

1 **SALES AND USE TAX EXEMPTION CHANGES**

2 2017 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Curtis S. Bramble**

5 House Sponsor: Eric K. Hutchings

7 **LONG TITLE**

8 **General Description:**

9 This bill creates a sales and use tax exemption for cleaning and washing of a vehicle.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ creates a sales and use tax exemption for cleaning and washing of a vehicle; and
- 13 ▶ creates an exception to the sales and use tax exemption for cleaning and washing of

14 a vehicle that includes cleaning and washing of the interior of the vehicle.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 This bill provides a special effective date.

19 **Utah Code Sections Affected:**

20 **AMENDS:**

21 **59-12-104**, as last amended by Laws of Utah 2016, Third Special Session, Chapter 6

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

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

25 **59-12-104. Exemptions.**

26 Exemptions from the taxes imposed by this chapter are as follows:

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

29 (2) subject to Section **59-12-104.6**, sales to the state, its institutions, and its political

30 subdivisions; however, this exemption does not apply to sales of:

31 (a) construction materials except:

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

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

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

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

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

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

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

47 (i) food and food ingredients; or

48 (ii) prepared food;

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

50 (i) alcoholic beverages;

51 (ii) food and food ingredients; or

52 (iii) prepared food;

53 (b) sales of tangible personal property or a product transferred electronically:

54 (i) to a passenger;

55 (ii) by a commercial airline carrier; and

56 (iii) during a flight for in-flight consumption or in-flight use by the passenger; or

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

58 (5) (a) (i) beginning on July 1, 2008, and ending on September 30, 2008, sales of parts
59 and equipment:

60 (A) (I) by an establishment described in NAICS Code 336411 or 336412 of the 2002
61 North American Industry Classification System of the federal Executive Office of the
62 President, Office of Management and Budget; and

63 (II) for:

64 (Aa) installation in an aircraft, including services relating to the installation of parts or
65 equipment in the aircraft;

66 (Bb) renovation of an aircraft; or

67 (Cc) repair of an aircraft; or

68 (B) for installation in an aircraft operated by a common carrier in interstate or foreign
69 commerce; or

70 (ii) beginning on October 1, 2008, sales of parts and equipment for installation in an
71 aircraft operated by a common carrier in interstate or foreign commerce; and

72 (b) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,
73 a person may claim the exemption allowed by Subsection (5)(a)(i)(B) for a sale by filing for a
74 refund:

75 (i) if the sale is made on or after July 1, 2008, but on or before September 30, 2008;

76 (ii) as if Subsection (5)(a)(i)(B) were in effect on the day on which the sale is made;

77 (iii) if the person did not claim the exemption allowed by Subsection (5)(a)(i)(B) for
78 the sale prior to filing for the refund;

79 (iv) for sales and use taxes paid under this chapter on the sale;

80 (v) in accordance with Section 59-1-1410; and

81 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if
82 the person files for the refund on or before September 30, 2011;

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

86 (7) (a) except as provided in Subsection (86) and subject to Subsection (7)(b), sales of
87 cleaning or washing of tangible personal property if the cleaning or washing of the tangible
88 personal property is not assisted cleaning or washing of tangible personal property;

89 (b) if a seller that sells at the same business location assisted cleaning or washing of
90 tangible personal property and cleaning or washing of tangible personal property that is not
91 assisted cleaning or washing of tangible personal property, the exemption described in
92 Subsection (7)(a) applies if the seller separately accounts for the sales of the assisted cleaning
93 or washing of the tangible personal property; and

94 (c) for purposes of Subsection (7)(b) and in accordance with Title 63G, Chapter 3,
95 Utah Administrative Rulemaking Act, the commission may make rules:

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

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

100 (8) sales made to or by religious or charitable institutions in the conduct of their regular
101 religious or charitable functions and activities, if the requirements of Section [59-12-104.1](#) are
102 fulfilled;

103 (9) sales of a vehicle of a type required to be registered under the motor vehicle laws of
104 this state if the vehicle is:

105 (a) not registered in this state; and

106 (b) (i) not used in this state; or

107 (ii) used in this state:

108 (A) if the vehicle is not used to conduct business, for a time period that does not
109 exceed the longer of:

110 (I) 30 days in any calendar year; or

111 (II) the time period necessary to transport the vehicle to the borders of this state; or

112 (B) if the vehicle is used to conduct business, for the time period necessary to transport
113 the vehicle to the borders of this state;

- 114 (10) (a) amounts paid for an item described in Subsection (10)(b) if:
- 115 (i) the item is intended for human use; and
- 116 (ii) (A) a prescription was issued for the item; or
- 117 (B) the item was purchased by a hospital or other medical facility; and
- 118 (b) (i) Subsection (10)(a) applies to:
- 119 (A) a drug;
- 120 (B) a syringe; or
- 121 (C) a stoma supply; and
- 122 (ii) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 123 commission may by rule define the terms:
- 124 (A) "syringe"; or
- 125 (B) "stoma supply";
- 126 (11) purchases or leases exempt under Section [19-12-201](#);
- 127 (12) (a) sales of an item described in Subsection (12)(c) served by:
- 128 (i) the following if the item described in Subsection (12)(c) is not available to the
- 129 general public:
- 130 (A) a church; or
- 131 (B) a charitable institution;
- 132 (ii) an institution of higher education if:
- 133 (A) the item described in Subsection (12)(c) is not available to the general public; or
- 134 (B) the item described in Subsection (12)(c) is prepaid as part of a student meal plan
- 135 offered by the institution of higher education; or
- 136 (b) sales of an item described in Subsection (12)(c) provided for a patient by:
- 137 (i) a medical facility; or
- 138 (ii) a nursing facility; and
- 139 (c) Subsections (12)(a) and (b) apply to:
- 140 (i) food and food ingredients;
- 141 (ii) prepared food; or

142 (iii) alcoholic beverages;

143 (13) (a) except as provided in Subsection (13)(b), the sale of tangible personal property

144 or a product transferred electronically by a person:

145 (i) regardless of the number of transactions involving the sale of that tangible personal

146 property or product transferred electronically by that person; and

147 (ii) not regularly engaged in the business of selling that type of tangible personal

148 property or product transferred electronically;

149 (b) this Subsection (13) does not apply if:

150 (i) the sale is one of a series of sales of a character to indicate that the person is

151 regularly engaged in the business of selling that type of tangible personal property or product

152 transferred electronically;

153 (ii) the person holds that person out as regularly engaged in the business of selling that

154 type of tangible personal property or product transferred electronically;

155 (iii) the person sells an item of tangible personal property or product transferred

156 electronically that the person purchased as a sale that is exempt under Subsection (25); or

157 (iv) the sale is of a vehicle or vessel required to be titled or registered under the laws of

158 this state in which case the tax is based upon:

159 (A) the bill of sale or other written evidence of value of the vehicle or vessel being

160 sold; or

161 (B) in the absence of a bill of sale or other written evidence of value, the fair market

162 value of the vehicle or vessel being sold at the time of the sale as determined by the

163 commission; and

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

165 commission shall make rules establishing the circumstances under which:

166 (i) a person is regularly engaged in the business of selling a type of tangible personal

167 property or product transferred electronically;

168 (ii) a sale of tangible personal property or a product transferred electronically is one of

169 a series of sales of a character to indicate that a person is regularly engaged in the business of

170 selling that type of tangible personal property or product transferred electronically; or
171 (iii) a person holds that person out as regularly engaged in the business of selling a type
172 of tangible personal property or product transferred electronically;
173 (14) (a) amounts paid or charged for a purchase or lease:
174 (i) by a manufacturing facility located in the state; and
175 (ii) of machinery, equipment, or normal operating repair or replacement parts if the
176 machinery, equipment, or normal operating repair or replacement parts have an economic life
177 of three or more years and are used:
178 (A) in the manufacturing process to manufacture an item sold as tangible personal
179 property; or
180 (B) for a scrap recycler, to process an item sold as tangible personal property;
181 (b) amounts paid or charged for a purchase or lease:
182 (i) by an establishment:
183 (A) described in NAICS Subsector 212, Mining (except Oil and Gas), or NAICS Code
184 213113, Support Activities for Coal Mining, 213114, Support Activities for Metal Mining, or
185 213115, Support Activities for Nonmetallic Minerals (except Fuels) Mining, of the 2002 North
186 American Industry Classification System of the federal Executive Office of the President,
187 Office of Management and Budget; and
188 (B) located in the state; and
189 (ii) of machinery, equipment, or normal operating repair or replacement parts if the
190 machinery, equipment, or normal operating repair or replacement parts have an economic life
191 of three or more years and are used in:
192 (A) the production process to produce an item sold as tangible personal property;
193 (B) research and development;
194 (C) transporting, storing, or managing tailings, overburden, or similar waste materials
195 produced from mining;
196 (D) developing or maintaining a road, tunnel, excavation, or similar feature used in
197 mining; or

198 (E) preventing, controlling, or reducing dust or other pollutants from mining;
199 (c) amounts paid or charged for a purchase or lease:
200 (i) by an establishment:
201 (A) described in NAICS Code 518112, Web Search Portals, of the 2002 North
202 American Industry Classification System of the federal Executive Office of the President,
203 Office of Management and Budget; and
204 (B) located in the state; and
205 (ii) of machinery, equipment, or normal operating repair or replacement parts if the
206 machinery, equipment, or normal operating repair or replacement parts:
207 (A) are used in the operation of the web search portal; and
208 (B) have an economic life of three or more years; and
209 (d) for purposes of this Subsection (14) and in accordance with Title 63G, Chapter 3,
210 Utah Administrative Rulemaking Act, the commission:
211 (i) shall by rule define the term "establishment"; and
212 (ii) may by rule define what constitutes:
213 (A) processing an item sold as tangible personal property;
214 (B) the production process, to produce an item sold as tangible personal property; or
215 (C) research and development;
216 (15) (a) sales of the following if the requirements of Subsection (15)(b) are met:
217 (i) tooling;
218 (ii) special tooling;
219 (iii) support equipment;
220 (iv) special test equipment; or
221 (v) parts used in the repairs or renovations of tooling or equipment described in
222 Subsections (15)(a)(i) through (iv); and
223 (b) sales of tooling, equipment, or parts described in Subsection (15)(a) are exempt if:
224 (i) the tooling, equipment, or parts are used or consumed exclusively in the
225 performance of any aerospace or electronics industry contract with the United States

226 government or any subcontract under that contract; and
227 (ii) under the terms of the contract or subcontract described in Subsection (15)(b)(i),
228 title to the tooling, equipment, or parts is vested in the United States government as evidenced
229 by:
230 (A) a government identification tag placed on the tooling, equipment, or parts; or
231 (B) listing on a government-approved property record if placing a government
232 identification tag on the tooling, equipment, or parts is impractical;
233 (16) sales of newspapers or newspaper subscriptions;
234 (17) (a) except as provided in Subsection (17)(b), tangible personal property or a
235 product transferred electronically traded in as full or part payment of the purchase price, except
236 that for purposes of calculating sales or use tax upon vehicles not sold by a vehicle dealer,
237 trade-ins are limited to other vehicles only, and the tax is based upon:
238 (i) the bill of sale or other written evidence of value of the vehicle being sold and the
239 vehicle being traded in; or
240 (ii) in the absence of a bill of sale or other written evidence of value, the then existing
241 fair market value of the vehicle being sold and the vehicle being traded in, as determined by the
242 commission; and
243 (b) Subsection (17)(a) does not apply to the following items of tangible personal
244 property or products transferred electronically traded in as full or part payment of the purchase
245 price:
246 (i) money;
247 (ii) electricity;
248 (iii) water;
249 (iv) gas; or
250 (v) steam;
251 (18) (a) (i) except as provided in Subsection (18)(b), sales of tangible personal property
252 or a product transferred electronically used or consumed primarily and directly in farming
253 operations, regardless of whether the tangible personal property or product transferred

254 electronically:

255 (A) becomes part of real estate; or

256 (B) is installed by a:

257 (I) farmer;

258 (II) contractor; or

259 (III) subcontractor; or

260 (ii) sales of parts used in the repairs or renovations of tangible personal property or a

261 product transferred electronically if the tangible personal property or product transferred

262 electronically is exempt under Subsection (18)(a)(i); and

263 (b) amounts paid or charged for the following are subject to the taxes imposed by this

264 chapter:

265 (i) (A) subject to Subsection (18)(b)(i)(B), the following if used in a manner that is

266 incidental to farming:

267 (I) machinery;

268 (II) equipment;

269 (III) materials; or

270 (IV) supplies; and

271 (B) tangible personal property that is considered to be used in a manner that is

272 incidental to farming includes:

273 (I) hand tools; or

274 (II) maintenance and janitorial equipment and supplies;

275 (ii) (A) subject to Subsection (18)(b)(ii)(B), tangible personal property or a product

276 transferred electronically if the tangible personal property or product transferred electronically

277 is used in an activity other than farming; and

278 (B) tangible personal property or a product transferred electronically that is considered

279 to be used in an activity other than farming includes:

280 (I) office equipment and supplies; or

281 (II) equipment and supplies used in:

- 282 (Aa) the sale or distribution of farm products;
- 283 (Bb) research; or
- 284 (Cc) transportation; or
- 285 (iii) a vehicle required to be registered by the laws of this state during the period
- 286 ending two years after the date of the vehicle's purchase;
- 287 (19) sales of hay;
- 288 (20) exclusive sale during the harvest season of seasonal crops, seedling plants, or
- 289 garden, farm, or other agricultural produce if the seasonal crops are, seedling plants are, or
- 290 garden, farm, or other agricultural produce is sold by:
 - 291 (a) the producer of the seasonal crops, seedling plants, or garden, farm, or other
 - 292 agricultural produce;
 - 293 (b) an employee of the producer described in Subsection (20)(a); or
 - 294 (c) a member of the immediate family of the producer described in Subsection (20)(a);
- 295 (21) purchases made using a coupon as defined in 7 U.S.C. Sec. 2012 that is issued
- 296 under the Food Stamp Program, 7 U.S.C. Sec. 2011 et seq.;
- 297 (22) sales of nonreturnable containers, nonreturnable labels, nonreturnable bags,
- 298 nonreturnable shipping cases, and nonreturnable casings to a manufacturer, processor,
- 299 wholesaler, or retailer for use in packaging tangible personal property to be sold by that
- 300 manufacturer, processor, wholesaler, or retailer;
- 301 (23) a product stored in the state for resale;
- 302 (24) (a) purchases of a product if:
 - 303 (i) the product is:
 - 304 (A) purchased outside of this state;
 - 305 (B) brought into this state:
 - 306 (I) at any time after the purchase described in Subsection (24)(a)(i)(A); and
 - 307 (II) by a nonresident person who is not living or working in this state at the time of the
 - 308 purchase;
 - 309 (C) used for the personal use or enjoyment of the nonresident person described in

310 Subsection (24)(a)(i)(B)(II) while that nonresident person is within the state; and
311 (D) not used in conducting business in this state; and
312 (ii) for:
313 (A) a product other than a boat described in Subsection (24)(a)(ii)(B), the first use of
314 the product for a purpose for which the product is designed occurs outside of this state;
315 (B) a boat, the boat is registered outside of this state; or
316 (C) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered
317 outside of this state;
318 (b) the exemption provided for in Subsection (24)(a) does not apply to:
319 (i) a lease or rental of a product; or
320 (ii) a sale of a vehicle exempt under Subsection (33); and
321 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
322 purposes of Subsection (24)(a), the commission may by rule define what constitutes the
323 following:
324 (i) conducting business in this state if that phrase has the same meaning in this
325 Subsection (24) as in Subsection (63);
326 (ii) the first use of a product if that phrase has the same meaning in this Subsection (24)
327 as in Subsection (63); or
328 (iii) a purpose for which a product is designed if that phrase has the same meaning in
329 this Subsection (24) as in Subsection (63);
330 (25) a product purchased for resale in this state, in the regular course of business, either
331 in its original form or as an ingredient or component part of a manufactured or compounded
332 product;
333 (26) a product upon which a sales or use tax was paid to some other state, or one of its
334 subdivisions, except that the state shall be paid any difference between the tax paid and the tax
335 imposed by this part and Part 2, Local Sales and Use Tax Act, and no adjustment is allowed if
336 the tax paid was greater than the tax imposed by this part and Part 2, Local Sales and Use Tax
337 Act;

338 (27) any sale of a service described in Subsections 59-12-103(1)(b), (c), and (d) to a
339 person for use in compounding a service taxable under the subsections;

340 (28) purchases made in accordance with the special supplemental nutrition program for
341 women, infants, and children established in 42 U.S.C. Sec. 1786;

342 (29) sales or leases of rolls, rollers, refractory brick, electric motors, or other
343 replacement parts used in the furnaces, mills, or ovens of a steel mill described in SIC Code
344 3312 of the 1987 Standard Industrial Classification Manual of the federal Executive Office of
345 the President, Office of Management and Budget;

346 (30) sales of a boat of a type required to be registered under Title 73, Chapter 18, State
347 Boating Act, a boat trailer, or an outboard motor if the boat, boat trailer, or outboard motor is:

348 (a) not registered in this state; and

349 (b) (i) not used in this state; or

350 (ii) used in this state:

351 (A) if the boat, boat trailer, or outboard motor is not used to conduct business, for a
352 time period that does not exceed the longer of:

353 (I) 30 days in any calendar year; or

354 (II) the time period necessary to transport the boat, boat trailer, or outboard motor to
355 the borders of this state; or

356 (B) if the boat, boat trailer, or outboard motor is used to conduct business, for the time
357 period necessary to transport the boat, boat trailer, or outboard motor to the borders of this
358 state;

359 (31) sales of aircraft manufactured in Utah;

360 (32) amounts paid for the purchase of telecommunications service for purposes of
361 providing telecommunications service;

362 (33) sales, leases, or uses of the following:

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

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

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

- 366 (ii) before the vehicle is placed in service for the first time;
- 367 (34) (a) 45% of the sales price of any new manufactured home; and
- 368 (b) 100% of the sales price of any used manufactured home;
- 369 (35) sales relating to schools and fundraising sales;
- 370 (36) sales or rentals of durable medical equipment if:
- 371 (a) a person presents a prescription for the durable medical equipment; and
- 372 (b) the durable medical equipment is used for home use only;
- 373 (37) (a) sales to a ski resort of electricity to operate a passenger ropeway as defined in
- 374 Section 72-11-102; and
- 375 (b) the commission shall by rule determine the method for calculating sales exempt
- 376 under Subsection (37)(a) that are not separately metered and accounted for in utility billings;
- 377 (38) sales to a ski resort of:
- 378 (a) snowmaking equipment;
- 379 (b) ski slope grooming equipment;
- 380 (c) passenger ropeways as defined in Section 72-11-102; or
- 381 (d) parts used in the repairs or renovations of equipment or passenger ropeways
- 382 described in Subsections (38)(a) through (c);
- 383 (39) sales of natural gas, electricity, heat, coal, fuel oil, or other fuels for industrial use;
- 384 (40) (a) subject to Subsection (40)(b), sales or rentals of the right to use or operate for
- 385 amusement, entertainment, or recreation an unassisted amusement device as defined in Section
- 386 59-12-102;
- 387 (b) if a seller that sells or rents at the same business location the right to use or operate
- 388 for amusement, entertainment, or recreation one or more unassisted amusement devices and
- 389 one or more assisted amusement devices, the exemption described in Subsection (40)(a)
- 390 applies if the seller separately accounts for the sales or rentals of the right to use or operate for
- 391 amusement, entertainment, or recreation for the assisted amusement devices; and
- 392 (c) for purposes of Subsection (40)(b) and in accordance with Title 63G, Chapter 3,
- 393 Utah Administrative Rulemaking Act, the commission may make rules:

394 (i) governing the circumstances under which sales are at the same business location;
395 and
396 (ii) establishing the procedures and requirements for a seller to separately account for
397 the sales or rentals of the right to use or operate for amusement, entertainment, or recreation for
398 assisted amusement devices;

399 (41) (a) sales of photocopies by:
400 (i) a governmental entity; or
401 (ii) an entity within the state system of public education, including:
402 (A) a school; or
403 (B) the State Board of Education; or
404 (b) sales of publications by a governmental entity;

405 (42) amounts paid for admission to an athletic event at an institution of higher
406 education that is subject to the provisions of Title IX of the Education Amendments of 1972,
407 20 U.S.C. Sec. 1681 et seq.;

408 (43) (a) sales made to or by:
409 (i) an area agency on aging; or
410 (ii) a senior citizen center owned by a county, city, or town; or
411 (b) sales made by a senior citizen center that contracts with an area agency on aging;

412 (44) sales or leases of semiconductor fabricating, processing, research, or development
413 materials regardless of whether the semiconductor fabricating, processing, research, or
414 development materials:
415 (a) actually come into contact with a semiconductor; or
416 (b) ultimately become incorporated into real property;

417 (45) an amount paid by or charged to a purchaser for accommodations and services
418 described in Subsection 59-12-103(1)(i) to the extent the amount is exempt under Section
419 59-12-104.2;

420 (46) beginning on September 1, 2001, the lease or use of a vehicle issued a temporary
421 sports event registration certificate in accordance with Section 41-3-306 for the event period

422 specified on the temporary sports event registration certificate;

423 (47) (a) sales or uses of electricity, if the sales or uses are made under a retail tariff
424 adopted by the Public Service Commission only for purchase of electricity produced from a
425 new alternative energy source built after January 1, 2016, as designated in the tariff by the
426 Public Service Commission;

427 (b) for a residential use customer only, the exemption under Subsection (47)(a) applies
428 only to the portion of the tariff rate a customer pays under the tariff described in Subsection
429 (47)(a) that exceeds the tariff rate under the tariff described in Subsection (47)(a) that the
430 customer would have paid absent the tariff;

431 (48) sales or rentals of mobility enhancing equipment if a person presents a
432 prescription for the mobility enhancing equipment;

433 (49) sales of water in a:

- 434 (a) pipe;
- 435 (b) conduit;
- 436 (c) ditch; or
- 437 (d) reservoir;

438 (50) sales of currency or coins that constitute legal tender of a state, the United States,
439 or a foreign nation;

440 (51) (a) sales of an item described in Subsection (51)(b) if the item:

- 441 (i) does not constitute legal tender of a state, the United States, or a foreign nation; and
- 442 (ii) has a gold, silver, or platinum content of 50% or more; and

443 (b) Subsection (51)(a) applies to a gold, silver, or platinum:

- 444 (i) ingot;
- 445 (ii) bar;
- 446 (iii) medallion; or
- 447 (iv) decorative coin;

448 (52) amounts paid on a sale-leaseback transaction;

449 (53) sales of a prosthetic device:

450 (a) for use on or in a human; and
451 (b) (i) for which a prescription is required; or
452 (ii) if the prosthetic device is purchased by a hospital or other medical facility;
453 (54) (a) except as provided in Subsection (54)(b), purchases, leases, or rentals of
454 machinery or equipment by an establishment described in Subsection (54)(c) if the machinery
455 or equipment is primarily used in the production or postproduction of the following media for
456 commercial distribution:
457 (i) a motion picture;
458 (ii) a television program;
459 (iii) a movie made for television;
460 (iv) a music video;
461 (v) a commercial;
462 (vi) a documentary; or
463 (vii) a medium similar to Subsections (54)(a)(i) through (vi) as determined by the
464 commission by administrative rule made in accordance with Subsection (54)(d); or
465 (b) purchases, leases, or rentals of machinery or equipment by an establishment
466 described in Subsection (54)(c) that is used for the production or postproduction of the
467 following are subject to the taxes imposed by this chapter:
468 (i) a live musical performance;
469 (ii) a live news program; or
470 (iii) a live sporting event;
471 (c) the following establishments listed in the 1997 North American Industry
472 Classification System of the federal Executive Office of the President, Office of Management
473 and Budget, apply to Subsections (54)(a) and (b):
474 (i) NAICS Code 512110; or
475 (ii) NAICS Code 51219; and
476 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
477 commission may by rule:

478 (i) prescribe what constitutes a medium similar to Subsections (54)(a)(i) through (vi);

479 or

480 (ii) define:

481 (A) "commercial distribution";

482 (B) "live musical performance";

483 (C) "live news program"; or

484 (D) "live sporting event";

485 (55) (a) leases of seven or more years or purchases made on or after July 1, 2004, but

486 on or before June 30, 2027, of tangible personal property that:

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

488 (A) is an alternative energy electricity production facility;

489 (B) is located in the state; and

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

491 (II) has its generation capacity increased by one or more megawatts on or after July 1,

492 2004, as a result of the use of the tangible personal property;

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

494 (iii) is used to make the facility or the increase in capacity of the facility described in

495 Subsection (55)(a)(i) operational up to the point of interconnection with an existing

496 transmission grid including:

497 (A) a wind turbine;

498 (B) generating equipment;

499 (C) a control and monitoring system;

500 (D) a power line;

501 (E) substation equipment;

502 (F) lighting;

503 (G) fencing;

504 (H) pipes; or

505 (I) other equipment used for locating a power line or pole; and

506 (b) this Subsection (55) does not apply to:
507 (i) tangible personal property used in construction of:
508 (A) a new alternative energy electricity production facility; or
509 (B) the increase in the capacity of an alternative energy electricity production facility;
510 (ii) contracted services required for construction and routine maintenance activities;
511 and
512 (iii) unless the tangible personal property is used or acquired for an increase in capacity
513 of the facility described in Subsection (55)(a)(i)(C)(II), tangible personal property used or
514 acquired after:
515 (A) the alternative energy electricity production facility described in Subsection
516 (55)(a)(i) is operational as described in Subsection (55)(a)(iii); or
517 (B) the increased capacity described in Subsection (55)(a)(i) is operational as described
518 in Subsection (55)(a)(iii);
519 (56) (a) leases of seven or more years or purchases made on or after July 1, 2004, but
520 on or before June 30, 2027, of tangible personal property that:
521 (i) is leased or purchased for or by a facility that:
522 (A) is a waste energy production facility;
523 (B) is located in the state; and
524 (C) (I) becomes operational on or after July 1, 2004; or
525 (II) has its generation capacity increased by one or more megawatts on or after July 1,
526 2004, as a result of the use of the tangible personal property;
527 (ii) has an economic life of five or more years; and
528 (iii) is used to make the facility or the increase in capacity of the facility described in
529 Subsection (56)(a)(i) operational up to the point of interconnection with an existing
530 transmission grid including:
531 (A) generating equipment;
532 (B) a control and monitoring system;
533 (C) a power line;

- 534 (D) substation equipment;
- 535 (E) lighting;
- 536 (F) fencing;
- 537 (G) pipes; or
- 538 (H) other equipment used for locating a power line or pole; and
- 539 (b) this Subsection (56) does not apply to:
 - 540 (i) tangible personal property used in construction of:
 - 541 (A) a new waste energy facility; or
 - 542 (B) the increase in the capacity of a waste energy facility;
 - 543 (ii) contracted services required for construction and routine maintenance activities;
- 544 and
 - 545 (iii) unless the tangible personal property is used or acquired for an increase in capacity
 - 546 described in Subsection (56)(a)(i)(C)(II), tangible personal property used or acquired after:
 - 547 (A) the waste energy facility described in Subsection (56)(a)(i) is operational as
 - 548 described in Subsection (56)(a)(iii); or
 - 549 (B) the increased capacity described in Subsection (56)(a)(i) is operational as described
 - 550 in Subsection (56)(a)(iii);
 - 551 (57) (a) leases of five or more years or purchases made on or after July 1, 2004, but on
 - 552 or before June 30, 2027, of tangible personal property that:
 - 553 (i) is leased or purchased for or by a facility that:
 - 554 (A) is located in the state;
 - 555 (B) produces fuel from alternative energy, including:
 - 556 (I) methanol; or
 - 557 (II) ethanol; and
 - 558 (C) (I) becomes operational on or after July 1, 2004; or
 - 559 (II) has its capacity to produce fuel increase by 25% or more on or after July 1, 2004, as
 - 560 a result of the installation of the tangible personal property;
 - 561 (ii) has an economic life of five or more years; and

562 (iii) is installed on the facility described in Subsection (57)(a)(i);
563 (b) this Subsection (57) does not apply to:
564 (i) tangible personal property used in construction of:
565 (A) a new facility described in Subsection (57)(a)(i); or
566 (B) the increase in capacity of the facility described in Subsection (57)(a)(i); or
567 (ii) contracted services required for construction and routine maintenance activities;
568 and
569 (iii) unless the tangible personal property is used or acquired for an increase in capacity
570 described in Subsection (57)(a)(i)(C)(II), tangible personal property used or acquired after:
571 (A) the facility described in Subsection (57)(a)(i) is operational; or
572 (B) the increased capacity described in Subsection (57)(a)(i) is operational;
573 (58) (a) subject to Subsection (58)(b) or (c), sales of tangible personal property or a
574 product transferred electronically to a person within this state if that tangible personal property
575 or product transferred electronically is subsequently shipped outside the state and incorporated
576 pursuant to contract into and becomes a part of real property located outside of this state;
577 (b) the exemption under Subsection (58)(a) is not allowed to the extent that the other
578 state or political entity to which the tangible personal property is shipped imposes a sales, use,
579 gross receipts, or other similar transaction excise tax on the transaction against which the other
580 state or political entity allows a credit for sales and use taxes imposed by this chapter; and
581 (c) notwithstanding the time period of Subsection 59-1-1410(8) for filing for a refund,
582 a person may claim the exemption allowed by this Subsection (58) for a sale by filing for a
583 refund:
584 (i) if the sale is made on or after July 1, 2004, but on or before June 30, 2008;
585 (ii) as if this Subsection (58) as in effect on July 1, 2008, were in effect on the day on
586 which the sale is made;
587 (iii) if the person did not claim the exemption allowed by this Subsection (58) for the
588 sale prior to filing for the refund;
589 (iv) for sales and use taxes paid under this chapter on the sale;

590 (v) in accordance with Section 59-1-1410; and
591 (vi) subject to any extension allowed for filing for a refund under Section 59-1-1410, if
592 the person files for the refund on or before June 30, 2011;
593 (59) purchases:
594 (a) of one or more of the following items in printed or electronic format:
595 (i) a list containing information that includes one or more:
596 (A) names; or
597 (B) addresses; or
598 (ii) a database containing information that includes one or more:
599 (A) names; or
600 (B) addresses; and
601 (b) used to send direct mail;
602 (60) redemptions or repurchases of a product by a person if that product was:
603 (a) delivered to a pawnbroker as part of a pawn transaction; and
604 (b) redeemed or repurchased within the time period established in a written agreement
605 between the person and the pawnbroker for redeeming or repurchasing the product;
606 (61) (a) purchases or leases of an item described in Subsection (61)(b) if the item:
607 (i) is purchased or leased by, or on behalf of, a telecommunications service provider;
608 and
609 (ii) has a useful economic life of one or more years; and
610 (b) the following apply to Subsection (61)(a):
611 (i) telecommunications enabling or facilitating equipment, machinery, or software;
612 (ii) telecommunications equipment, machinery, or software required for 911 service;
613 (iii) telecommunications maintenance or repair equipment, machinery, or software;
614 (iv) telecommunications switching or routing equipment, machinery, or software; or
615 (v) telecommunications transmission equipment, machinery, or software;
616 (62) (a) beginning on July 1, 2006, and ending on June 30, 2027, purchases of tangible
617 personal property or a product transferred electronically that are used in the research and

618 development of alternative energy technology; and

619 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
620 commission may, for purposes of Subsection (62)(a), make rules defining what constitutes
621 purchases of tangible personal property or a product transferred electronically that are used in
622 the research and development of alternative energy technology;

623 (63) (a) purchases of tangible personal property or a product transferred electronically
624 if:

625 (i) the tangible personal property or product transferred electronically is:

626 (A) purchased outside of this state;

627 (B) brought into this state at any time after the purchase described in Subsection

628 (63)(a)(i)(A); and

629 (C) used in conducting business in this state; and

630 (ii) for:

631 (A) tangible personal property or a product transferred electronically other than the
632 tangible personal property described in Subsection (63)(a)(ii)(B), the first use of the property
633 for a purpose for which the property is designed occurs outside of this state; or

634 (B) a vehicle other than a vehicle sold to an authorized carrier, the vehicle is registered
635 outside of this state;

636 (b) the exemption provided for in Subsection (63)(a) does not apply to:

637 (i) a lease or rental of tangible personal property or a product transferred electronically;

638 or

639 (ii) a sale of a vehicle exempt under Subsection (33); and

640 (c) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for
641 purposes of Subsection (63)(a), the commission may by rule define what constitutes the
642 following:

643 (i) conducting business in this state if that phrase has the same meaning in this
644 Subsection (63) as in Subsection (24);

645 (ii) the first use of tangible personal property or a product transferred electronically if

646 that phrase has the same meaning in this Subsection (63) as in Subsection (24); or
647 (iii) a purpose for which tangible personal property or a product transferred
648 electronically is designed if that phrase has the same meaning in this Subsection (63) as in
649 Subsection (24);
650 (64) sales of disposable home medical equipment or supplies if:
651 (a) a person presents a prescription for the disposable home medical equipment or
652 supplies;
653 (b) the disposable home medical equipment or supplies are used exclusively by the
654 person to whom the prescription described in Subsection (64)(a) is issued; and
655 (c) the disposable home medical equipment and supplies are listed as eligible for
656 payment under:
657 (i) Title XVIII, federal Social Security Act; or
658 (ii) the state plan for medical assistance under Title XIX, federal Social Security Act;
659 (65) sales:
660 (a) to a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit
661 District Act; or
662 (b) of tangible personal property to a subcontractor of a public transit district, if the
663 tangible personal property is:
664 (i) clearly identified; and
665 (ii) installed or converted to real property owned by the public transit district;
666 (66) sales of construction materials:
667 (a) purchased on or after July 1, 2010;
668 (b) purchased by, on behalf of, or for the benefit of an international airport:
669 (i) located within a county of the first class; and
670 (ii) that has a United States customs office on its premises; and
671 (c) if the construction materials are:
672 (i) clearly identified;
673 (ii) segregated; and

- 674 (iii) installed or converted to real property:
- 675 (A) owned or operated by the international airport described in Subsection (66)(b); and
- 676 (B) located at the international airport described in Subsection (66)(b);
- 677 (67) sales of construction materials:
- 678 (a) purchased on or after July 1, 2008;
- 679 (b) purchased by, on behalf of, or for the benefit of a new airport:
- 680 (i) located within a county of the second class; and
- 681 (ii) that is owned or operated by a city in which an airline as defined in Section
- 682 [59-2-102](#) is headquartered; and
- 683 (c) if the construction materials are:
- 684 (i) clearly identified;
- 685 (ii) segregated; and
- 686 (iii) installed or converted to real property:
- 687 (A) owned or operated by the new airport described in Subsection (67)(b);
- 688 (B) located at the new airport described in Subsection (67)(b); and
- 689 (C) as part of the construction of the new airport described in Subsection (67)(b);
- 690 (68) sales of fuel to a common carrier that is a railroad for use in a locomotive engine;
- 691 (69) purchases and sales described in Section [63H-4-111](#);
- 692 (70) (a) sales of tangible personal property to an aircraft maintenance, repair, and
- 693 overhaul provider for use in the maintenance, repair, overhaul, or refurbishment in this state of
- 694 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration
- 695 lists a state or country other than this state as the location of registry of the fixed wing turbine
- 696 powered aircraft; or
- 697 (b) sales of tangible personal property by an aircraft maintenance, repair, and overhaul
- 698 provider in connection with the maintenance, repair, overhaul, or refurbishment in this state of
- 699 a fixed wing turbine powered aircraft if that fixed wing turbine powered aircraft's registration
- 700 lists a state or country other than this state as the location of registry of the fixed wing turbine
- 701 powered aircraft;

702 (71) subject to Section 59-12-104.4, sales of a textbook for a higher education course:

703 (a) to a person admitted to an institution of higher education; and

704 (b) by a seller, other than a bookstore owned by an institution of higher education, if

705 51% or more of that seller's sales revenue for the previous calendar quarter are sales of a

706 textbook for a higher education course;

707 (72) a license fee or tax a municipality imposes in accordance with Subsection

708 10-1-203(5) on a purchaser from a business for which the municipality provides an enhanced

709 level of municipal services;

710 (73) amounts paid or charged for construction materials used in the construction of a

711 new or expanding life science research and development facility in the state, if the construction

712 materials are:

713 (a) clearly identified;

714 (b) segregated; and

715 (c) installed or converted to real property;

716 (74) amounts paid or charged for:

717 (a) a purchase or lease of machinery and equipment that:

718 (i) are used in performing qualified research:

719 (A) as defined in Section 41(d), Internal Revenue Code; and

720 (B) in the state; and

721 (ii) have an economic life of three or more years; and

722 (b) normal operating repair or replacement parts:

723 (i) for the machinery and equipment described in Subsection (74)(a); and

724 (ii) that have an economic life of three or more years;

725 (75) a sale or lease of tangible personal property used in the preparation of prepared

726 food if:

727 (a) for a sale:

728 (i) the ownership of the seller and the ownership of the purchaser are identical; and

729 (ii) the seller or the purchaser paid a tax under this chapter on the purchase of that

730 tangible personal property prior to making the sale; or
731 (b) for a lease:
732 (i) the ownership of the lessor and the ownership of the lessee are identical; and
733 (ii) the lessor or the lessee paid a tax under this chapter on the purchase of that tangible
734 personal property prior to making the lease;
735 (76) (a) purchases of machinery or equipment if:
736 (i) the purchaser is an establishment described in NAICS Subsector 713, Amusement,
737 Gambling, and Recreation Industries, of the 2012 North American Industry Classification
738 System of the federal Executive Office of the President, Office of Management and Budget;
739 (ii) the machinery or equipment:
740 (A) has an economic life of three or more years; and
741 (B) is used by one or more persons who pay admission or user fees described in
742 Subsection 59-12-103(1)(f) to the purchaser of the machinery and equipment; and
743 (iii) 51% or more of the purchaser's sales revenue for the previous calendar quarter is:
744 (A) amounts paid or charged as admission or user fees described in Subsection
745 59-12-103(1)(f); and
746 (B) subject to taxation under this chapter; and
747 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
748 commission may make rules for verifying that 51% of a purchaser's sales revenue for the
749 previous calendar quarter is:
750 (i) amounts paid or charged as admission or user fees described in Subsection
751 59-12-103(1)(f); and
752 (ii) subject to taxation under this chapter;
753 (77) purchases of a short-term lodging consumable by a business that provides
754 accommodations and services described in Subsection 59-12-103(1)(i);
755 (78) amounts paid or charged to access a database:
756 (a) if the primary purpose for accessing the database is to view or retrieve information
757 from the database; and

- 758 (b) not including amounts paid or charged for a:
- 759 (i) digital audiowork;
- 760 (ii) digital audio-visual work; or
- 761 (iii) digital book;
- 762 (79) amounts paid or charged for a purchase or lease made by an electronic financial
- 763 payment service, of:
- 764 (a) machinery and equipment that:
- 765 (i) are used in the operation of the electronic financial payment service; and
- 766 (ii) have an economic life of three or more years; and
- 767 (b) normal operating repair or replacement parts that:
- 768 (i) are used in the operation of the electronic financial payment service; and
- 769 (ii) have an economic life of three or more years;
- 770 (80) beginning on April 1, 2013, sales of a fuel cell as defined in Section [54-15-102](#);
- 771 (81) amounts paid or charged for a purchase or lease of tangible personal property or a
- 772 product transferred electronically if the tangible personal property or product transferred
- 773 electronically:
- 774 (a) is stored, used, or consumed in the state; and
- 775 (b) is temporarily brought into the state from another state:
- 776 (i) during a disaster period as defined in Section [53-2a-1202](#);
- 777 (ii) by an out-of-state business as defined in Section [53-2a-1202](#);
- 778 (iii) for a declared state disaster or emergency as defined in Section [53-2a-1202](#); and
- 779 (iv) for disaster- or emergency-related work as defined in Section [53-2a-1202](#);
- 780 (82) sales of goods and services at a morale, welfare, and recreation facility, as defined
- 781 in Section [39-9-102](#), made pursuant to Title 39, Chapter 9, State Morale, Welfare, and
- 782 Recreation Program;
- 783 (83) amounts paid or charged for a purchase or lease of molten magnesium;
- 784 (84) (a) except as provided in Subsection (84)(b), amounts paid or charged for a
- 785 purchase or lease made by a drilling equipment manufacturer of machinery, equipment,

786 materials, or normal operating repair or replacement parts:
787 (i) that are used or consumed exclusively in the drilling equipment manufacturer's
788 manufacturing process; and
789 (ii) except for office:
790 (A) equipment; or
791 (B) supplies; and
792 (b) beginning on July 1, 2015, and ending on June 30, 2017, a person may claim an
793 exemption described in Subsection (84)(a) only by filing for a refund:
794 (i) of 50% of the tax paid on the amounts paid or charged; and
795 (ii) in accordance with Section 59-1-1410; [~~and~~]
796 (85) amounts paid or charged for a purchase or lease made by a qualifying enterprise
797 data center of machinery, equipment, or normal operating repair or replacement parts, if the
798 machinery, equipment, or normal operating repair or replacement parts:
799 (a) are used in the operation of the establishment; and
800 (b) have an economic life of one or more years[-]; and
801 (86) sales of cleaning or washing of a vehicle, except for cleaning or washing of a
802 vehicle that includes cleaning or washing of the interior of the vehicle.

803 Section 2. **Effective date.**
804 This bill takes effect on July 1, 2017.