroker as part of a pawn transaction; and  
 556 (b) redeemed or repurchased within the time period established in a written agreement  
 557 between the person and the pawnbroker for redeeming or repurchasing the property;

558 (64) (a) purchases or leases of an item described in Subsection (64)(b) if the item:

559 (i) is purchased or leased by, or on behalf of, a telephone service provider; and

560 (ii) has a useful economic life of one or more years; and

561 (b) the following apply to Subsection (64)(a):

562 (i) telecommunications enabling or facilitating equipment, machinery, or software;

563 (ii) telecommunications equipment, machinery, or software required for 911 service;

564 (iii) telecommunications maintenance or repair equipment, machinery, or software;

565 (iv) telecommunications switching or routing equipment, machinery, or software; or

566 (v) telecommunications transmission equipment, machinery, or software; and

567 (65) (a) beginning on July 1, 2006 and ending on June 30, 2016, purchases of tangible  
 568 personal property used in the research and development of coal-to-liquids, oil shale, or tar  
 569 sands technology; and

570 (b) in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
 571 commission may, for purposes of Subsection (65)(a), make rules defining what constitutes  
 572 tangible personal property used in the research and development of coal-to-liquids, oil shale,  
 573 and tar sands technology.

574 Section 2. **Effective date.**

575 This bill takes effect on July 1, 2007.

**Legislative Review Note**  
 as of 11-15-06 3:00 PM

**Office of Legislative Research and General Counsel**

**Interim Committee Note**  
 as of 12-18-06 3:26 PM

The Revenue and Taxation Interim Committee recommended this bill.

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**H.B. 42 - Sales and Use Tax Exemption for Authorized Carriers**

**Fiscal Note**

2007 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations nor impact state revenues.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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*12/26/2006, 2:47:33 PM, Lead Analyst: Wilko, A.*

**Office of the Legislative Fiscal Analyst**