

**Senator Curtis S. Bramble** proposes the following substitute bill:

**SALES AND USE TAX ACT REVISIONS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

Senate Sponsor: Curtis S. Bramble

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**LONG TITLE**

**General Description:**

This bill amends the Sales and Use Tax Act to address provisions related to the imposition and administration of sales and use taxes and certain taxes, fees, and charges administered by the State Tax Commission and to address the delegates appointed to the governing board of the Streamlined Sales and Use Tax Agreement.

**Highlighted Provisions:**

This bill:

- ▶ defines terms and modifies definitions;
- ▶ addresses the delegates appointed to the governing board of the Streamlined Sales and Use Tax Agreement;
- ▶ addresses the sales and use taxation of a product that is transferred electronically;
- ▶ addresses provisions related to sales and use tax exemption certificates;
- ▶ addresses amnesty for a seller that fails to pay certain taxes, fees, or charges administered by the State Tax Commission; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 This bill takes effect on July 1, 2011.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **59-12-102**, as last amended by Laws of Utah 2010, Chapters 88, 142, 234, and 263

30 **59-12-102.3**, as enacted by Laws of Utah 2008, Chapter 384

31 **59-12-103**, as last amended by Laws of Utah 2010, Chapter 412

32 **59-12-106**, as last amended by Laws of Utah 2008, Chapters 382 and 384

33 **59-12-128**, as last amended by Laws of Utah 2009, Chapter 212



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

36 Section 1. Section **59-12-102** is amended to read:

37 **59-12-102. Definitions.**

38 As used in this chapter:

39 (1) "800 service" means a telecommunications service that:

40 (a) allows a caller to dial a toll-free number without incurring a charge for the call; and

41 (b) is typically marketed:

42 (i) under the name 800 toll-free calling;

43 (ii) under the name 855 toll-free calling;

44 (iii) under the name 866 toll-free calling;

45 (iv) under the name 877 toll-free calling;

46 (v) under the name 888 toll-free calling; or

47 (vi) under a name similar to Subsections (1)(b)(i) through (v) as designated by the

48 Federal Communications Commission.

49 (2) (a) "900 service" means an inbound toll telecommunications service that:

50 (i) a subscriber purchases;

51 (ii) allows a customer of the subscriber described in Subsection (2)(a)(i) to call in to

52 the subscriber's:

53 (A) prerecorded announcement; or

54 (B) live service; and

55 (iii) is typically marketed:

56 (A) under the name 900 service; or

57 (B) under a name similar to Subsection (2)(a)(iii)(A) as designated by the Federal  
58 Communications Commission.

59 (b) "900 service" does not include a charge for:

60 (i) a collection service a seller of a telecommunications service provides to a  
61 subscriber; or

62 (ii) the following a subscriber sells to the subscriber's customer:

63 (A) a product; or

64 (B) a service.

65 (3) (a) "Admission or user fees" includes season passes.

66 (b) "Admission or user fees" does not include annual membership dues to private  
67 organizations.

68 (4) "Agreement" means the Streamlined Sales and Use Tax Agreement adopted on  
69 November 12, 2002, including amendments made to the Streamlined Sales and Use Tax  
70 Agreement after November 12, 2002.

71 (5) "Agreement combined tax rate" means the sum of the tax rates:

72 (a) listed under Subsection (6); and

73 (b) that are imposed within a local taxing jurisdiction.

74 (6) "Agreement sales and use tax" means a tax imposed under:

75 (a) Subsection 59-12-103(2)(a)(i)(A);

76 (b) Subsection 59-12-103(2)(b)(i);

77 (c) Subsection 59-12-103(2)(c)(i);

78 (d) Subsection 59-12-103(2)(d)(i)(A)(I);

79 (e) Section 59-12-204;

80 (f) Section 59-12-401;

81 (g) Section 59-12-402;

82 (h) Section 59-12-703;

83 (i) Section 59-12-802;

84 (j) Section 59-12-804;

85 (k) Section 59-12-1102;

86 (l) Section 59-12-1302;

87 (m) Section 59-12-1402;

- 88 (n) Section 59-12-1802;
- 89 (o) Section 59-12-2003;
- 90 (p) Section 59-12-2103;
- 91 (q) Section 59-12-2213;
- 92 (r) Section 59-12-2214;
- 93 (s) Section 59-12-2215;
- 94 (t) Section 59-12-2216;
- 95 (u) Section 59-12-2217; or
- 96 (v) Section 59-12-2218.
- 97 (7) "Aircraft" is as defined in Section 72-10-102.
- 98 (8) "Aircraft maintenance, repair, and overhaul provider" means a business entity:
- 99 (a) except for an airline as defined in Section 59-2-102 or an affiliated group as defined
- 100 in Subsection 59-12-107(1)(f) of an airline; and
- 101 (b) that has the workers, expertise, and facilities to perform the following, regardless of
- 102 whether the business entity performs the following in this state:
- 103 (i) check, diagnose, overhaul, and repair:
- 104 (A) an onboard system of a fixed wing turbine powered aircraft; and
- 105 (B) the parts that comprise an onboard system of a fixed wing turbine powered aircraft;
- 106 (ii) assemble, change, dismantle, inspect, and test a fixed wing turbine powered aircraft
- 107 engine;
- 108 (iii) perform at least the following maintenance on a fixed wing turbine powered
- 109 aircraft:
- 110 (A) an inspection;
- 111 (B) a repair, including a structural repair or modification;
- 112 (C) changing landing gear; and
- 113 (D) addressing issues related to an aging fixed wing turbine powered aircraft;
- 114 (iv) completely remove the existing paint of a fixed wing turbine powered aircraft and
- 115 completely apply new paint to the fixed wing turbine powered aircraft; and
- 116 (v) refurbish the interior of a fixed wing turbine powered aircraft in a manner that
- 117 results in a change in the fixed wing turbine powered aircraft's certification requirements by the
- 118 authority that certifies the fixed wing turbine powered aircraft.

119 (9) "Alcoholic beverage" means a beverage that:

120 (a) is suitable for human consumption; and

121 (b) contains .5% or more alcohol by volume.

122 (10) (a) "Ancillary service" means a service associated with, or incidental to, the

123 provision of telecommunications service.

124 (b) "Ancillary service" includes:

125 (i) a conference bridging service;

126 (ii) a detailed communications billing service;

127 (iii) directory assistance;

128 (iv) a vertical service; or

129 (v) a voice mail service.

130 (11) "Area agency on aging" is as defined in Section 62A-3-101.

131 (12) "Assisted amusement device" means an amusement device, skill device, or ride  
132 device that is started and stopped by an individual:

133 (a) who is not the purchaser or renter of the right to use or operate the amusement  
134 device, skill device, or ride device; and

135 (b) at the direction of the seller of the right to use the amusement device, skill device,  
136 or ride device.

137 (13) "Assisted cleaning or washing of tangible personal property" means cleaning or  
138 washing of tangible personal property if the cleaning or washing labor is primarily performed  
139 by an individual:

140 (a) who is not the purchaser of the cleaning or washing of the tangible personal  
141 property; and

142 (b) at the direction of the seller of the cleaning or washing of the tangible personal  
143 property.

144 (14) "Authorized carrier" means:

145 (a) in the case of vehicles operated over public highways, the holder of credentials  
146 indicating that the vehicle is or will be operated pursuant to both the International Registration  
147 Plan and the International Fuel Tax Agreement;

148 (b) in the case of aircraft, the holder of a Federal Aviation Administration operating  
149 certificate or air carrier's operating certificate; or

150 (c) in the case of locomotives, freight cars, railroad work equipment, or other rolling  
151 stock, the holder of a certificate issued by the United States Surface Transportation Board.

152 (15) (a) Except as provided in Subsection (15)(b), "biomass energy" means any of the  
153 following that is used as the primary source of energy to produce fuel or electricity:

154 (i) material from a plant or tree; or

155 (ii) other organic matter that is available on a renewable basis, including:

156 (A) slash and brush from forests and woodlands;

157 (B) animal waste;

158 (C) methane produced:

159 (I) at landfills; or

160 (II) as a byproduct of the treatment of wastewater residuals;

161 (D) aquatic plants; and

162 (E) agricultural products.

163 (b) "Biomass energy" does not include:

164 (i) black liquor;

165 (ii) treated woods; or

166 (iii) biomass from municipal solid waste other than methane produced:

167 (A) at landfills; or

168 (B) as a byproduct of the treatment of wastewater residuals.

169 (16) (a) "Bundled transaction" means the sale of two or more items of tangible personal  
170 property, products, or services if the tangible personal property, products, or services are:

171 (i) distinct and identifiable; and

172 (ii) sold for one nonitemized price.

173 (b) "Bundled transaction" does not include:

174 (i) the sale of tangible personal property if the sales price varies, or is negotiable, on

175 the basis of the selection by the purchaser of the items of tangible personal property included in  
176 the transaction;

177 (ii) the sale of real property;

178 (iii) the sale of services to real property;

179 (iv) the retail sale of tangible personal property and a service if:

180 (A) the tangible personal property:

- 181 (I) is essential to the use of the service; and
- 182 (II) is provided exclusively in connection with the service; and
- 183 (B) the service is the true object of the transaction;
- 184 (v) the retail sale of two services if:
  - 185 (A) one service is provided that is essential to the use or receipt of a second service;
  - 186 (B) the first service is provided exclusively in connection with the second service; and
  - 187 (C) the second service is the true object of the transaction;
- 188 (vi) a transaction that includes tangible personal property or a product subject to
- 189 taxation under this chapter and tangible personal property or a product that is not subject to
- 190 taxation under this chapter if the:
  - 191 (A) seller's purchase price of the tangible personal property or product subject to
  - 192 taxation under this chapter is de minimis; or
  - 193 (B) seller's sales price of the tangible personal property or product subject to taxation
  - 194 under this chapter is de minimis; and
  - 195 (vii) the retail sale of tangible personal property that is not subject to taxation under
  - 196 this chapter and tangible personal property that is subject to taxation under this chapter if:
    - 197 (A) that retail sale includes:
      - 198 (I) food and food ingredients;
      - 199 (II) a drug;
      - 200 (III) durable medical equipment;
      - 201 (IV) mobility enhancing equipment;
      - 202 (V) an over-the-counter drug;
      - 203 (VI) a prosthetic device; or
      - 204 (VII) a medical supply; and
    - 205 (B) subject to Subsection (16)(f):
      - 206 (I) the seller's purchase price of the tangible personal property subject to taxation under
      - 207 this chapter is 50% or less of the seller's total purchase price of that retail sale; or
      - 208 (II) the seller's sales price of the tangible personal property subject to taxation under
      - 209 this chapter is 50% or less of the seller's total sales price of that retail sale.
  - 210 (c) (i) For purposes of Subsection (16)(a)(i), tangible personal property, a product, or a
  - 211 service that is distinct and identifiable does not include:

- 212 (A) packaging that:
- 213 (I) accompanies the sale of the tangible personal property, product, or service; and
- 214 (II) is incidental or immaterial to the sale of the tangible personal property, product, or
- 215 service;
- 216 (B) tangible personal property, a product, or a service provided free of charge with the
- 217 purchase of another item of tangible personal property, a product, or a service; or
- 218 (C) an item of tangible personal property, a product, or a service included in the
- 219 definition of "purchase price."
- 220 (ii) For purposes of Subsection (16)(c)(i)(B), an item of tangible personal property, a
- 221 product, or a service is provided free of charge with the purchase of another item of tangible
- 222 personal property, a product, or a service if the sales price of the purchased item of tangible
- 223 personal property, product, or service does not vary depending on the inclusion of the tangible
- 224 personal property, product, or service provided free of charge.
- 225 (d) (i) For purposes of Subsection (16)(a)(ii), property sold for one nonitemized price
- 226 does not include a price that is separately identified by tangible personal property, product, or
- 227 service on the following, regardless of whether the following is in paper format or electronic
- 228 format:
- 229 (A) a binding sales document; or
- 230 (B) another supporting sales-related document that is available to a purchaser.
- 231 (ii) For purposes of Subsection (16)(d)(i), a binding sales document or another
- 232 supporting sales-related document that is available to a purchaser includes:
- 233 (A) a bill of sale;
- 234 (B) a contract;
- 235 (C) an invoice;
- 236 (D) a lease agreement;
- 237 (E) a periodic notice of rates and services;
- 238 (F) a price list;
- 239 (G) a rate card;
- 240 (H) a receipt; or
- 241 (I) a service agreement.
- 242 (e) (i) For purposes of Subsection (16)(b)(vi), the sales price of tangible personal



243 property or a product subject to taxation under this chapter is de minimis if:

244 (A) the seller's purchase price of the tangible personal property or product is 10% or  
245 less of the seller's total purchase price of the bundled transaction; or

246 (B) the seller's sales price of the tangible personal property or product is 10% or less of  
247 the seller's total sales price of the bundled transaction.

248 (ii) For purposes of Subsection (16)(b)(vi), a seller:

249 (A) shall use the seller's purchase price or the seller's sales price to determine if the  
250 purchase price or sales price of the tangible personal property or product subject to taxation  
251 under this chapter is de minimis; and

252 (B) may not use a combination of the seller's purchase price and the seller's sales price  
253 to determine if the purchase price or sales price of the tangible personal property or product  
254 subject to taxation under this chapter is de minimis.

255 (iii) For purposes of Subsection (16)(b)(vi), a seller shall use the full term of a service  
256 contract to determine if the sales price of tangible personal property or a product is de minimis.

257 (f) For purposes of Subsection (16)(b)(vii)(B), a seller may not use a combination of  
258 the seller's purchase price and the seller's sales price to determine if tangible personal property  
259 subject to taxation under this chapter is 50% or less of the seller's total purchase price or sales  
260 price of that retail sale.

261 (17) "Certified automated system" means software certified by the governing board of  
262 the agreement that:

263 (a) calculates the agreement sales and use tax imposed within a local taxing  
264 jurisdiction:

265 (i) on a transaction; and

266 (ii) in the states that are members of the agreement;

267 (b) determines the amount of agreement sales and use tax to remit to a state that is a  
268 member of the agreement; and

269 (c) maintains a record of the transaction described in Subsection (17)(a)(i).

270 (18) "Certified service provider" means an agent certified:

271 (a) by the governing board of the agreement; and

272 (b) to perform all of a seller's sales and use tax functions for an agreement sales and  
273 use tax other than the seller's obligation under Section 59-12-124 to remit a tax on the seller's

274 own purchases.

275 (19) (a) Subject to Subsection (19)(b), "clothing" means all human wearing apparel  
276 suitable for general use.

277 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
278 commission shall make rules:

279 (i) listing the items that constitute "clothing"; and

280 (ii) that are consistent with the list of items that constitute "clothing" under the  
281 agreement.

282 (20) "Coal-to-liquid" means the process of converting coal into a liquid synthetic fuel.

283 (21) "Commercial use" means the use of gas, electricity, heat, coal, fuel oil, or other  
284 fuels that does not constitute industrial use under Subsection (48) or residential use under  
285 Subsection [~~(94)~~ (95)].

286 (22) (a) "Common carrier" means a person engaged in or transacting the business of  
287 transporting passengers, freight, merchandise, or other property for hire within this state.

288 (b) (i) "Common carrier" does not include a person who, at the time the person is  
289 traveling to or from that person's place of employment, transports a passenger to or from the  
290 passenger's place of employment.

291 (ii) For purposes of Subsection (22)(b)(i), in accordance with Title 63G, Chapter 3,  
292 Utah Administrative Rulemaking Act, the commission may make rules defining what  
293 constitutes a person's place of employment.

294 (23) "Component part" includes:

295 (a) poultry, dairy, and other livestock feed, and their components;

296 (b) baling ties and twine used in the baling of hay and straw;

297 (c) fuel used for providing temperature control of orchards and commercial  
298 greenhouses doing a majority of their business in wholesale sales, and for providing power for  
299 off-highway type farm machinery; and

300 (d) feed, seeds, and seedlings.

301 (24) "Computer" means an electronic device that accepts information:

302 (a) (i) in digital form; or

303 (ii) in a form similar to digital form; and

304 (b) manipulates that information for a result based on a sequence of instructions.

305 (25) "Computer software" means a set of coded instructions designed to cause:

306 (a) a computer to perform a task; or

307 (b) automatic data processing equipment to perform a task.

308 (26) (a) "Conference bridging service" means an ancillary service that links two or  
309 more participants of an audio conference call or video conference call.

310 (b) "Conference bridging service" [~~includes~~] may include providing a telephone  
311 number as part of the ancillary service described in Subsection (26)(a).

312 (c) "Conference bridging service" does not include a telecommunications service used  
313 to reach the ancillary service described in Subsection (26)(a).

314 (27) "Construction materials" means any tangible personal property that will be  
315 converted into real property.

316 (28) "Delivered electronically" means delivered to a purchaser by means other than  
317 tangible storage media.

318 (29) (a) "Delivery charge" means a charge:

319 (i) by a seller of:

320 (A) tangible personal property;

321 (B) a product transferred electronically; or

322 (C) services; and

323 (ii) for preparation and delivery of the tangible personal property, product transferred  
324 electronically, or services described in Subsection (29)(a)(i) to a location designated by the  
325 purchaser.

326 (b) "Delivery charge" includes a charge for the following:

327 (i) transportation;

328 (ii) shipping;

329 (iii) postage;

330 (iv) handling;

331 (v) crating; or

332 (vi) packing.

333 (30) "Detailed telecommunications billing service" means an ancillary service of  
334 separately stating information pertaining to individual calls on a customer's billing statement.

335 (31) "Dietary supplement" means a product, other than tobacco, that:

- 336 (a) is intended to supplement the diet;
- 337 (b) contains one or more of the following dietary ingredients:
- 338 (i) a vitamin;
- 339 (ii) a mineral;
- 340 (iii) an herb or other botanical;
- 341 (iv) an amino acid;
- 342 (v) a dietary substance for use by humans to supplement the diet by increasing the total
- 343 dietary intake; or
- 344 (vi) a concentrate, metabolite, constituent, extract, or combination of any ingredient
- 345 described in Subsections (31)(b)(i) through (v);
- 346 (c) (i) except as provided in Subsection (31)(c)(ii), is intended for ingestion in:
- 347 (A) tablet form;
- 348 (B) capsule form;
- 349 (C) powder form;
- 350 (D) softgel form;
- 351 (E) gelcap form; or
- 352 (F) liquid form; or
- 353 (ii) notwithstanding Subsection (31)(c)(i), if the product is not intended for ingestion in
- 354 a form described in Subsections (31)(c)(i)(A) through (F), is not represented:
- 355 (A) as conventional food; and
- 356 (B) for use as a sole item of:
- 357 (I) a meal; or
- 358 (II) the diet; and
- 359 (d) is required to be labeled as a dietary supplement:
- 360 (i) identifiable by the "Supplemental Facts" box found on the label; and
- 361 (ii) as required by 21 C.F.R. Sec. 101.36.
- 362 (32) (a) "Direct mail" means printed material delivered or distributed by United States
- 363 mail or other delivery service:
- 364 (i) to:
- 365 (A) a mass audience; or
- 366 (B) addressees on a mailing list provided:

- 367 (I) by a purchaser of the mailing list; or
- 368 (II) at the discretion of the purchaser of the mailing list; and
- 369 (ii) if the cost of the printed material is not billed directly to the recipients.
- 370 (b) "Direct mail" includes tangible personal property supplied directly or indirectly by a
- 371 purchaser to a seller of direct mail for inclusion in a package containing the printed material.
- 372 (c) "Direct mail" does not include multiple items of printed material delivered to a
- 373 single address.
- 374 (33) "Directory assistance" means an ancillary service of providing:
- 375 (a) address information; or
- 376 (b) telephone number information.
- 377 (34) (a) "Disposable home medical equipment or supplies" means medical equipment
- 378 or supplies that:
- 379 (i) cannot withstand repeated use; and
- 380 (ii) are purchased by, for, or on behalf of a person other than:
- 381 (A) a health care facility as defined in Section 26-21-2;
- 382 (B) a health care provider as defined in Section 78B-3-403;
- 383 (C) an office of a health care provider described in Subsection (34)(a)(ii)(B); or
- 384 (D) a person similar to a person described in Subsections (34)(a)(ii)(A) through (C).
- 385 (b) "Disposable home medical equipment or supplies" does not include:
- 386 (i) a drug;
- 387 (ii) durable medical equipment;
- 388 (iii) a hearing aid;
- 389 (iv) a hearing aid accessory;
- 390 (v) mobility enhancing equipment; or
- 391 (vi) tangible personal property used to correct impaired vision, including:
- 392 (A) eyeglasses; or
- 393 (B) contact lenses.
- 394 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 395 commission may by rule define what constitutes medical equipment or supplies.
- 396 (35) (a) "Drug" means a compound, substance, or preparation, or a component of a
- 397 compound, substance, or preparation that is:

- 398 (i) recognized in:
- 399 (A) the official United States Pharmacopoeia;
- 400 (B) the official Homeopathic Pharmacopoeia of the United States;
- 401 (C) the official National Formulary; or
- 402 (D) a supplement to a publication listed in Subsections (35)(a)(i)(A) through (C);
- 403 (ii) intended for use in the:
- 404 (A) diagnosis of disease;
- 405 (B) cure of disease;
- 406 (C) mitigation of disease;
- 407 (D) treatment of disease; or
- 408 (E) prevention of disease; or
- 409 (iii) intended to affect:
- 410 (A) the structure of the body; or
- 411 (B) any function of the body.
- 412 (b) "Drug" does not include:
- 413 (i) food and food ingredients;
- 414 (ii) a dietary supplement;
- 415 (iii) an alcoholic beverage; or
- 416 (iv) a prosthetic device.
- 417 (36) (a) Except as provided in Subsection (36)(c), "durable medical equipment" means
- 418 equipment that:
- 419 (i) can withstand repeated use;
- 420 (ii) is primarily and customarily used to serve a medical purpose;
- 421 (iii) generally is not useful to a person in the absence of illness or injury; and
- 422 (iv) is not worn in or on the body.
- 423 (b) "Durable medical equipment" includes parts used in the repair or replacement of the
- 424 equipment described in Subsection (36)(a).
- 425 (c) Notwithstanding Subsection (36)(a), "durable medical equipment" does not include
- 426 mobility enhancing equipment.
- 427 (37) "Electronic" means:
- 428 (a) relating to technology; and

- 429 (b) having:
- 430 (i) electrical capabilities;
- 431 (ii) digital capabilities;
- 432 (iii) magnetic capabilities;
- 433 (iv) wireless capabilities;
- 434 (v) optical capabilities;
- 435 (vi) electromagnetic capabilities; or
- 436 (vii) capabilities similar to Subsections (37)(b)(i) through (vi).
- 437 (38) "Employee" is as defined in Section 59-10-401.
- 438 (39) "Fixed guideway" means a public transit facility that uses and occupies:
- 439 (a) rail for the use of public transit; or
- 440 (b) a separate right-of-way for the use of public transit.
- 441 (40) "Fixed wing turbine powered aircraft" means an aircraft that:
- 442 (a) is powered by turbine engines;
- 443 (b) operates on jet fuel; and
- 444 (c) has wings that are permanently attached to the fuselage of the aircraft.
- 445 (41) "Fixed wireless service" means a telecommunications service that provides radio
- 446 communication between fixed points.
- 447 (42) (a) "Food and food ingredients" means substances:
- 448 (i) regardless of whether the substances are in:
- 449 (A) liquid form;
- 450 (B) concentrated form;
- 451 (C) solid form;
- 452 (D) frozen form;
- 453 (E) dried form; or
- 454 (F) dehydrated form; and
- 455 (ii) that are:
- 456 (A) sold for:
- 457 (I) ingestion by humans; or
- 458 (II) chewing by humans; and
- 459 (B) consumed for the substance's:

- 460 (I) taste; or
- 461 (II) nutritional value.
- 462 (b) "Food and food ingredients" includes an item described in Subsection (78)(b)(iii).
- 463 (c) "Food and food ingredients" does not include:
- 464 (i) an alcoholic beverage;
- 465 (ii) tobacco; or
- 466 (iii) prepared food.
- 467 (43) (a) "Fundraising sales" means sales:
- 468 (i) (A) made by a school; or
- 469 (B) made by a school student;
- 470 (ii) that are for the purpose of raising funds for the school to purchase equipment,
- 471 materials, or provide transportation; and
- 472 (iii) that are part of an officially sanctioned school activity.
- 473 (b) For purposes of Subsection (43)(a)(iii), "officially sanctioned school activity"
- 474 means a school activity:
- 475 (i) that is conducted in accordance with a formal policy adopted by the school or school
- 476 district governing the authorization and supervision of fundraising activities;
- 477 (ii) that does not directly or indirectly compensate an individual teacher or other
- 478 educational personnel by direct payment, commissions, or payment in kind; and
- 479 (iii) the net or gross revenues from which are deposited in a dedicated account
- 480 controlled by the school or school district.
- 481 (44) "Geothermal energy" means energy contained in heat that continuously flows
- 482 outward from the earth that is used as the sole source of energy to produce electricity.
- 483 (45) "Governing board of the agreement" means the governing board of the agreement
- 484 that is:
- 485 (a) authorized to administer the agreement; and
- 486 (b) established in accordance with the agreement.
- 487 (46) (a) For purposes of Subsection 59-12-104(41), "governmental entity" means:
- 488 (i) the executive branch of the state, including all departments, institutions, boards,
- 489 divisions, bureaus, offices, commissions, and committees;
- 490 (ii) the judicial branch of the state, including the courts, the Judicial Council, the



491 Office of the Court Administrator, and similar administrative units in the judicial branch;  
492 (iii) the legislative branch of the state, including the House of Representatives, the  
493 Senate, the Legislative Printing Office, the Office of Legislative Research and General  
494 Counsel, the Office of the Legislative Auditor General, and the Office of the Legislative Fiscal  
495 Analyst;  
496 (iv) the National Guard;  
497 (v) an independent entity as defined in Section 63E-1-102; or  
498 (vi) a political subdivision as defined in Section 17B-1-102.  
499 (b) "Governmental entity" does not include the state systems of public and higher  
500 education, including:  
501 (i) a college campus of the Utah College of Applied Technology;  
502 (ii) a school;  
503 (iii) the State Board of Education;  
504 (iv) the State Board of Regents; or  
505 (v) a state institution of higher education as defined in Section 53B-3-102.  
506 (47) "Hydroelectric energy" means water used as the sole source of energy to produce  
507 electricity.  
508 (48) "Industrial use" means the use of natural gas, electricity, heat, coal, fuel oil, or  
509 other fuels:  
510 (a) in mining or extraction of minerals;  
511 (b) in agricultural operations to produce an agricultural product up to the time of  
512 harvest or placing the agricultural product into a storage facility, including:  
513 (i) commercial greenhouses;  
514 (ii) irrigation pumps;  
515 (iii) farm machinery;  
516 (iv) implements of husbandry as defined in Subsection 41-1a-102(23) that are not  
517 registered under Title 41, Chapter 1a, Part 2, Registration; and  
518 (v) other farming activities;  
519 (c) in manufacturing tangible personal property at an establishment described in SIC  
520 Codes 2000 to 3999 of the 1987 Standard Industrial Classification Manual of the federal  
521 Executive Office of the President, Office of Management and Budget;

522 (d) by a scrap recycler if:

523 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process  
524 one or more of the following items into prepared grades of processed materials for use in new  
525 products:

526 (A) iron;

527 (B) steel;

528 (C) nonferrous metal;

529 (D) paper;

530 (E) glass;

531 (F) plastic;

532 (G) textile; or

533 (H) rubber; and

534 (ii) the new products under Subsection (48)(d)(i) would otherwise be made with  
535 nonrecycled materials; or

536 (e) in producing a form of energy or steam described in Subsection 54-2-1(2)(a) by a  
537 cogeneration facility as defined in Section 54-2-1.

538 (49) (a) Except as provided in Subsection (49)(b), "installation charge" means a charge  
539 for installing:

540 (i) tangible personal property; or

541 (ii) a product transferred electronically.

542 (b) "Installation charge" does not include a charge for:

543 (i) repairs or renovations of:

544 [(†)] (A) tangible personal property; or

545 [(†)] (B) a product transferred electronically[:]; or

546 (ii) attaching tangible personal property or a product transferred electronically:

547 (A) to other tangible personal property; and

548 (B) as part of a manufacturing or fabrication process.

549 (50) (a) "Lease" or "rental" means a transfer of possession or control of tangible  
550 personal property or a product transferred electronically for:

551 (i) (A) a fixed term; or

552 (B) an indeterminate term; and

553 (ii) consideration.

554 (b) "Lease" or "rental" includes an agreement covering a motor vehicle and trailer if the  
555 amount of consideration may be increased or decreased by reference to the amount realized  
556 upon sale or disposition of the property as defined in Section 7701(h)(1), Internal Revenue  
557 Code.

558 (c) "Lease" or "rental" does not include:

559 (i) a transfer of possession or control of property under a security agreement or  
560 deferred payment plan that requires the transfer of title upon completion of the required  
561 payments;

562 (ii) a transfer of possession or control of property under an agreement that requires the  
563 transfer of title:

564 (A) upon completion of required payments; and

565 (B) if the payment of an option price does not exceed the greater of:

566 (I) \$100; or

567 (II) 1% of the total required payments; or

568 (iii) providing tangible personal property along with an operator for a fixed period of  
569 time or an indeterminate period of time if the operator is necessary for equipment to perform as  
570 designed.

571 (d) For purposes of Subsection (50)(c)(iii), an operator is necessary for equipment to  
572 perform as designed if the operator's duties exceed the:

573 (i) set-up of tangible personal property;

574 (ii) maintenance of tangible personal property; or

575 (iii) inspection of tangible personal property.

576 (51) "Load and leave" means delivery to a purchaser by use of a tangible storage media  
577 if the tangible storage media is not physically transferred to the purchaser.

578 (52) "Local taxing jurisdiction" means a:

579 (a) county that is authorized to impose an agreement sales and use tax;

580 (b) city that is authorized to impose an agreement sales and use tax; or

581 (c) town that is authorized to impose an agreement sales and use tax.

582 (53) "Manufactured home" is as defined in Section 58-56-3.

583 (54) For purposes of Section 59-12-104, "manufacturing facility" means:

- 584 (a) an establishment described in SIC Codes 2000 to 3999 of the 1987 Standard  
585 Industrial Classification Manual of the federal Executive Office of the President, Office of  
586 Management and Budget;
- 587 (b) a scrap recycler if:
- 588 (i) from a fixed location, the scrap recycler utilizes machinery or equipment to process  
589 one or more of the following items into prepared grades of processed materials for use in new  
590 products:
- 591 (A) iron;
  - 592 (B) steel;
  - 593 (C) nonferrous metal;
  - 594 (D) paper;
  - 595 (E) glass;
  - 596 (F) plastic;
  - 597 (G) textile; or
  - 598 (H) rubber; and
- 599 (ii) the new products under Subsection (54)(b)(i) would otherwise be made with  
600 nonrecycled materials; or
- 601 (c) a cogeneration facility as defined in Section 54-2-1.
- 602 (55) "Member of the immediate family of the producer" means a person who is related  
603 to a producer described in Subsection 59-12-104(20)(a) as a:
- 604 (a) child or stepchild, regardless of whether the child or stepchild is:
    - 605 (i) an adopted child or adopted stepchild; or
    - 606 (ii) a foster child or foster stepchild;
  - 607 (b) grandchild or stepgrandchild;
  - 608 (c) grandparent or stepgrandparent;
  - 609 (d) nephew or stepnephew;
  - 610 (e) niece or stepniece;
  - 611 (f) parent or stepparent;
  - 612 (g) sibling or stepsibling;
  - 613 (h) spouse;
  - 614 (i) person who is the spouse of a person described in Subsections (55)(a) through (g);

615 or

616 (j) person similar to a person described in Subsections (55)(a) through (i) as  
617 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah  
618 Administrative Rulemaking Act.

619 (56) "Mobile home" is as defined in Section 58-56-3.

620 (57) "Mobile telecommunications service" is as defined in the Mobile  
621 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

622 (58) (a) "Mobile wireless service" means a telecommunications service, regardless of  
623 the technology used, if:

- 624 (i) the origination point of the conveyance, routing, or transmission is not fixed;
- 625 (ii) the termination point of the conveyance, routing, or transmission is not fixed; or
- 626 (iii) the origination point described in Subsection (58)(a)(i) and the termination point  
627 described in Subsection (58)(a)(ii) are not fixed.

628 (b) "Mobile wireless service" includes a telecommunications service that is provided  
629 by a commercial mobile radio service provider.

630 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
631 commission may by rule define "commercial mobile radio service provider."

632 (59) (a) Except as provided in Subsection (59)(c), "mobility enhancing equipment"  
633 means equipment that is:

- 634 (i) primarily and customarily used to provide or increase the ability to move from one  
635 place to another;
- 636 (ii) appropriate for use in a:
  - 637 (A) home; or
  - 638 (B) motor vehicle; and
- 639 (iii) not generally used by persons with normal mobility.

640 (b) "Mobility enhancing equipment" includes parts used in the repair or replacement of  
641 the equipment described in Subsection (59)(a).

642 (c) Notwithstanding Subsection (59)(a), "mobility enhancing equipment" does not  
643 include:

- 644 (i) a motor vehicle;
- 645 (ii) equipment on a motor vehicle if that equipment is normally provided by the motor

646 vehicle manufacturer;

647 (iii) durable medical equipment; or

648 (iv) a prosthetic device.

649 (60) "Model 1 seller" means a seller registered under the agreement that has selected a  
650 certified service provider as the seller's agent to perform all of the seller's sales and use tax  
651 functions for agreement sales and use taxes other than the seller's obligation under Section  
652 59-12-124 to remit a tax on the seller's own purchases.

653 (61) "Model 2 seller" means a seller registered under the agreement that:

654 (a) except as provided in Subsection (61)(b), has selected a certified automated system  
655 to perform the seller's sales tax functions for agreement sales and use taxes; and

656 (b) notwithstanding Subsection (61)(a), retains responsibility for remitting all of the  
657 sales tax:

658 (i) collected by the seller; and

659 (ii) to the appropriate local taxing jurisdiction.

660 (62) (a) Subject to Subsection (62)(b), "model 3 seller" means a seller registered under  
661 the agreement that has:

662 (i) sales in at least five states that are members of the agreement;

663 (ii) total annual sales revenues of at least \$500,000,000;

664 (iii) a proprietary system that calculates the amount of tax:

665 (A) for an agreement sales and use tax; and

666 (B) due to each local taxing jurisdiction; and

667 (iv) entered into a performance agreement with the governing board of the agreement.

668 (b) For purposes of Subsection (62)(a), "model 3 seller" includes an affiliated group of  
669 sellers using the same proprietary system.

670 (63) "Model 4 seller" means a seller that is registered under the agreement and is not a  
671 model 1 seller, model 2 seller, or model 3 seller.

672 (64) "Modular home" means a modular unit as defined in Section 58-56-3.

673 (65) "Motor vehicle" is as defined in Section 41-1a-102.

674 (66) "Oil shale" means a group of fine black to dark brown shales containing  
675 bituminous material that yields petroleum upon distillation.

676 (67) (a) "Other fuels" means products that burn independently to produce heat or

677 energy.

678 (b) "Other fuels" includes oxygen when it is used in the manufacturing of tangible  
679 personal property.

680 (68) (a) "Paging service" means a telecommunications service that provides  
681 transmission of a coded radio signal for the purpose of activating a specific pager.

682 (b) For purposes of Subsection (68)(a), the transmission of a coded radio signal  
683 includes a transmission by message or sound.

684 (69) "Pawnbroker" is as defined in Section 13-32a-102.

685 (70) "Pawn transaction" is as defined in Section 13-32a-102.

686 (71) (a) "Permanently attached to real property" means that for tangible personal  
687 property attached to real property:

688 (i) the attachment of the tangible personal property to the real property:

689 (A) is essential to the use of the tangible personal property; and

690 (B) suggests that the tangible personal property will remain attached to the real  
691 property in the same place over the useful life of the tangible personal property; or

692 (ii) if the tangible personal property is detached from the real property, the detachment  
693 would:

694 (A) cause substantial damage to the tangible personal property; or

695 (B) require substantial alteration or repair of the real property to which the tangible  
696 personal property is attached.

697 (b) "Permanently attached to real property" includes:

698 (i) the attachment of an accessory to the tangible personal property if the accessory is:

699 (A) essential to the operation of the tangible personal property; and

700 (B) attached only to facilitate the operation of the tangible personal property;

701 (ii) a temporary detachment of tangible personal property from real property for a  
702 repair or renovation if the repair or renovation is performed where the tangible personal

703 property and real property are located; or

704 (iii) property attached to oil, gas, or water pipelines, except for the property listed in  
705 Subsection (71)(c)(iii) or (iv).

706 (c) "Permanently attached to real property" does not include:

707 (i) the attachment of portable or movable tangible personal property to real property if

708 that portable or movable tangible personal property is attached to real property only for:

709 (A) convenience;

710 (B) stability; or

711 (C) for an obvious temporary purpose;

712 (ii) the detachment of tangible personal property from real property except for the  
713 detachment described in Subsection (71)(b)(ii);

714 (iii) an attachment of the following tangible personal property to real property if the  
715 attachment to real property is only through a line that supplies water, electricity, gas,  
716 telecommunications, cable, or supplies a similar item as determined by the commission by rule  
717 made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:

718 (A) a computer;

719 (B) a telephone;

720 (C) a television; or

721 (D) tangible personal property similar to Subsections (71)(c)(iii)(A) through (C) as  
722 determined by the commission by rule made in accordance with Title 63G, Chapter 3, Utah  
723 Administrative Rulemaking Act; or

724 (iv) an item listed in Subsection [~~(111)~~] (112)(c).

725 (72) "Person" includes any individual, firm, partnership, joint venture, association,  
726 corporation, estate, trust, business trust, receiver, syndicate, this state, any county, city,  
727 municipality, district, or other local governmental entity of the state, or any group or  
728 combination acting as a unit.

729 (73) "Place of primary use":

730 (a) for telecommunications service other than mobile telecommunications service,  
731 means the street address representative of where the customer's use of the telecommunications  
732 service primarily occurs, which shall be:

733 (i) the residential street address of the customer; or

734 (ii) the primary business street address of the customer; or

735 (b) for mobile telecommunications service, is as defined in the Mobile  
736 Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

737 (74) (a) "Postpaid calling service" means a telecommunications service a person  
738 obtains by making a payment on a call-by-call basis:



- 739 (i) through the use of a:
- 740 (A) bank card;
- 741 (B) credit card;
- 742 (C) debit card; or
- 743 (D) travel card; or
- 744 (ii) by a charge made to a telephone number that is not associated with the origination
- 745 or termination of the telecommunications service.
- 746 (b) "Postpaid calling service" includes a service, except for a prepaid wireless calling
- 747 service, that would be a prepaid wireless calling service if the service were exclusively a
- 748 telecommunications service.
- 749 (75) "Postproduction" means an activity related to the finishing or duplication of a
- 750 medium described in Subsection 59-12-104(54)(a).
- 751 (76) "Prepaid calling service" means a telecommunications service:
- 752 (a) that allows a purchaser access to telecommunications service that is exclusively
- 753 telecommunications service;
- 754 (b) that:
- 755 (i) is paid for in advance; and
- 756 (ii) enables the origination of a call using an:
- 757 (A) access number; or
- 758 (B) authorization code;
- 759 (c) that is dialed:
- 760 (i) manually; or
- 761 (ii) electronically; and
- 762 (d) sold in predetermined units or dollars that decline:
- 763 (i) by a known amount; and
- 764 (ii) with use.
- 765 (77) "Prepaid wireless calling service" means a telecommunications service:
- 766 (a) that provides the right to utilize:
- 767 (i) mobile wireless service; and
- 768 (ii) other service that is not a telecommunications service, including:
- 769 (A) the download of a product transferred electronically;

- 770 (B) a content service; or
- 771 (C) an ancillary service;
- 772 (b) that:
- 773 (i) is paid for in advance; and
- 774 (ii) enables the origination of a call using an:
- 775 (A) access number; or
- 776 (B) authorization code;
- 777 (c) that is dialed:
- 778 (i) manually; or
- 779 (ii) electronically; and
- 780 (d) sold in predetermined units or dollars that decline:
- 781 (i) by a known amount; and
- 782 (ii) with use.
- 783 (78) (a) "Prepared food" means:
- 784 (i) food:
- 785 (A) sold in a heated state; or
- 786 (B) heated by a seller;
- 787 (ii) two or more food ingredients mixed or combined by the seller for sale as a single
- 788 item; or
- 789 (iii) except as provided in Subsection (78)(c), food sold with an eating utensil provided
- 790 by the seller, including a:
- 791 (A) plate;
- 792 (B) knife;
- 793 (C) fork;
- 794 (D) spoon;
- 795 (E) glass;
- 796 (F) cup;
- 797 (G) napkin; or
- 798 (H) straw.
- 799 (b) "Prepared food" does not include:
- 800 (i) food that a seller only;

- 801 (A) cuts;
- 802 (B) repackages; or
- 803 (C) pasteurizes; or
- 804 (ii) (A) the following:
  - 805 (I) raw egg;
  - 806 (II) raw fish;
  - 807 (III) raw meat;
  - 808 (IV) raw poultry; or
  - 809 (V) a food containing an item described in Subsections (78)(b)(ii)(A)(I) through (IV);
  - 810 and
  - 811 (B) if the Food and Drug Administration recommends in Chapter 3, Part 401.11 of the
  - 812 Food and Drug Administration's Food Code that a consumer cook the items described in
  - 813 Subsection (78)(b)(ii)(A) to prevent food borne illness; or
  - 814 (iii) the following if sold without eating utensils provided by the seller:
    - 815 (A) food and food ingredients sold by a seller if the seller's proper primary
    - 816 classification under the 2002 North American Industry Classification System of the federal
    - 817 Executive Office of the President, Office of Management and Budget, is manufacturing in
    - 818 Sector 311, Food Manufacturing, except for Subsector 3118, Bakeries and Tortilla
    - 819 Manufacturing;
    - 820 (B) food and food ingredients sold in an unheated state:
      - 821 (I) by weight or volume; and
      - 822 (II) as a single item; or
      - 823 (C) a bakery item, including:
        - 824 (I) a bagel;
        - 825 (II) a bar;
        - 826 (III) a biscuit;
        - 827 (IV) bread;
        - 828 (V) a bun;
        - 829 (VI) a cake;
        - 830 (VII) a cookie;
        - 831 (VIII) a croissant;

- 832 (IX) a danish;
- 833 (X) a donut;
- 834 (XI) a muffin;
- 835 (XII) a pastry;
- 836 (XIII) a pie;
- 837 (XIV) a roll;
- 838 (XV) a tart;
- 839 (XVI) a torte; or
- 840 (XVII) a tortilla.
- 841 (c) Notwithstanding Subsection (78)(a)(iii), an eating utensil provided by the seller
- 842 does not include the following used to transport the food:
  - 843 (i) a container; or
  - 844 (ii) packaging.
- 845 (79) "Prescription" means an order, formula, or recipe that is issued:
  - 846 (a) (i) orally;
  - 847 (ii) in writing;
  - 848 (iii) electronically; or
  - 849 (iv) by any other manner of transmission; and
  - 850 (b) by a licensed practitioner authorized by the laws of a state.
- 851 (80) (a) Except as provided in Subsection (80)(b)(ii) or (iii), "prewritten computer
- 852 software" means computer software that is not designed and developed:
  - 853 (i) by the author or other creator of the computer software; and
  - 854 (ii) to the specifications of a specific purchaser.
- 855 (b) "Prewritten computer software" includes:
  - 856 (i) a prewritten upgrade to computer software if the prewritten upgrade to the computer
  - 857 software is not designed and developed:
    - 858 (A) by the author or other creator of the computer software; and
    - 859 (B) to the specifications of a specific purchaser;
  - 860 (ii) notwithstanding Subsection (80)(a), computer software designed and developed by
  - 861 the author or other creator of the computer software to the specifications of a specific purchaser
  - 862 if the computer software is sold to a person other than the purchaser; or

863 (iii) notwithstanding Subsection (80)(a) and except as provided in Subsection (80)(c),  
864 prewritten computer software or a prewritten portion of prewritten computer software:

865 (A) that is modified or enhanced to any degree; and

866 (B) if the modification or enhancement described in Subsection (80)(b)(iii)(A) is  
867 designed and developed to the specifications of a specific purchaser.

868 (c) Notwithstanding Subsection (80)(b)(iii), "prewritten computer software" does not  
869 include a modification or enhancement described in Subsection (80)(b)(iii) if the charges for  
870 the modification or enhancement are:

871 (i) reasonable; and

872 (ii) separately stated on the invoice or other statement of price provided to the  
873 purchaser.

874 (81) (a) "Private communication service" means a telecommunications service:

875 (i) that entitles a customer to exclusive or priority use of one or more communications  
876 channels between or among termination points; and

877 (ii) regardless of the manner in which the one or more communications channels are  
878 connected.

879 (b) "Private communications service" includes the following provided in connection  
880 with the use of one or more communications channels:

881 (i) an extension line;

882 (ii) a station;

883 (iii) switching capacity; or

884 (iv) another associated service that is provided in connection with the use of one or  
885 more communications channels as defined in Section 59-12-215.

886 (82) (a) Except as provided in Subsection (82)(b), "product transferred electronically"  
887 means a product transferred electronically that would be subject to a tax under this chapter if  
888 that product was transferred in a manner other than electronically.

889 (b) "Product transferred electronically" does not include:

890 (i) an ancillary service;

891 (ii) computer software; or

892 (iii) a telecommunications service.

893 [~~82~~] (83) (a) "Prosthetic device" means a device that is worn on or in the body to:

- 894 (i) artificially replace a missing portion of the body;
- 895 (ii) prevent or correct a physical deformity or physical malfunction; or
- 896 (iii) support a weak or deformed portion of the body.
- 897 (b) "Prosthetic device" includes:
- 898 (i) parts used in the repairs or renovation of a prosthetic device;
- 899 (ii) replacement parts for a prosthetic device;
- 900 (iii) a dental prosthesis; or
- 901 (iv) a hearing aid.
- 902 (c) "Prosthetic device" does not include:
- 903 (i) corrective eyeglasses; or
- 904 (ii) contact lenses.
- 905 [~~83~~] (84) (a) "Protective equipment" means an item:
- 906 (i) for human wear; and
- 907 (ii) that is:
- 908 (A) designed as protection:
- 909 (I) to the wearer against injury or disease; or
- 910 (II) against damage or injury of other persons or property; and
- 911 (B) not suitable for general use.
- 912 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 913 commission shall make rules:
- 914 (i) listing the items that constitute "protective equipment"; and
- 915 (ii) that are consistent with the list of items that constitute "protective equipment"
- 916 under the agreement.
- 917 [~~84~~] (85) (a) For purposes of Subsection 59-12-104(41), "publication" means any
- 918 written or printed matter, other than a photocopy:
- 919 (i) regardless of:
- 920 (A) characteristics;
- 921 (B) copyright;
- 922 (C) form;
- 923 (D) format;
- 924 (E) method of reproduction; or

925 (F) source; and  
926 (ii) made available in printed or electronic format.  
927 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
928 commission may by rule define the term "photocopy."  
929 ~~[(85)]~~ (86) (a) "Purchase price" and "sales price" mean the total amount of  
930 consideration:  
931 (i) valued in money; and  
932 (ii) for which tangible personal property, a product transferred electronically, or  
933 services are:  
934 (A) sold;  
935 (B) leased; or  
936 (C) rented.  
937 (b) "Purchase price" and "sales price" include:  
938 (i) the seller's cost of the tangible personal property, a product transferred  
939 electronically, or services sold;  
940 (ii) expenses of the seller, including:  
941 (A) the cost of materials used;  
942 (B) a labor cost;  
943 (C) a service cost;  
944 (D) interest;  
945 (E) a loss;  
946 (F) the cost of transportation to the seller; or  
947 (G) a tax imposed on the seller;  
948 (iii) a charge by the seller for any service necessary to complete the sale; or  
949 (iv) consideration a seller receives from a person other than the purchaser if:  
950 (A) (I) the seller actually receives consideration from a person other than the purchaser;  
951 and  
952 (II) the consideration described in Subsection ~~[(85)]~~ (86)(b)(iv)(A)(I) is directly related  
953 to a price reduction or discount on the sale;  
954 (B) the seller has an obligation to pass the price reduction or discount through to the  
955 purchaser;

956 (C) the amount of the consideration attributable to the sale is fixed and determinable by  
957 the seller at the time of the sale to the purchaser; and

958 (D) (I) (Aa) the purchaser presents a certificate, coupon, or other documentation to the  
959 seller to claim a price reduction or discount; and

960 (Bb) a person other than the seller authorizes, distributes, or grants the certificate,  
961 coupon, or other documentation with the understanding that the person other than the seller  
962 will reimburse any seller to whom the certificate, coupon, or other documentation is presented;

963 (II) the purchaser identifies that purchaser to the seller as a member of a group or  
964 organization allowed a price reduction or discount, except that a preferred customer card that is  
965 available to any patron of a seller does not constitute membership in a group or organization  
966 allowed a price reduction or discount; or

967 (III) the price reduction or discount is identified as a third party price reduction or  
968 discount on the:

969 (Aa) invoice the purchaser receives; or

970 (Bb) certificate, coupon, or other documentation the purchaser presents.

971 (c) "Purchase price" and "sales price" do not include:

972 (i) a discount:

973 (A) in a form including:

974 (I) cash;

975 (II) term; or

976 (III) coupon;

977 (B) that is allowed by a seller;

978 (C) taken by a purchaser on a sale; and

979 (D) that is not reimbursed by a third party; or

980 (ii) the following if separately stated on an invoice, bill of sale, or similar document  
981 provided to the purchaser:

982 (A) the following from credit extended on the sale of tangible personal property or  
983 services:

984 (I) a carrying charge;

985 (II) a financing charge; or

986 (III) an interest charge;



- 987 (B) a delivery charge;
- 988 (C) an installation charge;
- 989 (D) a manufacturer rebate on a motor vehicle; or
- 990 (E) a tax or fee legally imposed directly on the consumer.
- 991 [~~86~~] (87) "Purchaser" means a person to whom:
- 992 (a) a sale of tangible personal property is made;
- 993 (b) a product is transferred electronically; or
- 994 (c) a service is furnished.
- 995 [~~87~~] (88) "Regularly rented" means:
- 996 (a) rented to a guest for value three or more times during a calendar year; or
- 997 (b) advertised or held out to the public as a place that is regularly rented to guests for
- 998 value.
- 999 [~~88~~] (89) "Renewable energy" means:
- 1000 (a) biomass energy;
- 1001 (b) hydroelectric energy;
- 1002 (c) geothermal energy;
- 1003 (d) solar energy; or
- 1004 (e) wind energy.
- 1005 [~~89~~] (90) (a) "Renewable energy production facility" means a facility that:
- 1006 (i) uses renewable energy to produce electricity; and
- 1007 (ii) has a production capacity of 20 kilowatts or greater.
- 1008 (b) A facility is a renewable energy production facility regardless of whether the
- 1009 facility is:
- 1010 (i) connected to an electric grid; or
- 1011 (ii) located on the premises of an electricity consumer.
- 1012 [~~90~~] (91) "Rental" is as defined in Subsection (50).
- 1013 [~~91~~] (92) "Repairs or renovations of tangible personal property" means:
- 1014 (a) a repair or renovation of tangible personal property that is not permanently attached
- 1015 to real property; or
- 1016 (b) attaching tangible personal property or a product [~~that is~~] transferred electronically
- 1017 to other tangible personal property if:

1018 (i) the other tangible personal property to which the tangible personal property or  
1019 product ~~[that is]~~ transferred electronically is attached is not permanently attached to real  
1020 property[-]; and

1021 (ii) the attachment of tangible personal property or a product transferred electronically  
1022 to other tangible personal property is made in conjunction with a repair or replacement of  
1023 tangible personal property or a product transferred electronically.

1024 ~~[(92)]~~ (93) "Research and development" means the process of inquiry or  
1025 experimentation aimed at the discovery of facts, devices, technologies, or applications and the  
1026 process of preparing those devices, technologies, or applications for marketing.

1027 ~~[(93)]~~ (94) (a) "Residential telecommunications services" means a telecommunications  
1028 service or an ancillary service that is provided to an individual for personal use:

1029 (i) at a residential address; or

1030 (ii) at an institution, including a nursing home or a school, if the telecommunications  
1031 service or ancillary service is provided to and paid for by the individual residing at the  
1032 institution rather than the institution.

1033 (b) For purposes of Subsection ~~[(93)]~~ (94)(a)(i), a residential address includes an:

1034 (i) apartment; or

1035 (ii) other individual dwelling unit.

1036 ~~[(94)]~~ (95) "Residential use" means the use in or around a home, apartment building,  
1037 sleeping quarters, and similar facilities or accommodations.

1038 ~~[(95)]~~ (96) "Retail sale" or "sale at retail" means a sale, lease, or rental for a purpose  
1039 other than:

1040 (a) resale;

1041 (b) sublease; or

1042 (c) subrent.

1043 ~~[(96)]~~ (97) (a) "Retailer" means any person engaged in a regularly organized business  
1044 in tangible personal property or any other taxable transaction under Subsection 59-12-103(1),  
1045 and who is selling to the user or consumer and not for resale.

1046 (b) "Retailer" includes commission merchants, auctioneers, and any person regularly  
1047 engaged in the business of selling to users or consumers within the state.

1048 ~~[(97)]~~ (98) (a) "Sale" means any transfer of title, exchange, or barter, conditional or

1049 otherwise, in any manner, of tangible personal property or any other taxable transaction under  
1050 Subsection 59-12-103(1), for consideration.

1051 (b) "Sale" includes:

1052 (i) installment and credit sales;

1053 (ii) any closed transaction constituting a sale;

1054 (iii) any sale of electrical energy, gas, services, or entertainment taxable under this  
1055 chapter;

1056 (iv) any transaction if the possession of property is transferred but the seller retains the  
1057 title as security for the payment of the price; and

1058 (v) any transaction under which right to possession, operation, or use of any article of  
1059 tangible personal property is granted under a lease or contract and the transfer of possession  
1060 would be taxable if an outright sale were made.

1061 [~~98~~] (99) "Sale at retail" is as defined in Subsection [~~95~~] (96).

1062 [~~99~~] (100) "Sale-leaseback transaction" means a transaction by which title to tangible  
1063 personal property or a product transferred electronically that is subject to a tax under this  
1064 chapter is transferred:

1065 (a) by a purchaser-lessee;

1066 (b) to a lessor;

1067 (c) for consideration; and

1068 (d) if:

1069 (i) the purchaser-lessee paid sales and use tax on the purchaser-lessee's initial purchase  
1070 of the tangible personal property or product transferred electronically;

1071 (ii) the sale of the tangible personal property or product transferred electronically to the  
1072 lessor is intended as a form of financing:

1073 (A) for the tangible personal property or product transferred electronically; and

1074 (B) to the purchaser-lessee; and

1075 (iii) in accordance with generally accepted accounting principles, the purchaser-lessee  
1076 is required to:

1077 (A) capitalize the tangible personal property or product transferred electronically for  
1078 financial reporting purposes; and

1079 (B) account for the lease payments as payments made under a financing arrangement.

1080            [~~(100)~~] (101) "Sales price" is as defined in Subsection [~~(85)~~] (86).

1081            [~~(101)~~] (102) (a) "Sales relating to schools" means the following sales by, amounts

1082 paid to, or amounts charged by a school:

1083            (i) sales that are directly related to the school's educational functions or activities

1084 including:

1085            (A) the sale of:

1086            (I) textbooks;

1087            (II) textbook fees;

1088            (III) laboratory fees;

1089            (IV) laboratory supplies; or

1090            (V) safety equipment;

1091            (B) the sale of a uniform, protective equipment, or sports or recreational equipment

1092 that:

1093            (I) a student is specifically required to wear as a condition of participation in a

1094 school-related event or school-related activity; and

1095            (II) is not readily adaptable to general or continued usage to the extent that it takes the

1096 place of ordinary clothing;

1097            (C) sales of the following if the net or gross revenues generated by the sales are

1098 deposited into a school district fund or school fund dedicated to school meals:

1099            (I) food and food ingredients; or

1100            (II) prepared food; or

1101            (D) transportation charges for official school activities; or

1102            (ii) amounts paid to or amounts charged by a school for admission to a school-related

1103 event or school-related activity.

1104            (b) "Sales relating to schools" does not include:

1105            (i) bookstore sales of items that are not educational materials or supplies;

1106            (ii) except as provided in Subsection [~~(101)~~] (102)(a)(i)(B):

1107            (A) clothing;

1108            (B) clothing accessories or equipment;

1109            (C) protective equipment; or

1110            (D) sports or recreational equipment; or

1111 (iii) amounts paid to or amounts charged by a school for admission to a school-related  
1112 event or school-related activity if the amounts paid or charged are passed through to a person:

1113 (A) other than a:

1114 (I) school;

1115 (II) nonprofit organization authorized by a school board or a governing body of a  
1116 private school to organize and direct a competitive secondary school activity; or

1117 (III) nonprofit association authorized by a school board or a governing body of a  
1118 private school to organize and direct a competitive secondary school activity; and

1119 (B) that is required to collect sales and use taxes under this chapter.

1120 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1121 commission may make rules defining the term "passed through."

1122 [~~(102)~~] (103) For purposes of this section and Section 59-12-104, "school":

1123 (a) means:

1124 (i) an elementary school or a secondary school that:

1125 (A) is a:

1126 (I) public school; or

1127 (II) private school; and

1128 (B) provides instruction for one or more grades kindergarten through 12; or

1129 (ii) a public school district; and

1130 (b) includes the Electronic High School as defined in Section 53A-15-1002.

1131 [~~(103)~~] (104) "Seller" means a person that makes a sale, lease, or rental of:

1132 (a) tangible personal property;

1133 (b) a product transferred electronically; or

1134 (c) a service.

1135 [~~(104)~~] (105) (a) "Semiconductor fabricating, processing, research, or development  
1136 materials" means tangible personal property or a product transferred electronically if the  
1137 tangible personal property or product transferred electronically is:

1138 (i) used primarily in the process of:

1139 (A) (I) manufacturing a semiconductor;

1140 (II) fabricating a semiconductor; or

1141 (III) research or development of a:

- 1142 (Aa) semiconductor; or
- 1143 (Bb) semiconductor manufacturing process; or
- 1144 (B) maintaining an environment suitable for a semiconductor; or
- 1145 (ii) consumed primarily in the process of:
- 1146 (A) (I) manufacturing a semiconductor;
- 1147 (II) fabricating a semiconductor; or
- 1148 (III) research or development of a:
- 1149 (Aa) semiconductor; or
- 1150 (Bb) semiconductor manufacturing process; or
- 1151 (B) maintaining an environment suitable for a semiconductor.
- 1152 (b) "Semiconductor fabricating, processing, research, or development materials"
- 1153 includes:
- 1154 (i) parts used in the repairs or renovations of tangible personal property or a product
- 1155 transferred electronically described in Subsection [~~(104)~~] (105)(a); or
- 1156 (ii) a chemical, catalyst, or other material used to:
- 1157 (A) produce or induce in a semiconductor a:
- 1158 (I) chemical change; or
- 1159 (II) physical change;
- 1160 (B) remove impurities from a semiconductor; or
- 1161 (C) improve the marketable condition of a semiconductor.
- 1162 [~~(105)~~] (106) "Senior citizen center" means a facility having the primary purpose of
- 1163 providing services to the aged as defined in Section 62A-3-101.
- 1164 [~~(106)~~] (107) "Simplified electronic return" means the electronic return:
- 1165 (a) described in Section 318(C) of the agreement; and
- 1166 (b) approved by the governing board of the agreement.
- 1167 [~~(107)~~] (108) "Solar energy" means the sun used as the sole source of energy for
- 1168 producing electricity.
- 1169 [~~(108)~~] (109) (a) "Sports or recreational equipment" means an item:
- 1170 (i) designed for human use; and
- 1171 (ii) that is:
- 1172 (A) worn in conjunction with:

- 1173 (I) an athletic activity; or
- 1174 (II) a recreational activity; and
- 1175 (B) not suitable for general use.
- 1176 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1177 commission shall make rules:
  - 1178 (i) listing the items that constitute "sports or recreational equipment"; and
  - 1179 (ii) that are consistent with the list of items that constitute "sports or recreational
  - 1180 equipment" under the agreement.
- 1181 [~~(109)~~] (110) "State" means the state of Utah, its departments, and agencies.
- 1182 [~~(110)~~] (111) "Storage" means any keeping or retention of tangible personal property or
- 1183 any other taxable transaction under Subsection 59-12-103(1), in this state for any purpose
- 1184 except sale in the regular course of business.
- 1185 [~~(111)~~] (112) (a) Except as provided in Subsection [~~(111)~~] (112)(d) or (e), "tangible
- 1186 personal property" means personal property that:
  - 1187 (i) may be:
    - 1188 (A) seen;
    - 1189 (B) weighed;
    - 1190 (C) measured;
    - 1191 (D) felt; or
    - 1192 (E) touched; or
  - 1193 (ii) is in any manner perceptible to the senses.
- 1194 (b) "Tangible personal property" includes:
  - 1195 (i) electricity;
  - 1196 (ii) water;
  - 1197 (iii) gas;
  - 1198 (iv) steam; or
  - 1199 (v) prewritten computer software, regardless of the manner in which the prewritten
  - 1200 computer software is transferred.
- 1201 (c) "Tangible personal property" includes the following, regardless of whether the item
- 1202 is attached to real property:
  - 1203 (i) a dishwasher;

1204 (ii) a dryer;  
1205 (iii) a freezer;  
1206 (iv) a microwave;  
1207 (v) a refrigerator;  
1208 (vi) a stove;  
1209 (vii) a washer; or  
1210 (viii) an item similar to Subsections [~~(111)~~] (112)(c)(i) through (vii) as determined by  
1211 the commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1212 Rulemaking Act.

1213 (d) "Tangible personal property" does not include a product that is transferred  
1214 electronically.

1215 (e) "Tangible personal property" does not include the following if attached to real  
1216 property, regardless of whether the attachment to real property is only through a line that  
1217 supplies water, electricity, gas, telephone, cable, or supplies a similar item as determined by the  
1218 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1219 Rulemaking Act:

- 1220 (i) a hot water heater;
- 1221 (ii) a water filtration system; or
- 1222 (iii) a water softener system.

1223 [~~(112)~~] (113) "Tar sands" means impregnated sands that yield mixtures of liquid  
1224 hydrocarbon and require further processing other than mechanical blending before becoming  
1225 finished petroleum products.

1226 [~~(113)~~] (114) (a) "Telecommunications enabling or facilitating equipment, machinery,  
1227 or software" means an item listed in Subsection [~~(113)~~] (114)(b) if that item is purchased or  
1228 leased primarily to enable or facilitate one or more of the following to function:

- 1229 (i) telecommunications switching or routing equipment, machinery, or software; or
- 1230 (ii) telecommunications transmission equipment, machinery, or software.

1231 (b) The following apply to Subsection [~~(113)~~] (114)(a):

- 1232 (i) a pole;
- 1233 (ii) software;
- 1234 (iii) a supplementary power supply;



1235 (iv) temperature or environmental equipment or machinery;

1236 (v) test equipment;

1237 (vi) a tower; or

1238 (vii) equipment, machinery, or software that functions similarly to an item listed in

1239 Subsections ~~[(H3)]~~ (114)(b)(i) through (vi) as determined by the commission by rule made in

1240 accordance with Subsection ~~[(H3)]~~ (114)(c).

1241 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1242 commission may by rule define what constitutes equipment, machinery, or software that

1243 functions similarly to an item listed in Subsections ~~[(H3)]~~ (114)(b)(i) through (vi).

1244 ~~[(H4)]~~ (115) "Telecommunications equipment, machinery, or software required for

1245 911 service" means equipment, machinery, or software that is required to comply with 47

1246 C.F.R. Sec. 20.18.

1247 ~~[(H5)]~~ (116) "Telecommunications maintenance or repair equipment, machinery, or

1248 software" means equipment, machinery, or software purchased or leased primarily to maintain

1249 or repair one or more of the following, regardless of whether the equipment, machinery, or

1250 software is purchased or leased as a spare part or as an upgrade or modification to one or more

1251 of the following:

1252 (a) telecommunications enabling or facilitating equipment, machinery, or software;

1253 (b) telecommunications switching or routing equipment, machinery, or software; or

1254 (c) telecommunications transmission equipment, machinery, or software.

1255 ~~[(H6)]~~ (117) (a) "Telecommunications service" means the electronic conveyance,

1256 routing, or transmission of audio, data, video, voice, or any other information or signal to a

1257 point, or among or between points.

1258 (b) "Telecommunications service" includes:

1259 (i) an electronic conveyance, routing, or transmission with respect to which a computer

1260 processing application is used to act:

1261 (A) on the code, form, or protocol of the content;

1262 (B) for the purpose of electronic conveyance, routing, or transmission; and

1263 (C) regardless of whether the service:

1264 (I) is referred to as voice over Internet protocol service; or

1265 (II) is classified by the Federal Communications Commission as enhanced or value

- 1266 added;
- 1267 (ii) an 800 service;
- 1268 (iii) a 900 service;
- 1269 (iv) a fixed wireless service;
- 1270 (v) a mobile wireless service;
- 1271 (vi) a postpaid calling service;
- 1272 (vii) a prepaid calling service;
- 1273 (viii) a prepaid wireless calling service; or
- 1274 (ix) a private communications service.
- 1275 (c) "Telecommunications service" does not include:
- 1276 (i) advertising, including directory advertising;
- 1277 (ii) an ancillary service;
- 1278 (iii) a billing and collection service provided to a third party;
- 1279 (iv) a data processing and information service if:
- 1280 (A) the data processing and information service allows data to be:
- 1281 (I) (Aa) acquired;
- 1282 (Bb) generated;
- 1283 (Cc) processed;
- 1284 (Dd) retrieved; or
- 1285 (Ee) stored; and
- 1286 (II) delivered by an electronic transmission to a purchaser; and
- 1287 (B) the purchaser's primary purpose for the underlying transaction is the processed data
- 1288 or information;
- 1289 (v) installation or maintenance of the following on a customer's premises:
- 1290 (A) equipment; or
- 1291 (B) wiring;
- 1292 (vi) Internet access service;
- 1293 (vii) a paging service;
- 1294 (viii) a product transferred electronically, including:
- 1295 (A) music;
- 1296 (B) reading material;

- 1297 (C) a ring tone;
- 1298 (D) software; or
- 1299 (E) video;
- 1300 (ix) a radio and television audio and video programming service:
- 1301 (A) regardless of the medium; and
- 1302 (B) including:
  - 1303 (I) furnishing conveyance, routing, or transmission of a television audio and video
  - 1304 programming service by a programming service provider;
  - 1305 (II) cable service as defined in 47 U.S.C. Sec. 522(6); or
  - 1306 (III) audio and video programming services delivered by a commercial mobile radio
  - 1307 service provider as defined in 47 C.F.R. Sec. 20.3;
  - 1308 (x) a value-added nonvoice data service; or
  - 1309 (xi) tangible personal property.
- 1310 ~~[(117)]~~ (118) (a) "Telecommunications service provider" means a person that:
- 1311 (i) owns, controls, operates, or manages a telecommunications service; and
- 1312 (ii) engages in an activity described in Subsection ~~[(117)]~~ (118)(a)(i) for the shared use
- 1313 with or resale to any person of the telecommunications service.
- 1314 (b) A person described in Subsection ~~[(117)]~~ (118)(a) is a telecommunications service
- 1315 provider whether or not the Public Service Commission of Utah regulates:
  - 1316 (i) that person; or
  - 1317 (ii) the telecommunications service that the person owns, controls, operates, or
  - 1318 manages.
- 1319 ~~[(118)]~~ (119) (a) "Telecommunications switching or routing equipment, machinery, or
- 1320 software" means an item listed in Subsection ~~[(118)]~~ (119)(b) if that item is purchased or
- 1321 leased primarily for switching or routing:
  - 1322 (i) an ancillary service;
  - 1323 (ii) data communications;
  - 1324 (iii) voice communications; or
  - 1325 (iv) telecommunications service.
- 1326 (b) The following apply to Subsection ~~[(118)]~~ (119)(a):
  - 1327 (i) a bridge;

- 1328 (ii) a computer;
- 1329 (iii) a cross connect;
- 1330 (iv) a modem;
- 1331 (v) a multiplexer;
- 1332 (vi) plug in circuitry;
- 1333 (vii) a router;
- 1334 (viii) software;
- 1335 (ix) a switch; or
- 1336 (x) equipment, machinery, or software that functions similarly to an item listed in
- 1337 Subsections [~~(118)~~] (119)(b)(i) through (ix) as determined by the commission by rule made in
- 1338 accordance with Subsection [~~(118)~~] (119)(c).

1339 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

1340 commission may by rule define what constitutes equipment, machinery, or software that

1341 functions similarly to an item listed in Subsections [~~(118)~~] (119)(b)(i) through (ix).

1342 [~~(119)~~] (120) (a) "Telecommunications transmission equipment, machinery, or

1343 software" means an item listed in Subsection [~~(119)~~] (120)(b) if that item is purchased or

1344 leased primarily for sending, receiving, or transporting:

- 1345 (i) an ancillary service;
  - 1346 (ii) data communications;
  - 1347 (iii) voice communications; or
  - 1348 (iv) telecommunications service.
- 1349 (b) The following apply to Subsection [~~(119)~~] (120)(a):
- 1350 (i) an amplifier;
  - 1351 (ii) a cable;
  - 1352 (iii) a closure;
  - 1353 (iv) a conduit;
  - 1354 (v) a controller;
  - 1355 (vi) a duplexer;
  - 1356 (vii) a filter;
  - 1357 (viii) an input device;
  - 1358 (ix) an input/output device;

- 1359 (x) an insulator;
- 1360 (xi) microwave machinery or equipment;
- 1361 (xii) an oscillator;
- 1362 (xiii) an output device;
- 1363 (xiv) a pedestal;
- 1364 (xv) a power converter;
- 1365 (xvi) a power supply;
- 1366 (xvii) a radio channel;
- 1367 (xviii) a radio receiver;
- 1368 (xix) a radio transmitter;
- 1369 (xx) a repeater;
- 1370 (xxi) software;
- 1371 (xxii) a terminal;
- 1372 (xxiii) a timing unit;
- 1373 (xxiv) a transformer;
- 1374 (xxv) a wire; or
- 1375 (xxvi) equipment, machinery, or software that functions similarly to an item listed in
- 1376 Subsections [~~(119)~~] (120)(b)(i) through (xxv) as determined by the commission by rule made in
- 1377 accordance with Subsection [~~(119)~~] (120)(c).
- 1378 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 1379 commission may by rule define what constitutes equipment, machinery, or software that
- 1380 functions similarly to an item listed in Subsections [~~(119)~~] (120)(b)(i) through (xxv).
- 1381 [~~(120)~~] (121) "Tobacco" means:
- 1382 (a) a cigarette;
- 1383 (b) a cigar;
- 1384 (c) chewing tobacco;
- 1385 (d) pipe tobacco; or
- 1386 (e) any other item that contains tobacco.
- 1387 [~~(121)~~] (122) "Unassisted amusement device" means an amusement device, skill
- 1388 device, or ride device that is started and stopped by the purchaser or renter of the right to use or
- 1389 operate the amusement device, skill device, or ride device.

1390            [~~(122)~~] (123) (a) "Use" means the exercise of any right or power over tangible personal  
1391 property, a product transferred electronically, or a service under Subsection 59-12-103(1),  
1392 incident to the ownership or the leasing of that tangible personal property, product transferred  
1393 electronically, or service.

1394            (b) "Use" does not include the sale, display, demonstration, or trial of tangible personal  
1395 property, a product transferred electronically, or a service in the regular course of business and  
1396 held for resale.

1397            [~~(123)~~] (124) "Value-added nonvoice data service" means a service:

1398            (a) that otherwise meets the definition of a telecommunications service except that a  
1399 computer processing application is used to act primarily for a purpose other than conveyance,  
1400 routing, or transmission; and

1401            (b) with respect to which a computer processing application is used to act on data or  
1402 information:

- 1403            (i) code;
- 1404            (ii) content;
- 1405            (iii) form; or
- 1406            (iv) protocol.

1407            [~~(124)~~] (125) (a) Subject to Subsection [~~(124)~~] (125)(b), "vehicle" means the following  
1408 that are required to be titled, registered, or titled and registered:

- 1409            (i) an aircraft as defined in Section 72-10-102;
- 1410            (ii) a vehicle as defined in Section 41-1a-102;
- 1411            (iii) an off-highway vehicle as defined in Section 41-22-2; or
- 1412            (iv) a vessel as defined in Section 41-1a-102.

1413            (b) For purposes of Subsection 59-12-104(33) only, "vehicle" includes:

- 1414            (i) a vehicle described in Subsection [~~(124)~~] (125)(a); or
- 1415            (ii) (A) a locomotive;
- 1416                (B) a freight car;
- 1417                (C) railroad work equipment; or
- 1418                (D) other railroad rolling stock.

1419            [~~(125)~~] (126) "Vehicle dealer" means a person engaged in the business of buying,  
1420 selling, or exchanging a vehicle as defined in Subsection [~~(124)~~] (125).

1421 [~~(126)~~] (127) (a) "Vertical service" means an ancillary service that:  
1422 (i) is offered in connection with one or more telecommunications services; and  
1423 (ii) offers an advanced calling feature that allows a customer to:  
1424 (A) identify a caller; and  
1425 (B) manage multiple calls and call connections.  
1426 (b) "Vertical service" includes an ancillary service that allows a customer to manage a  
1427 conference bridging service.

1428 [~~(127)~~] (128) (a) "Voice mail service" means an ancillary service that enables a  
1429 customer to receive, send, or store a recorded message.

1430 (b) "Voice mail service" does not include a vertical service that a customer is required  
1431 to have in order to utilize a voice mail service.

1432 [~~(128)~~] (129) (a) Except as provided in Subsection [~~(128)~~] (129)(b), "waste energy  
1433 facility" means a facility that generates electricity:

1434 (i) using as the primary source of energy waste materials that would be placed in a  
1435 landfill or refuse pit if it were not used to generate electricity, including:

1436 (A) tires;

1437 (B) waste coal; or

1438 (C) oil shale; and

1439 (ii) in amounts greater than actually required for the operation of the facility.

1440 (b) "Waste energy facility" does not include a facility that incinerates:

1441 (i) municipal solid waste;

1442 (ii) hospital waste as defined in 40 C.F.R. 60.51c; or

1443 (iii) medical/infectious waste as defined in 40 C.F.R. 60.51c.

1444 [~~(129)~~] (130) "Watercraft" means a vessel as defined in Section 73-18-2.

1445 [~~(130)~~] (131) "Wind energy" means wind used as the sole source of energy to produce  
1446 electricity.

1447 [~~(131)~~] (132) "ZIP Code" means a Zoning Improvement Plan Code assigned to a  
1448 geographic location by the United States Postal Service.

1449 Section 2. Section **59-12-102.3** is amended to read:

1450 **59-12-102.3. Authority to enter into agreement -- Delegates.**

1451 (1) The commission may apply to the governing board for the state to become a party

1452 to the agreement.

1453 (2) If the state becomes a party to the agreement, the commission may:

1454 (a) establish standards for certification of a:

1455 (i) certified automated system; and

1456 (ii) certified service provider;

1457 (b) act jointly with other states that are parties to the agreement to establish

1458 performance standards for multistate sellers; and

1459 (c) take other actions reasonably required to implement provisions of the agreement:

1460 (i) if those actions are not in conflict with statute; and

1461 (ii) subject to Subsection (1)(c)(i), including:

1462 (A) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

1463 adopting administrative rules; and

1464 (B) in furtherance of the agreement, jointly procuring goods or services with other

1465 states that are parties to the agreement.

1466 (3) Subject to Subsection (4), delegates shall be appointed to the governing board of

1467 the agreement to:

1468 (a) assist in implementing the provisions of the agreement; and

1469 (b) address other matters as determined by the governing board.

1470 (4) Delegates shall be appointed as follows:

1471 [~~(a) one delegate shall be a member of the House of Representatives appointed by the~~

1472 ~~speaker of the House of Representatives;]~~

1473 [~~(b) one delegate shall be a member of the Senate appointed by the president of the~~

1474 ~~Senate; and]~~

1475 (a) two delegates shall be legislators appointed by mutual consent of the speaker of the

1476 House of Representatives and the president of the Senate; and

1477 [~~(c)~~] (b) two delegates shall be appointed by the governor, at least one of whom shall

1478 be from the commission.

1479 Section 3. Section **59-12-103** is amended to read:

1480 **59-12-103. Sales and use tax base -- Rates -- Effective dates -- Use of sales and use**  
1481 **tax revenues.**

1482 (1) A tax is imposed on the purchaser as provided in this part for amounts paid or



1483 charged for the following transactions:

1484 (a) retail sales of tangible personal property made within the state;

1485 (b) amounts paid for:

1486 (i) telecommunications service, other than mobile telecommunications service, that

1487 originates and terminates within the boundaries of this state;

1488 (ii) mobile telecommunications service that originates and terminates within the

1489 boundaries of one state only to the extent permitted by the Mobile Telecommunications

1490 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1491 (iii) an ancillary service associated with a:

1492 (A) telecommunications service described in Subsection (1)(b)(i); or

1493 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1494 (c) sales of the following for commercial use:

1495 (i) gas;

1496 (ii) electricity;

1497 (iii) heat;

1498 (iv) coal;

1499 (v) fuel oil; or

1500 (vi) other fuels;

1501 (d) sales of the following for residential use:

1502 (i) gas;

1503 (ii) electricity;

1504 (iii) heat;

1505 (iv) coal;

1506 (v) fuel oil; or

1507 (vi) other fuels;

1508 (e) sales of prepared food;

1509 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or

1510 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,

1511 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,

1512 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit

1513 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf

1514 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,  
1515 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,  
1516 horseback rides, sports activities, or any other amusement, entertainment, recreation,  
1517 exhibition, cultural, or athletic activity;

1518 (g) amounts paid or charged for services for repairs or renovations of tangible personal  
1519 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:

1520 (i) the tangible personal property; and

1521 (ii) parts used in the repairs or renovations of the tangible personal property described  
1522 in Subsection (1)(g)(i), whether or not any parts are actually used in the repairs or renovations  
1523 of that tangible personal property;

1524 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for  
1525 assisted cleaning or washing of tangible personal property;

1526 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court  
1527 accommodations and services that are regularly rented for less than 30 consecutive days;

1528 (j) amounts paid or charged for laundry or dry cleaning services;

1529 (k) amounts paid or charged for leases or rentals of tangible personal property if within  
1530 this state the tangible personal property is:

1531 (i) stored;

1532 (ii) used; or

1533 (iii) otherwise consumed;

1534 (l) amounts paid or charged for tangible personal property if within this state the  
1535 tangible personal property is:

1536 (i) stored;

1537 (ii) used; or

1538 (iii) consumed; and

1539 (m) amounts paid or charged for a sale:

1540 (i) (A) of a product [~~that:~~] transferred electronically; or

1541 [~~(F) is transferred electronically; and]~~

1542 [~~(H) would be subject to a tax under this chapter if the product was transferred in a~~  
1543 ~~manner other than electronically; or]~~

1544 (B) of a repair or renovation of a product [~~that:~~] transferred electronically; and

1545           ~~[(F) is transferred electronically; and]~~  
1546           ~~[(H) would be subject to a tax under this chapter if the product was transferred in a~~  
1547 ~~manner other than electronically; and]~~  
1548           (ii) regardless of whether the sale provides:  
1549           (A) a right of permanent use of the product; or  
1550           (B) a right to use the product that is less than a permanent use, including a right:  
1551           (I) for a definite or specified length of time; and  
1552           (II) that terminates upon the occurrence of a condition.  
1553           (2) (a) Except as provided in Subsections (2)(b) through (e), a state tax and a local tax  
1554 is imposed on a transaction described in Subsection (1) equal to the sum of:  
1555           (i) a state tax imposed on the transaction at a tax rate equal to the sum of:  
1556           (A) 4.70%; and  
1557           (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales  
1558 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1559 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional  
1560 State Sales and Use Tax Act; and  
1561           (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales  
1562 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211  
1563 through 59-12-215 is in a city, town, or the unincorporated area of a county in which the state  
1564 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and  
1565           (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1566 transaction under this chapter other than this part.  
1567           (b) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed  
1568 on a transaction described in Subsection (1)(d) equal to the sum of:  
1569           (i) a state tax imposed on the transaction at a tax rate of 2%; and  
1570           (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1571 transaction under this chapter other than this part.  
1572           (c) Except as provided in Subsection (2)(d) or (e), a state tax and a local tax is imposed  
1573 on amounts paid or charged for food and food ingredients equal to the sum of:  
1574           (i) a state tax imposed on the amounts paid or charged for food and food ingredients at  
1575 a tax rate of 1.75%; and

1576 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the  
1577 amounts paid or charged for food and food ingredients under this chapter other than this part.

1578 (d) (i) For a bundled transaction that is attributable to food and food ingredients and  
1579 tangible personal property other than food and food ingredients, a state tax and a local tax is  
1580 imposed on the entire bundled transaction equal to the sum of:

1581 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1582 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1583 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State  
1584 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1585 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,  
1586 Additional State Sales and Use Tax Act; and

1587 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State  
1588 Sales and Use Tax Act, if the location of the transaction as determined under Sections  
1589 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which  
1590 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1591 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates  
1592 described in Subsection (2)(a)(ii).

1593 (ii) Subject to Subsection (2)(d)(iii), for a bundled transaction other than a bundled  
1594 transaction described in Subsection (2)(d)(i):

1595 (A) if the sales price of the bundled transaction is attributable to tangible personal  
1596 property, a product, or a service that is subject to taxation under this chapter and tangible  
1597 personal property, a product, or service that is not subject to taxation under this chapter, the  
1598 entire bundled transaction is subject to taxation under this chapter unless:

1599 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1600 personal property, product, or service that is not subject to taxation under this chapter from the  
1601 books and records the seller keeps in the seller's regular course of business; or

1602 (II) state or federal law provides otherwise; or

1603 (B) if the sales price of a bundled transaction is attributable to two or more items of  
1604 tangible personal property, products, or services that are subject to taxation under this chapter  
1605 at different rates, the entire bundled transaction is subject to taxation under this chapter at the  
1606 higher tax rate unless:

1607 (I) the seller is able to identify by reasonable and verifiable standards the tangible  
1608 personal property, product, or service that is subject to taxation under this chapter at the lower  
1609 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1610 (II) state or federal law provides otherwise.

1611 (iii) For purposes of Subsection (2)(d)(ii), books and records that a seller keeps in the  
1612 seller's regular course of business includes books and records the seller keeps in the regular  
1613 course of business for nontax purposes.

1614 (e) Subject to Subsections (2)(f) and (g), a tax rate repeal or tax rate change for a tax  
1615 rate imposed under the following shall take effect on the first day of a calendar quarter:

1616 (i) Subsection (2)(a)(i)(A);

1617 (ii) Subsection (2)(b)(i);

1618 (iii) Subsection (2)(c)(i); or

1619 (iv) Subsection (2)(d)(i)(A)(I).

1620 (f) (i) A tax rate increase shall take effect on the first day of the first billing period that  
1621 begins after the effective date of the tax rate increase if the billing period for the transaction  
1622 begins before the effective date of a tax rate increase imposed under:

1623 (A) Subsection (2)(a)(i)(A);

1624 (B) Subsection (2)(b)(i);

1625 (C) Subsection (2)(c)(i); or

1626 (D) Subsection (2)(d)(i)(A)(I).

1627 (ii) The repeal of a tax or a tax rate decrease shall take effect on the first day of the last  
1628 billing period that began before the effective date of the repeal of the tax or the tax rate  
1629 decrease if the billing period for the transaction begins before the effective date of the repeal of  
1630 the tax or the tax rate decrease imposed under:

1631 (A) Subsection (2)(a)(i)(A);

1632 (B) Subsection (2)(b)(i);

1633 (C) Subsection (2)(c)(i); or

1634 (D) Subsection (2)(d)(i)(A)(I).

1635 (g) (i) For a tax rate described in Subsection (2)(g)(ii), if a tax due on a catalogue sale  
1636 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal  
1637 or change in a tax rate takes effect:

- 1638 (A) on the first day of a calendar quarter; and
- 1639 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1640 (ii) Subsection (2)(g)(i) applies to the tax rates described in the following:
- 1641 (A) Subsection (2)(a)(i)(A);
- 1642 (B) Subsection (2)(b)(i);
- 1643 (C) Subsection (2)(c)(i); or
- 1644 (D) Subsection (2)(d)(i)(A)(I).

1645 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1646 the commission may by rule define the term "catalogue sale."

1647 (3) (a) The following state taxes shall be deposited into the General Fund:

- 1648 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1649 (ii) the tax imposed by Subsection (2)(b)(i);
- 1650 (iii) the tax imposed by Subsection (2)(c)(i); or
- 1651 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).

1652 (b) The following local taxes shall be distributed to a county, city, or town as provided  
1653 in this chapter:

- 1654 (i) the tax imposed by Subsection (2)(a)(ii);
- 1655 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1656 (iii) the tax imposed by Subsection (2)(c)(ii); and
- 1657 (iv) the tax imposed by Subsection (2)(d)(i)(B).

1658 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1659 2003, the lesser of the following amounts shall be used as provided in Subsections (4)(b)  
1660 through (g):

- 1661 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1662 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1663 (B) for the fiscal year; or
- 1664 (ii) \$17,500,000.

1665 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount  
1666 described in Subsection (4)(a) shall be transferred each year as dedicated credits to the  
1667 Department of Natural Resources to:

- 1668 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to

1669 protect sensitive plant and animal species; or

1670 (B) award grants, up to the amount authorized by the Legislature in an appropriations  
1671 act, to political subdivisions of the state to implement the measures described in Subsections  
1672 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

1673 (ii) Money transferred to the Department of Natural Resources under Subsection  
1674 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other  
1675 person to list or attempt to have listed a species as threatened or endangered under the  
1676 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.

1677 (iii) At the end of each fiscal year:

1678 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
1679 Conservation and Development Fund created in Section 73-10-24;

1680 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
1681 Program Subaccount created in Section 73-10c-5; and

1682 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
1683 Program Subaccount created in Section 73-10c-5.

1684 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in  
1685 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund  
1686 created in Section 4-18-6.

1687 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described  
1688 in Subsection (4)(a) shall be transferred each year as dedicated credits to the Division of Water  
1689 Rights to cover the costs incurred in hiring legal and technical staff for the adjudication of  
1690 water rights.

1691 (ii) At the end of each fiscal year:

1692 (A) 50% of any unexpended dedicated credits shall lapse to the Water Resources  
1693 Conservation and Development Fund created in Section 73-10-24;

1694 (B) 25% of any unexpended dedicated credits shall lapse to the Utah Wastewater Loan  
1695 Program Subaccount created in Section 73-10c-5; and

1696 (C) 25% of any unexpended dedicated credits shall lapse to the Drinking Water Loan  
1697 Program Subaccount created in Section 73-10c-5.

1698 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described  
1699 in Subsection (4)(a) shall be deposited in the Water Resources Conservation and Development

1700 Fund created in Section 73-10-24 for use by the Division of Water Resources.

1701 (ii) In addition to the uses allowed of the Water Resources Conservation and  
1702 Development Fund under Section 73-10-24, the Water Resources Conservation and  
1703 Development Fund may also be used to:

1704 (A) conduct hydrologic and geotechnical investigations by the Division of Water  
1705 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of  
1706 quantifying surface and ground water resources and describing the hydrologic systems of an  
1707 area in sufficient detail so as to enable local and state resource managers to plan for and  
1708 accommodate growth in water use without jeopardizing the resource;

1709 (B) fund state required dam safety improvements; and

1710 (C) protect the state's interest in interstate water compact allocations, including the  
1711 hiring of technical and legal staff.

1712 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1713 in Subsection (4)(a) shall be deposited in the Utah Wastewater Loan Program Subaccount  
1714 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1715 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described  
1716 in Subsection (4)(a) shall be deposited in the Drinking Water Loan Program Subaccount  
1717 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1718 (i) provide for the installation and repair of collection, treatment, storage, and  
1719 distribution facilities for any public water system, as defined in Section 19-4-102;

1720 (ii) develop underground sources of water, including springs and wells; and

1721 (iii) develop surface water sources.

1722 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1723 2006, the difference between the following amounts shall be expended as provided in this  
1724 Subsection (5), if that difference is greater than \$1:

1725 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the  
1726 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1727 (ii) \$17,500,000.

1728 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1729 (A) transferred each fiscal year to the Department of Natural Resources as dedicated  
1730 credits; and



1731 (B) expended by the Department of Natural Resources for watershed rehabilitation or  
1732 restoration.

1733 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1734 in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation and Development Fund  
1735 created in Section 73-10-24.

1736 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the  
1737 remaining difference described in Subsection (5)(a) shall be:

1738 (A) transferred each fiscal year to the Division of Water Resources as dedicated  
1739 credits; and

1740 (B) expended by the Division of Water Resources for cloud-seeding projects  
1741 authorized by Title 73, Chapter 15, Modification of Weather.

1742 (ii) At the end of each fiscal year, 100% of any unexpended dedicated credits described  
1743 in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation and Development Fund  
1744 created in Section 73-10-24.

1745 (d) After making the transfers required by Subsections (5)(b) and (c), 94% of the  
1746 remaining difference described in Subsection (5)(a) shall be deposited into the Water  
1747 Resources Conservation and Development Fund created in Section 73-10-24 for use by the  
1748 Division of Water Resources for:

1749 (i) preconstruction costs:

1750 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter  
1751 26, Bear River Development Act; and

1752 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project  
1753 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1754 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,  
1755 Chapter 26, Bear River Development Act;

1756 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project  
1757 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1758 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, 73-10-30, and  
1759 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1760 (e) Any unexpended monies described in Subsection (5)(d) that remain in the Water  
1761 Resources Conservation and Development Fund at the end of the fiscal year are nonlapsing.

1762 (f) After making the transfers required by Subsections (5)(b) and (c) and subject to  
1763 Subsection (5)(g), 6% of the remaining difference described in Subsection (5)(a) shall be  
1764 transferred each year as dedicated credits to the Division of Water Rights to cover the costs  
1765 incurred for employing additional technical staff for the administration of water rights.

1766 (g) At the end of each fiscal year, any unexpended dedicated credits described in  
1767 Subsection (5)(f) over \$150,000 lapse to the Water Resources Conservation and Development  
1768 Fund created in Section 73-10-24.

1769 (6) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,  
1770 2003, and for taxes listed under Subsection (3)(a), the amount of revenue generated by a 1/16%  
1771 tax rate on the transactions described in Subsection (1) for the fiscal year shall be deposited in  
1772 the Transportation Fund created by Section 72-2-102.

1773 (7) (a) Notwithstanding Subsection (3)(a) and until Subsection (7)(b) applies,  
1774 beginning on January 1, 2000, the Division of Finance shall deposit into the Centennial  
1775 Highway Fund Restricted Account created in Section 72-2-118 a portion of the taxes listed  
1776 under Subsection (3)(a) equal to the revenues generated by a 1/64% tax rate on the taxable  
1777 transactions under Subsection (1).

1778 (b) Notwithstanding Subsection (3)(a), when the highway general obligation bonds  
1779 have been paid off and the highway projects completed that are intended to be paid from  
1780 revenues deposited in the Centennial Highway Fund Restricted Account as determined by the  
1781 Executive Appropriations Committee under Subsection 72-2-118(6)(d), the Division of  
1782 Finance shall deposit into the Transportation Investment Fund of 2005 created by Section  
1783 72-2-124 a portion of the taxes listed under Subsection (3)(a) equal to the revenues generated  
1784 by a 1/64% tax rate on the taxable transactions under Subsection (1).

1785 (8) (a) Notwithstanding Subsection (3)(a) and in addition to the amount deposited in  
1786 Subsection (7)(a), for the 2010-11 fiscal year only, the Division of Finance shall deposit into  
1787 the Centennial Highway Fund Restricted Account created by Section 72-2-118 a portion of the  
1788 taxes listed under Subsection (3)(a) equal to 1.93% of the revenues collected from the  
1789 following taxes, which represents a portion of the approximately 17% of sales and use tax  
1790 revenues generated annually by the sales and use tax on vehicles and vehicle-related products:

1791 (i) the tax imposed by Subsection (2)(a)(i)(A);

1792 (ii) the tax imposed by Subsection (2)(b)(i);

1793 (iii) the tax imposed by Subsection (2)(c)(i); and  
1794 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).  
1795 (b) Notwithstanding Subsection (3)(a), in addition to the amount deposited in  
1796 Subsection (7)(a), and until Subsection (8)(c) applies, for a fiscal year beginning on or after  
1797 July 1, 2011, the Division of Finance shall deposit into the Centennial Highway Fund  
1798 Restricted Account created by Section 72-2-118 a portion of the taxes listed under Subsection  
1799 (3)(a) equal to 8.3% of the revenues collected from the following taxes, which represents a  
1800 portion of the approximately 17% of sales and use tax revenues generated annually by the sales  
1801 and use tax on vehicles and vehicle-related products:  
1802 (i) the tax imposed by Subsection (2)(a)(i)(A);  
1803 (ii) the tax imposed by Subsection (2)(b)(i);  
1804 (iii) the tax imposed by Subsection (2)(c)(i); and  
1805 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).  
1806 (c) Notwithstanding Subsection (3)(a) and in addition to the amounts deposited under  
1807 Subsection (7)(b), when the highway general obligation bonds have been paid off and the  
1808 highway projects completed that are intended to be paid from revenues deposited in the  
1809 Centennial Highway Fund Restricted Account as determined by the Executive Appropriations  
1810 Committee under Subsection 72-2-118(6)(d), the Division of Finance shall deposit into the  
1811 Transportation Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes  
1812 listed under Subsection (3)(a) equal to 8.3% of the revenues collected from the following taxes,  
1813 which represents a portion of the approximately 17% of sales and use tax revenues generated  
1814 annually by the sales and use tax on vehicles and vehicle-related products:  
1815 (i) the tax imposed by Subsection (2)(a)(i)(A);  
1816 (ii) the tax imposed by Subsection (2)(b)(i);  
1817 (iii) the tax imposed by Subsection (2)(c)(i); and  
1818 (iv) the tax imposed by Subsection (2)(d)(i)(A)(I).  
1819 (9) (a) Notwithstanding Subsection (3)(a) and for the fiscal year 2008-09 only, the  
1820 Division of Finance shall deposit \$55,000,000 of the revenues generated by the taxes listed  
1821 under Subsection (3)(a) into the Critical Highway Needs Fund created by Section 72-2-125.  
1822 (b) Notwithstanding Subsection (3)(a) and until Subsection (9)(c) applies, for a fiscal  
1823 year beginning on or after July 1, 2009, the Division of Finance shall annually deposit

1824 \$90,000,000 of the revenues generated by the taxes listed under Subsection (3)(a) into the  
1825 Critical Highway Needs Fund created by Section 72-2-125.

1826 (c) Notwithstanding Subsection (3)(a) and in addition to any amounts deposited under  
1827 Subsections (7) and (8), when the general obligation bonds authorized by Section 63B-16-101  
1828 have been paid off and the highway projects completed that are included in the prioritized  
1829 project list under Subsection 72-2-125(4) as determined in accordance with Subsection  
1830 72-2-125(6), the Division of Finance shall annually deposit \$90,000,000 of the revenues  
1831 generated by the taxes listed under Subsection (3)(a) into the Transportation Investment Fund  
1832 of 2005 created by Section 72-2-124.

1833 (10) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year  
1834 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund  
1835 created by Section 9-4-1409 and expended as provided in Section 9-4-1409.

1836 (11) (a) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection  
1837 (11)(a)(ii), and until Subsection (11)(b) applies, beginning on January 1, 2009, the Division of  
1838 Finance shall deposit into the Critical Highway Needs Fund created by Section 72-2-125 the  
1839 amount of tax revenue generated by a .025% tax rate on the transactions described in  
1840 Subsection (1).

1841 (ii) For purposes of Subsection (11)(a)(i), the Division of Finance may not deposit into  
1842 the Critical Highway Needs Fund any tax revenue generated by amounts paid or charged for  
1843 food and food ingredients, except for tax revenue generated by a bundled transaction  
1844 attributable to food and food ingredients and tangible personal property other than food and  
1845 food ingredients described in Subsection (2)(e).

1846 (b) (i) Notwithstanding Subsection (3)(a), except as provided in Subsection (11)(b)(ii),  
1847 and in addition to any amounts deposited under Subsections (7), (9), and (10), when the general  
1848 obligation bonds authorized by Section 63B-16-101 have been paid off and the highway  
1849 projects completed that are included in the prioritized project list under Subsection 72-2-125(4)  
1850 as determined in accordance with Subsection 72-2-125(6), the Division of Finance shall  
1851 deposit into the Transportation Investment Fund of 2005 created by Section 72-2-124 the  
1852 amount of tax revenue generated by a .025% tax rate on the transactions described in  
1853 Subsection (1).

1854 (ii) For purposes of Subsection (11)(b)(i), the Division of Finance may not deposit into

1855 the Transportation Investment Fund of 2005 any tax revenue generated by amounts paid or  
1856 charged for food and food ingredients, except for tax revenue generated by a bundled  
1857 transaction attributable to food and food ingredients and tangible personal property other than  
1858 food and food ingredients described in Subsection (2)(e).

1859 (12) (a) Notwithstanding Subsection (3)(a), and except as provided in Subsection  
1860 (12)(b), beginning on January 1, 2009, the Division of Finance shall deposit into the  
1861 Transportation Fund created by Section 72-2-102 the amount of tax revenue generated by a  
1862 .025% tax rate on the transactions described in Subsection (1) to be expended to address  
1863 chokepoints in construction management.

1864 (b) For purposes of Subsection (12)(a), the Division of Finance may not deposit into  
1865 the Transportation Fund any tax revenue generated by amounts paid or charged for food and  
1866 food ingredients, except for tax revenue generated by a bundled transaction attributable to food  
1867 and food ingredients and tangible personal property other than food and food ingredients  
1868 described in Subsection (2)(e).

1869 Section 4. Section **59-12-106** is amended to read:

1870 **59-12-106. Definitions -- Sales and use tax license requirements -- Penalty --**  
1871 **Application process and requirements -- No fee -- Bonds -- Presumption of taxability --**  
1872 **Exemption certificates -- Exemption certificate license number to accompany contract**  
1873 **bids.**

1874 (1) As used in this section:

1875 (a) "applicant" means a person that:

1876 (i) is required by this section to obtain a license; and

1877 (ii) submits an application:

1878 (A) to the commission; and

1879 (B) for a license under this section;

1880 (b) "application" means an application for a license under this section;

1881 (c) "fiduciary of the applicant" means a person that:

1882 (i) is required to collect, truthfully account for, and pay over a tax under this chapter  
1883 for an applicant; and

1884 (ii) (A) is a corporate officer of the applicant described in Subsection (1)(c)(i);

1885 (B) is a director of the applicant described in Subsection (1)(c)(i);

1886 (C) is an employee of the applicant described in Subsection (1)(c)(i);  
1887 (D) is a partner of the applicant described in Subsection (1)(c)(i);  
1888 (E) is a trustee of the applicant described in Subsection (1)(c)(i); or  
1889 (F) has a relationship to the applicant described in Subsection (1)(c)(i) that is similar to  
1890 a relationship described in Subsections (1)(c)(ii)(A) through (E) as determined by the  
1891 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1892 Rulemaking Act;  
1893 (d) "fiduciary of the licensee" means a person that:  
1894 (i) is required to collect, truthfully account for, and pay over a tax under this chapter  
1895 for a licensee; and  
1896 (ii) (A) is a corporate officer of the licensee described in Subsection (1)(d)(i);  
1897 (B) is a director of the licensee described in Subsection (1)(d)(i);  
1898 (C) is an employee of the licensee described in Subsection (1)(d)(i);  
1899 (D) is a partner of the licensee described in Subsection (1)(d)(i);  
1900 (E) is a trustee of the licensee described in Subsection (1)(d)(i); or  
1901 (F) has a relationship to the licensee described in Subsection (1)(d)(i) that is similar to  
1902 a relationship described in Subsections (1)(d)(ii)(A) through (E) as determined by the  
1903 commission by rule made in accordance with Title 63G, Chapter 3, Utah Administrative  
1904 Rulemaking Act;  
1905 (e) "license" means a license under this section; and  
1906 (f) "licensee" means a person that is licensed under this section by the commission.  
1907 (2) (a) It is unlawful for any person required to collect a tax under this chapter to  
1908 engage in business within the state without first having obtained a license to do so.  
1909 (b) The license described in Subsection (2)(a):  
1910 (i) shall be granted and issued by the commission;  
1911 (ii) is not assignable;  
1912 (iii) is valid only for the person in whose name the license is issued;  
1913 (iv) is valid until:  
1914 (A) the person described in Subsection (2)(b)(iii):  
1915 (I) ceases to do business; or  
1916 (II) changes that person's business address; or

- 1917 (B) the license is revoked by the commission; and
- 1918 (v) subject to Subsection (2)(d), shall be granted by the commission only upon an
- 1919 application that:
- 1920 (A) states the name and address of the applicant; and
- 1921 (B) provides other information the commission may require.
- 1922 (c) At the time an applicant makes an application under Subsection (2)(b)(v), the
- 1923 commission shall notify the applicant of the responsibilities and liability of a business owner
- 1924 successor under Section 59-12-112.
- 1925 (d) The commission shall review an application and determine whether the applicant:
- 1926 (i) meets the requirements of this section to be issued a license; and
- 1927 (ii) is required to post a bond with the commission in accordance with Subsections
- 1928 (2)(e) and (f) before the applicant may be issued a license.
- 1929 (e) (i) An applicant shall post a bond with the commission before the commission may
- 1930 issue the applicant a license if:
- 1931 (A) a license under this section was revoked for a delinquency under this chapter for:
- 1932 (I) the applicant;
- 1933 (II) a fiduciary of the applicant; or
- 1934 (III) a person for which the applicant or the fiduciary of the applicant is required to
- 1935 collect, truthfully account for, and pay over a tax under this chapter; or
- 1936 (B) there is a delinquency in paying a tax under this chapter for:
- 1937 (I) the applicant;
- 1938 (II) a fiduciary of the applicant; or
- 1939 (III) a person for which the applicant or the fiduciary of the applicant is required to
- 1940 collect, truthfully account for, and pay over a tax under this chapter.
- 1941 (ii) If the commission determines it is necessary to ensure compliance with this
- 1942 chapter, the commission may require a licensee to:
- 1943 (A) for a licensee that has not posted a bond under this section with the commission,
- 1944 post a bond with the commission in accordance with Subsection (2)(f); or
- 1945 (B) for a licensee that has posted a bond under this section with the commission,
- 1946 increase the amount of the bond posted with the commission.
- 1947 (f) (i) A bond required by Subsection (2)(e) shall be:

- 1948 (A) executed by:
- 1949 (I) for an applicant, the applicant as principal, with a corporate surety; or
- 1950 (II) for a licensee, the licensee as principal, with a corporate surety; and
- 1951 (B) payable to the commission conditioned upon the faithful performance of all of the
- 1952 requirements of this chapter including:
- 1953 (I) the payment of any tax under this chapter;
- 1954 (II) the payment of any:
- 1955 (Aa) penalty as provided in Section 59-1-401; or
- 1956 (Bb) interest as provided in Section 59-1-402; or
- 1957 (III) any other obligation of the:
- 1958 (Aa) applicant under this chapter; or
- 1959 (Bb) licensee under this chapter.
- 1960 (ii) Except as provided in Subsection (2)(f)(iv), the commission shall calculate the
- 1961 amount of a bond required by Subsection (2)(e) on the basis of:
- 1962 (A) commission estimates of:
- 1963 (I) an applicant's tax liability under this chapter; or
- 1964 (II) a licensee's tax liability under this chapter; and
- 1965 (B) any amount of a delinquency described in Subsection (2)(f)(iii).
- 1966 (iii) Except as provided in Subsection (2)(f)(iv), for purposes of Subsection
- 1967 (2)(f)(ii)(B):
- 1968 (A) for an applicant, the amount of the delinquency is the sum of:
- 1969 (I) the amount of any delinquency that served as a basis for revoking the license under
- 1970 this section of:
- 1971 (Aa) the applicant;
- 1972 (Bb) a fiduciary of the applicant; or
- 1973 (Cc) a person for which the applicant or the fiduciary of the applicant is required to
- 1974 collect, truthfully account for, and pay over a tax under this chapter; or
- 1975 (II) the amount of tax that any of the following owe under this chapter:
- 1976 (Aa) the applicant;
- 1977 (Bb) a fiduciary of the applicant; and
- 1978 (Cc) a person for which the applicant or the fiduciary of the applicant is required to



1979 collect, truthfully account for, and pay over a tax under this chapter; or  
1980 (B) for a licensee, the amount of the delinquency is the sum of:  
1981 (I) the amount of any delinquency that served as a basis for revoking the license under  
1982 this section of:  
1983 (Aa) the licensee;  
1984 (Bb) a fiduciary of the licensee; or  
1985 (Cc) a person for which the licensee or the fiduciary of the licensee is required to  
1986 collect, truthfully account for, and pay over a tax under this chapter; or  
1987 (II) the amount of tax that any of the following owe under this chapter:  
1988 (Aa) the licensee;  
1989 (Bb) a fiduciary of the licensee; and  
1990 (Cc) a person for which the licensee or the fiduciary of the licensee is required to  
1991 collect, truthfully account for, and pay over a tax under this chapter.  
1992 (iv) Notwithstanding Subsection (2)(f)(ii) or (2)(f)(iii), a bond required by Subsection  
1993 (2)(e) may not:  
1994 (A) be less than \$25,000; or  
1995 (B) exceed \$500,000.  
1996 (g) If business is transacted at two or more separate places by one person, a separate  
1997 license for each place of business is required.  
1998 (h) (i) The commission shall, on a reasonable notice and after a hearing, revoke the  
1999 license of any licensee violating any provisions of this chapter.  
2000 (ii) A license may not be issued to a licensee described in Subsection (2)(h)(i) until the  
2001 licensee has complied with the requirements of this chapter, including:  
2002 (A) paying any:  
2003 (I) tax due under this chapter;  
2004 (II) penalty as provided in Section 59-1-401; or  
2005 (III) interest as provided in Section 59-1-402; and  
2006 (B) posting a bond in accordance with Subsections (2)(e) and (f).  
2007 (i) Any person required to collect a tax under this chapter within this state without  
2008 having secured a license to do so is guilty of a criminal violation as provided in Section  
2009 59-1-401.

2010 (j) A license:  
2011 (i) is not required for any person engaged exclusively in the business of selling  
2012 commodities that are exempt from taxation under this chapter; and  
2013 (ii) shall be issued to the person by the commission without a license fee.  
2014 (3) (a) For the purpose of the proper administration of this chapter and to prevent  
2015 evasion of the tax and the duty to collect the tax, it shall be presumed that tangible personal  
2016 property or any other taxable transaction under Subsection 59-12-103(1) sold by any person for  
2017 delivery in this state is sold for storage, use, or other consumption in this state unless the  
2018 person selling the property, item, or service has taken from the purchaser an exemption  
2019 certificate:  
2020 (i) bearing the name and address of the purchaser; and  
2021 (ii) providing that the property, item, or service was exempted under Section  
2022 59-12-104.  
2023 (b) An exemption certificate described in Subsection (3)(a):  
2024 (i) shall contain information as prescribed by the commission; and  
2025 (ii) if a paper exemption certificate is used, shall be signed by the purchaser.  
2026 (c) (i) Subject to Subsection (3)(c)(ii), a seller or certified service provider is not liable  
2027 to collect a tax under this chapter if the seller or certified service provider obtains within 90  
2028 days after a transaction is complete:  
2029 (A) an exemption certificate containing the information required by Subsections (3)(a)  
2030 and (b); or  
2031 (B) the information required by Subsections (3)(a) and (b).  
2032 (ii) A seller or certified service provider that does not obtain the exemption certificate  
2033 or information described in Subsection (3)(c)(i) with respect to a transaction [~~may, within~~] is  
2034 allowed 120 days after the commission requests the seller or certified service provider to  
2035 substantiate the exemption to:  
2036 (A) establish that the transaction is not subject to taxation under this chapter by a  
2037 means other than providing an exemption certificate containing the information required by  
2038 Subsections (3)(a) and (b); or  
2039 (B) subject to Subsection (3)(c)(iii), obtain an exemption certificate containing the  
2040 information required by Subsections (3)(a) and (b), taken in good faith.

2041 (iii) For purposes of Subsection (3)(c)(ii)(B), an exemption certificate is taken in good  
2042 faith if the exemption certificate claims an exemption that:

2043 (A) was allowed by statute on the date of the transaction in the jurisdiction of the  
2044 location of the transaction;

2045 (B) could be applicable to that transaction; and

2046 (C) is reasonable for the purchaser's type of business.

2047 (d) Except as provided in Subsection (3)(e), a seller or certified service provider that  
2048 takes an exemption certificate from a purchaser in accordance with this Subsection (3) with  
2049 respect to a transaction is not liable to collect a tax under this chapter[~~-(i)~~] on that transaction[;  
2050 and].

2051 [~~(i) if the commission or a court of competent jurisdiction subsequently determines~~  
2052 ~~that the purchaser improperly claimed the exemption.]~~

2053 (e) Subsection (3)(d) does not apply to a seller or certified service provider [~~that:]~~ if the  
2054 commission establishes through an audit that the seller or certified service provider:

2055 [~~(i) fraudulently fails to collect a tax under this chapter;~~]

2056 [~~(ii) solicits a purchaser to participate in improperly claiming an exemption from a tax~~  
2057 ~~under this chapter; or]~~

2058 [~~(iii) accepts an exemption certificate for an exemption that is allowed on the basis of~~  
2059 ~~the entity claiming the exemption if:]~~

2060 [~~(A) the purchaser receives the tangible personal property, product, or service that is~~  
2061 ~~the subject of the exemption certificate at a location operated by the seller; and]~~

2062 [~~(B) the exemption certificate states that the tangible personal property, product, or~~  
2063 ~~service is not exempt from taxation under this chapter.]~~

2064 (i) knew or had reason to know at the time the purchaser provided the seller or certified  
2065 service provider the information described in Subsection (3)(a) or (b) that the information  
2066 related to the exemption claimed was materially false; or

2067 (ii) otherwise knowingly participated in activity intended to purposefully evade the tax  
2068 due on the transaction.

2069 (f) (i) Subject to Subsection (3)(f)(ii) and except as provided in Subsection (3)(f)(iii), if  
2070 there is a recurring business relationship between a seller or certified service provider and a  
2071 purchaser, the commission may not require the seller or certified service provider to:

2072           (A) renew an exemption certificate;  
2073           (B) update an exemption certificate; or  
2074           (C) update a data element of an exemption certificate.  
2075           (ii) For purposes of Subsection (3)(f)(i), a recurring business relationship exists if no  
2076 more than a 12-month period elapses between transactions between a seller or certified service  
2077 provider and a purchaser.  
2078           (iii) If there is a recurring business relationship between a seller or certified service  
2079 provider and a purchaser, the commission shall require an exemption certificate the seller or  
2080 certified service provider takes from the purchaser to meet the requirements of Subsections  
2081 (3)(a) and (b).  
2082           (4) A person filing a contract bid with the state or a political subdivision of the state for  
2083 the sale of tangible personal property or any other taxable transaction under Subsection  
2084 59-12-103(1) shall include with the bid the number of the license issued to that person under  
2085 Subsection (2).  
2086           Section 5. Section **59-12-128** is amended to read:  
2087           **59-12-128. Amnesty.**  
2088           (1) As used in this section, "amnesty" means that a seller is not required to pay the  
2089 following amounts that the seller would otherwise be required to pay:  
2090           (a) a tax, fee, or charge under:  
2091           (i) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;  
2092           (ii) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;  
2093           (iii) Section 19-6-714;  
2094           (iv) Section 19-6-805;  
2095           (v) Section 69-2-5;  
2096           (vi) Section 69-2-5.5;  
2097           (vii) Section 69-2-5.6; or  
2098           (viii) this chapter;  
2099           (b) a penalty on a tax, fee, or charge described in Subsection (1)(a); or  
2100           (c) interest on a tax, fee, or charge described in Subsection (1)(a).  
2101           (2) ~~[The]~~ (a) Except as provided in Subsections (2) and (3) and subject to Subsections  
2102 (4) and (5), the commission shall grant a seller amnesty [under this section] if the seller:

2103 ~~[(a) was not licensed under Section 59-12-106 at any time during the 12-month period~~  
2104 ~~prior to the effective date of the state's participation in the agreement;]~~

2105 ~~[(b)] (i) obtains a license under Section 59-12-106 [within a 12-month period after the~~  
2106 ~~effective date of the state's participation in the agreement]; and~~

2107 ~~[(c)] (ii) is registered under the agreement.~~

2108 (b) The commission is not required to grant a seller amnesty under this section  
2109 beginning 12 months after the date the state becomes a full member under the agreement.

2110 (3) A seller may not receive amnesty under this section for a tax, fee, or charge:

2111 (a) the seller collects;

2112 (b) the seller remits to the commission;

2113 (c) that the seller is required to remit to the commission on the seller's purchase; or

2114 (d) arising from a transaction that occurs within a time period that is under audit by the  
2115 commission if:

2116 (i) the seller receives notice of the commencement of the audit prior to obtaining a  
2117 license under Section 59-12-106; and

2118 (ii) (A) the audit described in Subsection (3)(d)(i) is not complete; or

2119 (B) the seller has not exhausted all administrative and judicial remedies in connection  
2120 with the audit described in Subsection (3)(d)(i).

2121 (4) (a) Except as provided in Subsection (4)(b), amnesty the commission grants to a  
2122 seller under this section:

2123 (i) applies to the time period during which the seller is not licensed under Section  
2124 59-12-106; and

2125 (ii) remains in effect if, for a period of three years, the seller:

2126 (A) remains registered under the agreement;

2127 (B) collects a tax, fee, or charge on a transaction subject to a tax, fee, or charge  
2128 described in Subsection (1)(a); and

2129 (C) remits to the commission the taxes, fees, and charges the seller collects in  
2130 accordance with Subsection (4)(a)(ii)(B).

2131 (b) The commission may not grant a seller amnesty under this section if, with respect  
2132 to a tax, fee, or charge for which the seller would otherwise be granted amnesty under this  
2133 section, the seller commits:

2134 (i) fraud; or

2135 (ii) an intentional misrepresentation of a material fact.

2136 (5) (a) If a seller does not meet a requirement of Subsection (4)(a)(ii), the commission

2137 shall require the seller to pay the amounts described in Subsection (1) that the seller would

2138 have otherwise been required to pay.

2139 (b) Notwithstanding Section 59-1-1410, for purposes of requiring a seller to pay an

2140 amount in accordance with Subsection (5)(a), the time period for the commission to make an

2141 assessment under Section 59-1-1410 is extended for a time period beginning on the date the

2142 seller does not meet a requirement of Subsection (4)(a)(ii) and ends three years after that date.

2143 **Section 6. Effective date.**

2144 This bill takes effect on July 1, 2011.

# FISCAL NOTE

H.B. 35 1st Sub. (Buff)

SHORT TITLE: **Sales and Use Tax Act Revisions**

SPONSOR: **Bramble, C.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.